THE DRAFT FISHERIES MANAGEMENT BILL, 2023
(Revised October, 2023)

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A BILL

An Act to provide for long term sustainable fisheries in Trinidad and Tobago and to regulate fishing and fishing related activities in the fishery waters and in areas beyond national jurisdiction, to repeal the Fisheries Act, Chap. 67:51 and the Control of Importation of Live Fish Act, Chap. 67:52, to amend the Tobago House of Assembly Act, Chap. 25:03, the Environmental Management Act, Chap. 35:05, the Marine Areas (Preservation and Enhancement) Act, Chap. 37:02, the Shipping Act, Chap. 50:10, the Archipelagic Waters and Exclusive Economic Zone Act, Chap 51:06, and the Imports and Exports Control Regulations, 1941, and for related matters

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Fisheries Management Act, 2023.

(2) This into force on such day as is fixed by the President by Proclamation.

Interpretation

2. (1) In this Act-

"access rights" means the authorised entitlement to operate in a fishery or in a specific fishing ground and may

include limited entry systems, where the overall number of fishers or vessels licensed in a fishery is restricted at a national level;

"approved form" means a form approved by the Director or the Director-Tobago;

"archipelagic waters" has the meaning assigned to it in the Archipelagic Waters and Exclusive Economic Zone Act;

Chap. 51:06

"areas beyond national jurisdiction" means areas beyond the fishery waters and includes the High Seas and areas under the jurisdiction of other States;

"arrestable offence" has the meaning assigned to it under section 3 of the Criminal Law Act;

"artisanal fisher" means a person engaged in fishing using manually deployed and retrieved gear and low technology;

"artisanal fishery" means a fishery in which fishing is done using gear which is manually deployed andretrieved and low technology;

"authorised officer" means any person specified in **section 152(1)**;

"Board" means the Trinidad and Tobago Fisheries Financial Board established as a body corporate under **section 11**;

"bunkering" means the process of replenishment of a vessel's fuel for its own consumption and "bunker" has a corresponding meaning;

"bunkering permit" means an approval issued under **section 130**;

"Catch Certificate" means a certificate issued under section 136;

"Certificate of Record" means the certificate issued in relation to a vessel under **section 61(4)**;

"commercial fishing" means engaging in fishing as a

primary activity and disposing of the catch for economic or material benefit, but does not include fishing for personal use or recreational fishing;

"commercial fishing authorisation" means an approval issued under **section 91**;

"commercial fishing vessel" means a fishing vessel engaged in commercial fishing;

"commercial fishing vessel licence" means an approval issued under **section 73**;

"commercial foreign fishing vessel licence" means an approval issued under **section 114**;

"conservation and management measure" means a measure to conserve or manage fisheries resources that is—

(a) contained within a fisheries management plan prepared in accordance with **Part V**;

(b) provided in this Act; or

(c) prescribed under **section 225** of this Act;

"craft" means a vessel, aircraft, hovercraft, refrigerated container, carrier vessel or other conveyance of whatever size and however propelled;

"designated fishery" means a fishery declared by Order under **section 31**;

"designated landing site" means a location specifically designated for the landing of fish catches under **section 121(1)(b)**;

"Director" means the public officer appointed by the Public Service Commission as Director of Fisheries, in the Fisheries Division of the Ministry with responsibility for fisheries, or any person acting in the post or assigned to carry out the function of the Director;

"Director-Tobago" means the public officer appointed by the Public Service Commission as Director, Marine Resources and Fisheries in Tobago or any other

person acting in the post or assigned to carry out the functions of the Director in Tobago;

"document" includes any chart, logbook, image and other information or record which include electronically stored records or information used in the operation of a vessel or for the purpose of fishing or fishing related activities, or that which relates to a vessel and crew activities and vessel operations;

"ecosystem" means a system of complex interactions among people, animals, plants and micro-organisms and their environment as a functional unit;

"electronic device" means a device approved by the Director for the purposes of this Act and includes a device which is placed on a fishing vessel that records and or transmits, either in conjunction with another device or devices or independently, information or data concerning the fishing and such other activities of the vessel as may be required;

"exclusive economic zone" has the meaning assigned to it in the Archipelagic Waters and Exclusive Economic Zone Act;

"export" means to take, or cause to be taken, outside of Trinidad and Tobago, including outside the fishery waters;

"export permit" means a permit issued under **section 134 or 137**;

"fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of its development;

"fish aggregating device" means a natural, man-made or partially man-made floating, semi-submerged or submerged device, whether anchored or not, intended to aggregate fish, and includes any object on which a device has been placed to facilitate its location;

"fish bioprospecting" means the taking of fish originating

within the fishery waters for research and development on any genetic resources, or biochemical compounds, comprising or contained in the fish or any part thereof or any product derived from fish;

"fish bioprospecting permit" means an approval issued under **section 147**;

"fish processing" means the production of any substance or article from fish by any method and includes the cleaning, eviscerating, filleting, shucking, chilling, icing, packing, canning, freezing, irradiating, smoking, salting, cooking, pickling, drying and preserving of fish;

"fish vendor" means a person who or entity that sells fish primarily and includes a person who sells fish that is live, fresh, chilled or frozen, that he has caught;

"fisher" means any person engaged in fishing;

"fisheries access agreement" means a treaty, agreement or other arrangement entered into pursuant to **section 110** to which Trinidad and Tobago is party and which may relate to the fishery waters, the High Seas, or such area as may be described in such agreement or arrangement;

"fisheries management agreement" means a treaty, agreement or other arrangement entered into pursuant to **section 41** of this Act;

"fisheries management plan" means the fisheries management and development plan prepared under **Part V**;

"fisheries officer" includes the Director, the Director-Tobago, those holding the office of Fisheries Officer, persons involved in monitoring, control, surveillance and enforcement in the agency responsible for fisheries management and any other officer so designated by the Director or Director-Tobago;

"fisheries scientific research" means any scientific activity—

(a) to investigate a fishery;

(b) to support implementation of the ecosystem approach to fisheries;

(c) which involves the removal of fish from the aquatic environment; or

(d) which is prescribed as "fisheries scientific research", including social, economic, ecological and environmental research of relevance to fisheries;

"fisheries scientific research permit" means a permit issued under **section 144**;

"fishery" means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of ecological, cultural, geographical, scientific, technical, recreational or economic characteristics;

"fishery waters" means the territorial sea, the archipelagic waters and the exclusive economic zone, and any other waters, including the extended continental shelf, mangroves, swamps, fresh water rivers and lakes, and other inland waters, over which Trinidad and Tobago, by enactment, proclamation, ruling, judgement or any other form, claims jurisdiction over the fishery water;

"fishing" means-

(a) searching for, catching, taking or harvesting fish;

(b) the attempted searching for, catching, taking or harvesting of fish;

(c) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

(d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;

(e) any operation in the fishery waters or beyond in support of or in preparation for any activity described herein, except for operations defined as fishing related activities in the Fisheries Management Act; or

(f) the use of an aircraft in relation to any activity described herein;

"fishing gear" means any equipment, tool or implement used for the purpose of fishing;

"fishing industry" includes any person or organisation having a direct or indirect interest in fishing or engaged in processing, production, transport or marketing of fish, or in the supply of fishing gear, tackle or similar equipment used in fishing;

"fishing logbook" means a record of data and information relating to fishing or fishing related activities to be submitted by the operator of a vessel engaged in fishing or fishing related activities to the Director, in a template and manner required by the Director;

"fishing related activities" means any operation in support of, or in preparation for, fishing, including—

(a) storing, buying, selling, transshipping, processing, packaging or transporting fish taken from the fishery waters or elsewhere up to the time they are first landed;

(b) on-shore storing, buying, selling, processing, packaging or transporting of fish from the time they are first landed;

(c) provisioning of personnel, fuel, gear, equipment, and other supplies;

(ca) construction, maintenance and repair of-

(i) fishing vessels or fishing gear; or

(ii) vessels, engines, gear or equipment intended to be used for fishing;

(d) importing into Trinidad and Tobago –

(i) fish, fishing vessels or fishing gear, or
(ii) vessels, engines, gear or equipment intended to be used for fishing.

(d) exporting or re-exporting from Trinidad and Tobago –
(i) fish, fishing vessels or fishing gear, or
(ii) vessels, engines, gear or equipment intended to be used for fishing.

(e) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity;

(f) landing of fish; and

(g) any other activity in support of fishing as prescribed by regulations under **section 225**;

"fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities;

"fish worker" means a person engaged in a fishing related-activity, other than—

(a) provisioning of personnel, fuel, gear, equipment and other supplies; and

(b) engaging in the business of providing agency, consultancy or other similar services in relation to fishing ora related activity.

"fixed penalty", in relation to a fixed penalty offence, means the penalty specified in Column 7 of the Schedule for that offence;

"fixed penalty notice" means a notice issued under **section 185(1)**;

"fixed penalty offence" means an offence for which a fixed penalty specified in **Schedule 1**;

Chap. 67:51
Chap. 67:52

"foreign fishing" means fishing by a foreign fishing vessel;

"foreign fishing vessel" means any fishing vessel that is not a Trinidad and Tobago fishing vessel;

"former Acts" means the Fisheries Act and the Control of Importation of Live Fish Act, both repealed by this Act;

"full insurance coverage" means insurance cover for—

(a) personal injury;

(b) loss of life;

(c) loss of equipment and personal effects;

(d) medical coverage, including medical evacuation;

(e) repatriation costs; and

(f) losses arising from the action, inaction or activity of an authorised observer whilst on board or in the service of the vessel;

"Fund" means the Fisheries Management Fund established under **section 21**;

"High Seas" means any area of the sea beyond the exclusive economic zone, territorial sea or internal waters of any State or archipelagic waters of an archipelagic State;

"identified port" means a port or other area identified under **section 121(1)(a)**;

"Illegal, Unreported and Unregulated fishing" or "IUU fishing", means fishing activities that are contrary to the international or national conservation and management measures applicable in the fishing area concerned, including–

(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;

(b) non-compliance with any obligations to record or report any data or information in respect of fishing or fishing-related activities, including failing to provide accurate catch, catch-related or other data or information;

(c) fishing in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth;

(d) falsification of documents in relation to the fishing vessel;

(e) fishing a stock which is subject to a moratorium or for which fishing is prohibited;

(f) fishing with the use of prohibited or non-compliant fishing gear;

(g) falsifying or concealing the markings, identity or registration of a fishing vessel;

(h) destroying concealing, tampering with or unlawfully disposing of evidence relating to an investigation concerning fishing or fishing related activities;

(i) obstructing or interfering with the work of officials in the exercise of duties in inspecting a fishing vessel for compliance with the applicable laws or conservation and management measures;

(j) possessing, transshipping, moving or landing of fish in contravention of this Act;

(k) fishing or fishing related activities in contravention of the terms and conditions of an authorisation, licence, permit or certificate;

(l) engaging in transshipment with fishing vessels identified as having engaged in activities that may be characterised as illegal, unreported and unregulated fishing;

(m) fishing in the area of application ofa relevant

regional fisheries management organization that is conducted by vessels without nationality, or by vessels flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization;

(ma) fishing in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with Stateresponsibilities for the conservation of living marineresources under international law;

(m) using a fishing vessel that has no nationality for fishing or fishing related activities;

(n) engaging in fishing or fishing related activity with an IUU listed vessel;

(o) conducting of business directly connected with fishing that may be characterized as Illegal, Unreported and Unregulated fishing including trading in fish;

(p) using a fishing vessel for any activity in contravention of national law; or

(q) fishing or fishing related activities in contravention of a management plan or measure;

"import" means to bring into or cause to be brought into Trinidad and Tobago, including within the fishery waters;

"import permit" means a permit issued under **section 134 or 137**;

"internal waters" has the definition assigned to it in section 4 of the Territorial Sea Act;

"international conservation and management measures"

means measures to conserve or manage fish that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea, either by global, regional or sub-regional organisations, or a treaty, convention or other international agreement to which Trinidad and Tobago is a party;

"IUU listed vessel" means a vessel that is included in a list of vessels, adopted by a regional fisheries management organization, that have engaged in Illegal, Unreported and Unregulated fishing or is on a regionally or internationally recognised list of vessels presumed to have carried out illegal, unreported or unregulated fishing;

"landing" in relation to fish, means the transfer of any fish from a craft to any land, port or other place; from a craft to another craft, including a container, at or through any port; from a craft to or through an offshore terminal or other installation or structure in the fishery waters; or caught by means of non-vessel fishing to any land, port or other place.

"landing permit" means a permit issued under 149 **section 122B**;

"law enforcement officer" means—

(a) a member of the Trinidad and Tobago Police Service;
(b) an officer as defined by the Customs Act; or
(c) an authorised officer precepted by the Commissioner of Police under **section 152(2)**.

"local fisheries management area" refers to an area designated by the Minister pursuant to **section 45**;

"management plan" means any fisheries management and development plan prepared in accordance with **Part V**;

"master" in relation to any vessel means the person in command or in charge, or for the time being in charge,

or apparently in command or in charge of the vessel, but does not include a pilot on board the vessel solely for the purposes of navigation;

"Minister" means the Minister to whom responsibility for fisheries is assigned and "Ministry" will be construed accordingly;

"Mobile Transceiver Unit" or "MTU" means a device approved by the Director which is installed on board a fishing vessel through the use of General Packet Radio Services and/or satellite communication, which is designed to automatically transmit vessel position, speed and course and allows detection and unique identification of the vessel;

"non-vessel commercial fishing licence" means a licence issued under **section 81**;

"non-vessel recreational fishing" means the activities to be prescribed under **section 101**;

"non-vessel recreational fishing permit" means a permit issued under **section 101**;

"observer" means a person designated under **section 164** to monitor fishing and fishing related activities;

"operator" means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, agent and master and includes economic or material beneficiary of the vessel's operations;

"owner" in relation to a fishing vessel, means any person exercising, discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner whether on his own behalf or on behalf of another, a person who is a joint owner or persons and any manager, director or secretary of a body corporate or company;

"port" means any place on the coast or elsewhere appointed by the President to be a port for the purposes of customs laws, and includes any customs aerodrome and offshore terminals;

"precautionary approach" means an approach to fisheries management which is aimed at conserving fisheries resources and their ecosystems and is applied in the absence of adequate scientific information;

"provisioning permit" means a permit issued under **section 130(2)**;

"recreational fishing" means fishing for pleasure, competition or personal consumption, and not for commercial purposes;

"recreational fishing authorisation" means an approval issued by the Director under **section 103**;

"recreational fishing permit" means a permit issued under **section 100**;

"recreational fishing vessel" means a vessel engaged in recreational fishing;

"recreational fishing vessel licence" means a licence issued under **section 99**;

"recreational foreign fishing vessel licence", means a licence issued under **section 102**;

"re-export" in relation to fish,means the export of fish –

(a) that had been previously imported; and

(b) in its harvested or processed form is taken outside of Trinidad and Tobago;

whose ~~the~~ country of origin, at the time of export, is not Trinidad and Tobago.

"regional fisheries management organisation" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the legal competence to establish international conservation and management measures;

"Release Certificate" means a certificate issued under **section 135**;

"resident of Trinidad and Tobago" means a person who has

acquired resident status under the laws of Trinidad and Tobago;

"seafood fraud" includes-

(a) mislabelling or any other form~~s~~ of deceptive trade of fish with respect to its quality, quantity, origin~~,~~ or species including, species substitution;

(b) any practice~~s~~ by which ~~a~~ fish is made to look better in grade or quality than it actually is;

(c) the intermixing and mislabelling, of fish in the supply chain as part of processing and distribution; and

(d) any other activity prescribed as "seafood fraud";

"Secretary" means the person with responsibility for fisheries in Tobago;

"sell" includes−

(a) any method of disposition for consideration, including cash, anything which has value or which can be exchanged for cash, and barter;

(b) disposition to an agent for sale on consignment;

(c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale; and

(d) disposition by way of raffle, lottery, or other game of chance, and "sale" and "sold" have a corresponding meaning;

"specified area" means an area specified by the Director under **section 121(1)(a)**;

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"statutory fishing right" means any of the following separate fishing rights:

(a) a right to take a particular quantity of fish, or to take a particular quantity of fish of a particular species or type, from, or from a particular area in, a designated fishery;

(b) a right to a particular proportion of the fishing capacity that is permitted, by or under a fisheries management plan, for, or for a part of, a designated fishery;

(c) a right to engage in fishing in a designated fishery at a particular time or times, on a particular number of days, during a particular number of weeks or months, or in accordance with any combination of the above, during a particular period or periods;

(d) a right to use a vessel in a designated fishery for purposes stated in a fisheries management plan;

(e) a right to use particular fishing equipment in a designated fishery;

(f) a right to use, in a designated fishery, fishing equipment that is of a particular kind, of a particular size or of a particular quantity or is a combination of any of the above;

(g) a right to use a particular type of vessel in a designated fishery;

(h) a right to use a vessel of a particular size or having a particular engine power, or of a particular size and having a particular engine power, in a designated fishery; or

(i) any other prescribed right in respect of fishing in a designated fishery;

"subsistence fishing" means fishing without a vessel for personal consumption and not for commercial purposes, pleasure or competition;

"territorial sea" has the meaning assigned to it in the Territorial Sea Act;

"Tobago Fishery Waters" means the inland waters of Tobago and the fishery waters up to eleven nautical miles from the low water mark of Tobago, designated for the purpose of fisheries conservation and management;

"transshipment" means the direct transfer of any fish, not landed, from a craft to another craft whether at –

(a) sea; or

(b) a port, under customs control.

"transshipment permit" means a permit issued under **section 124**;

"Trinidad and Tobago fishing vessel" means a vessel registered or entitled to be registered for the purpose of fishing pursuant to the Shipping Act or any other written law;

"Trinidad and Tobago vessel" means a vessel registered or entitled to be registered pursuant to the Shipping Act or any other written law;

"vehicle" means any car, truck, van, bus, trailer or other powered land conveyance;

"vessel" means any boat, ship, hovercraft or other water-going craft;

"vessel monitoring system" means a vessel tracking system which is capable of monitoring fishing and fishing related activities including, but not limited to, the determination of a fishing vessel's identity, position, course and speed at regular time intervals and may include the use of a MTU which can be accessible to multiple authorised users.

(2) For the purposes of this Act, a person who, or whose nominee or relative, is, as the case may be—

(a) a shareholder who owns shares in excess of five per cent in;

(b) a partner in;

(c) an employee of; or
(d) has a beneficial ownership in,

a company, firm or other entity regulated under this Act shall be treated as having a direct or indirect, an actual or contingent pecuniary interest in that company, firm or other entity.

(3) In subsection (2), "relative" means spouse, cohabitant within the meaning of the Cohabitational Relationships Act, father, mother, brother, sister, son or daughter of a person."

Application of the Act

3. (1) Subject to subsection (2), unless the contrary intention appears, this Act applies to all—

(a) fishing and fishing related activities;

(b) persons, vessels, vehicles, aircrafts, and other crafts, and any import, export, or re-export facilities or other place engaged in or otherwise connected with any fishing, fishing related activity or other activity falling within the scope of this Act;

(c) persons, including persons who are not citizens or nationals of Trinidad and Tobago, and vessels, including foreign fishing vessels, in and in relation to—

(i) the fishery waters; and

(ii) any other waters—

(A) where following or being followed in hot pursuit conducted in accordance with international law; or

(B) as required by this Act or international conservation and management measures, or permitted by international law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party;

(d) Trinidad and Tobago fishing vessels and to all persons on board such vessels; and

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(e) all persons dealing with or having any connection or association with Trinidad and Tobago fishing vessels or any persons on them.

(2) This Act has extra-territorial application according to its provisions and tenor.

(3) The provisions of this Act concerning the application of conservation and management measures adopted by a regional fisheries management organisation or arrangement to which Trinidad and Tobago is a member do not apply to the internal waters, Archipelagic Waters and territorial sea of Trinidad and Tobago unless given the force of law in Trinidad and Tobago.

PART II

ADMINISTRATIVE ARRANGEMENTS

Powers of the Minister and Secretary

4. (1) With the exception of **sections 12, 13, 14, 17(2), 19, 20, 23, 27, 29, 31, 37(3), 39, 40, 42(1), 43(1), 44(1), 44(3), 45, 48, 50, 51, 91, 93, 94, 95, 96, 97, 102, 103, 108, 114, 115, 116, 117, 118, 121, 134, 151, 187, 188(2), 205(1), 216 and 225**, where in this Act a power is conferred on the Minister or he is required to discharge a function, or has a discretion in respect thereof, then in relation to Tobago, including the Tobago Fishery Waters, the Secretary shall exercise the power conferred on the Minister or discharge the function or discretion so imposed.

(2) For the better performance of his functions, the Secretary may do all acts and take all such steps as may be necessary for, or incidental to the exercise of his powers or for the discharge of his duties under this Act.

Principles for decision-making

5. The Minister, Secretary, Director, or Director – Tobago, as appropriate, when performing functions or exercising powers under this Act, shall accordingly —

(a) adopt measures to ensure the long-term sustainability of fisheries resources and promote the objective of their optimum utilisation;

(b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore, where appropriate, target

stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards;

(c) for specific target stocks to which the application of paragraph (b) would not otherwise apply, ensure that measures applied to such stocks are considered appropriate to achieve the purpose of this Act;

(d) apply the precautionary approach in accordance with this Act;

(e) assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species and species belonging to the same ecosystem or dependent upon or associated with target stocks in accordance with the ecosystem approach to fisheries management;

(f) adopt measures to minimise waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;

(g) protect biodiversity in the aquatic environment, including habitats of particular significance for fisheries resources;

(h) take measures to reduce, prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fisheries resources;

(i) take into account the interests of artisanal, and subsistence fishers and local communities, including ensuring their participation, and

consideration of traditional and local knowledge in decision making;

(j) ensure broad participation by Trinidad and Tobago nationals and relevant stakeholders in activities related to the sustainable use of fisheries resources;

(k) promote and facilitate the development and conduct of fisheries-related scientific monitoring and research in the fishery waters, and beyond such waters as permitted by international law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party, and utilise the best scientific information available in decision-making;

(l) collect and share, as appropriate, and in a timely manner, complete and accurate data concerning fishing activities on, among other things, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes;

(m) implement conservation and management measures through effective monitoring, control and surveillance and enforcement; and

(n) promote and facilitate inter-agency collaboration, cooperation and coordination for effective implementation of this Act.

Responsibilities of the Director

6. (1) The Director shall provide the Minister with technical and administrative advice for the better discharge of his duties as the Minister under this Act.

(1A) The Minister may –

(a) issue to the Director in writing, general or special policy directions for the performance of functions under this Act; and

(b) by Order, delegate to the Director any function in relation to the issue of any approval, authorisation, licence, permit or certificate under this Act.

(1B) The delegation of authority by the Minister under subsection 1A shall not include the power to make subsidiary legislation under the Act.

(2) The Director shall carry out the functions assigned to him by –

(a) this Act or any other written law; or

(b) the Minister, for the purposes of this Act.

(3) Subject to subsection (2), the Director shall be the competent authority for the purposes of effecting compliance with Trinidad and Tobago's obligations under any treaty, convention, other international agreement or access agreement relating to fishing and fishing related activities.

(4) The functions of the Director may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

Responsibilities and powers of the Director-Tobago

7. (1) The Director-Tobago shall provide the Secretary with technical and administrative advice for the better discharge of his duties as Secretary under this Act.

(2) The Director-Tobago shall carry out the functions assigned to him in this Act and shall act on behalf of the Secretary as is provided in this Act.

(3) With the exception of **sections 6(3), 50(2), 51, 60(1), 61(1), 61(4), 62, 64, 65, 66, 67, 68, 71(a), 91(2), 91(3), 93(2), 94(1), 96(1), 96(5), 97(3), 97(3A), 97(4), 100(2) (as appropriate), 108 (as appropriate), 109 (as appropriate), 110(1)(d)(ii), 112(2), 112(4), 114(2), 115(1), 116(1), 116(2), 117(1), 117(2), 117(2A), 117(2B), 118(1), 118(2), 119, 121(1), 121(7), 124(1), 124(2), 124(4), 125, 128, 129, 131(2), 133, 134(1), 134(2), 134(4), 134A, 134B, 135(1), 135(2), 135(3), 135(4), 135(5), 135(6), 135(7), 136(1), 136(3), 136(4), 136(5), 136A, 136B, 137(1), 141, 143 (foreign entity), 145 (foreign entity), 147; 148 (as appropriate); 149 (as appropriate), 150(1), 150(2), 150A, 150A(2) (except for Foreign FVs), 150B, 150B(2), 151, 163; 165; 167 (make specific), 170, 171, 172, 173 (as appropriate), 175 (as appropriate), 177, 178, 183, 183, 178, 181, 185(4)(a), 194 (as appropriate), 196, 198(5), 209, 226(4)(as appropriate),** where, in this Act, a power is conferred or a duty is imposed on the Director, then in relation to Tobago, including the Tobago Fishery Waters, the Director-Tobago shall exercise that power or discharge that duty.

Provision of staff and resources and collaboration

8. (1) The Minister and the Secretary shall work in collaboration and cause the necessary staff and all other required resources to be provided to the Director and Director-Tobago in order to achieve the aims and objectives of the Act.

(2) The Director and the Director-Tobago, and the staff of their respective divisions, shall work in collaboration and shall share data and information to achieve coordinated, harmonised and complementary fisheries conservation, management and development.

Establishment of the National Fisheries Inspectorate

9. (1) There shall be established in the Fisheries Division of the Ministry an Inspectorate to be known as "the National Fisheries Inspectorate" (hereinafter referred to as "the NFI").

(2) The staff of the NFI shall include the Chief Inspector and two Deputy Chief Inspectors and such other inspectors, fisheries officers and members of staff as required for the performance of its functions.

(3) The Chief Inspector, Deputy Chief Inspectors and other officers on the establishment of the NFI, shall be appointed by the Public Service Commission.

(4) The Permanent Secretary may appoint—

(a) other members of staff, after consultation with the Director; and
(b) consultants and experts, on the advice of the Director, on a contractual basis and shall be directed by any guidelines for contractual employment issued by the Chief Personnel Officer, from time to time.

(5) The Public Service Commission may, with the approval of such other Service Commissions as may be necessary, assign, transfer or transfer on secondment suitably qualified public officers to the office of Chief Inspector, Deputy Chief Inspector or any other public office on the establishment of the NFI.

(6) The Chief Inspector shall report to the Director.

Establishment of the Tobago Fisheries Inspectorate

9A. (1) There shall be established in the Division of the Tobago House of Assembly with responsibility for Fisheries, an Inspectorate to be known as "the Tobago Fisheries Inspectorate" (hereinafter referred to as "the TFI").

(2) The staff of the TFI shall include the Chief Inspector - Tobago and a Deputy Chief Inspector - Tobago and such other inspectors, fisheries officers and members of staff as required for the performance of its functions.

(3) The Chief Inspector - Tobago, Deputy Chief Inspector - Tobago and other officers on the establishment of the TFI, shall be appointed by the Public Service Commission.

(4) The Chief Administrator may appoint—

(a) other members of staff, after consultation with the Director-Tobago; and
(b) consultants and experts, on the advice of the Director-Tobago,

on a contractual basis and shall be guided by any guidelines for contractual employment issued by the Chief Personnel Officer, from time to time.

(5) The Chief Administrator may assign, transfer or transfer on secondment, suitably qualified public officers to the office of Chief Inspector - Tobago, Deputy Chief Inspector - Tobago or any other public office on the establishment of the TIF.

(6) The Chief Inspector-Tobago shall report to the Director-Tobago.

Functions of the Fisheries Inspectorates

10. (1) In this section, "the Fisheries Inspectorates" means the NFI and the TFI.

(2) In addition to other functions under this Act, the Fisheries Inspectorates shall exercise the following functions:

(a) enforce national fisheries laws and subsidiary legislation and standards and to ensure industry compliance with these and other international fisheries management treaties and agreements that are binding on Trinidad and Tobago;

(b) collaborate with relevant agencies in regulating fishing and fishing related activities and relevant trade;

(c) collaborate with the agency responsible for the registration and oversight of all Trinidad and

Tobago vessels in the fishery waters and beyond such waters;

(d) coordinate the monitoring and control of all Trinidad and Tobago fishing vessels in the fishery waters and outside such waters through any vessel identification, tracking and monitoring system that is utilised;

(e) collect, analyse and verify catch data, log sheets and any information on all Trinidad and Tobago fishing vessels;

(f) prepare data and reports for submission to regional or sub-regional fisheries management organisations or arrangements to which Trinidad and Tobago is a member or cooperating non-Contracting Party;

(g) discharge any other obligations of Trinidad and Tobago under a treaty or agreement to which Trinidad and Tobago is a party, or under regional or sub-regional fisheries management organisations or arrangements to which Trinidad and Tobago is a member or cooperating non-Contracting Party;

(h) monitor and report compliance with conservation and management measures including measures set out in fisheries management plans, strategies and programmes;

(i) take responsibility for any matter concerning the compliance by any person or vessel to which this Act applies, with any condition, obligation or requirement imposed on it by this Act;

(j) conduct the necessary inspections to achieve the purpose of this Act; and

(k) discharge such other functions as the Director determines.

PART III

INCORPORATION OF THE TRINIDAD AND TOBAGO FISHERIES FINANCIAL BOARD

Establishment and power of Trinidad and Tobago Fisheries Financial Board

11. There is established for the purposes of this Act, a body corporate to be known as "the Trinidad and Tobago Fisheries Financial Board".

Functions of the Board

12. The functions of the Board are to-

(a) manage the Fisheries Management Fund;

(b) ensure that the monies in the Fund are utilised for the purposes set out in **Part IV**; and

(c) make recommendations to the Minister on matters relating to the use of the Fund.

Membership of the Board and tenure of members

13. (1) The Board shall comprise seven members appointed by the Minister as follows:

(a) the Director who shall be the Chairman of the Board;

(b) the Director-Tobago who shall be the Vice-Chairman of the Board;

(c) an Attorney-at-Law with at least ten years' standing;

(d) one person with qualifications and proven experience in financial management;

(e) a senior administrative officer nominated by the Permanent Secretary of the Ministry or by the Chief Administrator;

(f) an officer nominated by the Permanent Secretary of the Ministry responsible for finance; and

(g) an officer nominated by the Permanent Secretary of the Ministry responsible for planning.

(2) Notwithstanding subsection (1), vacancies in the membership of the Board shall not affect its legal existence unless its membership is reduced to less than four.

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(3) With the exception of the Director and Director-Tobago, every member of the Board shall hold office for a period of two years and may be eligible for re-appointment for another term.

(4) The Board may, in the performance of its functions, co-opt persons with special knowledge or skills to-

(a) attend any particular meeting for the purpose of assisting or advising the Board, but no such person shall have the right to vote; or

(b) sit on any Committee.

Disclosure of interests by members

13A. (1) Every member of the Board shall, within one month of appointment and annually thereafter, submit to the Minister and to the Chairman of the Board, a written declaration in the approved form stating whether or not he has any direct, indirect, actual or contingent pecuniary or other interest in any person or entity regulated under this Act.

(2) Any member who has a direct, indirect, actual or contingent pecuniary or other interest in any matter —

(i) being considered or about to be considered by the Board; or

(ii) which is likely to be affected in any way by a decision of the Board,

shall, as soon as possible after the relevant facts come to his knowledge, disclose in writing to the Minister and to the Chairman of the Board the nature and extent of that interest.

(3) A disclosure under subsection (2) shall be–

(a) made at the first meeting of the Board—

(i) where the matter is considered or about to be considered; or

(ii) after the member becomes interested,

(b) recorded in the Minutes of the meeting of the

Board, including the nature and extent of his interest.

(4) Any member who makes a disclosure under subsection (3) shall—

(a) not take part in any deliberation or decision of the Board with respect to that matter; and

(b) be disregarded for the purpose of constituting a quorum of the Board.

(5) A contract between an entity with responsibility for Fisheries and one or more members of the Board or with another person with which a member has a direct, indirect, actual or contingent pecuniary interest, is neither void nor voidable by reason only of that interest or relationship with the member of the Board, where it has been determined that—

(a) the contract authorised by the Board was fair and reasonable at the time it was approved; and

(b) the member disclosed his interest in accordance with this section at a meeting of the Board in the presence of a quorum.

(6) Subject to subsections (4) and (5), a member who—

(a) fails to comply with this section; or

(b) knowingly makes a false declaration under this section,

commits an offence and is liable to the penalty specified in **Schedule 1.**

(7) A member does not commit an offence under subsection (6) if he proves to the satisfaction of the Court that he did not know—

(a) the matter in which he had an interest was the subject of consideration at the meeting; or

(b) he had an interest in the matter under consideration at the meeting.

Resignation from and termination of office of Board members

14. (1) A member of the Board, other than the Director or Director-Tobago, may at any time resign from his office by instrument in writing, addressed to the Minister and forwarded through the Chairman.

(2) The Minister may terminate the appointment of a member of the Board if-

(a) he has been adjudged or otherwise declared bankrupt under any law enforced in any country and has not been discharged;

(b) subject to subsection (3), he is by reason of mental or physical incapacity unable to perform his duties as a member of the Board;

(c) he is absent, except on leave granted by the Board, from three consecutive meetings of the Board or fifty percent of meetings of the Board within any fiscal year;

(d) he is guilty of misbehaviour in office or misconduct in relation to his duties;

(da) he is sentenced to imprisonment or is convicted of an offence involving fraud, dishonesty or any other offence which brings the Division, the Inspectorate or any other entity with responsibility for Fisheries into disrepute, whether in Trinidad and Tobago or elsewhere;

(e) he is convicted within two years prior to the date of his appointment, of any offence –

(i) under this Act; or

(ii) under any other written law of Trinidad and Tobago, for which the penalty on conviction is imprisonment for one year or more, and including any offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade.

(f) he is no longer associated with the agency he represents or he has been requested, in writing, by that agency to resign from membership of the Board.

(3) Where a member of the Board—

(a) dies;

(b) resigns;

(c) is terminated;

(d) is temporarily absent—

(i) due to illness certified by a medical practitioner; or

(ii) for other cause,

which prevents the exercise of his duties and functions as a member of the Board; or

(e) otherwise vacates his office prior to the expiry of the term for which he has been appointed,

the Minister may appoint a person to hold or act in the office of the Member.

(4) The appointment of a Member under subsection (3) may be—

(a) a person from the same agency or organisation as the member; or

(b) a person who is not a Member who can act in the same capacity as the member;

(c) for—

(i) the period of absence; or

(ii) the unexpired period of the term of office,

of the member; or

(d) for a new term of office.

(5) The Minister may terminate an appointment under subsections (2) or (3) at any time.

(6) Where a person is appointed to act as a member under subsection (2) and (3) and the office becomes vacant while the person is so acting, that person may continue so to act until—

(a) the Minister otherwise directs that the vacancy is filled; or

(b) a period of six months expires from the date on which the vacancy occurred,

whichever occurs first.

Notification of appointment and termination of office

15. The appointment of any person as a member and termination of appointment of any person as a member, whether by death, resignation or otherwise, shall be published in the *Gazette*.

Secretary to the Board

16. (1) The Board may appoint a suitably qualified person to be the Secretary to the Board on such terms and conditions as it thinks fit.

(2) The Corporate Secretary shall be responsible for such matters as the Board may determine.

Custody and use of Seal

16A. (1) The Board shall have an official Seal which shall be kept in the custody of the Corporate Secretary.

(2) The Seal shall be used with the permission of the Board and every instrument to which it is affixed shall be signed by the Chairman and the Corporate Secretary or in the absence of the Chairman, by the Deputy Chairman and the Corporate Secretary.

(3) All documents other than those required by law to be under Seal shall be signed by the Chairman or the Deputy Chairman or a Member authorised by resolution of the Board to do so.

Service of documents

16B. Service upon the Board of any notice, order or other document, shall be executed by delivering same or by sending it via electronic means or by registered post addressed to the Corporate Secretary.

Remuneration of members and co-opted members of the Board

17. (1) The members of the Board shall be paid such remuneration and allowances in respect of their offices as the Minister with responsibility for finance shall determine.

(2) The Board may, by resolution, with the approval of the Minister, declare the remuneration of co-opted members of

Committees and such funds shall be payable out of the Fisheries Management Fund established under **Part IV**.

Meetings of the Board

18. (1) The Board shall meet at least every three months and at such other times as may be necessary for the performance of its functions, at such place and time as the Chairman may determine.

(2) Upon the receipt of a written request, signed by no fewer than three members, the Chairman may convene a special meeting of the Board.

(3) The Chairman shall preside at every meeting of the Board, and in his absence the Vice-Chairman shall preside.

(4) The quorum of the Board shall consist of four members, including the Chairman or the Vice-Chairman, and three representatives appointed under **section 13(1)(c) to (g).**

(5) The Board shall take its decisions by a majority of the votes of the members present and where there is an equality of votes, the member presiding shall have the casting vote.

(6) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any vacancy in its membership or any defect in the appointment of its members.

(7) The Board, may by resolution, adopt rules governing the conduct of its proceedings.

(8) The minutes of meetings of the Board shall be taken in proper form and kept by the Secretary and confirmed by the Board at the next following meeting.

(9) Copies of the confirmed minutes of meetings of the Board shall be forwarded to the Minister.

Appointment of Standing and Special Committees

19. (1) The Board may appoint such Standing Committees as it thinks fit for the efficient performance of its functions.

(2) The Board may appoint such Special Committees as it considers necessary to assist in the performance of its functions.

(3) A Committee appointed by the Board under this section shall report to the Board within the period stipulated by the Board.

(4) A Committee of the Board shall consist of at least one

member of the Board.

(5) The members of the sub-committees shall be paid such remuneration and allowances as the Board shall determine with the approval of the Minister.

Appointment of staff

20. The Board may, with the approval of the Minister, appoint a Corporate Secretary and such other officers and employees as may be necessary for the efficient administration, management and performance of its functions on such terms and conditions of service as it thinks fit.

Disclosure of interest by Advisers, Committee members and staff

20A. (1) The disclosure of interests required under **section 13A** of the Act shall apply *mutatis mutandis* to—

(a) Advisers to the Board appointed under **section 13(4)(a)**;

(b) the members of Committees appointed by the Board under **section 19**; and

(c) the members of staff of the Board appointed under **section 20**."

(2) A person who—

(a) fails to comply with this section; or

(b) knowingly makes a false declaration under this section,

commits an offence and is liable to the penalty specified in **Schedule 1**.

PART IV

FINANCIAL PROVISIONS

Establishment of the Fund

21. There is established a Fisheries Management Fund.

Management of the Fund

22. The Fund shall be managed by the Board.

Functions of the Fund

23. The Fund shall be used to-

(a) support fisheries and related research aimed at providing data and information for decision-making in respect of fisheries conservation and management;

(b) ensure that the results of research are widely disseminated;

(c) provide for fisheries extension and training, as needed to enable the fishing industry to operate safely and competitively in a global marketplace;

(d) support the preparation and implementation of fisheries management plans and fisheries strategies, plans and programmes, including the costs of stakeholder consultations and participation;

(e) support any other specific management requirements that are identified in fisheries management plans, including the costs of monitoring, control, surveillance and enforcement;

(f) support the participation of fishers' organizations in the fisheries management process;

(g) pay remuneration of co-opted members of such committees as appointed by the Board; and

(h) support any other purpose that the Board may in its discretion consider fit subject to the approval of the Minister.

Financial resources of the Fund

24. The resources of the Fund shall consist of-

(a) monies allocated to it by Parliament;

(b) donations or grants made by regional and international organisations for the purposes of fisheries research;

(c) contributions made by members of the fishing

industry or other stakeholders;

(d) any fees collected in respect of the issuance of identity cards, licences, authorisations and permits, or any other fees collected, under this Act; and

(e) any other monies collected in any other way in the management of the fisheries of Trinidad and Tobago under this Act.

Financial Year

25. The financial year of the Fund shall commence on the 1st day of October of each year and end on the 30th day of September of the following year, except that the first financial year shall commence on the date on which this Act comes into operation.

Borrowing

26. (1) The Board may, with the approval of the Minister with responsibility for finance, borrow sums required for meeting any of its obligations under this Act.

(2) The Minister with responsibility for finance may guarantee in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing of the Board under this section.

Investment

27. The Board may invest moneys not immediately required to be expended in meeting any obligation or discharging any function of the Board in securities approved by the Minister with responsibility for finance.

Accounts and Audit

28. (1) The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of the moneys of the Fund are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and the incurring of liability by the Board.

(2) The accounts of the Board are public accounts of Trinidad and Tobago for the purposes of **section 116** of the Constitution.

Annual report

29. (1) The Board shall, within three months of the end of each financial year, submit to the Minister an annual report dealing with the activities of the Board during the previous year, together with the financial statements and such other information relating to the operations as the Minister may require.

(2) The Minister shall cause a copy of the report submitted under subsection (1) to be laid before Parliament, within twenty-eight days of its receipt by him, or if Parliament is not in sitting, within twenty-eight days after commencement of its next sitting.

Board to prepare budget

30. The Board shall prepare a budget for its activities for each financial year, in such form as the Minister responsible for finance may direct and shall submit estimates so prepared to the Minister not later than the deadline date stipulated by the Minister responsible for finance.

PART V

FISHERIES MANAGEMENT AND DEVELOPMENT

Division 1

Fisheries Management and Development Plans

Designated fisheries

31. The Minister may, on the recommendation of the Director, by Order, declare a fishery as a designated fishery where, having regard to scientific, social, economic, ecological, environmental and other relevant considerations, such fishery—

(a) is important to the national interest; and

(b) requires implementation of management measures for ensuring sustainable use of the fishery resource.

Management and development plans

32. (1) The Minister shall cause to be prepared such fisheries management and development plans (hereinafter called "management plans") as are considered necessary for the conservation, management and development and long-term sustainability of designated fisheries in Trinidad and Tobago.

(2) Where there is no management plan in effect for a fishery, the Minister may cause to be put in place interim management measures and such other arrangements necessary to support long-term sustainability of the fishery.

Scope of management plans

33. (1) Management plans shall be prepared taking into account, among other factors, the following:

(a) the species of fish that are targeted;

(b) the types of fishing gear that are used in the fishery;

(c) the types of vessels that are used in the fishery; or

(d) the geographical areas that are fished.

(2) A management plan may apply to a single target species, or include other associated or dependent species caught in the fishery, or may cover a full ecosystem.

(3) To the extent possible, a management plan shall cover the whole stock unit of the main target fish species, over its entire range of distribution, taking into account its biological characteristics and any migration patterns.

