

**DIVISION IV**  
**FISHING AND CONSERVATION**  
**OF THE LIVING RESOURCES OF THE SEA**

---

1. ARGENTINA

(a) LAW NO. 17,094-M.24 OF 29 DECEMBER 1966, article 4<sup>1</sup>

(b) DECREE NO. 5106 OF 4 JANUARY 1967, articles 1-2<sup>2</sup>

(c) LAW NO. 17,500 OF 25 OCTOBER 1967 CONCERNING THE PROMOTION OF  
FISHERIES\*\*

*Article 1.* The resources of the Argentine territorial sea are the property of the national State, which shall authorize their exploitation in accordance with the provisions of this Act and the rules governing its application.

*Article 2.* Resources up to a distance of twelve nautical miles from the coast may be exploited only by vessels flying the national flag. In addition, the Executive Power shall each year select, within the Argentine territorial sea, a specific zone whose exploitation shall be reserved for vessels flying the national flag.

...

(d) DECREE NO. 8,802 OF 22 NOVEMBER 1967. PROVISIONAL REGULATIONS GOV-  
ERNING THE ISSUE TO FOREIGN VESSELS OF PERMITS FOR THE EXPLOITATION OF  
THE LIVING RESOURCES OF THE ARGENTINE TERRITORIAL SEA\*\*

I. PERMITS: APPLICATION AND FORMALITIES

*Article 1.* Foreign vessels may engage in activities involving the exploitation of the living resources of the Argentine territorial sea beyond a distance of twelve nautical miles from the coast only if they have in their possession, before the commencement of their activities, a local registration document (*matricula*) and a

---

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 1 (a).

<sup>2</sup> *Ibid.*, (b).

permit. The registration document shall remain in force for one calendar year. The permit shall be valid for 120 days reckoned from the date of issue.

...

## II. DUTIES AND RIGHTS OF THE APPLICANT

...

*Article 6.* Foreign vessels authorized to engage in the exploitation of the living resources of the sea in waters under Argentine jurisdiction shall operate within the legal limits and shall comply with the provisions already in force and those which may be established by the Fisheries Directorate of the Secretariat of Agriculture in respect of:

- (a) Prohibited zones and periods;
- (b) Characteristics of equipment and gear;
- (c) Methods and techniques;
- (d) Non-exploitable species;
- (e) Conservation of species;
- (f) Any other measures which in the judgement of the aforesaid authority may help to ensure the rational exploitation of the living resources of the sea.

*Article 7.* Activities carried out under the permits granted shall be performed in such a manner as not to interfere with navigation or obstruct similar operations by vessels of Argentine registration.

*Article 8.* It shall be forbidden:

- (a) To use explosives, toxic substances or other agents harmful to the living resources of the sea;
- (b) To carry on board devices for fishing, hunting or extracting which are prohibited by the competent authority, or to transport explosives or toxic substances;
- (c) To kill, mutilate or in any manner disable species which may be caught in fishing devices but are unsuitable for the particular purpose envisaged or for feeding the crew; such species shall be returned to the sea;

*Article 9.* Resources obtained from the sea by foreign vessels under the exploitation permits referred to in these regulations shall not be sold on the Argentine market except with the express authorization of the competent authority.

(e) ORDER NO. 124 OF 3 APRIL 1968 OF THE DIRECTORATE GENERAL OF FISHERIES AND CONSERVATION OF FAUNA, CONCERNING FISHING IN WATERS OF THE ARGENTINE TERRITORIAL SEA

1. The zone within the Argentine territorial sea in which authorized vessels flying a foreign flag shall be entitled to fish during 1968 shall be the area to the south of the parallel of latitude 39° south.

...

- 4. The fishing of prawn, shrimp and sea-bream shall be prohibited.

## 2. AUSTRALIA

(a) FISHERIES ACT<sup>1</sup> 1952-1967 (No. 116 of 1967; 17 November 1967)

## PART I. PRELIMINARY

...

4. *Definitions*

In this Act, unless the contrary intention appears "Australian waters" means—

- (a) Australian waters beyond territorial limits;
- (b) The waters adjacent to a Territory and within territorial limits; and
- (c) The waters adjacent to a Territory, not being part of the Commonwealth, and beyond territorial limits;

"fish" includes turtles, dugong, crustacea, oysters and other shellfish but does not include any species of whales, pearl shell, trochus, bêche-de-mer or green snail;

...

"foreign boat" means a boat other than—

(a) a boat owned by a resident of, or by a company incorporated in, Australia or a Territory, being a boat—

(i) that is registered in Australia or in a Territory; or

(ii) the operations of which are based on a place in Australia or in a Territory; or

(b) a boat belonging to, and ordinarily attached to or carried on board, a boat of a kind referred to in the last preceding paragraph";

...

"Territory" means Territory of the Commonwealth and includes the Territory of Nauru;

"the declared fishing zone" means—

(a) the waters adjacent to Australia and having as their inner limits the baselines by reference to which the territorial limits of Australia are defined for the purposes of international law and as their outer limits lines seaward from those inner limits every point on each of which is distant twelve international nautical miles from the point on one of those baselines that is nearest to the first-mentioned point; and

(b) the waters adjacent to each Territory not forming part of the Commonwealth and having as their inner limits the baselines by reference to which the territorial limits of that Territory are defined for the purposes of international law and as their outer limits lines seaward from those inner limits every point on each of which is distant twelve international nautical miles from the point on one of those baselines that is nearest to the first-mentioned point, but does not include any waters that are not proclaimed waters;

...

---

<sup>1</sup> The Act comprises the Fisheries Act, 1952-1953 (see ST/LEG/SER.B/6, pp. 421-424) as subsequently amended. Except for the provisions quoted here, the text reproduced in ST/LEG/SER.B/6 remains in force.

5. *Application*

(1) This Act extends to all Territories and to all Australian waters.

(2) In relation to proclaimed waters comprised in the declared fishing zone, this Act applies to all persons, including foreigners, and to all boats, including foreign boats.

...

PART III. REGULATION OF FISHERIES

8. *Regulation of fishing*

(1) The Minister may, by notice published in the *Gazette*—

(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters, of fish or of fish included in a class of fish specified in the notice;

(b) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish included in a class of fish specified in the notice not exceeding a size so specified; and

(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish included in a class of fish specified in the notice, by a method or equipment specified in the notice.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

...

9. *Licences and registration*

...

(1) The Minister, the Secretary or a prescribed authority may grant to a person a licence to engage in fishing in proclaimed waters or in an area of proclaimed waters.

(2) The Minister, the Secretary or a prescribed authority may grant to a person a licence in respect of a boat authorizing the use of the boat for fishing in proclaimed waters or in an area of proclaimed waters; and

...

(3) The Minister, the Secretary or a prescribed authority may grant to a person registration of nets, traps and other equipment for use in the taking of fish in proclaimed waters or in an area of proclaimed waters and may issue certificates of registration accordingly.

...

(4) The Secretary or a prescribed authority may, in his discretion, grant or refuse an application for a licence or registration under this section.

...

(5) A licence granted, or registration effected, under this section—

(a) is subject to such conditions as are specified in the licence or certificate of registration;

(b) comes into force on a date specified in the licence or certificate of registration or, if no date is so specified, on the date on which it is granted or effected; and

(c) subject to the next succeeding sub-section, remains in force until the succeeding thirty-first day of December.

(5A) Where a licence granted, or registration effected, under this section comes into force during the month of December in any year, it remains in force until the thirty-first day of December in the succeeding year.

...

#### 10. *Powers of officers*

(a) board or enter upon a boat in proclaimed waters or a boat that he has reason to believe has been used, is being used, or is intended to be used, for fishing in proclaimed waters and may search the boat for fish and for equipment used or capable of being used for fishing;

(b) examine any equipment found in any place, being equipment that he has reason to believe has been used, is being used, or is intended to be used, for fishing in proclaimed waters;

(c) seize, take, detain, remove and secure any fish, boat, net, trap or equipment which the officer has reason to believe has been taken or used, is being used, or is intended to be used, in contravention of this Act;

(d) without warrant, arrest a person whom the officer has reason to believe has committed an offence against this Act;

(e) require the master or other person in charge of a boat which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to bring the boat to a place in Australia or a Territory specified by the officer and to remain in control of the boat at that place until an officer permits him to depart from that place;

(f) bring a boat which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in Australia or a Territory and may remain in control of that boat pending the taking of proceedings in respect of that contravention;

...

### PART V. MISCELLANEOUS

#### 13. *Offences*

(1) A person shall not:

(a) In an area of proclaimed waters, engage in fishing, whether on his own account or as the partner, agent or employee of another person, unless he is the holder of a licence in force under section nine of this Act authorizing him to do so;

(aa) in an area of proclaimed waters, use a boat for fishing, or have a boat for fishing in his possession or in his charge, unless that boat is licensed under this Act, in his name or in the name of a person on whose behalf he is acting, for use in fishing in that area;

(b) in an area of proclaimed waters, use a net, trap or other equipment for the taking of fish, or have a net, trap or other equipment for the taking of fish in his possession or in his charge, unless that net, trap or equipment is registered under

this Act, in his name or in the name of a person on whose behalf he is acting, for use in the taking of fish in that area;

...

13AA. *Using or having charge of foreign boat for fishing in declared fishing zone*

(1) A person shall not, in an area of proclaimed waters comprised in the declared fishing zone—

(a) use a foreign boat for fishing; or

(b) have a foreign boat for fishing in his possession or in his charge, unless that boat is licensed under this Act, in his name or in the name of a person on whose behalf he is acting, for use in fishing in that area.

(2) A reference in paragraph (b) of the last preceding sub-section to a foreign boat shall be read as not including a reference to a foreign boat if—

(a) the nets, traps and other equipment for the taking of fish belonging to the boat are stowed and secured; and

(b) the work of cutting up, dismembering, cleaning, sorting or packing fish is not being carried out on the boat.

...

(b) WHALING INDUSTRY ACT REPEAL ACT 1956\* (No. 21 of 1956; 16 May 1956)<sup>1</sup>

(c) WHALING ACT<sup>2</sup> 1960 (No. 10 of 1960; 13 May 1960)

PART I. PRELIMINARY

...

5. *Interpretation*

(1) In this Act, unless the contrary intention appears— “Australia” includes the Territories;

“Australian waters” means—

(a) Australian waters beyond territorial limits;

(b) the waters adjacent to a Territory and within territorial limits; and

(c) the waters adjacent to a Territory, being a Territory that is not part of the Commonwealth, and beyond territorial limits;

“ship” includes every kind of vessel;

...

“Territory” means Territory of the Commonwealth;

...

“waters to which this Act applies” means—

(a) Australian waters; and

(b) subject to section eight of this Act, all other waters;

...

<sup>1</sup> By section 4 of the Act, the Whaling Industry Act, 1949-1952, reproduced in ST/LEG/SER.B/6, p. 426, has been repealed.

<sup>2</sup> By section 4 of the Act, the Whaling Act, 1935 and the Whaling Act, 1948 reproduced in ST/LEG/SER.B/6, p. 425, are repealed.

(2) For the purposes of this Act, a ship or aircraft shall be deemed to be under the jurisdiction of the Commonwealth if—

- (a) it is registered in Australia;
- (b) its operations are based on a port or place in Australia; or
- (c) it is within the territorial limits of the Commonwealth or of a Territory and is not a public ship or aircraft of a country other than Australia that is neither employed for the purposes of whaling nor otherwise employed in commercial operations.

...

7. *Extra-territorial operation of Act*

This Act applies both within and without the Commonwealth and extends to all the Territories.

8. *Application of Act to State territorial waters*

(1) A reference in this Act to waters to which this Act applies shall be read as not including a reference to waters that are territorial waters of a State unless a Proclamation under the next succeeding sub-section is in force in respect of those waters.

(2) The Governor-General may, by Proclamation, declare that this Act applies in respect of the territorial waters of a State or a specified part of those territorial waters.

...

PART II. REGULATION OF WHALING

10. *Prohibition of certain acts by notice*

(1) Subject to sub-section (5) of this section, the Minister may, by notice published in the *Gazette*, prohibit, either at all times or during a period specified in the notice—

- (a) the taking or killing of whales, or whales of a species, kind or sex specified in the notice;
- (b) the taking or killing of whales, or whales of a species, kind or sex specified in the notice, not exceeding a size so specified; or
- (c) the taking or killing of whales, or whales of a species, kind or sex specified in the notice, by a method or equipment so specified.

(2) A notice under the last preceding sub-section applies to the taking or killing of whales in any waters to which this Act applies unless the notice is expressed to apply only in relation to a part of those waters.

(3) The power conferred by virtue of paragraph (a) of sub-section (1) of this section extends to prohibiting the taking or killing of female whales, or female whales of a particular species or kind, when accompanied by calves or suckling whales.

(4) A notice under this section may provide for exceptions to, and exemptions from, the prohibition contained in the notice and such an exception or exemption has effect subject to such conditions, if any, as are specified in the notice.

(5) The powers conferred on the Minister by this section are, in relation to the taking or killing of whales in waters other than Australian waters, exercisable only to the extent necessary to give effect to the International Whaling Conventions.

#### 11. *Licences*

(1) Subject to this section, the Secretary may, in his discretion, grant to a person, being the owner or charterer of a ship or aircraft, a licence to use that ship or aircraft as a whale catcher in, or in and over, the waters to which this Act applies or such of those waters as are specified in the licence.

...

#### 12. *Conditions of licences*

(1) A licence granted under the last preceding section is subject to such conditions as are specified in the licence.

...

#### 13. *Whaling inspectors*

(1) The Secretary may appoint persons to be whaling inspectors for the purposes of this section.

...

#### 14. *Powers of officers*

(1) For the purposes of this Act, an officer may—

(a) board a ship or aircraft under the jurisdiction of the Commonwealth which, or which he has reason to believe—

- (i) is a factory ship or a whale catcher; or
- (ii) has been, is being or is intended to be used for a purpose for which a factory ship or a whale catcher is used;

...

(c) inspect a ship, aircraft, land station or premises which he has boarded or entered in pursuance of this section and the plant and equipment in or on the ship, aircraft, land station or premises, and examine any whale, part of a whale or whale product in or on the ship, aircraft, land station or premises;

...

(f) seize, take, detain, remove and secure—

- (i) any whale, part of a whale or product of a whale which the officer has reason to believe has been taken or killed in contravention of this Act; and
- (ii) any equipment which the officer has reason to believe has been used in taking or killing a whale in contravention of this Act;

(g) where the officer has reason to believe that any whale, part of a whale, product of a whale or equipment that he is authorized to seize by virtue of the last preceding paragraph is on board a ship or aircraft under the jurisdiction of the Commonwealth, require the master or pilot of the ship or aircraft to bring the ship or aircraft to a port or place in Australia specified by the officer;

...



(i) without warrant, arrest a person who the officer has reason to believe has committed an offence against this Act; and

...

### PART III. OFFENCES

...

#### 19. *Forfeiture of equipment, etc.*

Where a person is convicted of an offence against this Act in respect of the taking, killing or treating of a whale in contravention of this Act, the court by which he is convicted may order the forfeiture to the Commonwealth of—

(a) any equipment used in contravention of this Act in the taking or killing of the whale; or

(b) the whale, or any part or product of the whale, or the proceeds of the sale of the whale or of any part or product of the whale.

#### 20. *Unlicensed ships entering Australia*

(1) A ship designed and equipped for hunting, taking, killing, towing, holding on to or scouting for whales, or for treating whales, shall not be brought into a port in Australia unless—

(a) the owner or charterer of the ship is the holder of a licence in force under this Act authorizing the use of the ship as a whale catcher or as a factory ship, as the case may be; or

(b) the ship is duly authorized by the Government of the country whose flag she flies to engage in taking whales or in treating whales, as the case may be.

(2) Where a ship is brought into a port in Australia in contravention of the last preceding sub-section, the owner and master, or, if the ship is under charter, the charterer and master, of the ship are each guilty of an offence against this Act punishable, upon conviction, by a penalty not exceeding One thousand pounds.

...

### PART IV. RESEARCH AND DEVELOPMENT

...

#### 26. *Permit for scientific purposes*

(1) The Minister may grant a permit to a person authorizing the taking or killing, or the treating, for purposes of scientific research, subject to such restrictions as to number and such other conditions as are specified in the permit, of whales the taking, or killing, or the treating, of which is otherwise prohibited by or under this Act.

(2) A person is not guilty of an offence against this Act or the regulations by reason of anything done by him which he is authorized to do by a permit in force under this section

...

## PART V. MISCELLANEOUS

27. *Jurisdiction of courts*

(1) Subject to the succeeding provisions of this section—

(a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories,

with respect to offences against this Act or the regulations.

(2) The jurisdiction invested in or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise, but subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2) of section thirty-nine of the *Judiciary Act 1903-1959*.

(3) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate, or a District Officer or Assistant District Officer of a Territory.

(4) The trial on indictment of an offence against this Act, not being an offence committed within a State, may be held in any State or Territory.

(5) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

(a) their summary conviction;

(b) their examination and commitment for trial on indictment;

(c) their trial and conviction on indictment; and

(d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act or the regulations.

(6) Except as provided by this section, the *Judiciary Act 1903-1959* applies in relation to offences against this Act or the regulations.

...

(d) MINISTERIAL STATEMENT<sup>1</sup> OF 31 OCTOBER 1967 ON TERRITORIAL SEA BASELINES

(e) PETROLEUM (SUBMERGED LANDS) ACT 1967, section 124<sup>2</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 2 (c).

<sup>2</sup> *Supra* DIVISION II, 2 (a).

## STATES OF AUSTRALIA

## NEW SOUTH WALES

*Fisheries and Oyster Farms Act,<sup>1</sup> 1935-1966\**

## QUEENSLAND

*Fisheries Acts,<sup>2</sup> 1957-1962 (No. 10 of 1962)*

## PART I. PRELIMINARY

...

6. *Meaning of terms*

(1) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

...

“Fish”—Every description of fish, turtles, crabs, prawns, shrimps, or other crustacea, mammals, molluscs (shellfish) and sponges, and (save those excepted from this definition) other marine products, found in Queensland waters, including their spat, spawn, fry, and young: The term does not include whales, oysters, pearl shell, trochus, bêche-de-mer, green snail, coral, and shell-grit.

...

“High water”—The mean height of the higher high water at spring tides;

...

“Low water”—The mean height of the lower low water at spring tides;

...

“Oysters”—Oysters and all brood, ware, half-ware, spat, and spawn of oysters;

...

“Pearling”—Includes all work of searching for or taking pearl shell, trochus, bêche-de-mer, or green snail;

...

“Queensland waters”—The sea within the territorial limits of Queensland and all salt, brackish, and fresh waters in Queensland whether coastal or inland,

<sup>1</sup> The Fisheries and Oyster Farm Act, 1935-1949 has been amended by the Fisheries and Oyster Farm (Amendment) Act, 1963 (No. 20 of 1963) and by the Maritime Service (Amendment) Act, 1966 (No. 63 of 1966). The provisions reproduced in ST/LEG/SER.B/6, pp. 426-429 have not been amended except section 51 which was repealed.

<sup>2</sup> According to information supplied by the Permanent Representative of Australia to the United Nations in a note of 7 June 1968, the Acts control fisheries in the waters of the territorial sea along the coast of Queensland and around the islands of the Great Barrier Reef and other islands under Queensland's jurisdiction. The Acts have no express extra-territorial operation.

By this Act the following Acts have been repealed: The Fish and Oyster Acts, 1914-1945, as amended; the Pearl-shell and Bêche-de-mer Fishery Act of 1881, as amended; the Pearl-shell and Bêche-de-mer Fishery Amendment Act of 1891, as amended; the Whaling Act, 1935-1936 (see ST/LEG/SER.B/6, pp. 429-433).

including, but without limiting the generality thereof, the waters of all bays, gulfs, and inlets of the sea, and all rivers, creeks, streams, lakes, and lagoons, and waters on all foreshores and all other waters whatsoever of the State:

Provided that the term does not include water on or over land which for the time being is lawfully granted in fee simple by the Crown;

...

“Vessel”—Includes a ship, vessel, boat, or floating craft of any description;

...

#### 9. *Reserves*

(1) The Governor in Council may from time to time by Order in Council set apart and declare any Crown land—

- (i) To be a public oyster reserve; or
- (ii) To be a reserve for all or any of the following purposes, namely:—
  - (a) A camping place for oystermen or fishermen;
  - (b) A catchment area for spat;
  - (c) The setting and anchoring of nets for taking dugong;
  - (d) The formation, culture and growth of sponges or such other marine products as are specified in the Order in Council;
  - (e) The protection of coral or such other marine products as may be specified in the Order in Council; and
  - (f) Any other purpose whatsoever in connection with fisheries.

The aforesaid purposes shall be deemed to be public purposes within the meaning of “The Land Acts, 1910 to 1955.”

(2) The Governor in Council may, by Order in Council, cancel in whole or in part the reservation of any land reserved or deemed to be reserved under this Act for any purpose specified in subsection one of this section or any other purpose whatsoever.

Upon and from the date of the publication in the Gazette of such an Order in Council (or if a later date is specified therein on and from such later date) the land comprised in the reservation or, as the case may be, the part cancelled of the reservation in question shall cease to be reserved.

(3) Subject to this Act, every public oyster reserve shall be for the use of the public.

(4) *Reserves excepted from certain licenses.* Every reserve under this Act shall not be subjected to any, and shall be deemed at all times while it remains as such to be excepted from every, license granted under this Act in relation to any land or area.

(5) *Protection, etc., of reserves.* The regulations may prescribe in relation to all or any of the reserves under this Act all such matters and things as the Governor in Council considers necessary or desirable for all or any of the following:—

- (i) The protection and management thereof;
- (ii) Prescribing offences with respect to such reserves and all or any marine products thereon or therein or within the limits thereof, and the penalty or punishment for all or any of such offences;

- (iii) The control of all or any persons and vessels within the limits thereof and the preservation of order; and
- (iv) Generally regulating and controlling the use thereof.

...

13. *General powers of inspectors*

(1) Any inspector, in addition to such other powers and duties as from time to time devolve upon him under this Act, may—

...

- (v) At any time, stop, board, or enter upon or into, examine, search, and muster the persons on board any vessel used, or which he suspects to be used, in connection with any whaling, pearling, oystering, or any other fishery;
- (vi) At any time, search and examine all bags, baskets, vehicles, or other receptacles for holding or carrying pearl shell, trochus, bêche-de-mer, green snail, oysters, coral, shell-grit, or fish or other marine product or suspected so to be, and for that purpose the inspector may require the owner or person in charge thereof to open any such bag, basket, vehicle, or other receptacle, as the case may be, and expose its contents to view;

...

- (viii) Seize, take away, detain, and secure, pending proceedings, any vessel, net-gear, tackle, dredge, windlass, trawl, or other apparatus, pearl shell, trochus, bêche-de-mer, green snail, oysters, coral, shell-grit, or fish or other marine product which any person has used, is using or has obtained, or is suspected of using or having obtained, contrary in any respect to this Act;

...

PART II. WHALING

15. *Taking or killing of certain kinds of whales prohibited*

(1) A person shall not take—

- (i) Any right whale;
- (ii) Any gray whale;
- (iii) Any calf or suckling whale or immature whale; or
- (iv) Any female whale accompanied by a calf or suckling whale.

(2) Any person who has in his possession any calf or whale taken in contravention of this section, or any part or product or any such calf or whale, shall be guilty of an offence.

(3) For the purposes of this section, a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description.

(4) Any person guilty of an offence against this section shall be liable to a penalty of four hundred dollars or to imprisonment for three months, or to both such penalty and imprisonment; and in addition an amount equal to the value of the products (if any) obtained or obtainable from the whale.

16. *Taking or treating whales without a license*

(1) It shall be unlawful for a vessel to be used for taking or treating whales, or for a factory to be used for treating whales unless the owner or charterer of the vessel or the occupier of the factory is the holder of a license authorising the vessel or the factory, as the case may be, to be so used.

Penalty (on owner, charterer, or master of a vessel or occupier of a factory): Four hundred dollars and, in addition, four hundred dollars in respect of each whale taken or treated in contravention of this section.

(2) A vessel designed and equipped for taking or treating whales shall in the absence of proof to the contrary be deemed to be used for taking or treating whales.

17. *Unlicensed vessel entering Queensland*

A vessel designed and equipped for taking or treating whales shall not be brought into any port or place in Queensland unless the owner or charterer of the vessel is the holder of a license authorising the vessel to be used for taking or treating whales, or the vessel is duly authorised by the Government of the country whose flag she flies to engage in taking or treating whales.

Penalty (on owner, charterer, or master): Two thousand dollars.

...

25. (1) *Powers of inspector to board and search vessels*

For the purposes of this Part an inspector may—

(i) Board any vessel or enter any factory which he has reason to believe is used for taking or treating whales, and inspect the vessel or factory and its plant and equipment;

...

26. (1) *Inspector may board and remain on board vessel*

At least two inspectors may go on board any vessel which is used for treating whales and shall be entitled to remain on board the vessel, to be provided with subsistence and accommodation therein, and to be present at all operations in connection with the treating of whales on board the vessel.

...

PART III. PEARLING

27. *What vessels deemed to be engaged in pearling*

For the purposes of this Act, a vessel shall be deemed to be used for pearling—

(i) If the vessel is used as a place of abode or refuge, or for storing provisions, for persons employed in or for the purposes of pearling or persons engaged in superintending the operations of persons so employed;

(ii) If the vessel is used for transporting, other than as a seagoing vessel under a transire, or as a place for storing, pearl shell, trochus, bêche-de-mer, or green snail;

(iii) If the vessel is used as a place from which persons dive for pearl shell, trochus, bêche-de-mer, or green snail, or is used in the immediate collection of pearl shell, trochus, bêche-de-mer, or green snail; or

(iv) If the vessel is otherwise used in or for the purpose of pearling.

28. *License of pearl shell, bêche-de-mer, etc., ground*

(1) Subject to this section, the Governor in Council from time to time may grant to any person, for such period not exceeding seven years and subject to such terms, conditions, and exceptions as in each individual case he thinks fit and subject otherwise to this Act, a license to take, store, cultivate, and propagate pearls, pearl shell, trochus, bêche-de-mer or green snail within the limits of the area to which the license relates.

...

30. (1) *Qualifications of owners of vessel used for pearling*

A license under this Act in respect of a vessel used for pearling shall not be granted unless that vessel is owned—

(a) By persons who are British subjects under and within the meaning of the Nationality and Citizenship Act 1948-1953, of the Commonwealth; or

(b) By a body corporate consisting wholly of members who are such British subjects and incorporated according to the law of some part of the British Commonwealth.

For the purposes of this section any person who owns or acquires (by sale, charge, lease, hire, transfer or otherwise howsoever) any interest, either legal or beneficial in any vessel shall be deemed to be an owner of that vessel.

...

34. *Penalty in respect of pearling without appropriate license*

(1) It shall be unlawful for a vessel to be used in Queensland waters for pearling unless the owner or charterer of the vessel is the holder of a license under this Part authorising the vessel to be so used.

Penalty (on owner, charterer, or person in charge of vessel): Four hundred dollars.

(2) It shall be unlawful for a person not thereunto authorised by a license under this Part to be in charge of a vessel at any time when that vessel is used for pearling.

Penalty (on person so in charge and owner or charterer, if any, so employing him, or authorising or permitting such employment): Two hundred dollars.

This subsection does not apply in respect of a person lawfully authorised to be in charge of the vessel concerned by a certificate of competency under "The Navigation Acts, 1876 to 1950."

(3) It shall be unlawful for a person not thereunto authorised by a license under this Part to be employed whether on his own account or by another person in pearling as a diver using diving apparatus.

Penalty (on person so employed and person, if any, so employing him or authorising or permitting such employment): Two hundred dollars.

(4) It shall be unlawful for a person not thereunto authorised by a license under this Part to be employed in pearling as a diver's tender.

Penalty (on person so employed and person, if any, so employing him or authorising or permitting such employment): Two hundred dollars.

...

46. *Regulation of pearling*

(1) The Governor in Council may by Order in Council published in the Gazette—

- (i) Prohibit, either at all times or during a period specified in the Order in Council, the taking from Queensland waters or from an area of such waters specified in the Order in Council of pearl shell, trochus, bêche-de-mer, and green snail, or of such of them as are specified in the Order in Council;
- (ii) Prohibit the taking from Queensland waters or from an area of such waters specified in the Order in Council of pearl shell, trochus, bêche-de-mer, and green snail, or of such of them as are specified in the Order in Council by a method or equipment specified in the Order in Council;
- (iii) Prohibit the taking by any one vessel used for pearling during a period of time or within an area of Queensland waters or both during a period of time and within an area of such waters specified in the Order in Council of pearl shell, trochus, bêche-de-mer, or green snail in excess of a quantity specified in the Order in Council;
- (iv) Prohibit the removal of live pearl shell, trochus, bêche-de-mer, or green snail from Queensland waters or from an area of such waters specified in the Order in Council.

...

## PART IV. OYSTERING

48. *Power to restrict operation of Part*

The Governor in Council may from time to time by Order in Council exclude any part of Queensland from all or any of the provisions of this Part for such period as is specified in the order, and during such period this Part or such provisions thereof shall not extend to or apply in such locality.

49. *Oysters the property of the Crown*

(1) All oysters on every public oyster reserve and on all other Crown lands whatsoever in, or within the territorial limits of, Queensland (other than oyster grounds comprised in a license under this Part) and all oysters taken therefrom without lawful authority, shall be the property of Her Majesty in right of this State.

(2) Nothing in this Part shall apply to the taking of pearl shell from any Crown land, other than a public oyster reserve, under the authority of Part III of this Act, nor require any license under this Part to be held in relation to the employment or use in pearling of any vessel.

50. (1) *Governor in Council may close place wholly or in part*

The Governor in Council may from time to time, by Order in Council, prohibit, for a time specified in such Order, the taking of oysters from any specified place in Queensland waters and the foreshores thereof.

...



56. *Offences in relation to oystering*

Any person who—

(i) Engages in oystering operations, whether in taking oysters or otherwise, on any oyster ground comprised in a license granted under this Part except under the authority of and in accordance with a license, mentioned in subparagraph (i) of subsection one of section fifty-three of this Act, held by him; or

(ii) Employs or uses in oystering operations, whether in taking oysters or otherwise, any vessel (other than a vessel in relation to which a subsisting license is granted under section seventy-nine of this Act) unless he holds a license, mentioned in subparagraph (ii) of subsection one of section fifty-three of this Act, in relation to that vessel,

shall be guilty of an offence.

...

## PART V. OTHER FISHERIES

...

70. *Prohibition and restriction of taking fish*

(1) The Governor in Council may from time to time by Order in Council or regulation—

(i) Prohibit absolutely, or regulate and control as he deems necessary or expedient, the taking of all or any fish in such Queensland waters as may be specified in the Order in Council or, as the case may be, regulation;

(ia) Prohibiting, either absolutely or save upon and subject to prescribed conditions, any vessel from having on board any net or other apparatus at any time when that vessel is in such Queensland waters as may be specified in the Order in Council or, as the case may be, regulation in which the taking of fish by means of such net or other apparatus is prohibited, and providing for the seizure of any net or other apparatus found on board any vessel contrary to the prohibition imposed by any such Order in Council or, as the case may be, regulation;

(ii) Prohibit the taking by the use of or, according as prescribed, except by the use of the apparatus specified of all or any fish;

(iii) Regulate and control the use in or for the purpose of taking fish of the apparatus specified.

...

79. *License for vessels*

(1) It shall be unlawful to employ or use a vessel in Queensland waters in taking fish—

(i) With a net, whether for sale or not;

(ii) With a line or by any other means whatsoever, for sale,

unless the owner of the vessel has obtained from the Minister a license authorising its employment or use for that purpose.

...

80. *Licenses for fishermen*

(1) It shall be unlawful for any person to engage in taking fish for sale—  
 (a) Unless he holds a master fisherman's license; or  
 (b) Unless he holds an employee fisherman's license and is engaged in taking fish for sale as an employee of a person who holds a master fisherman's license.

(2) It shall be unlawful for any person—

- (a) To have in possession any net; or  
 (b) To use or assist in using for taking fish for sale any net; or  
 (c) To use or assist in using for taking fish other than for sale any net,

unless he is a holder of a master fisherman's license, or a holder of an employee fisherman's license employed by and acting for and on behalf of a holder of a master fisherman's license or, in any case referred to in paragraph (a) of this subsection, a maker of or dealer in nets of the class, description of kind in question, or in any case referred to in paragraph (c) of this subsection, a holder of a net fisherman's license lawfully authorised by such license to use a net of the class, description or kind in question.

...

82. *Exclusive licenses*

(1) Subject to this section, the Governor in Council from time to time may grant to any person, for such period of time and subject to such terms, conditions, and exceptions as in each individual case he thinks fit and subject otherwise to this Act, an exclusive license to take fish, coral, shell-grit, or any other marine product whatsoever (other than oysters, pearl shell, trochus, bêche-de-mer, and green snail) within the limits of the area to which the license relates.

...

86. *Pollution of waters*

Any person who without lawful authority, the proof whereof shall lie upon him, discharges into or deposits in any tidal or inland waters or into any watercourse, whether dry or not, leading into the same, from any mining works, paper mills, gas works, saw mills, sugar mills, or other manufactory, or from any boiling-down or wool-washing establishment, or from any source whatever, any matter deleterious to fish or oyster life, or to the growth and development of oysters, or any filth or refuse, or who drowns or destroys any animal on any oyster ground under license, or deposits thereon any dead carcass, shall be guilty of an offence.

Penalty: Two hundred dollars.

*SOUTH AUSTRALIA*

(a) FISHERIES ACT, 1917-1967 (No. 52 of 1967; 30 October 1967) sections 4, 9 and 10<sup>1</sup>

(b) REGULATIONS UNDER THE FISHERIES ACT, 1917-1962\* (6 December 1962)

<sup>1</sup> See ST/LEG/SER.B/6, pp. 433-434. The provisions of the Fisheries Act, 1917-1946, which are reproduced there, were not affected by subsequent amendment acts.

## (c) WHALING ACT, 1937 (No. 2361 of 1937; 1 December 1937)

...

4. *Application of Act*

(1) This Act shall extend to South Australia and all South Australian waters.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative powers of the State to the extent that, where any enactment thereof would but for this subsection have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

5. *Taking or killing of certain kinds of whales prohibited*

(1) Any person who takes or kills—

(a) any right whale;

(b) any calf or suckling whale or immature whale; or

(c) any female whale accompanied by a calf or suckling whale,

shall be guilty of an offence.

(2) Any person who has in his possession any calf or whale taken or killed in contravention of this section, or any part or product of any such calf or whale, shall be guilty of an offence.

(3) For the purpose of this section a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(4) Any person who is guilty of any offence against this section shall be liable to the following penalty: Two hundred pounds or imprisonment for three months or both, and, in addition, an amount equal to the value of the products (if any) obtained or obtainable from the whale.

6. *Taking, killing or treating whales without a licence*

(1) It shall be unlawful for a ship to be used for taking, killing or treating whales or for a factory to be used for treating whales unless the owner or charterer of the ship, or the occupier of the factory, is the holder of a licence in force under this Act authorising the ship or the factory, as the case may be, to be so used.

Penalty (on the owner, charterer, master, or occupier): In respect of each whale taken, killed or treated in contravention of this section, two hundred pounds.

(2) A ship designed and equipped for taking, killing or treating whales shall, in the absence of proof to the contrary, be deemed to be used for taking, killing or treating whales.

(d) FIBRE AND SPONGES ACT,<sup>1</sup> 1909-1937 (No. 2369 of 1937; 15 December 1937)

...

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter IX, 1, *States of Australia*, South Australia (a).

## (e) CONTROL OF CRAYFISHING REGULATIONS, 1968 (1 February 1968)

...

3. *Definitions*

In these regulations, unless the context otherwise requires—

“Australian waters” means Australian waters of the Southern Ocean beyond territorial limits.

...

“State waters” means the area of waters comprised by the two crayfishing zones created by regulation 4.

...

“Northern Crayfishing Zone” and “Southern Crayfishing Zone” mean, respectively, the crayfishing zones created by regulation 4, and “zone” and “zones” shall be construed accordingly.

...

*Crayfishing Zones*

4. (a) For the purposes of these regulations, there shall be two crayfishing zones to be known as the Northern Crayfishing Zone and the Southern Crayfishing Zone.

(b) The zones shall comprise those areas, respectively, of the waters of the Southern Ocean whose boundaries are defined in schedule one.

...

*Schedule One*

## (Regulation 4)

1. *The Northern Crayfishing Zone* comprises the area of the waters of the Southern Ocean the boundary of which commences at a point near the Murray Mouth that is the intersection of the meridian of Longitude 138° 54' East by the coast-line at mean low water; thence south-south-westerly along the geodesic to a point of Latitude 37° South, Longitude 138° East; thence westerly along the parallel of Latitude 37° South to a point that is the intersection of that parallel by the meridian of Longitude 137° East; thence north-westerly along the geodesic to a point of Latitude 33° South, Longitude 129° East; thence northerly along the meridian of Longitude 129° East to the intersection of that meridian of longitude by the coast-line at mean low water; thence generally easterly along the coast-line at mean low water to the point of commencement, to the extent only that that area includes waters that are not beyond territorial limits.

2. *The Southern Crayfishing Zone* comprises the area of the waters of the Southern Ocean the boundary of which commences at a point near the Murray Mouth that is the intersection of the meridian of Longitude 138° 54' East by the coast-line at mean low water; thence south-south-westerly along the geodesic to a point of Latitude 37° South, Longitude 138° East; thence south-easterly along the geodesic to a point of Latitude 39° South, Longitude 141° East; thence northerly along the meridian of Longitude 141° East to the intersection of that meridian of

longitude by the coast-line at mean low water; thence generally north-westerly along the coast-line at mean low water to the point of commencement, to the extent only that that area includes waters that are not beyond territorial limits.

## VICTORIA

*Fisheries Act 1958 (No. 6252 of 1958; 30 September 1958) as amended<sup>1</sup>*

### PART I. PRELIMINARY

...  
3. *Interpretation*<sup>2</sup>

In this Act unless inconsistent with the context or subject-matter.

...

“Fish” includes all or any of the species of marine or freshwater fish (including crayfish and other crustacea) and also any species of other marine or freshwater animal life which the Governor in Council by proclamation under this Act prescribes to be fish for the purposes of this Act.

...

5. *Extension to other mollusca of provisions relating to oysters*

(1) The provisions of this Act relating to oysters shall so far as applicable extend and apply to—

- (a) any other species of marine mollusca; or
- (b) any species of fresh water mollusca—

which the Governor in Council by proclamation specifies; and the said provisions and, in particular, any reference in the said provisions to oyster bed, oyster brood, oyster-bearing areas, oyster industry, or the like shall with such adaptations as are necessary be read and construed accordingly.

...

### PART V. SPECIAL PROVISIONS RELATING TO OYSTERS

22. *Power to grant permission to form and plant artificial oyster beds or work and improve natural or artificial oyster beds*

(1) Any person with the permission to the effect in the Third Schedule hereto in writing—

- (a) setting forth the boundaries and limits of the area to which such permission refers; and
- (b) signed by the Minister—

may form or plant on any shore up to high-water mark or on any land under the sea or any bay estuary or other inlet of the sea in Victorian waters any artificial

<sup>1</sup> Most recently by the Fisheries (Amendment) Act, 1967 (No. 7641 of 1967; 19 December 1967). The Fisheries Act, 1928 quoted in ST/LEG/SER.B/6, p. 1 was repealed by section 2 (1) and second schedule of the Fisheries Act, 1958.

<sup>2</sup> For the definition of “waters”, see DIVISION I, SUB-DIVISION A, Chapter 1, 2, *States of Australia, Victoria (a)*.

oyster bed or may work and improve any natural or artificial oyster bed existing at the date of the permission on any such shore or land.

...

25. *Damaging or taking oysters from artificial oyster bed etc.*

(1) It shall not be lawful for any person other than a person who holds an oyster bed under any permission under this Act his agents or employees to do any of the following acts, namely:—

(a) To take or in any way damage or disturb or interfere with any oysters upon any oyster bed held under any such permission without the consent of the holder of the permission; or

(b) To cut or lop or remove trees scrub or any timber from any area in respect of which any such permission is granted; or

(c) To deposit upon or remove from any such area any stone ballast rubbish or substance or to dredge or drag upon any such area with any implement, unless by permission or authority of the Minister or the proper officer of any public authority within the meaning of this Act; or

(d) To place upon any such area any implement or thing likely to injure oysters or oyster brood except for lawful purposes of navigation or anchorage.

...

PART VI. OFFENCES

...

48. *Protection of waters containing fish from poisonous matter and trade effluents*

No person shall cause or knowingly permit to flow or to be discharged either directly or indirectly, or put or knowingly permit to be put, into any waters containing fish or oysters or into any tributaries thereof or streams flowing thereinto, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or oysters or the spawning grounds spawn (including oyster spat and oyster brood) or food of fish or oysters, and every person who contravenes this subsection shall be guilty of a misdemeanour and shall be liable to a penalty of not less than \$4 nor more than \$100 or to imprisonment for a term of not more than two years.

49. *Explosives not to be used without permission of Minister*

Every person using any kind of explosive substance in any waters without first obtaining the permission in writing of the Minister shall be liable to a penalty of not less than \$10 nor more than \$100.

PART VI A NOXIOUS FISH<sup>1</sup>

51B. *Offences*

(1) Any person who—

(a) keeps hatches rears consigns or conveys or causes to be kept hatched reared consigned or conveyed; or

<sup>1</sup> For the definition of "Victorian waters" see DIVISION I, SUB-DIVISION A, Chapter I, 2, *States of Australia, Victoria (a)*.

- (b) releases or causes to be released into any Victorian waters; or
  - (c) puts into any container intending it to hold live fish or the eggs of fish—
- any noxious fish shall be liable to a penalty of not less than \$200 and not more than \$1,000.

PART VII. ENTRY, APPREHENSION, SEIZURE, INQUIRIES.  
FORFEITURE, LEGAL PROCEEDINGS

53. *Seizure and apprehension*

The inspector of fisheries or any assistant to such inspector or any member of the police force may at any time with or without warrant seize any net or nets or boat which any person found offending against this Act or any proclamation thereunder may be using and also may with or without warrant with any assistance he requires take into custody any person found offending against any of the provisions of this Act or of any proclamation thereunder whose name and address are unknown to such inspector assistant or member of the police force if such person on demand—

- (a) refuses to give his name and address; or
- (b) gives a name and address which in any particular such inspector assistant or member of the police force reasonably suspects to be false or after reasonable inquiry from such person does not believe to be true.

WESTERN AUSTRALIA

*Fisheries Act*,<sup>1</sup> 1905-1966 (No. 38 of 1966; 31 October 1966)

PART I. PRELIMINARY

...

3. *Interpretation*<sup>2</sup>

...

“Close waters” means such waters as by proclamation made under this Act are for the time being closed to fishing;

...

“Fish” means and includes all or any of the varieties of marine or fresh water fishes and crustacea or marine animal life;

...

<sup>1</sup> The Fisheries Act, 1905-1951 (No. 55 of 1951; 2 January 1952) quoted in ST/LEG/SER.B/6, pp. 435-6, as subsequently amended. The Pearling Act, 1912-1949 (No. 38 of 1949, 26 October 1949) and the Whaling Act (No. 15 of 1937; 13 January 1938) reproduced in ST/LEG/SER.B/6, pp. 436-439 and 440, respectively, are still in force.

<sup>2</sup> For the definition of “Western Australian Waters” see DIVISION 1, SUB-DIVISION A, Chapter 1, 2, *States of Australia*, Western Australia.

## PART III. FISHING

9. *Gazettal of close fisheries*

(1) The Minister may, by notice published in the *Government Gazette*, prohibit all persons from—

- (a) taking any specified species of fish by any specified means of capture;
- (b) taking any fish whatsoever by any specified means of capture;
- (c) taking any specified species of fish by any means of capture whatsoever;
- (d) taking any fish whatsoever by any means of capture whatsoever; and
- (e) taking any marine algae life whatsoever

in Western Australian waters or in any specified portion of those waters, during any specified term or until a further notice is so published.

...

10. *Proclamation closing waters against use of fishing nets, etc.*

The Minister may, subject to subsection (2) of section nine of this Act, by notice published in the *Government Gazette*, prohibit all persons from taking any fish whatsoever, in every or any specified portion of Western Australian waters, by means of fishing nets and fishing lines, or either of such means of capture, or by any other specified means of capture, for any specified term or until a further notice is so published.

...

12A. *Governor may declare proclaimed fishing zones.*

(1) In this section, “proclaimed fishing zone” means a specific portion of the State that the Governor by proclamation made pursuant to this section declares to be a proclaimed fishing zone for the purposes of this Act.

(2) The Governor, on the recommendation of the Minister, may at any time and from time to time declare a specific portion of the State south of the thirty-second parallel being any part of the seashore up to high water mark, and any portion of Western Australian waters contiguous to that part of the seashore, to be a proclaimed fishing zone for the purposes of this Act during any specified time in any specified year or during a specified portion of every year.

(3) A proclamation made under this section—

- (a) shall specify and describe the part of the seashore and contiguous waters declared by the proclamation to be a proclaimed fishing zone;
- (b) shall specify the period during which the portion of the State specified and described in the proclamation shall be a proclaimed fishing zone;
- (c) may be cancelled or from time to time varied, or an error in the proclamation may be rectified, by a subsequent proclamation.

...

26. *Dynamite, etc., not to be used*

(1) It shall not be lawful by the explosion of dynamite or any explosive substance, or by means of any poisonous or noxious thing, to destroy or take fish in any Western Australian waters: And if any person shall explode any dynamite



or any explosive substance in or under such waters, or place or cause to flow there-into any poisonous or noxious thing, such person and all other persons assisting or being at the time in company of such person shall, for every such offence, be severally liable to a penalty not exceeding one hundred dollars and not less than twenty dollars: But nothing herein contained shall apply to any person duly authorised by the persons and in the manner to be prescribed by the regulations to explode torpedoes or dynamite in any such waters.

...

#### PART IV. MISCELLANEOUS

...

#### 49. *Inspector may seize boats, nets, lines, etc., in certain circumstances*

(1) When any boat, net, crayfish pot, line, engine, implement, appliance or other article for taking fish shall be found by an inspector in any closed waters without any person in actual possession thereof, or on a boat in closed waters, or on the foreshore abutting on such closed waters, the inspector may seize such boat, net, crayfish pot, line, engine, implement, appliance, or other article, and such inspector, or another inspector, shall give the prescribed notice of finding thereof, and shall thereafter cause the thing so found to be taken before a justice, who shall, if satisfied that there are reasonable grounds for believing that the thing in question had been or was intended to be used in contravention of this Act, or of any regulation or proclamation made thereunder, condemn the same as forfeited to His Majesty, and the same shall be forfeited accordingly.

### 3. BRAZIL

DECREE-LAW No.44 OF 18 NOVEMBER 1966, article 3<sup>1</sup>

### 4. CANADA

#### (a) WHALING CONVENTION ACT<sup>2</sup> (1951)

...

#### 2. *Definitions*

In this Act

(a) "Convention" means the International Convention for the Regulation of Whaling, set out in the Schedule;

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 2.

<sup>2</sup> 1951 (2nd Sess.) c. 29, s.1. The Act implements the International Convention for the Regulation of Whaling done in Washington on 2 December 1946. *Infra* PART II, DIVISION IV, SUB-DIVISION A.

(b) “factory ship” means a ship in or on which whales are treated whether wholly or in part;

(c) “land station” means a place on land at which whales are treated whether wholly or in part;

(d) “ship” means a ship registered in Canada or any ship within the territorial waters of Canada;

(e) “whale catcher” means a ship used for the purpose of hunting, taking, towing, holding onto or scouting for whales;

(f) “whale products” means any part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal and baleen;

(g) “whale treating” means the possession, treatment or processing of whales or of whale products; and

(h) “whaling” means scouting for, hunting, killing, taking, towing or holding onto whales.

### 3. *Licensing of whale catchers and factory ships*

Every person is guilty of an offence who

(a) engages in whaling on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a whale catcher, or

(b) engages in whale treating on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a factory ship.

### 4. *Liability of owner and charterer*

(1) The owner and charterer of a ship that is used as a whale catcher are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a whale catcher.

(2) The owner and charterer of a ship that is used as a factory ship are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a factory ship.

### 5. *Unlawful possession of whales*

Every person who has in his possession any whale, knowing it to have been taken in contravention of the provisions of this Act or the regulations, or the products of any whale, knowing the whale to have been taken in contravention of the provisions of this Act or the regulations, is guilty of an offence.

...

### 8. *Jurisdiction of courts*

All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act* with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

...

(b) FISHERIES ACT,<sup>1</sup> 1952, AS AMENDED

...

2.

...

(ab) "Canadian Fisheries Waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;

...

(f) "Fishing vessel" means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish."

...

31. *Fish not to be caught outside Canadian waters when catching is forbidden in such waters*

No one shall leave any port or place in Canada to fish outside Canadian fisheries waters for fish the catching of which is at such time prohibited in the Canadian fisheries waters opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside Canadian fisheries waters when fishing for such fish is prohibited inside the Canadian fisheries waters opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing.

...

33. *Injury to Fishing Grounds and Pollution of Waters*

(1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried ashore, above high water mark.

(2) No persons shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or saw dust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.

(4) The Governor in Council may by order deem any substance to be a deleterious substance for the purposes of subsection (2).

<sup>1</sup> R.S.C. 1952, Chap. 119, as amended by 1960-1961 S.C. Chap. 23 and 1964 S.C. Chap. 22. Except for the provisions reproduced here and sections 35, 45 and 60 which were repealed, the text of the Act reprinted in ST/LEG/SER.B/6, pp. 445-449 remained unchanged.

(5) Every person who violates any provision of this section is guilty of an offence and is liable upon summary conviction,

(a) for the first offence, to a fine of not less than one hundred dollars and not more than one thousand dollars or to imprisonment for a term of not less than one month and not more than six months, or to both such fine and imprisonment; and

(b) for a second and each subsequent offence, to a fine of not less than three hundred dollars and not more than two thousand dollars or to imprisonment for a term of not less than two months and not more than twelve months, or to both such fine and imprisonment.

34. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and in particular, but without restricting the generality of the foregoing, may make regulations

(a) for the proper management and control of the seacoast and inland fisheries;

(b) respecting the conservation and protection of fish;

(c) respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;

(d) respecting the operation of fishing vessels;

(e) respecting the use of fishing gear and equipment;

(f) respecting the issue, suspension and cancellation of licences and leases;

(g) prescribing the terms and conditions under which a licence or lease is to be issued;

(h) respecting the obstruction and pollution of any waters frequented by fish;

(i) respecting the conservation and protection of spawning grounds;

...

(l) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and

(m) authorizing a person engaged or employed in the administration or enforcement of this Act to vary any close time or fishing quota that has been fixed by the regulations.

...

#### 55. *Offences and Penalties*

(1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

*Bringing in fish caught beyond Canadian fisheries waters*

...

(b) knowingly brings into Canada any fish taken or caught in the sea beyond Canadian fisheries waters with any vessel that uses an "otter" or other trawl of a

similar nature, or any vessel that uses an “otter” or other trawl of a similar nature for catching fish in the sea beyond Canadian fisheries waters, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words “three miles” shall be substituted for the words “twelve miles”.

(3) (a) The Minister may also, by Order, exempt any owners of a dragger or trawler defined by the regulations from the operation of subsection (3) in respect of any area that is not less than three miles from the nearest shore on the Atlantic seacoast of Canada.

...

64. (1) A fishery officer may seize any fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods, equipment or fish where the fishery officer on reasonable grounds believes that

(a) the fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act or the regulations;

(b) the fish or any part thereof have been caught, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or

(c) the fish or any part thereof have been intermixed with fish referred to in paragraph (b).

(2) Subject to this section, any vessel, vehicle, article, goods or fish seized pursuant to subsection (1) shall be retained in the custody of the fishery officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

(3) Where, in the opinion of the person having custody of an article, goods or fish seized pursuant to subsection (1), that article, goods or fish will rot, spoil or otherwise perish, that person may sell the article, goods or fish in such manner and for such price as that person may determine.

(4) The proceeds of a sale referred to in subsection (3) shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of an offence under this Act or any regulations, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel, vehicle, article, goods or fish seized pursuant to subsection (1), or

(b) the whole or any part of the proceeds of a sale referred to in subsection (3), be forfeited, and upon such order being made the vessel, vehicle, article, goods, fish or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada.

(6) Notwithstanding subsection (5), where the ownership of any fishing gear, implement, appliance, material, container, goods, equipment or fish seized pursuant to subsection (1) cannot, at the time of the seizure, be ascertained by the fishery officer by whom the seizure is made, the fishing gear, implement, appliance, material, container, goods, equipment or fish are upon the seizure thereof forfeited to Her Majesty.

(7) Where any vessel, vehicle, article, goods or fish have been seized under subsection (1) and proceedings in respect of the alleged offence have been instituted, the court or judge may, except in the case of any article, goods or fish forfeited under subsection (6), order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty or upon security of a cash deposit, in an amount satisfactory to the Minister, being given to Her Majesty.

(8) Any vessel, vehicle, article, goods or fish seized under subsection (1) or the proceeds realized from a sale thereof under subsection (3), except any article, goods or fish forfeited under subsection (6), shall be returned or paid to the person from whom the vessel, vehicle, article, goods or fish were taken if the Minister decides not to institute a prosecution in respect of the alleged offence, and in any event, shall be returned or paid upon the expiration of three months from the day of the seizure unless before that time proceedings in respect of the alleged offence are instituted.

(9) Except as provided in section 64A, any vessel, vehicle, article, goods or fish forfeited under subsection (5) or (6) shall, after the expiration of thirty days from the date of the forfeiture, be disposed of as the Minister directs.

(10) Notwithstanding subsection (9), any lobster trap forfeited under subsection (6) may, at the time of forfeiture, be disposed of as the Minister directs.

(11) Where any vessel, vehicle, article, goods or fish have been seized pursuant to subsection (1) and proceedings in respect of the offence have been instituted, but the vessel, vehicle, article, goods or fish or any proceeds realized from the sale thereof under subsection (3) are not at the final conclusion of the proceedings ordered to be forfeited under subsection (5) and have not been forfeited under subsection (6), they shall be returned forthwith, or the proceeds shall be paid forthwith, to the person from whom the vessel, vehicle, article, goods or fish were taken, unless there has been a conviction and a fine imposed, in which case the vessel, vehicle, article, goods or fish may be detained until the fine is paid, or the vessel, vehicle, article, goods or fish may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any article, goods or fish pursuant to subsection (3) may be applied in payment of the fine.

(12) Notwithstanding anything contained in this section, a fishery officer may, at the time of seizure, return to the water any fish seized pursuant to subsection (1) that the fishery officer believes to be alive.

(c) COASTAL FISHERIES PROTECTION ACT,<sup>1</sup> 1953, AS AMENDED

...

SECTION 2

...

*Canadian fisheries waters*

(b) "Canadian fisheries waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada, and all internal waters of Canada.

(d) CANADA NORTHERN PACIFIC HALIBUT FISHERY CONVENTION ACT<sup>2</sup> (14 May 1953)

...

10. All courts, justices of the peace, and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the Canada Shipping Act, Chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the Canada Shipping Act.

(e) NORTH PACIFIC FISHERIES CONVENTION ACT<sup>3</sup> (14 May 1953)

...

5. *Boarding and search of vessels*

When a fishing vessel of Canada or of the United States of America or of Japan, or belonging to or operated by a citizen, national or resident of any of those countries is found in waters in which that country has by or under the provisions of the Convention agreed to abstain from exploitation, a Protection Officer may in

<sup>1</sup> 1952-1953 S.C. Chap. 15, amended by section 9 of 1964 S.C. Chap. 22. Except the above provision, the repeal of paragraph (d) of section 4 and the substitution, wherever it occurs, of "Canadian fisheries waters", to "Canadian territorial waters", the text reproduced in ST/LEG/SER.B/6, pp. 450-453 remains unchanged.

<sup>2</sup> 1-2 Eliz II, c. 43. The relevant parts of the Act are reproduced in ST/LEG/SER.B/8, p. 53 and except section 10, reproduced above, remain unchanged. The text of the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, 2 March 1953, is reproduced fully in ST/LEG/SER.B/8, p. 51 partly in ST/LEG/SER.B/6, p. 803.

<sup>3</sup> 1-3 Eliz II, Chap. 44. An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean, done at Tokyo on 9 May 1952. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION A, and ST/LEG/SER.B/8, p. 57, for the text of the Act, see *ibid.*, p. 63.

accordance with the provisions of the Convention board such vessel and inspect its equipment, books, documents and other articles, and question the persons on board.

#### 6. *Seizure and arrest for violation of Convention*

(1) When a fishing vessel of Canada or the United States of America or Japan or person on board thereof is found engaging in operations in violation of the provisions of the Convention, or there is reasonable ground to believe that the vessel or person was so engaged immediately prior to the boarding of the vessel, a Protection Officer may in accordance with the provisions of the Convention arrest or seize such fishing vessel or person.

##### *Procedure*

(2) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a citizen, national or resident of the United States of America or of Japan, or the person arrested as provided in subsection (1) is a citizen, national or resident of either of those countries, the Protection Officer shall immediately notify the Minister of such seizure or arrest and keep in custody the vessel or person pending delivery to the authorized officials of the country to which such person or vessel belongs in accordance with the provisions of the Convention and the directions of the Minister.

##### *Violation by Canadian citizens or vessels*

(3) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a Canadian citizen or a resident of Canada, or the person arrested as provided in subsection (1) is a Canadian citizen or resident of Canada, the vessel or person shall be dealt with in accordance with the regulations.

#### 7. *Jurisdiction of courts*

All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

(f) NORTHWEST ATLANTIC FISHERIES CONVENTION ACT<sup>1</sup> (4 March 1954)

...

#### 3. *Regulations*

The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and anything done by the Commission thereunder, and without restricting the generality of the foregoing, may make regulations

<sup>1</sup> 2-3 Eliz, Chap. 18. An Act to implement the International Convention for the Northwest Atlantic Fisheries, done in Washington on 8 February 1949. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION A, 3.



- (a) for the conservation and protection of fish in the Convention area;
- (b) prohibiting, limiting or otherwise regulating
  - (i) the exploitation by citizens or residents of Canada or by Canadian fishing vessels of any stocks of fish in any part of the Convention area,
  - (ii) the loading, processing, transporting or possession of any stocks of fish in or from any part of the Convention area, and
  - (iii) the landing, importation, sale or other disposal of fish caught in any part of the Convention area;
- (c) respecting the operation of fishing vessels and the use of fishing gear in the Convention area;
- (d) providing for the issue, suspension and cancellation of licences for the purposes of this Act, and prescribing their terms, conditions and forms and fixing the fees for the issue of licences;
- (e) for the seizure, forfeiture and disposition of fishing vessels including equipment or fishing gear, or fish, by means of or in relation to which any of the provisions of the regulations have been contravened;
- (f) prescribing the powers and duties of Protection Officers and other persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and
- (g) prescribing the penalties that may be imposed, either on summary conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

#### 4. *Jurisdiction of courts*

All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under the regulations as they have under sections 689 to 692 of the *Canada Shipping Act*, with respect to offences under that Act, and the provisions of those sections apply to offences under the regulations in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

#### (g) NORTH PACIFIC FISHERIES CONVENTION REGULATIONS<sup>1</sup> (3 June 1954)

1. No person aboard a Canadian fishing vessel shall fish for, load, process, transport or have in his possession salmon in that area of the Bering Sea that lies east of the line starting from Cape Prince of Wales on the west coast of Alaska, thence running westward to 168° 58' 22.59" west longitude, thence due south to a point 65° 15' 00" north latitude, thence along the Great Circle Course which passes through 51° north latitude and 167° east longitude, to its intersection with meridian 175° west longitude, thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island.

2. Every person who violates section 1 is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

<sup>1</sup> SOR/54-219 *Canada Gazette, Part II* of June 23, 1954; P.C. 1954-825.

3. (1) Whenever a Protection Officer suspects on reasonable grounds that a violation of section 1 has been committed, he may anywhere except within the territorial waters of another country seize

(a) any fishing vessel by means of or in relation to which he reasonably believes the violation was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or

(c) the fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer shall take delivery of any Canadian fishing vessel seized and delivered by a duly authorized official of the United States of America or of Japan pursuant to Article X of the Convention.

(3) Subject to this section, a fishing vessel or goods seized under subsection (1) or delivered to a Protection Officer under subsection (2) shall be retained in the custody of the Protection Officer making the seizure or taking delivery or shall be delivered into the custody of such person as the Minister may direct.

...

(h) COASTAL FISHERIES PROTECTION REGULATIONS (17 January 1957) AS AMENDED<sup>1</sup>

...

2. (1) The Minister may issue a licence to a United States fishing vessel authorizing it to enter any port on the Atlantic coast of Canada for the purpose of purchasing bait, ice, seines, lines and other such supplies and outfits.

(2) The Minister may issue a licence to a foreign fishing vessel, other than a United States fishing vessel, authorizing it to enter any port in the provinces of Nova Scotia or Newfoundland during the period stated in the licence for the purpose of purchasing bait, ice, seines, lines and other such supplies and outfits.

(3) A licence issued under this section shall be valid only during the calendar year in which it was issued.

(4) A fee of one dollar shall be paid upon application for a licence under this section.

3. Subject to the customs laws of Canada and with the permission of the Minister, fish on board a disabled foreign fishing vessel entering any port on the Atlantic Coast for repairs may be unloaded, landed or trans-shipped.

4. United States fishing vessels may pass through the Canadian fisheries waters known as the "Inland Passage", British Columbia, upon the following conditions:

(a) all fishing gear shall be removed from its normal position of operation on board the vessel and shall be stowed in such manner that it is not in readiness for fishing; and

(b) the vessel shall comply with any directions given to it by a Protection Officer.

<sup>1</sup> SOR/57-26 *Canada Gazette, Part II*, vol. 91, No. 3, February 13, 1957; P.C. 1957-64. Amended by P.C. 1957-1263, P.C. 1960-219, P.C. 1960-791, P.C. 1961-131 and P.C. 1964-1112.

5. United States sport fishing vessels may enter Canadian fisheries waters for sport fishing subject to their compliance with the fisheries, customs and navigation laws of Canada.

6. The Minister may by permit authorize a fishing vessel of any State which is a party to a Fisheries Conservation Convention with Canada, and the crew thereof, to enter Canadian fisheries waters for purposes of scientific research and to do all or any of the things described in paragraphs (a) to (e) of subsection (2) of section 3 of the Coastal Fisheries Protection Act, subject to such conditions as the Minister may prescribe.

7. Subject to the customs and immigration laws of Canada, and with the permission of the Minister or an officer designated by him, a foreign fishing vessel may enter any Canadian port

(a) to discharge or take on board a crew member or passenger of that vessel or of any other fishing vessel registered under the same national flag; or

(b) to unload, land, re-embark or trans-ship any equipment other than fishing gear, of that vessel or of any other fishing vessel registered under the same national flag.

...

9. (1) Fishing vessels of United States of America are authorized to continue to fish in the fishing zones established by section 4 of the *Territorial Sea and Fishing Zones Act*.<sup>1</sup>

(2) Fishing vessels of France, Britain, Portugal, Spain, Italy, Norway and Denmark are authorized to continue to fish in the fishing zones on the Atlantic Coast of Canada established by section 4 of the *Territorial Sea and Fishing Zones Act*.

(i) PACIFIC SALMON FISHERIES CONVENTION ACT<sup>2</sup> (28 March 1957)

...

#### 6. Seizures

(1) A protection officer may, anywhere in the convention waters except the territorial waters of the United States, seize

(a) any fishing vessel belonging to or operated by a citizen, national or resident of Canada by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed:

(b) any fishing vessel belonging to or operated by a citizen, national or resident of the United States by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed in the territorial waters of Canada;

(c) any goods aboard a fishing vessel described in paragraph (a) or (b), including fish, tackle, rigging, apparel, furniture, stores and cargo; or

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 7 (e).

<sup>2</sup> 5-6 Eliz II, Chap. 11. An Act to implement a Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION B. ≠ 2 and 3.

(d) a fishing vessel described in paragraph (a) or (b) and any of the goods mentioned in paragraph (c).

*Arrests*

(2) A protection officer may, anywhere in the convention waters except the territorial waters of the United States, arrest without warrant,

(a) any citizen, national or resident of Canada whom he on reasonable grounds suspects of having committed an offence against this Act; or

(b) any citizen, national or resident of the United States whom he on reasonable grounds suspects of having committed an offence against this Act in the territorial waters of Canada.

*Custody of seized vessels, etc.*

(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the protection officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.

...

7. *Forfeiture*

(1) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any fishing vessel seized under section 6 by means of or in relation to which the offence was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4) of section 6, the proceeds thereof, or

(c) the fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

8. *Seizure where U.S. citizen involved*

(1) Whenever a protection officer suspects on reasonable grounds that any provision of the Convention or any order or regulation made thereunder has been violated, anywhere in convention waters except the territorial waters of Canada or the United States, he may, in accordance with the provisions of the Convention, anywhere in the convention waters except the territorial waters of the United States, seize and detain

(a) any fishing vessel belonging to or operated by a national or inhabitant of the United States by means of or in relation to which he suspects on reasonable grounds that the violation was committed;

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(c) the fishing vessel and any of the goods mentioned in paragraph (b).

*Arrest*

(2) A protection officer may, in accordance with the provisions of the Convention, anywhere in convention waters except the territorial waters of the United States, arrest and detain without warrant any national or inhabitant of the United States whom he on reasonable grounds suspects of having violated, anywhere in convention waters except the territorial waters of Canada or the United States, any provision of the Convention or the regulations made thereunder.

*Delivery to U.S. authorities*

(3) Whenever, pursuant to this section,

(a) a person is arrested and detained, or

(b) a vessel or goods are seized and detained,

such person, vessel or goods shall, in accordance with the provisions of the Convention, as soon as practicable at the place nearest to the place of seizure or at such other place as may be agreed upon, be delivered by the protection officer who made the seizure to an authorized official of the United States to be dealt with in accordance with the law of the United States.

(j) PACIFIC FUR SEALS CONVENTION ACT<sup>1</sup> (12 April 1957)

...

## OFFENCES AND PUNISHMENTS

5. *Pelagic sealing*

Every person is guilty of an offence who, being a citizen or resident of Canada or a member of the crew of a vessel subject to the jurisdiction of Canada, engages in pelagic sealing in convention waters.

6. *Equipping vessels for pelagic sealing*

Every person is guilty of an offence who uses any port or harbour or territory within Canada for the purpose of equipping any vessel intended to be used in pelagic sealing.

7. Sections 5 and 6 do not apply to

(a) an Indian or an Eskimo dwelling on the coast of Canada contiguous to the convention waters, while engaging in pelagic sealing in convention waters in the manner provided for in Article VII of the Convention, or

(b) vessels owned or chartered by the Government of Canada or members of the crew thereof or other personnel engaged in pelagic sealing for research purposes in accordance with the provisions of the Convention.

<sup>1</sup> 5-6 Eliz. Chap. 31. The Act implements the Interim Convention on North Pacific Fur Seals. Signed at Washington on 9 February 1957. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION A. 6.

8. *Dealing in skins*

Every person is guilty of an offence who imports, buys, sells, ships or otherwise deals in any skins of fur seals of North Pacific origin except skins officially marked and certified as being skins

(a) taken by the United States of Amerika or the Union of Soviet Socialist Republics on rookeries,

(b) taken at sea for research purposes in accordance with the provisions of the Convention,

(c) taken by Indians, Ainos, Aleuts or Eskimos dwelling on the coasts of the convention waters, in accordance with the provisions of Article VII of the Convention, or

(d) confiscated under the provisions of this Act.

9. *Punishment*

Every person who is guilty of an offence against this Act is liable upon summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

SEIZURE, ARREST AND FORFEITURE

10. *Search and seizure*

(1) When a protection officer has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of a convention country, is engaged in pelagic sealing in convention waters contrary to the provisions of the Convention or this Act, he may, except within the territorial waters of a convention country other than Canada, board and search such vessel; and if after searching the vessel, the protection officer has reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition of pelagic sealing in the Convention or this Act, he may seize such vessel or arrest such person.

...

11. *Seizure of Canadian vessels*

(1) Whenever a protection officer suspects on reasonable grounds that an offence against this Act has been committed by means of or in relation to a vessel subject to the jurisdiction of Canada, he may anywhere, except within the territorial waters of a convention country other than Canada, seize

(a) the vessel,

(b) any goods aboard the vessel, including equipment, furniture, stores and cargo, or

(c) the vessel and any of the goods mentioned in paragraph (b).