(4) For those stocks of fish that are distributed in areas beyond national jurisdiction, a management plan may also give consideration to the management and conservation measures under any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

Contents of management plans

34. (1) Subject to **section 35**, each management plan may contain elements relating to the particular fishery being managed including -

(a) the need and rationale for management of the fishery;

(b) the scope of the plan, as described in **section 33**;

(c) the goals and objectives for the fishery, and for each of the biological, ecological, social and economic dimensions, and the relative prioritization among any conflicting objectives;

(d) a stakeholder analysis of the fishery and a clear statement on the roles and responsibilities of the different stakeholders in the management process, including any co-management arrangements;

(e) the indicators and points of reference to be used in measuring the performance of management in achieving each objective;

(f) the management measures that will be used to

achieve the objectives, and protect the resources from over exploitation;

(g) the specifications of any use or access rights to be allowed in the fishery and any terms and conditions to be attached to them;

(h) a decision control rule framework, developed in consultation with the fishery stakeholders, stating which management measures, including any levels of fishing effort, fish catches or other controls, shall be adopted depending on the status of the fishery;

(i) a statement on the current management recommendation for the fishery, as guided by the decision control rule framework, based on the estimated current status of the fishery and allowing for any uncertainties in the assessment and any associated risks for achievement of the fishery goals;

(j) an agreed process and timetable for monitoring the state of the fishery, and evaluating and reviewing the management plan as needed, providing for on-going consultation with the fishery stakeholders; and

(k) an estimated cost of implementation.

(2) The adoption of management measures and decision control rule framework in management plans shall be based on the best available scientific information and local knowledge of resource users.

Management objectives

35. (1) In setting management objectives for each fishery, priority may be given to long-term sustainability of the fisheries resources, as qualified by relevant environmental and socio-economic factors and the impacts of climate, including climate change and variability, on the resources.

(2) Secondary management objectives may be established to provide among other things that-

(a) responsible fisheries are promoted through

strengthening the enabling economic environment;

(a) the interests of fishers, including those engaged in artisanal fisheries, are taken into account;

(b) biodiversity of aquatic habitats and ecosystems ~~is~~ are conserved and endangered species are protected;

(c) depleted stocks are allowed to recover or, where appropriate, are actively restored;

(d) adverse environmental impacts on the resources from fishing, including pollution, waste, discards, catch by lost or abandoned fishing gear, catch of non-target species, and impacts on associated or dependent species, are minimised;

(e) climate change adaption and mitigation and disaster risk management are taken into account;

(f) rights and responsibilities of the State arising from international and regional treaties and arrangements are complied with.

Precautionary approach

36. (1) The absence of adequate scientific information shall not justify postponing or failing to take conservation and management measures.

(2) The precautionary approach shall be adopted in the preparation and implementation of management plans in order to protect exploited fish species and to conserve the aquatic environment.

Adoption and implementation of management plans

37. (1) Management plans shall be prepared in consultation with members of the fishing industry and other stakeholders, including any Fishing Association and agencies or Ministries with responsibility for coastal zone management and the environment.

(2) The Director shall submit the final management plans or interim management measures to the Minister for approval.

(3) The Minister may, by Order, approve a management plan or interim management measures and the management plan or interim

management measures shall be set out in the Order.

(4) The Director shall be responsible for the implementation of management plans or interim management measures approved by the Minister.

(5) The Director shall cause the elements of management plans or interim management measures to be publicised, in order to promote the understanding and acceptance of management plans or interim management measures and assist in their implementation.

Review of management plans

38. (1) A management plan shall be reviewed every three years, or for any other period agreed between the Director and the stakeholders referred to in **section 37(1)**.

(2) Notwithstanding subsection (1), the Director shall cause a management plan to be reviewed at any time where such a review is considered necessary by the Minister or the Secretary and-

(a) the review shall be undertaken in consultation with stakeholders; and

(b) the findings of the review shall be submitted to the Minister or the Secretary, as the case may be.

(3) **Section 37** shall apply to any review or revision of a management plan.

Plans to conform with other agreements

39. The Minister shall ensure that all management plans are in conformity with such regional or international agreements governing fish stock assessments or the management of fisheries to which Trinidad and Tobago is a party.

Fisheries strategies, plans and programmes

40. (1) The Minister may cause to be prepared such national fisheries strategies, plans and programmes necessary to achieve the objectives of this Act.

(2) The Minister may cause to be prepared national plans of action including, those required under a treaty, convention or other regional or international agreement to which Trinidad and Tobago is party and shall report accordingly on the implementation of such plans.

(3) All national plans of action referred to in this section shall

be reviewed and revised as necessary.

Division 2

Fisheries Management Agreements

Fisheries management agreements

41. (1) A fisheries management agreement or treaty —

(a) which relates to fishing and fishing related activities-

(i) within the fishery waters, is subject to the sovereignty and sovereign rights of Trinidad and Tobago over fisheries resources; or

(ii) in areas beyond national jurisdiction, is subject to the requirements of any applicable bilateral or multilateral treaty or arrangement to which Trinidad and Tobago is party; and

(b) shall promote compliance with international conservation and management measures and any treaty, convention or regional or international agreement to which Trinidad and Tobago is a party.

(2) A fisheries management agreement or treaty may provide for—

(a) harmonised terms and conditions for access;

(b) joint or reciprocal fisheries monitoring, control, surveillance and enforcement measures;

(c) harmonised or joint conservation and management of fisheries;

(d) data and information sharing on a reciprocal basis;

(e) an observer programme, which includes provisions for the reciprocal recognition of observers; and

(f) such other matters as may be required for the effective implementation of the agreement in accordance with this Act.

Division 3

Fisheries Management Measures

Selection of fisheries management measures

42. (1) For the purposes of ensuring that fisheries resources are maintained at sustainable levels and to achieve any other specific objectives agreed for a given fishery, the Minister may, on the recommendation of the Director, by Order, adopt for each fishery, an appropriate combination of fishery management measures as may be outlined in a fisheries management plan.

(2) The selection of fishery management measures shall take into account, amongst other things-

(a) the best scientific information available or the precautionary approach in the absence of such information;

(b) the cost-effectiveness and feasibility of alternative options;

(c) the need to avoid the risk of conflict among fishers using different vessels, fishing gear and fishing methods;

(d) the practices, needs and interests of local fishing communities which are highly dependent on fishery resources for their livelihood; and

(e) treaty, convention or regional or international fisheries agreements to which Trinidad and Tobago is a party.

Fishing effort and catch controls

43. (1) The Minister may, on the recommendation of the Director, by Order, prescribe measures to ensure that the level of fishing effort and the catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources.

(2) To control the amount of fishing effort in a fishery, an Order under subsection (1) may provide for a combination of

management measures including -

(a) the numbers of fishing vessels to be allowed;

(b) the maximum permitted engine horsepower;

(c) the maximum permitted size of fishing vessels;

(d) the type~~s~~, specification, number, manner of use and installation of fishing gear and other devices associated with the fishing gear to be allowed by each fisher or vessel; and

(e) the number of fishing days.

(3) Where a fishing fleet has an excess of fishing or catching capacity, an Order under subsection (1) may require the reduction of the excess capacity to achieve capacity ~~to~~ levels commensurate with the sustainable use of fisheries resources.

(4) Without prejudice to subsections (1) to (3), an Order under subsection (1) may prescribe measures to control the level of fish catch over a specified period, including the setting of catch quotas-

(a) on the total catch in the fishery;

(b) for a fleet or fleet segment; or

(c) for individual vessels as part of their authorisation, licence or permit to fish.

(5) In this section, "fishing fleet" means an aggregate of fishing vessels based on specific criteria identified by the Director.

Additional measures

44. (1) The Minister may, on the recommendation of the Director, by Order, prescribe additional measures to achieve the fishery management objectives of a management plan including-

(a) restrictions on the species of fish that may be caught;

(b) size or age limits on fish species that may be caught;

(c) closed seasons;

(d) closed areas;

(e) zones reserved for selected fisheries, particularly artisanal fisheries;

(f) fishing gear restrictions, including specification and manner of use; and

(g) limitations on the period of fishing gear deployment.

(2) An Order under subsection (1), as far as practicable, shall prescribe measures to-

(a) ensure that fishing gear, methods and practices which are not consistent with responsible fishing are phased out or prohibited; and

(b) minimise waste, discards, catch by lost or abandoned fishing gear, catch of non-target species, catch of juvenile and spawning fish and negative impacts on associated or dependent species, in particular environmentally sensitive, vulnerable, threatened or endangered species.

(3) The Minister shall cause the management measures prescribed under this section to be reviewed every three years or for any other period agreed between the Minister and the stakeholders referred to in **section 37(1)** and revised as necessary.

Local fisheries management areas

45. The Minister may, on the recommendation of the Director, by Order, designate any area of the fishery waters as a local fisheries management area and prescribe measures for the management of that area, and those measures shall be consistent with the provisions of any applicable management plans or interim management measures and arrangements under **section 32(2)**.

Contravention of Orders under Division 3

46. An Order under this division may create an offence for any contravention and impose on summary conviction, a penalty not exceeding a fine of seven hundred thousand dollars and a term of imprisonment not exceeding one year.

Division 4

Prohibitions on Fishing

and Fishing Related Activities

Contravention of Orders under Division 4

47. An Order under this division may create an offence for any contravention and impose on summary conviction, a penalty not exceeding a fine of seven hundred thousand dollars and a term of imprisonment not exceeding one year.

Prohibitions on fishing and fishing related activities

48. (1) Subject to this Act, the Minister may, on the recommendation of the Director, by Order

(a) prohibit at all times, or during a specified period, the taking, from any specified area of the fishery waters of–

(i) fish or fish included in a specified class of fish; and

(ii) in the case of a specified class of fish, females having young, eggs or spawn attached to them,

the processing of such fish on a vessel in the specified area;

(b) prohibit the taking, from the fishery waters, of fish included in a specified class of fish that–

(i) are smaller or larger than a specified size;

(ii) have a dimension smaller or larger than a specified dimension; or

(iii) have a part which has a dimension smaller or larger than a specified dimension in relation to that part;

(c) prohibit the taking, from the fishery waters, of fish, or of fish included in a specified class of fish–

(i) by a specified method or fishing gear;

(ii) by persons other than a specified class of persons; or

(iii) by vessels other than a specified class of vessels;

(d) prohibit the buying, selling, landing, displaying for sale, receiving, possession, transport, transshipment, import, export or re-export of fish, or of fish included in a specified class of fish;

(e) prohibit a person from using, having in his possession or in his charge in a vessel, fishing gear of a specified kind for taking fish;

(f) prohibit a person from using, or having in his possession or in his charge in a vessel, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the Order;

(g) prohibit a person from using or having in his possession or in his charge or in or on a vessel or a class of vessels, in any part of the fishery waters to which an Order under subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment;

(h) prohibit the conduct of a specified type of fishing related activity–

(i) absolutely;

(ii) by persons other than a specified class of persons; or

(iii) in a specified manner; and

(i) prohibit such other activities as the Minister thinks fit.

(2) The Minister may, on the recommendation of the Director, by Order, prohibit the taking of an environmentally sensitive, vulnerable, threatened or endangered species in accordance with any written law or treaty, convention, or other international agreement to which Trinidad and Tobago is a party.

(3) An Order under this section may provide for exemptions from the prohibition and the duration of such exemptions.

(4) A person who–

(a) on his own account, or as the partner, agent or employee of another person, does; or

(b) causes or permits a person acting on his behalf to do; or

(c) uses a vessel to do,

an act prohibited by an Order for the time being in force under subsection (1) or (2), except in accordance with an exemption granted under subsection (3), commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(5) A person who, in the fishery waters, has any fish in his or her possession or under his control in a vessel at a time when the taking of such fish in that area is prohibited by an Order under subsection (1) or (2), commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(6) A person who buys, sells, lands, displays for sale, receives, possesses, transports, tranships, imports, exports and re-exports, any fish taken in contravention of subsections (1) and (2) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Fishing with poisons, explosives or electrical devices prohibited

49. (1) Unless prescribed otherwise, no person shall–

(a) use, permit to be used or attempt to use any–

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite or explosive substance or device; or

(iii) electrical device,

for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught; or

(b) carry, permit to be carried, possess or control any–

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite or explosive substance or device; or

(iii) electrical device,

in circumstances which indicate the intention of its use for any of the purposes referred to in subsection (1)(a); or

(c) place in the water or assist in placing in the water any–

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin; or

(ii) dynamite, or any explosive substance or device; or

(iii) electrical device,

for any of the purposes referred to in subsection (1)(a).

(2) Unless prescribed otherwise, no person shall–

(a) buy, sell, land, display for sale, receive, possess, transport, transship, import, export, or re-export any fish taken by any means which contravenes this section; or

(b) fail or refuse to give, on request, to any authorised officer information regarding–

(i) any activity described in subsection (1), or any support of or contribution to such activity; or

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(ii) the source of his supply of any fish referred to in subsection (2)(a).

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to penalty specified in **Schedule 1**.

(4) For the purposes of this section, any chemical, poison, noxious substance or material, dynamite, electrical device or explosive substance or device, unless the explosive substance is fuel which is used to power the fishing vessel, found on board any fishing vessel shall be presumed to be intended for the purposes referred to in subsection (1)(a).

(5) All fish seized under this section shall be confiscated, and any vessel or vehicle used to transport such fish may be confiscated, and disposed of in such manner as the Director determines.

(6) For the purposes of this section, the "chemical", "poison", "noxious substance or material" include, but are not limited to, hypochlorus acid or any of its salts, including bleaches and bleaching powders, preparations containing rotenone, tephrosin or plant material from Barringtonia asiatica, Oculus ferrandianus, Hura crepitans, Piscidia erythrina, Tephrosia purpurea and Wikstroemia.

PART VI

SUBSIDIES AND OTHER ECONOMIC INCENTIVES

Effect of subsidies and other economic incentives

50. (1) In approving management plans, the Minister shall consider the possible effects of subsidies and any other economic incentives on the sustainability of fisheries resources, achievement of fishery management objectives and discharge of obligations under a treaty, convention or other international agreement to which Trinidad and Tobago is a party.

(2) The Minister may, on the recommendation of the Director, by Order, prescribe subsidies and any other economic incentives for the achievement of fishery management objectives and discharge of obligations under any treaty, convention or other international agreement to which Trinidad and Tobago is a party.

Revision of subsidies and other economic incentives

51. (1) All subsidies and other economic incentives shall be reviewed by the Director every three years as required for the purpose of determining whether-

(b) they contribute to the goals and objectives outlined in the fishery management plans; and

(c) they should be revised or new subsidies or other economic incentives be introduced in order to prevent excessive fishing and promote the sustainability of aquatic living resources, taking into account the needs of artisanal fisheries.

(2) The Director shall submit to the Minister a report on each review conducted under subsection (1), including his recommendations.

(3) The Minister shall cause the report to be laid in Parliament.

Offence for abuse of subsidies and other economic incentives

52. (1) A person who gives false or misleading information in order to qualify for a subsidy or other economic incentive for which that person would not otherwise have qualified, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

PART VII

REGISTRATION REQUIREMENTS

Application

53. This Part shall apply to fishers engaged in commercial fishing and fishworkers.

Register of Fishers and Fishworkers

54. (1) The Director shall establish and maintain a Register of Fishers and Fishworkers which shall be maintained in written and electronic form and shall include-

(a) the name, date of birth, and residential and postal address registrant;

(b) the date of registration;

(c) the nationality, residential status, national identification number or any other identification number of each registrant;

(d) the Board of Inland Revenue number or any other

identification number of the registrant used in the administration of tax laws;

(e) the telephone number and email address of each registrant;

(f) where applicable, the name and identity mark of any vessel on which each registrant works or conducts his fishing operation or fishing related activities; and

(g) such other information as the Director may require.

(2) A member of the public shall have access to the following information in respect of a registrant, upon payment of the prescribed fee:

(a) his name;

(b) the area in which he resides;

(c) his date of registration; and

(d) the status of his registration.

(3) Subject to subsection (2), the Director shall not disclose information in the Register, except—

(a) for the purposes of national security, law enforcement or court proceedings;

(b) pursuant to an order of a Court;

(c) where necessary to fulfill Trinidad and Tobago's obligations under any treaty, convention or other international agreement relating to fishing or fishing related activities;

(d) where necessary for the purposes of monitoring, control, surveillance, enforcement, or search and rescue or any other emergency; and

(e) where required under any other written law.

Requirement for registration as a

55. (1) A person who intends to become a fisher or fishworker shall

fisher or fishworker

apply to the Director to be registered on the approved form and pay the prescribed fee.

(2) To be registered as a fisher, a person –

(i) be at least sixteen years; or
(ii) be under the age of sixteen years, be engaged in fishing with an undertaking owned and controlled by the members of the same family, and obtain a provisional permit in the manner and subject to terms and conditions to be determined by the Director;

shall not have been convicted within two years prior to the date of his application, of –

(i) any offence –

(A) under this Act; or
(B) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade;

for which the penalty on conviction is imprisonment for one year or more; or

(ii) any other offence for which the penalty on conviction is imprisonment for three years or more.

shall present evidence of certified training in personal survival, vessel operation, general safety in fishing operations and any other certification required;

comply with any other such additional criteria as may be prescribed.

(2A) In this section, "family" has the meaning assigned to it in section 103 of the Children Act;

(3) To be registered as a fishworker, a person shall-

(a) be at least sixteen years;

(b) shall not have been convicted within two years prior to the date of his application, of –

(i) any offence –

(C) under this Act; or
(D) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade;

for which the penalty on conviction is imprisonment for one year or more; or

(ii) any other offence for which the penalty on conviction is imprisonment for three years or more.

(c) comply with such additional criteria as may be prescribed.

(4) A fisher or fishworker shall notify the Director of any changes in the information set out in the application form for registration not later than fourteen days after the change.

(4A) Where a registered fisher or fishworker fails to provide notification of any change in information in the application form within the period specified in **section 55(4)**, he commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(5) A person who gives false or misleading information in order to be included in the Register of Fishers and Fishworkers commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(5A) Where the Director proposes to refuse to register a fisher or fishworker in accordance with subsection (1), he shall give the applicant written notice of the proposed refusal and provide reasons;

(5B) An applicant under subsection (1) may submit written reasons as to why his application to register as a fisher or fishworker should not be refused to the Director within fourteen days of receipt

of a written notice under subsection (5A);

(5C) Where the Director is in receipt of written reasons under subsection (5B), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

Fisher and Fishworker Identity card

56. (1) Subject to section 55, the Director, upon receiving an application for registration as a fisher or fishworker on the approved form and payment of the prescribed fee, shall cause to be issued to every fisher or fishworker registered under this Part an identity card attesting to that fact.

(2) An identity card issued to a fisher or fishworker under subsection (1) shall be in the approved form.

(3) The Director may issue a new identity card where-

(a) it is necessary to update information; and

(b) an identity card has been lost, stolen or severely damaged.

(4) A fisher or fishworker shall keep his valid identity card on his person when engaged in fishing or any fishing related activities on land and sea and is required to produce it whenever required by an authorised officer.

(5) No fisher or fishworker shall fish or engage in fishing related activities unless he is registered under this Act and has a valid identity card on his person or in the vessel on which he is fishing or is so engaged.

(6) A person who engages in fishing or fishing related activities without being registered under this Part commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(7) It shall be for any person charged with engaging in fishing or fishing related activities without being registered under this Part to prove that they were registered under this Part.

(8) If upon request by an authorised officer, a registered fisher

or fishworker does not produce his valid identity card he commits an offence and is liable to payment of the fixed penalty specified in **Schedule 1**.

(9) The master of a commercial fishing vessel shall ensure that a fisher or fisherworker on board the vessel, is the holder of a valid identity card which is on his person or on the vessel on which he is fishing or so engaged.

(10) A master who contravenes subsection (9) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Validity and renewal of Fisher and Fishworker Identity card

57. (1) A fisher or fishworker identity card shall be valid for three years unless otherwise prescribed.

(2) An identity card may be replaced if lost, stolen, damaged or, destroyed or renewed if expired upon application on the approved form and upon payment of the prescribed fee.

Suspension, revocation, surrender and cancellation of registration

58. (1) Where a registered fisher or fishworker has been convicted of an offence under this Act, the Director may-

(a) in the case of a first offence, allow the fisher or fishworker to retain his registration status;

(b) in the case of a second offence, suspend the registration of the fisher or fishworker for a period not exceeding six months; and

(c) in the case of three or more offences, revoke the registration of the fisher or fishworker.

(2) The Director may suspend or revoke the registration of a fisher or fishworker who has been convicted of –

(a) an offence related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(b) any other offence for which the penalty on conviction is death or imprisonment for three years or more.

(3) Where the Director proposes to suspend or revoke the registration of a fisher or fishworker in accordance with subsection (1) or (2), he shall give the registration-holder written notice of the proposed suspension or revocation and provide reasons.

(4) A registration-holder may submit written reasons as to why his registration should not be suspended or revoked to the Director within fourteen days of receipt of a notice under subsection (3).

(4A) Where the Director is in receipt ofwritten reasons under subsection (4) he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the registration- holder of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and

(b) the date on which the suspension or revocation comes into effect.

(5) The Director-

(a) may cancel an identity card issued under **section 56(1)**; and

(b) shall notify, in writing, the person to whom the identity card was issued of the cancellation.

(6) A person who no longer continues to be a fisher or fishworker under subsection (5)(a) shall return the identity card to the Director within fourteen days of the receipt of the notification.

(7) A fisher or fishworker who no longer intends to be engaged in fishing or fishing related fishing activities, may surrender his identity card to the Director and request in writing that his registration be cancelled and the Director shall cancel the registration and identity card of the fisher or fishworker, as the case may be.

Record of fish vendors

59. (1) The Director shall establish and maintain a Record of Fish Vendors in a manner to be prescribed.

PART VIII

RECORD OF TRINIDAD AND TOBAGO FISHING VESSELS

Record of Trinidad and Tobago Fishing Vessels

60. (1) The Director shall establish and maintain a record to be known as "Record of Trinidad and Tobago Fishing Vessels".

(2) All vessels to be entered on the Record of Trinidad and Tobago Fishing Vessels shall be registered under the Shipping Act or any other written law governing the registration of vessels.

(3) The Record of Trinidad and Tobago Fishing Vessels shall contain the following particulars, as may be applicable, in respect of all fishing vessels registered in Trinidad and Tobago:

(a) the name of the fishing vessel;

(b) the identity mark allotted to the fishing vessel under the legislation governing the marking of vessels;

(c) the International Maritime Organization (IMO) number, if any, any other unique identifier, and the international radio call sign which is held by the vessel;

(d) the name, address and any other contact information of the owner, any other operator and the owner's authorised local representative resident in Trinidad and Tobago;

(e) the type, registered length and width, material of construction, tonnage, colour, power of main engines, fish hold capacity, fuel tank capacity, catch storage methods, and other distinguishing features of the vessel;

(f) the type of fishing, whether commercial or recreational, for which the vessel is to be used;

(g) the type of fishing related activity for which the vessel is to be used;

(h) any specific fishing gear types and fishing gear specifications which the vessel is designed to use;

(i) photographs of the vessel;

(j) the identity mark of the fishing gear and engines of the vessel;

(k) the place of mooring or beach at which the vessel is to be stationed;

(l) proof of compliance with any relevant national law; and

(m) any other information that the Director thinks fit.

Application to be entered on the Record of Trinidad and Tobago Fishing Vessels

61. (1) A person who owns a Trinidad and Tobago fishing vessel or who is desirous of operating such vessel in the fishery waters or in areas beyond national jurisdiction, whether for economic or material benefit or recreational purposes, shall apply to the Director to have his vessel entered on the Record of Trinidad and Tobago Fishing Vessels.

(2) A person who uses a Trinidad and Tobago fishing vessel, in the fishery waters or in areas beyond national jurisdiction, that is not entered on the Record of Trinidad and Tobago Fishing Vessels commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(3) An application under subsection (1) shall be made on the approved form and shall be accompanied by the prescribed fee and a copy of the certificate of registration issued under any written law governing the registration of vessels.

(4) The Director shall issue to the owner of a Trinidad and Tobago fishing vessel, a Certificate of Record evidencing that the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels-

(a) upon receipt of the application made by the owner in the manner required in subsection (3) and verification of the particulars provided by the applicant; and

(b) after an inspection has been conducted under **section 62(1)** and the Director is satisfied that the vessel is in compliance with the requirements of this Act.

Inspection to be entered on the Record of Trinidad and Tobago Fishing Vessels

62. (1) The Director shall cause an authorised officer to conduct an inspection of a vessel prior to its entry on the Record of Trinidad and Tobago Fishing Vessels.

(2) Where, following an inspection under subsection (1), the

Director is satisfied that the vessel is not in compliance with this Act, he shall not enter the vessel on the Record of Trinidad and Tobago Fishing Vessels and shall inform the owner of the vessel of such changes or improvements as are required to make the vessel compliant with this Act.

(3) Where the owner of a vessel is required under subsection (2) to effect changes or improvements and he complies with the requirements within the stipulated period, the Director shall enter the vessel on the Record of Trinidad and Tobago Fishing Vessels and issue the Certificate of Record of the vessel.

Marking and identification of fishing vessels, fishing gear and engines

63. (1) Trinidad and Tobago fishing vessels shall be marked and identified in accordance with any written law governing the marking and identification of a vessel.

(2) A person who uses a Trinidad and Tobago fishing vessel that is not marked or identified in accordance with this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Changes to the Record of Trinidad and Tobago Fishing Vessels

64. (1) The owner of a Trinidad and Tobago fishing vessel shall notify the Director of every change in the particulars required under **section 60(3)** not later than fourteen days after the change.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Grounds for refusal to issue a Certificate of Record

65. (1) The Director may refuse to issue a Certificate of Record if-

(a) upon inspection, the Director is satisfied that the vessel, fishing gear and equipment are ~~is~~ not in compliance with this Act;

(b) the vessel is not registered under the legislation governing registration of vessels;

(c) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has within six years prior to the date of his application, been used in the commission of, an offence –

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(d) the vessel is an IUU listed vessel; or

(e) there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing in the previous six years;

(f) the owner fails to effect any change or improvements required.

(g) the refusal is in accordance with such additional grounds as may be prescribed.

(1A) The Director shall refuse to issue a Certificate of Record for any vessel entitled to be registered under the national shipping legislation to be usedfor fishing and fishing related activitiesunless he is satisfied that the State of Trinidad and Tobago is able, taking into account the links that exist between the State and the vessel concerned, to exercise its internationalobligations effectively in respect of that vessel.

(1B) Subsection (1)(d) to (e) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Director that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Director is satisfied that issuance of a Certificate of Record would not subvert the purposes of any treaty, convention or other international agreement to which Trinidad and Tobago is a party.

(2) Where the Director proposes to refuse to issue a Certificate of Record in accordance with subsection (1), he shall give the applicant written notice of the proposed refusal and provide reasons.

(2A) An applicant under subsection (2) may submit written reasons as to why a Certificate of Record should not be refused to the Director, within fourteen days of receipt of a notice under subsection (2).

(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

Failure to carry on board a valid Certificate of Record

65A.(1) The operator of a Trinidad and Tobago fishing vessel shall ensure that a valid Certificate of Record is on board the vessel at all times while the vessel is deployed at sea.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Validity of Certificate of Record

65B. A Certificate of Record shall be valid, unless suspended or revoked under **section 66** or cancelled under **section 68**, for such period as the Director may specify.

Suspension or revocation of Certificate of Record

66. (1) The Director may suspend or revoke a Certificate of Record if he is satisfied that-

(a) the issue of the Certificate of Record was based on false information;

(aa) there is failure to comply with the conditions for inclusion on the Record of Trinidad and Tobago fishing vessels or this Act;

(b) since the issue of the Certificate of Registry under the Shipping Act –

(i) the vessel has been altered, resulting in a change in length, size, engine power or other particulars regarding the vessel recorded under **section 60(3)** without notice to or approval from the relevant competent authority for registration of vessels;

(ii) the name of the vessel has been changed or the vessel has been transferred to another owner without the relevant notice to or approval of the competent authority with responsibility for registration of vessels; or

(iii) the particulars of fishing gear or engines recorded under **section 69** have been altered without approval from the Director;

(c) the vessel is an IUU listed vessel;

(ca) there is evidence that the fishing vessel was engaged in or supporting IUU fishing activities or fishing related activities in support of such fishing; or

(d) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence –

(i) under this Act, for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more; or

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures.

(e) the suspension or revocation is in accordance with such additional grounds as may be prescribed.

(2) Where the Director proposes to suspend or revoke the Certificate of Record of a certificate-holder in accordance with subsection (1), he shall give the certificate-holder written notice of the proposed suspension or revocation and provide reasons.

(2A) A certificate-holder under subsection (2) may submit written reasons as to why the Certificate of Record should not be suspended or revoked to the Director, within fourteen days of receipt of a notice under subsection (2).

(2B) Where the Director is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the certificate-holder of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and
(b) the date on which the suspension or revocation comes into effect.

Surrender of Certificate of Record

67. The holder of a Certificate of Record who no longer intends to use a vessel for the purposes of fishing and fishing related activities may surrender the Certificate of Record issued in respect of that vessel, to the Director and the Director shall cancel the Certificate of Record.

Cancellation of Certificate of Record

68. (1) The Director shall cancel a Certificate of Record where he determines that –

(a) the issue of the Certificate of Record was based on erroneous information;

(b) the vessel is no longer used for the purposes of fishing and fishing related activities;

(c) the vessel has been substantially damaged, destroyed or abandoned; or

(d) the Certificate of Record or the identity mark placed on the fishing vessel, fishing gears or engines has been tampered with.

(e) the cancellation is in accordance with such additional grounds as may be prescribed.

(2) Where the Director proposes to cancel a Certificate of Record in accordance with subsection (1), he shall give the certificate-holder written notice of the proposed cancellation and provide reasons.

(3) A certificate-holder under subsection (2) may submit written reasons as to why his certificate of record should not be cancelled to the Director, within fourteen days of receipt of the notice.

(4) Where the Director is in receipt of written reasons under subsection (3), he shall consider those reasons and make a determination within twenty- one days from the date of receipt ofthose reasons and notify the holder of the Certificate of Record of his

decision, including, where applicable –

(a) the reasons for the cancellation; and
(b) the date on which the cancellation comes into effect.

Registration of fishing gear and an engine

69. (1) A person who, for the purpose of fishing or fishing related activity, is desirous of using fishing gear or an engine shall register the fishing gear or engine with the Director in the manner prescribed.

(2) A person who uses or causes to be used, any fishing gear or an engine that is not marked or identified as prescribed commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Identification and marking of fishing gear and an engine

70. (1) Fishing gear and an engine shall be clearly and permanently marked in the manner prescribed.

(2) A person who uses or causes to be used, any fishing gear or engine that is not marked or identified as prescribed commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine

71. A person who tampers with-

(a) a Certificate of Record issued by the Director under **section 61(4)**; or

(b) an identity mark placed on any fishing vessel, fishing gear or an engine after it has been entered on a record or register,

commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

PART IX

COMMERCIAL FISHING WITH A TRINIDAD AND TOBAGO FISHING VESSEL WITHIN THE FISHERY WATERS

Requirement for a commercial fishing vessel licence

72. (1) No Trinidad and Tobago fishing vessel shall be used for commercial fishing in the fishery waters, unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and

there is a valid commercial fishing vessel licence in relation to it.

(2) A person who uses or authorises the use of a Trinidad and Tobago fishing vessel in contravention of subsection (1), commits an offence and is liable on summary conviction to penalty specified in **Schedule 1**.

Application for a commercial fishing vessel licence

73. (1) An application for a commercial fishing vessel licence shall be made by the owner of the fishing vessel to the Director on the approved form and be accompanied by the prescribed fee.

(2) The Director, upon receiving an application under this section, may issue the applicant with a commercial fishing vessel licence in respect of the fishing vessel to which the application refers.

(3) Before issuing a commercial fishing vessel licence, the Director shall consider the applicant's historical participation in the fishery and record of compliance with this Act and the former Acts.

(4) The Director may refuse to issue a commercial fishing vessel licence on the grounds that-

(a) it is necessary to do so in order to give effect to any licensing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(b) the applicant has breached ~~a~~ any of the terms or conditions of a commercial fishing vessel licence previously issued to him and taking into consideration~~,~~ the nature and gravity of the breach;

(c) the commercial fishing vessel in respect of which the application is made-

(i) does not have a valid Certificate of Record issued under this Act; or

(ii) is not in compliance with any other requirements specified in this Act;

(d) the vessel is an IUU listed vessel;

(da) there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing

related activities in support of such fishing;

(e) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of, an offence -

(i) under this Act, for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures.

(f) the vessel is not a Trinidad and Tobago fishing vessel within the meaning of this Act.

(g) the vessel does not have installed on board an MTU or other electronic device; and

(h) it is in accordance with such other grounds as may be prescribed.

(4A) Subsection (4)(d) to (da) shall not apply if –

(a) the ownership of the vessel has changed and the

new owner has provided sufficient evidence to the Director that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Director, is satisfied that issuance of a commercial fishing vessel licence would not subvert the purposes of any treaty, convention or other international agreement to which Trinidad and Tobago is a party.

(5) Where the Director proposes to refuse~~s~~ to issue a commercial fishing vessel licence, in accordance with subsection (4), he shall give the applicant written notice of the proposed refusal and provide reasons.

(5A) An applicant under subsection (5) may submit written reasons as to why a commercial fishing vessel licence should not be refused to the Director, within fourteen days of receipt of the notice.

(5B) Where the Director is in receipt of written reasons under subsection (5A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(6) A licence-holder shall notify the Director of any change in the information set out-

(a) in his application form for a commercial fishing vessel licence; and

(b) not later than fourteen days after the change.

(7) A licence-holder who contravenes subsection (6) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Failure to carry on board the commercial fishing vessel licence

74. (1) The master of a Trinidad and Tobago fishing vessel shall ensure that a valid commercial fishing vessel licence is on board the vessel at all times while the vessel is engaged in commercial fishing in the fishery waters.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

General terms and conditions attached to commercial fishing vessel licences

75. (1) Without prejudice to any terms and conditions that may be attached to a licence under this Act, the issuance of a commercial fishing vessel licence in respect of a Trinidad and Tobago fishing vessel shall be subject to the following general terms and conditions:

(a) where a fishing vessel licensed as a Trinidad and Tobago fishing vessel becomes a foreign fishing vessel, the licence shall automatically terminate;

(b) no licence shall be transferable;

(c) the fishing vessel to which the licence relates shall be marked and identified in accordance with the Shipping Act and any other written law governing the marking and identification of vessels;

(d) the fishing gear on board shall be marked and identified;

(e) the preparation and submission of reports, including reports on fishing and fishing related activities, in intervals specified in the licence or as required by the Director;

(f) requirement for fishing logbooks to the completed and submitted to the Director at the intervals specified in the commercial fishing vessel licence;

(g) requirement to allow an observer on board and to remain on board the fishing vessel on the terms specified in **section 167**;

(g) provision of protection and indemnity insurance of observers on board;

(h) requirement to allow the authorised officer to board the vessel and to perform his duties in accordance with **sections 154, 155, 156, 157, 158 159 and 161**;

(i) requirement to cooperate with an authorised officer or observer and observer in compiling catch and fishing effort data or in takingof samples on behalf of the Director, for statistical or

scientific purposes;

(j) requirement to hand over all data collected or samples taken to an authorised officer or observer onrequest;

(k) the fishing vessel to which the licence relates shall have on board a functional MTU or other electronic devices;

(l) requirement to comply with the laws of that other country if the fishing vessel is fishing in the fishery waters of another country; and

(m) requirement to comply, with this Act and any other written law of Trinidad and Tobago;

(n) such other general terms and conditions as the Director sees fit.

(2) The operator of a commercial fishing vessel or any person on board who breaches any of the general terms or conditions attached to a commercial fishing vessel licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(3) Where a person on board a commercial fishing vessel commits and offence under subsection (2), the master of the fishing vessel shall be deemed to have committed the offence and shall also be liable on summary conviction to the penalty specified in **Schedule 1.**

Specific terms and conditions attached to commercial fishing vessel licences

76. (1) On the issuance of a commercial fishing vessel licence, the Director, shall specify the type of fishing for which the vessel is licensed and may impose such specific terms and conditions as he thinks fit, including the following:

(a) the fisheries in which the vessel is licensed to participate;

(b) the fishing areas in which the vessel may operate;

(c) the fishing times at which the vessel may operate;

(d) the fishing operations, methods and fishing gear equipment and devices that the fishing vessel may use;

(e) the maximum weight of fish catches that the

vessel may take over the period of the licence, for each specified fish species or in aggregate; and

(f) the maximum weight of fish catch that may be taken per day.

(2) A commercial fishing vessel licence shall be subject to the arrangement adopted under a fisheries management plan or a fisheries strategy, plan or programme.

(3) An operator of a Trinidad and Tobago fishing vessel or any person on board who uses the vessel in breach of any of the specific terms or conditions of a commercial fishing vessel licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) Where a person on board a Trinidad and Tobago fishing vessel commits and offence under subsection (3), the master of the fishing vessel shall be deemed to have committed the offence and shall be liable on summary conviction to the penalty specified in **Schedule 1**.

(5) The Director shall attach terms and conditions to a licence as considered necessary or expedient for the purpose of giving effect to—

(a) international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member; or

(b) a treaty, convention or other regional or international agreement to which to which Trinidad and Tobago is a party.

Variation of terms and conditions: commercial fishing vessel licence

77. (1) Where the Director is of the opinion that it is expedient for the proper management of fisheries in the fishery waters, he may vary any general or specific term or condition attached to a commercial fishing vessel licence.

(2) Where the Director varies any general or specific term or condition attached to a commercial fishing vessel licence, he shall give written notification to the licence-holder of the variation as soon as practicable.

Validity of commercial fishing vessel licence

78. Subject to this Act, a commercial fishing vessel licence shall be valid, unless suspended or revoked under **section 79** or cancelled under **section 80**, for such period as the Director may specify in the

licence.

Suspension or revocation of commercial fishing vessel licence

79. (1) Without prejudice to any other proceedings under this Act or any other written law that was issued in respect of any fishing vessel, the Director may suspend or revoke any commercial fishing vessel licence, where he is satisfied that-

(a) the issue of the commercial fishing vessel licence was based on false information;

(b) the Certificate of Record has been suspended or revoked;

(c) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, has been used in the commission of an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year of more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more; or

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures.

(d) the fishing vessel has been used in breach of any of the terms or conditions of its licence, or of this Act or any other written law;

(e) the fishing vessel is an IUU listed vessel;

(ea) there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.

(f) he is required or authorised to do so in accordance with the provisions of any arrangement or agreement entered into under this Act; or

(g) it is in accordance with such additional grounds as may be prescribed.

(2) Where the Director proposes to suspend or revoke the commercial fishing vessel licence of a licence-holder in accordance with subsection (1), he shall give the licence-holder written notice of the proposed suspension or revocation and provide reasons.

(3A) A licence-holder under subsection (3) may submit written reasons as to why the commercial fishing vessellicence should not be suspended or revoked to the Director within fourteen days of receipt of the notice.

(3B) Where the Director is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days, or from the date of receipt of those reasons and notify the licence-holder of his decision in writing including, where applicable –

(a) the reasons for the suspension or revocation; and
(b) the date on which the suspension or revocation comes into effect.

(3C) Where a commercial fishing vessel licence is suspended, the licence shall not be reinstated unless the licence-holder demonstrates that the reasons for the suspension or revocation no longer apply.

(3D) Where a commercial fishing vessel licence is revoked, no new licence shall be issued unless the licence-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of commercial fishing vessel licence

80. (1) The holder of a commercial fishing vessel licence who no longer intends to use the vessel for the purpose of commercial fishing may surrender the licence to the Director and the Director shall cancel the licence.

(2) The Director shall cancel a commercial fishing vessel licence where he determines that –

(a) the issue of the licence was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**.

(b) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Director proposes to cancel a commercial fishing vessel licence in accordance with subsection (2), he shall give the licence-holder written notice of the proposed cancellation and provide reasons.

(4) A licence-holder under subsection (3) of a commercial fishing vessel licence may submit written reasons as to why his certificate of record should not be cancelled to the Director, within fourteen days of receipt of the notice.

(5) Where the Director is in receipt of written reasons under subsection (4), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the holder of the commercial fishing vessel licence of his decision, including, where applicable –

(a) the reasons for the cancellation; and
(b) the date on which the cancellation comes into effect.

PART X

COMMERCIAL FISHING WITHOUT A FISHING VESSEL

Requirement for a licence for commercial fishing without a vessel

81. (1) No person shall conduct commercial fishing without a fishing vessel in the fishery waters unless that person has first obtained a non-vessel commercial fishing licence.

(2) Any person who fishes in contravention of subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Application for a non-vessel commercial fishing licence

82. (1) An application for a non-vessel commercial fishing licence shall be made to the Director on the approved form and be accompanied by the prescribed fee.

(2) The Director, upon receiving an application under this section and upon payment of the prescribed fee, may issue a non-vessel commercial fishing licence to the applicant.

(3) Before issuing a non-vessel commercial fishing licence, the Director shall consider the applicant's historical participation in the fishery and record of compliance with this Act and the former Acts.

(4) The Director may refuse to issue a non-vessel commercial fishing licence on any of the following grounds:

(a) it is necessary to do so in order to give effect to any licensing programme or other management measure specified in a relevant fisheries management plan or fisheries strategy plan or programme;

(b) the applicant has been engaged in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing;

(c) the applicant has, within two years prior to the date of his application, been convicted of an offence -

(i) under this Act, for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment

for one year or more; or

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(d) the applicant has breached ~~a~~ any of the terms or conditions of a non-vessel commercial fishing licence previously issued to him and taking into consideration the nature and gravity of the breach.

(e) it is in accordance with such additional grounds as may be prescribed.

(5) Where the Director proposes to refuse to issue a non-vessel commercial fishing licence in accordance with subsection (4), he shall give the applicant written notice of the proposed refusal and provide reasons.

(5A) An applicant under subsection (5) may submit written reasons as to why a non-vessel commercial fishing licence should not be refused to the Director, within fourteen days of receipt of the notice.

(5B) Where the Director is in receipt ofwritten reasons under subsection (5A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt ofthose reasons and notify the applicant of his decision in writing and provide reasons.

Failure to present a non-vessel commercial fishing licence

83. (1) A valid non-vessel commercial fishing licence shall be presented by the licence-holder to any authorised officer upon request.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified

in **Schedule 1**.

General terms and conditions attached to non-vessel commercial fishing licences

84. (1) Without prejudice to any term or condition that may be attached to a licence under this Act, issuance of a non-vessel commercial fishing licence shall be subject to the following general terms and conditions:

(a) any change in the information set out in the application form for the licence shall be notified to the Director by the licence-holder not later than fourteen days after the change;

(b) no licence shall be transferable;

(c) the licence-holder and any other persons who are jointly engaged in his fishing operations shall-

(i) comply with any direction given in good faith by an authorised officer; and

(ii) cooperate with any authorised officer in compiling catch data or in taking of samples on behalf of the Director for statistical or scientific purposes; and

(d) the licence-holder and any other persons who are jointly engaged in his fishing operations shall not engage in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing;

(e) such other general terms and conditions as the Director sees fit.

(2) A person who conducts non-vessel commercial fishing in breach of any general term or condition of a non-vessel commercial fishing licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Specific terms and conditions attached to non-vessel commercial fishing licences

85. (1) On the issuance of a non-vessel commercial fishing vessel licence, the Director shall specify the type of fishing for which the licence-holder is licensed and may impose such specific terms and conditions as he thinks fit including, the following:

(a) the fisheries in which the licence-holder may participate;

(b) the fishing areas in which the licence-holder may operate;

(c) the fishing times at which the licence-holder may operate;

(d) the fishing operations, methods and fishing gear that the licence-holder may use;

(e) the maximum weight of fish catch that the licence-holder may take over the period of the licence, for each specified fish species or in aggregate;

(f) the maximum weight of fish catch that may be taken per day; and

(2) A non-vessel commercial fishing licence shall be subject to arrangements adopted under a specific fisheries management plan or fisheries management strategy plan or programme.

(3) A person who conducts non-vessel commercial fishing in breach of any specific term or condition of a non-vessel commercial fishing licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Variation ~~in~~ of terms ~~or~~ and conditions: non-vessel commercial fishing licence

86. (1) Where the Director is of the opinion that it is expedient for the proper management of fisheries in the fishery waters, he may vary any general or specific term or condition attached to a non-vessel commercial fishing licence.

(2) Where the Director varies any general or specific term or condition attached to a non-vessel commercial fishing licence, he shall give written notification to the licence-holder of the variation as soon as practicable.

Validity of non-vessel commercial fishing licence

87. Subject to this Act, a non-vessel commercial fishing licence shall be valid, unless suspended or revoked under subsection 88 or cancelled under **section 89**, for such period as the Director may specify in the licence.

Suspension or revocation of non-vessel commercial fishing licence

88. (1) The Director may suspend or revoke a non-vessel commercial fishing licence issued under this part where -

(a) the issue of the non-vessel commercial fishing

licence was based on false information;

(b) the licence-holder, and any other person who is engaged in his fishing operation, are in breach of any of the terms or conditions set out in **sections 84 and 85**;

(c) the applicant has, within two years prior to the date of his application, been convicted of an offence –

(i) under this Act, for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures.

(d) it is in accordance with such additional grounds as may be prescribed.

(2) Where the Director proposes to suspend or revoke a non-vessel commercial fishing vessel licence in accordance with subsection (1), he shall give the licence-holder written notice of the proposed suspension or revocation and provide reasons.

(3) A licence holder under subsection (2) may submit written

reasons as to why the non-vessel commercial fishing vessel licence should not be suspended or revoked to the Director, within fourteen days of receipt of a notice under subsection (2).

(4) Where the Director is in receipt of written reasons under subsection (3), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the licence-holder of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and
(b) the date on which the suspension or revocation comes into effect.

(6) Where a non-vessel commercial fishing licence is suspended, the licence shall not be reinstated unless the licence holder demonstrates that the reasons for suspension no longer apply.

(7) Where a non-vessel commercial fishing licence is revoked, no new licence shall be issued unless the licence-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of non-vessel commercial fishing licence

89. (1) The holder of a non-vessel commercial fishing licence who no longer intends to conducts non-vessel commercial fishing may surrender the licence to the Director and the Director shall cancel the licence.

(2) The Director shall cancel a non-vessel commercial fishing licence where he determines that -

(a) the issue of the licence was based on erroneous information;

(b) the license-holder no longer conducts non-vessel commercial fishing; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; and

(d) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Director proposes to cancel a non-vessel

commercial fishing licence in accordance with subsection (2), he shall give the licence-holder written notice of the proposed cancellation and provide reasons.

(3A) The licence-holder of a non-vessel commercial fishing licence under subsection (3) may submit written reasons as to why the non-vessel commercial fishing licence should not be cancelled to the Director, within fourteen days of receipt of the notice.

(4) Where the Director is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the holder of the non-vessel commercial fishing licence of his decision in writing, including where applicable –

(a) the reasons for the cancellation; and
(b) the date on which the cancellation comes into effect.

PART XI

COMMERCIAL FISHING AND FISHING RELATED ACTIVITIES IN AREAS BEYOND NATIONAL JURISDICTION

Requirement for a commercial fishing vessel authorisation and an authorisation for fishing related activities in areas beyond national jurisdiction

90. (1) No Trinidad and Tobago fishing vessel shall be used for commercial fishing in areas beyond national jurisdiction unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid commercial fishing vessel authorisation in relation to it.

(1A) No Trinidad and Tobago fishing vessel shall be used for fishing related activities in areas beyond national jurisdiction unless the vessel has been entered on the Record of Trinidad andTobago Fishing Vessels and there is a valid authorisation for fishing related activities in relation to it in the manner to be prescribed.

(2) Subject to subsections (1), (1A) and (2), where the areas beyond national jurisdiction refer to the waters under the jurisdiction of another State, no Trinidad and Tobago fishing vessel shall be used for the purpose of conducting –

(a) commercial fishing; or
(b) fishing related activities,

unless there is a valid authorisation issued by the competent authority in that State for that purpose.

(3) A person who uses or authorises the use of a Trinidad and Tobago fishing vessel in contravention of subsections (1) and (2) commits an offence and is liable on summary conviction to penalty specified in **Schedule 1.**

Application for, and issue of, a commercial fishing vessel authorisation

91. (1) An application for a commercial fishing vessel authorisation shall be made by the owner of the fishing vessel to the Minister on the approved form and shall be accompanied by the prescribed fee.

(2) Subject to subsections (3) to (5), the Minister, upon receiving an application under this section and upon payment of the prescribed fee, may, on the recommendation of the Director, issue a commercial fishing vessel authorisation.

(3) The Minister may, on the recommendation of the Director, refuse to issue a commercial fishing vessel authorisation on consideration of the following:

(a) whether the applicant has breached any of the terms or conditions of an authorisation previously issued to him and taking into consideration the nature and gravity of the breach;

(b) the applicant's historical participation in fishing and fishing related activities;

(c) the applicant's record of compliance with this Act and the former Acts;

(d) the applicant's record of compliance with international conservation and management measures; and

(e) whether the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(f) whether the vessel has installed on board an MTU or other electronic device;

(g) whether the vessel was previously approved to be used for fishing in areas beyond national jurisdiction by a foreign State, and the foreign State suspended such approval on the grounds that the vessel was used to undermine the effectiveness of regional or international conservation and management measures and the suspension has not expired;

(h) whether the vessel was previously approved to be used for fishing in areas beyond national jurisdiction by a foreign State, and the foreign State revoked such approval within the three years preceding the application for the commercial fishing authorisation on the grounds that the vessel was used to undermine the effectiveness of international conservation and management measures;

(i) whether the vessel is an IUU listed vessel;

(j) whether there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(k) such other grounds as may be prescribed.

(4) Subsections (3)(g) to (3)(j) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister that the previous owner or master has no legal, beneficial or material interest in the vessel; and

(b) the Minister is satisfied that issuance of a commercial fishing authorisation would not subvert the purposes of any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

(5) In the determination of an application made under this section, the Minister shall also take into consideration the following:

(a) the fisheries management plan, fisheries strategy, plan or programme governing the particular fishery and theparticular area applied for; and
(b) any other relevant matter.

(6) Where the Minister proposes to refuse to issue a commercial fishing vessel authorisation in accordance with subsection (3), he shall give the applicant written notice of the proposed refusal and provide reasons.

(6A) An applicant under subsection (6) may submit written reasons as to why the issuance of a commercial fishing vessel authorisation should not be refused to the Minister, within fourteen days of receipt of a notice under subsection (6);

(6B) Where the Minister is in receipt of written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(7) An authorisation-holder shall notify the Minister in writing

of any change in the information set out in his application set out in his application form for the commercial fishing vessel authorisation not later than fourteen days after the change.

(8) An authorisation-holder who contravenes subsection (7) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Failure to carry on board a commercial fishing vessel authorisation

92. (1) The master of a Trinidad and Tobago fishing vessel shall ensure that a valid commercial fishing vessel authorisation is on board the vessel at all times while the vessel is engaged in fishing or fishing related activities in areas beyond national jurisdiction.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Terms and conditions attached to a commercial fishing vessel authorisation

93. (1) Every commercial fishing vessel authorisation shall be subject to the general terms and conditions of section 75.

(2) The Minister may on the recommendation of the Director, attach such other terms and conditions to a commercial fishing vessel authorisation as are necessary and appropriate to carry out the obligations of a treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party and under regional and international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member, including the following:

(a) any of the specific terms and conditions described in section 76(1)(a) to (f);

(b) a requirement that the vessel shall not engage in any activities which undermine the effectiveness of any sub-regional, regional or international conservation and management measures;

(c) a requirement that the vessel carry observers, local or foreign, on board during fishing operations in areas beyond national jurisdiction;

(d) a requirement that additional monitoring equipment be carried;

(e) measures to be taken to avoid catching non-target species;

(f) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data, including the use of vessel monitoring systems;

(g) requirements for the completion and submission of fishing logbooks to the Director at the intervals specified in the commercial fishing authorisation;

(h) requirements for verifying the catch of target and non-target species;

(i) requirements for the stowage of fishing gear; and

(j) in accordance with such other terms and conditions as the Minister thinks fit.

(3) A person who uses a Trinidad and Tobago fishing vessel for fishing or fishing related activities in breach of any of the terms or conditions of a commercial fishing vessel authorisation commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) A person who authorises the use of a Trinidad and Tobago fishing vessel in breach of any of the terms or conditions of a commercial fishing vessel authorisation commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(5) Where a person on board a Trinidad and Tobago fishing vessel breaches any of the terms or conditions of a commercial fishing vessel authorisation under subsection (3) or (4) and commits an offence, the master of the fishing vessel shall be deemed to have committed the offence and shall be liable on summary conviction to the penalty specified in **Schedule 1**.

Variation of terms and conditions: commercial fishing vessel authorisation

94. (1) The Minister may, on the recommendation of the Director, vary any of the terms or conditions attached to a commercial fishing vessel authorisation where the Minister is satisfied that this is necessary to ensure compliance by Trinidad and Tobago with its obligations under any treaty, convention or other regional or

international agreement to which Trinidad and Tobago is a party and international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member.

(2) Where the Minister varies any term or condition attached to a commercial fishing vessel authorisation, he shall give written notification to the authorisation-holder of the variation and provide reasons as soon as is reasonably practicable.

Validity of commercial fishing authorisation

95. Subject to this Act, a commercial fishing vessel authorisation shall be valid, unless suspended or revoked under **section 96** or cancelled under **section 97**, for such period as the Minister may specify in the authorisation.

Suspension or revocation of commercial fishing vessel authorisation

96. (1) The Minister may, on the recommendation of the Director, suspend or revoke a commercial fishing vessel authorisation issued in respect of a vessel where the Minister is satisfied that-

(a) the issue of the commercial fishing authorisation was based on false information;

(b) the Certificate of Record of the vessel has been suspended or revoked;

(c) the applicant has, within two years prior to the date of his application, been convicted or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of~~,~~ an offence –

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(d) the fishing vessel has been used in breach of any terms or conditions of its authorisation, or of this Act or any other written law;

(e) the vessel is an IUU listed vessel;

(ea) there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;

(f) the vessel has been engaged in activities undermining the effectiveness of international conservation and management measures adopted by Trinidad and Tobago;

(g) it is necessary to ensure compliance by Trinidad and Tobago with its obligations under any treaty, convention or other regional and international agreement to which Trinidad and Tobago is a party;

(h) to do so is in accordance with such other grounds as may be prescribed; and

(i) it is accordance with such additional grounds as may be prescribed.

(2) Where the Minister, on the recommendation of the Director, proposes to suspend or revoke a commercial fishing vessel authorisation in accordance with subsection (1), he shall give the authorisation-holder written notice of the proposed suspension or revocation and provide reasons.

(2A) An authorisation-holder may submit written reasons as to

why the commercial fishing vessel authorisation should not be suspended or revoked to the Minister within fourteen days of receipt of a notice under subsection (2).

(2B) Where the Minister is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty- one days from the date of receipt of those reasons and notify the authorisation-holder of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and
(b) the date on which the suspension or revocation comes into effect.

(3) Where an authorisation is suspended, the authorisation shall not be reinstated unless the authorisation-holder demonstrates that the reasons for the suspension no longer apply.

(4) Where an authorisation is suspended, the authorisation shall not be reinstated unless the authorisation-holder demonstrates that the reasons for the suspension no longer apply.

(5) Where an authorisation is revoked, no new authorisation shall be issued unless the authorisation-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of commercial fishing vessel authorisation

97. (1) An authorisation-holder who no longer intends to use a vessel for the purposes of fishing and fishing related activities may surrender the commercial fishing vessel authorisation to the Minister and the Minister shall cancel the commercial fishing vessel authorisation.

(2) The Minister, on the recommendation of the Director, shall cancel a commercial fishing vessel authorisation where he determines that -

(a) the issue of the authorisation was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; and

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director, proposes to cancel a commercial fishing vessel authorisation in accordance with subsection (2), he shall give the authorisation-holder written notice of the proposed cancellation and provide reasons

(3A) An authorisation-holder under subsection (3) may submit written reasons as to whyhis commercial fishing authorisation should not be cancelled to the Minister, within fourteen days of receipt of the notice.

(4) Where the Minister is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the authorisation-holder of his decision in writing, including, where applicable –

(a) the reasons for the cancellation; and
(b) the date on which the cancellation comes into effect.

PART XII

RECREATIONAL FISHING

Application

98. This Part applies to recreational fishing-

(a) in the fishery waters-

(i) on a Trinidad and Tobago vessel or foreign vessel; or

(ii) without a vessel; and

(b) areas beyond national jurisdiction on a Trinidad and Tobago vessel.

Requirement for a recreational fishing vessel licence for Trinidad and Tobago vessels

99. (1) Unless otherwise prescribed, a person shall not use a Trinidad and Tobago vessel for recreational fishing in the fishery waters, unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid recreational fishing vessel licence in relation to it.

(2) A person who uses or authorises the use of a Trinidad and Tobago vessel in contravention of subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(3) An application for a recreational fishing vessel licence shall be made by the owner of a Trinidad and Tobago vessel to the Director in the manner prescribed on the approved form and be accompanied by the prescribed fee.

(4) The Director, upon receiving an application under sub-section (3), may issue the applicant with a recreational fishing vessel licence in respect of the Trinidad and Tobago vessel to which the application refers and may attach specific terms and conditions as may be prescribed.

(5) The Director may refuse to issue a recreational fishing vessel licence on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a term or condition of a recreational fishing vessel licence previously issued to him and, taking into consideration the nature and gravity of the breach;

(c) the vessel in respect of which the application is made-

(i) does not have a valid Certificate of Record issued under this Act; or

(ii) is not in compliance with this Act;

(d) the vessel is an IUU listed vessel;

(da) there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;

(e) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has,

within six years prior to the date of his application, been used in the commission of an offence—

(i) under this Act for which the penalty on conviction is imprisonment for one year or more; or

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(f) such additional grounds as may be prescribed.

(5A) Subsection (5)(d) to (da) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Director that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Director is satisfied that issuance of a recreational fishing vessel licence would not subvert the purposes of any treaty, convention or other regional and international agreement to which Trinidad and Tobago is a party.

(6) Where the Director proposes to refuse to issuea recreational

fishing vessel licence in accordance with subsection (5), he shall give the applicant written notice of the proposed refusal and provide reasons.

(6A) An applicant under subsection (6) may submit written reasons as to why a recreational fishing vessel licence should not be refused to the Director, within fourteen days of receipt of the notice.

(6B) Where the Director is in receipt of written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(6) A person who breaches any of the terms or conditions of a recreational fishing vessel licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(7) Where a person on board a recreational fishing vessel breaches any term or condition of a recreational fishing vessel licence under subsection (7) and commits an offence, the master of the fishing vessel shall also be deemed to have committed the offence and shall be liable on summary conviction to the penalty specified in **Schedule 1.**

Requirement for a recreational fishing permit

100. (1) A person on board a –

(i) Trinidad and Tobago recreational fishing vessel in the fishery waters;

(ii) Trinidad and Tobago recreational fishing vessel in areas beyond national jurisdiction; or

(iii) foreign recreational fishing vessel in the fishery waters,

shall be the holder of a valid recreational fishing permit unless the vessel is not engaged in recreational fishing.

(2) The Director, or a person authorised by him, shall issue a recreational fishing permit to a person on receipt of the prescribed fee and may attach any of the prescribed terms and conditions to the permit as he thinks fit.

(2A) A person who contravenes subsection (1) or breaches any of the terms or conditions of a recreational fishing permit commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(3) The master of a –

(i) Trinidad and Tobago recreational fishing vessel in the fishery waters;
(ii) Trinidad and Tobago recreational fishing vessel in areas beyond national jurisdiction; or
(iii) foreign recreational fishing vessel in the fishery waters,

shall ensure that a person on board the vessel is the holder of a valid recreational fishing permit, unless the vessel is not engaged in recreational fishing.

(4) A master who contravenes subsection (3) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4A) Where a person breaches any of the terms or conditions of a recreational fishing permit, the master of the vessel where the contravention occurred, is deemed to have committed the offence and shall also be held personally liable on summary conviction to the penalty specified in **Schedule 1**.

(5) A person shall keep his recreational fishing permit on his person while engaged in recreational fishing, or the landing of fish caught by means of recreational fishing, in the fishery waters.

(6) A person referred to in subsection (5) who fails, upon request by an authorised officer, to produce his recreational fishing permit commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for non-vessel recreational fishing permit

101. (1) No person shall engage in any prescribed type of recreational fishing in the fishery waters without a vessel unless he is the holder of a valid non-vessel recreational fishing permit.

(2) An application for a non-vessel recreational fishing permit shall be made to the Director on the approved form and shall be accompanied by the prescribed fee.

(3) The Director, upon receiving an application under subsection (2), may issue the applicant with a non-vessel recreational fishing permit and may attach any of the prescribed terms and

conditions to the permit as he thinks fit.

(4) The Director may refuse to issue a non-vessel recreational fishing permit on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached ~~a~~ any of the terms or conditions of a non-vessel recreational fishing permit previously issued to him and, taking into consideration the nature and gravity of the breach

(c) the applicant has within two years prior to the date of his application, been convicted of an offence –

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(d) such additional grounds as may be prescribed.

(5) Where the Director proposes to refuse to issue a non-vessel recreational fishing permit in accordance with subsection (4), he shall give the applicant written notice of the proposed refusal and provide reasons.

(5A) An applicant under subsection (5) may submit written reasons as to why a non-vessel recreational fishing permit should not be refused to the Director, within fourteen days of receipt of the notice.

(5B) Where the Director is in receipt of written reasons under subsection (5A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(6) A person who contravenes subsection (1) or breaches any of the terms or conditions of a non-vessel recreational fishing permit commits an offence and is liable on summary conviction to penalty specified in **Schedule 1**.

Requirement for recreational foreign fishing vessel licence

102. (1) No foreign fishing vessel shall be used for recreational fishing in the fishery waters, unless the vessel has a valid recreational foreign fishing vessel licence.

(2) A person intending to use a foreign fishing vessel for recreational fishing in the fishery waters shall apply to the Minister for a recreational foreign fishing vessel licence in the manner prescribed.

(3) An application for a recreational foreign fishing vessel licence shall be made by the owner of the vessel to the Minister on the approved form and shall be accompanied by the prescribed fee.

(4) The Minister, upon receiving an application under subsection (3), may, on the recommendation of the Director, issue the applicant with a recreational foreign fishing vessel licence and may attach any of the prescribed terms and conditions to the licence as he thinks fit.

(4A) The operator of a foreign fishing vessel, permitted to be used for recreational fishing, shall—

(a) appoint an authorized local representative resident in Trinidad and Tobago who shall act as the agent of the operator of the foreign fishing vessel; and

(b) notify the Minister, on the approved form, of the name, address and other particulars of the local representative resident in Trinidad and Tobago appointed by him, and any notices or documents required to be served on an operator of the foreign fishing vessel may be served on the local representative.

(5) The Minister may, on the recommendation of the Director, refuse to issue a recreational foreign fishing vessel licence on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached ~~a~~ any of the terms or conditions of a recreational foreign fishing vessel licence previously issued to him and, taking into consideration the nature and gravity of the breach;

(c) the vessel is an IUU listed vessel;

(ca) there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.

(d) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence -

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(e) such additional grounds as may be prescribed.

(5B) Subsection (5)(c) to (ca) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Director that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Director is satisfied that issuance of a recreational foreign fishing vessel licence would not subvert the purposes of any treaty, convention or other international agreement to which Trinidad and Tobago is a party.

(6) Where the Minister proposes to refuse to issue a recreational foreign fishing vessel licence in accordance with subsection (5), he shall give the applicant written notice of the proposed refusal and provide reasons.

(6A) An applicant under subsection (6) may submit written reasons as to why a recreational foreign fishing vessel licence should not be refused to the Minister, within fourteen days of receipt of the notice.

(6B) Where the Minister is in receipt ofwritten reasons under subsection (6A), he shall consider those reasons and make a determination within twenty- one days from the date of receipt ofthose reasons and notify the applicantof his decision in writing and provide reasons.

(7) A person who uses or authorises the use of a foreign fishing vessel in contravention of subsection (1) or breaches any of the terms or conditions of a recreational foreign fishing vessel licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(8) Where a person on board a foreign fishing vessel breaches any term or condition of a recreational foreign fishing vessel licence under subsection (7) and commits an offence, the master of the fishing vessel shall also be deemed to have committed the offence and shall be liable on summary conviction to the penalty specified in **Schedule 1.**

Stowage of fishing gear by foreign vessel engaged in recreational fishing

102A. (1) The fishing gear of any foreign vessel shall be stowed at all times while the vessel is in the fishery waters unless the vessel is engaged in fishing in a location in which it is approved to fish, including pursuant to a recreational foreign fishing vessel licence, and the fishing related activity is conducted in accordance with the terms or conditions of a licence and this Act.

(2) The master of a foreign vessel who uses or authorises the use of the vessel in contravention of this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for recreational fishing vessel authorisation in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels

103. (1) No person shall use a Trinidad and Tobago vessel for recreational fishing in areas beyond national jurisdiction unless the vessel-

(a) has been entered on the Record of Trinidad and Tobago Fishing Vessels;

(b) holds a valid recreational fishing vessel authorisation; and

(c) where the waters are under the jurisdiction of another State, holds a valid licence issued by the Competent Authority of that State.

(2) An application for a recreational fishing vessel authorisation shall be made to the Minister on the approved form and shall be accompanied by the prescribed fee.

(3) The Minister, upon receiving an application under subsection (2), may, on the recommendation of the Director, issue the

applicant with a recreational fishing vessel authorisation and may attach any of the prescribed terms and conditions to the authorisation as he thinks fit.

(4) The Minister may, on the recommendation of the Director, refuse to issue a recreational fishing vessel authorisation on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached any of the terms or conditions of a recreational fishing vessel authorisation previously issued to him and, taking into consideration the nature and gravity of the breach;

(c) the vessel in respect of which the application is made-

(i) does not have a valid Certificate of Record issued under this Act; or

(ii) is not in compliance with this Act;

(d) the vessel is an IUU listed vessel;

(da) there is evidence that the vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing

(e) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence –

(i) under this Act for which the penalty on conviction is imprisonment for one year or more; related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for

which the penalty on conviction is imprisonment for one year or more;

(ii) for which the penalty on conviction is imprisonment for three years or more;

(iii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(iv) in violation of applicable regional or international conservation and management measures; or

(f) such additional grounds as may be prescribed.

(5) Where the Minister, on the recommendation of the Director, proposes to refuse to issue a recreational fishing vessel authorisation in accordance with subsection (4), he shall give the applicant written notice of the proposed refusal and provide reasons.

(5A) An applicant under subsection (5) may submit written reasons as to why a recreational fishing authorisation should not be refused to the Minister, within fourteen days of receipt of the notice.

(5B) Where the Minister is in receipt of written reasons under subsection (5A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(6) A person who breaches any of the terms or conditions of a recreational fishing vessel authorisation commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(7) Where a person on board breaches any term or condition of a recreational fishing vessel authorisation and commits an offence under subsection (6) in respect of a Trinidad and Tobago fishing vessel for recreational fishing in areas beyond national jurisdiction, the master of the fishing vessel shall also be deemed to have committed the offence and shall be liable on summary conviction to the penalty specified in **Schedule 1**.

(8) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Terms and conditions for recreational fishing

104. General terms and conditions for authorisations, licences and permits issued under this Part are to be prescribed.

Validity: a recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence a recreational fishing vessel authorisation

105. A recreational fishing vessel licence, a recreational fishing permit, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence and a recreational fishing vessel authorisation shall be valid, unless suspended or revoked under **section 108** or cancelled under **section 109**, for a period to be specified in the authorisation, licence or permit.

Notification of change

106. (1) A holder of an authorisation, licence or permit issued under this Part shall notify the Minister or Director, as the case may be, of any change in the information provided in his application form for the recreational fishing authorisation, licence or permit, not later than fourteen days after the change.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement to carry on board authorisation or licence

107. (1) The master of a vessel shall ensure that a valid recreational fishing vessel licence or valid recreational foreign fishing vessel licence is on board the vessel at all times while the vessel is engaged in recreational fishing in the fishery waters.

(2) The master of a Trinidad and Tobago vessel shall ensure that a recreational fishing vessel authorisation is on board the vessel at all times while the vessel is engaged in recreational fishing in areas beyond national jurisdiction.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Suspension or revocation of recreational fishing vessel licence,

108. (1) The Director may suspend or revoke a recreational fishing vessel licence, recreational fishing permit, or a non-vessel recreational fishing permit, issued under this Part -

recreational fishing permit, non-vessel recreational fishing permit, recreational foreign fishing vessel licence or recreational fishing vessel authorisation

(a) where the issue of such licence or permit was based on false information;

(b) where the holder of such licence or permit is in breach of any of the terms and conditions in this Act or set out in such licence or permit;

(c) where there is evidence that the holder of such licence or permit and any other person who is engaged in his fishing operations, is engaged in IUU fishing or fishing related activities in support of such IUU fishing;

(d) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of~~,~~ an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which he penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(e) in accordance with additional grounds as may be prescribed.

(1A) The Minister may, on the recommendation of the Director, suspend or revoke a recreational foreign fishing vessel licence or recreational fishing vessel authorisation issued under this Part –

(a) where the issue of such licence or authorisation was based on false information;

(b) where the holder of a licence or authorisation is in breach of any of the terms and conditions in this Act or set out in such licence or authorisation;

(c) where there is evidence that the holder of such licence or authorisation and any other person who is engaged in his fishing operations, is engaged in IUU fishing or fishing related activities in support of such IUU fishing;

(d) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime

activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(e) in accordance with additional grounds as may be prescribed.

(2) Where a recreational fishing vessel licence, non-vessel recreational fishing permit, recreational fishing permit or recreational fishing authorisation is revoked or suspended under this section, the Director shall give the holder of such authorisation, licence or permit written notification of the revocation or suspension and provide reasons.

(3) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to suspend or revoke an authorisation, licence or permit in accordance with subsection(1) and (1A), he shall give the holder of an authorisation, licence or permit, written notice of the proposed suspension or revocation and provide reasons.

(3A) The holder of an authorisation or, licence or permit may submit written reasons as to why the authorisation, licence or permit should not be suspended or revoked to the Minister or Director, as the case may be, within fourteen days of receipt of the notice.

(3B) Where the Minister or the Director, as the case may be, is in receipt of written reasons under subsection (3A), he shall consider those reasons andmake a determination within twenty-one days from the date of receipt of those reasons and notify the authorization-holder, licence-holder or permit-holder of his decision in writing including, where applicable –

(a) the reasons for the suspension or revocation; and

(b) the date on which the suspension or revocation comes into effect.

(5) Where an authorisation, licence or permit is suspended under this section, the authorisation, licence or permit shall not be reinstated unless the authorization-holder, licence-holder or permit-

holder demonstrates that the reasons for the suspension no longer apply.

(6) Where an authorisation, licence or permit is revoked under this section, no new authorisation, licence or permit shall be issued unless the authorisation-holder, licence-holder or permit-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of recreational fishing vessel licence, recreational fishing permit, non-vessel recreational fishing permit, or recreational fishing vessel authorisation

109. (1) The holder of a recreational fishing vessel licence, recreational fishing permit, non-vessel recreational fishing permit, as the case may be, who no longer intends to conducts recreational fishing may surrender the licence or permit, as the case may be, to the Director and the Director shall cancel the licence or permit.

(1A) The holder of a recreational foreign fishing vessel licence or a recreational fishing vessel authorisation, as the case may be, who no longer intends to conduct recreational fishing may surrender the licence or authorisation, to the Minister and the Minister shall cancel the licence or authorisation.

(2) The Director shall cancel the recreational fishing vessel licence, recreational fishing permit or non-vessel recreational fishing permit-where he determines that -

(a) the issue of the, licence or permit was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(2A) The Minister, on the recommendation of the Director, shall cancel the recreational foreign fishing vessel licence or recreational fishing vessel authorisation where he determines that -

(a) the issue of the authorisation or licence was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any

particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director, or Director, as the case may be, proposes to cancel an authorisation, licence or permit in accordance with subsections (2) and (2A), the Minister or Director, as the case may be, shall give the authorization-holder, licence-holder or permit-holder written notice of the proposed cancellation and provide reasons unless the holder of submits written reasons to the satisfaction of the Director as to why the authorisation, licence or permit should not be cancelled.

(3A) An authorization-holder, licence-holder or permit-holder under subsection (3) may submit written reasons as to why the authorisation, licence or permit should not be cancelled to the Minister or Director, as the case may be, within fourteen days of receipt of the notice.

(4) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (3A), the Minister or Director, as the case may be, shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the authorization-holder, licence-holder or permit-holder of his decision in writing, including, where applicable –

(a) the reasons for the cancellation; and

(b) the date on which the cancellation comes into effect.

PART XIII

COMMERCIAL FOREIGN FISHING VESSELS

Agreements with a foreign State for access

110. (1) A fisheries access agreement shall be made between or among states, which -

(a) relates to areas in the fishery waters, is subject to the sovereignty and sovereign rights of Trinidad and Tobago over fisheries resources;

(b) authorises fishing in areas beyond the fishery waters, is subject to the requirements of any treaty convention

or other regional or international agreement to which Trinidad and Tobago is party;

(c) shall ensure the responsibility of the other party to take all measures to ensure compliance with the terms and conditions of the agreement and with all applicable laws of Trinidad and Tobago;

(d) in respect of each fishing vessel, shall require the other party to−

(i) appoint and maintain an authorised local representative resident in Trinidad and Tobago who shall have authority to receive and respond to any legal process; and

(ii) notify the Director of the name and address of the authorised local representative resident in Trinidad and Tobago, and any communication, information, document, direction, request or response to or from that authorised local representative, shall be deemed to have been sent to, or received from the other party; and

(a) shall be consistent with the principles and measures referred to in **section 6**.

(2) A fisheries access agreement may provide, for—

(a) the authorisation of fishing, fishing related activities or other activities or operations described in this Act;

(b) the issuance of licences for fishing, or permits for fishing related activities or other operations described in this Act;

(c) harmonised terms and conditions for access to fisheries, including for monitoring, control, surveillance and enforcement, conservation and management of fisheries, sharing of data and information; and

(d) such other matters as may be required for the effective implementation of the agreement in accordance with this Act.

General requirements

111. (1) Subject to **section 112**, a foreign fishing vessel that is in the fishery waters shall act in accordance with national and international law concerning navigation and the protection and preservation of the marine environment.

(2) A foreign vessel shall not be used in the fishery waters for fishing or for fishing related activities or other activities authorised under this Act unless -

(a) it is used in accordance with a valid commercial foreign fishing vessel licence or permit for fishing related activities issued pursuant to this Act;

(b) there is an applicable fisheries access agreement; and

(c) the owner of the foreign fishing vessel has appointed an authorised local representative resident in Trinidad and Tobago to act as his agent.

(3) An operator of a foreign fishing vessel without a valid commercial foreign fishing vessel licence or relevant permit for fishing related activities shall ensure that, while the vessel is in the fishery waters, all gear on board the vessel is stowed in such manner that it is not readily available for fishing or fishing related activities.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Reporting by foreign fishing vessels intending to navigate or navigating through the fishery waters

112. (1) An operator of a foreign fishing vessel intending to navigate or navigating through the fishery waters without a valid commercial foreign fishing vessel licence or relevant permit for fishing related activities shall submit a report containing the—

(a) name of the vessel;

(b) the International Maritime Organization (IMO) number, if any, any other unique identifier, and

the international radio call sign which is held by the vessel;

(c) International Radio Call Sign;

(d) flag registration;

(e) the date, time and position to one minute of arc;

(f) complement;

(g) intended activity;

(h) fishing gear on board;

(i) catch on board; and

(j) such other information as may be prescribed.

(2) A report made under subsection (1) shall be submitted in English to the Director or his nominee—

(a) in the prescribed manner;

(b) at prescribed distances or time intervals prior to entry into the fishery waters;

(c) upon entry into the fishery waters;

(d) at prescribed time intervals while in the fishery waters;

(e) upon departure from the fishery waters; and

(f) at any other prescribed time.

(3) Where the operator of a foreign fishing vessel navigating through the fishery waters refuses or otherwise fails to report the information described in subsections (1) and (2), there shall be a presumption that all fish found on board such vessel have been caught in the fishery waters in contravention of this Act.

(4) The Director may work with such other agencies as he may think fit in the implementation of subsections (1) and (2) and may, in consultation with those agencies issue notices of the reporting requirement for foreign fishing vessels intending to navigate or

navigating through the fishery waters.

(5) A person who contravenes subsections (1) and (2) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for commercial foreign fishing vessel licence

113. (1) No foreign vessel shall be used for fishing in the fishery waters unless there is a valid commercial foreign fishing vessel licence issued under **section 114** in relation to it.

(2) An operator of a foreign vessel who uses or authorises or directs in any way the use of the foreign vessel in contravention of subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Application for, and issuance of, commercial foreign fishing vessel licence

114. (1) An application for a commercial foreign fishing vessel licence shall be made by the owner of the fishing vessel to the Minister on the approved form and be accompanied by the prescribed fee.

(2) The Minister, upon receiving an application under this section, may, on the recommendation of the Director, issue the applicant with a commercial foreign fishing vessel licence in respect of the vessel to which the application refers.

(3) In deciding an application made under this section, the Minister shall take into account the following:

(a) the fisheries management plan, fisheries strategy, plan or programme governing the particular fishery the particular area applied for; and

(b) the record of compliance of the applicant with this Act and the former Acts.

(c) the applicant's record of compliance with regional and international conversation and management measures;

(d) if the vessel has the required approvals from its flag State; and

(e) any other relevant matter the Minister thinks fit.

(4) The holder of a commercial foreign fishing vessel licence shall notify the Minister of any change in the information set out in the application form for the licence, and in any case, not later than

fourteen days after the change.

(5) A holder of a commercial foreign fishing vessel licence who contravenes subsection (4) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Refusal to issue commercial foreign fishing vessel licence

115. (1) The Minister may, on the recommendation of the Director, refuse to issue a commercial foreign fishing vessel licence on any of the following grounds:

(a) the applicant is the subject of proceedings under bankruptcy laws of any jurisdiction and reasonable financial assurances have not been provided;

(b) failure to satisfy a judgment or other determination for a contravention of this Act or an access agreement by an operator of the vessel in respect of which an application for a licence has been made until such time as the judgment or other determination has been made;

(c) the applicant has contravened, or the vessel for which the application is made, has been used in contravention of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member;

(d) the applicant has contravened, or the vessel for which the application is made, has been used in the contravention of a treaty, convention, regional or international agreement to which Trinidad and Tobago is party;

(e) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence-

(i) under this act for which the penalty on conviction is imprisonment for the one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(f) the applicant has breached any of the terms or conditions of a commercial foreign fishing vessel licence previously issued to him and taking into consideration the nature and gravity of the breach;

(g) the vessel does not have the required approvals from its flag State;

(h) there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;

(i) the vessel does not have installed on board an MTU or other electronic device

(j) issuing of the licence would conflict or would be inconsistent with the requirements of this Act, an applicable access agreement, fisheries management agreement, Fisheries Management Plan or any international conservation and management measure binding on Trinidad and Tobago;

(k) such additional grounds as may be prescribed.

(2) Where the Minister, on the recommendation of the Director, proposes to refuse to issue a commercial foreign fishing vessel licence in accordance with subsection (1), he shall give the applicant written notice of the proposed refusal and provide reasons.

(2A) An applicant under subsection (2) may submit written reasons as to why a commercial foreign fishing vessel licence should not be refused to the Minister, within fourteen days of receipt of the notice under subsection (2).

(2B) Where the Minister is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

Requirement to carry on board a valid commercial foreign fishing vessel licence

115A. (1) The master of a foreign fishing vessel shall ensure that a valid commercial foreign fishing vessel licence is on board the vessel at all times while the vessel is engaged in commercial fishing in the fishery waters.

(2) A master who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Terms and conditions and validity of commercial foreign fishing vessel licence

116. (1) Subject to subsection (2), the Minister may on the recommendation of the Director, attach the following general terms and conditions on the issue of a commercial foreign fishing vessel licence, in accordance with the applicable fisheries access agreement:

(a) no commercial foreign fishing vessel licence shall be transferable;

(b) the fishing vessel to which the licence relates shall be marked and identified with an IMO number and in accordance with the written law of the flag State governing the marking and identification of vessels;

(c) the fishing gear on board shall be marked and identified;

(d) the preparation and submission of reports, including reports on fishing and fishing related activities, in intervals specified in the licence or as required by the Minister;

(e) requirement for fishing logbooks to be completed and submitted to the Minister at the intervals specified in the commercial foreign fishing vessel licence;

(f) to allow an observer on board and to remain on board the fishing vessel on the terms specified in **section 167**;

(g) provision of protection and indemnity insurance of observers on board;

(h) requirement to allow an authorised officer to board the vessel and to perform his duties in accordance with **sections 154, 155, 156, 157, 158, 159 and 161**;

(i) requirement to cooperate with an authorised officer or observer in compiling catch and fishing effort data or in taking of samples on behalf of the Minister for statistical or scientific purposed;

(j) requirement to hand over all data collected or samples taken to authorised officer or observer on request;

(k) the fishing vessel to which the licence relates shall have on board a functional MTU or other electronic devices;

(l) requirement to comply with this Act and any other written law of Trinidad and Tobago; and

(m) such other general terms and conditions as the Minister thinks fit.

(2) The Minister may, on the recommendation of the Director, attach to a commercial foreign fishing vessel licence specific terms and conditions relating to-

(a) the area in the fishery waters approved for fishing;

(b) the amount of catch to be marketed in Trinidad and Tobago;

(c) the transshipment of fish from or onto the foreign fishing vessel;

(d) restrictions relating to the numbers, types, sizes, specifications or operation of engines, gear and equipment to be used for fishing and fishing related activities;

(e) the proportion of catch that must be landed in Trinidad and Tobago at an identified port or designated landing site;

(f) the proportion of catch that may be removed from Trinidad and Tobago without being landed at any identified port or designated landing site in Trinidad and Tobago; and

(g) such other terms and conditions as the Minister thinks fit.

(3) An operator of a foreign fishing vessel engaged in fishing or any person on board the vessel who breaches of any of the terms or conditions attached to the commercial foreign fishing vessel licence commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) Where a person on board a foreign fishing vessel breaches any of the terms or conditions of a commercial foreign fishing vessel licence and commits an commits an offence under subsection (3), the master of the fishing vessel shall also be deemed to have committed the offence and shall be liable on summary conviction to the penalty specified in **Schedule 1**.

Validity of commercial foreign fishing vessel licence

116A. Subject to this Act a commercial foreign fishing vessel licence shall be valid, unless suspended or revoked under **section 117** or cancelled under **section 118**, for such a period as may be specified in the licence and shall not extend beyond the expiration of the corresponding access agreement.

Suspension or revocation of a commercial foreign fishing vessel licence

117. (1) The Minister may, on the recommendation of the Director, suspend or revoke a commercial foreign fishing vessel licence where the Minister is satisfied that-

(a) the issue of the foreign fishing vessel licence was based on false information;

(b) the vessel in respect of which the licence was issued has been used in contravention of this Act or in breach of any terms or conditions or restrictions in the licence;

(c) the vessel in respect of which the licence was issued has engaged in activities undermining the effectiveness of international conservation and management measures adopted by Trinidad and Tobago;

(d) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six days prior to the date of his application, been used in the commission of an offence –

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment to one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures; or

(e) the vessel is an IUU listed vessel;

(ea) there is evidence that the fishing vessel was engaged in or supporting IUU fishing related activities in support of such fishing;

(f) it is necessary to ensure compliance by Trinidad and Tobago with its obligations under any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party; or

(g) to do so is in accordance with such additional grounds as may be prescribed.

(2) Where the Minister, on recommendation of the Director, proposes to suspend or revoke a commercial foreign fishing vessel licence in accordance with subsection (1), he shall give the registration-holder written notice of the proposed suspension and provide reasons.

(2A) A holder of the commercial foreign fishing vessel licence may submit written reasons as to why his registration should not be suspended or revoke to the Minister, within fourteen days of receipt of a notice under subsection (2).

(2B) Where the Minister is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the registration-holder of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and

(b) the date on which the suspension or revocation comes into effect.

(3) Where a commercial foreign fishing vessel licence is suspended or revoked, the licence shall not be reinstated unless the licence-holder demonstrates that the reasons for the suspension no longer apply; and

(4) Where a commercial foreign fishing vessel licence is revoked, no new licence shall be issued unless the licence-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of commercial foreign fishing vessel licence

118. (1) A licence-holder who no longer intends to uses a foreign fishing vessel for the purpose of commercial fishing may surrender the commercial foreign fishing vessel licence issued in respect of that vessel to the Minister and the Minister shall cancel the licence.

(2) The Minister shall, on the recommendation of the Director, cancel a commercial foreign fishing vessel licence where he determines that-

(a) the issue of the licence was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director—

(a) proposes to cancel a commercial foreign fishing vessel licence in accordance with subsection (2), he shall give the licence-holder written notice of the proposed cancellation and provide reasons.

(b) decides not to cancel the licence, he shall, as soon as is practicable, notify the licence-holder in writing.

(3A) A licence-holder under subsection (3) may submit written reasons as to why the commercial foreign fishing vessel licence should not be cancelled to the Minister, within fourteen days of receipt of the notice.

(4) Where the Minister is in receipt of written reasons under subsection (3A) he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of

those reasons and notify the holder of the commercial foreign fishing vessel licence of his decision in writing, including, where applicable -

(a) the reasons for the cancellation; and
(b) the date on which the cancellation comes into effect.

Reporting and record-keeping in respect of commercial foreign fishing vessels

119. (1) While in the fishery waters, the master of a commercial foreign fishing vessel shall cause to be prepared, at such times as the Minister, on the recommendation of the Director, may require, a written report in English setting out information on the operations of the vessel in the fishery waters.

(2) A report under subsection (1) shall be made in such form and for such period as the Minister, on the recommendation of the Director, may require, and shall be submitted to the Minister not later that fourteen days, after the close of the period to which the report applies.