*Arrest*

(2) A protection officer may anywhere, except within the territorial waters of a convention country other than Canada, arrest without warrant any person subject to the jurisdiction of Canada, whom he on reasonable grounds suspects of having committed an offence against this Act.

*Custody of seized vessels, etc.*

(3) Subject to this section, the vessel and goods seized under subsection (1) shall be retained in the custody of the protection officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

...

12. *Court may order forfeiture*

(1) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel seized under section 11 by means of or in relation to which the offence was committed,

(b) any goods aboard the vessel, including equipment, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4) of section 11, the proceeds thereof, or

(c) the vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

...

(k) **LOBSTER FISHERY REGULATIONS<sup>1</sup> (15 May 1963) AS AMENDED**

...

3. (1) No person shall, in any district or portion of a district,

(a) during the closed season specified in the Schedule for that district or that portion of a district

(i) fish for, catch or kill any lobster, or

(ii) have any lobster in possession without lawful excuse; or

(b) at any time fish for, catch, kill or have in possession any lobster of a length less than that specified in the Schedule for that district or that portion of a district.

...

9. (1) No person shall engage in lobster fishing or leave any port or place in Canada to fish for lobsters either inside or outside the territorial waters of Canada, except under licence issued by the Minister.

<sup>1</sup> SOR/63-173, *Canada Gazette*, Part II, Vol. 97, No. 11, June 12, 1963; P.C. 1963-745. Amended by P.C. 1963-973, P.C. 1963-1050, P.C. 1963-1147, P.C. 1964-1845, P.C. 1965-539, P.C. 1965-1417, P.C. 1966-903, P.C. 1966-1161, P.C. 1966-1360.

(l) WHALING REGULATIONS<sup>1</sup> (19 March 1964) AS AMENDED

...

*Licences*

3. (1) The Minister may issue a licence to the owner or charterer of a ship registered in Canada authorizing the use of that ship as a whale catcher or factory ship.

(2) The Minister may issue a licence to any person authorizing that person to engage in whaling or whale treating on, from or by means of a ship registered in Canada.

...

4. No person shall engage in whaling or whale treating on, from or by means of a ship unless he has a valid licence issued under subsection (2) of section 3.

...

*Conservation*

7. No person shall shoot, kill or take any gray whale or right whale unless

(a) that person is an Indian, an Eskimo, the Minister or some person acting under authority of the Minister; and

(b) the meat and other products of the whale are to be used exclusively for local consumption by Indians or Eskimos.

...

(m) TERRITORIAL SEA AND FISHING ZONES ACT (16 July 1964) sections 2, 4-6<sup>2</sup>

(n) INTERNATIONAL PACIFIC HALIBUT FISHERY REGULATIONS<sup>3</sup> (23 March 1966)

## SECTION 1. REGULATORY AREAS

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

...

## SECTION 6. LICENSING OF VESSELS

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise

<sup>1</sup> SOR/64-117, *Canada Gazette*, Part II, vol. 98, No. 7, April 8, 1964; P.C. 1964-400. Amended by P.C. 1965-399, P.C. 1966-51, P.C. 1966-308, P.C. 1967-371.

<sup>2</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 7 (e). See also *infra* under (r) Territorial Sea and Fishing Zones Geographical Co-ordinates (Areas 1, 2 and 3) Order (P.C. 1967-2025).

<sup>3</sup> SOR/66-149, *Canada Gazette*, Part II, vol. 110, No. 7, April 13, 1966, P.C. 1966-534. The Regulations were made pursuant to section 2 of article III of the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea of 2 March 1953. For the relevant text of the Convention, see ST/LEG/SER.B/8, pp. 50-51.



than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured when it is validated for halibut fishing, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission.

...

#### SECTION 13. SUPERVISION OF UNLOADING AND WEIGHING

The unloading and weighing of the halibut of any vessel licensed under these regulations shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of these regulations.

#### (o) SEAL PROTECTION REGULATIONS<sup>1</sup> (19 May 1966), AS AMENDED

...

#### *Interpretation*

2. (1) In these Regulations,

(a) "defined area" means the Canadian waters and territories north of 60° North Latitude and includes the whole of Ungava Bay, Hudson Bay and James Bay;

(b) "Front Area" means all the waters of the Strait of Belle Isle and the Atlantic Ocean east of a straight line between the lighthouse at Amour Point on the coast of Labrador and the lighthouse on Flowers Island in Flowers Cove, Newfoundland;

(c) "Gulf Area" means all the waters and territories west of a straight line between the lighthouse at Amour Point on the coast of Labrador and the lighthouse on Flowers Island in Flowers Cove, Newfoundland;

...

(h) "sealing" means the hunting for, killing and skinning of seals, the handling and transporting of raw seal pelts from the place where they are killed to the land and the transporting of persons engaged in sealing to and from the killing area, and includes searching for seals from helicopters and other aircraft.

...

<sup>1</sup> SOR/66-235, *Canada Gazette*, Part II, vol. 100, No. 19, October 12, 1966, P.C. 1966-1797. Amended by P.C. 1966-2154.

3. For the purposes of these Regulations, the Gulf Area is divided into the following districts:

(a) District No. 1, comprising all the waters and territories in the Gulf Area north of 50° North Latitude;

(b) District No. 2, comprising all the waters and territories in the Gulf Area south of 50° North Latitude and west of a line from Channel Head in Newfoundland to Scatari Light, Scatari Island, off Cape Breton Island; and

(c) District No. 3, comprising all the waters and territories in the Gulf Area east of a straight line from Channel Head to Scatari Light.

*Protection of Seals*

4. Subject to these Regulations, no person shall take or kill seals in the defined area.

5. A resident may kill seals for food for himself, his family or his dogs.

6. A person authorized by the Minister may kill seals in the defined area for scientific purposes.

7. (1) Subject to subsections (2) to (4) a person may take or kill seals for sport in the defined area under a sport sealing licence issued by the Minister.

(2) A person shall not take or kill seals for sport in the defined area except where he

(a) employs a guide who is an Indian, an Eskimo or a person of mixed blood; and

(b) uses a boat belonging to his guide.

(3) A person who kills seals for sport shall not retain more than twenty-five pounds of meat from the seals killed and shall give all meat in excess of that amount to his guide.

(4) No person hunting seals for sport shall take or kill

(a) a bearded seal at any time; or

(b) more than two seals in any year.

8. No person shall sell or otherwise dispose of seal meat in the defined area to any person other than a traveller or a resident who requires the seal meat for food for himself or his dogs.

9. (1) No person shall take or kill seals in the Gulf Area or Front Area from or by means of a vessel that has an overall length of more than thirty feet except under authority of a vessel sealing licence issued by the Minister.

(2) A vessel sealing licence is subject to such terms and conditions as the Minister may prescribe.

10. No person shall take or kill hood seals at any time in the Gulf Area.

11. (1) In District No. 2 of the Gulf Area no person shall take or kill harp seals with white coats or other baby seals of less than a year in age from or by means of a licensed vessel or helicopter or other aircraft after the quota for such seals for the area and year has been reached.

(2) The annual quota for District No. 2 of the Gulf Area for seals referred to in subsection (1) is fifty thousand seals.

(3) Where the Minister is of opinion that the quota prescribed by this section has been reached or is about to be reached, he may by order direct that the taking or killing of seals in District No. 2 of the Gulf Area shall cease.

12. (1) Subject to subsections (2) and (3), no person shall use a helicopter or other aircraft for any purpose in sealing except that

(a) in District No. 2 of the Gulf Area, helicopters and other aircraft may be used in sealing; and

(b) in Districts Nos. 1 and 3 of the Gulf Area and in the Front Area, helicopters and other aircraft may be used from a land base for searching for seals.

(2) Except for searching for seals from a land base, no person shall use a helicopter or another aircraft in sealing unless he has an aircraft sealing licence issued by the Minister.

(3) No person shall kill or attempt to kill seals from a helicopter or other aircraft.

(4) An aircraft sealing licence may be issued only for a Canadian aircraft.

(5) An aircraft sealing licence is subject to such terms and conditions as the Minister may prescribe.

13. (1) No person shall take or kill seals from or by means of a licensed vessel or helicopter or other aircraft

(a) in the Front Area from the first day of May, in any year, to the eleventh day of March next following, both days inclusive; or

(b) in the Gulf Area from the twenty-sixth day of April, in any year, to the sixth day of March next following, both days inclusive.

(2) The Minister may, by Order, vary the closed season prescribed in subsection (1) for taking and killing seals in the Gulf Area.

(3) Where the Minister considers it necessary for conservation purposes, he may, by Order, prohibit the taking or killing of seals in any part of the Gulf Area by a means other than a means described in subsection (1).

14. No person shall take or kill seals by any means in the Gulf Area or Front Area unless he

(a) has a sealer's licence issued by the Minister;

(b) is wearing over or attached to his outer clothing so that it is visible at all times the means of identification issued with the licence; and

(c) is complying with any further directions respecting the wearing of the means of identification that may be given by a fishery officer who is present at the seal hunt.

15. No person shall take or kill seals at any time or in any area by means of long lines.

(p) FRASER RIVER SOCKEYE AND PINK SALMON FISHERY REGULATIONS,<sup>1</sup> 1966\*

...

7. (1) No person shall buy, sell or have in possession any sockeye or pink salmon taken contrary to the provisions of section 4, 5 or 6.

...

<sup>1</sup> SOR/66-211, *Canada Gazette*, Part II, vol. 100, No. 10, May 25, 1966; P.C. 1966-798.

(g) TUNA FISHERY REGULATIONS<sup>1</sup> (22 September 1966) AS AMENDED

...

2. In these Regulations, "tuna" means any fish known by the name of tuna and includes fish of the species yellowfin (*Thunnus albacares*), bluefin (*Thunnus thynnus*), blackfin (*Thunnus atlanticus*), albacore (*Thunnus alalunga*), bigeye (*Thunnus obesus*), skipjack (*Euthynnus pelamis*), common bonito (*Sarda sarda*), Pacific bonito (*Sarda chiliensis*) or false albacore (*Euthynnus alletteratus*).

3. (1) No person on board a fishing vessel that is subject to the laws of Canada shall fish for, transport, process or have in his possession any tuna except under a licence for such vessel issued by the Minister.

(2) The Minister may, in any licence, impose such terms and conditions, not inconsistent with these Regulations, as he deems proper and the holder of the licence shall comply with those terms and conditions.

(3) Every licence issued under these Regulations expires on the 31st day of December next following the day on which it is issued.

(4) The fees for a licence are

(a) for a vessel under one hundred feet in overall length, \$15; and

(b) for a vessel one hundred feet or more in overall length, \$25.

4. (1) No person shall fish for, transport, process or have in his possession any yellowfin from September 15, 1966 to December 31, 1966, in the area described as follows:

All waters bounded by a line beginning at a point on the coast of California in 40° north latitude; thence due west to 125° west longitude; thence due south to 20° north latitude; thence due east to 120° west longitude; thence due south to 5° north latitude; thence due east to 110° west longitude; thence due south to 10° south latitude; thence due east to 90° west longitude; thence due south to 30° south latitude; thence due east to the coast of Chile; thence northerly along the coasts of Chile, Peru, Ecuador, Columbia, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, Mexico and California to the point of beginning.

(2) Notwithstanding subsection (1), a person, in the course of fishing for tuna other than yellowfin, may take a quantity of yellowfin not exceeding fifteen percent by pound weight of all tuna on the vessel.

5. These Regulations do not apply to the fishing of tuna for sport or pleasure.

(r) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL CO-ORDINATES (AREAS 1, 2 AND 3) ORDER (26 October 1967) sections 2-4, schedules A-C<sup>2</sup>

<sup>1</sup> SOR/66-449, *Canada Gazette*, Part II, vol. 100, No. 19, October 12, 1966, P.C. 1966-1797. Amended by P.C. 1966-2154.

<sup>2</sup> For these provisions and those of the Territorial Sea and Fishing Zones Act, see *supra* DIVISION 1, SUB-DIVISION A, Chapter I, 7 (e) (f).

(s) BRITISH COLUMBIA FISHERY REGULATIONS<sup>1</sup> (8 December 1954) AS AMENDED

...

*Licences, Vessel Registration and Permits*

31. (1) Subject to these Regulations, no person shall, except under a personal commercial fishing licence issued by the Minister

(a) fish in any waters of the province with nets or other apparatus; or

(b) leave any port or place in British Columbia to fish with nets or other apparatus either inside or outside territorial waters adjacent to the province.

(2)<sup>2</sup> A personal commercial fishing licence may be issued only to

(b) a person who is a Canadian citizen or has served in the Canadian Armed Forces.

(3) No person under eighteen years of age shall act as captain or operator upon a commercial fishing vessel outfitted for the purpose of catching fish or as operator of any commercial fishing gear or equipment.

(4) A person who is under sixteen years of age may engage in commercial fishing without obtaining a personal commercial fishing licence.

(5) The holder of a personal commercial fishing licence shall, at all times, when engaged in fishing, carry his licence with him and shall, on demand by a fishery officer or fishery guardian, produce his licence to the fishery officer or fishery guardian.

(6) No person shall hold more than one personal commercial fishing licence.

31A. No person shall use a fishing vessel in any commercial fishing operation unless

(a) the vessel is registered with the Minister as a commercial fishing vessel;

(b) the vessel bears valid commercial fishing vessel registration plates issued in respect of the vessel;

(c) the plates are displayed on both sides of the bow or on both sides of the pilot house or deck cabin of the vessel throughout the fishing season; and

(d) the plates have been validated for the current year and have attached to them current year annual commercial fishing tabs having numbers corresponding to those of the plates.

...

*Prohibited Areas*

65. No person shall fish by means of nets of any kind or description in,

(a) the waters of Victoria Harbour, inside of a line from Macauley Point to Clover Point, and embracing all the waters of the Harbour to Victoria Arm and including the Inlet;

(b) Wyclese Lake, Smith Inlet area, above the rapids at the entrance thereof;

(c) the waters of Discovery Passage, at the mouth of Campbell River, Quathiaski district, bounded on the south by a straight line from Cape Mudge due west to a

<sup>1</sup> SOR/54-659, *Canada Gazette*, Part II, vol. 88, No. 24, December 22 1954, P.C. 1954-1910. Amended most recently by P.C. 1967-319.

<sup>2</sup> Paragraph (a) was revoked by P.C. 1966-1468.

point on Vancouver Island, and on the north by a straight line from Wilfred Point through the northwesterly point of Maude Island to the Mainland of Quadra Island;

(d) Ladysmith Harbour (Oyster Bay) inside of a straight line from Sharp Point to Boulder Point;

(e) Juskatla Inlet, Queen Charlotte Islands, but if unusual conditions prevail which will result in salmon entering the inlet before a reasonable portion of them can be caught the Area Director may authorize salmon fishing in this inlet for such length of time as he may find safe;

(f) Fulford Harbour, Saltspring Island;

(g) That portion of Johnstone Straits known as Salmon Bay, at the mouth of Salmon River, inside of a straight line from a fishing boundary sign on the shore of Vancouver Island approximately one mile northwesterly from Kelsey Bay wharf to a fishing boundary sign on the Vancouver Island shore approximately one-half mile easterly of Port Kusam;

(h) In the waters in and adjacent to the mouth of the Fraser River bounded on the south by the north jetty on the main channel of said river, and on the north by the row of range pile dolphins approximately one thousand feet distant from and parallel to the aforesaid north jetty from Steveston to the western extremity of said jetty;

(i) In the waters in and adjacent to the mouth of the Fraser River that are bounded on the north by the south jetty from Smoky Tom Island, thence by a straight line from the westerly extremity of said jetty in a southeasterly direction to a fishing boundary sign on the shore of Smoky Tom Island, approximately three-quarters of a mile southwesterly from the easterly end of the south jetty;

(j) In the waters of Deep Cove, North Arm of Burrard Inlet, inside of a straight line between fishing boundary signs at the entrance thereof;

(k) The waters of Esquimalt Harbour inside a straight line drawn from the light on Fisgard Island to the Scroggs Rocks Buoy, thence in a northeasterly direction to the fishing boundary sign on Vancouver Island.

(l) NOVA SCOTIA FISHERY REGULATIONS (31 December 1954) AS AMENDED<sup>1\*</sup>

(m) NEWFOUNDLAND FISHERY REGULATIONS (26 May 1960) AS AMENDED<sup>2\*</sup>

<sup>1</sup> SOR/60-221, *Canada Gazette*, Part II, vol. 94, No. 11, June 8, 1960, P.C. 1960-713. Amended most recently by P.C. 1966-1359.

<sup>2</sup> SOR/54-728, *Canada Gazette*, Part II, vol. 89, No. 2, January 26, 1955, P.C. 1954-2062. Amended most recently by P.C. 1966-1906.

## 5. COLOMBIA

- (a) LAW NO. 58 OF 3 NOVEMBER 1914 CONCERNING FISHERIES IN THE TERRITORIAL WATERS OF THE REPUBLIC\*\*

*Article 1*

The Republic reserves fishing rights in its territorial waters.

Fishing for whales, sperm whales and other cetaceans, cod, coral, shellfish, sponges, amber and pearls shall constitute a source of revenue for the State.

Fishing for other submarine species shall be unrestricted but shall be subject to the regulations laid down by law.

*Article 2*

The Government shall include this reservation in all trade and navigation treaties it concludes.

- (b) LAW NO. 96 OF 7 DECEMBER 1922 EMPOWERING THE GOVERNMENT TO REGULATE FISHING IN THE SEAS OF THE REPUBLIC\*\*

*Article 1*

The Government is hereby empowered to organize the renting of fishing in the seas of the Republic, in a manner which it considers as most appropriate from the point of view of national interest.

- (c) LAW NO. 14 OF 31 JANUARY 1923 CONCERNING DEPOSITS OF HYDROCARBONS, article 17<sup>1</sup>

- (d) LEGISLATIVE DECREE NO. 3183 OF 20 DECEMBER 1952 CONCERNING THE COLOMBIAN MERCHANT MARINE, article 80<sup>2</sup>

## 6. CUBA

LEGISLATIVE DECREE NO. 704 OF 28 MARCH 1936.  
GENERAL ACT RELATING TO FISHING, article 4<sup>3</sup>

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 8 (c).

<sup>2</sup> *Ibid.* (e).

<sup>3</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 9 (d).

## 7. DAHOMEY

(a) LOI N° 65-10 DU 23 JUIN 1965 INTERDISANT LE CHALUTAGE ET EN GÉNÉRAL LA PRATIQUE DE TOUTE PÊCHE UTILISANT DES ENGINS TRAÎNANTS À L'INTÉRIEUR DES EAUX TERRITORIALES DU DAHOMEY

*Article 1<sup>er</sup>.* La pêche est interdite aux navires étrangers dans les eaux territoriales du Dahomey en deçà d'une limite fixée à 12 milles marins au large de la laisse de basse mer.

*Article 2.* La pêche aux engins traînants est interdite dans les eaux territoriales de la République du Dahomey, sauf aux ressortissants dahoméens et aux étrangers titulaires d'une autorisation de pêche industrielle délivrée dans les conditions prévues au décret 349/PR-MAC du 5 août 1963.

Sont considérés comme engins traînants, les appareils qui comportent une combinaison de tout ou partie des éléments suivants, tirés mécaniquement :

- 1° des funes ou remorques attachées à un ou plusieurs bateaux et servant au déplacement de l'engin sur le fond de la mer;
- 2° à l'extrémité de ces funes des panneaux ou autres dispositifs servant notamment à maintenir l'écartement du filet;
- 3° un filet constitué par des ailes et une poche flottée ou non à sa partie supérieure et lestée à sa partie inférieure.

*Article 3.* Le patron de tout bateau ayant contrevenu aux dispositions de l'article précédent est puni d'une amende de 100 000 francs au moins et de 500 000 francs au plus.

En cas de récidive, l'amende est portée au double. Il y a récidive lorsque, dans les deux années précédentes, il a été rendu, contre le contrevenant, un jugement passé en force de chose jugée pour infraction à la présente loi.

En outre le tribunal compétent ordonne la confiscation des engins ayant servi à commettre l'infraction au profit du Service des pêches; il en est de même du prix résultant de la vente du produit saisi dans les conditions prévues à l'article 5.

Ce prix, ainsi que le montant des amendes, sont intégralement versés au Trésor.

(b) DÉCRET N° 290/PR/MDRC/SP DU 16 JUILLET 1966 PORTANT CRÉATION D'UNE COMMISSION POUR L'OCTROI DE LICENCES D'ARMEMENT À LA PÊCHE INDUSTRIELLE\*



8. DENMARK<sup>1</sup>

(a) ACT<sup>1</sup> No. 277 OF 27 MAY 1950 RESPECTING THE CONDUCT OF ECONOMIC ACTIVITIES IN GREENLAND, AS AMENDED BY ACT No. 182 OF 20 MAY 1963\*\*

## CHAPTER I

## TRAPPING, FISHING AND HUNTING

*Article 1*

1. Only Danish nationals domiciled in Greenland may carry on commercial trapping, fishing and hunting in the land domain of Greenland or in the sea off Greenland within a distance of twelve nautical miles from the coastline or from other baselines established by the Minister.

2. In the case of vessels belonging to and registered in foreign States from whose vessels trapping, fishing and hunting have regularly been carried on within the boundary referred to in article 1 for a number of years, the Minister may make regulations under which such trapping, fishing and hunting shall continue to be allowed in areas within the said boundary during a transitional period.

3. The Minister may make regulations exempting Danish nationals not resident in Greenland from the provisions of paragraph 1.

*Article 2*

The Minister may make general regulations concerning trapping, fishing and hunting and may thereby prohibit certain methods and trans-shipment entirely.

*Article 3*

Any vessel equipped for trapping, fishing or hunting which enters the area of the sea referred to in article 1 without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

*Article 4*

1. If there is reason to believe that a vessel is committing or has committed an offence against the foregoing provisions, it may, within the area of the sea referred to in article 1 – or even outside that area in the case of uninterrupted pursuit – be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities.

2. A vessel detained by reason of an offence against this Act shall remain in custody, with all its gear, until the case is disposed of, unless the necessary security as prescribed by the court is furnished. If necessary to meet fines and costs, the vessel may be sold or confiscated.

---

<sup>1</sup> For the text of articles 1-5 prior to amendment, see ST/LEG/SER.B/6, pp. 472-473.

*Article 5*

1. An offence against the provisions of article 2 or 3 shall be punished by a fine, and, in addition, the yield of the unlawful trapping, fishing or hunting shall, and all trapping, fishing and hunting gear may, be confiscated.

2. If an offence is repeated or there are other aggravating circumstances, not only all the trapping, fishing and hunting gear but also the entire catch, whether on board or elsewhere, may be confiscated, and where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

(b) AGREEMENT OF 28 AUGUST 1959 BETWEEN THE PROVINCIAL COUNCIL OF GREENLAND AND REPRESENTATIVES OF THE NATIONAL EXECUTIVE OF THE FAROE ISLANDS CONCERNING THE CONDITIONS UNDER WHICH FAROESE FISHERMEN ARE AUTHORIZED TO CARRY ON FISHING IN THE TERRITORIAL SEA OF GREENLAND AND TO ESTABLISH LAND BASES FOR THE PROCESSING OF THE FISH, AS AMENDED BY THE AGREEMENT OF 19 SEPTEMBER 1964\*.

(c) NOTICE NO. 295 OF 14 OCTOBER 1959 ON TRAPPING, FISHING AND HUNTING IN THE DISTRICT OF ANGMAGSSALIK\*\*

*Article 1*

1. With reference to chapter I, cf. article 21, of Act<sup>1</sup> No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, and to the Notice of 5 July 1924 of the Administration of Greenland concerning the east coast of Greenland, it is hereby provided that the northern and southern boundary within which only Danish nationals who are domiciled in Greenland shall be authorized to carry on trapping, fishing and hunting in the district of Angmagssalik shall be as indicated by the solid line on the map<sup>2</sup> annexed to the present Notice.

2. The area referred to in paragraph 1 shall accordingly be delimited by the parallel of latitude (65° 15' 18" W) running through the south point of Dannebrog Island to the point of intersection with the coastline on the west (270°) and to the territorial frontier on the east (90°). Thence the territorial boundary shall be followed off the coast to the south (180°) of the south point (65° 44' 36" N 12' 02" W) of Erik den Røde Island, thence along the east coast of this island to the north point, thence to the north-west (315°) to the point of intersection with the coast of Leif Island, thence along the east coast of this island to the north point and thence to the west (270°) to the point of intersection with the coast on the mainland.

---

<sup>1</sup> *Supra* (a).

<sup>2</sup> Not reproduced here for technical reasons.

(d) ORDER<sup>1</sup> NO. 156 OF 24 APRIL 1963, AMENDING THE ORDER ON THE SUPERVISION OF FISHERIES IN THE SEA SURROUNDING THE FAROE ISLANDS\*\*

It is hereby provided that article 1 of Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands shall be amended in so far as concerns the area of the sea surrounding the Faroe Islands in which fishing is reserved exclusively to Faroese and to other Danish nationals.

*Article 1*

1. The limit within which only Faroese and other Danish nationals shall be authorized to carry on fishing shall be a line twelve nautical miles from the baselines described in paragraph 2 drawn as indicated on the chart<sup>2</sup> annexed to the present Order.

2. The baselines referred to in paragraph 1 shall be drawn between the following thirteen points and, with the exception of the line between point 13 and point 1, which shall follow the contour of the land, shall consist of straight lines:

...

(e) NOTICE<sup>3</sup> NO. 192 OF 27 MAY 1963 ON COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND, AS AMENDED BY NOTICE NO. 340 OF 23 SEPTEMBER 1966\*\*

In accordance with the provisions of article 1, paragraph 3, and of article 2 of Act<sup>4</sup> No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, as amended by Act No. 182 of 20 May 1963, it is hereby provided as follows:

*Article 1.* Trapping, fishing and hunting in the sea off Greenland within a distance of twelve nautical miles from the inner boundary line and in internal waters may be carried on only by means of ships sailing under the Danish flag and only in conformity with the provisions of the law and the provisions of the present Notice.

The foregoing provision shall in no way limit the rights which, in pursuance of article 1, paragraph 2, of the Act may be granted to certain foreign vessels.

Trawling shall be prohibited within a distance of three nautical miles from the inner boundary line and in internal waters.

This shall not, however, apply to the use of seines or trawls for catching shrimps, herring and capelin (*mallotus villosus*) or to the use of trawls with a minimum mesh width of 130 mm in stretched position, corresponding to 65 mm from knot to knot,

<sup>1</sup> By this Order, Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands and Iceland outside the Danish territorial sea (ST/LEG/SER.B/6, p. 467) was amended. Order No. 160 of 20 May 1955 to amend Order No. 29 of 27 February 1903 (ST/LEG/SER.B/6, p. 468), and Order No. 130 of 27 April 1959 have been repealed.

<sup>2</sup> Not reproduced for technical reasons.

<sup>3</sup> By this Notice, as amended, Notice No. 292 of 11 November 1953 on commercial trapping, fishing and hunting in Greenland and exports from Greenland (see ST/LEG/SER.B/6, p. 476) was repealed.

<sup>4</sup> *Supra* (a).

for catching cod from vessels of not more than fifty tons in the Sermersq field in Julianehab district.

The term "trawling" means fishing with some kind of seine attached to a boat or vessel driven by any kind of power.

*Article 2.* Notwithstanding the provision of article 1, paragraph 1, of Act No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, as amended by Act No. 182 of 20 May 1963, Danish nationals who are not domiciled in Greenland may engage in commercial trapping, fishing and hunting and effect trans-shipments in the area between the outer boundary line and a line situated at a distance of three nautical miles from the inner boundary line.

*Article 3.* Danish nationals who are not domiciled in Greenland may not, without special authorization, engage in commercial trapping, fishing and hunting within a distance of three nautical miles from the inner boundary line or in internal waters or in the land domain of Greenland.

With regard to the authorization referred to in the first paragraph, the Minister for Greenland may provide that a contribution shall be made to the Greenland economic equalization fund in respect of that portion of the catch – including the catch made outside the waters mentioned in the first paragraph – which is not disposed of through the Greenland marketing organization. The amount of the contribution shall be determined by the Minister for Greenland, who may demand the necessary security for the payment of the contribution. The granting of the authorization may also be made subject to the condition that, to such extent as may be desirable, up to half the crew of the relevant fishing vessel shall consist of Greenlanders.

The authorization may also embody regulations prohibiting trapping, fishing and hunting in certain protected areas, prohibiting the use of certain trapping and fishing methods and imposing restrictions with regard to what kinds of animals and fish may be taken.

The granting of the authorization may also, in individual cases, be made subject to such further conditions as the Minister may consider necessary.

*Article 4.* The right to effect trans-shipments in the waters referred to in article 3 and to store catches of fish on land shall be reserved to Danish nationals domiciled in Greenland and to such others as may obtain special authorization to that effect.

Such authorization may not be granted to foreign vessels engaged in trawl fishing.

With regard to the authorization referred to in the first paragraph, the Minister for Greenland may provide that a contribution shall be made to the Greenland economic equalization fund in respect of catches of fish which are not disposed of through the Greenland marketing organization. The amount of the contribution shall be determined by the Minister for Greenland, who may demand the necessary security for the payment of the contribution.

...

*Article 6.* Any vessel equipped for trapping, fishing or hunting which enters the area of the sea referred to in article 1 of the Act without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

*Article 7.* If there is reason to believe that a vessel has committed an offence against the provisions of articles 1-4 or article 6 or has disregarded a condition laid down in pursuance of article 3, fourth paragraph, it may, even outside the area of the sea referred to in article 1 of the Act in the case of uninterrupted pursuit, be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities. If the vessel is detained, it shall, if requested to do so, accompany the patrol ship or local authorities to the nearest port.

*Article 8.* An offence against the provisions of articles 1-4 or article 6 or the non-observance of a condition laid down in pursuance of article 3, fourth paragraph, shall be punished by a fine, and, in addition, the yield of the unlawful activities shall be confiscated. According to the circumstances, all trapping, fishing and hunting gear may also be confiscated. If an offence is repeated or there are other aggravating circumstances, the entire catch, whether on board or elsewhere, may likewise be confiscated. Where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

Proceedings instituted in Greenland in respect of an offence against the foregoing provisions shall be dealt with by the High Court of Greenland. Where, however, the fine imposed exceeds 2,000 kroner, an appeal from the judgement of the High Court may be lodged by the convicted person with the East High Court of Copenhagen.

...

(f) NOTICE NO. 193 OF 27 MAY 1963 CONCERNING THE AUTHORIZATION OF FOREIGN VESSELS TO ENGAGE IN FISHING AND OTHER ACTIVITIES IN GREENLAND WATERS, AS AMENDED BY NOTICE NO. 227 OF 3 JULY 1964\*\*

In accordance with articles 1 and 2 of Act<sup>1</sup> No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, as amended by Act No. 182 of 20 May 1963, it is hereby provided as follows:

#### *Article 1*

1. The areas in which persons other than Danish nationals are prohibited from carrying on commercial trapping, fishing and hunting shall be bounded to seaward by lines drawn in such a manner that the distance from every point on these lines to the nearest point of the inner boundary line specified in article 2 of the Order of 27 May 1963 concerning the delimitation of the territorial sea off Greenland is twelve nautical miles.

2. The prohibition against trapping, fishing and hunting referred to in paragraph 1 shall apply, *mutatis mutandis*, to trans-shipment.

<sup>1</sup> *Supra* (a).

3. With regard, however, to vessels belonging to and registered in Iceland, Norway, the United Kingdom of Great Britain and Northern Ireland, the Federal Republic of Germany, France, Spain and Portugal, it shall be lawful, until 31 May 1973, to carry on trapping, fishing and hunting and to effect trans-shipments in the area between the outer boundary line and a line situated at a distance of six nautical miles from the inner boundary line, and, until 31 October 1968, to carry on fishing with long lines and hand-lines, and, in connexion therewith, to effect trans-shipments up to a line situated at a distance of three nautical miles from the inner boundary line.

*Article 2*

In accordance with article 3 of the Act respecting the conduct of economic activities in Greenland, any vessel equipped for trapping, fishing or hunting which enters the areas in which it is not authorized to carry on trapping, fishing or hunting shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

(g) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT<sup>1</sup> NO. 12 OF 10 MARCH 1964  
CONCERNING FISHING IN THE FISHERY ZONE\*\*

In accordance with the resolution of the Legislative Assembly of the Faroe Islands, the Governor (*lagmand*) hereby confirms and promulgates the following Act of the Legislative Assembly:

*Article 1*

1. The fishery zone, as indicated on the chart<sup>2</sup> annexed to the present Act, shall consist of the sea within a line twelve nautical miles from baselines drawn between the following thirteen points:

...

*Article 2*

It shall be unlawful for fishing vessels belonging to and registered in a foreign State and for foreign nationals to engage in any kind of commercial fishing in the fishery zone, including the carrying out of such actions connected with fishing as the trans-shipment of fish, the processing, packing or other treatment of fish or fish products, the trans-shipment of gear and anchoring with a view to the eventual trans-shipment of fish or taking on of supplies.

*Article 3*

It shall be unlawful for any person to carry on fishing in the fishery zone with trawls, otter trawls or Danish seines. The aforementioned methods of fishing shall, however, be permitted in the case of lobster fishing and for research purposes on condition that the authorization of the National Executive is obtained beforehand. Such authorization shall in all cases be subject to a time-limit.

<sup>1</sup> By this Act, Act No. 59 of 23 April 1881 respecting fishing by foreign nationals off the Faroe Islands (See ST/LEG/SER.B/6, p. 467) was amended and Act No. 13 of 28 April 1958 was repealed.

<sup>2</sup> Not reproduced for technical reasons.

*Article 4*

Fishing vessels which, under this Act, are not, in the fishery zone, allowed to engage in any kind of fishing or in specified kinds of fishing shall, while in the fishery zone, keep all their fishing gear, or the relevant kind of fishing gear, stowed away in the proper place. The foregoing provision shall not apply to ships in port which are authorized to carry on fishing in the fishery zone with specified kinds of gear nor to other ships in the event of damage or the like.

*Article 5*

1. An offence against the provisions of article 2, in so far as unlawful fishing is concerned, or the provisions of article 3 shall be punishable by a fine of 10,000 kroner or more or, if a trawl is used, a fine of 30,000 kroner or more, and, in addition, all fishing gear, including hatches, hawsers, lines, stanchions and so on, and the catch, shall be confiscated. The ship may be seized as security for fines and costs.