Logbook reporting for commercial foreign fishing vessels

119A. (1) The master of a commercial foreign fishing vessel shall, on a daily basis, maintain a fishing logbook, including a record of catches, in a form specified by the Minister, on the recommendation of the Director, for the purpose of recording the fishing operations of the vessel while in fishery waters.

(2) The master of a commercial foreign fishing vessel shall, upon request by the Minister, on the recommendation of the Director-

(a) provide the original logbook for inspection;

(b) transmit a copy of the log book within forty-eight hours of the receipt of the request; and

(c) provide any other specified documents relating to catches or to the composition of those catches made by the vessel in the fishery waters to the Minister.

(3) The log book maintained under subsection (1) shall be retained by the master of a commercial fishing vessel for a period of at least twelve months following the end of the voyage to which the log book pertains.

Radio reporting for commercial foreign fishing vessels

119B. (1) The Minister, on the recommendation of the Director, may require that the master of a commercial foreign fishing vessel cause radio reports to be made-

(a) immediately upon entry of the vessel into the fishery waters;

(b) on such day as specified by the Minister, on the recommendation of the Director, during the period that the vessel is in the fishery waters;

(c) at least four hours prior to the departure of the vessel from the fishery waters; and

(d) at any other times as the Minister, on the recommendation of the Director, may specify.

(2) A report made under subsection (2) shall contain details of-

(a) name of the vessel;

(b) the international Maritime Organization (IMO) number, if any, any other unique identifier and the international radio call sign which is held by to the vessel;

(c) flag of registration;

(d) date, time and the position to one minute of arc of;

(e) complement;

(f) fishing gear;

(g) the total catch, by species, on board the vessel at the time of reporting; and

(h) such other information relating to fishing operations as the Minister, on the recommendation of the Director thinks fit.

(3) A master of a foreign fishing vessel who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) The Minister may require the owner of a commercial foreign fishing vessel to provide information concerning the vessel, its operations and its crew and any other information to the Minister, on the recommendation of the Director, as he thinks fit.

(5) An owner of a foreign fishing vessel who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**

Stowage of fishing gear

120. (1) The fishing gear of any commercial foreign fishing vessel shall be stowed at all times while the vessel is in the fishery waters except when the vessel is engaged in fishing in a location in which it is approved to fish, including pursuant to a commercial foreign fishing vessel licence, and the fishing activity is conducted in accordance with the terms or conditions of a licence and this Act.

(2) The master of a commercial foreign fishing vessel who uses or authorises the use of the vessel in contravention of this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

PART XIV

FISHING RELATED ACTIVITIES

Division 1
Ports and Landing Sites

Identification of ports and designation of landing sites

121. (1) The Minister may, by Order, after consultation with the Director -

(a) identify ports, including privately-owned or managed ports, or other areas specified by the Director, for the purposes of landing, transshiping, importing, exporting, or re-exporting, of fish; and

(b) designate a location, including privately-owned or managed locations as a landing site, the purposes of the landing of fish.

(2) The Minister shall not identify a privately-owned port or designate a privately-owned landing site under subsection (1) without the written consent of the owner of the port or landing site.

(3) The ports identified and landing sites designated in accordance with subsection (1) shall be publicised and have the requisite capacity for the conduct of inspections and meet such other criteria as may be prescribed.

(4) No person shall use a:

(a) location for the landing of fish catches other than an identified port or a landing site designated under subsection (1) for that purpose, unless otherwise specified by the Director; or

(b) port or other location for the landing, transshipping, importing, exporting or re-exporting of fish, other than a port identified or landing site designated under subsection (1).

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(6) Subsection (4)(b) does not apply to the holders of a non-vessel commercial fishing licence, recreational fishing vessel licence, recreational fishing permit, non-vessel recreational fishing permit, recreational foreign vessel fishing licence or recreational fishing vessel authorisation.

(7) The Director shall, notify regional and international organisations of the ports identified and landing sites designated under subsection (1).

Maintenance and inspection of designated landing sites

122. (1) The Minister shall cause designated landing sites, other than privately-owned designated landing sites, to be so maintained as to provide:

(a) adequate onshore and offshore infrastructure, which may include locker rooms, fishing gear and boat repair sheds, engine storage, market facilities, slipways and jetties;

(b) adequate servicing facilities for vessels, vendors

and buyers;

(c) adequate freshwater supplies and storage and sanitation arrangements; and

(d) waste disposal systems, including for the disposal of fishing gear; and

(e) facility management services including safety and security services.

Division 1A

Landing Permits

Requirement for a landing permit

122A. (1) No person shall –

(a) land fish; or

(b) cause or allow fish to be landed,

in Trinidad and Tobago, unless –

(i) there is a valid landing permit in relation to it; and

(ii) the landing of the fish is carried out at an identified port, designated landing site or a specified area under **section 121**.

(2) Subsection (1) shall not apply to any category of licence, permit or authorisation granted an exemption by the Minister, by Order, on the recommendation of the Director.

(3) No Trinidad and Tobago vessel shall land in areas beyond national jurisdiction unless—

(a) there is a valid landing permit issued under **section 122B**; and

(b) where applicable, the landing is carried out in accordance with the law of the jurisdiction where the Trinidad and Tobago vessel is located.

(4) All landings shall be reported in the form and manner determined by the Director.

(5) Any person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Application and issuance of landing permit

122B. (1) An application for a landing permit in relation to -

(a) a foreign fishing vessel, shall be made to the Minister; or

(b) any other fishing vessel shall be made to the Director,

on the approved form.

(2) Upon receipt of an application made under subsection (1) and payment of the prescribed fee-

(a) the Minister, on the recommendation of the Director; or

(b) the Director,

may issue a landing permit.

(3) The applicant shall notify the Minister or Director, as the case may be, of any change in the information set out in the application form for the landing permit immediately after the change.

(5) Any person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Refusal to issue landing permit

122C. (1) The Minister, on the recommendation of the Director, or the Director, as the case may be, may refuse to issue a landing permit on any of the following grounds:

(a) the application for the landing permit in respect of a vessel does not have –

(i) a valid andapplicable approval to engage in fishing or fishing related activities issued by its flag State; or

(ii) the documents required by the port State in the submission of its application;

(b) the issuance of the permit would conflict or be inconsistent with any licensing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(c) the fishing vessel in respect of which the application is made has been used —

(i) in a manner which contravenes any provision of this Act; or

(ii) in breach of any of the terms and conditions of a previously issued landing permit;

(d) the applicant's record of non-compliance with this Act and the former Acts;

(e) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more; or

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures;

(f) the fishing vessel in respect of which the application is made, is an IUU listed vessel;

(g) there is evidence that the fishing vessel in respect of which the application is made, was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(h) it is in accordance with such other additional grounds as may be prescribed.

(2) Subsection (1) (f) to (g) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister or Director, as the case may be, that the previous owner or master has no legal, beneficial or financial material interest in the vessel;

(b) the Minister, on the recommendation of the Director, or Director, as the case may be, is satisfied that issuance of a landing permit would not subvert the purposes of any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

(3) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to refuse to issue a landing permit in accordance with subsection (1), he shall give the applicant written notice of the proposed refusal and provide reasons.

(4) An applicant under subsection (3) may submit written reasons as to why a landing permit should not be refused to the Minister or Director, as the case may be, immediately upon the receipt of the notice.

(5) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (4), he shall consider those reasons and make a determination immediately upon the receipt

of those reasons and notify the applicant of his decision in writing and provide reasons.

(6) The timeframes specified in subsections (4) and (5) for a category of licence, permit or authorisation, may be varied by the Minister, by Order, on the recommendation of the Director.

Terms and conditions of landing permit

122D. (1) Subject to **section 122A(2)**, the permit holder or the operator of any fishing vessel shall comply with the terms and conditions of the landing permit as determined by the Minister, on the recommendation of the Director, or the Director, as the case may be.

(2) Any person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Validity of landing permit

122E. A landing permit shall be valid for the period specified in the permit, unless suspended or revoked under **section 122F** or cancelled under **section 122G**.

Suspension and revocation of landing permit

122F. (1) The Minister, on the recommendation of the Director, or Director, as the case may be, may suspend or revoke any landing permit that was issued where he is satisfied that-

(a) the issue of the landing permit was based on false information;

(b) a fishing vessel to which a landing refers, does not have a valid and applicable approval to engage in fishing or fishing related activities issued by its flag State;

(c) the issuance of the landing permit would conflict or be inconsistent with any licensing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(d) the fishing vessel in respect of which the application is made has been used —

(i) in a manner which contravenes any provision of this Act; or

(ii) in breach of any of the terms and conditions of a previously issued landing

permit;

(d) the applicant's record of non-compliance with this Act and the former Acts;

(e) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more; or

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures;

(f) any of the terms or conditions of the landing permit has been breached;

(g) where the landing of fish has been undertaken in violation of any regional or international arrangement or agreement to which Trinidad and

Tobago is a party;

(h) the fishing vessel(s), to which the permit refers, is an IUU listed vessel;

(i) there is evidence that a fishing vessel towhich the landing refers and which is seeking entry into port was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(j) it is in accordance with such additional grounds as may be prescribed.

(2) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to suspend or revoke a landing permit in accordance with subsection (1), he shall give the permit-holder written notice of the proposed suspension or revocation and provide reasons.

(3) A permit-holder under subsection (2) may submit written reasons as to why a landing permit should not be suspended or revoked to the Minister or Director, as the case may be, immediately of receipt of the notice.

(4) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (3), he shall consider those reasons and make a determination immediately upon receipt of those reasons and notify the permit-holder of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and

(b) the date on which the suspension or revocation comes into effect.

(5) The timeframes specified in subsections (3) and (4) for a category of licence, permit or authorisation, may be varied by the Minister, by Order, on the recommendation of the Director.

(6) Where a landing permit is suspended, the landing permit shall not be reinstated unless thepermit-holder demonstrates that the reasons for the suspension no longer apply.

(7) Where a landing permit is revoked, no new landing permit shall be issued unless the permit-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of landing permit

122G. (1) A permit holder who no longer intends to land fish at an identified port, designated landing site or specified area may surrender the landing permit issued in respect of that vessel to the Minister or the Director, as the case may be, and the Minister or Director shall cancel the permit.

(2) The Minister, on the recommendation of the Director, or the Director, as the case may be, shall cancel the landing permit where he determines that -

(a) the issue of the permit was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to cancel the landing permit in accordance with subsection (2), the Minister or Director, as the case may be, shall give the permit-holder written notice of the proposed cancellation and provide reasons.

(4) A permit-holder under subsection (3) may submit written reasons as to why the permit should not be cancelled to the Minister or the Director, as the case may be, immediately upon receipt of the notice.

(5) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (4), he shall consider those reasons and make a determination immediately upon receipt of those reasons and notify the permit-holder of his decision in

writing, including, where applicable –

(a) the reasons for the cancellation; and

(b) the date on which the cancellation comes into effect.

(6) The timeframes specified in subsections (4) and (5) for a category of licence, permit or authorisation, may be varied by the Minister, by Order, on the recommendation of the Director.

Division 2

Transshipment Permits

Requirement for a transshipment permit

123. (1) No transshipment shall take place in the fishery waters unless-

(a) there is a valid transshipment permit issued under **section 124** in relation to each vessel; and

(b) the transshipment is carried out as specified in the transshipment permit.

(2) No Trinidad and Tobago vessel shall be used for transshipment in areas beyond national jurisdiction unless-

(a) there is a valid transshipment permit; and

(b) where applicable, the transshipment is carried out in accordance with the law of the jurisdiction where the Trinidad and Tobago vessel is located.

(3) All transshipment shall be reported in the form and manner to be determined by the Director.

(4) Any person who contravenes this section commits an offence and is liable on summary conviction to penalty specified in **Schedule 1**.

125. Application and issuance of a transshipment permit

124. (1) An application for a transshipment permit in relation to—

(a) a foreign fishing vessel shall be made to the Minister; or

(b) any other fishing vessel shall be made to the Director,

on the approved form.

(2) Upon receipt of an application made under subsection (1) and payment of the prescribed fee—

(a) the Minister, on the recommendation of the Director;
or
(b) the Director,

may issue a transhipment permit.

(4) An applicant shall notify the Minister or Director, as the case may be, of any change in the information set out in the application form for a transhipment permit not later than fourteen days after the change.

(5) A permit holder who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Refusal to issue transshipment permit

125. (1) The Director or Minister, on the recommendation of the Director, or the Director, as the case may be may refuse to issue a transshipment permit on any of the following grounds:

(a) the issuance of the permit would conflict or be inconsistent with any licensing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(b) any of the fishing vessels, in respect of which the application is made, has been used in a manner which contravenes any provision of this Act;

(c) any of the fishing vessels in respect of which the application is made, has been used in breach of any of the terms or conditions of a previously issued transshipment permit;

(d) the applicant's record of non-compliance with this Act and the former Acts;

(e) the applicant has, within two years prior to the

date of his application, been convicted , or the vessel in respect of which the application is made has, within six years prior to the date of his application, been used in the commission of, an offence-

(i) under this Act for which the penalty on conviction is imprisonment of one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more: or

(iv) related to fisheries, the environment related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory; or

(v) in violation of applicable regional or international conservation and management measures;

(f) any of the fishing vessels, in respect of which the application is made, is an IUU listed vessel;

(fa) there is evidence that any of the fishing vessels in respect of which the application is made, was engaged in or supporting IUU fishing or fishing related activities in support of such fishing

(g) the vessel, in respect of which the application is made, has been used for the contravention of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member; or

(h) it is in accordance with such other grounds as may be prescribed.

(1A) Subsection (1)(f) to (fa) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister or Director, as the case may be, that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Minister, on the recommendation of the Director, or Director, as the case may be, is satisfied that issuance of a transshipment permit would not subvert the purposes of any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

(2) Where the Minister, on the recommendation of the Directors, or Director, as the case may be, proposes to refuses to issue a transshipment permit in accordance with subsection (1), he shall give the applicant written notice of the proposed refusal and provide reasons.

(2A) An applicant under subsection (2) may submit written reasons as to why a transhipment permit should not be refused to the Minister or Director, as the case may be, within fourteen days of receipt of the notice.

(2B) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

Terms and conditions of a transshipment permit

126. (1) The permit holder or operator of a fishing vessel to which a transshipment refers shall comply with any of the terms and conditions of the transshipment permit as determined by the Minister, on the recommendation of the Director, or the Director, as the case may be.

(2) A permit holder or operator of a fishing vessel who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Validity of transshipment permit

127. A transhipment permit shall be valid for the period specified in the respective permit, unless suspended, or revoked under **section 128** or cancelled under **section 129**.

Suspension or revocation of transshipment permit

128. (1) The Minister, on the recommendation of the Director, or Director, as the case may be, may suspend or revoke transshipment permit that was issued where he is satisfied that-

(a) the issue of the transshipment permit was based on false information;

(aa) a fishing vessel to which a transshipment refers, does not have a valid and applicable authorization to engage in fishing or fishing related activities issued by its flag State;

(b) the applicant has, within two years prior to the date of his application, been convicted, or the vessel for which the application is made has, within six years prior to the date of his application, been used in the commission of an offence-

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State of territory; or

(v) in violation of applicable regional or international conservation and management

measures;

(c) any of the terms or conditions of the transshipment permit has been breached;

(d) where the transshipment of fish has been undertaken in violation of any regional or international arrangement or agreement to which Trinidad and Tobago is a party;

(e) the fishing vessel is an IUU listed vessel;

(ea) there is evidence that a fishing vessel to which the transshipment refers and which is seeking entry into port was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(f) it is in accordance with such additional grounds as may be prescribed.

(2) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to suspend or revoke a transshipment permit in accordance with subsection (1), he shall give the permit-holder written notice of the proposed suspension or revocation and provide reasons.

(2A) A holder of a transshipment permit under subsection (2) may submit written reasons as to why a transshipment permit should not be suspended or revoked to the Minister or Director, as the case may be, within fourteen days of receipt of the notice.

(2B) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, from the date of receipt of those reasons and notify the permit-holder of the transshipment permit of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and
(b) the date on which the suspension or revocation comes into effect.

(3) Where a transshipment permit or an in-transit permit is suspended or revoked under this section, the Director shall give the

permit holder written notification of the suspension or revocation and provide reasons.

(4)Where a transhipment permit is suspended, the transshipment permit or shall not be reinstated unless the permit-holder demonstrates that the reasons for the suspension or revocation no longer apply.

(5) Where a transshipment permit is revoked, no new transshipment permit shall be issued unless the permit-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of a transhipment permit

129. (1) A permit-holder of who no longer engages in the transhipment of fish may surrender the transhipment permit issued in respect of that vessel to the Minister or the Director, as the case may be, and the Minister or Director shall cancel the permit.

(2) The Minister, on the recommendation of the Director, or the Director, as the case may be, shall cancel the transhipment permit where he determines that—

(a) the issue of the permit was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to cancel a transshipment permit in accordance with subsection (2), he shall give the permit-holder written notice of the proposed cancellation and provide reasons.

(3A) A permit-holder under subsection (3) may submit written reasons as to why the permit should not be cancelled to the Minister or the Director, as the case may be, within fourteen days of the receipt of the notice.

(4) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days from

the date of receipt of those reasons and notify the permit holder of his decision in writing including, where applicable—

(a) the reasons for the cancellation; and

(b) the date on which the cancellation comes into effect.

Division 3

Bunkering and Provisioning

Requirements for bunkering or provisioning

130. (1) Unless otherwise prescribed, no operator of a fishing vessel shall engage in the bunkering of the fishing vessel without a valid bunkering permit.

(2) Unless otherwise prescribed, no operator of a fishing vessel shall engage in the provisioning of personnel, fuel, gear, equipment or other supplies for the fishing vessel without a valid provisioning permit.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) An application for, a bunkering permit or a provisioning permit shall be made by an operator in relation to -

(a) a foreign vessel, to the Minister; or
(b) any other vessel, to the Director,

on the approved form.

(5) Upon receipt of an application made under subsection (4) and the payment of the prescribed fee-

(a) the Minister, on the recommendation of the Director; or
(b) the Director,

may, on the issue a bunkering permit or a provisioning permit, as the case may be.

(6) General terms and conditions, the grounds for the refusal, suspension and revocation, and surrender and cancellation and validity of permits issued under this section are to be prescribed.

(7) A person who breaches a term or condition attached to a permit issued under this section commits an offence and is liable on summary conviction to penalty specified in **Schedule 1**.

Division 3A

Authorized Local Representative

Appointment of an authorised local representative as agent of the operator of a foreign fishing vessel permitted to land or transship fish, or bunker or provision a fishing vessel

131. (1) The operator of a foreign fishing vessel, permitted to land~~,~~ or transship fish, import, export, re-export, package or process fish or bunker or provision a fishing vessel, shall appoint an authorised local representative resident in Trinidad and Tobago who shall act as the agent of the operator of the foreign fishing vessel.

(2) The operator of a foreign fishing vessel shall notify the Minister, on the approved form, of the name, address and other particulars of the authorised local representative resident in Trinidad and Tobago appointed by him under subsection (1).

(3) Any notices or documents required to be served on an operator of a foreign fishing vessel may be served on the authorised local representative appointed by him under subsection (1).

(4) A person who contravenes this section commits an offence and is liable on summary conviction to the ~~fine set out~~ penalty specified in **Schedule 1**.

Division 4

Trade

Scope and institutional arrangements

132. This division provides for the regulation of trade in fish, fishing vessels, fishing gear and vessels, engines, gear and equipment intended to be used for fishing and fishing related activities.

Competent Authority, functions

133. The Director shall, for the purposes of fisheries management-

(a) verify the operation of licensed fish processing establishments and any authorised, licensed or permitted fishing vessels where required by law;

(b) monitor, regulate and control all imports, exports and re-exports of fish including live, fresh,

chilled or frozen fish, to ensure compliance with this Act;

(c) oversee the certification of fish discharged from Trinidad and Tobago vessels into foreign ports where required by overseas controlling authorities including the verification of the accuracy of the information within the Catch Certificate issued by Trinidad and Tobago;

(d) liaise with fish processors, other government agencies and importing country authorities with regard to seafood safety and market access requirements;

(e) monitor, regulate and control fish being imported or exported for personal use or research purposes; and

(f) perform such other functions as may be required for the implementation of this Act or any other written law.

Requirements for an import, export or re-export permit for fish

134. (1) No person shall import, export or re-export any fish except with a valid permit issued by the Minister, on the recommendation of the Director.

(2) An application for an import, export or re-export permit for fish shall be made to the Minister on the approved form and be accompanied by the prescribed fees.

(3) A person intending to import, export or re-export fish shall comply with all requirements and terms and conditions endorsed on ~~a~~ an import, export or re-export permit, including, , the provision of information on -

(a) the area where the fish was or is intended to be caught;

(b) the details of the person who caught or is intending to catch the fish, including name, address and other contact information;

(c) the details of the fishing vessel, including the name, unique vessel identifier, flag of registration, licence or fishing authorisation or

any other approvals to engage in fishing or fishing related activity, quota or allocation of fish, fishing method and gear used;

(d) the details of the operator of the fishing vessel and authorised local representative resident in Trinidad and Tobago, if applicable, including name, address and other contact information;

(e) the description of the fish, including the species' scientific name and quantity;

(f) the details of any consignee or supplier of the fish as appropriate, including name, address and other contact information; and

(g) such any other matters as may be prescribed.

(4) The Minister may, on the recommendation of the Director, refuse to issue an import, export or re-export permit on the grounds that the-

(a) applicant has breached any of the terms or conditions of a permit previously issued to him and taking into account the nature and gravity of the breach;

(b) fish to be imported, exported or re-exported have been caught in contravention of this Act, the laws of another State, or a regional or an international conservation and management measure; or

(c) documents and information provided do not satisfy the import, export or re-export requirements of Trinidad and Tobago or an importing, exporting or re-exporting country;

(d) items to be imported, exported or re-exported are not in accordance with this Act;

(e) the applicant has, within two years prior to the date of his application been convicted, or the vessel that was used to catch or transport the fish or is intended to be used to catch or transport the fish has, within six years prior to the date of his

application, been used in the commission of an offence-

(h) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more; or

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory;

(v) in violation of applicable regional or international conservation and management measures; or

(f) fishing vessel that caught the fish or is to be used to transport the fish is an IUU listed vessel; or

(g) there is evidence that the vessel that caught the fish or was used to transport the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(h) refusal is in accordance with such additional grounds as may be prescribed.

(4A) Subsection (1)(f) to (g) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister or Director, as the case may be, that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Minister, on the recommendation of the recommendation of the Director, as the case may be, is satisfied that issuance of an import, export or re-export permit would not subvert the purposes of any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

(4B) (1) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to refuse to issue an import, export or re-export permit in accordance with **section 134(4)**, he shall give the applicant written notice of the proposed refusal and provide reasons.

(2) An applicant under subsection (1) may submit written reasons as to why an import, export or re-export permit should not be refused to the Minister or Director, as the case may be, within fourteen day of receipt of the notice.

(3) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (2), he shall consider those reasons and make a determination within twenty-one day from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(4) Subject to any other written law the Minister may, by Notice, declare standards applicable to the marketing, distribution, import, export and re-export of fish.

(5) Any person who-

(a) imports, exports or re-exports fish without a valid import, export or re-export permit;

(b) fails to comply with the terms and conditions of an import, export or re-export permit;

(c) fails to comply with the standards declared under subsection (4);

(d) fails to provide true, complete or correct information; or

(e) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for a Release Certificate

135. (1) The holder of an import, export or re-export permit shall apply to the Director for a Release Certificate for each shipment, on the approved form and pay the prescribed fee.

(2) The application for a Release Certificate shall be submitted prior to the arrival or departure of the shipment as required by the Director.

(3) The holder of an import, export or re-export permit shall provide the following in an approved form:

(a) the permit number corresponding to the Release Certificate applied for;

(b) area where the fish was caught;

(c) details of the person who caught the fish, including name, address and other contact information;

(d) details of the fishing vessel including the name, unique vessel identifier, flag of registration, licence or fishing authorisation or any other approvals to engage in fishing or fishing related activity, quota or allocation of fish, fishing method and gear used;

(e) details of the operator and local representative, if applicable, including name, address and other contact information;

(f) description of the fish, including the species' scientific name and quantity;

(g) details of any consignee or supplier of the fish as appropriate, including name, address and other contact information;

(h) purchase or sale price of the fish; and

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(i) any other information as may be prescribed.

(3A) An application for a Release Certificate under subsection (2), shall be accompanied by the relevant Trinidad and Tobago Catch Certificate or similar document issued by the Competent Authority of the exporting State in relation to a specified species of fish.

(4) The Director, upon receiving an application under this section, may issue the applicant with a Release Certificate for each shipment.

(5) The Director may attach to a Release Certificate such terms and conditions as he thinks fit.

(6) Before issuing a Release Certificate, the Director may require that the shipment be inspected.

(7) The Director may refuse to issue a Release Certificate on any of the following grounds:

(a) the issue of-

(i) the import, export and re-export permit; or

(ii) the Trinidad and Tobago Catch Certificate or similar document issued by the Competent Authority of the exporting State,

was based on false or erroneous information;

(aa) the application for the Release Certificate contained false or erroneous information;

(b) any term or condition of the permit has been breached;

(c) the permit holder has committed, or the vessel that was used to catch or transport the fish has been used in the commission of an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; and

(d) the vessel that –

(i) caught the fish;
(ii) was used to transport the fish; or
(iii) is to be used to transport the fish, as the case may be, is an IUU listed vessel

(e) there is evidence that the vessel that -

(i) caught the fish;
(ii) was used to transport the fish; or
(iii) is to be used to transport the fish,

as the case may be, was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;

(f) it is in accordance with such additional grounds as may be prescribed.

(8) Any person who-

(a) imports, exports or re-exports fish without a Release Certificate;

(b) fails to provide true, complete or correct information;

(c) breaches a term or condition of a Release Certificate; or

(d) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Suspension or revocation of an import, export or re-export permit for fish

135A. The Minister, on the recommendation of the Director, may suspend or revoke a permit for the import, export or re-export of fish where he is satisfied that-

(a) the issue of the permit was based on false information;

(b) any term or condition of the permit has been breached;

(c) the applicant has, within two years prior to the date of his application, been convicted, or the vessel that was used to catch the fish has, within six years prior to the date of his application, been used in the

commission of, an offence:

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more; ~~or~~

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State or territory;

(v) in violation of applicable regional or international conservation and management measures; or

(d) the fishing vessel that was used to catch or transport the fish is an IUU listed vessel;

(e) there is evidence that the fishing vessel that was used to catch or transport the fish was engaged in or supporting IUU fishing or fishing related activities in support of such fishing;

(f) it is necessary to ensure compliance by Trinidad and Tobago with its obligations under any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party; or

(g) it is in accordance with such additional grounds as may be prescribed.

Due process requirements for the suspension or revocation of import, export or re-export permit

135B. (1) Where the Minister, on the recommendation of the Director, proposes to suspend or revoke an import, export or re-export permit in accordance with **section 135A**, he shall give the permit-holder written notice of the proposed suspension or revocation and provide reasons.

(2) The holder of an import, export or re-export permit may submit written reasons as to why the import, export or re-export permitshould not be suspended or revoked to the Minister or Director, as the case may be, within fourteen days of receipt of a notice under subsection (1).

(3) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (2), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the permit-holder of the import, export or re-export permit of his decision in writing, including, where applicable –

(a) the reasons for the suspension or revocation; and
(b) the date on which the suspension or revocation comes into effect.

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(4) Where a permit for the import, export or re-export of fish is suspended, the permit shall not be reinstated unless the permit-holder demonstrates that the reasons for the suspension no longer apply.

(5) Where a permit for the import, export or re-export of fish is revoked, no new permit shall be issued unless the permit-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of an import, export or re-export permit for fish

135C. (1) The holder of an import, export or re-export permit who no longer intends to imports, export or re-export fish may surrender the import, export or re-export permit, to the Minister and the Minister shall cancel the permit.

(2) The Minister, on the recommendation of the Director, shall cancel a permit for the import, export or re-export of fish where he determines that –

(a) the issue of the permit was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of

any fisheries management plan or fisheriesstrategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director, proposes to cancel an import, export or re-export permit in accordance with subsection (2), he shall give the permit-holder written notice of the proposed cancellation and provide reasons.

(4) A permit-holder under subsection (3) may submit written reasons as to why the import, export or re-export permit should not be cancelled to the Minister, within fourteen days of receipt of the notice.

(5) Where the Minister is in receipt of written reasons under subsection (4), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the permit-holder of the import, export or re-export permit of his decision in writing, including, where applicable –

(a) the reasons for the cancellation; and
(b) the date on which the cancellation comes into effect.

Requirements for a Trinidad and Tobago Catch Certificate

136. (1) A Trinidad and Tobago Catch Certificate issued by the Director shall be required in respect of a species of fish specified by the Director that is being exported from Trinidad and Tobago.

(2) No person shall be issued a Release Certificate to export a species of fish specified under subsection (1), unless a valid Trinidad and Tobago Catch Certificate has been issued in respect of that fish.

(3) An application for a Trinidad and Tobago Catch Certificate for a species of fish to be specified by the Director shall be-

(a) made in the approved form;

(b) accompanied by the prescribed fees; and

(c) accompanied by any other information required by the Director.

(4) Before issuing a Trinidad and Tobago Catch Certificate, the Director shall require that the fish be inspected and all information contained in the application is accurate and verified.

(5) The Director shall issue a Trinidad and Tobago Catch Certificate in the manner and format to be prescribed.

(6) The Director may refuse to issue a Trinidad and Tobago Catch Certificate on any of the following grounds:

(a) the issue of -

(i) the import, export or re-export permit; or
(ii) the Trinidad and Tobago Catch Certificate or similar document issued by the Competent Authority of the exporting State,

was based on false or erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan, fisheries strategy, plan or programme prepared under **Part V**;

(c) the vessel that—
(i) caught the fish;
(ii) was used to transport the fish; or
(iii) is to be used to transport the fish,
as the case may be, is an IUU listed vessel;

(d) there is evidence that the vessel that—
(i) caught the fish;
(ii) was used to transport the fish; or
(iii) is to be used to transport the fish,
as the case may be, was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(e) such additional grounds as may be prescribed.

(7) Any person who-

(a) exports fish under subsection (2) without a valid Trinidad and Tobago Catch Certificate;

(b) fails to provide true, complete or correct information;

(c) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Due process requirements for cancellation of a Trinidad and Tobago Catch Certificate

136A. (1) A Trinidad and Tobago Catch Certificate shall be cancelled by the Director where he determines that –

(a) the issue of the Trinidad and Tobago Catch Certificate was based on false or erroneous information;

(b) there has been a contravention of this Act or any other written law; or

(c) it is in accordance with such additional grounds as may be prescribed.

(2) Where the Director proposes to cancel a Trinidad and Tobago Catch Certificate in accordance with subsection (1) he shall give the Certificate-holder written notice of the cancellation and provide reasons.

(3) A Certificate-holder under subsection (2) may submit written reasons as to why the Trinidad and Tobago Catch Certificate should not be cancelled to the Director, within five days of receipt of the notice.

(4) Where the Director is in receipt of written reasons under subsection (3), he shall consider those reasons and make a determination within five days practicable, from the date of receipt of those reasons and notify the Certificate holder of the Trinidad and Tobago Catch Certificate of his decision in writing, including, where applicable –

(a) the reasons for the cancellation and

(b) the date on which the cancellation comes into effect

Requirement for a Catch Certificate or similar document issued by the Competent Authority of another State Certificate

136B. (1) A Catch Certificate issued by the Competent Authority of the exporting State shall be required in respect of a species of fish specified by the Director which is being imported into Trinidad and Tobago.

(2) No person shall be issued a Release Certificate to import a species of fish specified under subsection (1), unless a valid Catch Certificate or similar document has been issued by the Competent Authority of the exporting State in respect of that fish.

(3) Any person who-

(a) imports fish without a valid Catch Certificate or similar document issued by the exporting State;

(b) breaches any of the terms or conditions of Catch Certificate or similar document issued by the Competent Authority of the exporting State; or

(c) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirements for the import, export or re-export of a fishing vessel, fishing gear, and vessel, engine, and gear and equipment intended to be used for fishing

137. (1) No person shall import, export or re-export a fishing vessel, fishing gear, and vessel, engine, gear and equipment intended to be used for fishing or fishing related activities except with a valid permit issued by the Minister, on the recommendation of the Director, or the Director, as the case may be, in the manner prescribed.

(2) No person shall contravene any of the terms or conditions of a permit issued for the import, export or re-export of a fishing vessel, fishing gear and vessel, engine gear and equipment used for fishing and fishing related activities.

(3) Any person who contravenes subsection (1) or (2) commits an offence and –

(a) in relation to the import, export or re-export of a fishing vessel or vessel intended to be used for fishing and fishing related activities; and

(b) in relation to the import, export or re-export of –
(i) fishing gear; or

(ii) engine, gear or equipment intended to be used for fishing and fishing related activities,

is liable on summary conviction to the penalty specified in **Schedule 1**.

Marking, labelling or tagging of any container or package containing fish

138. (1) Subject to any other written law, no person shall import, export, re-export or transport any container or package containing any fish, unless the container or package has previously been plainly marked, labelled, or tagged in accordance with the requirements for marking labelling or tagging to be prescribed.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Prohibition of seafood fraud

139. (1) No person shall make or submit any false record, account, or label for, or any false identification of, any fish which has been, or is intended to be imported, exported, re-exported, landed, transported, sold, purchased, or received from any country.

(2) Subject to any other written law, no person shall engage in any practice, including the application of any substance upon fish, to improve the appearance and quality of such fish than it actually is.

(3) Subject to **section 138(1)**, no person shall intermix fish, in the supply chain as part of any fishing related activities.

(4) Any person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(5) In this section, "intermixing" means the co-mingling of –

(a) legally sourced fish with illegally sourced fish;
(b) wild caught fish with farm raised fish;
(c) fish with other products;
(d) any other fish, missed in a manner that is in contravention with this Act or any other written law;

in the same package, without being plainly marked, labelled, or tagged in accordance with **section 138(1)**.

PART XV

FISHERIES SCIENTIFIC RESEARCH AND FISH BIOPROSPECTING

Collection and verification of data

140. (1) The Director may cause to be routinely collected and updated fisheries data in sufficient detail, to allow sound statistical analysis in accordance with international standards and guidelines.

(2) The data collected under subsection (1) may include catch and fishing effort data and biological, ecological, environmental, oceanographic, social, economic and any other data needed to support stock assessment and the ecosystem approach to fisheries management.

(3) The data collected under subsection (1) may be verified by the use of systems appropriate to each fishery, which may include-

(a) position verification through vessel monitoring systems;

(b) scientific observer programmes to monitor catch, including catch of target and non-target species, effort, and other details of fishing operations; and

(c) sampling at identified ports, designated landing sites or any other location approved by the Director.

Research collaboration and data sharing

141. (1) In respect of fish stocks that are shared with neighbouring states, or at a regional level, the Director shall develop technical and research programmes, as far as is practicable, to improve understanding of the biology, environment and status of the fisheries and related ecosystems.

(2) In respect of fish stocks that are managed by a sub-regional, regional or international fisheries management organisation or arrangement, the Director shall collaborate in the development of research programmes and compile in any internationally agreed format such fishery-related and other supporting scientific data as required and provide the data in a timely manner to the organisation or arrangement.

Establishment of Fisheries Scientific Research Committee

141A. (1) The Director shall establish a Committee, known as the Fisheries Scientific Research Committee to -

(a) assist the Director to develop fisheries

scientific research programmes for fisheries management planning and decision-making;

(b) seek funding and engage technical support and donor-funding from national, regional and international institutions to facilitate the conduct of fisheries scientific research;

(c) collaborate with national, regional and international scientific entities for the purpose of conservation and management of shared stocks;

(d) advise the Minister on matters of a scientific nature;

(e) review applications for fisheries scientific research permits and make recommendations in respect of the issuance of the permits;

(f) review the reports in respect of research conducted and make further recommendations, as required; and

(g) any other functions as may be prescribed.

(1A) The composition of the Committee shall be determined by the Director.

(1B) The Committee may establish Sub-Committees to examine and report on any matter arising out of or connected with any of the functions identified under subsection (1).

(1C) The Fisheries Scientific Research Committee may regulate its own procedure for the conduct of its business.

Requirement for a fisheries scientific research permit

142. (1) No person shall engage in fisheries scientific research in the fishery waters, unless –

(a) he is a holder of a fisheries scientific research permit issued under **section 144(2)**; or

(b) otherwise specified by the Director.

(2) Any person who engages in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Application for a fisheries scientific research permit

143. (1) An application for a fisheries scientific research permit shall be made by any person who intends to undertake fisheries scientific research relating to fisheries or fishery-related resources in the fishery waters, to –

(a) the Minister, in respect of a foreign entity; or
(b) the Director, in respect of any other entity,

as the case may be, on the approved form and be accompanied by the prescribed fee.

(2) Pursuant to subsection (1), an applicant for a fisheries scientific research permit shall prepare and submit a fisheries scientific research proposal to the Minister or Director, as the case may be.

(3) A fisheries scientific research proposal shall include, where applicable -

(a) the rationale, background, scope, objectives and duration of the project;

(b) the methodologies and scientific equipment to be used in the project;

(c) the specifications of any research vessels and fishing gears to be used in the project;

(d) the precise geographical area of the fishery waters in which the project is to be conducted;

(e) the expected dates of first appearance and final departure of any research vessels, or deployment of the equipment and its removal, as the case may be;

(f) the name and programme of the sponsoring institution, its head and the person in charge of the project; and

(g) the extent to which it is considered that Trinidad and Tobago should be able to participate or to be represented in or benefit from the project.

(4) Without prejudice to the requirements of subsections (2) and (3), the Minister, on the recommendation of the Director, or the Director, as the case may be, may require an applicant under this section to furnish him with such further information as he may request.

Issue or refusal of fisheries scientific research permit

144. (1) The Minister or Director, as the case may be, upon receiving an application and a fisheries scientific research proposal under this section and upon payment of the prescribed fee, may issue a fisheries scientific research permit to the applicant.

(2) The Minister, on the recommendation of the Director, or the Director, as the case may be, may refuse to issue a fisheries scientific research permit on any of the following grounds, that:

(a) it is necessary to do so in order to give effect to any licencing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(b) the applicant has breached ~~a~~ any of the terms or conditions of a fisheries scientific research permit previously issued to him and taking into consideration the nature and gravity of the breach;

(c) the research activity undermines the effectiveness of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member;

(d) the research activity is in contravention of a treaty to which Trinidad and Tobago is party;

(e) the research activity is deemed to be in contravention of this Act; or

(f) the applicant has, within two years prior to the date of his application, been convicted, or the vessel to be used for the fisheries scientific research and for which the application is made has, within six years prior to the date of his application, been used in the commission of, an offence –

(i) under this Act for which the penalty on conviction is imprisonment for one year or more;

(ii) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more;

(iii) for which the penalty on conviction is imprisonment for three years or more;

(iv) related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, maritime activities, health or trade, for which the penalty on conviction is imprisonment for one year or more under the law of another State; or

(v) in violation of applicable regional or international conservation and management measures; or

(fa) the vessel is an IUU listed vessel;

(fb) there is evidence that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing the previous six years; or

(fc) it is in accordance with such additional grounds as may be prescribed.

(3) Subsection (2)(fa) to (fb) shall not apply if –

(a) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister or Director, as the case may be, that the previous owner or master has no legal, beneficial or financial material interest in the vessel; and

(b) the Minister, on the recommendation of the Director, or Director, as the case may be, is satisfied that issuance of a fisheries scientific research permit would not subvert the purposes of any treaty, convention or other international agreement to which Trinidad and Tobago is a party.

(4) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to refuse~~s~~ to issue a fisheries scientific research permit in accordance with subsection (2), he shall give the applicant written notice of the proposed refusal and provide reasons.

(4A) An applicant under subsection (4) may submit written reasons as to why a fisheries scientific research permit should not be refused to the Minister or the Director, as the case may be, within fourteen days of receipt of the notice~~,~~.

(4B) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (4A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the applicant of his decision in writing and provide reasons.

(5) The applicant shall notify the Minister or the Director, as the case may be, of any change in the information set out in the application form for the permit not later than fourteen days after the change.

(6) The applicant shall notify the Minister or Director, as the case may be, in writing, of any proposed change to the research proposal, not later than fourteen days after the change and request the approval of the Minister or Director, as the case may be.

(7) A permit holder who contravenes subsection (5) or (6) commits an offence and is liable on summary conviction to the specified in **Schedule 1**.

Terms and conditions attached to a fisheries scientific research permit

145. (1) The Minister, on the recommendation of the Director, or the Director, as the case may be, may attach to a fisheries scientific research permit issued under this Part such terms and conditions as he thinks fit, including the duty of the permit holder to-

(a) ensure the right of the Government of Trinidad

and Tobago, if it so desires, to participate or be represented in the fisheries scientific research project;

(b) provide the Minister or the Director, as the case may be, at his request, with preliminary reports, as soon as practicable;

(c) provide the Minister or the Director, as the case may be, with the final report, including results, conclusions and recommendations, within an agreed time frame after the completion of the research;

(d) undertake to provide access for the Minister or the Director, as the case may be, at his request, to all data and samples derived from the fisheries scientific research project and likewise to furnish him with data which may be copies and samples which may be divided without detriment to their scientific value;

(e) transfer technology and fisheries research techniques and methodology to facilitate human resource development and capacity-building;

(f) provide the Minister, on the recommendation of the Director, or the Director, at his request, with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation; and

(g) remove, unless otherwise agreed, the scientific research equipment upon the completion of the research.

(2) The Minister, on the recommendation of the Director, or the Director as the case may be, may, for reason to be stated by him in writing, exempt any person from any condition attached to that person's permit.

(3) Where the holder of a fisheries scientific research permit is a foreign entity, it is required to appoint an authorised local representative resident in Trinidad and Tobago.

(4) A person who contravenes any of the terms or conditions

of a fishery scientific research permit commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Validity of fisheries scientific research permit

146. (1) A fisheries scientific research permit shall be valid for the duration of the fishery research project as stated in the research proposal required under **section 143(2)**, unless suspended or revoked under **section 148** or surrendered or cancelled under **section**.

(2) The Minister, on the recommendation of the Director or the Director, as the case may be, may grant an extension to the fisheries scientific research permit, on the application of the permit holder, as he thinks fit.

Fish bioprospecting

147. (1) Subject to any other written law no person shall engage in fish bioprospecting except with a permit issued by –

(a) the Minister, in respect of a foreign entity; or

(b) the Director, in respect of any other entity.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(3) An application for a fish bioprospecting permit shall be made to the Minister or Director, as the case may be, on the approved form and be accompanied by the prescribed fee.

(4) Upon receiving an application under subsection (3), the Minister, on the recommendation of the Director, or the Director, as the case may be, may issue the applicant with a fish bioprospecting permit.

(5) The Minister, on the recommendation of the Director, or the Director may refuse to issue a fish bioprospecting permit on such grounds as to be prescribed.

(6) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to refuse to issue a fish bioprospecting permit, in accordance with subsection (5), he shall give the applicant written notice of the proposed refusal and provide reasons.

(6A) An applicant under subsection (6) may submit written written reasons as to why a fish bioprospecting permit should not be refused to the Director, within fourteen days of receipt on the notice.

(6B) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, is in receipt of written reasons under subsection (6A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons notify the applicant of his decision in writing and provide reasons.

(7) The Minister, on the recommendation of the Director, or the Director, as the case may be, may attach to a fish bioprospecting permit issued under this Part terms and conditions to be prescribed.

(8) A fish bioprospecting permit shall be valid for the duration of the bioprospecting activity, unless suspended or revoked under **section 148** or surrendered or cancelled under **section 149**.

(9) The Minister, on the recommendation of the Director, or the Director, as the case may be, may grant an extension to the bioprospecting permit, on the application of the permit holder, as he thinks fit.

(10) A person who breaches any of the terms or conditions of a fish bioprospecting permit commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Suspension or revocation of a fisheries scientific research permit or fish bioprospecting permit

148. (1) The Minister, on the recommendation of the Director, or the Director, as the case may be, may suspend or revoke the fisheries scientific research permit issued under **section 144**, or a fish bioprospecting permit issued under **section 147**, if:

(a) he considers that the fisheries scientific research to which the permit relates is not being conducted in accordance with the information provided in the research proposal on the basis of which the permit was issued;

(b) he considers that a person issued a fish bioprospecting permit is not conducting fish bioprospecting;

(c) the permit-holder breaches any of the terms or conditions of the permit;

(d) the issue of the permit was based on false information; or

(da) there is evidence that the vessel being used in the fisheries scientific research was engaged in or supporting IUU fishing or fishing related activities in support of such fishing.

(e) it is in accordance with such additional ~~criteria~~ grounds as may be prescribed.

(2) Where the Minister, on the recommendation of the Director, or the Director, as the case may be, proposes to suspend or revoke the fisheries scientific research permit or a fish bioprospecting permit in accordance with subsection (1), he shall give the permit-holder written notice of the suspension or revocation and provide reasons.

(2A) The holder of a fisheries scientific research permit or a fish bioprospecting permit under subsection (2) may submit written reasons as to why the fisheries scientific research permit or the fish bioprospecting permit should not be suspended or revoked to the Minister or the Director, as the case may be, within fourteen days of receipt of the notice.

(2B) Where the Minister or the Director, as the case may be is in receipt of written reasons under subsection (2A), he shall consider those reasons and make a determination within twenty-one days, or as soon as is reasonably practicable, from the date of receipt of those reasons and notify the holder of the fisheries scientific research permit or fish bioprospecting permit of his decision in writing, including, where applicable-

(a) the reasons for the suspension or revocation; and

(b) the date on which the suspension or revocation comes into effect.

(2C) Where a fisheries scientific research permit or a fish bioprospecting permit is suspended, the permit shall not be reinstated unless the permit-holder demonstrates that the reasons for the suspension no longer apply.

(2D) Where a fisheries scientific research permit or a fish bioprospecting permit is revoked, no new permit shall be issued unless the permit-holder demonstrates that the reasons for the revocation no longer apply.

Surrender and cancellation of fisheries scientific research permit or a fish bioprospecting permit

149. (1) The holder of a fisheries scientific research permit or fish bioprospecting permit who no longer intends to conduct fisheries scientific research or engage in fish bioprospecting may surrender the fisheries scientific research permit or the fish bioprospecting permit, as the case may be, to the Minister or Director, as the case may be, and the Minister or Director shall cancel the permit.

(2) The Minister, on the recommendation of the Director, or the Director, as the case may be, shall cancel a permit where he determines that -

(a) the issue of the permit was based on erroneous information;

(b) it is necessary to do so in order to provide for the proper management and development of any particular fishery, in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under **Part V**; or

(c) it is in accordance with such additional grounds as may be prescribed.

(3) Where the Minister, on the recommendation of the Director, or the Director proposes to cancel a fisheries scientific research permit or a fish bioprospecting permit in accordance with subsection (2), he shall give the permit-holder written notice of the proposed cancellation and provide reasons.

(3A) The holder of a fisheries scientific research permit or a fish bioprospecting permit under subsection (3) may as to why the fisheries scientific research permit or the fish bioprospecting permit should not be cancelled to the Minister or the Director, as the case may be, within fourteen days of receipt of the notice.

(4) Where the Minister or Director, as the case may be, is in receipt of written reasons under subsection (3A), he shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons and notify the permit-holder of the fisheries scientific research permit or the fish bioprospecting permit of his decision in writing, including, where applicable -

(a) the reasons for the cancellation; and

(b) the date on which the cancellation comes into effect.

PART XVI

MONITORING, CONTROL, SURVEILLANCE AND ENFORCEMENT

Division 1
Reporting and Vessel Monitoring Systems

Reporting and record keeping

150. (1) The master or operator of a Trinidad and Tobago fishing vessel shall cause to be prepared, at such times as the Director may require, a written report in English, setting out information on the operations of the fishing vessel.

(2) A report under subsection (1) shall be made in such form and for such period as the Director may require, and shall be submitted to the Director within the time specified by the Director.

(3) A master or operator of a vessel who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Logbook reporting

150A. (1) The master or operator of the vessel shall maintain a fishing logbook on a daily basis, in a form specified by the Director for the purpose of recording the operations of the vessel, including, maintaining a record of catches.

(2) The master or operator of the vessel shall, upon request by the Director –

(a) provide the original logbook for inspection;

(b) transmit a copy of the log book within the time specified by the Director; and

(c) provide any other specified documents, including documents relating to catches composition of those catches and any other aspect of the fishing operations of the vessel,

to the Director, within the time specified in the request.

(3) The log book maintained under subsection (1) shall be retained by the master or operator of the vessel for a period of at least twelve months following the end of the voyage to which the log book pertains.

Radio reporting

150B. (1) The Director may require that the master of the vessel cause radio reports to be made-

(a) immediately upon entry of the vessel into the High Seas;

(b) on such day as specified by the Director during the period that the vessel is in the High Seas; and

(c) at any other times as the Director may specify.

(2) A report made under subsection (1) shall contain details of-

(a) the vessel's International Maritime Organization number if any, any other unique identifier and the international radio call sign if any;

(b) the position of the vessel at the time of reporting;

(c) the total catch, by species, on board the vessel at the time of reporting; and

(d) any other matters relating to the operations of the vessel as the Director may require.

(3) A master or operator of a vessel who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirements for vessel monitoring systems

151. (1) The operator of a fishing vessel issued with an authorisation, licence or permit pursuant to this Act shall, unless the fishing vessel is exempted, on the recommendation of the Director, by the Minister by Order subject to negative resolution of Parliament, be required, as a term or condition of its authorisation, licence or permit, to install, maintain and operate, a mobile transceiver unit (MTU), or other electronic device at all times while in the fishery waters and in areas beyond national jurisdiction or such other areas as may be agreed or designated in accordance with—

(a) the manufacturer's specifications and operating instructions; and

(b) such other requirements approved by the Director.

(2) The operator of a vessel referred to in subsection (1) shall comply with the standard technical specifications for the MTU or other electronic device as specified by the Director.

(3) The operator of a vessel referred to in subsection (1) shall ensure that-

(a) no person tampers or interferes with the MTU or other electronic device and that the MTU or other electronic device is not altered, damaged, disabled or otherwise interfered with;

(b) the MTU or other electronic device is not moved from the required or agreed installed position or removed without the prior written permission of the Director;

(c) the MTU or other electronic device is switched on and is operational at all times when the vessel is within the fishery waters and beyond the fishery waters or in such other areas as may be agreed or designated; and

(d) the MTU or any other electronic device is registered as the Director may approve.

(4) Where the MTU or other electronic device of a vessel referred to in subsection (1) fails to transmit in the case of technical failure or non-functioning of the MTU, the operator or his agent authorised by him for the purposes of this section, shall ensure that reports containing the information on the vessel are communicated to the Director as prescribed.

(5) If it is not possible to comply with subsection (4) or when the Director so directs, the operator of the vessel shall immediately stow the fishing gear and take the vessel directly to a port identified by the Director, and as soon as possible, report to the Director that the vessel is being, or has been, taken to port with gear stowed and comply with all requirements of the Director.

(6) Only persons authorised by the Director shall have access to the information from vessel monitoring systems.

(7) The collation, storage and management of information from vessel monitoring systems shall be undertaken in accordance with **section 224** of the Act.

(8) The operator of a fishing vessel who contravenes this section commits an offence and is liable on conviction to the penalty specified in **Schedule 1**.

Division 2

Authorised Officers and Observers

Authorisation of officers

152. (1) For the purposes of this Act, the following persons are authorised officers:

(a) the Director;

(b) the Director-Tobago;

(c) any fisheries officer;

(d) any member of the Trinidad and Tobago Coast Guard;

(e) any member of the Trinidad and Tobago Police Service; and

(f) any Officer as defined by the Customs Act.

(1A) The Minister, on the recommendation of the Director, may, by Order, designate any of the following persons to be an authorised officer for the purposes of law enforcement under this Act, subject to a written agreement with the entity to which he is assigned:

(a) any officer of the agency with responsibility for maritime services;

(b) any inspector, as defined in the Food and Drugs Act;

(c) any officer of the agency with responsibility for immigration;

(d) any Game Warden;

(e) any Public Health Inspector; and

(f) such other person or entity as the Minister, on the recommendation of the Director, may authorise in writing.

(1B) The designation of a person as an authorised officer under subsection (1A) shall be published in the Gazette.

(2) For the purposes of law enforcement, an authorised officer, under subsection (1)(a), (b) or (c) or (1A) may be precepted by the Commissioner of Police, on the recommendation of the Director.

(3) An authorised officer shall carry on his person an identity card with his photograph issued by the Minister, which shall include the following information:

(a) the name of the agency that he represents;

(b) his full name;

(c) the date of the photograph;

(d) the signature of the holder; and

(e) a statement that the holder is authorised to carry out functions and duties in accordance with this Act.

(4) An authorised officer, in exercising any powers or performing any duty under this Act, shall on demand, produce his identity card issued under subsection (3).

(5) Subsections (3) and (4) shall not apply to persons referred to in subsection (1) (d), (e) or (f).

(6) The Minister may, on the recommendation of the Director, promote the continuous training and capacity building of authorised officers taking into account international best practice and relevant training requirements of any regional fisheries management organisation (RFMO) and of which Trinidad and Tobago is a member.

General powers of authorised officers

153. (1) The powers of an authorised officer under this Act or any other written law are exercisable-

(a) within Trinidad and Tobago;

(b) in the fishery waters; and

(c) in areas beyond national jurisdiction,

in relation to any conduct, whether or not that conduct occurred in the fishery waters and in accordance with any international conservation and management measure, or any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

(2) Subsection (1)(c) does not allow an authorised officer to exercise any power under this Act in respect of any foreign vessel or any person aboard any foreign vessel, unless the authorised officer-

(a) suspects on reasonable grounds, that any person on board the vessel has committed an arrestable offence in the fishery waters; or

(b) is in hot pursuit of or has recently pursued the vessel and commenced that pursuit in the fishery waters.

(3) An authorised officer may exercise any of his powers under this Act or any other written law in areas beyond national jurisdiction in respect to any foreign vessel or person aboard any foreign vessel where the exercise of that power is authorised by a treaty, convention or other regional or international agreement to which Trinidad and Tobago is party.

(4) For the purpose of the enforcement of this Act, an authorised officer is justified in using such force as may be reasonably necessary to enable the exercise of his powers under this Act.

Power of entry and search

154. (1) For the purpose of this Act, an authorised officer may, at any time in Trinidad and Tobago or in the fishery waters, without warrant –

(a) stop, enter, board or examine any craft, or enter and examine any premises or place, except premises used exclusively as a dwelling house, or examine any record, document, article, container, gear, apparatus, device, or thing;

(b) enter and pass through a port or any other area under customs control;

(c) stop any person and examine any record, document, article, container, gear, apparatus, device, or thing; and

(d) pass across any land.

(2) If an authorised officer suspects, on reasonable grounds, that an arrestable offence is being or has been committed against this Act and that–

(a) any fish taken or thing used or intended to be used in contravention of this Act;

(b) any record or information required by or under this Act to be kept, completed, or provided; or

(c) any article, record, document or thing for which there is reasonable ground to believe will be evidence as to the commission of an offence against this Act,

may be concealed or located or held in any craft, premises, place, parcel, package, record, or thing, then, that authorised officer may, without warrant, at any reasonable time, enter or pass across any land in order to enter, examine, and search any such premises or place, or any such vessel vehicle, or conveyance of any kind, and may examine and search, by stopping or opening where necessary any such parcel, package, record, or thing.

(3) An authorised officer may detain any person, craft, parcel, package, record, document, article, gear, apparatus, device, container, or thing for such period as is reasonably necessary to enable the authorised officer to carry out an examination or search under this section.

Power to seize

155. (1) An authorised officer may seize without warrant—

(a) any vessel, vehicle or other conveyance, fishing gear, implement, appliance, material, container, goods, equipment, or thing which the authorised officer suspects on reasonable grounds is being or has been used in the commission of an arrestable offence against this Act;

(b) any fish which the authorised officer suspects on reasonable grounds are being or have been taken,

killed, transported, bought, sold or found in possession of any person in contravention of this Act;

(c) any fish with which fish taken under subsection (b) have been intermixed; or

(d) any article, record, document, or thing which the authorised officer suspects on reasonable grounds is evidence of the commission of an arrestable offence against this Act.

(2) The authorised officer shall provide a written receipt in respect of anything seized under subsection (1) to the person from whom the items were seized.

(3) A receipt issued under subsection (2), and a duplicate or copy thereof, shall be signed by the authorised officer and the person from whom the items were seized.

Power to question persons and require production of documents

156. (1) For the purpose of the enforcement of this Act, if an authorised officer suspects, on reasonable grounds, that a person—

(a) is or has been engaged in the taking or selling of fish;

(b) has purchased, is or has been in possession of fish; or

(c) is committing or has committed an arrestable offence under this Act,

the authorised officer may, at any reasonable time, question that person or any other person, and –

(i) require the person being questioned to provide an answer, including any explanation or information concerning any vessel, or any place or thing, or any fish or fishing method, gear, apparatus, record, document, article, device, or thing relating to the taking, sale, purchase, or possession of any fish; and

(ii) require that person or any other person to produce any permit, authority, approval,

permission, licence, or certificate issued in respect of any vessel or person.

(2) Nothing in subsection (1) shall be construed so as to require any person to answer any question tending to incriminate him.

Power to take copies

157. In exercising powers under this Act, an authorised officer may-

(a) make or take copies of any record or document, and for this purpose take possession of and remove from the place where they are kept any such record or document, for a period of time as is reasonable in the circumstances; and

(b) if necessary, require a person to produce, or assist the authorised officer to produce in a useable form, information recorded or stored in a document.

Power to give directions to master

158. (1) For the purpose of the enforcement of this Act, an authorised officer may, if he suspects that a vessel is being or has been used in contravention of the provisions of this Act or of the terms and conditions of any authorization licence, permit, authority, approval, permission, registration, or certificate issued under this Act, require the master to take the vessel, as soon as practicable, to the nearest available port, wharf, pier or jetty in Trinidad and Tobago, or such other place agreed between the master and the authorised officer.

(2) If an authorised officer has given a direction under subsection (1), he ~~or~~ may also give to the master or any person on board the vessel any reasonable directions in respect of any activity, method, procedure, item, gear, document, fish, property, or thing while the vessel is proceeding to a port, wharf, pier or jetty.

Power of arrest

159. For the purpose of the enforcement of this Act, subject to section 152(2), an authorised officer may, if he suspects on reasonable grounds that any person has committed an arrestable offence or is likely to commit an arrestable offence in contravention of this Act, exercise the power of arrest without a warrant.

Code of conduct of an authorised officer

160. (1) Subject to immunity from suit in accordance with **section 168**, an authorised officer, in the performance of his duties, is required to-

(a) identify himself and always carry the identity card, issued under **subsection 152(3)**, in the exercise of his duties;

(b) respect the hierarchy and general rules of behaviour which apply to the crew of any fishing vessel provided that such rules do not interfere with his powers and duties under this Act;

(c) perform his powers and duties in a manner that does not unduly interfere with the lawful operations of any fishing vessel, any other fishing vessel or craft, or premises

(ca) carry out his duties giving due consideration to the operational requirements of the fishing vessel, any other vessel or craft, or premises and communicate regularly with the master of the vessel;

(b) maintain independence and impartiality at all times while on duty; and

(c) treat as confidential, in accordance with **section 231**, all the information with respect to any fishing vessel, other vessel or craft, including:

(i) any fishing and fishing related activities;
(ii) any fishing gear and equipment on board; and
(iii) any person on board.

(2) An authorised officer shall not-

(a) demand or receive any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit; or

(b) have any ~~a~~ direct or indirect interest, actual or contingent pecuniary interest in any business or vessel involved in fishing or fishing related activities without declaring in writing, the nature and extent of his interest, as soon as he becomes interested in or aware of it, ~~with~~ to the Director.

(3) An authorised officer who contravenes subsection (2) commits an offence and is liable on conviction to the specified in **Schedule 1**.

Disclosure of interest of an authorised officer and recusal

160A. (1) A disclosure made under subsection 160(2) shall be recorded in form and manner to be determined by the Director and the authorised officer shall not participate in any matter, activity, deliberation or decision in which he has an interest or is likely to affect that interest.

(2) Subject to subsection (1), an authorised officer who –

(a) fails to comply with this section; or

(b) knowingly makes a false declaration under this section,

commits an offence and is liable to the penalty specified in **Schedule 1**.

(3) Notwithstanding subsection (2), an authorised officer who is alleged to be guilty of misconduct or indiscipline by his failure to comply with any regulation, order or directive under this Act in respect of the entity, position, duties or functions to which he has been assigned, is liable to disciplinary proceedings.

(4) An authorised officer does not commit an offence under subsection (2) if he proves to the satisfaction of the Court that he did not know that he had an interest in the matter, activity, deliberation or decision which was the subject of consideration under his purview.

Declaration of interest of members of staff

160B. (1) **Section 160** of this Act applies *mutatis mutandis* to the staff of —

(a) the Fisheries Division;

(b) the NFI, appointed in accordance with **section 9** of this Act;

(c) the TFI, appointed in accordance with **section 9A** of this Act; or

(d) any other entity with responsibility for Fisheries under the Act.

(2) A person who—

(a) fails to comply with this section; or

(b) knowingly makes a false declaration under this section,

commits an offence and is liable to the penalty specified in **Schedule 1**.

(3) The Minister may, by Order, designate any entity to which this section applies.

Duties to an authorised officer

161. (1) A person, including an operator and each member of the crew of a vessel, driver of a vehicle, the pilot and crew of an aircraft or any other craft and an occupier of premises shall-

(a) comply with an instruction or direction given by an authorised officer in the performance of his duties and exercise of his powers under this Act;

(b) ensure the safety of an authorised officer, as appropriate, while he is inspecting or performing other duties in relation to the vessel, vehicle, aircraft, or any other craft or premises;

(c) facilitate the safe-

(i) boarding or disembarking of the vessel or aircraft or any other craft; and

(ii) entry into or exit from premises; and

(iii) inspection of the vessel, vehicle or aircraft or any other craft and any fishing gear, equipment, records and fish,

by an authorised officer;

(d) grant full access to any part of the vessel, vehicle, aircraft or any other craft and use of facilities, equipment and gear that are necessary in the performance of his duties;

(e) allow and assist an authorised officer to verify and record any aspect of the fishing and fishing related activities, of the holds of the fishing vessels and of the processing facilities and to take

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any samples that may be required in the performance of his duties;

(f) allow and assist an authorised officer to capture still or moving images of the fishing operations, including fish, fishing gear, equipment, charts and records, and remove from the fishing vessel, or any other craft, any record of such images as he may have captured on board the fishing vessel or any other craft;

(g) allow and assist an authorised officer to send or receive messages by means of the vessel's communications equipment; and

(h) allow and assist an authorised officer in the performance of his duties in any other way as required by the Director.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty specified in **Schedule 1.**

Offence against an authorised officer

162. (1) No person shall-

(a) assault, bribe, obstruct, resist, delay, refuse boarding to, intimidates or otherwise interfere with an authorised officer in the performance of his duties;

(b) incite or encourage any other person to assault, resist, or obstructs any authorised officer in the performance of his duties;

(c) use threatening language or behave in a threatening or insulting manner or use abusive language or insulting gestures towards any authorised officer in the performance of his duties;

(d) fail to comply with an instruction or direction of an authorised officer in the performance of his duties;

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(e) furnish to an authorised officer any particulars which are false or misleading in any material respect; or

(f) impersonate or falsely represent himself to be an authorised officer.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty specified in **Schedule 1**.

Observer programme

163. (1) There is established a programme to be known as "the Trinidad and Tobago Observer Programme".

(2) The Director shall be responsible for the administration of the Trinidad and Tobago Observer Programme.

(3) The Trinidad and Tobago Observer Programme shall consist of the collection of, recording and reporting of reliable and accurate information for scientific, management, and compliance purposes, including information related to−

(a) the species, quantity, size, age, and condition of fish taken;

(b) the methods used and areas and depths at which fish are taken;

(c) the effects of fishing methods on fish and the environment;

(d) all aspects of the operation of any vessel;

(e) the processing, transportation, transshipment, storage, or disposal of any fish;

(f) the implementation of management measures and applicable international conservation and management measures; or

(g) any other matter that may assist the Director in obtaining, analysing, or verifying information regarding fisheries for scientific, management, and compliance purposes.

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Designation of observers

164. (1) For the purposes of the Trinidad and Tobago Observer Programme the Minister, on the recommendation of the Director, may, designate persons, including citizens and nationals of foreign States, by instrument in writing, to be observers on fishing vessels, any other craft, or premises issued with valid authorisations, licences or permits pursuant to this Act.

(2) Persons designated in accordance with subsection (1), including citizens and nationals of foreign States, shall be subject to the provisions of this Act while carrying out their duties and functions.

(2A) An Observer shall carry on his person an identity card with his photograph issued by the Minister which shall include the following information:

(a) the name of the agency that the observer represents;

(b) his full name;

(c) the date of the photograph;

(d) the signature of the holder; and

(e) a statement that the holder is authorised to carry out functions and duties in accordance with this Act.

(3) The Minister, on the recommendation of the Director, may promote the continuous training and capacity building of observers taking into account international best practice and relevant training requirements of any regional fisheries management organisation (RFMO) of which Trinidad and Tobago is a member.

Duties of observers

165. (1) For the purposes of this Act, an observer shall-

(a) board and disembark the fishing vessel, or any other craft, at such time and place as may be determined by the Director;

(b) remain on the fishing vessel, or any other craft, for the purpose of carrying out his duties;

(c) gather data or information relating to fishing or fishing related activities in the fishery waters or

any other areas as may be required by the Director;

(d) take and remove from the fishing vessel, or any other craft, reasonable samples for the purposes of scientific investigation and other relevant information;

(e) prepare and submit while on board the fishing vessel, a report of the relevant information on the operations of the fishing vessel as determined by the Director;

(f) prepare and submit a written report to the Director with detailed information of the activities carried out during the voyage, including data and forms, at any time and in the manner required by the Director.

(g) perform any other duty as may be required by the Director.

(2) An observer who performs duties in areas beyond national jurisdiction in accordance with this Act, any treaty convention, regional or international agreement, or any fisheries management agreement or international conservation and management measures, shall, unless the contrary is provided, continue to be subject to all provisions of this Act, and all responsibilities and duties of the operator, members of the crew and other relevant persons to an observer, under this Act shall continue to be applicable.

Code of conduct of observers

166. (1) Subject to immunity from suit in accordance with **section 168**, an Observer, in the performance of his duties, is required to-

(a) identify himself and always carry the identity card, issued under **subsection 164(2A)**, in the exercise of his duties;

(b) comply with the laws and regulations applicable to the fishing vessel to which the Observer is assigned;

(c) respect the hierarchy and general rules of behaviour which apply to the crew of any fishing vessel provided that such rules do not interfere with his powers and duties under this Act;

(d) perform his powers and duties in a manner that does not unduly interfere with the lawful operations of any fishing vessel, any other vessel or craft, or premises and communicate regularly with the master of the vessel;

(e) maintain independence and impartiality at all times while on duty; and

(f) treat as confidential, in accordance with **section 224**, all the information with respect to the fishing and fishing related activities and, the fishing vessel, or any other craft, and its personnel.

(2) Observers shall not-

(a) demand or receive any recompense or contribution from the fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit; and

(b) have any direct or indirect actual on contingent pecuniary interest in any business or vessels involved in fishing or fishing related activities,

without declaring in writing, the nature and extent of his interest, as soon as he becomes aware of it, to the Minister and to the Director.

(3) An observer who contravenes subsection (2) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Disclosure of interest of an observer and recusal

166A. (1) A disclosure made under subsection 166(2) shall be recorded in a form and manner required by the Minister, on the recommendation of the Director, and the observer shall not participate in any matter, activity, deliberation or decision in which he has an interest or is likely to affect that interest.

(2) Subject to subsection (1), an observer who-

(a) fails to comply with his section; or

(b) knowingly makes a false declaration under this section,

commits an offence and is liable to the penalty specified in **Schedule 1**.

(3) An observer does not commit an offence under subsection (2) if he proves to the satisfaction of the Court that he did not know that he had an interest in the matter, activity, deliberation or decision in which was the subject of consideration under his purview.

(4) Notwithstanding subsection (2), an observer who is alleged to be guilty of misconduct under this section by his failure to comply with any regulation, order or directive under this Act in respect of the entity, position, duties or functions to which he has been assigned, is liable to disciplinary proceedings.

Duties to an observer by an operator and crew

167. (1) An operator and each member of the crew of a fishing vessel, or any other craft, or occupier of any premises, issued with an authorisation, licence or permit pursuant to this Act, shall allow and assist an observer to-

(a) board and disembark the fishing vessel, or any other craft, at such time and place as may be determined by the Director or in accordance with an access agreement;

(b) carry out his duties safely;

(c) have full access to and the use of facilities and equipment on board the fishing vessel, or any other craft, which the observer may consider necessary to carry out his duties;

(d) have full access to the fishing vessel, or any other craft, including the bridge, fish on board and areas which may be used to hold, process, weigh and store fish;

(e) have full access to the vessel's or other craft's records, including its log and other documentation, for the purpose of inspecting and copying those records;

(f) have full access to fishing gear on board;

(g) have full access to navigation equipment, communication equipment, vessel monitoring system and any other electronic devices;

(h) have full access to any place within Trinidad and Tobago or elsewhere where fish is loaded onto, or loaded from, the vessel or any other craft;

(i) gather any data or information relating to fishing and fishing related activities in the fishery waters or any other areas;

(j) verify and record any aspect of the fishing and fishing related activities, of the holds and of the processing facilities and to take any samples that may be required in the exercise of their duties;

(k) take and remove from the fishing vessel, or any other craft, or any premises, reasonable samples for the purposes of scientific investigation and other relevant information;

(l) capture still or moving images of the fishing, or fishing related activities, including fish, fishing gear, equipment, charts, documents and records, and remove from the fishing vessel, or any other craft or premises, any record of such images as he may have captured on board the fishing vessel or any other craft or on the premises;

(m) send or receive messages by means of the vessel's communications equipment on board the fishing vessel or any other craft or on the premises; and

(n) perform any other duty as may be required by the Director.

(2) The operator shall, at no expense to the State, provide the observer, while on board the vessel, with food, accommodation, safety equipment and medical facilities of a reasonable standard.

(3) In addition to the requirements in subsections (1) and (2), the Director may require the operator of a vessel to pay in full the following costs of an observer:

(a) travel costs to and from the vessel;

(b) such salary as may be notified by the Director; and

(c) full insurance coverage.

(4) Any person who contravenes subsection (1) or (2) or—

(a) assaults, bribes, obstructs, resists, delays, refuses boarding or entry to, intimidates or otherwise interferes with an observer in the performance of his duties;

(ab) incite to encourage any other person to assault, bribe, obstruct, resist, delay, refuse boarding or entry to intimidates or otherwise interfere with an Observer in the performance of his duties;

(b) uses abusive, threatening or insulting language or gestures, or behaves in an abusive threatening or insulting manner, towards an observer while in the performance of his duties;

(c) fails to comply with any lawful request of an observer;

(d) furnishes to an observer any particulars which are false or misleading in any material respect;

(e) impersonates, or falsely represents himself to be, an observer; or

(f) is in breach of any other duty to an observer under this Act,

commits an offence.

(5) A person who contravenes subsection (4) is liable to the penalty specified in **Schedule 1**.

(6) For the purposes of subsection (4), any person who does not allow any observer to exercise any of the duties of an observer under this Act shall be deemed to be obstructing the observer in the performance of his duties.

(7) Where an observer is lost at sea, the operator of the fishing vessel shall cease fishing or fishing related activities forthwith and immediately initiate standard search and rescue procedures and where the observer is not found, the operator of the fishing vessel shall

immediately notify the Director, stow all fishing gear, and proceed to the nearest port in Trinidad and Tobago or other port approved by the Director, and comply with the instructions of the Director.

(8) An operator of a fishing vessel that contravenes subsection (7) commits an offence and is liable on conviction on indictment to the penalty specified in Schedule 1.

Immunity from suit

168. An authorised officer, an observer or a person assisting an authorised officer or an observer shall not be held personally liable for anything done or omitted in the discharge of his functions under this Act on the ground of want of jurisdiction or mistake of law or fact, or any other ground, unless it is shown that the act or omission was a result of gross negligence or done in bad faith.

Division 3

Port Control Measures for Trinidad and Tobago Fishing Vessels

Application

169. This Division applies to Trinidad and Tobago fishing vessels intending to depart or enter the fishery waters.

Requirement for prior declaration and written approval by Director to depart an identified port designated landing site or a specified area

170. (1) No Trinidad and Tobago fishing vessel intending to operate in areas beyond national jurisdiction shall depart from an identified port, a designated landing site or a specified area unless the operator of that fishing vessel or his authorised local representative resident in Trinidad and Tobago provides advance notice of the intention to depart the identified port, designated landing site or a specified area in the form and manner approved by the Director and a written approval to depart has been issued by the Director.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Refusal to grant a Trinidad and Tobago fishing vessel approval to depart from an identified port, designated landing site or a specified area

170A. (1) The Minister, on the recommendation of the Director, may refuse to grant approval for a Trinidad and Tobago fishing vessel to depart from an identified port, designated landing site or specified area -

(a) the vessel does not have a valid and applicable authorisation or permit to engage in fishing or fishing related activities required in respect of

areas beyond national jurisdiction of its flag State or under this Act;

(b) there is clear evidence that the fish on board was taken in a manner inconsistent with or in contravention of the conservation and management measures of—

(i) under this Act;

(ii) a treaty, convention or other regional or international agreement or organisation to which Trinidad and Tobago is a party; or

(iii) the applicable the terms and conditions of an authorisation, licence, permit or certificate to engage in fishing or fishing related activities in respect of areas under the national jurisdiction of its flag State or of Trinidad and Tobago issued under this Act;

(c) the vessel is an IUU listed vessel;

(d) there is reasonable grounds to suspect that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(e) the refusal is in accordance with such additional grounds as may be prescribed.

(2) Notwithstanding subsection (1), the Minister shall not refuse to grant approval for a Trinidad and Tobago fishing vessel to depart from an identified port, designated landing site or specified area where—

(a) the operator of the vessel was acting in a manner consistent with relevant conservation and management measures;

(b) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister that the previous owner or master has no legal, beneficial or financial material interest in the vessel;

(c) the Minister is satisfied, on the recommendation of the Director, that the grant of approval would not subvert the purposes of any treaty, convention or other regional and international agreement to which Trinidad and Tobago is a party;

(d) it is essential to the safety or health of the crew or the safety of the vessel, or

(e) it is appropriate that departure is necessary for the scrapping of the vessel.

Due process requirements for the refusal to grant a Trinidad and Tobago fishing vessel approval to depart from an identified port, designated landing site or a specified area

170B. (1) Where the Minister, on the recommendation of the Director, proposes to refuse to grant approval for a Trinidad and Tobago fishing vessel to depart from an identified port, designated landing site or a specified area in accordance with subsection 170A(1), he shall promptly notify the applicant in writing of the proposed refusal and provide reasons.

(2) An applicant under subsection (1) may submit written reasons to the Minister as to why the grant of approval for a Trinidad and Tobago fishing vessel to depart from the identified port, designated landing site or specified area should not be refused promptly after receipt of the notice.

(3) Where the Minister is in receipt of written reasons under subsection (2), he shall promptly —

(a) consider those reasons and the recommendation of the Director;

(b) make a determination; and

(c) notify the applicant of his decision in writing and provide reasons.

Cancellation of the refusal to grant a Trinidad and Tobago fishing vessel approval to depart from an identified port or a specified area

170C. (1) The Minister, on the recommendation of the Director, shall cancel the decision to refuse to grant approval for a foreign fishing vessel to depart from an identified port or specified area made in accordance with subsection 170B(3), where he determines that there is sufficient evidence that the grounds on which the refusal was based—

(a) are inadequate;
(b) are erroneous; or
(c) no longer apply.

(2) Where the Minister, on the recommendation of the

Director, cancels the decision to refuse to grant approval for a foreign fishing vessel to depart from an identified port or specified area in accordance with subsection (1), the Minister shall promptly notify the applicant in writing of the decision to cancel the refusal of the grant of approval and provide reasons.

Prior declaration of intent to enter or use an identified port designated landing site or specified area

171. (1) An operator of a Trinidad and Tobago fishing vessel, or his authorised local representative resident in Trinidad and Tobago, as the case may be, shall notify the Director, in the form and manner approved by the Director, of the entry of the vessel into any identified port, designated landing site or a specified area.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for written approval by the Director for Trinidad and Tobago fishing vessels operating in areas beyond national jurisdiction to enter or use an identified port, designated landing site or specified area for port services.

172. (1) No Trinidad and Tobago fishing vessel operating or intending to operate in areas beyond national jurisdiction shall enter or use an identified port, designated landing site or a specified area for landing, transhipping, importing, exporting re-exporting, of fish or for other port services, including bunkering and provisioning, unless advance notice to enter the identified port, designated landing site or specified area has been provided in the form and manner approved by the Director and written approval to access the identified port, designated landing site or specified area has been issued by the Director.

(2) The Director may deny use of a port, designated landing site or specified area under subsection (1) in the manner to be prescribed.

(3) The Director shall communicate his decision to deny use of the identified port, designated landing site or specified area as appropriate and to the extent possible, to relevant coastal States, regional fisheries management organisations and other international organisations.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Unauthorised entry into or use of an identified port, designated landing site or a specified

173. A person who-

(a) enters or uses-

(i) an identified port;

area by a Trinidad and Tobago fishing vessel

(ii) a designated landing site; or
(iii) a specified area; or

(b) causes a Trinidad and Tobago fishing vessel to enter or use-
(i) an identified port;
(ii) designated landing site; or
(iii) a specified area,

for the purposes of landing, transshipping, importing, exporting, or re-exporting, of fish, or for other port services, without the written approval of the Director, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Entry into or use of a port not identified, landing site not designated or an area not specified by a Trinidad and Tobago fishing vessel for port services

174. A person who-
(a) enters or uses-
(i) a port not identified;
(ii) a landing site not designated; or
(iii) an area not specified; or
(b) causes a Trinidad and Tobago fishing vessel to use-
(i) a port not identified;
(ii) a landing site not designated; or
(iii) an area not specified,

for the purposes of landing, transshipping, importing, exporting, or re-exporting, of fish or for other port services, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Inspection of Trinidad and Tobago vessels at an identified port, a designated landing site or a specified area in the fishery waters and in areas beyond national jurisdiction

175. The Director may, at any time and without notice, inspect any Trinidad and Tobago fishing vessel at an identified port, designated landing site or specified area in the fishery waters or an area beyond national jurisdiction, for the purpose of determining whether the vessel is in compliance with this Act and the terms and conditions of any authorisation, licence or permit issued pursuant to this Act.

Division 4

Port State Control Measures for Foreign Fishing Vessels

Application

176. This Division applies to foreign fishing vessels intending to enter or depart the fishery waters.

Requirement for advance request for entry into or use of an identified port or a specified area

177. (1) An operator of a foreign fishing vessel or his authorised local representative resident in Trinidad and Tobago, as the case may be, intending to enter into or use any identified port in Trinidad and Tobago, shall submit an advanced request for entry into or use of an identified port or specified area to the Minister, in the form and manner approved by the Minister, on the recommendation of the Director and a written approval to enter or use the identified port or specified area may be issued by the Minister, on the recommendation of the Director.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for written approval by the Minister, on the recommendation of the Director, for a foreign fishing vessel to enter or use an identified port or a specified area.

178. (1) No foreign fishing vessel shall enter or use an identified port or a specified area for landing, transhipping, importing, exporting and re-exporting, packaging or processing of fish or for other port services, including bunkering and provisioning, a written approval has been issued by the Minister, on the recommendation of the Director to:

(a) enter or use an identified port or a specified area for port services; or

(b) enter an identified port for the purpose of an inspection only.

(2) The Minister, on the recommendation of the Director, may refuse to grant approval for a foreign fishing vessel to enter and use an identified port or specified area under subsection (1).

(3) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Refusal to grant foreign fishing vessels entry into or use of an identified port or a specified area

179. (1) The Minister, on the recommendation of the Director, may refuse to grant approval for a foreign fishing vessel to enter and use an identified port or specified area, including for port services if-

(a) the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State or under this Act;

(b) the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required in respect of areas beyond national jurisdiction of its flag State or

under this Act;

(c) there is clear evidence that the fish on board was taken in a manner inconsistent with or in contravention of the conservation and management measures of—

(i) its flag State or under this Act;

(ii) a treaty, convention or other regional or international agreement or organisation to which its flag State or Trinidad and Tobago is a party; or

(iii) the applicable the terms and conditions of an authorisation, licence, permit or certificate to engage in fishing or fishing related activities in respect of areas under the national jurisdiction of its flag State or of Trinidad and Tobago issued under this Act;

(d) the flag State does not confirm within a reasonable period of time of the request by the Minister, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization;

(e) the vessel is an IUU listed vessel;

(f) there is reasonable grounds to suspect that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(g) the refusal is in accordance with such additional grounds as may be prescribed.

(2) Notwithstanding subsection (1), the Minister shall not refuse to grant approval for a foreign fishing vessel to enter or use an identified port or specified area or use port services where—

(a) the operator of the vessel was acting in a manner consistent with relevant conservation and management measures;

(b) the ownership of the vessel has changed and the

new owner has provided sufficient evidence to the Minister that the previous owner or master has no legal, beneficial or financial material interest in the vessel;

(c) the Minister is satisfied, on the recommendation of the Director, that the grant of approval would not subvert the purposes of any treaty, convention or other regional and international agreement to which Trinidad and Tobago is a party;

(d) it is essential to the safety or health of the crew or the safety of the vessel, or

(e) it is appropriate that entry is necessary for the scrapping of the vessel.

Due process requirements for the refusal to grant approval for a foreign fishing vessel to enter into or use of an identified port or a specified area

179A. (1) Where the Minister, on the recommendation of the Director, proposes to refuses to grant approval for a foreign fishing vessel to enter or use an identified port or a specified area in accordance with subsection 179(1), he shall promptly notify the applicant of the proposed refusal and provide reasons.

(2) An applicant under subsection (1) may submit written reasons to the Minister as to why the grant of approval to a foreign fishing vessel to enter or use the identified port or specified area should not be refused promptly after receipt of the notice.

(3) Where the Minister, on the recommendation of the Director, is in receipt of written reasons under subsection (2), he shall promptly —

(a) consider those reasons and the recommendation of the Director;

(b) make a determination; and

(c) notify the applicant of his decision in writing and provide reasons.

(4) Where the Minister refuses to grant approval to a foreign fishing vessel to enter or use an identified port or a specified area in accordance with subsection (3), the Minister or the Director, as the case may be, shall promptly notify the flag State and, as appropriate, relevant States, regional fisheries management organizations and other relevant international organizations of his decision.

Cancellation of the refusal to grant approval for a foreign fishing vessel to enter into or use of an identified port or a specified area

179B. (1) The Minister, on the recommendation of the Director, shall cancel the decision to refuse to grant approval to a foreign fishing vessel for entry or use an identified port or a specified area made in accordance with subsection 179A(3), where he determines that there is sufficient evidence that the grounds on which the refusal was based—

(a) are inadequate;
(b) are erroneous; or
(c) no longer apply.

(2) Where the Minister, on the recommendation of the Director, cancels the decision to refuse to grant approval for entry and use of an identified port or a specified area in accordance with subsection (1), the Minister shall promptly notify—

(a) the applicant; and

(b) the persons to whom a notification of the refusal to grant approval was issued in accordance with subsection 179A(4),

of the decision to cancel the refusal of the grant of approval and provide reasons.

Unauthorised entry or use of an identified port or a specified area by a foreign fishing vessel

180. A person who-

(a) enters or uses-

(i) an identified port; or
(ii) a specified area; or

(b) causes a foreign fishing vessel to enter or use-

(i) an identified port; or
(ii) a specified area,

for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish or for other port services, including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1.**

Entry or use of a port not identified~~,~~ or an area not

181. A person who-

specified by foreign fishing vessels for port services

(a) enters or uses-

(i) a port not identified; or
(ii) an area not specified; or

(b) causes a foreign fishing vessel to enter to use-
(i) a port not identified; or
(ii) a specified area,

for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish or for other port services, including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1.**

Inspection of a foreign fishing vessel at an identified port, specified area or in the fishery waters

182. The Director may, at any time and without notice, inspect any foreign fishing vessel at an identified port, a specified area or in the fishery waters for the purpose of determining whether the vessel is in compliance with this Act and the terms and conditions of any authorisation, licence or permit.

Prior declaration of a foreign fishing vessel to depart the fishery waters, including a designated port or specified area

183. (1) An operator of a foreign fishing vessel, or his authorised local representative resident in Trinidad and Tobago, as the case may be, intending to depart the fishery waters, including an identified port or a specified area, shall submit an advance declaration to depart to the Minister, in the form and manner approved by the Minister, on the recommendation of the Director, and a written approval to depart the fishery waters, may be issued by the Minister, on the recommendation of the Director.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Requirement for written approval by the Minister, on the recommendation of the Director, for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area.

184. (1)No foreign fishing vessel shall depart the fishery waters, including an identified port or a specified area unless a prior declaration of departure has been submitted and in the form and manner approved by the Minister, on the recommendation of the Director and a written approval to depart has been issued by the Minister, on the recommendation of the Director.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Refusal to grant a foreign fishing vessel approval to depart the fishery waters, including from an identified port or a specified area

184A. (1) The Minister, on the recommendation of the Director, may refuse to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area if-

(a) the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State or under this Act;

(b) the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required in respect of areas beyond national jurisdiction of its flag State or under this Act;

(c) there is clear evidence that the fish on board was taken in a manner inconsistent with or in contravention of the conservation and management measures of—

(i) its flag State or under this Act;

(ii) a treaty, convention or other regional or international agreement or organisation to which its flag State or Trinidad and Tobago is a party; or

(iii) the applicable the terms and conditions of an authorisation, licence, permit or certificate to engage in fishing or fishing related activities in respect of areas under the national jurisdiction of its flag State or of Trinidad and Tobago issued under this Act;

(d) the flag State does not confirm within a reasonable period of time of the request by the Minister, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization;

(e) the vessel is an IUU listed vessel;

(f) there is reasonable grounds to suspect that the fishing vessel was engaged in or supporting IUU fishing or fishing related activities in support of such fishing; or

(g) the refusal is in accordance with such additional grounds as may be prescribed.