2. An offence against the provisions of article 2, in so far as the carrying out of actions connected with fishing is concerned, or the provisions of article 4 shall be punishable by a fine of 10,000 kroner or more, and, in addition, the ship, catch and gear may be seized as security for fines and costs.

(h) ACT<sup>1</sup> No. 195 OF 26 MAY 1965 ON SALT-WATER FISHERIES\*\*

CHAPTER I

GENERAL PROVISIONS CONCERNING THE EXTENT OF THE FISHERY ZONE AND ITS USE  
FOR FISHING PURPOSES

*Article 1*

1. Save as otherwise provided, this Act shall apply to fishing in the Danish fishery zone with the exception of waters which have been brought under the provisions of the Act on fresh-water fisheries.

2. The Danish fishery zone shall comprise, in addition to the internal waters, a water area along the Danish coasts which is bound by a line (fishery limit) running parallel to the baselines for the time being in force and situated at the following distances from such baselines:

- (1) In so far as concerns the Danish coastal area in the North Sea, the Skagerrak and the Kattegat: twelve nautical miles (one nautical mile = 1,852 metres).

The term "Kattegat" in this connexion means the water area which is bounded to the south by lines drawn from Hasenøre to Gnibens point, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;

- (2) In so far as concerns other areas of the Danish coast: three nautical miles.

3. Where, however, the Danish coast is opposite the coast of another State, the fishery limit may not extend beyond a line determined by special agreement

<sup>1</sup> Act No. 500 of 19 December 1951 respecting marine fishing (ST/LEG/SER.B/6, p. 474) was repealed by this Act.

with such other State, or, in the absence of such agreement, a line every point of which is equidistant from the nearest points on the low-water line along the coasts of the two States.

4. Fishing in the Danish fishery zone shall be restricted to :

- (1) Danish nationals;
- (2) Persons who are resident in Denmark and have been continuously resident there for the past two years;
- (3) Institutions and associations the management of which consists exclusively of Danish nationals who are resident in Denmark;
- (4) Jointly-owned shipping companies at least two-thirds of which are owned by Danish nationals and the managing owner of which is a Danish national and is resident in Denmark;
- (5) Joint-stock companies and other companies with limited liability which have elected a board of directors, if at least two-thirds of the board consists of Danish nationals who are resident in Denmark;
- (6) Other companies in which at least two-thirds of the partners are Danish nationals who are resident in Denmark.

Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in item (6), each partner must meet the conditions laid down for recognition as a Danish owner.

5. It shall be unlawful for persons other than those mentioned in paragraph 4 to process or to trans-ship fish in the Danish fishery zone or to transport fish or fish products through the Danish fishery zone direct from the sea to Danish landing places.

6. Only Danish ships may be used for the purposes referred to in paragraphs 4 and 5, and two-thirds of the crews thereof must meet the conditions laid down in paragraph 4, item (1) or (2).

7. The Minister of Fisheries may grant exemptions from the provisions of paragraphs 4-6 where it seems to be in the interests of fisheries development to do so or where exemptions from the said provisions may be granted by virtue of agreements with other States. It may also be provided in agreements with Norway and Sweden that, in so far as Norwegian and Swedish fishermen are concerned, the fishery zone shall be less extensive than as specified in paragraph 2, item (1). Regulations for the execution of such agreements shall be made by the Minister of Fisheries.

8. Notwithstanding the provisions of article 4, Finnish, Icelandic, Norwegian and Swedish nationals may, in conformity with the regulations made in this matter by the Minister of Fisheries, engage in pleasure fishing with rod, jig or similar hand tackle. Regulations may be made by the Minister of Fisheries to enable other foreign nationals to engage in pleasure fishing to the same extent.

#### *Article 2*

1. Fishing shall not be carried on in such manner as to infringe the Royal Prerogative of oyster fishery or the rights which, by virtue of articles 13A and B of the Act on the superseding and assumption by the State of the right to fish with eel weirs and of other special fishing rights in the territorial sea, are conferred on



persons exercising superseded eel-weir rights or other special fishing rights pending the final expiry of such rights, cf. article 1 of the aforementioned Act, cf. article 14.

2. The Minister of Fisheries may:

(1) in respect of waters stocked with fry or hatchery-produced fish, make special provision for the exercise of fishing and for the protection of the fish with which the waters have been stocked, including a complete or partial prohibition of fishing;

(2) provisionally prohibit some or all fishing in smaller areas of the fishery zone where fisheries research is being conducted on the initiative or with the approval of the State. Such research may, moreover, be conducted irrespective of the provisions of this Act or of regulations made in pursuance thereof;

(3) except where essential public interests make it undesirable to do so, grant exclusive rights for the cultivation of mussels in areas where fishing other than mussel fishing is not carried on or is of negligible importance, and, in that connexion, prohibit any activities in those areas which might be harmful to the undisturbed growth of the mussels. The Minister of Fisheries may require the payment of a royalty in respect of such exclusive rights and lay down such conditions as he otherwise sees fit.

...

#### CHAPTER IV

##### PROTECTION AND DEVELOPMENT OF FISH STOCKS

...

##### *C. Protected areas and protection zones*

###### *Article 18*

1. During the months of May, June and July, all trawl and seine fishing shall be prohibited in the Kattegat off the east coast of Jutland, west of a line drawn:

(1) from the west corner of the inner harbour of Skagen due south to the point of intersection with the three-mile limit, and from there

(2) in a southerly direction parallel with the coastline three nautical miles from land to the point of intersection with the line running on a true bearing of 250° from Strandby church, and from there

(3) due west to a point two nautical miles from land, and from there

(4) in a southerly direction parallel with the coastline two nautical miles from land to the point of intersection with a line from Hammelev church in direct alignment with Fornæs lighthouse.

During the aforementioned period, beach seines may only be used in the protected water areas for catching school fish (by which is meant in this connexion herring, mackerel and gar-pike) and *gadidae* and *salmonidae*. Beach seines may not be less than two metres deep at any place in the wings in the position assumed when being drawn through the water.

2. With regard to specifically defined areas within the waters referred to in paragraph 1, the Minister of Fisheries may, however, on the recommendation of the principal fisheries organizations and after consultation with the Danish fisheries

and marine research authorities, allow fishing to be carried on during the months of May, June and July with Danish seines having a mesh gauge no smaller than 110 mm.

*Article 19*

1. Unless specifically authorized, fishing shall not be carried on at a distance, at normal daily high tide, or less than 300 metres from the point where a natural or artificial outlet or mouth of a river, stream or inlet meets the sea or a fiord if the river, stream or inlet is at least two metres wide at the said outlet or mouth. An unobstructed passage to the protection zone shall be available at all times through an area measuring not less than 200 metres in width and not less than 100 metres in length running in a direct line from the outlet or mouth of the watercourse or inlet. The foregoing provisions shall apply both to the outlet or mouth of a watercourse that discharges into an inlet and to the outlet or mouth of an inlet that discharges into a fiord or the sea. In the months of August, September, October and November the present provisions shall not, however, apply to eel-pots designed to catch silver eels and placed so that their mouths and intercepting arms are directed against the current. In the case of inlets, the Minister of Fisheries may also, after consultation with the principal fisheries organizations and the Danish fisheries and marine research authorities, designate such protection zone as he considers appropriate within the relevant mouth or outlet.

...

CHAPTER VI  
CONTROL PROVISIONS

*Article 30*

1. Supervision to ensure compliance with the provisions of this Act and of the regulations made thereunder and with the provisions of the fisheries regulations shall be exercised by the fishery control authorities of the Ministry of Fisheries and by the police.

2. In the exercise of the supervision referred to in paragraph 1, fishery control officers shall have police powers.

3. In case of disagreement between fishermen themselves or between fishermen and other persons regarding matters coming under this Act, the fishery control authorities, if so requested by the parties, shall act as mediator between them.

*Article 31*

1. The fishery control authorities and the police shall have access to every place where fish, crustacea and shellfish are stored or sold and the right to inspect consignments thereof. The fishery control authorities and the police may also carry out inspections of catches, cargo and gear in any part of a fishing vessel or a vessel used to transport fish.

2. The fishery control authorities and the police may cause fishing vessels and vessels used to transport fish to be stopped and boarded so that official actions, including examination of ship's papers and inspection of fishing gear and catches, may be carried out, and they may require gear to be recovered for the purposes of

official inspection. Fishery control officers may also order such vessels to accompany them to a port for purposes of search or the unloading of an illegal catch.

3. In cases where seizure of a fishing vessel or vessel used to transport fish is contemplated and an order to stop cannot be given orally, the fishery control officers may give the following stop signals as a means of announcing that pursuit of the vessel has begun:

(a) By day:

In addition to the flag used by the fishery control authorities on the flagstaff or the monkey-gaff, there shall be displayed at the mast-head or at some other conspicuous place the international signal flag "K" ("You should stop your vessel instantly"). At the same time, one long, one short and one long blast (— — —) shall be given by means of the ship's whistle, siren or signal-horn.

(b) By night:

The light signal "K" (one long, one short and one long flash (— — —)) shall be given by means of a searchlight or similar device. At the same time, the sound signal used by day shall be given by means of the ship's whistle, siren or signal-horn.

...

#### CHAPTER VIII

##### PENALTIES, PROSECUTION AND OTHER PROCEEDINGS

...

#### *Article 39*

The Act<sup>1</sup> shall not apply to Greenland or the Faroe Islands.

(i) ACT NO. 223 OF 3 JUNE 1967 ON COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND\*\*

#### *Article 1*

1. Commercial trapping, fishing and hunting in the sea off Greenland within a distance of twelve nautical miles from the coastline or from other baselines established by the Minister for Greenland may be carried on only by:

- (1) Danish nationals;
- (2) Persons who are resident in Denmark and have been continuously resident there for the past two years;
- (3) Institutions and associations the management of which consists exclusively of Danish nationals who are resident in Denmark;
- (4) Jointly-owned shipping companies at least two-thirds of which are owned by Danish nationals and the managing owner of which is a Danish national and is resident in Denmark;
- (5) Joint-stock companies and other companies with limited liability which have elected a board of directors, if at least two-thirds of the board consists of Danish nationals who are resident in Denmark;

<sup>1</sup> By Order No. 51 of 8 March 1967 the twelve-mile fishery limit in the North Sea, the Skagerrak and the Kattegat entered into force as of 1 July 1967.

- (6) Other companies in which at least two-thirds of the partners are Danish nationals who are resident in Denmark.

Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in item (6), each partner must meet the same conditions as would have to be met in order to carry on an economic activity independently.

#### *Article 2*

1. Where, in the interests of the Greenland fishing industry it appears necessary to do so, the Minister may make regulations whereby trapping, fishing and hunting in internal Greenland waters and in the sea off Greenland within three nautical miles from the coastline or from other baselines established by the Minister may be carried on only by Danish nationals who are resident in Greenland and by other specially authorized persons

- (1) in specified areas,
- (2) for marine mammals, birds and certain species of fish,
- (3) with certain kinds of fishing gear.

2. Under circumstances similar to those referred to in paragraph 1, it may also be provided that commercial trapping, fishing and hunting in specified areas of internal Greenland waters and in the sea off Greenland within three nautical miles from the coastline or from other baselines established by the Minister may be carried on by persons other than those mentioned in paragraph 1 only if agreement is reached with production plants in Greenland for the purchase of all or part of the catch.

...

#### *Article 6*

The Fishery Inspection Service of the Office of Naval Defence and the Greenland authorities may cause fishing vessels and vessels used to transport fish to be stopped and boarded so that official actions, including examination of ship's papers and inspection of fishing gear and catches, may be carried out, and they may require gear to be recovered for the purposes of official inspection. The fishery inspection officers and Greenland authorities may also order such vessels to accompany them to a port for purposes of search or the unloading of a catch.

#### *Article 7*

1. An offence against the provisions of article 1, paragraphs 1-3, article 3 or article 5, or failure to comply with an order given in pursuance of article 6, shall be punishable by a fine.

2. Regulations made under the Act may also provide that offences against provisions of the regulations shall be punishable by a fine.

3. The provisions of the Criminal Code shall apply in respect of confiscation. However, gear may be confiscated by reason both of a wilful offence and of an offence due to negligence. In addition, the catch or the value thereof may be confiscated even if there is no positive proof that it originated in its entirety from the commission of the offence.

#### *Article 8*

1. If a reasonable presumption exists that a vessel has been used in connexion with an offence dealt with in article 7, the vessel may be seized by the authorities mentioned in article 6.

2. A foreign vessel may be stopped, boarded or seized outside the area referred to in article 1, paragraph 1 unless a reasonable presumption exists that the offence was committed within the area or unless pursuit was begun while the vessel was still within the area and was thereafter continued without interruption.

#### *Article 9*

1. A vessel which is seized in pursuance of this Act may, if in the commission of the offence it was used by persons, companies or the like other than those mentioned in article 1, paragraph 1, items (1) – (6), be detained together with all gear until the amounts due in respect of fines, confiscation and costs have been paid or security for the payment thereof has been given. If payment is not made or security given within two months after the final disposition of the case, satisfaction may be sought against the vessel and gear.

2. If a protest is made against the detention, the provisions of chapter 5, article 9, of the Administration of Justice in Greenland Act shall apply as appropriate, except that the matter shall be brought before the judge of the High Court. Detention may be effected only when necessary for ensuring payment of the said amounts. Detention may not be effected if the person who was in command of the ship was not legally in possession thereof.

## 9. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE  
AND THE CONTINENTAL SHELF, article 6<sup>1</sup>

---

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 13.

## 10. ECUADOR

(a) DECREE<sup>1</sup> NO. 464 (c) OF 4 MARCH 1960\*\*

...

*Article 1*

Vessels of foreign registry may engage in commercial fishing for marine species in Ecuadorian continental or insular territorial waters, and for species used in bait fishing, if they first obtain the appropriate fishing permits and licences provided for in the Maritime Fishing and Hunting Act<sup>2</sup> and in regulations for the time being in force.

Fishing for the species known as grouper (*cabrilla* or *bacalao*) and for shrimps, lobsters and whales shall not be subject to the foregoing provision but shall be subject to the relevant laws and regulations.

*Article 2*

It shall be unlawful for any vessel of Ecuadorian or foreign registry to engage in bait fishing in a maritime zone extending 1,000 metres along the coastline beyond each boundary of a coastal town and extending 1,000 metres seaward from the shore. This prohibition shall not apply to local fishermen.

*Article 3*

It shall be unlawful for vessels of foreign registry engaged in commercial fishing to enter the mouths of the estuaries situated in the Gulf of Guayaquil and the Archipelago of Jambelí, or to cross while engaged in fishing an imaginary line running East-West from Boca de Naranjal (latitude 2° 39' 30" South and longitude 79° 46' West) through Punta Mondragón (latitude 2° 40' South and longitude 79° 51' West) and the southern extremity of Isla Verde (latitude 2° 39' 5" South and longitude 79° 56' 5" West) to Boca del Morro (latitude 2° 39' 5" South and longitude 80° 15' West).

*Article 4*

The master of a vessel of foreign registry engaged in commercial fishing for marine and bait species in Ecuadorian continental or insular territorial waters shall furnish a detailed report of the catch in which quantities, species and locations shall be specified. Such reports shall be submitted to the Harbourmasters' Offices for transmission to the Fisheries Department of the Ministry of Development.

---

<sup>1</sup>*Registro Oficial*, No. 1091 of 9 April 1960. By this Decree, the following decrees quoted in ST/LEG/SER.B/6 were repealed: Executive Decree No. 0160 of 29 January 1952, published in *Registro Oficial*, No. 1027 of 31 January 1952; Executive Decree No. 1376 of 16 July 1952, published in *Registro Oficial*, No. 1166 of 16 July 1952 (ST/LEG/SER.B/6, pp. 488-489); Executive Decree No. 955 (a) of 29 April 1955, published in *Registro Oficial*, No. 812 of 9 May 1955 (ST/LEG/SER.B/6, pp. 489-490), and Executive Decree No. 1085 of 14 May 1955, published in *Registro Oficial*, No. 818 of May 1955 (ST/LEG/SER.B/6, p. 490).

<sup>2</sup> *Infra* (c).

(b) DECREE<sup>1</sup> NO. 991 OF 23 MAY 1961\*\*

*Article 1*

Vessels of foreign registry shall be prohibited from engaging in bait fishing in the sea areas between Punta Santa Elena in the province of Guayas and Cabo Pasado in the province of Manabí.

(c) MARITIME FISHING AND HUNTING ACT<sup>2</sup> OF 30 AUGUST 1961\*\*

*Article 1.* The State shall exercise sovereignty over the territorial waters and the marine fauna and flora.

...

*Article 9.* Fishing in territorial waters shall be free to Ecuadorian nationals and to foreigners resident in Ecuador, on condition that it is carried out for the purposes of processing in Ecuador or of internal consumption, or for trade in fish products in the natural state.

If vessels are used for such fishing, they shall be vessels flying the national flag.

Activities connected with such fishing shall be subject to the corresponding laws and regulations.

*Article 10.* Authority may be granted for fishing in territorial waters by vessels flying a foreign flag, subject to the relevant legal provisions and regulations.

...

CHAPTER III

FISHING BY VESSELS FLYING A FOREIGN FLAG

*Article 21.* No fishing vessel flying a foreign flag may enter Ecuadorian territorial waters unless it is in possession of a registration certificate, a fishing permit and other relevant documents.

...

CHAPTER VI

OBLIGATIONS AND PROHIBITIONS

...

*Article 50.* It shall be forbidden to:

- (1) Use explosives in waters inhabited by fish species;
- (2) Pour or allow to run into waters in which there are fish species toxic or harmful substances such as mullein and cyanide;
- (3) Strike the water or contaminate it with substances intended to blind or kill fish species;
- (4) Change the course or bed where the fish normally spawn, obstructing the free passage of the fish and diverting or halting the natural flow of the water; and
- (5) Leave fish waste products on shores or banks or deposit them in the water.

...

<sup>1</sup> *Registro Oficial*, No. 229 of 2 June 1961.

<sup>2</sup> *Registro Oficial*, No. 353 of 31 October 1961 (Supplement).

(d) DECREE<sup>1</sup> NO. 682-F OF 31 MARCH 1964\*\*

*Article 1*

Vessels of foreign registry intending to purchase fish under permits stipulating that the holder shall have a place of business in Ecuador shall pay 50 per cent of the fee for the fishing permits provided for in article 29 (b) of the Maritime Fishing and Hunting Act.

(e) DECREE<sup>2</sup> NO. 1186-D OF 29 MAY 1964\*, Article 1

(f) DECREE<sup>3</sup> NO. 2556 OF 9 NOVEMBER 1964

## 11. FEDERAL REPUBLIC OF GERMANY

ACT<sup>4</sup> BY WHICH THE ACTS RELATING TO FISHING IN THE EAST SEA WERE REPEALED AS FROM 1 DECEMBER 1954\*

## 12. FRANCE

(a) ORDONNANCE<sup>5</sup> N° 58-1297 DU 23 DÉCEMBRE 1958 MODIFIANT CERTAINES PEINES EN VUE D'ÉLEVER LA COMPÉTENCE DES TRIBUNAUX DE POLICE

...

*Art. 27.* L'article 18 du décret du 9 janvier 1852 sur l'exercice de la pêche côtière<sup>6</sup> est remplacé par la disposition suivante:

« *Art. 18.* Lorsque les infractions aux dispositions de la présente loi et des décrets et arrêtés pris en exécution des articles 3 et 4 auront été commises

<sup>1</sup> *Registro Oficial*, No. 230 of 20 April 1964.

<sup>2</sup> *Registro Oficial*, No. 273 of 19 June 1964. By this Decree, the Delegation of Ecuador is integrated into the Standing Committee of the South Pacific and constitutes the Ecuadorian section of that Committee for the Agreement on Organization of the Standing Committee of the Conference on the Use and Conservation of the Marine Resources of the South Pacific, see ST/LEG/SER.B/6, pp. 724-726.

<sup>3</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter 1, 14 (c).

<sup>4</sup> *Bundesgesetzblatt* 1955, I, p. 355. By this Act, the Act of 30 April 1934 for the Protection of the North Sea Plaice Fisheries (ST/LEG/SER.B/6, pp. 501-502) was repealed. The Fishery Act of 11 May 1916 (*ibid.*, pp. 500-501), the Fishery Act of 26 February 1929 for the Division (Landesteil) of Oldenburg (Niedersachsen) (*ibid.*, p. 503) and the Notice of 26 February 1929 of the Ministry of State concerning the Execution of the Fishery Act of 26 February 1929 for the Division (Landesteil) of Oldenburg (*ibid.*, p. 505) are not in force any more.

<sup>5</sup> *Journal officiel*, n° 300 du 24 décembre 1958, p. 11758.

<sup>6</sup> Les articles 1 à 3 et 8 du décret sont reproduits dans ST/LEG/SER.B/6, p. 492.



en mer, elles seront portées devant le tribunal compétent du port auquel appartient le bateau.

« En matière de contraventions de police, la procédure de l'amende de composition ne s'appliquera pas et l'appel sera toujours possible de la part de toutes les parties. »

...

(b) ARRÊTÉ DU 1<sup>er</sup> DÉCEMBRE 1960 PORTANT RÉGLEMENTATION DE LA PÊCHE SOUS-MARINE SUR L'ENSEMBLE DU LITTORAL MÉTROPOLITAIN<sup>1</sup>, MODIFIÉ<sup>2</sup>

*Art. 1<sup>er</sup>.* Par pêche sous-marine au sens du présent arrêté, il faut entendre la capture des animaux marins, par quelque procédé que ce soit, en action de nage ou de plongée.

*Art. 2.* 1. Les personnes désireuses de se livrer à la pêche sous-marine sur le littoral de la France continentale ou de la Corse doivent au préalable en faire chaque année la déclaration à un administrateur de l'inscription maritime, chef de quartier, qui en délivre récépissé.

...

II. Les membres d'une fédération d'associations de pêcheurs sous-marins reconnue par le ministre chargé de la marine marchande sont dispensés de cette formalité.

III. Les marins se livrant habituellement à la pêche et désireux de pratiquer à titre professionnel la pêche sous-marine sont dispensés de produire sur papier timbré la déclaration visée à l'alinéa I ci-dessus.

IV. L'exercice de la pêche sous-marine est interdit aux personnes âgées de moins de seize ans.

...

*Art. 9.* Pour des motifs tirés de la conservation des fonds, de la protection de la pêche professionnelle en bateau ou de la sécurité en mer, les directeurs de l'inscription maritime peuvent, par arrêtés soumis à l'approbation du ministre chargé de la marine marchande, définir certains secteurs où l'exercice de la pêche sous-marine ou de la plongée est interdit ou soumis à certaines restrictions.

Dans les mêmes conditions, des zones de protection peuvent être établies autour des établissements de pêche.

(c) DÉCRET<sup>3</sup> N° 61-459 DU 9 MAI 1961 MODIFIANT L'ARTICLE 17 DE L'ORDONNANCE N° 45-1813 DU 14 AOÛT 1945 PORTANT RÉORGANISATION DES PÊCHES MARITIMES\*

<sup>1</sup> *Journal officiel* n° 286 du 9 décembre 1960, p. 11.058.

<sup>2</sup> Par l'arrêté du 12 novembre 1963 portant modification de la réglementation de la pêche sous-marine sur l'ensemble du littoral métropolitain (*Journal Officiel*, n° 275 du 24 novembre 1963, p. 10509.

<sup>3</sup> *Journal officiel*, n° 111 du 10 mai 1961, p. 4302.

(d) ARRÊTÉ DU 4 JUIN 1963 PORTANT RÉGLEMENTATION DE LA CRÉATION DE RÉSERVES OU DE CANTONNEMENTS POUR LA PÊCHE MARITIME CÔTIÈRE<sup>1</sup>

*Art. 1<sup>er</sup>.* Les réserves ou cantonnements dans les limites desquels seront interdits soit l'exercice de toute espèce de pêche, soit seulement l'utilisation de navires d'un certain tonnage ou d'une certaine force motrice ou l'emploi de certains engins de pêche sont établis en deçà et au-delà de la limite des trois milles de la laisse de basse mer, par arrêté du ministre chargé de la marine marchande pris sur l'avis de l'institut scientifique et technique des pêches maritimes.

*Art. 2.* Sont abrogés à compter de la date de publication du présent arrêté: Les articles 2 et 7 du décret<sup>2</sup> du 10 mai 1862 sur la pêche maritime côtière: L'article 6 du décret du 1<sup>er</sup> septembre 1936 sur la pêche maritime côtière.

(e) LOI<sup>3</sup> N° 64-438 DU 25 MAI 1964 CONCERNANT LA PROCÉDURE APPLICABLE EN CAS D'INFRACTION À LA LOI<sup>4</sup> DU 5<sup>er</sup> MARS 1888 RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES\*

(f) LOI N° 66-400 DU 18 JUIN 1966 SUR L'EXERCICE DE LA PÊCHE MARITIME ET L'EXPLOITATION DES PRODUITS DE LA MER DANS LES TERRES AUSTRALES ET ANTARCTIQUES FRANÇAISES<sup>5</sup>

*Art. 1<sup>er</sup>.* L'exercice de la pêche maritime et de la chasse aux animaux marins et l'exploitation des produits de la mer dans les Terres australes et antarctiques françaises sont régis par les dispositions de la présente loi.

Celles-ci s'appliquent sur toute l'étendue du territoire et, en mer, le long des côtes, sur toute la zone de juridiction française en matière d'exercice de la pêche.

*Art. 2.* Nul ne peut exercer la pêche et la chasse aux animaux marins ni se livrer à l'exploitation des produits de la mer, que ce soit à terre ou à bord de navires, sans avoir obtenu au préalable une autorisation

*Art. 3.* Un règlement d'administration publique fixera les conditions dans lesquelles des arrêtés du chef du territoire pourront délivrer ou retirer les autorisations et déterminer les règles et, le cas échéant, les interdictions applicables en ce qui concerne la capture ou la récolte et l'exploitation industrielle et commerciale des espèces marines animales et végétales.

*Art. 4.* Sera puni d'une amende de 2 000 à 10 000 F et d'un emprisonnement de deux mois à six mois ou de l'une de ces deux peines seulement, quiconque exercera la pêche, la chasse aux animaux marins ou procédera à l'exploitation des

<sup>1</sup> *Journal officiel*, n° 137 du 13 juin 1963, p. 5263.

<sup>2</sup> Voir ST/LEG/SER.B/6, p. 496.

<sup>3</sup> *Journal officiel*, n° 121 des 25 et 26 mai 1964, p. 4394.

<sup>4</sup> Voir articles 1<sup>er</sup>, 11 et 12 dans ST/LEG/SER.B/6, p. 497.

<sup>5</sup> *Journal officiel*, n° 142 des 20 et 21 juin 1966, p. 5036.

produits de la mer à terre ou à bord d'un navire, sans avoir obtenu au préalable l'autorisation exigée par l'article 2.

Sera puni des mêmes peines quiconque se livrera à la pêche, dans les zones ou aux époques interdites, en infraction aux dispositions des arrêtés prévus à l'article 3.

*Art. 5.* Sera puni d'une amende de 1 000 à 30 000 F et d'un emprisonnement de dix jours à trois mois ou de l'une de ces deux peines seulement, quiconque, sauf autorisation régulièrement accordée en vue d'un usage autre que la pêche et dont justification devra être produite à toute réquisition, détiendra à bord d'un navire armé pour la pêche ou utilisé en vue d'entreposer ou traiter des produits de la mer, soit de la dynamite ou des substances explosives autres que la poudre pour l'usage des armes à feu, soit des substances ou appâts de nature à enivrer ou à détruire les poissons, crustacés ou toutes autres espèces animales.

*Art. 6.* Sera puni d'une amende de 10 000 à 30 000 F et d'un emprisonnement de six mois à dix-huit mois ou de l'une de ces deux peines seulement, quiconque fera usage, pour la pêche, soit de la dynamite ou de toute autre matière explosive, soit de substances ou d'appâts de nature à enivrer ou à détruire les poissons, crustacés ou toutes autres espèces animales.

*Art. 7.* Sera puni d'une amende de 1 000 à 30 000 F et d'un emprisonnement de dix jours à trois mois ou de l'une de ces deux peines seulement, quiconque aura sciemment recueilli, transporté, mis en vente ou vendu le produit des pêches effectuées en infraction à l'article précédent.

*Art. 8.* Sera puni d'une amende de 1 000 à 5 000 F et d'un emprisonnement de dix jours à trois mois ou de l'une de ces deux peines seulement, quiconque aura contrevenu aux dispositions réglementaires prises en application de l'article 3 qui concerne les modes de pêche, les restrictions apportées à l'exercice de la pêche, de la chasse aux animaux marins et à la capture ou à la récolte des produits de la mer, l'installation et l'exploitation d'établissements de pêche ou d'industries ayant pour objet la transformation, le traitement ou la conservation des produits de la mer.

Les dispositions du présent article ne sont pas applicables aux infractions visées à l'alinéa 2 de l'article 4.

*Art. 9.* Quiconque aura commis à la fois une infraction aux dispositions de l'article 4 et l'une des infractions prévues par les articles 5 à 8 pourra être condamné au double de la peine la plus forte prévue respectivement à chacun desdits articles 5 à 8.

*Art. 10.* Le navire et ses embarcations annexes ainsi que le matériel ayant servi aux délinquants pourront être saisis par l'agent verbalisateur; la confiscation et la mise en vente des engins pourront être prononcées par le tribunal. Le tribunal ordonnera également la destruction des engins non réglementaires.

Les produits des ventes faites en exécution du présent article seront versés, déduction faite de tous frais, au budget du territoire.

*Art. 11.* Les infractions sont recherchées et constatées par les chefs de district des Terres australes et antarctiques françaises, les officiers et officiers marinières commandant les bâtiments de l'Etat, les personnes chargées d'une mission de contrôle à bord de navires, dûment habilitées à cet effet par l'administrateur supérieur des Terres australes et antarctiques françaises et assermentées.

Les infractions portant sur le transport et la consommation de produits d'origine maritime n'ayant pas la taille réglementaire ou obtenus par l'emploi d'explosifs ou de substances ou appâts de nature à enivrer ou détruire les poissons, crustacés ou toutes autres espèces animales, peuvent également être constatées au port de débarquement par les officiers, fonctionnaires et agents habilités en vertu des dispositions générales de police et des dispositions particulières relatives à la police de la pêche maritime dans la métropole, les départements et les autres territoires d'outre-mer.

(g) DÉCRET N° 67-451 DU 7 JUIN 1967 PORTANT EXTENSION DE LA ZONE DE PÊCHE INTERDITE AUX NAVIRES ÉTRANGERS<sup>1</sup>

*Art. 1<sup>er</sup>.* L'article 1<sup>er</sup> de la loi susvisée du 1<sup>er</sup> mars 1888<sup>2</sup> est abrogé et remplacé par les dispositions réglementaires des articles 2 à 4 ci-après.

*Art. 2.* La pêche est interdite aux navires étrangers dans une zone de 12 milles marins mesurés à partir des lignes de base de la mer territoriale, dont le tracé est déterminé par décret.

Cette zone ne comprendra aucune partie de la mer située au-delà d'une ligne médiane dont tous les points sont équidistants des points les plus proches de la laisse de basse mer des côtes françaises et de celle des côtes des pays étrangers qui font face aux côtes françaises ou qui leur sont limitrophes.

*Art. 3.* Par dérogation aux dispositions de l'article 2 ci-dessus, des décrets fixeront les conditions dans lesquelles des droits de pêche pourront être accordés aux navires étrangers dans la zone définie audit article 2.

Ces décrets feront application des stipulations de la convention sur la pêche susvisée du 9 mars 1964, à l'égard des pays qui l'ont signée ou y ont adhéré.

*Art. 4.* Les navires étrangers visés à l'article précédent seront soumis à la réglementation française des pêches.

*Art. 5.* Des décrets pris sur le rapport du ministre d'Etat chargé des départements et territoires d'outre-mer et du ministre des transports et contresignés par le ministre des affaires étrangères et le ministre des armées fixeront la date d'entrée en vigueur du présent décret dans les départements et les territoires d'outre-mer.

*Art. 6.* Le présent décret entrera en vigueur en même temps que la loi modifiant les articles 2 et suivants de la loi susvisée du 1<sup>er</sup> mars 1888.

<sup>1</sup> *Journal officiel*, n° 133 du 9 juin 1967, p. 5758.

<sup>2</sup> Voir ST/LEG/SER.B/6, p. 497.

## 13. GHANA

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT,<sup>1</sup> 1963 (Act No. 175 of 19 April 1963)

...

*Section 2. Fishing conservation zone*

Where the President is satisfied that it is in the public interest so to do, he may, by legislative instrument, declare any area of the sea touching or adjoining the coast, and within a distance of one hundred nautical miles from the outer limits of the territorial waters of the Republic to be a fishing conservation zone; and may in the same or any other instrument specify the measures which shall be taken for the conservation of the resources of any such area.

...

## 14. GUATEMALA

(a) DECREE NO. 1470 OF 23 JUNE 1961.<sup>2</sup> ACT CONCERNING THE RATIONAL EXPLOITATION OF THE COUNTRY'S FISHING RESOURCES, WHICH PRESCRIBES THE FEES TO BE PAID AND SUPPLEMENTS THE PROVISIONS OF DECREE NO. 1235 GOVERNING PISCICULTURE AND FISHING AND ALSO THE ISSUANCE OF LICENCES FOR FISHING IN TERRITORIAL WATERS\*\*

*Article 1*

The Executive is hereby authorized to issue, through the Ministry of Agriculture, special licences for large-scale maritime fishing in the territorial waters of the Republic to persons or enterprises engaged in fishing for the domestic or export market.

For the purposes of this Decree, "large-scale maritime fishing" means fishing carried out by any enterprise which complies with the following requirements:

(a) The enterprise must operate with one or more vessels equipped with appropriate engines;

(b) The vessels must be suitable for fishing in shallow, deep and very deep waters;

(c) The vessels must be equipped with appropriate mechanical fishing gear, have skilled crews and ample storage with facilities for temporary cold storage, and be no less than 30 tons;

(d) The enterprises must have an operational base on land, with plants for processing the catches and supply facilities for the vessels.

These basic requirements shall be subject to the regulations appended hereto.

...

<sup>1</sup> For sections 1 and 5 of the Act, see *supra* DIVISION I, SUB-DIVISION A, Chapter I, 17.

<sup>2</sup> *Diario Oficial*, No. 32, volume CLXII of 11 July 1961.

*Article 15*

In addition to the penalties prescribed in the Decree governing pisciculture and fishing, the persons and enterprises to which the present Decree refers shall be liable to the following penalties:

- A. Fines
- B. Confiscation of products and fishing gear
- C. Revocation of the licence

...

*Article 21*

The shipping authorities of the Republic shall be responsible for warning captains and crews of fishing vessels that they must respect the territorial waters of other States as defined in their respective laws.

...

(b) GOVERNMENT RESOLUTION OF 16 AUGUST 1962 CONTAINING THE REGULATIONS FOR APPLYING THE ACT<sup>1</sup> CONCERNING THE RATIONAL EXPLOITATION OF THE COUNTRY'S FISHING RESOURCES\*\*

...

*Article 7.* If, on expiry of the six months laid down by the Act as the period during which foreign vessels chartered for fishing may remain within the country, such vessels are not given the Guatemalan flag and the person or enterprise in whose service they were does not replace them with Guatemalan-registered vessels, the authorization granted to such person or enterprise shall be cancelled with respect to the number of foreign vessels not replaced by vessels flying the Guatemalan flag. The number of vessels in respect of which the authorization has been cancelled shall be distributed equitably among other persons or enterprises undertaking to place Guatemalan vessels in operation, and the Ministry of Agriculture shall effect the necessary notifications.

*Article 8.* The Ministry of Agriculture shall not permit vessels of foreign flag to operate with persons or enterprises holding fishing licences if the said vessels of foreign flag have previously operated for the period of six months, unless they are to operate under the Guatemalan flag.

*Article 9.* In the Department of Hunting and Fishing attached to the Directorate of Forests of the Ministry of Agriculture, and in the harbour-masters' offices of the ports on which the operations of persons and enterprises authorized to engage in the fishing industry are based, a record shall be established of the particulars necessary for keeping account of the time during which foreign vessels and any vessels by which they may be replaced are in operation, so that, when the authorized period of six months has expired, and in accordance with the restriction

<sup>1</sup> *Supra* under (a).

imposed by article 6, fishing operations by units whose time has run out may be prohibited.

*Article 10.* Any foreign craft or vessel which is found engaging in fishing in territorial waters without the necessary permit shall be liable to the penalties established by the Act.

*Article 11.* The Department of Hunting and Fishing shall maintain a register of authorized fishing vessels, whether operating under the Guatemalan flag or foreign. Note shall be kept in this register of the date on which each vessel enters the national territory, and of its principal characteristics, so that it can be identified.

...

*Article 20.* The amounts which, according to Decree No. 1470, are payable in respect of every foreign-registered vessel shall in all cases be paid in advance; and without the appropriate certificate of payment the captain of the port on which the operations of the person or enterprise concerned are based shall not authorize the fishing vessel to weigh anchor.

## 15. GUINEA

### DÉCRET N° 224/PRG DU 3 JUIN 1964 PORTANT LIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DE GUINÉE<sup>1</sup>

*Article 2.* La pêche à l'intérieur des eaux territoriales guinéennes<sup>1</sup> est interdite aux navires étrangers.

*Article 3.* La violation des dispositions de l'Article 2 de la présente Ordonnance est passible d'une amende de 500 000 à 1 000 000 de francs. L'amende est doublée en cas de récidive.

Il y a récidive, lorsque dans un délai de 2 années, il a été rendu un jugement contre le contrevenant pour violation des dispositions précitées.

*Article 6.* Indépendamment de l'amende prévue à l'article 3, le Tribunal compétent ordonne la confiscation des engins de pêche dont l'emploi a permis l'infraction. Il ordonne également la confiscation du prix du produit de la pêche saisie sur le bateau. Ce prix et le montant des amendes sont intégralement versés au Trésor.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 19.

## 16. IRELAND

(a) MARITIME JURISDICTION ACTS,<sup>1</sup> 1959 AND 1964<sup>2</sup>

...

6. *The exclusive fishery limits of the State*

(1) For the purposes of Part XIII of the Fisheries (Consolidation) Act, 1959, the exclusive fishery limits of the State shall comprise all sea areas which lie within line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.

...

7. *Conservation of the living resources of the sea*

(1) Where the Government, having regard to any international agreement to which the State is a party, are satisfied that it is necessary so to do in order to maintain the productivity of the living resources of the sea, they may by order prescribe and adopt such measures of conservation as they think proper, appropriate to any stock of fish or other marine resources in any area (in this Act called "a fishery conservation area") of the high seas adjacent to the exclusive fishery limits, and may by order revoke or amend any such order.

(2) Every person who contravenes or attempts to contravene any provision of an order under this section shall be guilty of an offence and shall on summary conviction be liable to the penalties provided by section 223 of the Fisheries (Consolidation) Act, 1959, for an offence under that section, and the provisions of that section and of Chapter IV of Part XIII of that Act shall apply to any such offence as if, for references therein to an offence under that Part, there were substituted references to an offence under this section.

8. *Fishery permits*

(1) Whenever the Minister for Lands so thinks proper, for experimental purposes in connection with sea-fishing, the Minister may issue a permit authorising fishing by means of a specified foreign sea-fishing boat (as defined by section 219 of the Fisheries (Consolidation) Act, 1959) within the exclusive fishery limits of the State or any defined area or areas thereof.

(2) A permit shall be subject to such conditions as the Minister, at his discretion, shall specify, including, without prejudice to the generality of the foregoing, conditions as to the kind of fish to be taken, the disposal of the catch, the method of fishing to be employed, the times of fishing, and the information to be furnished in respect to the movements and operations of the boat.

...

<sup>1</sup> See also section 13, *supra* DIVISION I, SUB-DIVISION A, Chapter I, 23 (a).

<sup>2</sup> The Maritime Jurisdiction (Amendment) Act, 1964, *see infra* (b).



(b) MARITIME JURISDICTION (AMENDMENT) ACT,<sup>1</sup> 1964

...

3. *States the fishing vessels of which may fish within exclusive fishery limits*

(1) The Government may, with respect to that portion of the exclusive fishery limits of the State which lies outside the line every point of which is at a distance of six nautical miles from the nearest point of the baseline, by order specify the states the fishing vessels of which may fish therein.

(2) The Government may, with respect to that portion of the exclusive fishery limits of the State which lies between—

(a) the line every point of which is at a distance of three nautical miles from the nearest point of the baseline, and

(b) the line every point of which is at a distance of six nautical miles from the nearest point of the baseline,

by order specify the states the fishing vessels of which may, until—

(i) the end of the year 1965 in areas off parts of the coast where the baseline is low-water mark, and

(ii) the end of the year 1966 in other areas,  
fish therein.

(3) An order under this section may apply differently to different states and vessels and may confine fishing by any vessels to particular stocks of fish or particular fishing grounds.

...

(c) MARITIME JURISDICTION (AMENDMENT) ACT, 1964 (SPECIFIED STATES) ORDERS, 1965<sup>2</sup> AND 1967<sup>3</sup>

...

## 2. In this Order—

“demersal species” means any species of sea fish which lives most of its adult life at or near the sea bottom and includes in particular brill, cod, conger eel, haddock, hake, halibut, ling, plaice, ray, skate, sole, turbot and whiting;

“the section” means section 3 of the Maritime Jurisdiction (Amendment) Act, 1964 (No. 32 of 1964).

3. (1) As respects that portion of the exclusive fishery limits of the State mentioned in subsection (1) of the section, the states the fishing vessels of which, subject to paragraph (1) of Article 4 of this Order, may fish therein shall be the states specified in Part I of the Schedule to this Order.

<sup>1</sup>No. 32 of 1964. Came into operation on 1 October 1965, in accordance with the Maritime Jurisdiction (Amendment) Act, 1964 (Commencement) Order, 1965 (*Statutory Instruments*, No. 197 of 1965).

<sup>2</sup>*Statutory Instruments*, No. 198 of 1965.

<sup>3</sup>*Ibid.*, No. 14 of 1967.

(2) As respects that portion of the exclusive fishery limits of the State mentioned in subsection (2) of the section, the states the fishing vessels of which, for the periods mentioned in the said subsection (2) and subject to paragraph (2) of Article 4 of this Order, may fish therein shall be the states specified in the said Part I.

4. (1) Fishing in that portion of the exclusive fishery limits of the State mentioned in subsection (1) of the section by a vessel which is a vessel specified in the first column of Part II of the Schedule to this Order is hereby confined to —

(a) the stocks of fish specified in the second column of the said Part II, and

(b) the fishing grounds in that part of the exclusive fishery limits of the State mentioned in subsection (1) of the section which lie within a portion of the exclusive fishery limits of the State specified in the third column of the said Part II, opposite the mention of the vessel.

(2) Fishing in that portion of the exclusive fishery limits of the State mentioned in subsection (2) of the section by a vessel which is a vessel specified in the first column of the said Part II is hereby confined to —

(a) the stocks of fish specified in the second column of the said Part II, and

(b) the fishing grounds in that part of the fishery limits of the State mentioned in subsection (2) of the section which lie within a portion of the exclusive fishery limits of the State specified in the third column of the said Part II, opposite the mention of the vessel.

#### SCHEDULE

##### PART I

Belgium  
Federal Republic of Germany  
France  
Netherlands  
Spain  
United Kingdom

##### PART II

...

#### 17. ITALY

ACT NO. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT NO. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS, article 2<sup>1</sup>

#### 18. IVORY COAST

DÉCRET N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, articles 2 et 4<sup>2</sup>

<sup>1</sup> *Supra* DIVISION II, 24.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 24.

## 19. KUWAIT

DECREE OF 17 DECEMBER 1967 REGARDING THE DELIMITATION OF THE BREADTH OF THE TERRITORIAL SEA OF THE STATE OF KUWAIT, article 6<sup>1</sup>

## 20. MADAGASCAR

- (a) LOI<sup>2</sup> DU 1<sup>er</sup> MARS 1888 AYANT POUR OBJET D'INTERDIRE AUX ÉTRANGERS LA PÊCHE DANS LES EAUX TERRITORIALES DE FRANCE ET D'ALGÉRIE, MODIFIÉE PAR LA LOI DU 20 MARS 1928 ET PAR LA LOI DU 16 AVRIL 1933\*
- (b) DÉCRET<sup>3</sup> DU 12 AVRIL 1914 PORTANT RÉGLEMENTATION DE LA PÊCHE ET DE L'EXPLOITATION INDUSTRIELLE DE LA BALEINE DANS LES COLONIES FRANÇAISES, MODIFIÉ PAR LE DÉCRET DU 6 FÉVRIER 1925<sup>4</sup>\*
- (c) ARRÊTÉ<sup>5</sup> DU 14 JANVIER 1921 RÉGLEMENTANT LA PÊCHE, LA VENTE ET LE COLPORTAGE DES LANGOUSTES DANS LA COLONIE DE MADAGASCAR ET DÉPENDANCES\*
- (d) DÉCRET<sup>6</sup> DU 5 AVRIL 1922 RELATIF À LA PÊCHE FLUVIALE ET À LA PÊCHE MARITIME CÔTIÈRE

## TITRE PREMIER. — DÉFINITION DE LA PÊCHE MARITIME: LIMITES

*Art. 1<sup>er</sup>.* La pêche maritime dans les eaux territoriales de Madagascar et dépendances, est libre d'une part à la mer et sur les côtes, d'autre part dans les fleuves, rivières, lagunes, canaux ou cours d'eau communiquant directement ou indirectement avec la mer.

Toutefois, des concessions réservées peuvent être accordées et réglementées par arrêté du gouverneur général pris en conseil d'administration. Les dispositions du présent décret ne sont applicables dans les fleuves, canaux, rivières, lagunes, etc, que jusqu'à la limite des eaux non salées sujettes à l'influence de la marée. Cette limite entre le domaine de la pêche maritime et le domaine de la pêche fluviale sera déterminée par arrêté du gouverneur général.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 27.

<sup>2</sup> *Journal officiel* du 8 avril 1950. Pour le texte, voir ST/LEG/SER.B/6, p. 497. La loi a été promulguée à Madagascar par l'arrêté du 30 mars 1960.

<sup>3</sup> *Journal officiel* du 20 juin 1914, p. 768. Le décret a été promulgué à Madagascar par l'arrêté du 13 juin 1914. Les errata à ce décret ont été publiés dans le *Journal officiel*, n° 108 du 21 avril 1914, p. 3694.

<sup>4</sup> Promulgué à Madagascar par l'arrêté du 25 mars 1925 (*Journal officiel* du 28 mars 1925, p. 294).

<sup>5</sup> *Journal officiel* du 22 janvier 1921, p. 104.

<sup>6</sup> *Journal officiel* du 29 juillet 1922, p. 455. Promulgué à Madagascar le 13 janvier 1923.

## TITRE II. — LIEUX INTERDITS — DIFFÉRENTES PÊCHES — PÊCHES LIBRES EN TOUS TEMPS

*Art. 2.* Toute espèce de pêche, par quelque procédé, en quelque lieu et à quelque époque que ce soit à l'exception de la pêche à la ligne peut être interdite par arrêté du gouverneur général, en conseil d'administration, lorsque cette interdiction est reconnue nécessaire, d'une part, pour sauvegarder soit la reproduction des espèces, soit la conservation de frai et du fretin, d'autre part, pour assurer la protection des ouvrages hydrauliques et les mouvements des navires.

...

## TITRE IV. — DISPOSITIONS SPÉCIALES PROPRES À PRÉVENIR LA DESTRUCTION DU FRAI ET ASSURER LA CONSERVATION DU POISSON, DES COQUILLAGES, AUTRES QUE LES COQUILLAGES À NACRE, ET DES HOLOTHURIES

DIMENSIONS EN DESSOUS DESQUELLES LES DIVERSES ESPÈCES DE POISSONS ET DE COQUILLAGES AUTRES QUE LES COQUILLAGES À NACRE NE POURRONT ÊTRE PÊCHÉES, MISES EN VENTE, ET COLPORTÉES.

*Art. 15.* — Il est défendu de récolter les herbes marines qui croissent dans les ports, le long des quais, ponts, ouvrages en maçonnerie construits en mer ou sur le rivage.

De même, la récolte des herbes et algues marines, des plages découvrant à marée basse est interdite. La même défense s'applique aux coquillages et autres produits marins qui s'attachent aux constructions dont il s'agit. Cependant le gouverneur général pourra par arrêté fixer les époques et les lieux où cette récolte sera permise.

*Art. 16.* Les œufs de tous les poissons ainsi que ceux de tous les crustacés sont compris sous la dénomination de frai. Il est interdit de les pêcher ou de les recueillir de quelque manière que ce soit.

...

*Art. 18.* Il est en outre interdit :

1<sup>o</sup> d'employer pour la pêche des matières explosives.

2<sup>o</sup> de jeter dans les eaux soumises à la réglementation du présent décret, toutes substances, solides ou liquides, tous produits d'usines ou autres, toutes plantes ou latex de plantes, capables d'enivrer ou d'empoisonner le poisson et tous les produits marins d'origine animale.

...

(e) DÉCRET<sup>1</sup> DU 9 DÉCEMBRE 1926 RENDANT APPLICABLE À MADAGASCAR LA LOI DU 1<sup>er</sup> MARS 1888 AYANT POUR OBJET D'INTERDIRE AUX ÉTRANGERS LA PÊCHE DANS LES EAUX TERRITORIALES DE FRANCE ET D'ALGÉRIE\*

(f) DÉCRET<sup>2</sup> DU 14 AVRIL 1929 RÉGLEMENTANT LA PÊCHE DES HŪÎTRES PERLIÈRES, DES COQUILLAGES À NACRE OU D'ORNEMENT ET DES ÉPONGES

*Art. 1<sup>er</sup>* — La pêche des huîtres perlières, des coquillages à nacre ou d'ornement et des éponges, dans les eaux territoriales de Madagascar et Dépendances peut faire l'objet de concessions accordées par arrêté du Gouverneur Général en conseil d'administration.

<sup>1</sup> *Journal officiel* du 15 décembre 1926. Pour le texte, voir ST/LEG/SER.B/6, p. 497.

<sup>2</sup> *Journal officiel* n<sup>o</sup> 2271 du 26 octobre 1929, p. 1094.

- (g) ARRÊTÉ<sup>1</sup> DU 23 AOÛT 1929 PORTANT FIXATION DES MODALITÉS D'APPLICATION DU DÉCRET DU 14 AVRIL 1929, RÉGLEMENTANT, DANS LA COLONIE DE MADAGASCAR, LA PÊCHE DES HUÎTRES PERLIÈRES, DES COQUILLAGES À NACRE ET DES ÉPONGES\*
- (h) ARRÊTÉ<sup>2</sup> DU 27 JANVIER 1931 DIVISANT EN SECTEURS LES EAUX TERRITORIALES, EN CE QUI CONCERNE LES HUÎTRES PERLIÈRES, COQUILLAGES À NACRE, ÉPONGES\*
- (i) ARRÊTÉ<sup>3</sup> DU 3 MARS 1939 FIXANT POUR L'ENSEMBLE DES TERRITOIRES RATTACHÉS AU GOUVERNEMENT GÉNÉRAL DE MADAGASCAR LES MODALITÉS D'APPLICATION DU DÉCRET DU 12 AVRIL 1914, MODIFIÉ PAR LE DÉCRET DU 6 FÉVRIER 1925 PORTANT RÉGLEMENTATION DE LA PÊCHE ET DE L'EXPLOITATION INDUSTRIELLE DE LA BALEINE<sup>3\*</sup>
- (j) ARRÊTÉ<sup>4</sup> N° 1794 DU 22 OCTOBRE 1960 FIXANT LES CONDITIONS DANS LESQUELLES SONT ACCORDÉES LES AUTORISATIONS D'ÉTABLISSEMENTS DE PÊCHERIES ET PARCS À HUÎTRES, À MOULES ET AUTRES COQUILLAGES\*
- (k) ARRÊTÉ<sup>5</sup> N° 2013 DU 25 NOVEMBRE 1960 FIXANT LES LIMITES DES DIFFÉRENTES ZONES DE NAVIGATION, MODIFIÉ PAR ARRÊTÉ N° 2034 DU 29 JUILLET 1964

...

#### TITRE II. — NAVIGATION DE PÊCHE

*Art. 6.* — La navigation à la pêche comprend 3 zones :

- a) La zone côtière ;
- b) La pêche au large ;
- c) La grande pêche.

*Art. 7.* — La navigation à la pêche côtière est celle qui s'exerce le long des côtes de Madagascar, dans une zone ne s'étendant pas plus de 30 milles de ces côtes.

*Art. 8.* — La navigation à la pêche au large est celle qui s'exerce au-delà de 30 milles des côtes et en deçà des limites du cabotage fixées à l'article 4 du présent arrêté.

*Art. 9.* — Est réputée navigation à la grande pêche, celle qui s'exerce au-delà des limites de la pêche au large.

- (l) DÉCRET<sup>6</sup> N° 62-213 DU 18 MAI 1962 RÉGLEMENTANT LE CONTRÔLE DE LA SALUBRITÉ ET DES CONDITIONS DE CONSERVATION DES PRODUITS DE LA MER D'ORIGINE ANIMALE DESTINÉS À LA COMMERCIALISATION\*, MODIFIÉ PAR LE DÉCRET<sup>7</sup> N° 62-665 DU 27 DÉCEMBRE 1962\*

<sup>1</sup> *Ibid.*

<sup>2</sup> *Journal officiel*, n° 2340-1931, p. 214.

<sup>3</sup> *Journal officiel* du 18 mars 1939, p. 366.

<sup>4</sup> *Journal officiel* du 29 octobre 1960, p. 2321.

<sup>5</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 10 (b).

<sup>6</sup> *Journal officiel* n° 224 du 26 mai 1962, p. 934.

<sup>7</sup> *Journal officiel* du 5 janvier 1963.

(m) ARRÊTÉ N° 647 DU 4 MARS 1963. CONDITIONS DE PASSAGE ET MOUILLAGE DES NAVIRES DE PÊCHE ÉTRANGERS DANS LES EAUX TERRITORIALES, articles 1-4<sup>1</sup>

(n) LOI N° 66-007 DU 5 JUILLET 1966 PORTANT CODE MARITIME<sup>2</sup>

...

#### LIVRE V. — LA PÊCHE MARITIME

##### *Chapitre premier. — Réglementation de la pêche*

*Art. 5. 1. 02.* — Des arrêtés de l'autorité administrative maritime préparés en liaison avec la division des pêches maritimes du service de l'élevage relevant du ministère du développement rural déterminent :

- 1° L'étendue de la côte devant laquelle chaque espèce de pêche est permise;
- 2° La distance de la côte ainsi que des embouchures de rivières, étangs ou canaux à laquelle les pêcheurs devront se tenir;
- 3° Les époques d'ouverture et de clôture de diverses pêches; l'indication de celles qui seront libres toute l'année; les heures pendant lesquelles les pêches pourront être pratiquées;
- 4° Les filets, engins, instruments de pêche prohibés et modes de pêche prohibés;
- 5° Les dispositions propres à prévenir la destruction du frai et assurer la conservation des poissons, crustacés, coquillages et autres animaux marins;
- 6° Les interdictions relatives à la pêche, à la mise en vente, à l'achat, au transport, colportage ou à l'emploi du frai, des poissons, des crustacés, et des coquillages qui n'atteignent pas les dimensions prescrites;
- 7° Les conditions d'établissement des pêcheries, des parcs à huîtres, à moules et autres coquillages, les conditions de leur exploitation;
- 8° Les appâts défendus;
- 9° Les mesures d'ordre et de police tant en mer que sur le littoral propres à assurer la conservation de la pêche qu'à en régler l'exercice.

*Art. 5. 1. 03.* — Il est interdit de faire usage pour la pêche, soit de dynamite ou de tout autre explosif, soit de substances ou d'appâts pouvant enivrer ou détruire les poissons, crustacés et coquillages.

##### *Chapitre II. — Zone de pêche réservée dans les eaux territoriales*

*Art. 5.2.01.* — Dans les eaux territoriales, la pêche est réservée aux navires malgaches et, sous réserve de réciprocité, aux navires des autres Etats ayant conclu avec la République Malgache des accords particuliers.

Pour les golfes, baies et rades, des arrêtés de l'autorité administrative maritime déterminent la ligne à partir de laquelle cette limite est comptée.

*Art. 5.2.02.* — Les dispositions ci-dessus ne portent pas atteinte à la libre circulation reconnue aux bateaux de pêche étrangers naviguant ou mouillant dans la zone de pêche réservée des eaux territoriales malgaches.

Un arrêté de l'autorité administrative maritime déterminera les règles spéciales de police auxquelles, dans ces cas, les bateaux de pêche devront se conformer.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 10 (c).

<sup>2</sup> *Journal officiel* n° 487 du 16 juillet 1966, p. 1482.

## 21. MAURITANIA

(a) Loi<sup>1</sup> n° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE<sup>2</sup>

## LIVRE VIII. — LA PÊCHE MARITIME

*Chapitre II. — Réglementation des pêches maritimes*

*Article premier.* — L'exercice de la pêche est libre. Cette liberté ne peut cependant s'exercer que dans le cadre des règlements maritimes en vigueur.

*Article 4.* — Dans les eaux territoriales, la pêche est réservée aux navires mauritaniens et aux navires des Etats auxquels ce droit aura été reconnu par accord particulier. Les dérogations éventuelles à cette règle ne pourront être accordées que par décret.

*Article 5.* — La République islamique de Mauritanie se réserve le droit de réglementer la pêche dans la zone contiguë aux eaux territoriales. Ces règlements sont pris par l'autorité maritime.

## LIVRE X. — LE RÉGIME DISCIPLINAIRE ET PÉNAL

*Chapitre IV. — Des délits en matière de pêche maritime*Article 4 — nouveau<sup>3</sup>

Tout capitaine d'un navire étranger surpris en action de pêche dans la zone réservée des eaux territoriales est passible d'une amende :

- de 100 000 à 200 000 de francs pour les navires d'un tonnage inférieur à 150 tonneaux.
- de 1 000 000 à 6 000 000 Fr pour les navires d'un tonnage compris entre 150 et 500 tonneaux.
- de 5 000 000 à 20 000 000 Fr pour les navires d'un tonnage supérieur à 500 tonneaux.

En outre, dans tous les cas, l'autorité maritime peut procéder à la saisie et à la mise en vente immédiate, au profit de l'Etat, des filets, des produits de la pêche, et à la saisie du navire et des autres engins utilisés, dont le tribunal peut ordonner la confiscation de la mise en vente au profit de l'Etat.

Les mêmes sanctions sont applicables en matière de pêche dans la zone contiguë.

En cas de récidive dans les deux ans, le maximum de l'amende sera infligé, et il sera procédé obligatoirement à la saisie et à la mise en vente immédiate, au profit de l'Etat, des produits de la pêche, et à la saisie du navire et des engins utilisés, dont le tribunal ordonnera la confiscation et la mise en vente au profit de l'Etat.

<sup>1</sup> Voir aussi *supra* DIVISION I, SUB-DIVISION A, Chapter I, 29 and Chapter II, 12.

<sup>2</sup> Par la Loi 63.148 du 19 juillet 1963, la Loi 66.110 du 27 juin 1966 (*Journal officiel* du 3 août 1966, p. 212) et par la Loi 67.023 du 21 janvier 1967.

<sup>3</sup> Inséré par la Loi 66.110 du 27 juin 1966 (*Journal officiel* du 3 août 1966, p. 212).

L'armateur est solidairement responsable du paiement et des amendes prononcées.

(b) ARRÊTÉ<sup>1</sup> N° 10.499 MD/DP DU 29 AOÛT 1966 RÉGLEMENTANT LA PÊCHE DANS LA ZONE CONTIGÜE AUX EAUX TERRITORIALES

*Article 1.* — Tout armateur, de quelque nationalité que soient ses navires, qui a l'intention de pêcher dans la zone contiguë aux eaux territoriales, doit en demander l'autorisation au Ministre chargé de la pêche.

*Article 2.* — Cette autorisation ne pourra être accordée qu'à la condition expresse que la totalité du poisson pêché passe par les industries à terre de Mauritanie.

*Article 3.* — En cas d'accord bilatéral passé entre un Gouvernement Etranger et la République Islamique de Mauritanie, les navires battant pavillon de ce gouvernement étranger ne seront pas soumis aux articles 1 et 2 du présent arrêté.

(c) ARRÊTÉ N° 52/PR/HCIM DU 3 FÉVRIER 1967 RÉGLEMENTANT LA PÊCHE DANS LES EAUX TERRITORIALES ET INTÉRIEURES

*Article 1<sup>er</sup>.* — La pêche au moyen de l'engin trainant dénommé "chalut" est interdite dans la Baie du Lévrier, délimitée en sa partie Sud par une ligne allant du cap Blanc au cap Sainte-Anne. Aucune dérogation ne pourra être accordée.

*Article 2.* — En deçà de la ligne de base cap Blanc – cap Timiris et dans la zone des eaux territoriales toute pêche autre que la chalutage est réservée aux navires visés à l'article 4 du chapitre II du Livre VIII du Code de la marine marchande et des pêches maritimes.

*Article 3.* — Dans les mêmes zones, définies dans l'article 2, l'emploi de l'engin trainant dénommé "chalut" est interdit à tous navires sauf dérogations qui pourront être accordées pour chaque cas par l'autorité maritime pour les navires visés à l'article 4 du chapitre II du Livre VIII du Code de la marine marchande et des pêches maritimes.

---

<sup>1</sup> L'arrêté a pris effet à compter du 1<sup>er</sup> octobre 1966. L'arrêté n° 10.208 d'avril 1966 est abrogé.



## 22. MEXICO

ACT<sup>1</sup> OF 13 DECEMBER 1966 ON THE EXCLUSIVE FISHING ZONE OF THE NATION*Article 1*

The United Mexican States establish their exclusive jurisdiction for fishing purposes in a zone twelve nautical miles (22,224 metres) wide, measured from the base line from which the breadth of the territorial sea is measured.

*Article 2*

The legal régime on the exploitation of the living resources of the sea, within the territorial sea, shall be extended to the whole of the exclusive fishing zone of the nation mentioned in the preceding article.

*Article 3*

No provisions of this Act shall in any way modify the legal provisions<sup>2</sup> establishing the breadth of the territorial sea.

## TRANSITIONAL ARTICLES: THREE

The Federal Executive shall establish the conditions and terms under which nationals of countries which have traditionally exploited the living resources of the sea in the zone three nautical miles outside the territorial sea may be authorized to continue their activities during a period which shall not exceed five years from 1 January 1968. In 1967, nationals of such countries may continue those activities without being subject to any special conditions.

## 23. NEW ZEALAND

(a) FISHERIES ACT 1908 (No. 65 of 1908; 4 August 1908) AS AMENDED<sup>3</sup>*Section 2 (1) – Interpretation*

In this Act, unless the context otherwise requires,—

...

“New Zealand fisheries waters”<sup>4</sup> means all waters in the fishing zone of New Zealand (as defined by section 8<sup>5</sup> of the Territorial Sea and Fishing Zone Act 1965),

<sup>1</sup> *Diario Oficial* of 20 January 1967.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, 30 (c).

<sup>3</sup> Most recently by the Fisheries Amendment Act 1967 (No. 49 of 1967; 15 November 1967). Except for the provisions quoted above, the text of the Fisheries Act 1908, as reproduced in ST/LEG/SER.B/6, pp. 540-543, remains in force.

<sup>4</sup> The Territorial Sea and Fishing Zone Act 1965 (No. 11 of 1965; 10 September 1965), by its Schedule introduced the term “New Zealand fisheries waters”, see *supra* DIVISION I, SUB-DIVISION A, Chapter I, 31 (a), and repealed the terms “waters” or “New Zealand waters”.

<sup>5</sup> See *infra* (b).

all waters of the territorial sea of New Zealand (as defined by section 3 of that Act), all internal waters of New Zealand (as defined by section 4 of that Act), and the waters of any lake, river, or stream where fish indigenous to New Zealand are found:

...

*Section 5 – Regulations (1)*

The Governor-General may from time to time, by Order in Council gazetted, make regulations, which shall have force and effect either throughout New Zealand and New Zealand fisheries water or only in such waters or places as are specified in the regulations, for any of the purposes following, that is to say:

(a) Generally regulating sea-fishing in New Zealand:

...

*Section 12A.<sup>1</sup> Taking of fish by vessels that are not New Zealand ships*

(1) No vessel that is not a New Zealand ship within the meaning of the Shipping and Seamen Act 1952 shall be used in fishing in New Zealand fisheries waters, except for fisheries research or experimental or sports fishing purposes and then, in each such case, only with the consent of the Minister and subject to compliance with any conditions imposed by him in giving that consent.

...

*Section 56.<sup>2</sup> Officer may enter and search for fish or oysters illegally taken*

(1) Any fishery officer or any constable may at any time between sunrise and sunset, with or without warrant, enter any fish shop and premises attached thereto, or any fish shed or fish factory, or any premises, not being a dwelling-house, where fish or oysters are stored, treated, dressed, canned, or frozen, or any smokehouse, ship, boat, cart, carriage, or conveyance of any kind, or in or upon any public place as defined by the Police Offences Act 1927, and there search for, seize, and take away fish or oysters supposed to be illegally taken, and open and examine boxes, bags, baskets, and other receptacles in the course of such search.

(2) Every person who in any way prevents or hinders any entry or search, seizing or taking away, under this or the last preceding section is liable to a fine not exceeding twenty pounds.

*Section 57.<sup>3</sup> Ships and boats engaged in illegally taking seals to be forfeited*

Any ship or boat the crew or any part of the crew of which are engaged in illegally taking seals, and any ship or boat on board of which any seal so illegally taken, or the skin, oil, blubber, or other product of a seal so illegally taken, is found, shall, together with the boats, furniture, and appurtenances of such ship

<sup>1</sup> As amended by section 11 of the Fisheries Amendment Act, 1967 (No. 49 of 1967; 15 November 1967).

<sup>2</sup> As amended by sections 16 of the Statutes Amendment Act, 1947 (No. 60 of 1947; 27 November 1947).

<sup>3</sup> As amended by section 6 (2) (a) and (b) of the Fisheries Amendment Act, 1948 (No. 11 of 1948; 26 August 1948).

or boat, on the conviction of the offender be deemed to be forfeited to His Majesty, and shall be disposed of as the Minister thinks fit.

...

*Section 58.<sup>1</sup> Seizure and search of ships and boats*

(1) The officer in command of any vessel of the New Zealand Naval Forces or any Inspector of Sea Fishing or any constable or the master of any New Zealand Government ship within the meaning of the Shipping and Seamen Act 1952 may, without limiting the powers conferred by sections 52 and 56 of this Act,—

(a) Enter upon, seize, and take possession of any ship or boat within New Zealand or New Zealand fisheries waters on or from which he has reasonable cause to believe that an offence against this Part of this Act, or against any regulations made under this Part, is being or has been committed; and

(b) At any time enter upon any ship or boat within New Zealand or New Zealand fisheries waters, and there search for, seize, and take possession of any fish, oysters, or seals, in respect of which he has reasonable cause to believe that an offence against this Part, or against any regulations made under this Part, has been committed.

...

(2) Every person who in any way prevents or hinders any such entry, search, seizing, or taking possession is liable to imprisonment ... for any term of not less than three nor more than six months in the case of a first offence, and for any term of not less than six nor more than twelve months in the case of a second or any subsequent offence.

...

*Section 58A.<sup>2</sup> Apprehension of persons on vessels other than New Zealand ships*

(1) Where the officer in command of any vessel of the New Zealand Naval Forces or any Inspector of Sea Fishing or any constable or the master of any New Zealand Government ship within the meaning of the Shipping and Seamen Act 1952—

(a) Finds any person (being the owner, the charterer, or the master, or a crew member of a vessel other than a New Zealand ship within the meaning of the Shipping and Seamen Act 1952) committing an offence against this Part of this Act or against any regulations made under this Part; or

(b) Has reasonable cause to believe that any such person has committed an offence as aforesaid,—

the officer, Inspector, constable, or master, as the case may be, may, without first requiring the person to disclose his true name and address, apprehend him and cause him to be taken as soon as practicable before a Magistrate to be dealt with according to law.

<sup>1</sup> As amended by section 5 of the Fisheries Amendment Act, 1967 (No. 49 of 1967; 15 November 1967).