(2) Notwithstanding subsection (1), the Minister shall not refuse to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area where—

(a) the operator of the vessel was acting in a manner consistent with relevant conservation and management measures;

(b) the ownership of the vessel has changed and the new owner has provided sufficient evidence to the Minister that the previous owner or master has no legal, beneficial or financial material interest in the vessel;

(c) the Minister is satisfied, on the recommendation of the Director, that the grant of approval would not subvert the purposes of any treaty, convention or other regional and international agreement to which Trinidad and Tobago is a party;

(d) it is essential to the safety or health of the crew or the safety of the vessel, or

(e) it is appropriate that departure is necessary for the scrapping of the vessel.

Due process requirements for the refusal to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area

184B. (1) Where the Minister, on the recommendation of the Director, proposes to refuse to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area in accordance with subsection 184A(1), he shall promptly notify the applicant of the proposed refusal and provide reasons.

(2) An applicant under subsection (1) may submit written reasons to the Minister as to why the grant of approval for a foreign fishing vessel to depart the fishery waters, including an identified port

or specified area should not be refused promptly after receipt of the notice.

(3) Where the Minister is in receipt of written reasons under subsection (2), he shall promptly —

(a) consider those reasons and the recommendation of the Director;

(b) make a determination; and

(c) notify the applicant of his decision in writing and provide reasons.

(4) Where the Minister refuses to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area in accordance with subsection (3), the Minister shall promptly notify the flag State and, as appropriate, relevant States, regional fisheries management organizations and other relevant international organizations of its decision.

Cancellation of the refusal to grant approval for a foreign fishing vessel to depart an identified port or a specified area

184C. (1) The Minister, on the recommendation of the Director, shall cancel the decision to refuse to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area made in accordance with subsection 184B(3), where he determines, on the recommendation of the Director, that there is sufficient evidence that the grounds on which the refusal was based—

(a) are inadequate;
(b) are erroneous; or
(c) no longer apply.

(2) Where the Minister, on the recommendation of the Director, cancels the decision to refuse to grant approval for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area in accordance with subsection (1), the Minister shall promptly notify—

(a) the applicant; and
(b) the persons to whom a notification of the refusal to grant approval was issued in accordance with subsection 184B(4),

of the decision to cancel the refusal of the grant of approval and provide reasons.

PART XVII

FIXED PENALTIES

Fixed penalty notice

185. (1) Where a law enforcement officer has reasonable cause to suspect that a person is committing or has committed a fixed penalty offence, the law enforcement officer may issue to that person a fixed penalty notice, offering the person the opportunity to discharge any liability to conviction in respect of that offence by paying the fixed penalty within the time specified in the fixed penalty notice.

(2) A fixed penalty notice shall be served by an a law enforcement officer.

(3) A fixed penalty notice shall be served in person or where a person cannot be found in order to be served with a fixed penalty notice-

(a) within forty-eight hours of its issue; and

(b) after reasonable attempts have been made to locate him,

the fixed penalty notice may be served by posting it on the fishing vessel owned or operated by him or the locker issued to him or by electronic means.

(4) A law enforcement officer who serves a fixed penalty notice under this section shall cause a copy of the fixed penalty notice to be sent to -

(a) the Director; and

(b) the Magistracy Registrar and Clerk of the Court in the district in which the offence is alleged to have been committed,

within seven working days from the date of issue of the fixed penalty notice.

Particulars to be specified in fixed penalty notice

186. (1) A fixed penalty notice shall-

(a) bear the name, office and signature of the person who issues it;

(b) be directed to the person whom the law

enforcement officer has reason to suspect has committed an offence;

(c) specify the provision of the written law creating the offence;

(d) specify the particulars of the offence;

(e) specify the amount of the fixed penalty;

(f) specify the time within which the fixed penalty may be paid;

(g) identify the payee to whom, and the address at which the fixed penalty may be paid or remitted;

(h) specify the date, time and address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time; and

(i) specify the date, time and place of its service.

(2) A fixed penalty notice under this section shall be in the form approved by the Minister, by Order.

Methods and payees for payment of a fixed penalty

187. The Minister, may by Order, subject to negative resolution of Parliament, prescribe the methods and payees for payment of a fixed penalty.

Payment of fixed penalties

188. (1) Where a fixed penalty notice has been served under **section 185**, the person on whom it is served may pay the fixed penalty within sixty days from the date of service.

(2) Payment of a fixed penalty shall be made to the payee as prescribed by the Minister under **section 187** and shall be accompanied by the fixed penalty notice issued under **section 185**.

(3) Where a fixed penalty is duly paid in accordance with a fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the notice was given.

Transmission of documents to Court

189. Where a fixed penalty notice has been filed, the law enforcement officer shall immediately transmit a copy of the fixed penalty to the Magistracy Registrar and Clerk of the Court in the district in which the offence is alleged to have been committed.

Listing of proceedings in respect of fixed penalty notice

190. Proceedings in respect of an offence for which a fixed penalty notice was issued shall not be listed for trial in Court unless a period of sixty days has elapsed from the last day on which the fixed penalty is payable and there is no record that the fixed penalty was paid in accordance with **section 188**.

Appearance of parties in proceedings

191. (1) Where there is no record that the fixed penalty was paid in accordance with **section 188**-

(a) the law enforcement officer who issued the fixed penalty notice shall be notified and shall be required to attend Court on the date, time and address of the Court as specified in the fixed penalty notice; and

(b) proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Non-payment of fixed penalty

192. Where a fixed penalty notice was issued and the person does not pay the fixed penalty, in accordance with the fixed penalty notice, the fixed penalty notice shall be deemed to be a summons issued in accordance with section 42 and served in accordance with section 43, respectively, of the Summary Courts Act.

PART XVIII

JURISDICTION, EVIDENCE AND PRESUMPTIONS

Jurisdiction

193. Any act or omission in contravention of any of the provisions of this Act, which is committed in any place or by any person to which this Act applies in accordance with **section 3**, shall be liable to be dealt with, and judicial proceedings may be taken in relation thereto, as if the act or omission had taken place in Trinidad and Tobago.

(2) Where an authorised officer or observer is exercising any functions or powers conferred on him outside the fishery waters in accordance with this Act, any act or omission of any person in contravention of any of the provisions of this Act committed in relation to the authorised officer or observer in the performance of his functions or powers, shall be deemed to have been committed within the fishery waters.

Certificate evidence

194. The Director, or any person designated in writing by him, may give a certificate stating that—

(a) a specified vessel or person was or was not on a specified date the holder of any specified authorisation, licence, permit, certificate or other document granted or issued under this Act;

(b) a specified vessel or person was or was not on a specified date on the Record of Trinidad and Tobago Fishing Vessels or any other record or register under this Act;

(c) an appended document is a true copy of the authorisation, licence, permit, certificate or other document granted or issued under this Act and that specified terms and conditions were attached to such document;

(d) a particular location or area of water was on a specified date within or beyond the fishery waters, or within a closed, limited, restricted, protected or controlled area within or beyond the fishery waters, an area within or beyond the fishery waters delineated for any specified purpose or an area of the fishery waters subject to specified terms and conditions;

(e) an appended chart shows the boundaries on a specified date of the fishery waters, or within a closed, limited, restricted, protected or controlled area within or beyond the fishery waters or an area within or beyond the fishery waters delineated for any specified purpose;

(f) an appended position report was given in respect of a specified vessel;

(g) a particular item or piece of equipment is fishing gear;

(h) an appended document is a true copy of an access agreement, fisheries management agreement or other bilateral or multilateral legal instrument to which Trinidad and Tobago is a party;

(i) a call sign, name or other identification allotted under any system of naming or numbering of vessels is that of a particular vessel;

(j) an appended catch report or other report or record was given in respect of a specified vessel;

(k) a specified vessel, mobile transceiver unit, electronic device or other item complies or does not comply with any reporting, recording, licensing or registration requirements under this Act, an applicable access agreement or international conservation and management measures;

(l) an appended document is a true certificate of a specified measuring device;

(m) an offence was committed against the laws of another State, as declared in an appended copy of a statement signed by a competent authority of that State;

(n) international conservation and management measures are in force as declared in or evidenced by, an appended document;

(o) a statement as to the species, quantity, size, age or condition of fish was made and signed by an authorised officer or observer;

(p) a photograph or image is a true and accurate representation of what it is meant to represent;

(q) a photograph or image was taken or captured by a specified person;

(r) any specified return, log, record or information required to be kept or furnished under this Act was or was not kept or furnished; or

(s) any specified interest in any specified fishing right was or was not held by a person named in the certificate.

Validity and procedures for certificates

195. (1) Unless the contrary is proved, a document purporting to be a certificate given under **section 196** shall be deemed to be such a certificate and to have been duly given.

(2) A certificate given under **section 196** shall, unless the contrary is proved, be *prima facie* evidence of all the facts averred in it.

(3) Any omission from or a mistake made in any certificate given under **section 196**, shall not render it invalid, unless the Court directs otherwise in the interest of justice.

(4) Where, in any proceedings, a certificate made under **section 196** is produced to the Court, the certificate shall be received in evidence upon its mere production without further proof.

Certificate as to location of the vessel

196. (1) Where, in any proceedings under this Act, the place or area in which a fishing vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged then a place or area stated in a certificate given by the Director shall be evidence, unless the contrary is proved, of the place or area in which the fishing vessel was at the date and time or during the period of time stated.

(2) An authorised officer shall, in any statement made and signed under subsection (1) and certified by the Director, state—

(a) his name, address, official position, country of appointment and the provision under which they were appointed;

(b) the name, the International Maritime Organization (IMO) number, if any, and, any other unique identifier, and the international radio call sign which is held by the fishing vessel concerned;

(c) the place or area in which it is alleged the fishing vessel was located;

(d) the date and time or period of time the fishing vessel was in the place or area it is alleged the fishing vessel was located;

(e) the position fixing instrument used to fix the place or area stated in paragraph (c) and its accuracy within specified limits;

(f) a declaration that the authorised officer or observer checked the position fixing instrument a reasonable time before or after it was used to fix the position and whether it appeared to be working correctly; and

(g) if a position fixing instrument which is not judicially recognised as accurate is used, a declaration that he checked the instrument as soon as possible after the time concerned against another position fixing instrument.

Photographic evidence

197. (1) Where a photograph is taken or an image is captured of any fishing or fishing related activity and simultaneously the date, time and position from which the photograph is taken or an image is captured are superimposed upon the photograph then it shall be presumed unless the contrary is proved that the photograph was taken on the date at the time and in the position so appearing.

(2) The presumption set out in subsection (1) above shall only arise if—

(a) the camera taking the photograph or the device capturing the image is connected directly to the instruments which provide the date, time and position concerned; and

(b) the photograph or image was taken or captured by an authorised officer or observer or under his direction.

(3) An authorised officer or observer who takes a photograph or captures an image of the kind described in subsection (1) may give statement appending the photograph or image stating—

(a) his name, address, official position, country of appointment, and provision under which he is appointed;

(b) the name, the International Maritime Organization (IMO) number if any, and any other unique identifier, and the international radio call sign which is held by any fishing vessel appearing in the photograph ~~or~~ of image;

(c) the particulars of the camera, watch or clock or other instrument supplying the date and time, and position fixing instrument and a declaration that he checked those instruments within a reasonable time before or after the taking of the photograph or the capturing of the image and whether they all appeared to be working correctly;

(d) the matters set out in subsection (2); and

(e) the accuracy of the fixing instrument used within specified limits.

(4) This section applies to photographic or imagery evidence that may be produced or generated by any camera or device, whether manual or electronic, and regardless of whether such camera is affixed to a vessel, premises or to a remotely controlled vehicle or aircraft or handheld.

Electronic evidence

198. (1) All information or data obtained or ascertained by the use of an electronic device including a mobile transceiver unit shall be presumed, unless the contrary is proved, to—

(a) come from the vessel, place or location so identified;

(b) be accurately relayed or transferred;

(c) be given by-

(i) in the case of a vessel, the operator of the vessel; and

(ii) in the case of a place or location, the owner or operator of such place or location.

(2) Evidence may be given of information and data so obtained or ascertained under subsection (1) whether from a printout or visual display unit.

(3) The presumption in subsection (1) shall apply whether or not the information was stored before or after any transmission or transfer.

(4) An electronic device installed and operated in accordance with this Act shall be deemed to be accurate.

(5) An authorised officer, observer or other person authorised in writing by the Director may give a statement, to be certified by the Director, stating—

(a) his name, address and official position;

(b) that he is competent to read the printout or visual display unit of any machine capable of obtaining or ascertaining information from an electronic device;

(c) the date and time the information was obtained or ascertained from the electronic device and the details thereof;

(d) the name and call sign or other identity mark of the vessel on which the electronic device is or was located as known to him, or as ascertained from any official register, record or other document; and

(e) a declaration that there appeared to be no malfunction in the electronic device, its transmissions, or other machines used in obtaining or ascertaining the information.

Interfering with evidence

199. (1) A person on board any fishing vessel being pursued, about to be boarded or notified that it will be boarded by an authorised officer, whether in the fishery waters or beyond such waters, who throws overboard, disposes of or destroys any fish, equipment, document, explosive, noxious substance or other thing with intent to avoid its seizure or the detection of any offence under this Act commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(2) A person who removes from custody any vessel, fish, data, document, equipment or other item held in custody under this Act, or does any act or omission by which a vessel, fish, data, document equipment or other item held in custody under this Act may be removed from custody, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(3) A person who damages, renders inoperative or otherwise interferes with data, document, equipment or other item seized and secured including any premises or facilities in which evidence, vessel, fish, data, document, equipment or other items are kept commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) A person who, whether in Trinidad and Tobago, in the fishery waters or beyond the fishery waters, destroys, damages, renders inoperative or otherwise interferes with any part of a vessel monitoring system or any other electronic monitoring system, aboard a vessel, or who intentionally feeds or inputs into that system information or data which is not officially required or is meaningless, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(5) A person who divulges information or data obtained from a vessel monitoring system or a system of reporting or recording required under this Act, other than in the course of duty, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(6) A person who allows unauthorised access to premises or facilities where a vessel monitoring system or any other electronic monitoring system is operated or allows unauthorised access to information or data from a vessel monitoring system or any other electronic monitoring system, commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Disposal of fish and other perishables

200. (1) Where, in the opinion of the Director, any fish or other article seized may rot, spoil, deteriorate or otherwise perish, the Director may authorise its sale in such manner and for such price as the market may determine.

(2) Where the ownership of any property cannot at the time of seizure be ascertained, the property seized shall be disposed of as directed by the Court after ninety days from the date of seizure if, within that time, it has not been possible to establish the ownership of the property.

(3) A purchaser for valuable consideration of any fish, article or property sold under this section shall derive good and unencumbered title in respect of that fish, article or property as the case may be.

(4) The State shall not be liable to any person for any spoilage or deterioration in the quality of any fish or other perishable articles seized.

Forfeiture

201. (1) Where a person is convicted of an offence under this Act, the court may, in addition to any other penalty it may impose, order that the following be forfeited to the State:

(a) fish caught;

(b) fishing vessel;

(c) fishing gear and equipment; and

(d) vehicle used for transporting fish.

(2) Any fishing gear or instrument, or vessel or vehicle which is not ordered to be forfeited under subsection (1) shall be returned to the owner promptly.

Imposition of bond or other security

202.(1) The owner or operator of a vessel or the owner or other person entitled to possession of any item may, from whom the vessel or item was seized pursuant to this Act may, within sixty days after the seizure, apply to the Court for the release of the vessel or item.

(2) Upon receipt of an application under subsection (l) relating to the seizure of a vessel or item, the Court shall order-

(a) that the applicant pay into Court a bond, surety or other security having regard to –

(i) the fair market value of –

(A) the vessel and any items, including fish, on board; or

(B) the item,

(ii) the maximum fine or fines that apply for the offences or alleged offences that led to the seizure of the vessel or item; and

(iii) the costs likely to be recovered by the prosecution if a conviction is entered; and

(b) that the vessel or item to be released upon receipt of the bond, surety or other security, subject to such terms and conditions as the Court sees fit, unless the vessel or item is reasonably required as evidence in court proceedings or for any further investigation of offences under this Act.

(3) In the event of an appeal from an order of forfeiture, the Court may, pending the final disposition of the appeal and of any retrial or rehearing on remand -

(a) continue any bond, surety or other security deposited in accordance with subsection (2); or

(b) require an additional bond, surety or other security to be deposited with it.

(4) The release of any bond, surety or other security deposited in accordance with subsection (2), or (3) is conditional upon -

(a) the return of the released vessel or item to the Court without any impairment of its value; or

(b) final disposition of or discontinuation of proceedings under this Act and payment of any fines, penalties and other determination imposed by the Court.

(5) An item seized under this Act, or a bond, surety or other security paid under subsection (2) or (3) shall be held until any proceedings under this Act have~~;~~ been disposed of or discontinued and any fines, penalties and other determinations imposed have been paid.

(6) Where a bond, surety or other security has been paid under subsection (2) or (3) and the vessel or item has been released -

(a) the sum paid in respect of the value of the vessel or item shall be forfeited from the bond, surety or other security;

(b) any fine or penalty ordered upon the conviction of any person who committed an offence which led to the seizure of the vessel or item shall be paid from the bond, surety or other security; and

(c) any order for costs against a person accused of committing an offence against this Act which led to the seizure of the vessel or item shall be applied against the bond, surety or other security.

Failure to comply with terms and conditions of bond or other security

203. Where a person to whom a vessel or an item is released under **section 202(2)(b)** fails to comply with the terms and conditions of the bond, surety or other security posted for release the of that vessel or item -

(a) the Director may direct the item to be reseized at any time; or

(b) the bond or security shall be automatically forfeited.

General presumptions

204.(1) Fish found on board any fishing vessel which has been used in the commission of any offence under this Act shall be presumed to have been caught in the commission of that offence, unless the contrary is proved.

(2) Where, in any legal proceedings under this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place shall be presumed to be the place in which the event took place, unless the contrary is proved.

(3) *Prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft may be given by the production of a written copy or extract of the entry certified by an authorised officer as a true copy or accurate extract.

(4) For the purposes of any proceedings under this Act, the operator of any fishing vessel, shall be responsible for any act or omission in fishing activity, related to that fishing vessel.

(5) Any entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel is considered to be that of the operator of the vessel.

(6) Where, in any legal proceedings for an offence under this Act —

(a) an authorised officer or observer gives evidence that he had reasonable grounds to believe that any

fish to which the charge relates were taken by the use of prohibited gear; and

(b) the Court considers that, having regard to the evidence, the grounds are reasonable,

the fish shall be presumed to have been so taken, unless the contrary is proved.

(7) Where, in any legal proceedings for an offence under this Act—

(a) an authorised officer gives evidence of reasonable grounds to suspect that any fish to which the charge relates were taken in a specified area of the fishery waters; and

(b) the Court considers that, having regard to the evidence the grounds are reasonable,

the fish shall be presumed to have been so taken, unless the contrary is proved.

(8) In any proceeding for an offence under this Act, an allegation made by the informant in any information or charge relating to whether or not any person was the operator of any vessel shall be presumed to be true in the absence of proof to the contrary.

(9) A document or other information purporting to be made, kept or furnished by or on behalf of any person shall, for the purposes of this Act, be considered to have been made, kept or furnished by that person or by that person's authority unless the contrary is proved.

PART XIX

APPEALS

Jurisdiction of the Environmental Commission and right of appeal

205. An appeal in respect of any decision made by the Minister or the Director under this Act shall lie to the Environmental Commission.

Right of appeal

206. An appeal shall be made under subsection (1) within twenty-eight days of the receipt of the written notification of the decision.

Rules

207. The Environmental Commission may subject to the approval of the President, make rules to govern its practice and procedure in connection with the hearing and determination of appeals to the Commission and other proceedings under this Act, including matters relating to the cost of proceedings before the Commission.

Interpretation

208. In this Part, "Environmental Commission" means the Environmental Commission established under section 81 of the Environmental Management Act.

PART XX

GENERAL PROVISIONS

Director to maintain records, registers and repository

209.(1) The Director shall establish and maintain -

(a) records and registers; and

(b) a repository of scientific proposals and reports along with associated data and research output,

necessary for the effective implementation of this Act.

(2) The Director shall maintain records of-

(a) authorisations, licences, permits and certificates and other approvals issued under this Act; and

(b) the history of compliance with terms and conditions of authorisations, licences, permits, certificates and other approvals.

(3) Subject to the Data Protection Act and **section 224** of this Act, the Director shall, consistent with Trinidad and Tobago's obligations under any relevant treaty, convention or other regional or international agreement make available information contained in the records, registers and repository maintained under subsection (1).

Collaboration among agencies

210. The Director shall collaborate closely with other government agencies including, but not limited to, the agencies responsible for trade, health, customs, finance, national security, maritime services, foreign affairs and environment in the implementation of this Act.

Use of, and operations at, public facilities provided for the fishing industry

211. (1) The Director shall, by Order, establish rules and guidelines for the use of, and operations at, public facilities provided for the fishing industry, including the setting of fees.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty specified in **Schedule 1**.

Use of a fishing vessel for purposes other than fishing or fishing related activities

212. (1) No person shall use a fishing vessel or a recreational fishing vessel, including a recreational fishing vessel, for purposes other than -

(a) fishing or fishing related activities;

(b) activities essential for –
  (i) the safety of life at sea
  (ii) the safety or health of the crew; or
  (iii) the safety of the vessel; or

(c) such other activities as are approved by the Minister or Director as the case may be or permitted under an authorisation, licence or permit or any other written law.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

Interfering with or disturbing fishing

213. (1) No person shall-

(a) remove, haul, take away, empty or cast adrift any fishing gear, tackle, fish-aggregating device or other fishing equipment;

(b) destroy, damage, displace or alter the position of –
  (i) any fishing gear, tackle, fish-aggregating device or other fishing equipment, or

  (ii) any buoy, float or other marker or

(c) remove fish from the fishing gear, tackle, fish-aggregating device or other fishing equipment,

belonging to another person without the consent of that other person.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty specified in **Schedule 1**.

(3) Any fish in a fishing gear shall be considered the property of the owner of the fishing gear.

Documents to be submitted in English

214. All documents required to be submitted under this Act shall be submitted in English.

Provision of false information

215. Subject to any other provision in this Act a person who provides information required under this Act, which is false, commits an offence and is liable to the penalty specified in **Schedule 1**.

Declaration of Protected Areas

216. The Minister may, by Order, declare any portion of the fishery waters as a protected area.

Activities contrary to the laws of another State

217. (1) Subject to subsection (5), this section applies to all persons, crafts, fishing related activities and other activities to which this Act applies.

(2) No person shall, within Trinidad and Tobago or in the fishery waters, on their own account or any other capacity-

(a) cause or permit a person acting on his behalf; or

(b) use or permit a craft to engage in fishing or fishing related activity,

to take ~~or to~~ import, export, re-export, land, transport, transship, sell, receive, acquire, or buy any fish taken, possessed, transported or sold in violation of any law of another State or of international conservation and management measures.

(3) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to the penalty specified in **Schedule 1**.

(4) Where an international agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State upon conviction or other process pursuant

to subsection (2), such remittance shall be made after all costs and expenses incurred by the State have been deducted.

(5) This section does not apply to fish taken on the High Seas contrary to the law of another State where Trinidad and Tobago does not recognise the jurisdiction of that State over those fish.

Prevention of marine pollution

218. (1) The operator of a fishing vessel shall take the necessary measures to prevent pollution of the marine environment in accordance with international conservation and management measures or as may be prescribed.

(2) Without limiting the generality of subsection (1), the operator of a fishing vessel shall ensure the following:

(a) retrieval of all fishing gear and associated items deployed at sea; and

(b) compliance with the Shipping Act or any other written law.

(3) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to the penalty specified in Schedule 1.

Costs incurred by the State

219. (1) Upon application by the State, the Court may, on conviction for an offence under this Act, order the owner and as applicable the charterer of a vessel, body corporate or other entity involved in the offence, jointly and severally, to bear the cost or expenditure incurred by the State, in connection with -

(a) the seizure of a foreign vessel for an offence against this Act;

(b) the prosecution for an offence against this Act; and

(c) the repatriation of the master or crew of any vessel seized under this Act.

(2) The amount of any costs or expenditure ordered by the Court under subsection (1) may be recovered in the same manner as a fine.

(3) Nothing in subsection (1) shall be deemed to allow for the recovery of any cost or expenditure that has already been recovered pursuant to any other order made under this Act.

General offences and penalties

220. (1) A person who contravenes, or fails to comply with, any of the provisions of this Act or the Regulations commits an offence and except where the provision by, or under which the offence is created, prescribes a penalty to be imposed, that person is liable on summary conviction to the penalty specified in the Schedule and, if the offence is a continuing one, to a further fine of three thousand and five hundred dollars specified in **Schedule 1** for every day after the first day on which the offence has continued.

(2) Nothing in subsection (1) shall apply to a person carrying out any duties or responsibilities imposed or required under this Act while acting in the capacity of an employee, agent or representative of the State.

Limitation of time for prosecution of a summary offence

221. The prosecution of a summary offence under this Act may be instituted at any time within two years after the commission of the offence.

Imprisonment of non-nationals

222. Where an offence under this Act has been committed in the Exclusive Economic Zone by a person who is a national of another State, that person may not be sentenced to a term of imprisonment in the absence of any agreement to the contrary between Trinidad and Tobago and the State of which that person is a national.

Banning Order

223. (1) Where any person who is convicted of an offence against this Act or any statutory instrument made under this Act and within seven years from the date of that conviction is convicted on another occasion of the same or any other offence against this Act or any statutory instrument made under this Act, the Court may, in addition to any other fine or penalty provided under this Act, make an order prohibiting that person from engaging in—

(a) fishing;

(b) fishing related activities; and

(c) any other activity as may be provided for under this Act.

(2) A person who contravenes an order made under subsection (1) or the operator of a fishing vessel who has aboard a person he knows is banned under subsection (1) commits an offence and is liable on summary conviction to the penalty specified in

Schedule 1.

Duty of Confidentiality

224. (1) A person carrying out duties or responsibilities under this Act, shall not unless authorised in accordance with this Act, reveal information or other data of a confidential nature acquired by virtue of his authority, duties and responsibilities.

(2) For the purposes of this section, the following information shall be confidential:

(a) any information or data of a commercial nature provided in records, registers, applications or other documents required under this Act;

(b) any information or other data supplied by a vessel tracking system in accordance with this Act; and

(c) such other information or data as may be determined by the Director.

(3) Confidential information may be disclosed to the extent—

(a) that the disclosure is authorised or required under this Act or any other law or pursuant to an order of the Court;

(b) that the person who owns or provides the information has authorised its disclosure;

(c) necessary to fulfill Trinidad and Tobago's obligations under any treaty, convention or other international agreement relating to fishing or fishing related activities;

(d) necessary for the purposes of monitoring, control, surveillance, enforcement, or search and rescue or any other emergency;

(e) necessary for the purposes of national security, law enforcement or Court proceedings; or

(f) necessary to enable advice to be given to the Minister.

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(4) Any person who contravenes this section commits an offence and is liable on summary conviction to the penalty specified in the **Schedule 1**.

Regulations

225. (1) The Minister may make Regulations-

(a) to give effect to the provisions of this Act; and

(b) as considered necessary or expedient for the purpose of giving effect to—

(i) international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member; or

(ii) any treaty, convention or other regional or international agreement to which Trinidad and Tobago is a party.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations in respect of-

(a) the application for, issuance, suspension, revocation, surrender or cancellation of authorisations, licences, permits and certificated and identity cards;

(b) any fees payable in respect of an application made under this Act;

(c) the management of a fishery;

(d) the recording and reporting of vessel position, catch of target, non-target species, discards, fishing effort and other fisheries data;

(e) the capture, sale, transport and use of bait in the fisheries sub-sector;

(f) regulating recreational fishing in the fishery waters and beyond the fishery waters;

(g) the designation of fish landing sites and identification of designated ports for the landing,

transit, transshipment, transport or movement of fish and other fishing related activities;

(h) the use of, and operations at, public facilities provided for the fishing industry;

(i) the rearing of fish in the fishery waters;

(j) the navigation of foreign fishing vessels through the fishery waters, including the manner in which fishing gear is to be stowed;

(k) measures for the protection of any environmentally sensitive, vulnerable, threatened or endangered species, subject to the Environmental Management Act;

(ka) measures for the conservation of fish habitats;

(l) measures for the approval, registration, use and management of fishing gear, fish aggregating devices and fishing technologies;

(m) a fishing area, local fisheries management area, or protected areas declared as such under this Act, and prescribing any activities which may be taken in such areas;

(n) the establishment of a mechanism for stakeholder participation in the decision-making process for the conservation and management of fisheries;

(o) the data and other information required of fishing vessels, including criteria for fitness of vessels for the purpose of fishing, catch and effort statistics and vessel position reports;

(p) chartered fishing vessels;

(q) fish bioprospecting; and

(r) port State control measures, including the measures adopted by sub-regional, regional and international organisations, and any treaty, convention or other regional or international

agreement to which Trinidad and Tobago is a party;

(s) seafood fraud;

(t) fishing related activities;

(u) subsidies for fisheries management; and

(v) the fees and expenses incurred for any purpose for which regulations may be made under this section, the persons by whom they are to be paid and the manner in which they may be recovered.

(3) The Minister may provide for the establishment of a regime of statutory fishing rights, and in doing so may make Regulations on the following matters:

(a) the method of applying for a right of access or quota share;

(b) the identification of criteria for determining those eligible to apply for a statutory fishing right;

(c) the nature of a statutory fishing right;

(d) the duration of a statutory fishing right;

(e) the criteria for adjusting the fishing rights allocated from one period to another due to fluctuations in the availability of the stocks to which the rights relate;

(f) determining whether the statutory fishing right shall be inheritable, leasable, saleable, or divisible;

(g) the number of rights or quota any person or company may hold at any one time;

(h) the method of calculation of any quota which may be expressed as part of the total allowable effort, total allowable catch or the total allowable catch for a particular species; and

(i) the circumstances under which a statutory fishing right may lapse, be reduced, suspended, reallocated or cancelled.

(4) Regulations made under this section may provide that the contravention of any regulation constitutes an offence and may prescribe penalties for any summary offence not exceeding a fine of five hundred thousand dollars and a term of imprisonment of five years.

Amendment to Schedule 1

225A. (1) The Minister may by Order, subject to affirmative resolution of Parliament, amend **Schedule 1**.

Repeal of Chapter 67:51 and Chapter 67:52

226. (1) Subject to subsection (2), the following are hereby repealed:

(a) Fisheries Act; and

(b) Control of Importation of Live Fish Act.

(2) Notwithstanding subsection (1), all Regulations made under the Fisheries Act and the Control of Importation of Live Fish Act shall remain in force, *mutatis mutandis*, until such time as they are revoked by regulations made under this Act.

(3) Subject to subsection (4), all authorisations, licences or permits issued or appointments made under the repealed provisions, valid and in force immediately before the coming into operation of this Act, shall continue, on such coming into operation, to have full force and effect for the term for which they were issued or made or until they expire or are revoked according to law as if the provisions under which they were issued or made had not been repealed.

(4) Where the Director is of the opinion that any term or condition of any authorisation, licence or permit issued or appointment made under the repealed provisions is at variance with the provisions of this Act to an extent which makes it unacceptable, he shall by written notice—

(a) advise the holder of the authorisation, licence or permit the operator of the vessel in respect of which an authorisation, licence or permit is issued, or the person appointed, as the case may be, of the terms or conditions that is unacceptable;

(b) specify the variation in any term or condition required to ensure compliance with this Act; and

(c) advise that the variation shall apply in respect of the authorisation, licence or permit, or appointment, as the case may be, with effect from a date specified in the notice, unless he receives notification from the holder of the authorisation, licence or permit, the operator of the vessel in respect of which the authorisation, licence or permit is issued or the person appointed, as the case may be, that such variation is unacceptable, in which case the authorisation, licence or permit or appointment, as the case may be, shall cease to have effect from the date specified.

Consequential amendments Schedule 2

227. The written laws specified in the first column of **Schedule 2** are amended to the extent specified in the second column of that Schedule.