<sup>2</sup> As amended by section 6 of the Fisheries Amendment Act, 1967 (No. 49 of 1967; 15 November 1967).

(b) WHALING INDUSTRY ACT 1935 (No. 12 of 1935)<sup>1</sup>

...

*Section 2.*<sup>2</sup> In this Act, unless the context otherwise requires.

...

“Coastal waters” means—

(a) In relation to New Zealand, New Zealand fisheries waters as defined in the Fisheries Act 1908:

(b) In relation to any other country or territory, so much of the waters adjoining that country or territory as is within the distance to which the provisions of the laws of that country or territory corresponding to the provisions of this Act extend:

...

(c) FISHERIES (GENERAL) REGULATIONS 1950<sup>3\*</sup>

## (d) FISHERIES AMENDMENT ACT 1963 (No. 69 of 1963; 23 October 1963)

## PART I. REGISTRATION OF FISHING BOATS, AND METHODS OF FISHING

...

5. *Fishing boats to be registered*

(1) It shall not be lawful for any boat to be used in fishing for the purposes of sale, unless the boat is registered under this Part of this Act.

(2) If any boat is used in fishing in contravention of this section, the owner and the master of the boat shall each be deemed to have committed an offence.

...

*Section 11*

(1) If any person discharges or permits to escape any noxious matter from a whale or from a ship or factory used for taking or for treating whales into any bay, gulf, harbour, lake, river, stream, creek, or other water included within coastal waters of New Zealand, he commits an offence, and that person and, if the offence is committed on or in connection with the operations of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship, and, if the offence is committed in or in connection with the operations of a factory, the manager and (subject as aforesaid) the occupier of the factory shall each be liable to a fine not exceeding fifty pounds.

<sup>1</sup> 1957 Reprint, vol. 16, p. 657. Except for the provisions quoted above, the text reproduced in ST/LEG/SER.B/6, pp. 543-4 remains in force.

<sup>2</sup> As amended by Schedule of the Territorial Sea and Fishing Zone Act, 1965 (No. 11 of 1965; 10 September 1965).

<sup>3</sup> Amended most recently by Amendment No. 8 (S.R. 1964/211). Section 7 reproduced in ST/LEG/SER.B/6, pp. 542-3 has not been amended.

(2) Nothing in this section shall be construed to restrict the operation of the Oil in Territorial Waters Act, 1926, or of any other Act.

(e) TERRITORIAL SEA AND FISHING ZONE ACT 1965  
(No. 11 of 1965; 10 September 1965)

...

8. *Fishing zone of New Zealand*

(1) The fishing zone of New Zealand comprises those areas of the sea contiguous to the territorial sea of New Zealand and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, a line measured seaward from those inner limits every point of which is distant nine nautical miles from the nearest point of the inner limit line.

(2) The provisions of Part I of the Fisheries Act 1908 and of any regulations made pursuant to section 5 of that Act and of the Whaling Industry Act 1935 and of any regulations made under that Act shall apply to the fishing zone of New Zealand in the same way and to the same extent as they apply to the territorial sea of New Zealand.

(3) Nothing in this section shall limit the provisions of any enactment applying to ships while they are outside the fishing zone of New Zealand and to persons on such ships.

(f) FISHERIES AMENDMENT ACT 1965 (No. 132 of 1965; 29 October 1965)

PART I. OYSTERS

...

7. *Defining the boundaries of oyster beds*

The Minister may from time to time, by notice in the *Gazette*, define the boundaries of any oyster bed or any area on which oysters have been planted. That notice shall, in all proceedings relating to an offence under this Part of this Act, be conclusive evidence of the boundaries so defined.

...

(g) SUBMARINE CABLES AND PIPELINES PROTECTION ACT 1966 (No. 5 of 1966; 2 September 1966) section 7 (4)<sup>1</sup>

(h) FISHERIES (AGREEMENT WITH JAPAN) ACT 1967 (No. 16 of 1967; 25 August 1967)\*

...

<sup>1</sup> *Supra* DIVISION III, 18 (c).

## 24. NICARAGUA

(a) DECREE NO. 577 OF 20 JANUARY 1961. SPECIAL ACT ON THE EXPLOITATION OF FISHERIES<sup>1\*\*</sup>

## CHAPTER I

*Purpose of the Act and administrative jurisdiction*

*Article 1.* The present Act shall apply to fishing for aquatic fauna and flora which is carried out in:

(a) The territorial, continental and insular waters and the waters covering the continental shelf and the insular shelves belonging to the national territory;

(b) The waters of the open sea when such fishing is conducted by means of vessels of Nicaraguan registry or vessels operating under the authority of a Nicaraguan licence;

(c) Lakes, lagoons and rivers available for use by the public at large.

...

## CHAPTER II

*Fishing Activities*

*Art. 6.* Any operation or action which is performed for the purpose of catching fish, molluscs, chelonians, saurians, crustaceans or specimens of any other species of aquatic fauna and flora shall be considered a fishing activity.

*Art. 7.* Only permitted species may be caught, during the authorized fishing seasons or periods, in accordance with the applicable regulations; and, with respect to any fishing activity, it shall be prohibited:

(a) To interfere with navigation, the natural course of the waters or their normal use;

(b) To leave products of or refuse from fishing activities on beaches or shores or to throw them into the sea, outside the areas where it is permitted to do so;

(c) To pour or spill toxic material harmful to fish in waters where fish species exist;

(d) To use in fishing poisonous substances or harmful toxic materials causing death or torpor in fish or other aquatic species;

(e) To use fishing devices prohibited by existing regulations;

(f) To use dynamite or any other type of explosive in fishing.

## CHAPTER III

*Licenses for commercial fishing*

*Art. 8.* Commercial fishing licenses shall be granted for a period not exceeding twenty years, calculated from the issuance of the respective certificate to which article 71 of the General Act on the Exploitation of the Natural Wealth refers.

<sup>1</sup> *La Gaceta*, No. 32 of 7 February 1961.

*Art. 9.* Commercial fishing licenses shall be granted only to persons who or entities which have already established, or undertake to establish, on land in Nicaraguan territory and within a reasonable time to be determined by the Ministry of Economic Affairs, one or more plants having sufficient capacity to preserve, process and pack fish in the form of internationally marketable products. Failure to establish such a plant within the time limit fixed shall be punishable by suspension of the licence. Accordingly, the use of floating plants shall not be permitted.

#### CHAPTER IV

##### *Licenses for turtle fishing*

*Art. 15.* Firms wishing to engage specifically in turtle fishing on a commercial scale must previously obtain a turtle-fishing licence, which shall be subject to the following regulations:

(1) The application for the licence shall be processed and acted upon in accordance with the provisions of the General Act concerning the Exploitation of the Natural Wealth and with this Special Act.

(2) Authorized fishing shall have reference only to sea turtles weighing at least fifty-five kilogrammes, provided that the specimens caught are intended for export. Turtles weighing less than fifty-five kilogrammes and more than eighteen kilogrammes may be used for domestic consumption provided that they have been caught in fresh water or in areas extending no further than seven kilometres from the Nicaraguan seacoast.

(3) Any turtle weighing less than fifty-five kilogrammes which is caught further than seven kilometres from the Nicaraguan seacoast shall be put back alive into the sea. This shall also be done in the case of any turtles caught which weigh less than eighteen kilogrammes;

(4) The catching of turtles shall be completely suspended between 15 May and 15 July of each year.

The executive power shall be authorized to alter this proscribed period and to fix other dates;

(5) Commercial turtle fishing in the waters off the Atlantic coast shall not be carried on within a strip seven kilometres in breadth extending eastward from the continent or within an equal number of kilometres of the shores of Great Corn Island and Little Corn Island.

The exception to which the preceding paragraph refers shall not apply to commercial fishing carried on by natural persons domiciled in Nicaragua or by corporations in which Nicaraguan capital constitutes no less than 60 per cent of the whole and has effective control over the enterprise.

(6) The authorized catching of turtles may be carried on in all waters and on all cays beyond the limits mentioned in the preceding paragraph.

(7) The licensee may construct enclosures in which to gather and keep captured turtles on cays situated outside the limits to which paragraph (5) refers or in the waters surrounding them.

(b) DECREE NO. II OF 5 APRIL 1965 DELIMITING THE NATIONAL FISHING ZONE TO 200 NAUTICAL MILES<sup>1\*\*</sup>

*Art. 1.* In conformity with article 5 of the Constitution, in order to promote the better conservation and rational exploitation of Nicaragua's fishing and other resources, the waters lying between the coast and a line drawn parallel to it at a distance of 200 nautical miles seaward, both in the Atlantic and in the Pacific Oceans, shall be designated a "national fishing zone".

*Art. 2.* Any fishing activity carried on within the "national fishing zone" shall be subject to the provisions of the General Act on the Exploitation of the Natural Wealth, the legislation supplementing it and legislation which may be adopted in the future.

## 25. NIGERIA

### SEA FISHERIES (LAGOS) ACT, 1961 (No. 30 of 29 September 1961)<sup>2</sup>

#### PART I. PRELIMINARY

##### 1. *Short title, commencement and application*

...

(2) This Act shall apply in respect of the Federal territory of Lagos.

##### 2. *Interpretation*

...

"territorial waters of the Federal territory of Lagos" means that part of the territorial waters of Nigeria as defined in the Interpretation Ordinance over which the Federal Legislature is competent to exercise jurisdiction in respect of fisheries.

#### PART II. MOTOR FISHING BOAT LICENCES

##### 3. *Provision for licence*

No person shall operate or navigate any motor fishing boat within the territorial waters of the Federal Territory of Lagos unless a licence in respect of such vessel has been issued to the owner thereof: Provided that a licence issued under legislation of the same nature as this Act enacted by the Legislature of the Western or Eastern Nigeria shall be deemed to be a licence issued under section 5 of this Act.

...

<sup>1</sup> *La Gaceta*, No. 82 of 8 April 1965.

<sup>2</sup> Supplement to *Official Gazette* Extraordinary, No. 70, vol. 48, 30 September 1961, Part A.



## PART III. MISCELLANEOUS

10. *Enforcement*

(1) Any of the following persons, namely a licensing officer, a commissioned officer of the Royal Nigerian Navy, a police officer not below the rank of Assistant Superintendent, a Customs officer not below the rank of Assistant Collector, a surveyor or examiner appointed under the provisions of the Shipping and Navigation Ordinance, or a person authorized in writing by a licensing officer in that behalf, may within the territorial waters of the Federal territory of Lagos, for the purpose of enforcing the provisions of this Act,—

...

(d) where there is reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the fishing boat, fishing apparatus and catch to the most convenient port or police station without warrant, summons or other process.

...

13. *Forfeiture, etc.*

The court before which any person is convicted of an offence under this Act may—

(a) order the forfeiture to the Government of the Federation of Nigeria of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which such person is so convicted;

(b) where the fishing boat so employed is a motor fishing boat, cancel or suspend for such time as the court may think fit the licence.

## 26. NORWAY

ACT<sup>1</sup> OF 17 JUNE 1966 RELATING TO NORWAY'S FISHING LIMIT AND PROHIBITION FOR FOREIGNERS TO ENGAGE IN FISHING ETC. INSIDE THE FISHING LIMITS

## § 1.

The fishing limit off Norway and Jan Mayen shall run at a distance of 12 nautical miles (one nautical mile equalling 1852 metres) outside and parallel to the base lines at any time determined by the King.

<sup>1</sup> The English text was provided by the Permanent Mission of Norway to the United Nations. The following Norwegian legislation concerning fisheries, published in ST/LEG/SER.B/6, is out of force: la Loi du 3 août 1897 relative à la pêche maritime au large des côtes du Finnmark, modifiée par la Loi du 17 mars 1911 (p. 547); la Loi du 2 juin 1906 portant interdiction aux étrangers de pêcher dans les eaux territoriales norvégiennes (p. 548); Act of 13 April 1951 supplementing the Act of 2 June 1906 prohibiting aliens from fishing, etc., inside Norwegian fishery limits (p. 548); le Décret Royal du 22 décembre 1906 fixant les instructions ci-après pour les commandants de navires de guerre norvégiens, concernant la surveillance des pêcheurs étrangers dans les eaux territoriales norvégiennes (p. 549); and the Act of 20 April 1951 respecting trawl fishing (p. 551).

## § 2.

For the purpose of this Act, the term “Norwegian citizen” shall be considered as comprising:

1. Persons who are resident in Norway.

2. Joint stock companies and other limited liability companies provided the head office and the board of directors of such company are located in Norway and the directors are shareholders, resident in Norway and Norwegian citizens, and at least six-tenths of the share capital is owned by Norwegian citizens.

3. The State, establishments and funds directed by the State and Norwegian municipalities.

In special cases the King may permit a joint stock company or other limited liability company which does not satisfy the conditions in point 2 above, and which engages in the processing of fish products pursuant to concession granted under the Act of 14th December, 1917 concerning the acquisition of waterfalls, mines and other real property, to engage in business which according to this Act is reserved for the persons and companies mentioned in the preceding paragraph. The permission can only be granted for such business as is naturally related to the company’s processing plant in Norway. Whenever the public interest so requires, the permit may be made subject to certain requirements.

The term “Norwegian vessel” – cf. § 1 of the Maritime Act of 20th July, 1893 – is for the purpose of this Act deemed to include vessels owned by persons resident in Norway provided the vessel is not of such size as to be subject to compulsory registration under the Ship Registration Act of 4th May, 1901.

For the purpose of this Act, fishing gear shall be deemed to be Norwegian if the owner thereof is a Norwegian citizen under the terms of the first paragraph above.

## § 3.

Those who are not Norwegian citizens under the terms of § 2, first paragraph above are prohibited from engaging in fishing, whaling or sealing inside the Norwegian fishing limit. For the purpose of fishing, whaling or sealing inside the fishing limit, it is prohibited to employ any vessel or gear which is not Norwegian (cf. § 2) or to employ foreigners as crew members or sharesmen to a greater extent than permitted in the following paragraph.

Vessels engaged in lawful fishing, whaling or sealing according to the preceding paragraph, may be manned by crew members or sharesmen who are not Norwegian citizens or persons resident in Norway, provided at least half the crew members or sharesmen and the Master of the vessel are Norwegian citizens or resident in Norway.

The prohibitions in the first paragraph of this section do not apply to fishing for sport with hand gear. Selling the catch is prohibited. The Ministry may issue regulations defining the term “hand gear”.

## § 4.

Whenever trial operation of new vessel types or gear or other special reasons make it desirable, the Ministry may permit a person who is considered as a Norwegian citizen for the purpose of this Act, for a specific occasion or for a

specified, short period of time, to engage in fishing, whaling or sealing inside the fishing limit by means of a vessel or gear which is not Norwegian (cf. § 2), or to employ foreigners as crew members or sharesmen to a larger extent than permitted in § 3 second paragraph.

§ 5.

It is prohibited for any person who is not considered as a Norwegian citizen (cf. § 2), to engage, inside the fishing limit, in the processing, packing or transshipment of fish, crustaceans and molluscs or parts and products of such fish and animals.

The prohibition in the preceding paragraph does not apply to catches made by fishing for sport in accordance with § 3, third paragraph, or made pursuant to permission according to § 4.

The Ministry may exempt from the prohibition in the event of shipwreck or the like.

§ 6.

In special cases, the King may, for specific areas inside the fishing limit, exempt from the provisions of § 3 first paragraph and § 5 first paragraph.

Effective for areas where such exemption has been granted the King may provide that fishing activities which are permitted according to the preceding paragraph shall wholly or partially be subject to Norwegian legislation.

§ 7.

Whenever necessary for the implementation of a convention with a foreign state, the King may provide:

1. that a Norwegian fishery inspection authority shall be empowered to control that the agreed fishing rules are observed.

2. that a foreign fishery inspection authority outside the fishing limit shall be entitled to control that the fishing from Norwegian vessels is undertaken in accordance with agreed rules.

§ 8.

It is prohibited to land from the fishing area any fish, crustaceans and molluscs or parts and products of such fish and animals caught by vessels which are not Norwegian (cf. § 2), or by vessels which are not managed by a Norwegian citizen (cf. § 2).

The prohibition in the preceding paragraph does not apply to catches made by fishing for sport in accordance with § 3, third paragraph, or made pursuant to permission according to § 4.

The King may through regulations or by granting permission for each specific occasion, exempt from the prohibition in the first paragraph of this section:

1. when the landing of such fish and animals would presumably not counteract stable and satisfactory prices and sales terms in the firsthand sales and the subsequent sales and exports, or

2. when it is necessary for the implementation of any convention concluded for the benefit of the fishing industry between Norway and foreign states, or

3. in the case of shipwreck or the like.

The King may stipulate as a condition for granting permission according to the preceding paragraph, points 1 and 2 that the catch be made by means of gear as provided for Norwegian fishers.

Before any regulation or permission is issued pursuant to the third paragraph of this section, the sales association of fishermen concerned shall be consulted so far as possible.

#### § 9.

Catches which are landed pursuant to regulations or permission according to § 8, third paragraph points 1 and 2, shall be sold to Norwegian buyers who are approved pursuant to the Raw Fish Act of 14th December, 1951. In cases where regulation according to the Raw Fish Act has not been introduced, the Ministry can issue further regulations defining the term "Norwegian buyers".

#### § 10.

Intentional or negligent violation of this Act or provisions issued pursuant thereto will be punished by fines. Similar punishment will be imposed for complicity and attempted violation. If the guilty person has previously been fined or convicted under this Act or similar, former laws, or if particularly aggravating circumstances exist, the punishment will be fines or imprisonment for up to three months or both.

#### § 11.

In the event of any violation of §§ 3, 5, 8 and 9 the vessel which has been utilised and its accessories, catch and gear can wholly or partially be confiscated by court order, whoever the owner may be. The value of said objects may wholly or partially be confiscated by court order from the guilty parties or from the owner, even if the latter is not criminally liable.

In the event of confiscation, any mortgage or other lien on the vessel or gear will be cancelled.

Confiscation under this Act does not constitute punishment under the criminal laws. Action for confiscation may be brought even if no criminal proceedings are instituted or can be instituted against anybody.

#### § 12.

This Act comes into force from the date determined by the King.

The King may provide during a transitional period that the fishing limit outside specified parts of the coast shall run at a distance from the base lines which is less than 12 nautical miles, and may issue further regulations concerning the location of such temporary fishing limit.

...

## 27. PAKISTAN

PROCLAMATION<sup>1</sup> BY THE PRESIDENT OF PAKISTAN DEALING WITH FISHING RIGHTS IN AREAS OF THE HIGH SEAS ADJACENT TO THE TERRITORIAL WATERS OF PAKISTAN, dated 19 February 1966

“*Whereas* the coastal communities of Pakistan have from time immemorial been engaged in fishing activities in the high seas adjacent to its territorial waters;

*And whereas* certain areas of these high seas provide fisheries, which contribute to the food and means of livelihood of large sections of the population;

*And whereas* Pakistan has a special interest in maintaining the productivity of the living resources in all such areas;

*Now, therefore*, I, Field Marshal Mohammad Ayub Khan, President of Pakistan, do hereby proclaim and declare as follows:—

(1) Pakistan shall have exclusive fishing rights in areas of the high seas adjacent to the territorial waters of Pakistan within a distance of twelve nautical miles from the coast-line;

(2) The Government of Pakistan may from time to time:

- (i) establish conservation zones in areas of the high seas adjacent to the territorial waters of Pakistan, but within a distance of one hundred nautical miles from the outer limits of those waters;
- (ii) take conservation measures in the zones so established in order to protect fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction; and
- (iii) subject to the provisions of any international agreement or convention to which Pakistan is, or may hereafter become a party, regulate all fishing activities in the said area of the high seas for the purpose aforesaid.”

## 28. PORTUGAL

(a) Act<sup>2</sup> No. 2130 OF 22 AUGUST 1966

...

## ARTICLE V

1. Without prejudice to historic titles, conventions or other international agreements, the Portuguese State exercises exclusive fishing rights and exclusive jurisdiction over fishing in zones of the high seas contiguous to its territorial sea to a distance of twelve miles measured from the baseline of the latter.

<sup>1</sup> Notification of the Ministry of Agriculture and Works, dated 19 February, 1966.

<sup>2</sup> For the text of the Act, see also *supra* DIVISION I, SUB-DIVISION A, Chapter I, 36 (a).

2. In the zone between six and twelve miles measured from the baseline of its territorial sea, the Portuguese State has competence to regulate fishing and enforce those regulations, provided they do not result in any discrimination against foreign ships having the right to fish in that zone.

3. The outer limits of the fishing zones established in this article shall be demarcated in accordance with the provisions of the preceding article.

(b) LEGISLATIVE DECREE<sup>1</sup> NO. 47947 OF 18 AUGUST 1967\*\*

Whereas article V<sup>2</sup> of Act No. 2130 of 22 August 1966 provides that, without prejudice to customary titles, conventions and other international agreements, the Portuguese State shall exercise the exclusive right to fish and exclusive jurisdiction over fishing in the zones of the high seas adjacent to each of the parts of the national territory up to a distance of twelve miles, measured from the baselines which were used to measure the width of the territorial sea,

Whereas furthermore, with regard to the above-mentioned zones of the high seas, article V of Act No. 2130 empowers the Portuguese State to regulate fishing and to ensure compliance with such regulations, but without discriminating against foreign vessels entitled to fish in this zone,

Exercising the power conferred by paragraph 2, part 1, of article 109 of the Constitution, the Government decrees and I hereby promulgate the following, which shall have the force of law:

*Article 1*

The sea areas over which the Portuguese State exercises exclusive jurisdiction in the matter of fishing, as they are defined in Act. No. 2130, shall be designated "jurisdictional fishing waters".

*Article 2*

1. It shall be unlawful for foreign vessels to fish, prepare to fish or commit acts prejudicial to fishing in jurisdictional fishing waters.

2. For the purposes of this Legislative Decree, anchoring, mooring, stopping or hovering in fishing areas, except for reasons of *force majeure* such as damage, bad weather, strong currents or some other cause beyond the captain's, master's, or skipper's control, shall be deemed to constitute preparations for fishing.

3. For the purposes of this Legislative Decree, churning up the waters, employing any other processes to frighten fish or resorting to any manoeuvre or method with the manifest intention of prejudicing fishing, shall be deemed to constitute acts prejudicial to fishing.

*Article 3*

1. The prohibition laid down in article 2 shall not prevent the Portuguese State from granting to foreign vessels, in accordance with international conventions or other agreements or on the basis of customary titles recognized by the Portuguese

<sup>1</sup> *Diario do Governo*, Series I, No. 218 of 18 September 1967, p. 1668.

<sup>2</sup> *Supra* (a).

State, the right to fish at any time or for negotiated periods in all or part of jurisdictional fishing waters.

2. In the metropolitan territory, the Minister of Marine, having consulted the Minister for Foreign Affairs, and, in the overseas provinces, the Minister for Overseas Portugal, having consulted the Minister of Marine and the Minister for Foreign Affairs, shall establish, by means of Orders, which foreign vessels are authorized to fish in jurisdictional fishing waters and shall determine, according to the circumstances, the areas and methods of fishing which may be used, the species or groups of species which may be caught, the size of catches and the periods of time during which such vessels may operate; they shall also have power to modify or withdraw the authorization granted.

3. Foreign vessels authorized to fish in jurisdictional fishing waters shall comply with the regulations in force for Portuguese vessels engaged in the same fishing in the same areas and shall be liable to the same penalties, subject, however, to the legal procedure laid down in this Decree. For these purposes, instead of suspension of the right to fish and withdrawal of the captain's, master's or skipper's licence, the vessel's authorization to fish in jurisdictional fishing waters shall be suspended for the same period of time.

#### *Article 4*

1. Any foreign vessel found, within jurisdictional fishing waters, to be fishing or preparing to fish in an area or for a species or by means of a fishing method for which it has no legal authorization, or to be prejudicing fishing, shall be seized together with all its tackle, belongings, nets, gear, equipment and ancillary craft and its catch, if any, and the vessel and all it contains shall be handed over, by the seizing authority, to the harbour-master of the first port to be entered after the seizure.

2. The shipowner, captain, master or skipper of the seized vessel shall be liable to a fine of 30,000 to 300,000 escudos, the amount depending on the circumstances, size of vessel and loss of fish. Where the gross tonnage of the vessel is under ten tons, the minimum and maximum fines shall be reduced, respectively, to 10,000 and 30,000 escudos.

...

#### *Article 6*

1. Crew members of a vessel which disobeys or refuses to comply with the control measures shall, the vessel having been seized, be criminally and civilly liable for such acts in accordance with the general law.

2. In such cases, the shipowner, captain, master or skipper of the vessel shall also be liable to pay any costs incurred by the control authorities as a result of the acts of disobedience or resistance.

3. The mandatory collection of the costs mentioned in the foregoing paragraph, which shall be established by the seizing authority, shall be effected in the form laid down in this Decree for the collection of fines, costs, stamps and other charges.

(c) DECREE NO. 47973 OF 30 SEPTEMBER 1967, article 23<sup>1</sup>

---

<sup>1</sup> *Supra* DIVISION II, 36.

## 29. SAUDI ARABIA

ROYAL DECREE CONCERNING THE TERRITORIAL WATERS OF THE KINGDOM OF SAUDI ARABIA (Royal Decree No. 33 of 16 February 1958), article 9<sup>1</sup>

## 30. SENEGAL

LOI RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES ET DANS LA ZONE CONTIGUË AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-46 du 21 juin 1961)<sup>2</sup>

*Article 1.* — Dans les eaux territoriales, la pêche maritime est réservée aux navires sénégalais ou ceux ressortissants aux Etats à qui ce droit a été reconnu par convention.

*Article 2.* — Le Sénégal se réserve le droit de réglementer la pêche à l'intérieur de la zone contiguë.

*Article 3.* — Sans préjudice des sanctions prévues par les textes concernant la police de la navigation, le fait d'être surpris en action de pêche à bord d'un navire étranger à l'intérieur des eaux territoriales sera puni d'une amende de 160 000 à 1 800 000 francs C.F.A. le capitaine ou le patron responsable du navire sera considéré comme le coauteur de l'infraction commise.

Les engins de pêche sont saisis, ainsi que le produit de la pêche embarqué à bord du bâtiment.

En cas de récidive, les amendes en question peuvent être doublées.

Les navires étrangers peuvent être retenus dans le port sénégalais jusqu'à versement au trésor d'un cautionnement dont le montant est fixé par le Ministre chargé de la marine marchande, en garantie des amendes prononcées par le Tribunal.

Selon qu'ils sont ou non prohibés, les engins de pêche sont détruits ou vendus, le montant de la vente ainsi que celui du poisson embarqué est versé au Trésor du Sénégal.

Les mêmes sanctions sont applicables aux mêmes personnes qui ne respecteraient pas les règlements sénégalais en matière de pêche dans la zone contiguë.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 37.

<sup>2</sup> Le représentant permanent du Sénégal auprès des Nations Unies a communiqué au Secrétariat une lettre n° 01964/ MTPUH-T du Ministère des travaux publics, de l'urbanisme et des transports, datée du 13 mai 1968, selon laquelle « le projet de texte en cours d'élaboration prévoit que le droit de pêche exclusif au profit des nationaux ou assimilés s'exercera à l'avenir, non plus sur six milles mais sur douze milles marins. Par assimilés il faut comprendre les ressortissants de toute nation ayant passé avec le Sénégal des accords privilégiés, tels que ceux réalisés avec la France ».



## 31. SIERRA LEONE

(a) FISHERIES REGULATIONS<sup>1</sup>, 1957

...

## SECTION 4

*Prohibition of motor fishing vessel taking fish in certain areas*

No motor fishing vessel of an overall length of forty feet or more operating in the territorial waters of Sierra Leone shall take any fish in the area within one mile from low water mark, off the coast:

Provided that in the estuary of the Sierra Leone River, the prohibited area shall be within a line drawn from Cape Sierra Leone to Tagrin Point:

Provided further that in the estuary of the Sherbro River, the prohibited area shall be east of a line 12 degrees 48 minutes West.

...

(b) FISHERIES ORDINANCE,<sup>2</sup> 1957

## PART I – PRELIMINARY

*Section 2. Interpretation*

In this Ordinance, unless the context otherwise requires—

“fish” means any aquatic animal whether piscine or not, and includes shellfish, crustaceans, turtles and aquatic mammals;

“fishing vessel” means any ship, boat, canoe or other craft used for the taking of fish for sale or barter;

...

“motor fishing vessel” means a fishing vessel constructed or adapted for propulsion by means other than sails, oars, paddles or poles;

“Sierra Leone” includes the territorial waters of Sierra Leone;

...

“territorial waters” means any part of the open sea within three<sup>3</sup> nautical miles of the coast of Sierra Leone measured from low water mark.

## PART II – LICENCES FOR MOTOR FISHING VESSELS

*Section 3. Unlicensed motor fishing vessels not to operate in Sierra Leone*

(1) No motor fishing vessel shall be operated or navigated within Sierra Leone until a licence in respect of such vessel is issued.

<sup>1</sup> *Laws of Sierra Leone*, vol. VII, p. 1682. Entered into force on 1 September 1957.

<sup>2</sup> Supplement to the Sierra Leone *Royal Gazette*, vol. LXXXVIII, No. 16, dated 7 March 1957.

<sup>3</sup> See the Fisheries (Amendment) Act, 1964, section 2 and the Interpretation Act, 1965, section 3. *Supra* DIVISION I, SUB-DIVISION A, 39 (d) and (e).

(2) Any person operating or navigating or causing to be operated or navigated, a motor fishing vessel in contravention of subsection (1) of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment.

*Section 5. Application for a licence for a motor fishing vessel*

(1) Any person may apply to any licensing officer for a licence for a motor fishing vessel.

PART III – MISCELLANEOUS

...

*Powers of examination and detention*

14. (1) Any officer or member of the crew of any of Her Majesty's ships, licensing officer, constable, customs officer and any other person authorised by the Minister in that behalf, may, for the purposes of enforcing the provisions of this Ordinance—

(a) require the owner or person in charge of any fishing vessel or any person employed in taking fish to exhibit his fishing apparatus and catch;

(b) require the owner or person in charge of any motor fishing vessel to exhibit his licence, fishing apparatus and catch;

(c) go on board any fishing vessel and search and examine any fishing apparatus in such vessel;

(d) where there is reasonable suspicion that any offence under this Ordinance has been committed, take the alleged offender, the vessel, apparatus and catch, without warrant, summons or other process, to the nearest or most convenient police station or port.

(2) Any vessel or apparatus taken under the provisions of paragraph (d) of subsection (1) of this section may be detained pending trial of the offender and the catch may be sold and the proceeds of the sale detained pending such trial; and thereafter any vessel, apparatus or money so detained shall, unless forfeited under the provisions of paragraph (a) of section 13 of this Ordinance, be returned to the person from whom the same was taken.

...

(c) FISHERIES (AMENDMENT) ACT, 1963 (Act No. 14 of 1963)\*

(d) FISHERIES (AMENDMENT) REGULATIONS,<sup>1</sup> 1966\*

---

<sup>1</sup> *Public Notice*, No. 36 of 1966. Published on 7 July 1966.

## 32. SOUTH AFRICA

TERRITORIAL WATERS ACT, 1963, (Act No. 87 of 1967) sections 1-6<sup>1</sup>

## 33. SPAIN

(a) ACT<sup>2</sup> No. 93 OF 24 DECEMBER 1962 ON PENALTIES FOR FISHING OFFENCES COMMITTED BY FOREIGN VESSELS IN SPANISH TERRITORIAL WATERS AND OTHER WATERS UNDER SPANISH JURISDICTION\*\*

...

*Article 1.* Foreign vessels shall be prohibited from fishing within a zone of the Spanish coastal sea six miles distant seawards from the low-tide level, which was defined as waters under Spanish jurisdiction by a Royal Order of 17 December 1760 and subsequent provisions.

If the distance between the low-tide level of the natural points of entry into a bay does not exceed twenty-four miles, the line of demarcation joining such points shall be deemed to be the base line, for the purpose of the restrictions set forth in the foregoing paragraph; waters lying inside such a line shall be deemed to be internal waters.

Fishing in the coastal sea zone specified in this article shall be an industry reserved exclusively for Spanish fishermen and, accordingly, forbidden to foreigners, except in the cases provided for in international treaties to which Spain has acceded or in agreements granting reciprocal concessions.

*Article 2.* Foreign vessels discovered in the act of fishing in the zone of the coastal sea specified in the preceding article shall be detained, together with all their supplies, tackle, nets and other accessories and with auxiliary fishing vessels, this term being understood to mean the so-called "*enviadas*" and "*acostadas*".

The catch found aboard such vessels shall also be detained.

*Article 3.* The owners, captains or masters of foreign fishing vessels found to have infringed the limits specified in article 1 shall be liable to a fine of 50,000 to 500,000 pesetas, depending on the circumstances in which the offence was committed, and the catch found on board at the time of detention shall be confiscated.

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter 1, 40.

<sup>2</sup> *Boletín oficial* of 27 December 1962, No. 310, p. 18,297. The Act was amended by article 5 of the Act No. 20 of 8 April 1967, see *infra* (b).

(b) ACT<sup>1</sup> NO. 20 OF 8 APRIL 1967 CONCERNING THE EXTENSION OF SPANISH TERRITORIAL WATERS TO TWELVE MILES FOR FISHING PURPOSES\*\*

...

*Article 1*

The Spanish State shall have:

(a) The exclusive right to fish and exclusive jurisdiction in matters of fisheries within the belt of six miles measured from the baselines defined in article 2;

(b) Exercise of the right to fish in the belt of twelve miles measured from the same baseline, in accordance with the provisions of article 4 of this Act;

(c) The power to regulate the fisheries and the conservation of the resources of the sea, and to enforce and ensure compliance with such regulations and internationally agreed measures of conservation, in a belt of the sea adjacent to the Spanish coast and twelve miles wide, measured from the baselines defined in article 2.

*Article 2*

The baseline shall generally be defined as the low-water mark along all coasts under Spanish sovereignty.

The Government may, in places where it considers this advisable, permit straight baselines to be drawn joining appropriate points on the coast, in accordance with the relevant international standards.

If the distance between the low-water marks of the natural headlands of a bay does not exceed twenty-four miles, the straight line joining them shall be regarded as the baseline, the area between that line and the coast being deemed to be internal waters.

*Article 3*

The Government shall conclude whatever delimitation agreements are necessary with neighbouring countries and those whose coasts lie opposite the coast of Spain.