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SCHEDULE 1

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board to comply with disclosure requirement, within one month of appointment and annually thereafter, to submit to the Minister and to the Chairman of the Board, a written declaration stating whether he has any direct, indirect, actual or contingent pecuniary or other interest in any person or entity regulated under the Act in	Summary		250,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 13A(1)					
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board who has a direct, indirect, actual or contingent pecuniary or other interest in any matter being considered or about to be considered by the Board, to comply with the requirement to disclose in writing to the Minister and to the Chairman of the Board, the nature and extent of that interest as soon as possible after the relevant facts come to his knowledge, in contravention of	Summary		250,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 13A(2)(i)					
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board who has a direct, indirect, actual or contingent pecuniary or other interest which is likely to be affected by a decision of the Board, to comply with the requirement to disclose in writing to the Minister and to the Chairman of the Board, the nature and extent of that interest as soon as possible after the relevant facts come to his knowledge, in contravention of section 13A(2)(ii)	Summary		250000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board to comply with the requirement to disclose his interest in writing at the first meeting of the Board where the matter is considered or about to be considered in contravention of section 13A(3)(a)(i)	Summary		250000		2 years
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board to comply with the requirement to disclose his interest in writing at the first meeting of the Board where the matter is considered or about to be considered in	Summary		250000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 13A(3)(a)(i)					
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board to comply with the requirement to disclose his interest in writing at the first meeting of the Board after the member becomes interested in contravention of section 13A(3)(a)(ii)	Summary		250000		2 years
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure of a member of the Board to comply with the requirement to record the disclosure of interest, including the nature and extent of the	Summary		250000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				interest, in the Minutes of the meeting of the Board in contravention of section 13A(3)(b)					
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Participating in any deliberation or decision of the Board where the member of the Board has made a disclosure of interest in contravention of section 13A(4)(a)	Summary		250000		2 years
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(a)	Failure to disregard the member of the Board for the purpose of constituting quorum of the Board in any deliberation or decision of the Board where the	No equivalent or similar section in any of the other related legislation, referred to in the matrix,	Summary		250000	2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				member of the Board has made a disclosure of interest in contravention of section 13A(4)(b)	regarding the drafting of this section				
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by members	13A(6)(b)	Knowingly making a false declaration of interests by a member of the Board in contravention of section 13A	Summary		250000		2 years
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by Advisers, Committee members and staff	20A(2)	Failure of an Adviser, Committee member or member of staff of the Board to comply with the requirement to disclose his interest in contravention of section 20A(1)	Summary		250000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
III	Incorporation of the Trinidad and Tobago Fisheries Financial Board	Disclosure of interests by Members	20A(2)	Knowingly making a false declaration of interests in contravention of section 20A(1)	Summary		250000		2 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3	46	Committing an act in contravention of a fisheries management agreement or treaty in contravention of section 41(1),(2)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3	46	Causing or permitting another person to commit an act in contravention of a fisheries management agreement or treaty in contravention of section 41(1),(2)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development /	Contravention of Orders under Division 3	46	Committing an act in contravention of an Order					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Fisheries Management Measures			adopting fisheries management measures as outlined in a fisheries management plan in contravention of section 42(1)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Selection of fisheries management measures	46	Causing or permitting another person to commit an act in contravention of an Order adopting fisheries management measures as outlined in a fisheries management plan in contravention of section 42(1)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order adopting measures consistent with the management plans to ensure that the level of fishing effort and catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources in contravention of section 43(1)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order adopting measures consistent with the management	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				plans to ensure that the level of fishing effort and catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources in contravention of section 43(1)					
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the numbers of fishing vessels to be allowed in contravention of section 43(2)(a)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				numbers of fishing vessels to be allowed in contravention of section 43(2)(a)					
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the maximum permitted engine horsepower in contravention of section 43(2)(b)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the maximum permitted engine horsepower in contravention of section 43(2)(b)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the maximum permitted size of fishing vessels in contravention of section 43(2)(c)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the maximum permitted size of fishing vessels in contravention of section 43(2)(c)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the types of fishing gear and the number of fishing gear units to be allowed by each fisher or vessel in contravention of section 43(2)(d)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the types of fishing gear and the number of fishing gear units to be allowed by each fisher or vessel in contravention	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of section 43(2)(d)					
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the number of fishing days in contravention of section 43(2)(e)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the number of fishing days in contravention of section 43(2)(e)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling /reducing capacity in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 43(3)					
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling/ reducing capacity in contravention of section 43(3)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the level of fish catch over a specified period including the total catch in the fishery in contravention of section 43(4)(a)	Serious Offence		700,000		5 years
V / Division ~~2~~ 3	Fisheries Management and Development /	Contravention of Orders under Division 3 /	46	Causing or permitting another person to commit an act					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Fisheries Management Measures	Fishing effort and catch controls		in contravention of an Order controlling the level of fish catch over a specified period including the total catch in the fishery in contravention of section 43(4)(a)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quota for a fleet or fleet segment in contravention of section 43(4)(b)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quota for a fleet or fleet segment in contravention of section 43(4)(b)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management ~~Agreements and~~ Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quotas for individual vessels in contravention of section 43(4)(c)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quotas for individual vessels in contravention of section 43(4)(c)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order restricting the species of fish that may be caught in contravention of section 44(1)(a)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development /	Contravention of Orders under Division 3 /	46	Causing or permitting another person to commit an act					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Fisheries Management Measures	Additional measures		in contravention of an Order restricting the species of fish that may be caught in contravention of section 44(1)(a)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order controlling the size or age limits on fish species that may be caught in contravention of section 44(1)(b)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order controlling the size or age limits on fish species that may be caught in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 44(1)(b)					
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order prescribing closed seasons in contravention of section 44(1)(c)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing closed seasons in contravention of section 44(1)(c)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order prescribing closed areas in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 44(1)(d)					
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing closed areas in contravention of section 44(1)(d)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order prescribing zones reserved for selected fisheries, particularly artisanal fisheries in contravention of section 44(1)(e)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing zones reserved for selected fisheries, particularly artisanal fisheries in contravention of section 44(1)(e)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order prescribing fishing gear restrictions, including diagonal stretched mesh sizes of different fishing gear in contravention of section 44(1)(f)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing fishing gear restrictions, including diagonal stretched mesh sizes of different fishing gear in contravention of section 44(1)(f)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order limiting the period of fishing gear deployment in contravention of section 44(1)(g)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order limiting the period of fishing gear deployment in contravention of section 44(1)(g)	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Additional measures	46	Committing an act in contravention of an Order designating an area of the fishery waters as a local fisheries management area in contravention of section 45	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Local fisheries management areas	46	Causing or permitting another person to commit an act in contravention of an Order designating an area of the fishery waters as a local fisheries management area in contravention of section 45	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Local fisheries management areas	46	Committing an act in contravention of an Order prescribing measures for the management of a designated local fisheries management area in contravention of section 45	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3 / Local fisheries management areas	46	Causing or permitting another person to commit an act in contravention of an Order prescribing measures for the management of a designated local fisheries management area in contravention of section 45	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3	46	Contravention of an Order under Part V Division 2	Serious Offence		700,000		5 years
V / Division 3	Fisheries Management and Development / Fisheries Management Measures	Contravention of Orders under Division 3	46	Causing or permitting another person to commit an act in contravention of an Order under Part V Division 3	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibited Fishing and Fishing Related Activities	Contravention of Orders under Division 4	47	Contravention of an Order under Division 4	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibited Fishing and Fishing Related Activities	Contravention of Orders under Division 4	47	Causing or permitting another person to commit an act in contravention of an Order under Division 4	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, of fish or fish included in a specified class of fish, and	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				the possessing of such fish on a vessel in the specified area, in contravention of section 48(1)(a)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, of fish or fish included in a specified class of fish, and the possessing of such fish on a vessel in the specified area, in contravention of section 48(1)(a)(i)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, of fish or fish included in a specified class of fish, and the possessing of such fish on a vessel in the specified area in contravention of section 48(1)(a)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, in the case of a specified class of fish, females	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				having young, eggs or spawn attached to them, and the possessing of such fish on a vessel in the specified area in contravention of section 48(1)(a)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, in the case of a specified class of crustaceans, females having eggs or spawn attached to them, and the possessing of such fish on a	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				vessel in the specified area in contravention of section 48(1)(a)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, in the case of a specified class of crustaceans, females having eggs or spawn attached to them, and the possessing of such fish on a vessel in the specified area in contravention of section 48(1)(a)(ii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that are smaller or larger than a specified size in contravention of section 48(1)(b)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that are smaller or larger than a specified size in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 48(1)(b)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that are smaller or larger than a specified size in contravention of section 48(1)(b)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that have a	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				dimension smaller or larger than a specified dimension in contravention of section 48(1)(b)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that have a dimension smaller or larger than a specified dimension in contravention of section 48(1)(b)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and	Prohibitions on fishing and	48(4)	Using a vessel to do an act in contravention of					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Development / Prohibitions on Fishing and Fishing Related Activities	fishing related activities		an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that have a dimension smaller or larger than a specified dimension in contravention of section 48(1)(b)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that have a part which has a dimension smaller or larger than a specified dimension in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				relation to that part in contravention of section 48(1)(b)(iii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that have a part which has a dimension smaller or larger than a specified dimension in relation to that part in contravention of section 48(1)(b)(iii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish that have a part which has a dimension smaller or larger than a specified dimension in relation to that part in contravention of section 48(1)(b)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by a	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				specified method or fishing gear in contravention of section 48(1)(c)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by a specified method or fishing gear in contravention of section 48(1)(c)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from the					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Fishing Related Activities			fishery waters, of fish included in a specified class of fish by a specified method or fishing gear in contravention of section 48(1)(c)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by persons other than those included in a specified class of persons in contravention of section 48(1)(c)(ii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by persons other than those included in a specified class of persons in contravention of section 48(1)(c)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by persons other	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				than those included in a specified class of persons in contravention of section 48(1)(c)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by vessels other than a specified class of vessels in contravention of section 48(1)(c)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			taking, from the fishery waters, of fish included in a specified class of fish by vessels other than a specified class of vessels in contravention of section 48(1)(c)(iii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the taking, from the fishery waters, of fish included in a specified class of fish by vessels other than a specified class of vessels in contravention of section 48(1)(c)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and	Prohibitions on fishing and	48(4)	Committing an act in contravention of	Serious Offence		700,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Development / Prohibitions on Fishing and Fishing Related Activities	fishing related activities		an Order prohibiting the buying, selling, landing, displaying for sale, receiving, possessing, transporting transshipping, importing or re-exporting of fish, fish products or of fish included in a specified class of fish in contravention of section 48(1)(d)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the buying, selling, landing, displaying for sale, receiving, possessing, transporting,	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				transshipping, importing or re-exporting of fish, fish products or of fish included in a specified class of fish in contravention of section 48(1)(d)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the buying, selling, landing, displaying for sale, receiving, possessing, transporting, transshipping, importing or re-exporting of fish, fish products or of fish included in a specified class of fish in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 48(1)(d)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting a person from using, having in his possession or in his charge in a vessel, fishing gear of a specified kind for taking fish in contravention of section 48(1)(e)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting a person from using, having in his possession or in his charge in a vessel, fishing gear of a	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				specified kind for taking fish in contravention of section 48(1)(e)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting a person from using, having in his possession or in his charge in a vessel, fishing gear of a specified kind for taking fish in contravention of section 48(1)(e)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in a vessel, a quantity of	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the Order in contravention of section 48(1)(f)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in a vessel, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				provided in, the Order in contravention of section 48(1)(f)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in a vessel, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the Order in contravention of section 48(1)(f)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development /	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Prohibitions on Fishing and Fishing Related Activities			prohibiting a person from using, or having in his possession or in his charge in or on a vessel or class of vessels, in any part of the fishery waters to which an Order under subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment in contravention of section 48(1)(g)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting a person from	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			using, or having in his possession or in his charge in or on a vessel or class of vessels, in any part of the fishery waters to which an Order under subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment in contravention of section 48(1)(g)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in or on a vessel	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				or class of vessels, in any part of the fishery waters to which an Order under subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment in contravention of section 48(1)(g)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity absolutely in contravention of section 48(1)(h)(i)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity absolutely in contravention of section 48(1)(h)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity absolutely in contravention of section 48(1)(h)(i)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity by persons other than a specified class of persons in contravention of section 48(1)(h)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity by persons other than a specified class of persons	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity by persons other than a specified class of persons in contravention of section 48(1)(h)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity in a specified manner in contravention of section 48(1)(h)(iii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity in a specified manner in contravention of section 48(1)(h)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity in a specified manner in contravention of section 48(1)(h)(iii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting such other activities as the Minister thinks fit in contravention of section 48(1)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting such other activities as the Minister thinks fit in contravention of section 48(1)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting such other activities as the Minister thinks fit in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			contravention of section 48(1)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order prohibiting the taking of an environmentally sensitive, vulnerable, threatened or endangered species in accordance with written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party in contravention of section 48(2)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking of an environmentally sensitive, vulnerable, threatened or endangered species in accordance with written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party in contravention of section 48(2)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions	Prohibitions on fishing and fishing related activities	48(4)	Using a vessel to do an act in contravention of an Order prohibiting the	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	on Fishing and Fishing Related Activities			taking of an environmentally sensitive, vulnerable, threatened or endangered species in accordance with written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party in contravention of section 48(2)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order in force under Part V section 48 (1) or Part V section 48 (2) on one's own account, or as the partner, agent or employee of	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				another person, without or not in accordance an exemption granted under Part V section 48 (3) - in contravention of section 48(4)(a)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Causing or permitting a person acting on one's behalf to commit an act in contravention of an Order in force under Part V section 48 (1) or Part V section 48 (2), without or not in accordance an exemption granted under Part V section 48 (3) - in contravention of section 48(4)(b)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(4)	Committing an act in contravention of an Order in force under Part V section 48 (1) or Part V section 48 (2) using a vessel, without or not in accordance an exemption granted under Part V section 48(3) - in contravention of section 48(4)(c)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(5)	Having, in the fishery waters, any fish in one's possession or under one's control in a vessel at a time when the taking of such fish in that area is prohibited by an Order under Part V section 48(1) or Part V section	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				48(2) - in contravention of section 48(5)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(5)	Causing or permitting another person to have, in the fishery waters, any fish in his possession or under his control in a vessel at a time when the taking of such fish in that area is prohibited by an Order under Part V section 48(1) or Part V section 48(2) - in contravention of section 48(5)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing	Prohibitions on fishing and fishing related activities	48(6)	Landing, selling, displaying for sale, receiving, possessing, transporting, transshipping, importing,	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			exporting or re-exporting taken in contravention of Part V section 48(4)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Prohibitions on fishing and fishing related activities	48(6)	Causing or permitting another person to land, sell, display for sale, receive, possess, transport, transship, any fish taken in contravention of Part V section 48(4)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Using any chemical, poison or noxious substance or material whether of manufactured or natural origin for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				rendering fish more easily caught in contravention of section 49(1)(a)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to use any chemical, poison or noxious substance or material whether of manufactured or natural origin for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)(a)(i)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Using any dynamite or explosive substance or device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)(a)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to use any dynamite or explosive substance or device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				rendering fish more easily caught in contravention of section 49(1)(a)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Using any electrical device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)(a)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to use any electrical device for the purpose of killing, taking, stunning, stupefying or disabling fish or	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				in any way rendering fish more easily caught in contravention of section 49(1)(a)(iii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Carrying any chemical, poison or noxious substance or material whether of manufactured or natural origin in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development /	Fishing with poisons, explosives or electrical	49(3)	Causing or permitting another person to carry any	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Prohibitions on Fishing and Fishing Related Activities	devices prohibited		chemical, poison or noxious substance or material whether of manufactured or natural origin in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Possessing or controlling any chemical, poison or noxious substance or material whether of manufactured or natural origin in circumstances which indicate the intention of its use for any of	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Carrying any dynamite or explosive substance or device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to carry any dynamite or explosive substance or	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Possessing or controlling any dynamite or explosive substance or device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b(ii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Carrying any electrical device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to carry any electrical device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(iii)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Possessing or controlling any electrical device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)(b)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Placing in the water any chemical, poison or noxious substance or material whether of manufactured or natural origin for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(i)	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to place in the water any chemical, poison or noxious substance or material whether of manufactured or natural origin for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(i)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Assisting in placing in the water any chemical, poison or noxious substance or material whether of manufactured or natural origin for any of the purposes	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				referred to section 49(1)(a) in contravention of section 49(1)(c)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Placing in the water any dynamite or explosive substance or device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing or permitting another person to place in the water any dynamite or explosive substance or device for any of the purposes referred to section 49(1)(a) in contravention	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of section 49(1)(c)(ii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Assisting in placing in the water any dynamite or explosive substance or device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Placing in the water any electrical device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions	Fishing with poisons, explosives or electrical	49(3)	Causing or permitting another person to place in the water any	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	on Fishing and Fishing Related Activities	devices prohibited		electrical device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(iii)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Assisting in placing in the water any electrical device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(iii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Buying, selling, landing, displaying for sale, receiving, possessing, transporting, transshipping, importing, exporting or re-exporting any fish taken by	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				any means in contravention of Part V section 49, unless otherwise prescribed in contravention of section 49(2)(a)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing another person to buy, sell, land, display for sale, receive, possess transport, transship, import, export or re-export any fish taken by any means in contravention of Part V section 49, unless otherwise prescribed in contravention of section 49(2)(a)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development /	Fishing with poisons, explosives or electrical	49(3)	Failure or refusing to give, on request, to any authorised	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Prohibitions on Fishing and Fishing Related Activities	devices prohibited		officer information regarding any activity described in Part V section 49(1) or any support of or contribution to such activity in contravention of section 49(2)(b)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing another person to fail or refuse to give, on request, to any authorised officer information regarding any activity described in Part V section 49(1) or any support of or contribution to such activity in contravention of	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 49(2)(b)(i)					
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Failure or refusing to give, on request, to any authorised officer information regarding the source of his supply of any fish or fish product referred to in Part V section 49(2)(a) in contravention of section 49(2)(b)(ii)	Serious Offence		700,000		5 years
V / Division 4	Fisheries Management and Development / Prohibitions on Fishing and Fishing and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49(3)	Causing another person to fail or refuse to give, on request, to any authorised officer information regarding the source of his supply of any fish or fish product referred	Fixed Penalty	5,000	35,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				to in Part V section 49(2)(a) in contravention of section 49(2)(b)(ii)					
VI	Subsidies and Economic Incentives	Offence for abuse of subsidies and other economic incentives	52(1)	Giving false or misleading information in order to qualify for a subsidy or economic incentive for which one would not otherwise have qualified in contravention of section 50(2)	Fixed Penalty	5,000	35,000		
VI	Subsidies and Economic Incentives	Offence for abuse of subsidies and other economic incentives	52(1)	Causing another person to give false or misleading information in order to qualify for a subsidy or economic incentive for which one would not otherwise have	Fixed Penalty	5,000	35,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				qualified in contravention of section 50(2)					
VII	Registration Requirements	Requirement for registration as a fisher or fishworker	55(4A)	Failing to provide notification of any change in information in the application form of a registered fisher or fishworker within fourteen days of such change, in contravention of section 55(4)	Serious Offence		2,000,000		5 years
VII	Registration Requirements	Requirement for registration as a fisher or fishworker	55(5)	Giving false or misleading information in order to be included in the Register of Fishers and Fishworkers in contravention of section 55(3) or section 55(4)	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
VII	Registration Requirements	Fish and Fishworker Identity card	56(6)	Engaging in fising or fishing related activities without being registered under this Act in contravention of section 56(5)	Fixed Penalty	2,000	10,000		
VII	Registration Requirements	Fish and Fishworker Identity card	56(8)	Failure to produce a fisher or fishworker identity card upon request by an authorised officer, in contravention of section 56(4)	Fixed Penalty	2,000	10,000		
VII	Registration Requirements	Fish and Fishworker Identity card	56(10)	Failure of the master to ensure that a fisher on board the vessel is the holder of a valid identity card which is on his person or on the vessel on which he is fishing or so engaged in	Fixed Penalty	2,000	10,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 56(10)					
VII	Registration Requirements	Fish and Fishworker Identity card	56(11)	Failure of the master to ensure that a fisherworker on board the vessel is the holder of a valid identity which is on his person or on the vessel on which he is fishing or so engaged in contravention of section 56(10)	Fixed Penalty	2,000	10,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Application to be entered on the Record of Trinidad and Tobago Fishing Vessels	61(2)	Using a Trinidad and Tobago fishing vessel, in the fishery waters or in areas beyond national jurisdiction, that is not entered on the Record of Trinidad and Tobago Fishing Vessels in	Serious Offence		2,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 61(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Application to be entered on the Record of Trinidad and Tobago Fishing Vessels	61(2)	Causing another person to use a Trinidad and Tobago fishing vessel, in the fishery waters or in areas beyond national jurisdiction, that is not entered on the Record of Trinidad and Tobago Fishing Vessels in contravention of section 61(1)	Fixed Penalty	10,000	100,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Marking and identification of fishing vessels, fishing gear and engines	63(2)	Using a Trinidad and Tobago fishing vessel that is not marked and identified in accordance with any written law governing the marking and	Fixed Penalty	10,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				identification of a vessel in contravention of section 63(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Marking and identification of fishing vessels, fishing gear and engines	63(2)	Causing another person to use a Trinidad and Tobago fishing vessel that is not marked and identified in accordance with any written law governing the marking and identification of a vessel in contravention of section 63(1)	Fixed Penalty	2,000	10,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Changes to the Record of Trinidad and Tobago Fishing Vessels	64(2)	Failure to notify the Director of every change in the particulars required under section 60(3) not later than fourteen days ~~of~~ after the change in contravention of section 64(1)	Fixed Penalty	5,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
VIII	Record of Trinidad and Tobago Fishing Vessels	Failure to carry on board a valid Certificate of Record	65A	Failure to ensure that a valid Certificate of Record is on board the vessel at all times while the vessel is deployed at sea in contravention of section 65A(2)	Fixed Penalty	2,000	10,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Registration of fishing gear and an engine	69(2)	Using fishing gear or an engine which is not registered with the Director, for the purpose of fishing or fishing related activity, in contravention of section 69(1)	Fixed Penalty	5,000	50,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Registration of fishing gear and an engine	69(2)	Causing another person to use fishing gear or an engine which is not registered with the Director, for the	Fixed Penalty	5,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				purpose of fishing or fishing related activity, in contravention of section 69(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Identification and marking of fishing gear and an engine	70(2)	Using fishing gear or an engine that is not marked or identified as prescribed, for the purpose of fishing or fishing related activity, in contravention of section 70(1)	Fixed Penalty	5,000	50,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Identification and marking of fishing gear and an engine	70(2)	Causing another person to use fishing gear or an engine that is not marked or identified as prescribed, for the purpose of fishing or fishing related activity, in	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 70(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine	71(a)	Tampering with a Certificate of Record issued by the Director under section 61(4)	Serious Offence		700,000		5 years
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine	71(a)	Causing another person to tamper with a Certificate of Record issued by the Director under section 61(4)	Serious Offence		700,000		5 years
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine	71(b)	Tampering with an identity mark placed on any vessel, fishing gear or an engine after it has been entered on a record or register in accordance with section 69	Serious Offence		700,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine	71(b)	Causing another person to tamper with an identity mark placed on any vessel, fishing gear or an engine after it has been entered on a record or register in accordance with section 69	Serious Offence		1,750,000		5 years
IX	Commercial Fishing with a Trinidad and Tobago Fishing Vessel within the Fishery Waters	Requirement for a commercial fishing vessel licence	72(2)	Using a Trinidad and Tobago fishing vessel for commercial fishing in the fishery waters without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels and without a valid in contravention of section 72(1)	Serious Offence		1,750,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
IX	Commercial Fishing with a Trinidad and Tobago Fishing Vessel within the Fishery Waters	Requirement for a commercial fishing vessel licence	72(2)	Authorising the use of a Trinidad and Tobago fishing vessel for fishing in the fishery waters without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels and without a valid commercial fishing vessel licence in contravention of section 72(1)	Fixed Penalty	2,000	10,000		
IX	Commercial Fishing with a Trinidad and Tobago Fishing Vessel within the Fishery Waters	Application for a commercial fishing vessel licence	73(7)	Failure of an licence-holder to notify the Director, of a change in the information set out in his application for a commercial fishing vessel licence, not later	Fixed Penalty	2,000	10,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				than fourteen days after the change, in contravention of section 73(6)					
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Failure to carry on board the commercial fishing vessel licence	74(2)	Failure to carry a valid commercial fishing vessel licence on board the vessel at all times while the vessel is engaged in commercial fishing in the fishery waters in contravention of section 74(1)	Fixed Penalty	25,000	700,000		
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	General terms and conditions attached to commercial fishing vessel licences	75(2)	Breach by an operator of a commercial fishing vessel or any person on board, of any of the general terms or conditions attached to a commercial	Fixed Penalty	25,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing vessel licence in contravention of section 75(1)					
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	General terms and conditions attached to commercial fishing vessel licences	75(3)	Deeming a master liable for breach of any of the general terms or conditions attached to a commercial fishing vessel licence committed by a person on board a commercial fishing vessel in contravention of section 75(2)	Fixed Penalty	25,000	700,000		
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Specific terms and conditions attached to commercial fishing vessel licences	76(3)	Breach by an operator of a Trinidad and Tobago fishing vessel or any person on board of any specific term or condition of a commercial	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing vessel licence in contravention of section 76(1)					
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Specific terms and conditions attached to commercial fishing vessel licences	76(4)	Deeming a master liable for breach of any of the specific terms or conditions of a commercial fishing vessel licence committed by a person on board a Trinidad and Tobago fishing vessel in contravention of section 76(3)	Fixed Penalty	10,000	50,000		
X	Commercial Fishing without a Fishing Vessel	Requirement for a licence for commercial fishing without a vessel	81(2)	Conducting commercial fishing without a fishing vessel in the fishery waters in contravention of section 81(1)	Fixed Penalty	2,000	10,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
X	Commercial Fishing without a Fishing Vessel	Failure to present a non-vessel commercial fishing licence	83(2)	Failure of a licence holder to present a valid non-vessel commercial fishing licence to an authorised officer upon request, in contravention of section 83(1)	Fixed Penalty	5,000	20,000		
X	Commercial Fishing without a Fishing Vessel	General terms and conditions attached to non vessel commercial fishing licences	84(~~3~~ 2)	Breach of any general term or condition attached to a non-vessel commercial fishing licence in contravention of section 84(1)	Fixed Penalty	5,000	20,000		
X	Commercial Fishing without a Fishing Vessel	Specific terms and conditions attached to non-vessel commercial fishing licences	85(3)	Breach of any specific term or condition attached to a non-vessel commercial fishing licence, in contravention of section 85(1)	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing vessel authorisation and an authorisation for fishing related activities in areas beyond national jurisdiction	90(3)	Using or authorizing the use of a Trinidad and Tobago fishing vessel for commercial fishing in areas beyond national jurisdiction without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels and without a valid commercial fishing authorisation in contravention of section 90(1)	Serious Offence		3,500,000		5 years
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing vessel authorisation and an authorisation for fishing	90(3)	Using or authorizing the use of a Trinidad and Tobago fishing vessel for commercial fishing related	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		related activities in areas beyond national jurisdiction		activities in areas beyond national jurisdiction without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels and without a valid authorisation for fishing related activities in relation to it in the manner prescribed in contravention of section 90(1A)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing vessel authorisation and an authorisation for fishing related activities in areas beyond	90(3)	Using or authorizing the use of a Trinidad and Tobago fishing vessel for commercial fishing in the waters under the jurisdiction of another State	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		national jurisdiction		without a valid authorisation from the Competent Authority in Trinidad and Tobago and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels under subsection 90(1), and without a valid authorisation from the Competent Authority of that State for that purpose, in contravention of section 90(2)(a)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond	Requirement for a commercial fishing vessel authorisation and an	90(3)	Using or authorizing the use of a Trinidad and Tobago fishing vessel for	Fixed Penalty	5,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	National Jurisdiction	authorisation for fishing related activities in areas beyond national jurisdiction		fishing related activities in the waters under the jurisdiction of another State without a valid authorisation from the Competent Authority in Trinidad and Tobago and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels under subsection 90(1), and without a valid authorisation from the Competent Authority of that State for that purpose, in contravention of section 90(2)(b)					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Application for, and issue of, a commercial fishing vessel authorisation	91(8)	Failure to notify the Minister in writing of any change in particulars set out in the application form for the commercial fishing vessel authorisation for commercial fishing or fishing related activities in areas beyond national jurisdiction within fourteen days after the change in contravention of section 91(7)	Fixed Penalty	5,000	20,000		
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Failure to carry on board a commercial fishing vessel authorisation	92(2)	Failure of the master of a Trinidad and Tobago fishing vessel to ensure that there is a valid commercial	Serious Offence		1,750,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing vessel authorisation on board the fishing vessel at all times while the vessel is engaged in commercial fishing or fishing related activities in areas beyond national jurisdiction-in contravention of section 92(1)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Terms and Conditions attached to a commercial fishing authorisation	93(3)	Using a Trinidad and Tobago fishing vessel for fishing or fishing related activities in areas beyond national jurisdiction in breach of any of the terms or conditions of a commercial fishing vessel	Serious Offence		1,750,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				authorisation to fish or to conduct fishing related activities in areas beyond national jurisdiction, in contravention of section 93(2)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Terms and Conditions attached to a commercial fishing vessel authorisation	93(4)	Authorising the use of a Trinidad and Tobago fishing vessel for commercial fishing or fishing related activities in areas beyond national jurisdiction in breach of any of the terms or conditions of commercial fishing authorisation to fish in contravention of section 93(2)	Fixed Penalty	25,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Terms and Conditions attached to a commercial fishing authorisation	93(5)	Deeming a master liable for the offence committed by a person on board a Trinidad and Tobago fishing vessel who uses a Trinidad and Tobago fishing vessel for fishing or fishing related activities in breach of any of the terms or conditions of a commercial fishing vessel authorisation in contravention of section 95(3)	Fixed Penalty	25,000	100,000		
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Terms and Conditions attached to a commercial fishing authorisation	93(5)	Deeming the master liable for the offence committed by a person on board a Trinidad and Tobago fising vessel who authorises the	Fixed Penalty	25,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				use of a Trinidad and Tobago fishing vessel in breach of any of the terms or conditions of a commercial fishing vessel authorisation in contravention of section 95(4)					
XII	Recreational Fishing	Requirement for a recreational fishing licence for Trinidad and Tobago vessels	99(2)	Using or authorising the use of a Trinidad and Tobago vessel for recreational fishing in the fishery waters without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels [under subsection 90(1)] and without a valid recreational	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing licence, in contravention of section 99(1)					
XII	Recreational Fishing	Requirement for a recreational fishing licence for Trinidad and Tobago vessels	99(~~7~~ 6)	Breaching ~~of~~ any term or condition of a recreational fishing vessel licence in contravention of section 99(4)	Fixed Penalty	2,000	10,000		
XII	Recreational Fishing	Requirement for a recreational fishing licence for Trinidad and Tobago vessels	99(7)	Deeming a master liable for the offence committed by a person on board a recreational fishing vessel in breach of any of the terms or conditions of a recreational fishing vessel licence, in contravention of section 99(7)	Fixed Penalty	2,000	10,000		
XII	Recreational Fishing	Requirement for a	100(2A)	Being on board a Trinidad and Tobago	Fixed Penalty	5,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		recreational fishing permit		recreational fishing vessel in the fishery waters without a valid recreational fishing permit while the vessel is engaged in recreational fishing, in contravention of section 100(1)(a)					
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(2A)	Being on board a Trinidad and Tobago recreational fishing vessel in areas beyond national jurisdiction without a valid recreational fishing permit while the vessel is engaged in recreational fishing, in contravention of	Fixed Penalty	5,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 100(1)(b)					
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(2A)	Being on board a foreign recreational fishing vessel in the fishery waters without a valid recreational fishing permit while the vessel is engaged in recreational fishing, in contravention of section 100(1)(c)	Fixed Penalty	5,000	20,000		
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(2A)	Breaching any term or condition of a recreational fishing permit, in contravention of section 100(2)	Fixed Penalty	20,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(4)	Failure of the master of a recreational fishing vessel to ensure that a person who is engaged in recreational fishing on board a Trinidad and Tobago recreational fishing vessel in the fishery waters is the holder of a valid recreational fishing permit in contravention of section 100(3)	Fixed Penalty	5,000	20,000		
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(4)	Failure of the master of a recreational fishing vessel to ensure that a person who is engaged in recreational fishing on board a Trinidad and Tobago	Fixed Penalty	5,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				recreational fishing vessel in areas beyond national jurisdiction is the holder of a valid recreational fishing permit in contravention of section 100(3)					
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(4)	Failure of the master of a recreational fishing vessel to ensure that a person who is engaged in recreational fishing on board a foreign recreational fishing vessel in the fishery waters is the holder of a valid recreational fishing permit in contravention of section 100(3)	Fixed Penalty	5,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(4A)	Deeming a master of a recreational fishing vessel personally liable for a breach of any term or condition of a recreational fishing permit committed by a person on that vessel in contravention of section 100(2)	Fixed Penalty	2,000	10,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(6)	Failure of a person to keep his recreational fishing permit on his person while engaging in recreational fishing or the landing of fish caught by means of recreational fishing in the fishery waters and to produce a valid recreational fishing permit upon request of an authorized officer, in contravention of section 100(5)	Fixed Penalty	10,000	50,000		
XII	Recreational Fishing	Requirement for a non-vessel recreational fishing permit	101(6)	Engaging in any prescribed type of recreational fishing in the fishery waters without a vessel and without a valid non-vessel recreational	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing permit in contravention of section 101(1)					
XII	Recreational Fishing	Requirement for a non vessel recreational fishing permit	101(7)	Breaching any of the terms or conditions of a non-vessel recreational fishing permit in contravention of section 101(3)	Fixed Penalty	100,000	1,000,000		
XII	Recreational Fishing	Requirement for recreational foreign fishing vessel licence	102(7)	Using or authorizing the use of a foreign fishing vessel for recreational fishing in the fishery waters without a valid recreational foreign fishing vessel licence, in contravention of section 102(1)	Fixed Penalty	10,000	100,000		
XII	Recreational Fishing	Requirement for recreational foreign fishing vessel licence	102(7)	Breaching any of the terms or conditions of a recreational foreign fishing	Fixed Penalty	10,000			

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		for recreational fishing in the fishery waters		vessel licence in contravention of section 102(4)			10,000		
XII	Recreational Fishing	Requirement for recreational foreign fishing vessel licence for recreational fishing in the fishery waters	102(7)	Deeming master liable for offence committed by a person on board a foreign fishing vessel who breaches any of the terms or conditions of a recreational foreign fishing vessel licence in contravention of section 102(7)	Fixed Penalty	10,000	10,000		
XII	Recreational Fishing	Stowage of fishing gear by foreign vessel engaged in recreational fishing	102A(2)	Failure of a master of a foreign vessel to use or authorise the use of the vessel with fishing gear stowed while the vessel is in the fishery waters or an					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				area which is not approved for recreational fishing and fishing related activity in contravention of section 102A(1)	Serious Offence		7,000,000		5 years
XII	Recreational Fishing	Stowage of fishing gear by foreign vessel engaged in recreational fishing	102A(2)	Failure of the master of a foreign fishing vessel to ensure that a vessel engaged in recreational fishing and fishing related activity is used in accordance with the terms or conditions of a recreational foreign fishing vessel licence and the Act in contravention of section 102A(1)	Fixed Penalty	20,000	100,000		
XII	Recreational Fishing	Requirement for recreational	103(6)	Breaching of any of the terms or conditions of	Serious Offence				5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		fishing vessel authorisation in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels		a recreational fishing vessel authorisation in contravention of section 103(3)			250,000		
XII	Recreational Fishing	Requirement for recreational fishing vessel authorisation in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels	103(7)	Deeming master liable where a person on board a Trinidad and Tobago fishing vessel for recreational fishing in areas beyond national jurisdiction, breaches any of the terms or conditions of a recreational fishing vessel authorization, in contravention of section 103(6)	Serious Offence		250,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for recreational fishing in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels	103(8)	Using a Trinidad and Tobago vessel which has not been entered on the Record of Trinidad and Tobago Fishing Vessels for recreational fishing in areas beyond national jurisdiction, in contravention of section 103(1)(a)	Serious Offence		250,000		5 years
XII	Recreational Fishing	Requirement for recreational fishing in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels	103(8)	Using a Trinidad and Tobago vessel for recreational fishing in areas beyond national jurisdiction without a valid recreational fishing authorization, in contravention of section 103 (1)(b)	Serious Offence		350,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for recreational fishing in areas beyond national jurisdiction for Trinidad and Tobago fishing vessels	103(8)	Using a Trinidad and Tobago vessel for recreational fishing in areas beyond national jurisdiction (in the waters under the jurisdiction of another State) without a valid licence issued by the Competent Authority of that State, in contravention of section 103 (1)(c)	Fixed Penalty	2,000	10,000		
XII	Recreational Fishing	Notification of Change	106(2)	Failure to notify of the Minister or Director, as the case may be, of any change in information provided in the application for a recreational fishing authorisation, licence, or					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				permit not later than fourteen days after the change in contravention of section 106(1)	Fixed Penalty	2,000	10,000		
XII	Recreational Fishing	Failure to carry on board a valid recreational fishing authorization, licence or permit	107(3)	Failure of the master of a vessel to ensure that a valid recreational fishing licence or recreational foreign fishing vessel licence is on board the vessel at all times while the vessel is engaged in recreational fishing in the fishery waters in contravention of section 107(1)	Fixed Penalty	5,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Failure to carry on board a valid recreational fishing authorization, licence or permit	107(3)	Failure of the master of a vessel to ensure that a valid recreational fishing authorization is on board the vessel at all times while the vessel is engaged in recreational fishing in areas beyond national jurisdiction in contravention of section 107(2)	Serious Offence		21,000,000		
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Breach of national and international law concerning navigation and the protection and preservation of the marine environment in the fishery waters by a foreign fishing vessel, in	Serious Offence		21,000,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of 111(1)					
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Using a foreign vessel in the fishery waters for fishing or fishing related activities or other activity authorised under this Act without a valid commercial foreign fishing vessel licence or permit issued pursuant to this Act, in contravention of section 111(2)(a)	Serious Offence		21,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Using a foreign vessel in the fishery waters for fishing or fishing related activities or other activity authorised under this Act without	Serious Offence		1,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				an applicable fisheries access agreement in contravention of section111(2)(b)					
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Using a foreign vessel in the fishery waters for fishing or fishing related activities or other activity authorised under this Act without the foreign fishing vessel owner appointing an authorised local representative resident in Trinidad and Tobago to act as his agent in contravention of section 111(2)(c)	Serious Offence		7,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Failure of an operator of a foreign fishing vessel without a valid commercial foreign fishing vessel licence or relevant permit for fishing related activities, to ensure that all gear on board the vessel is stowed in such manner that the gear is not readily available for fishing or fishing related activities in contravention of section 111(3)	Serious Offence		7,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	Reporting by foreign fishing vessels intending to navigate or navigating	112(5)	Failure of an operator of a foreign fishing vessel to submit to the Director or his nominee, a report the					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		through the fishery waters		intention to navigate or the navigation of the vessel through the fishery waters without a valid commercial foreign fishing vessel licence or relevant permit for fishing related activities in contravention of section 112(1), (2).	Serious Offence		21,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	Requirement for commercial foreign fishing vessel licence	113(2)	Using or authorizing the use of a foreign fishing vessel for fishing in the fishery waters without a valid commercial foreign fishing vessel licence in contravention of section 113(1)	Fixed Penalty	10,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIII	Commercial Foreign Fishing Vessels	Application for and issuance of commercial foreign fishing vessel licence	114(6)	Failure of a commercial foreign fishing vessel licence holder to notify the Minister of any change in the information set out in the application form for the licence, not later than fourteen days after the change, in contravention of section 114(5)	Fixed Penalty	5,000	20,000		
XIII	Commercial Foreign Fishing Vessels	Requirement to carry on board a valid commercial foreign fishing vessel licence	115A(2)	Failure of the master of a vessel to ensure that a valid commercial foreign fishing vessel licence is on board the vessel while engaged in commercial fishing in the fishery waters in contravention of	Serious Offence		2,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 115(A)(1)					
XIII	Commercial Foreign Fishing Vessels	Terms and conditions and validity of foreign fishing vessel licence	116(3)	Fishing in breach of any term or condition of a commercial foreign fishing vessel licence in contravention of section 116(1), (2)	Fixed Penalty	100,000	700,000		
XIII	Commercial Foreign Fishing Vessels	Terms and conditions and validity of foreign fishing vessel licence	116(4)	Deeming a master liable for an offence committed where a person on board a foreign fishing vessel breaches any of the terms and conditions attached to a commercial foreign fishing licence, in contravention of section 116(3)	Fixed Penalty	100,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIII	Commercial Foreign Fishing Vessels	Radio reporting for commercial foreign fishing vessels	119B(3)	Failure of a master to cause radio reports to be made, in contravention of section 119B(1) (a) to (d)	Fixed Penalty	100,000	700,000		
XIII	Commercial Foreign Fishing Vessels	Radio reporting for commercial foreign fishing vessels	119B(3)	Failure of a master to cause radio reports to be made, in contravention of section 119B(2) (a) to (h)	Fixed Penalty	100,000	700,000		
XIII	Commercial Foreign Fishing Vessels	Radio reporting for commercial foreign fishing vessels	119B(5)	Failure of the owner of a foreign fishing vessel to provide information concerning the vessel, its operations and its crew and any other information to the Minister, on the recommendation of the Director,	Serious Offence		7,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				as he thinks fit, in contravention of section 119B(2)(a)					
XIII	Commercial Foreign Fishing Vessels	Radio reporting for commercial foreign fishing vessels	119B(5)	Failure of the owner of a foreign fishing vessel to cause radio reports to be made, in contravention of section 119B(1)(a) to (d)	Serious Offence		7,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	Radio reporting for commercial foreign fishing vessels	119B(5)	Failure of the owner of a foreign fishing vessel to cause radio reports to be made containing specific details, in contravention of section 119B(2)(a) to (h)	Serious Offence		7,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	Stowage of fishing gear	120(2)	Using or authorising the use of a commercial foreign fishing					

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				vessel without fishing gear stowed while in the fishery waters, except when engaged in fishing at a location approved to fish, pursuant to a commercial foreign fishing vessel licence and in accordance with the terms and conditions of a licence, in contravention of section 120(1).	Fixed Penalty	10,000	50,000		
XIV / Division 1	Fishing Related Activities / Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for landing of fish in contravention of section 121(4)(a)	Fixed Penalty	50,000	500,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV / Division 1	Fishing Related Activities / Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port, designated landing site or other location for the transshipping, importing, exporting or re-exporting of fish in contravention of section 121(4)(b)	Fixed Penalty	25,000	100,000		
XIV / Division 1	Fishing Related Activities / Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for any other port services for fishing vessels in contravention of section 121(4)	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Landing fish in Trinidad and Tobago without a valid landing permit in contravention of section 122A(1)(a)(i)	Fixed Penalty	10,000	50,000		
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Causing or allowing the landing fish in Trinidad and Tobago at a port not identified, landing site not designated or area not specified in contravention of section 122A(1)(a)(ii)	Fixed Penalty	10,000	50,000		
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Landing fish in Trinidad and Tobago without an exemption applicable to the category of licence, permit or authorisation, granted by the	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				Minister, by Order, on the recommendation of the Director, in contravention of section 122A(2)					
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Causing or allowing the landing fish without an exemption applicable to the category of licence, permit or authorisation granted by the Minister, by Order, on the recommendation of the Director, in contravention of section 122A(2)	Serious Offence		5,000,000		5 years
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Using, causing or allowing a Trinidad and Tobago vessel to land fish in areas beyond	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				national jurisdiction without a valid landing permit in contravention of section 122A(3)(a), 122B					
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Using, causing or allowing a Trinidad and Tobago vessel to land fish in areas beyond national jurisdiction in a manner not in accordance with the law of the jurisdiction where the vessel is located in contravention of section 122A(3)(b)	Fixed Penalty	100,000	700,000		
XIV / Division 1A	Fishing Related Activities / Landing	Requirement for a landing permit	122A(5)	Failure to report a landing in the form and manner determined by	Fixed Penalty	10,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				the Director in contravention of section 122A(4)					
XIV / Division 1A	Fishing Related Activities / Landing	Application and issuance of a landing permit	122B(5)	Failure to obtain a landing permit in relation to a foreign fishing vessel pursuant to application made to the Minister on the approved form and payment of the prescribed fee, in contravention of section 122B(1)(a) and 122B(2)	Fixed Penalty	5,000	25,000		
XIV / Division 1A	Fishing Related Activities / Landing	Application and issuance of a landing permit	122B(5)	Failure to obtain a landing permit in relation to any other fishing vessel pursuant to application made to the Director on the approved form and payment of	Fixed Penalty	2,000	20,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				the prescribed fee, in contravention of section 125(1)(b) and 125(2)					
XIV / Division 1A	Fishing Related Activities / Landing	Application and issuance of a landing permit	122B(5)	Failure of an applicant to notify the Minister or Director, as the case may be, of any change in the information set out in the application form for the landing permit immediately after the change, in contravention of section 122B(3)	Fixed Penalty	5,000	35,000		
XIV / Division 1A	Fishing Related Activities / Landing	Terms and conditions of landing	122D(2)	Failure of the permit holder or the operator of any fishing vessel to comply with the terms and conditions	Fixed Penalty	5,000	35,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of a landing permit determined by the Director in contravention of section 122D(1)					
XIV / Division 1A	Fishing Related Activities / Landing	Terms and conditions of landing	122D(2)	Landing fish in Trinidad and Tobago in breach of a term or condition of a landing permit in contravention of section 122D(1)	Serious Offence		3,500,000		5 years
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Requirement for a transshipment permit	123(4)	Using a vessel for transshipment in the fishery waters without a valid transshipment permit in contravention of section 123(1)(a)	Serious Offence		1,750,000		5 years
XIV / Division 2	Fishing Related Activities /	Requirement for a transshipment permit	123(4)	Using a vessel for transshipment in the fishery					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Transshipment Permits			waters in breach of a term or condition specified in a transshipment permit in contravention of section 123(1)(b)	Serious Offence		5,000,000		5 years
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Requirement for a transshipment permit	123(4)	Using a Trinidad and Tobago vessel to undertake transshipment in areas beyond national jurisdiction without a valid transshipment permit, in contravention of section 123(2)(a)	Serious Offence		5,000,000		5 years
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Requirement for a transshipment permit	123(4)	Using a Trinidad and Tobago vessel to undertake transshipment in areas beyond national					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				jurisdiction in a manner not in accordance with the law of the jurisdiction where the vessel is located in contravention of section 123(2)(b)	Serious Offence		2,500,000		5 years
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Requirement for a transshipment permit	123(4)	Failure to report transshipment in contravention of section 123(3)	Serious Offence		3,500,000		5 years
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Application and issuance of a transshipment permit	124(5)	Failure to obtain a transhipment permit in relation to a foreign fishing vessel pursuant to application made to the Minister on the approved form and payment of the prescribed fee, in contravention of section	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				125(1)(b) and 125(2)					
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Application and issuance of a transshipment permit	124(5)	Failure to obtain a transhipment permit in relation to any other fishing vessel pursuant to an application made to the Director on the approved form and payment of the prescribed fee, in contravention of section 125(1)(b) and 125(2)	Fixed Penalty	2,000	10,000		
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Application and issuance of a transshipment permit	124(5)	Failure of an applicant to notify the Minister or Director, as the case may be, of any change in the information set out in the application form for the	Serious Offence		1,750,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				transshipment permit not later than fourteen days after the change in contravention of section 125(4)					
XIV / Division 2	Fishing Related Activities / Transshipment Permits	Terms and conditions of a transshipment permit	126(2)	Failure of a permit holder or operator of a vessel to comply with any of the terms or conditions of a transshipment permit as determined by the Minister, on the recommendation of the Director, or the Director, as the case may be, in contravention of section-126(1)	Serious Offence		1,750,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV / Division 3	Fishing Related Activities / Bunkering and Provisioning	Requirements for bunkering and provisioning	130(3)	Bunkering a fishing vessel in Trinidad and Tobago without a valid bunkering permit in contravention of section 130(1)	Fixed Penalty	25,000	50,000		
XIV / Division 3	Fishing Related Activities / Bunkering and Provisioning	Requirements for bunkering and provisioning	130(3)	Provisioning a fishing vessel without a valid permit in contravention of section 130(2)	Fixed Penalty	15,000	50,000		
XIV / Division 3	Fishing Related Activities / Bunkering and Provisioning	Requirements for bunkering and provisioning	130(7)	Bunkering a fishing vessel in breach of a term or condition of a bunkering permit, in contravention of section 130(6)	Fixed Penalty	10,000	30,000		
XIV / Division 3	Fishing Related Activities / Bunkering and Provisioning	Requirements for bunkering and provisioning	130(7)	Provisioning a fishing vessel in the fishery waters in breach of a term or condition of a provisioning	Serious Offence		1,000,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				permit in contravention of section 130(6)					
XIV / Division 3A	Fishing Related Activities / Authorised Local Representative	Appointment of an authorized local representative as agent of the operator of a foreign fishing vessel permitted to land or transship fish or bunker, or provision a fishing vessel	131(4)	Failure of operator of a foreign fishing vessel to appoint an authorised local representative resident in Trinidad and Tobago to act as the agent of the operator, in contravention of section 131(1)	Serious Offence		1,000,000		5 years
XIV / Division 3A	Fishing Related Activities / Authorised Local Representative	Appointment of an authorized local representative as agent of the operator of a foreign fishing vessel permitted to land or transship fish	131(4)	Failure of operator of a foreign fishing vessel to notify the Minister of the name, address and other particulars of the authorised local representative resident in	Fixed Penalty	50,000	500,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		or bunker, or provision a fishing vessel		Trinidad and Tobago, in contravention of section 131(2)					
XIV / Division 4	Fishing Related Activities / Trade	Requirements for an import, export or re-export permit for fish	134(6)(a)	Importing, exporting or re-exporting fish without a valid import, export or re-export permit, in contravention of section 134(1)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for an import, export or re-export permit for fish	134(6)(b)	Failure to comply with any requirement, term or condition of an import, export or re-export permit in contravention of section 134(3)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for an import, export or re-export permit for fish	134(6)(c)	Failure to comply with the standard declared by the Minister, by Notice, applicable to the	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				marketing, distribution, import, export and re-export of fish, in contravention of section 134(5)					
XIV / Division 4	Fishing Related Activities / Trade	Requirements for an import, export or re-export permit for fish	134(6)(d)	Failure to provide true, complete or correct information on the import, export and re-export of fish in contravention of section 131(3)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for an import, export or re-export permit for fish	134(6)(e)	Failure to otherwise comply with section 134	Fixed Penalty	50,000	500,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirement for a Release Certificate	135(8)(a)	Importing, exporting or re-exporting fish without a Release Certificate in	Fixed Penalty	25,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 134(1)					
XIV / Division 4	Fishing Related Activities / Trade	Requirement for a Release Certificate	135(8)(b)	Failure to provide true, complete or correct information in an application for a Release Certificate for import, export or re-export of fish in contravention of section 135(3)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirement for a Release Certificate	135(8)(c)	Breach of a term or condition of a Release Certificate for the import, export or re-export of fish in contravention of section 135(5)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirement for a Release Certificate	135(8)(d)	Failure to otherwise comply with section 135	Fixed Penalty	50,000	500,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV / Division 4	Fishing Related Activities / Trade	Requirements for a Trinidad and Tobago Catch Certificate	136(7)(a)	Exporting fish without a valid Trinidad and Tobago Catch Certificate in contravention of section 136(1)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for a Trinidad and Tobago Catch Certificate	136(7)(b)	Failure to provide true, complete and accurate information in an application for a Trinidad and Tobago Catch Certificate in contravention of section 136(2)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for a Trinidad and Tobago Catch Certificate	136(7)(c)	Failure to otherwise comply with section 136	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for a Catch Certificate or similar document issued by the	136B(3)(a)	Importing fish without a valid Catch Certificate or similar document issued	Fixed Penalty	25,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		Competent Authority of another State		by the exporting State, in contravention of section 136B(1)					
XIV / Division 4	Fishing Related Activities / Trade	Requirements for a Catch Certificate or similar document issued by the Competent Authority of another State	136B(3)(b)	Breaching any of the terms or conditions of a Catch Certificate or similar document issued by the exporting State in contravention of section 136B(2)(b)	Fixed Penalty	25,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for a Catch Certificate or similar document issued by the Competent Authority of another State	136B(3)(c)	Failure to otherwise comply with section 136B	Serious Offence		1,000,000		5 years
XIV / Division 4	Fishing Related Activities / Trade	Requirements for the import, export or re-export of a fishing vessel,	137(3)(a)	Importing, export or re-export a fishing vessel or vessel intended to be					