*Article 4*

The fishing referred to in article 1 of this Act shall be governed by the following general provisions:

(a) To fish in the belt of three miles measured from the baseline, Spanish nationals shall have the exclusive right, foreigners being strictly excluded;

(b) Spanish nationals shall also have the exclusive right to fish in the belt lying between three and six miles, with the exception that temporary permission may be granted to nationals of countries whose fishing vessels have habitually fished in the belt during the period from 1 January 1953 to 31 December 1962. Such permission and its duration shall be agreed upon beforehand by the Governments concerned;

(c) Spanish nationals shall have the exclusive right to fish in the belt lying between six and twelve miles, as shall also the nationals of countries whose fishing

<sup>1</sup> *Boletín oficial* of 11 April 1967, No. 86, p. 4814.

vessels have habitually fished in it during the aforesaid period, by previous agreement with the Governments concerned, on a reciprocal basis and on condition that they do not divert their fishing effort towards stocks of fish or fishing grounds in the belt other than those which they have habitually exploited.

*Article 5*

The Royal Charter of 17 December 1760, together with other Acts and provisions concerning the extension of Spanish territorial waters, are hereby amended in respect of fisheries. Act No. 93 of 24 December 1962<sup>1</sup> concerning offences by foreign vessels in matters of fisheries is also hereby amended to the extent necessary for the application of the present Act.

34. SWEDEN

- (a) ROYAL ORDER<sup>2</sup> NO. 21 OF 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM\*
- (b) ROYAL ORDER<sup>3</sup> NO. 75 OF 4 JULY 1910 CONCERNING THE APPLICATION OF THE ROYAL ORDER OF 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM\*
- (c) ACT<sup>4</sup> NO. 596 OF 1 DECEMBER 1950 RESPECTING FISHERY RIGHTS, AS AMENDED<sup>5\*\*</sup>

GENERAL PROVISIONS

*Article 1*

This Act relates to the right to fish in the territorial waters of Sweden and in the Swedish fishery zone.

The fishery zone shall comprise such area of the sea outside the territorial limits along the west coast of Sweden as is determined by the King in conformity with the Fisheries Convention<sup>6</sup> signed in London on 9 March 1964.

<sup>1</sup> See *supra* (a).

<sup>2</sup> For the text, see ST/LEG/SER.B/6, p. 563. Cf., however, Act No. 374 of 3 June 1966 concerning the territorial waters of Sweden and Notice No. 375 of 3 June 1966 containing regulations on the measurement of the territorial waters of Sweden (*supra* DIVISION I, SUB-DIVISION A, Chapter 1, 42 (b) and (e)).

<sup>3</sup> For the text, see ST/LEG/SER.B/6, p. 564. See however foot-note 2 above.

<sup>4</sup> For the text prior to the amendment, see ST/LEG/SER.B/6, p. 565. The text of article 28 reproduced there is still in force. See also Act No. 595 of 1 December 1950 concerning the limits of public waters, *supra* DIVISION I, SUB-DIVISION A, 42 (a).

<sup>5</sup> By Act No. 46 of 25 March 1960 (amendment of article 4) and Act. No. 184 of 25 May 1967 (amendment of article 1).

<sup>6</sup> *Infra* PART II, DIVISION IV, SUB-DIVISION A. 13.

Subject to the restrictions arising from the Act concerning the continental shelf, the provisions of the present Act relating to fishing in public waters shall also apply to the fishery zone.

#### FISHING IN PUBLIC WATERS

##### *Article 2*

Any Swedish national may fish with portable gear in waters which are public waters within the meaning of the Act respecting the limits of public waters.

Except as otherwise provided in article 3, fixed gear may not be set up in public waters unless permission has been obtained from the authority designated by the King. Any person possessing such fishery rights in private waters as are referred to in article 5 (holder of private fishery rights) may not be denied permission to extend fixed gear from the private waters into public waters in so far as it appears that this can be done without prejudice to other fishermen.

For the purposes of this Act, the term "fixed gear" means any structure used for fishing and any fishing gear fitted with guide-arms which is attached by poles or weights or in any other manner to the sea-bottom or shore and is intended to remain in position for more than two consecutive days.

##### *Article 3*

On the coast of Norrbotten county, the coasts of Kalmar county south of Kråkelund, the east coast of Blekinge county (north of Torhamnsudde), and the east and south coasts of Skåne, any person possessing private fishery rights may, without special permission from the authority, extend fixed gear from private waters into public waters to a maximum distance of 200 metres from the shoreline and a maximum depth of three metres along the mainland or along an island of not less than 100 metres in length.

In the case, however, of a person who bases his fishing rights upon a contract, the provisions of the foregoing paragraph shall apply only in so far as they do not conflict with the provisions of the relevant arrangement with regard to the extent of the fishing rights.

##### *Article 4*

An alien who has been a permanent resident in Sweden for at least two years shall be placed on the same footing as a Swedish national so far as fishing in public waters is concerned.

In all other cases, a person who is not a Swedish national may engage in fishing in public waters only to the extent that the King or an authority designated by the King so permits. Nevertheless, if such a person possesses private fishing rights, he shall be placed on the same footing as a Swedish national so far as the right to extend fixed gear from the private waters into public waters is concerned.

...

(d) FISHERIES ACT<sup>1</sup> (NO. 607) OF 24 SEPTEMBER 1954\*\*

...

GENERAL PROVISIONS CONCERNING THE PROTECTION OF FISHERIES AND  
THE CONDUCT OF FISHING IN THE WATER AREAS OF SWEDEN

...

## PROTECTION OF FISHERIES

...

*Article 8*

Save by authorization of the Board of Fisheries, no person may carry on fishing with the aid of explosives, deadening or poisonous substances, electric current or firearms.

...

*Article 10*

No person may take fish of the following species which do not meet the respective minimum size:

...

*Article 11*

Where a person, while fishing for a species of fish which may be legally caught, happens to take a fish which, under article 9 or 10, may not be legally caught, he shall not be considered to have violated a fishing prohibition if such fish is immediately returned to the water.

*Article 12*

The Board of Fisheries may grant an exemption from the prohibitions imposed by articles 9 and 10 where this appears necessary to ensure the protection of fisheries or to obtain fish for fish-breeding or scientific purposes. The Board may also, where, from the point of view of fisheries protection, there are reasons for doing so in particular cases, grant an exemption from the prohibition under article 6 against the use of fish-gigs.

...

## FISHING IN INTERNATIONAL WATERS

*Article 23*

The provisions of articles 3, 4 and 8, the fishing prohibitions imposed by article 10 in so far as they are applicable and the provisions of article 11 and article 12, first sentence, shall also apply to fishing carried on from Swedish vessels in international waters.

The provisions of article 5 shall also apply to such waters in so far as gear set out from Swedish vessels is concerned.

<sup>1</sup> *Svensk författningssamling* 1954, No. 607. Came into force on 1 January 1955.

## PROHIBITION AGAINST IMPORT, SALE, ETC.

...

*Article 25*

Where fish the importation of which is prohibited under article 24 is brought into Sweden, it may be re-exported on condition that it has been properly declared to the Customs.

...

## PENAL PROVISIONS

...

*Article 32*

Where a person is found to have carried on fishing with unauthorized gear or in a prohibited manner or at a prohibited time, or has set out gear in contravention of the provisions of article 9, second paragraph, or article 21, first paragraph, or has taken fish which are smaller than the prescribed minimum size or taken fish contrary to a fishing prohibition issued in connexion with an undertaking as referred to in the Water Resources Act or a corresponding earlier Act, then the illegal catch or, if it has putrefied or is no longer intact, the value thereof shall be declared forfeited.

Where a lot of fish is found to include fish which, by virtue of the first paragraph, are subject to forfeiture by reason of having been taken at a prohibited time or of being smaller than the prescribed minimum size, the other fish in the lot shall also be declared forfeited unless the owner of the lot, at his own expense, immediately has a reliable person sort out such other fish or unless forfeiture of the entire lot clearly appears to be unreasonable.

Where fish are declared forfeited, the box or other container in which they are kept shall also be forfeited.

Fishing gear which has been employed in connexion with fishing as referred to in the first paragraph or in connexion with unlawful preparations for such fishing, or which has been set out in an unlawful manner, shall be declared, in its entirety or in part, to be forfeited if the owner thereof or any person acting in his stead wilfully committed, or was a wilful accomplice in the commission of, the offence and if such forfeiture of the gear is not clearly unreasonable; if the gear is no longer intact, the value thereof shall instead be declared forfeited. The foregoing provision shall not, however, apply to firearms.

The provisions of this article shall not apply to any person who acquired the fish or gear or title thereto in good faith.

...

*Article 34*

If a person is caught in the act of contravening a prohibition referred to in article 32, first paragraph, or of engaging in preparations for fishing which are punishable under article 31, first paragraph, or if unauthorized gear or gear which has been set out in clear violation of the provisions of article 9, second paragraph, or



article 21, first paragraph, is discovered in fishery waters, then a fishery protection officer appointed by a county administration or by the Board of Fisheries, the commander of a government vessel which has been dispatched to supervise conditions in the fishing grounds or an officer of the coastal patrol service of the Customs Department may seize property which, under article 32, may be declared forfeited and also a boat or any other object which can be assumed to be of importance for the investigation of the offence. Where the fishing violates private fishing rights, the same powers as aforesaid shall vest in the holder of such rights or in persons in his employ.

(e) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, article 4<sup>1</sup>

(f) REGULATIONS NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, articles 3 and 6<sup>2</sup>

An employee of the customs or pilotage service who discovers fish which a person has brought or attempted to bring into the country illegally shall be required to seize the same.

...

#### *Article 36*

The person effecting a seizure as provided in article 34 shall report the seizure to the competent police or prosecuting authority or to the nearest police officer. Where the seizure concerns fish, a report of the seizure shall be made even though the fish have been released as provided in article 35.

The person receiving a report as referred to in the first paragraph shall proceed, in so far as compliance with the provisions of this Act or with other provisions relating to seizures is concerned, in the same manner as if he had made the seizure himself.

...

(g) ROYAL NOTICE NO. 443 OF 16 JUNE 1966 CONCERNING EXEMPTIONS FROM THE PROHIBITION AGAINST TRAWL FISHING\*\*

His Majesty the King has seen fit to order that, notwithstanding the prohibition under article 7 of the Fisheries Act<sup>3</sup> of 24 September 1954 (No. 607) against trawling, fishing with a trawl may, at the times and subject to the conditions hereinafter specified, be carried on in the following areas.

...

<sup>1</sup> *Supra* DIVISION II, 41 (a).

<sup>2</sup> *Ibid.*, (b).

<sup>3</sup> *Supra* (d).

(h) ROYAL NOTICE<sup>1</sup> NO. 549 OF 21 OCTOBER 1966 CONCERNING EXEMPTIONS FROM  
THE PROHIBITION AGAINST FISHING WITH FISH-GIGS

His Majesty the King has seen fit to order that, notwithstanding the prohibition under article 6 of the Fisheries Act of 24 September 1954 (No. 607) against fishing with fish-gigs, eel fishing may be carried on with fish-gigs during the period December-March off the coast of Blekinge county between the meridians of longitude passing, respectively, through Cape Gö on the west and Cape Torhamn on the east.

### 35. TOGO

LOI N° 64-14 DU 11 JUILLET 1964 PORTANT RÉGLEMENTATION DE LA PÊCHE

...

La pêche est interdite aux navires étrangers dans les eaux territoriales togolaises en deçà d'une limite fixée à douze milles marins au large de la laisse de basse mer.

### 36. TUNISIA

LOI N° 62-35 DU 16 OCTOBRE 1962 (18 JOUMADA I 1382), MODIFIANT LE DÉCRET DU 26 JUILLET 1951 (22 CHAOUAL 1370), PORTANT REFORTE DE LA LÉGISLATION DE LA POLICE DE LA PÊCHE MARITIME ET DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE TUNISIENNE, article 3<sup>2</sup>

### 37. TURKEY

ACT CONCERNING THE TERRITORIAL SEA (Law No. 476 of 15 May 1964)<sup>3</sup>

...

*Art. 8.* In zones contiguous to Turkey's territorial sea and extending to a distance of twelve nautical miles from the baseline from which the territorial sea is measured the régime of the territorial sea shall be applied in respect of fishing and exploitation of living resources.

...

<sup>1</sup> *Svensk författningssamling* 1966, No. 549. Came into force on 1 January 1967.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter 1, 45.

<sup>3</sup> *Official Gazette*, No. 11711 of 25 May 1964. For articles 1-7, see *supra* DIVISION I, SUB-DIVISION A, Chapter 1, 46.

## 38. UNION OF SOVIET SOCIALIST REPUBLICS

(a) REGULATIONS<sup>1</sup> CONCERNING THE CONSERVATION OF FISHERY RESOURCES AND THE REGULATION OF FISHING IN THE WATERS OF THE USSR\*

1. All waters (territorial waters of the USSR, inland seas, rivers, lakes, ponds and reservoirs, and their accessory waters) which are or may be used for the taking of fish and other aquatic animals and plants for commercial purposes or which are important for the maintenance of stocks of fish of commercial value shall be considered to be fishery waters.

2. The conservation of fish stocks, the regulation of fishing, the allocation of commercial fishery zones and the issuance of permits for the taking of fish and other aquatic animals and plants, supervision to ensure compliance with these regulations and with the fishery rules, and supervision of measures for the maintenance of fish stocks and improvements in fishery waters shall be the responsibility of the fishery conservation authorities.

...

7. Individuals and bodies corporate of foreign nationality may not engage in the taking of fish and other aquatic animals and plants for commercial purposes in the waters of the USSR, except as provided in agreements concluded by the USSR with other States.

...

14. The heads of the fishery conservation authorities and their deputies and the inspectors of the said authorities shall be authorized:

(b) To detain persons who have violated fishery rules in order that a record of such violations may be drawn up;

(c) To seize from persons who have violated fishery rules the fishing implements and floating equipment in their possession and any fish or other aquatic animals or plants unlawfully taken.

...

18. Persons guilty of violating the rules governing fishing and the conservation of fish stocks shall be liable to an administrative fine not exceeding ten roubles in the case of individuals who are not officials and not exceeding fifty roubles in the case of officials. Persons guilty of a serious violation of such rules which does not entail criminal liability shall be liable to a fine not exceeding fifty roubles in the case of individuals who are not officials and not exceeding 100 roubles in the case of officials.

...

(b) REGULATIONS OF 5 AUGUST 1960 FOR THE DEFENCE OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS, article 19<sup>2</sup>

<sup>1</sup> Confirmed by the Council of Ministers of the USSR on 15 September 1958. The above text includes the amendments and additions confirmed by the Council of Ministers of the USSR on 10 December 1965. Cf. ST/LEG/SER.B/6, p. 577.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter III, 7 (a).

## 39. UNITED KINGDOM

- (a) SEA FISHERIES ACT 1883, sections 2, 7, 11-13, 18, 23, 25, 28<sup>1\*</sup>
- (b) SEA FISHERIES (SCOTLAND) AMENDMENT ACT 1885, sections 2, 6, 7 and Schedule<sup>2\*</sup>
- (c) SEA FISHERIES REGULATION ACT 1888, sections 1, 2, 6<sup>3\*</sup>
- (d) FISHERIES ACT, 1891, sections 5 and 8<sup>4\*</sup>
- (e) WHALE FISHERIES (SCOTLAND) ACT 1907, sections 1-3<sup>5\*</sup>
- (f) SEA FISHING INDUSTRY ACT 1933, sections 4, 4a<sup>6\*</sup>
- (g) WHALING INDUSTRY (REGULATIONS) ACT 1934, sections 2, 8, 12, 13, 17<sup>7\*</sup>
- (h) WHITE FISH AND HERRING INDUSTRIES ACT 1948, sections 1-2<sup>8\*</sup>
- (i) FISHERY LIMITS ACT<sup>9</sup> 1964 (CHAPTER 72) (31 July 1964)

1. *British fishery limits*

(1) For the purposes of the Sea Fisheries Acts the fishery limits of the British Islands shall be the seas surrounding the United Kingdom, the Channel Islands and the Isle of Man to a distance of twelve miles from the baselines from which the breadth of the territorial sea is measured and shall be divided into—

- (a) the exclusive fishery limits, that is to say, the said fishery limits to a distance of six miles from those baselines; and
- (b) the remainder, in this section referred to as “the outer belt”.

<sup>1</sup> Reproduced in ST/LEG/SER.B/6, p. 584. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>2</sup> Reproduced in ST/LEG/SER.B/6, p. 588. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>3</sup> Reproduced in ST/LEG/SER.B/6, p. 588. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>4</sup> Reproduced in ST/LEG/SER.B/6, p. 593. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>5</sup> Reproduced in ST/LEG/SER.B/6, p. 594. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>6</sup> Reproduced in ST/LEG/SER.B/6, p. 596. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>7</sup> Reproduced in ST/LEG/SER.B/6, p. 596. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>8</sup> Reproduced in ST/LEG/SER.B/6, p. 599. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>9</sup> By the Fishery Limits Act 1964 (Commencement) Order 1964 (*Statutory Instruments* 1964, No. 1553 (C. 20)), the Act made on 31 July 1964, was brought into operation on 30 September 1964. By this Act, a number of enactments were repealed, e.g. the Sea Fisheries Act 1843 (ST/LEG/SER.B/6, p. 581); in section 5 of the Sea Fisheries Act 1868 (*ibid.*, p. 583), the definition of “consular officer”.

(2) The following provisions shall have effect with respect to foreign fishing boats within the outer belt—

(a) if the boat is not registered in a country for the time being designated under this Act, section 7 of the Sea Fisheries Act 1883 shall apply as it applies with respect to the exclusive fishery limits;

(b) if the boat is registered in a country for the time being so designated, the boat shall not fish or attempt to fish except in an area and for any description of sea fish so designated in relation to that country;

and any contravention of this subsection shall be treated as a contravention of the said section 7.

(3) For the purpose of giving effect to any Convention, agreement or arrangement providing for sea-fishing by foreign fishing boats the Ministers may by order designate any country outside the United Kingdom, the Channel Islands and the Isle of Man, and the area in which and descriptions of sea fish for which fishing boats registered in that country may fish in the outer belt, and any such order shall be made by statutory instrument and may be varied or revoked by a subsequent order so made.

(4) Notwithstanding anything in subsection (1) of this section, the fishery limits of the British Islands shall not include any part of the sea which is beyond the median line between the coasts of England or the Channel Islands and France, that is to say a line every point of which is equidistant from the nearest points on the low water lines of those coasts or any other line agreed between the government of the United Kingdom and the government of France.

## 2. *Temporary concessions*

In relation to fishing boats registered in such of the countries designated by an order under section 1 of this Act as may be specified in that order for the purposes of this section, the said section 1 shall have effect—

(a) until the end of the year 1965; and

(b) so far as concerns any area where the base line of the territorial sea is a straight line other than a bay-closing line or is a straight line exceeding ten miles, until the end of the year 1966;

as if subsection (1) referred to three instead of six miles.

## 3. *Interpretation, amendments, repeals and saving*

—(1) In this Act—

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea-fishing;

“foreign fishing boat” means a fishing boat which is neither registered in the United Kingdom, the Channel Islands or the Isle of Man nor exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894;

“mile” means nautical mile;

“Sea Fisheries Acts” means any enactments for the time being in force relating to sea-fishing, including any enactment relating to fishing for shellfish,

salmon or migratory trout and any such enactment passed by the Parliament of Northern Ireland; and

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively.

(2) So much of the definition of “sea-fishing” in the Sea Fisheries Act 1883 as excludes fishing for salmon shall cease to have effect.

(3) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the extension of the fishery limits of the British Islands.

(4) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) Nothing in section 7 of the Sea Fisheries Act 1883 or section 1(2) of this Act shall prohibit or restrict fishing by French fishing boats in any area with respect to which special provision for fishing by such boats is made by any agreement or arrangement between the government of the United Kingdom and the government of France.

#### 4. *Provisions as to Northern Ireland*

(1) This Act extends to Northern Ireland.

(2) References in the Government of Ireland Act 1920 to the portion of Ireland within the jurisdiction of the Parliament of Northern Ireland shall be construed as including, in relation to any matter concerning or connected with fishing, so much of the fishery limits of the British Islands as is adjacent to Northern Ireland but is not nearer to any point on the coasts of Scotland than to any point on the coasts of Northern Ireland.

(3) For the purposes of section 6 of that Act (conflict of laws) so much of this Act as relates to matters with respect to which the Parliament of Northern Ireland has power to make laws shall be deemed to be contained in an Act passed before the day appointed for the purposes of that section.

...

#### SCHEDULE 1

##### CONSEQUENTIAL AMENDMENTS

...

#### *Sea Fisheries Act 1883<sup>1</sup>*

The word “exclusive” shall be omitted in sections 4, 5, 18, 25 and 31.

In section 12, for the words “exclusive limits” there shall be substituted the words “fishery limits”.

#### *Sea Fisheries (Scotland) Amendment Act 1885<sup>1</sup>*

In section 4 the word “exclusive” shall be omitted.

<sup>1</sup> The relevant provisions are reproduced in ST/LEG/SER.B/6, pp. 586-599.

*Sea Fisheries Regulation Act 1888*<sup>1</sup>

In paragraph (a) of section 1(1) for the words from “within” to “fishing” there shall be substituted the words “within the national or territorial waters of the United Kingdom”.

...

*Fisheries Act 1891*<sup>1</sup>

In section 5 the word “exclusive” shall be omitted.

*Whale Fisheries (Scotland) Act 1907*

In section 3(4), for the words “within three miles of low-water mark of any part of the coast of Scotland” there shall be substituted the words “in any waters off the coast of Scotland which are within the fishery limits of the British Islands”.

...

*Sea-Fishing Industry Act 1933*<sup>1</sup>

In section 3 the following subsection shall be inserted after subsection (1):—

“(1A) An order under this section may be so made as to extend to nets or other fishing gear carried in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands by fishing boats registered in any country outside the United Kingdom or not registered in any country”.

In section 4(5) and in section 4A for the words “within the limits of the territorial waters adjacent to the United Kingdom” there shall be substituted the words “in waters adjacent to the United Kingdom and within the fishery limits of the British Islands”.

*Whaling Industry (Regulation) Act 1934*<sup>1</sup>

In section 17(1) for the definition of “coastal waters” there shall be substituted the following:

“coastal waters” means—

- (a) in relation to the United Kingdom, the Channel Islands and the Isle of Man, so much of the waters adjoining those countries respectively as is within the fishery limits of the British Islands; and
- (b) in relation to any other country, so much of the waters adjoining that country as is within the distance to which provisions of the law of that country corresponding to the provisions of this Act extend.

*White Fish and Herring Industries Act 1948*<sup>1</sup>

In section 2(5) for the words from “within the limits” to “adjacent to the United Kingdom” there shall be substituted the words “in any waters adjacent to the United Kingdom which are within the fishery limits of the British Islands”.

<sup>1</sup> The relevant provisions are reproduced in ST/LEG/SER.B/6, pp. 596-599.

(j) FISHING BOATS (FEDERAL REPUBLIC OF GERMANY) DESIGNATION ORDER<sup>1</sup> 1964  
(29 September 1964)

...

3.—(1) The Federal Republic of Germany is hereby designated for the purpose of section 1(3) of the Act.<sup>2</sup>

(2) The areas in which fishing boats registered in the Federal Republic of Germany may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions, mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) The sea fish for which such fishing boats may fish is herring.

4. Section 2 of the Act shall apply to fishing boats registered in the Federal Republic of Germany.

...

(k) FISHING BOATS (NORWAY) DESIGNATION ORDER<sup>3</sup> 1964 (29 September 1964)

...

3.—(1) Norway is hereby designated for the purpose of section 1(3) of the Act.<sup>4</sup>

(2) The areas in which fishing boats registered in Norway may fish in the outer belt of the fishery limits of the British Islands shall be:—

(a) the whole of the outer belt surrounding the islands referred to in the 2nd column of Schedule 1 to this Order

(b) those areas which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of Schedule 2 to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedules to this Order in respect of each such area as aforesaid.

4. Section 2 of the Act shall apply to fishing boats registered in Norway.

...

(l) FISHING BOATS (FRANCE) DESIGNATION ORDER 1965<sup>5</sup> (8 June 1965)

...

4.—(1) France is hereby designated for the purpose of section 1(3) of the Act.<sup>6</sup>

(2) The areas in which fishing boats registered in France may fish in the outer belt of the fishery limits of the British Islands shall be:—

<sup>1</sup> *Statutory Instruments* 1964, No. 1597. Came into operation on 30 September 1964.

<sup>2</sup> "The Act" means the Fishery Limits Act 1964.

<sup>3</sup> *Statutory Instruments* 1964, No. 1600. Came into force on 30 September 1964.

<sup>4</sup> "The Act" means the Fishery Limits Act 1964.

<sup>5</sup> *Statutory Instruments* 1965, No. 1241. Came into operation on 18 June 1965.

<sup>6</sup> "The Act" means the Fishery Limits Act 1964.



(a) the whole of the outer belt surrounding the islands referred to in the 2nd column of Schedule 1 to this Order;

(b) the areas which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of Schedule 2 to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedules to this Order in respect of each such area as aforesaid.

5. Section 2 of the Act shall apply to fishing boats registered in France.

...

(m) FISHING BOATS (REPUBLIC OF IRELAND) DESIGNATION ORDER<sup>1</sup> 1965 (20 July 1965)

...

4.—(1) The Republic of Ireland is hereby designated for the purpose of section 1(3) of the Act.<sup>2</sup>

(2) The areas in which fishing boats registered in the Republic of Ireland may fish shall be:—

(a) the outer belt of so much of the fishery limits of the British Islands as is adjacent to Northern Ireland;

(b) those parts of the outer belt which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) Within the area defined in sub-paragraph (a) of the last preceding paragraph fishing boats registered in the Republic of Ireland may fish for sea fish of all descriptions. Within the area mentioned in sub-paragraph (b) of the last preceding paragraph the descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedule to this Order in respect of each such area as aforesaid.

5. Section 2 of the Act shall apply to fishing boats registered in the Republic of Ireland.

...

(n) FISHING BOATS (BELGIUM) DESIGNATION ORDER<sup>3</sup> 1965 (6 August 1965)

...

4.—(1) Belgium is hereby designated for the purpose of section 1(3) of the Act.<sup>4</sup>

(2) The areas in which fishing boats registered in Belgium may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

<sup>1</sup> *Statutory Instruments* 1964, No. 1448. Came into operation on 1 August 1965.

<sup>2</sup> "The Act" means the Fishery Limits Act 1964.

<sup>3</sup> *Statutory Instruments* 1965, No. 1569. Came into operation on 17 August 1965.

<sup>4</sup> "The Act" means the Fishery Limits Act 1964.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedule to this Order in respect of each such area as aforesaid.

5. Section 2 of the Act shall apply to fishing boats registered in Belgium.

...

(o) FISHING BOATS (FRANCE) DESIGNATION (NO. 2) ORDER<sup>1</sup> 1965 (1 September 1965)\*

(p) FISHING BOATS (BELGIUM) DESIGNATION (AMENDMENT) ORDER<sup>2</sup>  
(17 November 1965)\*

(q) FISHING BOATS (BELGIUM) DESIGNATION (AMENDMENT) ORDER<sup>3</sup>  
1966 (21 January 1966)\*

(r) FISHING BOATS (NETHERLANDS) DESIGNATION (NO. 2) ORDER<sup>4</sup> 1966  
(20 June 1966)

...

4.—(1) The Netherlands is hereby designated for the purpose of section 1(3) of the Act.<sup>5</sup>

(2) The areas in which fishing boats registered in the Netherlands may fish in the outer belt of the fishery limits of the British Islands shall be, in relation to England and Wales, those which lie between the demarcation lines drawn from the landmarks, and in the true directions, mentioned in Part I of Column 2 of the Schedule to this Order and in relation to Scotland, those which lie to the south-west of the demarcation line first mentioned in Part II of the said Column and to the south-east of the demarcation lines second and third mentioned in the said Part II and between the said demarcation lines which are drawn from the respective landmarks and in the true directions mentioned in the said Part II.

(3) The sea fish for which such fishing boats may fish is herring.

...

<sup>1</sup> *Statutory Instruments* 1965, No. 1667. Came into operation on 5 September 1965. By the Order a new entry was inserted in Schedule 2 of the Fishing Boats (France) Designation Order 1965 (*supra* (1)), which specifies the areas in which fishing boats registered in France may fish in the outer belt of the fishery limits of the British Islands.

<sup>2</sup> *Statutory Instruments* 1965, No. 1982. Came into operation on 1 December 1965. By the Order an entry was repealed in the Schedule of the Fishing Boats (Belgium) Designation Order 1965 (*supra* (n)), which specifies the areas in which fishing boats registered in Belgium may fish in the outer belt of the fishery limits of the British Islands.

<sup>3</sup> *Statutory Instruments* 1966, No. 59. Came into operation on 1 February 1966. By the Order a new entry was inserted in the Schedule of the Fishing Boats (Belgium) Designation Order 1965 (*supra* (n)), as amended (*supra* (p)). See also the preceding note.

<sup>4</sup> *Statutory Instruments* 1966, No. 743. Came into operation on 1 July 1966. By this Order, the Fishery Boats (Netherlands) Designation Order 1966 was revoked.

<sup>5</sup> "The Act" means the Fishery Limits Act 1964.

## BAHAMAS ISLANDS

- (a) SEAL FISHERIES (CROWN COLONIES AND PROTECTORATES) ORDER IN COUNCIL, 1913-1956 (11 April 1913)<sup>1\*</sup>
- (b) WHALING INDUSTRY (REGULATIONS) ACT (NEWFOUNDLAND, COLONIES, PROTECTORATES AND MANDATED TERRITORIES) ORDER (3 July 1936)<sup>2\*</sup>
- (c) MARINE PRODUCT (SPONGE) RULES (1 October 1937)<sup>3\*</sup>
- (d) MARINE PRODUCT (FISHERIES) RULES (23 September 1954)<sup>4\*</sup>
- (e) AGRICULTURE AND FISHERIES ACT (20 December 1963)<sup>5</sup>

## 5. Rules

The Minister may make rules for all or any of the following purposes:—

- (a) to define areas hereinafter called “protected areas” within which it shall be unlawful for any person except a licensee especially licensed in that behalf—
- (i) to take, capture or kill any kind or any particular kind, species or size of marine product;
- (ii) to plant, propagate, take, uproot or destroy any species of plant;
- (b) to prohibit any specified mode of taking, capturing, destroying or killing any marine product by all or any particular person or persons whether or not holding a licence;
- (c) to prohibit the use of any engine, dredge, trap or device in the taking, capturing, destroying or killing of any marine product by all or any particular person or persons whether or not holding a licence;
- (d) the issue, amendment, transfer or revocation of licences for any of the purposes of this Act or any rules made thereunder and the terms and conditions upon which such licences may be issued, amended, transferred or revoked;
- (e) to conserve, uproot, or destroy any specified kind of plant;
- (f) to determine the size and type of construction of any seine, net or trap and the size of any mesh thereof;
- (g) to provide for the examination, seizure, forfeiture and disposal of any articles or marine products taken, captured, destroyed or killed contrary to the provisions of a licence or of any rules made under this Act;
- (h) the disposal (including the sale and purchase) of any marine product;
- (i) the grading, packing and inspection of fruit and vegetable produce intended for export;

<sup>1</sup> *Bahamas Islands Subsidiary Legislation*. Revised Edition 1965. Chapter 25. Agriculture and Fisheries, Part II, under section 5. The Order was amended, most recently, by *Statutory Instruments* 1956, No. 838.

<sup>2</sup> *Bahamas Islands Subsidiary Legislation*. Revised Edition 1965. Chapter 25, Part III, under section 13. Reproduced in ST/LEG/SER.B/6, p. 598.

<sup>3</sup> *Ibid.*, Part I, under section 5.

<sup>4</sup> *Ibid.* Most recently amended by *Statutory Instruments* 1965, No. 65.

<sup>5</sup> *Bahamas Islands Statute Law*. Revised Edition 1965, Chapter 25.

(j) the inspection, grading, manufacture and packing of straw braid and articles made wholly or partly from straw or straw fibre intended for sale or export, and for the seizure, forfeiture and disposal of any such straw braid or articles as aforesaid the grading, manufacture or packing of which does not comply with any rule made under this paragraph;

(k) the management of the Botanical Station;

(l) the establishment, management and regulation of produce exchanges;

(m) generally for carrying into effect the purposes of this Act.

...

8. *Taking, etc., marine products in a protected area*

Any person found taking, capturing, destroying or killing any marine product within a protected area without a licence in that behalf shall forfeit any such marine product and shall be liable, on summary conviction, to a penalty of two hundred and fifty pounds or to imprisonment for one year or to both such fine and imprisonment.

9. *Penalty on owner of vessels, etc.*

(1) Any owner or master or other person in charge of any vessel whether or not it be operating under a licence who shall permit such vessel to be employed in taking, capturing, destroying or killing any marine product, or who shall permit or suffer any person belonging to such vessel to be employed in taking, capturing, destroying or killing any marine product contrary to the terms of a licence or of any rule made under this Act shall forfeit any such marine product and in addition thereto shall be liable, on summary conviction, to a penalty of two hundred and fifty pounds or to imprisonment for one year or to both such fine and imprisonment and such vessel shall be liable to forfeiture.

(2) If any vessel shall be employed in exporting any marine product from the Colony contrary to the terms of any licence or of any rule made under this Act, such vessel shall be liable to forfeiture unless there has been issued a proper certificate of clearance of such vessel relating to such marine product under the provisions of The Customs Regulations Act.

(3) Any vessel liable to forfeiture under this section shall be proceeded against and condemned in such manner as is prescribed by and under The Customs Regulations Act.

10. *Power to search and detain vessels*

(1) Any peace officer may go on board and search any vessel within the limits of the Colony; and if such officer shall find any marine product on board such vessel which he has good cause to suspect has been taken contrary to the provisions of this Act or the rules made thereunder, such officer may detain such vessel and shall deliver the same (if so detained) into the care of the nearest commissioner, the Comptroller of Customs or a police officer of or above the rank of inspector.

(2) Any vessel detained under subsection (1) of this section shall be the subject of a lien in favour of Her Majesty for the amount of any fine imposed upon the owner, master or other person in charge of such vessel under the provisions of subsection (1) of section 9 and shall be released—

(a) within seven days of the delivery of the vessel into the care of a commissioner, the Comptroller of Customs or a police officer of or above the rank of inspector, if no charge is brought within that time against the owner, master or other person in charge thereof; or

(b) if a charge is brought against the owner, master or other person in charge of such vessel within seven days, then unless proceedings have been instituted for the condemnation of such vessel upon the charge being dismissed or upon the payment of any fine imposed under the provisions of subsection (1) of section 9.