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		fishing gear and vessel, engine, gear and equipment intended to be used for fishing		used for fishing and fishing related activities without a valid permit issued by the Minister, on the recommendation of the Director or the Director, as the case may be, in contravention of section 137(1)	Fixed Penalty	50,000	500,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear and vessel, engine, gear and equipment intended to be used for fishing	137(3)(b)(i)	Importing, exporting or re-exporting fishing gear ~~or~~ intended to be used for fishing and fishing related activities without a valid permit, in contravention of section 137(1)	Fixed Penalty	20,000	70,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for the import, export or re-export of a	137(3)(b)(ii)	Importing, exporting, re-exporting of engine, gear or					

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		fishing vessel, fishing gear and vessel, engine, gear and equipment intended to be used for fishing		equipment intended to be used for fishing and fishing related activities without a valid permit in contravention of section 137(1)	Fixed Penalty	50,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear and vessel, engine, gear and equipment intended to be used for fishing	137(3)(a)	Importing, exporting or re-exporting a fishing vessel or vessel intended to be used for fishing and fishing related activities in breach of any of the terms or conditions of a permit in contravention of section 137(2)	Fixed Penalty	35,000	100,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear	137(3)(b)(i)	Importing, exporting or re-exporting fishing gear intended to be used for fishing					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		and vessel, engine, ~~and~~ gear and equipment intended to be used for fishing		and fishing related activities in breach of any of the terms or conditions of a permit, in contravention of section 137(2)	Fixed Penalty	10,000	50,000		
XIV / Division 4	Fishing Related Activities / Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear and vessel, engine, ~~and~~ gear and equipment intended to be used for fishing	137(3)(b)(ii)	Importing, exporting or re-exporting an engine, gear or equipment intended to be used for fishing and fishing related activities in breach of any of the terms or conditions of a permit, in contravention of section 137(2)	Fixed Penalty	50,000	500,000		
XIV / Division 4	Fishing Related Activities / Trade	Marking, labelling or tagging of any container or package containing fish	138(2)	Importing, exporting, re-exporting or transporting any container or package containing fish					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				not plainly marked, labelled or tagged in accordance with the requirements for marking, labelling or tagging, in contravention of 138(1)	Serious Offence		1,000,000		5 years
XIV / Division 4	Fishing Related Activities / Trade	Prohibition of seafood fraud	139(4)	Making or submitting a false record, account, label or false identification of any fish which has been or intended to be imported, exported, re-exported, landed, transported, sold, purchased or received from any country, in contravention of section 139(1)	Serious Offence		1,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV / Division 4	Fishing Related Activities / Trade	Prohibition of seafood fraud	139(4)	Engaging in any practice to improve the appearance and quality of fish than it actually is, in contravention of section 139(2)	Serious Offence		1,000,000		5 years
XIV / Division 4	Fishing Related Activities / Trade	Prohibition of seafood fraud	139(4)	Intermixing fish in a supply chain as part of any fishing related activities, in contravention of section 139(3)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Requirement for a fisheries scientific research permit	142(2)	Engaging in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit, in contravention of section 142(1)	Fixed Penalty	35,000	1,000,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Requirement for a fisheries scientific research permit	142(2)	Causing another person to engage in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit in contravention of section 142(1)	Fixed Penalty	10,000	100,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Failure to notify the Minister or the Director, as the case may be, of any change in the information set out in the application form in respect of a foreign entity, pursuant to section 143(1)(a), for a fisheries scientific research permit	Fixed Penalty	10,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				not later than fourteen days after the change in contravention of section 144(5)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Causing another person to fail to notify the Minister of any change in the information set out in the application form made in respect of a foreign entity, pursuant to section 143(1)(a), for a fisheries scientific research permit not later than fourteen days after the change in contravention of section 144(5)	Fixed Penalty	10,000	100,000		
XV	Fisheries Scientific	Issue or refusal of fisheries	144(7)	Failure to notify the Director of		10,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Research and Fish Bioprospecting	scientific research permit		any change in the information set out in the application form made in respect of any other entity, pursuant to section 143(1)(b), for a fisheries scientific research permit not later than fourteen days after the change in contravention of section 144(5)	Fixed Penalty				
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Causing another person to fail to notify the Director of any change in the information set out in the application form made in respect of any other entity, pursuant to section 143(1)(b), for a					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fisheries scientific research permit not later than fourteen days after the change in contravention of section 144(5)	Fixed Penalty	10,000	100,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Failure to notify the Minister, in writing, of any proposed change to the research proposal prepared and submitted in respect of a foreign entity, pursuant to section 143(1)(a) and (2), in contravention of section 144(6)	Fixed Penalty	10,000	100,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Causing another person to fail to notify the Minister, in writing, of any	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				proposed change to the research proposal prepared and submitted in respect of a foreign entity, pursuant to section 143(1)(a) and (2), in contravention of section 144(6)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Failure to notify the Director, in writing, of any proposed change to the research proposal prepared and submitted in respect of any other entity, pursuant to section 143(1)(b) and (2), in contravention of section 144(6)	Fixed Penalty	10,000	100,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Causing another person to fail to notify the Director, in writing, of any proposed change to the research proposal prepared and submitted in respect of any other entity, pursuant to section 143(1)(b) and (2), in contravention of section 144(6)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Breaching any of the terms or conditions attached by the Minister, on the recommendation of the Director, to a fisheries scientific research permit, in contravention	Fixed Penalty	35,000	1,000,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of section 145(1)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Causing another person to breach any of the terms or conditions attached by the Minister, on the recommendation of the Director, to a fisheries scientific research permit, in contravention of section 145(1)	Fixed Penalty	5,000	50,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Breaching any of the terms or conditions attached by the Director to a fisheries scientific research permit, in contravention of section 145(1)	Fixed Penalty	5,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Causing another person to breach any of the terms or conditions attached by the Director to a fisheries scientific research permit, in contravention of section 145(1)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Breaching any of the terms or conditions attached to a fisheries scientific research permit, without an exemption granted by the Minister, on the recommendation of the Director, in contravention of section 145(2)	Fixed Penalty	5,000	50,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Causing another person to breach any of the terms or conditions attached to a fisheries scientific research permit, without an exemption granted by the Director, in contravention of section 145(2)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Terms and conditions attached to a fisheries scientific research permit	145(4)	Engaging in fisheries scientific research in respect of a foreign entity, without appointing an authorized local representative resident in Trinidad and Tobago, in contravention of section 145(3)	Fixed Penalty	35,000	1,000,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(2)	Engaging in fish bioprospecting without a permit issued by the Minister, in respect of a foreign entity, in contravention of section 147(1)(a)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(2)	Causing another person to engage in fish bioprospecting without a valid permit issued by the Minister, in respect of a foreign entity, in contravention of section 147(1)(a)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(2)	Engaging in fish bioprospecting without a permit issued by the Director, in respect of any other entity, in contravention of	Fixed Penalty	35,000	1,000,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 147(1)(b)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(2)	Causing another person to engage in fish bioprospecting without a valid permit issued by the Director, in respect of any other entity, in contravention of section 147(1)(b)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(10)	Breaching any of the terms or conditions of attached by the Minister, on the recommendation of the Director, to a fish bioprospecting permit in respect of a foreign entity, as prescribed in contravention of section 147(7)	Fixed Penalty	35,000	1,000,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(10)	Causing another person to breach any of the terms or conditions attached by the Minister, on the recommendation of the Director, to a fish bioprospecting permit in respect of a foreign entity, as prescribed in contravention of section 147(7)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(10)	Breaching any of the terms or conditions of attached by the Director, to a fish bioprospecting permit in respect of any other entity, as prescribed in contravention of section 147(7)	Fixed Penalty	35,000	1,000,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(10)	Causing another person to breach any of the terms or conditions attached by the Director, to a fish bioprospecting permit in respect of any other entity, as prescribed in contravention of section 147(7)	Fixed Penalty	100,000	700,000		
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Vessel Monitoring	Reporting and Record-Keeping	150(3)	Failure of the master or operator of a Trinidad and Tobago vessel to cause written reports in English to be prepared at such times as the Director may require in contravention of subsections 150(1)	Fixed Penalty	100,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Vessel Monitoring	Reporting and Record-Keeping	150(3)	Failure of a master or operator to submit a report for such period, in the form and manner and within the time frame specified by the Director, in contravention of subsection 150(2)	Fixed Penalty	100,000	700,000		
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Vessel Monitoring	Logbook Reporting	150A(3)	Failure of a master or operator of a vessel to maintain a fishing logbook on a daily basis, for the purpose of recording the operations of the vessel, including a record of catches in contravention of subsection 150A(1)	Fixed Penalty	100,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Vessel Monitoring	Logbook Reporting	150A(3)	Failure of a master or operator of a vessel to provide, upon request by the Director, the original log book for inspection in contravention of subsection 150A(2)(a)	Fixed Penalty	100,000	700,000		
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Vessel Monitoring	Logbook Reporting	150A(3)	Failure of a master or operator vessel to transmit, upon request by the Director, a copy of the log book to the Director within the time frame specified by the Director in contravention of subsection 150A(2)(b)	Fixed Penalty	100,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Logbook Reporting	150A(3)	Failure of a master or operator of a vessel to provide, upon request by the Director, any other specified documents relating to catches or to the composition of catches made by the vessel to the Director in contravention of subsection 150A(2)(c)	Fixed Penalty	100,000	700,000		
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Logbook Reporting	150A(3)	Failure of a master or operator of a vessel to retain the log book for a period of at least twelve months following the end of the voyage to which the log book pertains in	Fixed Penalty	100,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of subsection 150A(3)					
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Radio reporting	150B(3)	Failure of a master or operator of a vessel to cause radio reports to be made, in contravention of subsection 150B(1)(a),(b) or (c)	Fixed Penalty	100,000	700,000		
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Radio reporting	150B(3)	Failure of a master or operator of a vessel to make a radio report containing details required in contravention of subsection 150(B)(2)	Serious Offence		3,500,000		5 years
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel with an authorisation, licence or					

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Record-Keeping			permit to install, maintain, operate a mobile transceiver unit (MTU) or other electronic device at all times in accordance with manufacturer's specifications and operating instructions, in contravention of subsections 151(1)(a)	Serious Offence		3,500,000		5 years
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel with an authorisation, licence or permit to install, maintain, operate an MTU or other electronic device at all times in	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				accordance with the requirements approved by the Director, in contravention of subsections 151(1)(b)					
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel under section 151 to comply with the standard technical specifications prescribed for the installation, maintenance and operation of an MTU or other electronic device in contravention of subsections 151(2)	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel under section 151 to ensure that no person tampers or interferes with, alters, damages, disables the MTU or other electronic device, in contravention of subsections 151(3)(a)	Serious Offence		3,500,000		5 years
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel to ensure that the MTU or other electronic device is not moved from the required or agreed installed position or removed without the prior	Serious Offence		3,500,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				written permission of the Director, in contravention of subsections 151(3)(b)					
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel under section 151 to ensure that the MTU or other electronic device is switched on and operational at all times, in contravention of subsections 151(3)(c)	Serious Offence		3,500,000		5 years
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel to ensure that the MTU or other electronic device is registered as the	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				Director may approve, in contravention of subsections 151(3)(d)					
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel or his agent authorised by him to ensure that reports containing the information on the vessel are communicated to the Director when the MTU or other electronic device fails to transmit in the case of technical failure or non-functioning in contravention of subsections 151(4)	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure of an operator of a fishing vessel, when not possible to comply with any requirement under subsections 158(1) to (4), to immediately stow the fishing gear and take the vessel directly to a port identified by the Director, as soon as possible, or report to the Director that the vessel is being, or has been taken to port with gear stowed, in contravention of subsections 151(5)	Serious Offence		2,000,000	~~2 years~~	5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Allowing a person not authorised by the Director to have access to the information from a vessel monitoring system, in contravention of subsection 151(6)	Serious Offence		2,000,000	~~2 years~~	5 years
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure to collate, store and manage information from a vessel monitoring system in accordance with the duty of confidentiality in section 231, in contravention of section 151(7)	Serious Offence		2,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 1	Monitoring, Control, Surveillance and Enforcement / Reporting and Record-Keeping	Requirements for vessel monitoring systems	151(8)	Failure to comply with the requirements for vessel monitoring system, without an exemption, on the recommendation of the Director, by the Minister, by Order, subject to the negative resolution of Parliament, in contravention of subsections 151(1) to (7)	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an Authorised Officer	160(3)	Demanding or receiving any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit in contravention of section 160(2)(a)	Serious Offence		2,000,000		5 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an Authorised Officer	160(3)	Failure to declare in writing, any direct or indirect, actual or contingent pecuniary interest in any business or fishing vessel involved in fishing or	Serious Offence		1,000,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing related activities, including the nature and extent of his interest, as soon as he becomes interested in or aware of it, to the Director in contravention of section 160(2)(b)					
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an Authorised Officer	160(3A)(2)(a)	Failure of an authorised officer to comply with the requirement to not participate in any matter, activity, deliberation or decision in which he has an interest or is likely to affect that interest in contravention of section 160(3A)(1)	Summary		250,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an Authorised Officer	160(3A)(2)(b)	Knowingly making a false declaration in contravention of section 160(3A)(1)	Summary		250,000		2 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Declaration of interest of members of staff	160A(2)(a)	Failure of members of staff to comply with the requirement to disclose interests in the form and manner determined by the Director, in contravention of section 160(3A)	Serious Offence		1,000,000		2 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Declaration of interest of members of staff	160A(2)(a)	Failure of a member of staff to comply with the requirement to not participate in any matter, activity, deliberation or	Summary		250,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				decision in which he has an interest or is likely to affect that interest in contravention of section 160(3A)(1)					
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Declaration of interest of members of staff	160(3A)(2)(b)	Knowingly making a false declaration in contravention of section 160(3A)(1)	Summary		250,000		2 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Declaration of interest of members of staff	160A(2)(a)	Demanding or receiving any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any	Serious Offence		2,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				other material benefit in contravention of section 160(2)(a) and 160A					
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Declaration of interest of members of staff	160A(2)(a)	Failure of a member of staff of the entities identified in section 160A(1) to comply with the requirement related to the performance of their duties in contravention of section 160(1)(a) to (e) and 160A	Serious Offence		2,000,000		5 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Declaration of interest of members of staff	160A(2)(b)	Knowingly making a false declaration in contravention of section 160(3A)(1)	Summary		250,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Duties to authorised officers	161(2)(a)	Failure to comply with a duty to an authorised officer in the performance of his duties and exercise of his powers under the Act, in contravention of section 161(1)(a) to (h)	Serious Offence		5,000,000	7,000,000	5 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Offence against an authorised officer	162(2)	Committing an offence against an authorised officer, in contravention of section 162(1)(a) to (f)	Serious Offence		5,000,000	7,000,000	5 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an observer	166(3)	Failure of an observer to comply with the Code of conduct of observers in contravention of section 166(1)(a) to (f)	Serious Offence		2,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an observer	166(3)(a)	Demanding or receiving any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit, in contravention of section 166(2)(a)	Serious Offence		2,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an observer	166(3)(a)	Failure to declare any direct or indirect, actual or contingent pecuniary interest in any business or vessel involved in fishing or fishing related activities without declaring in writing, the nature and extent of his interest, as soon as he becomes aware of it, to the Minister and to the Director, in contravention of section 166(2)(b)	Serious Offence		1,000,000		5 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised	Code of Conduct of an observer	166(A) (2)(a)	Failure of an observer to comply with the requirement to not participate in any matter,	Summary		250,000		2 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Officers and Observers			activity, deliberation or decision in which he has an interest or is likely to affect that interest in contravention of section 166(A)(1)					
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Code of Conduct of an observer	166(A)(2)(b)	Knowingly making a false declaration in contravention of section 166(2)(b)	Summary		250,000		2 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Duties to an observer by an operator and crew	167(5)	Failure to comply with a duty to an observer in contravention of section 167(1)(a) to (n)	Serious Offence		5,000,000	7,000,000	5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Duties to an observer by an operator and crew	167(5)	Failure to provide for the observer while on board the vessel, including cost requirements, in contravention of sections 167 (2),(3)	Fixed Penalty	20,000	100,000		
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Duties to an observer by an operator and crew	167(5)	Committing an offence against an observer, in contravention of section 167(4)(a) to (f)	Serious Offence		5,000,000	7,000,000	5 years
XVI / Division 2	Monitoring, Control, Surveillance and Enforcement / Authorised Officers and Observers	Duties to an observer by an operator and crew	167(8)	Failure to comply with the requirements relating to an observer lost at sea, in contravention of section 167(7)	Serious Offence		7,000,000		5 years
XVI / Division 3	Monitoring, Control, Surveillance	Requirement for prior declaration	170(2)	Departing from an identified port, a	Serious Offence		3,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	and Enforcement / Port Control Measures for Trinidad and Tobago Fishing Vessels	and written approval by Director to depart an identified port, designated landing site or a specified		designated landing site or specified area without providing advance notice of the intention to depart in the approved form and manner and the issue of a written approval to depart by the Director in contravention of section 170(1)					
XVI / Division 3	Monitoring, Control, Surveillance and Enforcement / Port Control Measures for Trinidad and Tobago Fishing Vessels	Prior declaration of intent to enter or use an identified port, designated landing site or a specified area	171(2)	Failure to notify the Director in the approved form and manner of the entry of the vessel into any identified port, designated landing site or a specified area in contravention of section 171(1)	Fixed Penalty	100,000	700,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 3	Monitoring, Control, Surveillance and Enforcement / Port Control Measures for Trinidad and Tobago Fishing Vessels	Requirement for written approval of the Director for Trinidad and Tobago fishing vessels operating in areas beyond national jurisdiction to enter or use an identified port, designated landing site or specified area for port services	172(4)	Entering or using an identified port, designated landing site or a specified area for landing, transhipping, importing, exporting, re-exporting of fish or for other port services, including bunkering and provisioning without providing advance notice to enter in the approved form and manner and the issue of written approval by the Director, in contravention of section 173(1)	Serious Offence		3,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 3	Monitoring, Control, Surveillance and Enforcement / Port Control Measures for Trinidad and Tobago Fishing Vessels	Unauthorised entry into or use of an identified port, designated landing site or specified area by a Trinidad and Tobago fishing vessel	173(a)	Entering or using an identified port, designated landing site or specified area for the purposes of landing, transshipping, importing, exporting, re-exporting~~,~~ of fish, ~~and~~ or for other port services, without the written approval of the Director, in contravention of section 173(a)	Serious Offence		3,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 3	Monitoring, Control, Surveillance and Enforcement / Port Control Measures for Trinidad and Tobago Fishing Vessels	Unauthorised entry into or use of an identified port, designated landing site or a specified area by a Trinidad and Tobago fishing vessel	173(b)	Causing a Trinidad and Tobago fishing vessel to enter or use an identified port, designated landing site or a specified area for the purposes of landing, transshipping, importing, exporting, re-exporting, of fish, or for other port services, without the written approval of the Director, in contravention of section 173	Serious Offence		3,000,000		5 years
XVI / Division 3	Monitoring, Control, Surveillance and Enforcement / Port Control Measures for Trinidad and Tobago	Entry into or use of a port not identified, landing site not designated or an area not specified by a Trinidad and	174(a)	Entering or using a port not identified, a landing site not designated; or an area not specified for the purposes of landing,	Serious Offence		3,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Fishing Vessels	Tobago fishing vessel for port services		transshipping, importing, exporting, re-exporting of fish, or for other port services, in contravention of section 174					
XVI / Division 3	Monitoring, Control, Surveillance and Enforcement / Port Control Measures for Trinidad and Tobago Fishing Vessels	Entry into or use of a port not identified, landing site not designated or an area not specified by a Trinidad and Tobago fishing vessel for port services	174(b)	Causing a Trinidad and Tobago fishing vessel to enter or use a port not identified, a landing site not designated or an area not specified, for the purposes of landing, transshipping, importing, exporting, re-exporting of fish, or for other port services, in contravention of section 174	Serious Offence		3,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Requirement for advance request for entry into or use of an identified port or a specified area	177(2)	Failure of an operator of a foreign fishing vessel or his authorised local representative to submit an advance request, in the approved form and manner, for entry into or use of an identified port or a specified area in Trinidad and Tobago, to the Minister, in contravention of section 177(1)	Fixed Penalty	250,000	3,000,000		
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Requirement for written approval by the Minister, on the recommendation of the Director, for a foreign fishing vessel to enter or use an	178(3)	Entering an identified port or a specified area without the written approval issued by the Minister, on the recommendation of the Director, issued to a foreign fishing	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		identified port or a specified area		vessel, to enter and use the identified port or specified area for port services, in contravention of section 178(1)(a)					
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Requirement for written approval by the Minister, on the recommendation of the Director, for a foreign fishing vessel to enter or use an identified port or specified area	178(3)	Entering an identified port or a specified area without the written approval issued by the Minister, on the recommendation of the Director, issued to a foreign fishing vessel, to enter an identified port for inspection only, in contravention of section 178(1)(b)	Serious Offence		5,000,000		5 years
XVI / Division 4	Monitoring, Control, Surveillance and	Unauthorised entry or use of an identified port or a	180(a)(i)	Entering or using a foreign fishing vessel to enter or use an					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Enforcement / Port State Control Measures for Foreign Fishing Vessels	specified area by a foreign fishing vessel		identified port for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish and for other port services, including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, in contravention of section 178	Serious Offence		5,000,000		5 years
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for	Unauthorised entry or use of an identified port or a specified area by a foreign fishing vessel	180 (a)(ii)	Entering or using a foreign fishing vessel to enter or use a specified area for the purposes of landing, transshipping,					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Foreign Fishing Vessels			importing, exporting, re-exporting, packaging or processing of fish and for other port services, including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, in contravention of section 178(1)	Serious Offence		5,000,000		5 years
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Unauthorised entry or use of an identified port or a specified area by a foreign fishing vessel	180 (b)(i)	Causing a foreign fishing vessel to enter or use an identified port or for the purposes of landing, transshipping, importing, exporting, re-					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				exporting, packaging or processing of fish and for other port services, including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, in contravention of section178(1)	Serious Offence		5,000,000		5 years
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Unauthorised entry or use of an identified port or a specified area by a foreign fishing vessel	180 (b)(ii)	Causing a foreign fishing vessel to enter or use or specified area for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish and for	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				other port services, including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, in contravention of section178(1)					
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Entry or use of a port not identified or a specified area by foreign fishing vessel for port services	181(a)(i)	Entering, using a foreign fishing vessel to enter or use a port not identified for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish and for other port services including bunkering and	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				provisioning, without the written approval of the Minister, on the recommendation of the Director, in contravention of section 178(1)					
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Entry or use of a port not identified or a specified area by foreign fishing vessel for port services	181 (a)(ii)	Entering, using a foreign fishing vessel to enter or use an area not specified for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish and for other port services including bunkering and provisioning, without the written approval	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of the Minister, on the recommendation of the Director, in contravention of section 178(1)					
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Entry or use of a port not identified or a specified area by foreign fishing vessel for port services	181 (b)(i)	Causing a foreign fishing vessel to enter or use a port not identified for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish and for other port services including bunkering and provisioning, without the written approval of the Minister, on the recommendation	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of the Director, in contravention of section 178(1)					
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Entry or use of a port not identified or a specified area by foreign fishing vessel for port services	181 (b)(ii)	Causing a foreign fishing vessel to enter or use an area not specified for the purposes of landing, transshipping, importing, exporting, re-exporting, packaging or processing of fish and for other port services including bunkering and provisioning, without the written approval of the Minister, on the recommendation of the Director, in contravention	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of section 178(1)					
XVI / Division 4	Monitoring, Control, Surveillance and Enforcement / Port State Control Measures for Foreign Fishing Vessels	Requirement for written approval by the Minister, on the recommendation of the Director, for a foreign fishing vessel to depart the fishery waters, including an identified port or a specified area	184(2)	Departing the fishery waters, including an identified port or a specified area, without prior declaration in the form and manner required and approval to depart by the Minister, on the recommendation of the Director, in contravention of section 184 (1)	Serious Offence		5,000,000		5 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(1)	Throwing overboard, disposing of or destroying any fish, equipment, document, explosive, noxious substance or other thing with the intent to	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				avoid its seizure or the detection of an offence, in contravention of section 153 to 159, 161, 162 (a), (b), (d), (e), 166					
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(2)	Removing or causing the removal from custody of any vessel, fish, data, document, equipment or other item, by any act or omission, in contravention of section 155, 161, 162 [(a), (b)], 166	Serious Offence		5,000,000		5 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(3)	Damaging or rendering inoperative or otherwise interfering with data, document, equipment, or other items					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				seized and secured, including any premises or facilities in which evidence, vessel, fish, data, document, equipment or other items are kept in contravention of section 154(3), 155, 161, 162 [(a), (b), (d)], 166	Serious Offence		5,000,000		5 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(4)	Destroying, damaging, rendering inoperative or otherwise interfering with any part of a vessel monitoring system in contravention of section 151, 161 [(d), (f), (g), (h)], 162 [(a),	Serious Offence		5,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				(b), (d), (e)], 166					
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(4)	Intentionally feeding or inputting into a vessel monitoring system, information or data which is not officially required or meaningless, in contravention of section 151, 161(e), 162(a),(b),(e), 166 (d)	Serious Offence		5,000,000		5 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(5)	Divulging vessel monitoring system information or data, other than in the course of duty, in contravention of section 150,	Serious Offence		1,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				160, 162, 166 (d),(f)					
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(6)	Allowing unauthorised access to the premises or facilities where a vessel monitoring system or any other electronic monitoring system is operated, in contravention of section 151(6), 160 (c), (e), 166(d), (f)	Serious Offence		700,000		5 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	199(6)	Allowing unauthorised access to information or data from a vessel monitoring system or any other electronic monitoring system in contravention of	Serious Offence		1,000,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 150(2), (4), 151(6), 160(c), (e), 166(d), (f),					
XX	General Provisions	Use of, and operations at, public facilities provided for the fishing industry	211(2)	Failure to comply with a rule or guideline for the use of and operations at public facilities for the fishing industry in contravention of section 211(1)	Fixed Penalty	5,000	5,000		
XX	General Provisions	Use of a fishing vessel for purposes other than fishing or fishing related activities	211(2)	Using a fishing vessel or recreational fishing vessel for purposes other than fishing or fishing related activities in contravention of section211(1)(a)	Serious Offence		10,000,000		5 years
XX	General Provisions	Use of a fishing vessel for purposes other than	212(2)	Using a fishing vessel or recreational fishing vessel					

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		fishing or fishing related activities		for purposes other than activities essential for the safety of life at sea, the safety or health of the crew or the safety of the vessel in contravention of section212(1)(b)	Serious Offence		10,000,000		5 years
XX	General Provisions	Use of a fishing vessel for purposes other than fishing or fishing related activities	212(2)	Using a fishing vessel or recreational fishing vessel for purposes other than such other activities as are approved by the Director or permitted under licence or any other written law in contravention of section212(1)(c)	Serious Offence		10,000,000		5 years
XX	General Provisions	Interfering with or	213(2)	Removing, hauling, taking away, emptying	Fixed Penalty	35,000	200,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		disturbing fishing		or casting adrift fishing gear, tackle, fish-aggregating device or other fishing equipment belonging to another person without the consent of that other person in contravention of section213(1)(a)					
XX	General Provisions	Interfering with or disturbing fishing	213(2)	Destroying, damaging, displacing or altering the position of any fishing gear, tackle, fish-aggregating device or any other fishing equipment belonging to another person without the consent of that other person in contravention of	Fixed Penalty	35,000	200,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 213(1)(b)(i)					
XX	General Provisions	Interfering with or disturbing fishing	213(2)	Destroying, damaging, displacing or altering the position of any bouy, float or other marker belonging to another person without the consent of that other person in contravention of section 213(1)(b)(ii)	Fixed Penalty	35,000	200,000		
XX	General Provisions	Interfering with or disturbing fishing	213(2)	Removing fish from fishing gear, tackle, fish-aggregating device or other fishing equipment belonging to another person without the consent of that other person in	Fixed Penalty	35,000	2,000,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section213(1)(c)					
XX	General Provisions	Provision of false information	215	Providing false information in contravention of section 215	Serious Offence		35,000	2,000,000	5 years
XX	General Provisions	Activities contrary to the laws of another State	217(3)	Causing or permitting a person to take import, export, re-export, land, transport, transship, sell, receive, acquire or buy any fish taken, possessed, transported or sold in violation of any law of another State or international convention and management measures in contravention of section217(2)(a)	Serious Offence		3,500,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XX	General Provisions	Activities contrary to the laws of another State	217(3)	Using or permitting a craft to engage in fishing or fishing related activity to take import, export, re-export, land, transport, transship, sell, receive, acquire or buy any fish taken, possessed, transported or sold in violation of any law of another State or international convention and management measures in contravention of section217(2)(b)	Serious Offence		3,500,000		5 years
XX	General Provisions	Prevention of marine pollution	218(3)	Failure to retrieve all fishing gear and associated items deployed at sea to prevent pollution of the					

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				marine environment in accordance with international conservation and management measures or as prescribed in contravention of section218(2)(a)	Fixed Penalty	25,000	200,000		
XX	General Provisions	Prevention of marine pollution	218(3)	Failure to comply with the Shipping Act or any other written law with respect to prevent pollution of the marine environment in accordance with international conservation and management measures or as prescribed in contravention of section218(2)(b)	Fixed Penalty	50,000	500,000		

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XX	General Provisions	General offences and penalties	220(1)	Failure to comply with the Act where no provision or offence is created or penalty prescribed in contravention of section 220(1)	Fixed Penalty		140,000		
					Continuing Offence		A further fine of 3,500 for every day after the first day on which the offence has continued		
XX	General Provisions	General offences and penalties	220(1)	Failure to comply with the Regulations where no provision or offence is created or penalty prescribed in contravention of section 220(1)	Fixed Penalty		140,000		2 years
					Continuing Offence		A further fine of 3,500 for every day after the first day on which the offence has continued		
XX	General Provisions	Banning Order	223(2)	Failure to comply with an order prohibiting a person from engaging in fishing in contravention of	Serious Offence		1,750,000		5 years

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Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 223(1)(a)					
XX	General Provisions	Banning Order	223(2)	Failure to comply with an order prohibiting a person from engaging in fishing related activities in contravention of section 223(1)(b)	Serious Offence		1,750,000		5 years
XX	General Provisions	Banning Order	223(2)	Failure to comply with an order prohibiting a person from engaging in any other activity as may be provided for under the Act in contravention of section223(1)(c)	Serious Offence		1,750,000		5 years
XX	General Provisions	Banning Order	223(2)	Having a person aboard a fishing vessel who the operator of the fishing vessel	Serious Offence		1,750,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				knows is banned in contravention of section223(1)					
XX	General Provisions	Duty of confidentiality	224(4)	Revealing information or other data of a confidential nature under subsection (2)(a) to (c), acquired by virtue of authority, duties or responsibilities under the Act, without authorisation or necessity in accordance with subsection (3)(a) to (f), in contravention of section 224(1)	Serious Offence		2,000,000		5 years

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(October 2, 2023)

SCHEDULE 2

(Section 226A)

CONSEQUENTIAL AMENDMENTS

FIRST COLUMN *Written Law*	SECOND COLUMN *Extent of Amendment*
The Tobago House of Assembly Act, Chap. 25:03	A. In section 3, insert in the appropriate alphabetical sequence the following definition: ““Tobago Fishery Waters” means the fishery waters within eleven nautical miles from the low water mark of Tobago, and the internal and inland waters of Tobago, designated for the purpose of fisheries conservation and management;”; and B. In section 4*(b)*, insert after the words “island of Tobago”, the words “, Tobago Fishery Waters”.
The Environmentally Sensitive Species Rules, Chap. 35:05	In Schedule III, in item 2*(d)*, delete the words “a fish that is included in a regulation made under section 4(b), (d) or (e) of the Fisheries Act” and substitute the words “a fish that is included in regulations made under section 232 of the Fisheries Management Act”.
The Environmentally Sensitive Areas Rules, Chap. 35:05	In Schedule III, in item *(g)*, delete the words “section 2 of the Fisheries Act” and substitute the words “the Fisheries Management Act”.
The Marine Areas (Preservation and Enhancement) Act, Chap. 37:02	In sections 3(1), 5 and 6(1), delete the word “The” and substitute the words “Subject to the Fisheries Management Act and in collaboration with the Minister responsible for fisheries, the”.
The Marine Areas (Preservation and Enhancement) Regulations, Chap. 37:02	In regulation 2, delete the words “includes corals, crabs, lobsters, shrimps, turtles, turtle eggs and any species of marine fauna” and substitute the words “includes any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of its development”.
The Shipping Act, Chap. 50:10	A. In section 2— (i) insert the following definition in the appropriate alphabetical sequence: ““fishing related activities”, means any operation in support of, or in preparation for, fishing, including— (a) storing, buying, transshipping, processing, packaging or transporting fish taken from the fishery waters or elsewhere

up to the time they are first landed;

(b) on-shore storing, buying, processing, packaging or transporting of fish from the time they are first landed;

(c) provisioning of personnel, fuel, gear, equipment, other supplies or performing maintenance, dry-docking and any other activity in support of fishing;

(ca) construction, maintenance and repair of-

(i) fishing vessels or fishing gear; or
(ii) vessels, engines, gear or equipment intended to be used for fishing;

(d) importing into Trinidad and Tobago—

(i) fish, fishing vessels or fishing gear;
(ii) vessels, engines, gear or equipment intended to be used for fishing;

(e) exporting or re-exporting from Trinidad and Tobago—

(i) fish, fishing vessels or fishing gear;
(ii) vessels, engines, gear or equipment intended to be used for fishing;

(f) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity;

(g) landing of fish in Trinidad and Tobago; and

(h) any other activity in support of fishing as prescribed by regulations under section 232.";

"Illegal, Unreported and Unregulated fishing" or "IUU fishing", means fishing activities that are contrary to the international or national conservation and management measures applicable in the fishing area concerned, including:

(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;

(b) non-compliance with any obligation to record or report any data or information in respect of fishing or fishing related activities, including failing to provide accurate catch, catch-related or other data or information;

(c) fishing in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth;

(d) falsification of documents in relation to the fishing vessel;

(e) fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

(f) fishing with the use of prohibited or non-compliant fishing gear;

(g) falsifying or concealing the markings, identity or registration of a fishing vessel;

(h) destroying, concealing, tampering with or unlawfully disposing of evidence relating to an investigation concerning fishing or fishing related activities;

(i) obstructing or interfering with the work of officials in the exercise of duties in inspecting a fishing vessel for compliance with the applicable laws or conservation and management measures;

(j) possessing, transshipping, moving or landing of fish in contravention of this Act;

(k) fishing or fishing related activities in contravention of the terms and conditions of an authorisation, licence, permit or certificate;

(l) engaging in transshipment with fishing vessels identified as having engaged in activities that may be characterised as illegal, unreported and unregulated fishing;

(m) fishing in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State no party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization;

(ma) fishing in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law;

(n) using a fishing vessel that has no nationality for fishing or fishing related activities;

(o) engaging in fishing or fishing related activity with an IUU listed vessel;

(p) conducting business directly connected with fishing that may be characterized as illegal, unreported and unregulated including trading in fish;

(q) using a fishing vessel for any activity in contravention of national law; or

(r) fishing or fishing related activities in contravention of a management plan or measure";

"IUU listed vessel" means a vessel that is included in a list of vessels, adopted by a regional fisheries management organization, that have engaged in Illegal, Unreported and Unregulated fishing or is on a regionally or internationally recognised list of vessels presumed to have carried out illegal, unreported or unregulated fishing;";

(ii) delete the definition of "fishing vessel" and substitute the following:

""fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities;";

B. In section 4, delete paragraph (e) and substitute the following:

"(e) such other persons as the Minister may by Order determine, subject to affirmative resolution of Parliament,

who have authorised local representatives resident in Trinidad and Tobago.";

C. In section 5—

(a) in subsection(1)(c), insert the words ", unless it is a fishing vessel" after the words "Trinidad and Tobago"; and

(b) in subsection (2), insert the words ", unless it is a fishing vessel" after the words "outside the waters of Trinidad and Tobago";

D. In section 11, insert after paragraph (b), the following new paragraph:

"(ba) used in the commission of an offence under any law of Trinidad and Tobago or that of another State or is an IUU listed vessel; and";

E. Insert after section 18, the following new section:

"Restriction on registration of fishing vessels

18A. The Registrar may not register a fishing vessel if the applicant has committed an offence under any law of Trinidad and Tobago or that of another State or if the vessel was used in the commission of an offence under any law of Trinidad and Tobago or that of another State or is an IUU listed vessel."; and

F. In sections 226 and 277, delete the definition of "fishing vessel" and substitute the following definition:

““fishing vessel” means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities;”.

The Archipelagic Waters and Exclusive Economic Zone Act, Chap. 51:06

A. In section 2—

(i) delete the definitions of “allowable catch”, “fishing craft”, “foreign fishing craft” and “foreign ship”;

(ii) delete the definition of “fish” and substitute the following:

““fish” means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development;”; and

(iii) insert the following definitions in the appropriate alphabetical sequence:

““craft” means a vessel, aircraft, hovercraft, refrigerated container, carrier vessel or other conveyance of whatever size and however propelled;

“suspect craft” means any craft used for commercial or private purposes in respect of which there are reasonable grounds to believe that it is engaged in any activity contrary to the laws of Trinidad and Tobago, and includes a craft without nationality and a craft assimilated to another craft without nationality;

B. Repeal sections 21, 23, 25, 26, 27, 29, 30(1), 31, 32(f) to (p); and

C. Repeal section 28 and substitute the following:

“28 (1) The persons referred to in subsection (3) are empowered to conduct monitoring and surveillance activities in relation to the living and non-living resources and to any related structures, installations or equipment in the Exclusive Economic Zone, the Territorial Sea and the Archipelagic Waters.

(2) Without prejudice to the generality of subsection (1), the persons identified in subsection (3) may-

(a) stop and board, seize and detain any suspect craft;

(b) seize any illicit cargo or equipment found on board the suspect craft;

(c) arrest the master and crew of any suspect craft; and

(d) carry out any other activities directly or indirectly related to the exploration, exploitation, conservation and management of the living and non-living resources in the Exclusive Economic Zone, the Territorial Sea and the Archipelagic Waters and may institute such criminal proceedings against the master and crew as may be necessary to ensure compliance with the laws of Trinidad and Tobago.

(3) The persons to whom subsection (1) applies are–

(a) members of the Trinidad and Tobago Coast Guard;

(b) members of the Trinidad and Tobago Police Service;

(c) fisheries officers of the Ministry responsible for fisheries;

(d) any officers as defined by the Customs Act;

(e) the Director of the agency with responsibility for Maritime Services; and

(f) any other person authorised in writing by the Minister.

D. Repeal section 31 and substitute the following:

"31. A suspect craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the bond or other surety determined in accordance with the Fisheries Management Act.".

The Customs Act, Chap. 78:01

A. Delete the words "Chief Fisheries Officer" wherever they occur and substitute the words "Director of Fisheries"; and

B. In section 279, insert after paragraph (a), the following new paragraph:

"(ab) with the Director of Fisheries and Director-Tobago referred to under the purpose of Fisheries Management Act, for the purpose of the management of fisheries.".

Negative List, Notice to Importers No. 1, Open General Licence, Exceptions, L.N. 69 of 1999

A. Delete the ministry code number in the second column and description of goods listed in the third column as follows:

(a) in the third column, in the second subheading, after the word "Fish", delete the words "Crustaceans, Molluscs";

(b) in item Category No. 02—

(i) in Ministry Code No. 02000, after the word "Fish", delete the words ", fresh (live or dead), chilled or frozen" and substitute the words "(live or dead, chilled or frozen) including crustaceans such as shrimp, lobsters, crabs and molluscs"; and

delete Ministry Code No. 02001 in the second column, including all items listed (a), (b) and (c) in the third column.

Notice to Exporters No. 1, Open General Licence, Exception, Consolidated List of Licensable Exports, L.N. 123 of 1998

In Item I, delete subitem 1. and substitute the following subitem:

"1. Fish (live or dead, chilled or frozen) including aquarium fish and any coral, turtle, turtle-eggs, mollusc, crustaceans including shrimp, lobster and crabs and other aquatic invertebrates."

Trade Ordinance, 8, No. 19 of 1958

A. In section 2, insert the following definitions in the appropriate alphabetical sequence:

"fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of its development;

"fishing" means-

(a) searching for, catching, taking or harvesting fish;

(b) the attempted searching for, catching, taking or harvesting of fish;

(c) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

(d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;

(e) any operation in the fishery waters or beyond in support of or in preparation for any activity described herein, except for operations defined as fishing related activities in this section the Fisheries Management Act; or

(f) the use of an aircraft in relation to any activity described herein;

"fishing gear" means any equipment, tool or implement used for the purpose of fishing;

"fishing related activities" means any operation in support of, or in preparation for, fishing, including—

(a) storing, buying, transshipping, processing, packaging or transporting fish taken from the fishery waters or elsewhere up to the time they are first landed;

(b) on-shore storing, buying, processing, packaging or transporting of fish from the time they are first landed;

(c) provisioning of personnel, fuel, gear, equipment, other supplies or performing maintenance, dry-docking and any other activity in support of fishing;

(d) exporting fish from Trinidad and Tobago;

(e) importing fish into Trinidad and Tobago;

(f) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity; and

(g) landing of fish in Trinidad and Tobago;

"fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities; and

"vessel" means any boat, ship, hovercraft or other water-going borne craft;

The Imports and Exports Control Regulations, G.N. 444 of 1941

A. In regulation 2, insert the following definitions in the appropriate alphabetical sequence:

"fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian,

echinoderm, marine mammal or marine algae at any stage of its development;

"fishing" means-

(a) searching for, catching, taking or harvesting fish;

(b) the attempted searching for, catching, taking or harvesting of fish;

(c) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

(d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;

(e) any operation in the fishery waters or beyond in support of or in preparation for any activity described herein, except for operations defined as fishing related activities in this section the Fisheries Management Act; or

(f) the use of an aircraft in relation to any activity described herein;

"fishing gear" means any equipment, tool or implement used for the purpose of fishing;

"fishing related activities" means any operation in support of, or in preparation for, fishing, including—

(a) storing, buying, transshipping, processing, packaging or transporting fish taken from the fishery waters or elsewhere up to the time they are first landed;

(b) on-shore storing, buying, processing, packaging or transporting of fish from the time they are first landed;

(c) provisioning of personnel, fuel, gear, equipment, other supplies or performing maintenance, dry-docking and any other activity in support of fishing;

(d) exporting fish from Trinidad and Tobago;

(e) importing fish into Trinidad and Tobago;

(f) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity; and

(g) landing of fish in Trinidad and Tobago;

"fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities; and

"vessel" means any boat, ship, hovercraft or other water-going borne craft;

B. In regulation 3, after subregulation (3), insert the following new subregulation (4):

"(4) A person applying for a licence to import, export or re-export fish, a fishing vessel, fishing gear, and vessel, engine gear and equipment, any of which is intended to be used for fishing and fishing related activities, shall have a permit issued in accordance with the Fisheries Management Act.".

Passed in the House of Representatives this day of , 20 .

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 20 .

Clerk of the Senate

DRAFT

I confirm the above.

President of the Senate

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