#### 11. *Powers of arrest*

Any peace officer and all persons whom such officer may call to his assistance may arrest and take into custody without warrant any person who there is good cause to suspect has committed or permitted any act punishable under the provisions of section 8 or 9.

### CAYMAN ISLANDS

#### (a) FISHERIES LICENSING LAW (Chapter 56, No. 1 of 1915; 11 November 1915)<sup>1</sup>

...

#### 2. *Administrator to grant licences*

It shall be lawful for the Administrator to grant licences for the establishment and maintenance and regulation of turtle, sponge and any other kind of fishery on the shore and bed of the sea of the Islands.

...

#### 5. *Effect of licence*

The licensee shall, within the limits of the fishery and subject to any restrictions or exceptions contained in this Law, or licence granted under this Law, have the exclusive right of confining, depositing, propagating, fishing for or otherwise taking turtle and sponge or engaging in any other form of fishery as mentioned in the licence.

...

#### 7. *Property in fishery and protection of licensee*

All turtle, sponge or other kinds of fishery within the limits mentioned in the licence shall be the absolute property of the licensee and it shall not be lawful for any person other than the licensee or the agents, servants or workmen of such licensee to enter upon or within the limits of any such fishery or to use any implement of fishing, or to disturb or injure in any manner any such fishery.

...

<sup>1</sup> *The Laws of the Cayman Islands*, in force on 31 December 1963. Revised edition.

(b) LOBSTER (RESTRICTION ON FISHING) LAW,<sup>1</sup> 1964 (No. 18 of 1964; 22 October 1964), AS AMENDED<sup>2</sup>

...

## 2. Interpretation

In this Law unless the context otherwise requires—

“Cayman waters” includes all waters surrounding the Islands of Grand Cayman, Cayman Brac and Little Cayman up to and including a distance of three nautical miles from the shoreline respectively, and shall specifically include the waters comprising the geographical area known as the “North Sound”, Grand Cayman;

...

### 3. Offence to injure, destroy, sell etc. when lobster is bearing eggs

Any person who takes, injures, destroys, sells, purchases or is in the possession of any lobster whether dead or alive at any time when the lobster is bearing eggs shall be guilty of an offence under this Law.

### 4. Offence to take or injure lobster during closed season

Any person who takes, injures or destroys a lobster in Cayman waters at any time during the closed season shall be guilty of an offence under this Law.

### 5. Offence for any person to take more than three lobsters per day during open season

Any person who takes, injures or destroys with spear gun or by spear fishing more than three lobsters in any one day during the open season shall be guilty of an offence under this Law.

### 5A. Prohibition of fishing while scuba diving

Any person using scuba equipment who takes, injures or destroys any lobster with a spear gun or by spear fishing in Cayman waters at any time, whether during the open season or the closed season, shall be guilty of an offence under this Law.

### 6. No restriction on number of lobsters taken by pot etc.

There shall be no restriction on the numbers of lobsters taken by pot during the open season, but it shall be an offence under this Law to take or retain in Cayman waters any lobster below the minimum size.

...

<sup>1</sup> Government Notice No. 102 of 1964.

<sup>2</sup> By the Lobster (Restriction on Fishing) (Amendment) Law, 1965 (No. 41 of 1965; 23 November 1965) Government Notice No. 144 of 1965; and by the Lobster (Restriction on Fishing) (Amendment) Law, 1967 (No. 16 of 1967; 17 July 1967) Government Notice No. 79 of 1967.

9. *Power of Member of Police Force*

For the purpose of ascertaining whether there is or has been any contravention of the provisions of this Law any member of the Cayman Islands Police Force shall have the power—

- (i) to enter any premises or any vehicle, boat, receptacle or place where lobster may be kept; and/or
- (ii) inspect the contents of any lobster pot and to ensure the removal therefrom any lobster which cannot lawfully by reason of any provision of this Law, be taken.

*FIJI*

FISHERIES ORDINANCE,<sup>1</sup> 1 JANUARY 1942, AS AMENDED<sup>2</sup>

...

2. In this Ordinance, unless the context otherwise requires—

...

“territorial waters” means that part of the sea adjacent to the coast of any island in the Colony which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast, or when a reef is not present, from the low-water mark of the coast itself.

3. (1) A licensing officer may in his discretion grant licences to take fish in the territorial or inland waters of the Colony.

(2) Every licence granted under this Ordinance shall terminate on the thirty-first day of December next after the day of issue. It shall be personal to the holder, shall not be transferable and shall be subject to such conditions as the licensing officer shall think fit to endorse thereon in accordance with this Ordinance or any regulations made thereunder.

(3) No person shall take fish in the territorial or inland waters of the Colony by way of trade or business or as an employee of a person carrying on the trade or business of a fisherman unless such person is authorized by a licence to take fish: Provided that—

(a) a person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence;

(b) the Governor in Council may by regulation exempt any person from the necessity of possessing such a licence.

(4) No licence to take fish in the territorial or inland waters of the Colony shall be granted to any person owning, operating or manning any fishing vessel

<sup>1</sup> Sections 2, 3, 7 and 8, as amended up to 1951, are reproduced in ST/LEG/SER.B/6, pp. 603-604.

<sup>2</sup> Most recently by the Fisheries (Amendment) Ordinance, 1958 (No. 16 of 1958), the Fisheries (Amendment) Ordinance, 1959 (No. 34 of 1959), the Fisheries (Amendment) Ordinance, 1964 (No. 26 of 1964) and the Law Revision (Miscellaneous Amendments) Ordinance, 1966 (No. 7 of 1966).

registered elsewhere than in Her Majesty's dominions, without the prior approval of the Governor.

...

7. The Governor in Council may make regulations—

(d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish either in the territorial or inland waters of the Colony or in any specified part thereof;

...

8. (1) Any person who, being required to be the holder of a licence, takes or attempts to take fish in the territorial or inland waters of the Colony or is in possession of fishing apparatus in such circumstances as to satisfy the Court before which he is tried that he intended to use the apparatus for the purpose of taking or destroying fish without being licensed under this Ordinance shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties. (Amended by 2 of 1945, s. 133).

(2) Any person who—

(a) Being the holder of a licence under this Ordinance, fails to comply with any of the conditions of his licence; or

(b) Commits any offence against this Ordinance for which no special penalty is provided; or

(c) Contravenes or fails to comply with the provisions of any regulation made hereunder,

shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties.

(3) The master and the owner of any fishing vessel registered elsewhere than in His Majesty's dominions using such vessel for the purpose of taking fish within the territorial or inland waters of the Colony, without the prior approval of the Governor, shall be liable to imprisonment for six months or to a fine of five hundred pounds or to both such penalties.

#### SEYCHELLES

TURTLES (AMENDMENT) ORDINANCE, 1964 (CHAPTER 22) (No. 1 of 1964)\*

#### VIRGIN ISLANDS

TREASURY ORDINANCE (CHAPTER 186), section 21<sup>1</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IV, 10.



40. UNITED STATES OF AMERICA<sup>1</sup>(a) NORTHERN PACIFIC HALIBUT ACT,<sup>2</sup> 28 JUNE 1937§ 772a. *Definitions*

When used in sections 772—772i of this title—

(a) *Convention*: The word “Convention” means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea signed at Ottawa on the 2d day of March 1953<sup>3</sup> and any other treaty or convention which modifies or replaces that Convention, and shall include the regulations promulgated thereunder.

(b) *Commission*: The word “Commission” means the Commission provided for in the Convention.

(c) *Person*: The word “person” includes partnerships, associations, and corporations.

(d) *Territorial waters of the United States*: The term “Territorial waters of the United States” means the territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) *Territorial waters of Canada*: The term “territorial waters of Canada” means the territorial waters contiguous to the western coast of Canada.

(f) *Convention waters*: The term “Convention waters” means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) *Halibut*: The word “halibut” means the species of *Hippoglossus* inhabiting Convention waters.

(h) *Vessel*: The word “vessel” includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water. (June 28, 1937, ch. 392, § 2, 50 Stat. 325; Aug. 8, 1953, ch. 382, 67 Stat. 494.)

§ 772b. *Acts unlawful*

It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of sections 772—772i of this title;

<sup>1</sup> Acts concerning the Alaska fisheries and Regulations concerning the Alaska commercial fisheries, Bristol area, reproduced in ST/LEG/SER.B/6, 609-613, have been repealed.

<sup>2</sup> *United States Code* (1964 Edition) Title 16 (Conservation). The text reproduced in ST/LEG/SER.B/1, pp. 210-214, has been amended, as quoted above.

<sup>3</sup> See ST/LEG/SER.B/6, p. 803.

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provision of the Convention or of sections 772—772i of this title;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of sections 772—772i of this title;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of sections 772—772i of this title;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of sections 772—772i of this title;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of sections 772—772i of this title. (June 28, 1937, ch. 392, § 3, 50 Stat. 326.)

§ 772c. *Records and reports of master or owner*

It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time. (June 28, 1937, ch. 392, § 4, 50 Stat. 327.)

§ 772d. *Enforcement; arrest and seizure; detention; testimony of officers*

(a) The provisions of the Convention and of sections 772—772i of this title and any regulations issued under said sections shall be enforced by the Coast Guard, the Customs Service, and the Fish and Wildlife Service. For such purposes any officer of the Coast Guard, Customs, or Fish and Wildlife Service may at any

time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of sections 772—772i of this title, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fish and Wildlife Service may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097). (June 28, 1937, ch. 392, § 5, 50 Stat. 327; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F. R. 2103, 54 Stat. 1232.)

#### § 772e. Penalties and forfeitures

(a) Any person violating any provision of section 772b of this title upon conviction shall be fined not more than \$1,000 nor less than \$100 or be imprisoned for not more than one year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 772b of this title shall be forfeited; upon a second violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of sections 772—772i of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of said sections: *Provided*, That except as provided in section 772d of this title all rights, powers, and duties conferred or imposed by said sections upon any officer or employee of the Treasury Department shall, for the purposes of said sections, be exercised or performed by the Secretary of the Interior or by such persons as he may designate. (June 28, 1937, ch. 392, § 6, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

...

(b) SOCKEYE SALMON FISHERY ACT,<sup>1</sup> 29 JULY 1947

§ 776. *Definitions*

When used in this chapter—

(a) *Convention*: The word “convention” means the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to the convention, signed at Ottawa on the 28th day of December 1956.

(b) *Commission*: The word “Commission” means the International Pacific Salmon Fisheries Commission provided for by article II of the convention.

(c) *Person*: The word “person” includes individuals, partnerships, associations, and corporations.

(d) *Convention waters*: The term “convention waters” means those waters described in article I of the convention.

(e) *Sockeye salmon and pink salmon*: The term “sockeye salmon” means that species of salmon known by the scientific name *Oncorhynchus nerka*, and the term “pink salmon” means that species of salmon known by the scientific name *Oncorhynchus gorbuscha*.

(f) *Vessel*: The word “vessel” includes every type or description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

(g) *Fishing*: The word “fishing” means the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon or pink salmon in convention waters.

(h) *Fishing gear*: The term “fishing gear” means any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used, for the purpose of capturing fish or as an aid in capturing fish. (July 29, 1947, ch. 345, § 2, 61 Stat. 511; July 11, 1957, Pub. L. 85—102, §§ 1—3, 71 Stat. 293.)

<sup>1</sup> *United States Code* (1964 Edition) Title 16 (Conservation). The text reproduced in ST/LEG/SER.B/1, pp. 201-205, has been replaced by the above text.

§ 776a. *Unlawful acts*

(a) It shall be unlawful for any person to engage in fishing for sockeye salmon or pink salmon in convention waters in violation of the convention or of this chapter or of any regulation of the Commission.

(b) It shall be unlawful for any person to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any sockeye salmon or pink salmon taken in violation of the convention or of this chapter or of any regulation of the Commission.

(c) It shall be unlawful for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with fishing in violation of the convention or of this chapter or of any regulation made by the Commission.

(d) It shall be unlawful for any person or vessel to engage in fishing for sockeye salmon or pink salmon in convention waters without first having obtained such license or licenses as may be used by or required by the Commission, or to fail to produce such license, upon demand, for inspection by an authorized enforcement officer.

(e) It shall be unlawful for any person to fail to make, keep, submit, or furnish any record or report required of him by the Commission or to refuse to permit any officer authorized to enforce the convention, this chapter, and the regulations of the Commission, or any authorized representative of the Commission, to inspect any such record or report at any reasonable time.

(f) It shall be unlawful for any person to molest, interfere with, tamper with, damage, or destroy any boat, net, equipment, stores, provisions, fish-cultural stations, rearing pond, weir, fishway, or any other structure, installation, experiment, property, or facility acquired, constructed, or maintained by the Commission.

(g) It shall be unlawful for any person or vessel to do any act prohibited or to fail to do any act required by the convention or by this chapter or by any regulation of the Commission. (July 29, 1947, ch. 345, § 3, 61 Stat. 511; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

§ 776b. *Omission of or fraudulent returns, records, and reports; penalties*

Any person who fails to make, keep, or furnish any catch return, statistical record, or any report that may be required by the Commission, or any person who furnishes a false return, record, or report, upon conviction shall be subject to such fine as may be imposed by the court not to exceed \$1,000, and shall in addition be prohibited from fishing for and from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon or pink salmon from the date of conviction until such time as any delinquent return, record, or report shall have been submitted or any false return, record, or report shall have been replaced by a duly certified correct and true return, record, or report to the satisfaction of the court. The penalties imposed by section 776c of this title shall not be invoked for failure to comply with requirements respecting returns, records, and reports. (July 29, 1947, ch. 345, § 4, 61 Stat. 512; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

§ 776c. *Penalties and forfeitures*

(a) *Fine and imprisonment; prohibition on activities*

Except as provided in section 776b of this title, any person violating any provision of the convention or of this chapter or the regulation of the Commission upon conviction shall be fined not more than \$1,000 or be imprisoned not more than one year, or both, and the court may prohibit such person from fishing for, or from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon or pink salmon for such period of time as it may determine.

(b) *Forfeitures; first and subsequent violations*

The catch of fish of every vessel or of any fishing gear employed in any manner, or any fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed in violation of this chapter or the regulations of the Commission shall be forfeited; and upon a second and subsequent violation the catch of fish shall be forfeited and every such vessel and any fishing gear and appurtenances involved in the violation may be forfeited.

(c) *Same; procedure*

All procedures of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws and the disposition of such vessel or the proceeds from the sale thereof shall apply to seizures, forfeitures, and condemnations incurred, or alleged to have been incurred, under the provisions of this chapter insofar as such provisions of law are applicable and not inconsistent with this chapter.

...

§ 776d. *Enforcement*

...

(d) *Arrests, searches, and seizures*

Any duly authorized officer or employee of the Federal agency designated by the President for enforcement purposes under the provisions of subsection (a) of this section; any officer or employee of the State of Washington who is authorized by the Federal agency so designated by the President; any enforcement officer of the Fish and Wildlife Service of the Department of the Interior, any Coast Guard officer, any United States marshal or deputy United States marshal, any collector or deputy collector of customs, and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations of the Commission, shall have power, without warrant or other process, but subject to the provisions of the convention, to arrest any person committing in his presence or view a violation of the convention or of this chapter or of the regulations of the Commission and to take such person immediately for examination before an officer or trial before a court of competent jurisdiction; and shall have power, without warrant or other process, to search any vessel within convention waters when he has reasonable cause to believe that such vessel is subject to seizure under the provisions of the convention or this chapter, or the regulations of the Commission, and to search any place of business or any commercial vehicle when he has reasonable cause to believe that such place or vehicle contains fish taken, possessed, trans-

ported, purchased, or sold in violation of any of the provisions of the convention, this chapter, or the regulations of the Commission. Any person authorized to enforce the provisions of the convention and of this chapter and the regulations of the Commission shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any person, vessel, or place, at any time. The judges of the United States courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Subject to the provisions of the convention, any person authorized to enforce the convention and this chapter and the regulations of the Commission may seize, whenever and wherever lawfully found, all fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed contrary to the provisions of the convention or this chapter or the regulations of the Commission and may seize any vessel, together with its tackle, apparel, furniture, appurtenances and cargo, and all fishing gear, used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission, or which it reasonably appears has been used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission.

...

(c) OUTER CONTINENTAL SHELF LANDS ACT, 7 AUGUST 1953, section 1332 (b)<sup>1</sup>

(d) NORTH PACIFIC FISHERIES ACT,<sup>2</sup> 12 AUGUST 1954

§ 1021. *Definitions*

As used in this chapter, the term—

(a) “Convention” means the International Convention<sup>3</sup> for the High Seas Fisheries of the North Pacific Ocean with a protocol relating thereto signed at Tokyo, May 9, 1952;

(b) “Commission” means the International North Pacific Fisheries Commission provided for by article II of the Convention;

(c) “United States Section” means the United States Commissioners to the Commission;

(d) “Convention area” means all waters, other than territorial waters, of the North Pacific Ocean which for the purposes of this chapter shall include the adjacent seas;

(e) “Fishing vessel” means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities. (Aug. 12, 1954, ch. 669, § 2, 68 Stat. 698.)

§ 1022. *Commissioners; appointment, number and compensation*

The United States shall be represented on the Commission by not more than four Commissioners to be appointed by the President, to serve as such during his

<sup>1</sup> *Supra* DIVISION II, 46 (b).

<sup>2</sup> *United States Code* (1964 Edition), Title 16 (Conservation).

<sup>3</sup> See ST/LEG/SER.B/8, pp. 56-63; for ANNEX, see PART II, DIVISION IV, SUB-DIVISION A. 5.

pleasure, and to receive no compensation for their services as Commissioners. Of such Commissioners—

(a) one shall be an official of the United States Government; and

(b) each of the others shall be a person residing in a State or Territory, the residents of which maintain a substantial fishery in the Convention area. (Aug. 12, 1954, ch. 669, § 3, 68 Stat. 698.)

§ 1023. *Advisory Committee; appointment and number of members; terms; sessions; meetings; compensation*

(a) The United States Section shall appoint an advisory committee composed of not less than five nor more than twenty members and shall fix the terms of office thereof, such members to be selected both from the various groups participating in the fisheries covered by the Convention and from the fishery agencies of the States or Territories, the residents of which maintain a substantial fishery in the Convention area.

(b) Any or all members of the advisory committee may attend all sessions of the Commission except executive sessions.

(c) The advisory committee shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(d) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Section, not more than three members of the committee, designated by the committee, may be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or of the United States Section. (Aug. 12, 1954, ch. 669, § 4, 68 Stat. 698.)

...

§ 1025. *Powers of President; acceptance or rejection of Commission's recommendations; selection of special committee*

The President is authorized to (a) accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with the provisions of article III, section 1, of the Convention, and recommendations made by the Commission in pursuance of the provisions of the Protocol to the Convention; and (b) act for the United States in the selection of persons by the contracting parties to compose the special committee provided by the Protocol to the Convention. (Aug. 12, 1954, ch. 669, § 6, 68 Stat. 699.)

...

§ 1027. *Enforcement; boarding and inspecting vessels; detention of persons and vessels; enforcement officers as witnesses*

(a) The provisions of the Convention and this chapter relating to abstention from fishing in certain areas by the nationals and vessels of one or more of the contracting parties shall be enforced by the Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs.



(b) For such purposes any Coast Guard officer, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this chapter referred to in subsection (a) of this section may go on board any fishing vessel of Canada or Japan found in waters in which Canada or Japan has agreed by or under the Convention to abstain from exploitation of one or more stocks of fish, and, when he has reasonable cause to believe that such vessel is engaging in operations in violation of the provisions of the Convention, may, without warrant or other process, inspect the equipment, books, documents, and other articles on such vessel and question the persons on board, and for these purposes may hail and stop such vessel, and use all necessary force to compel compliance.

(c) Whenever any such officer has reasonable cause to believe that any person on any fishing vessel of Canada or Japan is violating, or immediately prior to the boarding of such vessel was violating, the provisions of the Convention referred to in subsection (a) of this section, such person, and any such vessel employed in such violation shall be detained and shall be delivered as promptly as practicable to an authorized official of the nation to which they belong in accordance with the provisions of the Convention.

(d) Any officer of the Coast Guard, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this chapter referred to in subsection (a) of this section, may be directed to attend as witnesses and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law for the enforcement thereof when requested by the appropriate authorities of Canada or Japan respectively. (Aug. 12, 1954, ch. 669, § 8, 68 Stat. 699.)

...

#### § 1029. *Unlawful activities*

(a) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any such fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (a) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (a) of this section, or to land in a port of the United States any such fish or fish products.

(c) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or

any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(d) It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention.

(e) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties. (Aug. 12, 1954, ch. 669, § 10, 68 Stat. 699.)

#### § 1030. Penalties

(a) Any person violating subsections (a), (b), or (c) of section 1029 of this title shall upon conviction be fined not more than \$10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (d) of section 1029 of this title shall upon conviction be fined not more than \$10,000.

(c) Any person violating subsection (e) of section 1029 of this title shall upon conviction be fined not more than \$10,000 and be imprisoned for not more than one year or both, and for such offense the court may order forfeited, in whole or in part, the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

(d) Section 989 of this title shall not apply to violations for which penalties are provided in this section. (Aug. 12, 1954, ch. 669, § 11, 68 Stat. 700.)

(e) ACT<sup>1</sup> PROHIBITING FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES. 20 MAY 1964

#### § 1081. Prohibition against fishing in territorial waters; exceptions

It is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided in this chapter or as expressly provided by an international agreement to which the United States is a party. However, sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so, the Secretary of the Treasury may

<sup>1</sup> *United States Statutes at Large*, vol. 78, p. 194; *United States Code* (1964 edition), Title 16 (Conservation).

authorize a vessel other than a vessel of the United States to engage in fishing for designated species within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or for resources of the Continental Shelf which appertain to the United States upon certification by the Secretaries of State and of the Interior that such permission would be in the national interest and upon concurrence of any State, Commonwealth, territory, or possession directly affected. The authorization in this section may be granted only after a finding by the Secretary of the Interior that the country of registry, documentation, or licensing extends substantially the same fishing privileges for a fishery to vessels of the United States. Notwithstanding any other provision of law, the Secretary of State, with the concurrence of the Secretaries of the Treasury and of the Interior, may permit a vessel, other than a vessel of the United States, owned or operated by an international organization of which the United States is a member, to engage in fishery research within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or for resources of the Continental Shelf which appertain to the United States and to land its catch in a port of the United States in accordance with such conditions as the Secretary may prescribe whenever they determine such action is in the national interest. (Pub. L. 88-308, § 1, May 20, 1964, 78 Stat. 194.)

§ 1082. *Violations and penalties; seizure, forfeiture, and condemnation*

(a) Any person violating the provisions of this chapter shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(b) Every vessel employed in any manner in connection with a violation of this chapter including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fish taken or retained in violation of this chapter or the monetary value thereof shall be forfeited.

(c) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provision of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter. (Pub. L. 88-308, § 2, May 20, 1964, 78 Stat. 195.)

§ 1083. *Enforcement responsibility*

(a) *Joint responsibility of Secretaries*

Enforcement of the provisions of this chapter is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as

employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) *Issuance of warrants and other processes*

The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal District Courts, as may be required for enforcement of this chapter and any regulations issued thereunder.

(c) *Powers of enforcement*

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) *Arrest*

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is in violation of any provision of this chapter or the regulations issued thereunder, then to arrest such person.

(e) *Seizure of vessel, etc.*

Such person so authorized may seize any vessel, together with its tackle, apparel, furniture, appurtenances, cargo and stores, used or employed contrary to the provisions of this chapter or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this chapter or the regulations issued hereunder.

(f) *Seizure of illegal catch; disposal*

Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of this chapter or the regulations issued thereunder. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction pursuant to the provisions of subsection (g) of this section, or if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

(g) *Discharge of seized fish upon bond or approved security*

Notwithstanding the provisions of section 2464 of Title 28 when a warrant of arrest or other process in rem is issued in any cause under this section, the United States marshal or other officer shall discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value

of the fish with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case. (Pub. L. 88-308, § 3, May 20, 1964, 78 Stat. 195.)

§ 1084. *Regulations*

The Secretaries of the Treasury and Interior are authorized jointly or severally to issue such regulations as they determine are necessary to carry out the provisions of this chapter. (Pub. L. 88-308, § 4, May 20, 1964, 78 Stat. 196.)

§ 1085. *Definitions*

(a) As used in this chapter, the term "Continental Shelf fishery resource" includes the living organisms belonging to sedentary species; that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

(b) The Secretary of the Interior in consultation with the Secretary of State is authorized to publish in the Federal Register a list of the species of living organisms covered by the provisions of subsection (a) of this section.

(c) As used in this chapter, the term "fisheries" means the taking, planting, or cultivation of fish, mollusks, crustaceans, or other forms of marine animal or plant life by any vessel or vessels; and the term "fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life.

(d) As used in this chapter, the term "Continental Shelf" refers (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands. (Pub. L. 88-308, § 5, May 20, 1964, 78 Stat. 196.)

(f) ACT<sup>1</sup> ESTABLISHING A FISHERIES ZONE CONTIGUOUS TO THE TERRITORIAL SEA OF THE UNITED STATES, 14 OCTOBER 1966

§ 1091. *Establishment ; fisheries rights*

There is established a fisheries zone contiguous to the territorial sea of the United States. The United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this zone as may be recognized by the United States. (Pub. L. 89-658, § 1, Oct. 14, 1966, 80 Stat. 908.)

<sup>1</sup> *United States Code* (Supplement II, 1965-1966), Title 16 (Conservation).

§ 1092. *Description of boundaries*

The fisheries zone has as its inner boundary the outer limits of the territorial sea and as its seaward boundary a line drawn so that each point on the line is nine nautical miles from the nearest point in the inner boundary. (Pub. L. 89-658, § 2, Oct. 14, 1966, 80 Stat. 908.)

§ 1093. *Substitution of description of boundaries where conflict of zones or waters*

Whenever the President determines that a portion of the fisheries zone conflicts with the territorial waters of fisheries zone of another country, he may establish a seaward boundary for such portion of the zone in substitution for the seaward boundary described in section 1092 of this title. (Pub. L. 89-658, § 3, Oct. 14, 1966, 80 Stat. 908.)

§ 1094. *State jurisdiction over natural resources and waters*

Nothing in sections 1091—1094 of this title shall be construed as extending the jurisdiction of the States to the natural resources beneath and in the waters within the fisheries zone established by such sections or as diminishing their jurisdiction to such resources beneath and in the waters of the territorial seas of the United States. (Pub. L. 89-658, § 4, Oct. 14, 1966, 80 Stat. 908.)

(g) FUR SEAL ACT,<sup>1</sup> 2 NOVEMBER 1966

§ 1151. *Prohibitions*

It is unlawful, except as provided in this chapter or by regulation of the Secretary of the Interior, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this chapter or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the territorial waters of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention. (Pub. L. 89-702, title I, § 101, Nov. 2, 1966, 80 Stat. 1091.)

§ 1152. *Sealing permitted by Aleuts, Eskimos, and Indians*

(a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins in any manner after the skins have been officially marked and certified by a person author-

<sup>1</sup> *United States Code* (Supplement II, 1965-66), Title 16 (Conservation). By this Act, the text reproduced in ST/LEG/SER.B/1, pp. 227-232 has been superseded.

ized by the Secretary of the Interior, provided that the seals are taken only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person. (Pub. L. 89-702, title I, § 102, Nov. 2, 1966, 80 Stat. 1091.)

§ 1153. *Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes*

The Secretary of the Interior shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes. (Pub. L. 89-702, title I, § 103, Nov. 2, 1966, 80 Stat. 1091.)

...

§ 1155. *Enforcement provisions*

(a) *Search of vessels; certificate of identification; exhibition to master*

Any person authorized to enforce the provisions of this chapter who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the territorial waters of another nation, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary of the Interior or Secretary of the Treasury which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) *Seizure or arrest; notice; delivery of vessel or person to authorized officials; surveillance*

If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

The Secretary of the Interior or the Secretary of the Treasury, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary of the Interior or the Secretary of the Treasury may, upon request of the Secretary of State, keep the vessel or person under surveillance within the United States.

...

§ 1159. *Definitions*

As used in this subchapter the term—

(a) “Convention” means the Interim Convention<sup>1</sup> on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, by the parties, as amended by the protocol signed at Washington, on October 8, 1963, by the parties.

(b) “Party” or “parties” means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

(c) “Commission” means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

(d) “Sealing” means the taking of fur seals.

(e) “North Pacific Ocean” means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

(f) “Import” means to land on, or bring into, or attempt to land on, or bring into any place subject to the jurisdiction of the United States. (Pub. L. 89-702, title I, § 109, Nov. 2, 1966, 80 Stat. 1093.)

(h) REGULATIONS<sup>2</sup> OF THE INTERNATIONAL FISHERIES COMMISSION CONCERNING PACIFIC HALIBUT FISHERIES, APPROVED BY THE PRESIDENT OF THE UNITED STATES, 4 NOVEMBER 1966.

§ 301.1 *Regulatory areas*

(a) The “convention waters” which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

...

§ 301.3 *Closed seasons*

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 1800 hours of the 15th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged. Nor shall anything in the regulations in this part prohibit the International Pacific Halibut Commission, hereafter in the regulations in this part referred to as “the Commission,” from

<sup>1</sup> PART II, DIVISION IV, SUB-DIVISION A, 6.

<sup>2</sup> *Code of Federal Regulations*. Title 50, Chapter III, Part 301; *Federal Register*, vol. 31, p. 14256, 4 November 1966. The text reproduced in ST/LEG/SER.B/1, pp. 214-222, has been superseded by the above-quoted text.



conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

...

§ 301.6 *Licensing of vessels*

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured when it is validated for halibut fishing, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of the regulations in this part. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

...

§ 301.7 *Statistical return by vessels*

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of halibut taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license after such sworn return is made shall be provisional and shall not render the license valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of 2 years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the States to certify to the correctness of Governments of Canada or the United States such log record to the best of his information and belief and to support the certificate by a sworn statement.

(g) The master or operator of any vessel holding a license validated for fishing in Areas 3C, 4A, 4B, 4C, 4D, or 4E on entering Sand Point, Alaska, enroute to another port to unload, must report to an authorized representative of the United States or of the Commission the estimated amount of halibut on board that was caught in each regulatory area.

#### § 301.8 *Statistical return by dealers*

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut.

(b) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut shall be retained for a period of 2 years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(c) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license is prohibited.

...

#### § 301.9 *Dory gear prohibited*

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 301.10 *Retention of halibut taken by nets*

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters.

(b) All vessels with any halibut on board are prohibited to use or possess any net or nets other than bait nets.

(c) The character and the use of bait nets referred to in paragraphs (a) and (b) of this section shall conform to the laws and regulations of the country where they may be utilized and shall be of a type commonly used for such purposes and said bait nets shall be utilized for no other purpose than the capture of bait for use of the vessel carrying them.

§ 301.11 *Retention of tagged halibut*

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.12 *Responsibility of master*

Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.13 *Supervision of unloading and weighing*

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

...

§ 301.15 *Previous regulations superseded*

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

(i) REGULATIONS<sup>1</sup> ISSUED PURSUANT TO THE NORTH PACIFIC FISHERIES ACT,  
15 DECEMBER 1966

§ 210.1 *Definition*

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend 3 miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

§ 210.10 *Salmon fishing prohibited, exception*

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

41. VENEZUELA

ACT<sup>2</sup> OF 22 JULY 1941 ON THE TERRITORIAL SEA, THE CONTINENTAL SHELF, PROTECTION  
OF FISHERIES AND AIR SPACE\*\*

...

TITLE III

*Protection of fisheries*

*Article 7.* The exploration and exploitation of fixed fishing grounds in the continental shelf of Venezuela shall be subject to the prior authorization and control of the National Executive.

*Article 8.* Outside the territorial sea or the contiguous zone, the State shall determine those maritime zones over which it shall exercise its authority and vigilance and in which it shall be responsible for the development, conservation and rational exploitation of the living resources of the sea contained therein, whether those resources are developed by persons of Venezuelan or foreign nationality.

...

<sup>1</sup> *Code of Federal Regulations*, Title 50, Chapter II, Part 210; *Federal Register*, vol. 31, p. 16038, 15 December 1966.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 50 (a).

## 42. YUGOSLAVIA

(a) BASIC LAW<sup>1</sup> OF 27 FEBRUARY 1965 ON THE SEA FISHING INDUSTRY

## I. GENERAL PROVISIONS

*Article 1*

Fish and other sea animals living in the sea fishing grounds of Yugoslavia shall be social property over which the right of use or the right of ownership may be acquired subject to the conditions specified by law and the regulations enacted on the basis thereon.

Under the sea fishing industry for the purposes of the present law shall be understood fishing, pisciculture and protection of sea fish and of other sea animals.

*Article 2*

The sea fishing shall be carried out in the fishing sea of Yugoslavia and in other seas if not otherwise provided for by federal law.

The fishing sea of Yugoslavia comprises the internal waters and the territorial sea as determined by the special federal law.

*Article 3*

The fishing sea of Yugoslavia represents a uniform sea-fishing area if not otherwise provided for under this law, under some regulations enacted on the basis thereon or under some other federal legislation.

*Article 4*

The working organizations and individuals shall have the right to carry out sea fishing subject to certain conditions.

In the fishing sea of Yugoslavia, foreign nationals and foreign firms shall not engage in sea fishing except in cases specified under this law or an international agreement to which Yugoslavia is a party.

In the parts of the fishing sea of Yugoslavia which, under a special federal decree, have been declared as being of military or some other specific public social interest, in order to engage in fishing it shall be necessary, in addition to fulfilling the other conditions, to obtain the approval of the state organ designated by the decree.

*Article 5*

Fish and other sea animals, with the exception of those causing damage, shall be protected in the fishing sea of Yugoslavia from excessive exploitation and destruction.

Under a special law some harmful sea animals may be protected as natural rarities.

---

<sup>1</sup> English text provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 6*

With a view to promoting the sea fishing industry, legislation to be observed by the working organizations and individuals engaged in sea fishing and in the sale of fish and other sea animals can be enforced.

(b) LAW OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF, articles 2, 12, 13<sup>1</sup>

---

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 20.

---