

BELIZE:

HIGH SEAS FISHING ACT, 2013

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No. 26 of 2013

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

7th November, 2013.

AN ACT to make new and improved provisions for the management and control of fishing on the high seas; and to provide for matters connected therewith or incidental thereto.

(Gazetted 8th November, 2013).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

PART I - PRELIMINARY

1. This Act may be cited as the

Short title.

HIGH SEAS FISHING ACT, 2013

Objectives.

2. The fundamental objectives of this Act are:
 - (a) to promote long term conservation and management, and sustainable use of marine resources on the high seas;
 - (b) to implement the FAO Agreement to Promote Compliance with International Conservation and Management Measures by fishing vessels on the high seas adopted by the Conference of the Food and Agriculture Organization of the United Nations on 24 November 1993;
 - (c) to implement the United Nations Agreement for the Implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4th August 1995; and
 - (d) to establish a system for the regulation of Belize flagged high seas fishing vessels which operate outside the territorial waters and Exclusive Economic Zone of Belize.

Application.

3. This Act shall apply:
 - (a) to all Belize flagged high seas vessels which engage in fishing or fishing related activities;
 - (b) to any Belize flagged fishing vessel and any act or omission occurring on or by such a vessel wherever that vessel may be; and
 - (c) to any act or omission by an authorized officer on board a Belize flagged high seas fishing vessel.

4. In this Act, unless the context otherwise requires:

Interpretation.

“*authorized observer/inspector*” means any person authorized to act as an observer or inspector of fishing vessels for the purpose of this Act;

“*authorized officer*” means any fisheries officer and any other person or category of persons designated as an authorized officer for the purpose of this Act;

“*Belize high seas fishing vessel*” means a fishing vessel authorized to fly the flag of Belize and to fish or take fish on the high seas;

“*Belize High Seas Fisheries Unit*” or “*BHSFU*” means the entity responsible for the administration of this Act under the Registrar of Merchant Shipping in the Ministry of Finance;

“*commercial fishing*” means any fishing resulting or intending or appearing to result in the selling or trading of fish which may be taken during the fishing operation but does not include subsistence fishing;

“*Compliance Agreement*” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on 24 November 1993;

“*Director*” means the Director of Belize High Seas Fisheries Unit;

“*dollar*” or “*\$*” means dollar in the currency of the United States of America;

“*exclusive economic zone*” or “*EEZ*” means the exclusive economic zone(s) of a country;

“*FAO*” means the Food and Agriculture Organization of the United Nations;

“*fish*” means the whole or any part, and the offspring and its eggs, of any aquatic animal, whether piscine or not, and includes aquatic flora;

“*Fish Stocks Agreement*” means the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4 August 1995;

“*fishery*” means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management;

“*fishing*” means catching or taking or killing fish by any method and includes –

- (a) searching for , catching, taking or harvesting fish;
- (b) any attempt to search for, catch, take or harvest fish;
- (c) engaging in any other activity that can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (d) placing, searching for or removing fish aggregating devices or associated equipment;
- (e) any operation at sea in support of, or in preparation for, any activity described in this definition except in emergencies where it can be ascertained that the health and safety of crew

members or the safety of a vessel was at stake;
or

- (f) the use of aircraft in relation to any activity described in this definition except in emergencies where it can be ascertained that the health and safety of crew members or the safety of a vessel was at stake;

but does not include the taking of fish from an aquaculture facility or any other activity related to aquaculture;

“fishing related activities” means those activities that are done before, during or after in conjunction with or in support of the catching, taking or the killing of fish, including but not limited to

- (a) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
- (b) storing, processing, transportation and/or transshipment of fish up to the time it is first landed; or
- (c) transshipment; or
- (d) any operation at sea or in support of, any activity described in this definition except in emergencies where it can be ascertained that the health and safety of crew members or the safety of a vessel was at stake;

“fishing vessel” means any vessel used or intended for use for the purpose of the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such operation;

“*fish processing*” means the producing of any substance or article from fish by any method and includes cutting up, dismembering, cleaning, sorting, gutting, freezing, canning and salting, preserving and reduction of fish;

“*fisheries management agreement*” means any agreement, arrangement or treaty in force to which Belize is a party which has as its purpose the cooperation in or coordination of fisheries conservation and management measures in all or part of the region, including but not limited to fisheries monitoring, control and surveillance and establishing criteria or requirements for fishing;

“*fishing gears*” means any equipment, implement or other object that can be used in the act of fishing, including any fishing net, rope, line, float, trap, hooks, winch, boat, beacon or locating device;

“*fishing vessel circular*” means a legally binding notice issued in accordance with this Act to effect the implementation of conservation and management measures;

“*high seas*” means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

“*illegal, unreported and unregulated fishing*” has the same meaning as it is given in the International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing, adopted at the Food and Agriculture Organization of the United Nations, Rome, in June 2001;

“IUU” fishing means fishing activities which are illegal, unreported and unregulated:

“*illegal fishing*” includes activities:

- (a) conducted by national or foreign fishing vessels in waters under the jurisdiction of a State,

without the permission of that State, or in contravention of its laws and regulations;

- (b) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization, but which operate in contravention of the conservation and management measures adopted by that organization and by which those States are bound, or relevant provisions of the applicable international law; or
- (c) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization;

“*unreported fishing*” means fishing activities:

- (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (b) which have been undertaken in the area of competence of a relevant regional fisheries management organization and have not been reported, or have been misreported in contravention of the reporting procedures of that organization;

“*unregulated fishing*” means fishing activities:

- (a) conducted in the area of application of a relevant regional fisheries management organization by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organization or by any

other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

- (b) conducted in areas or for fish stocks in which there are no applicable conservation or management measures by fishing vessel in a manner consistent with State responsibilities for the conservation of living marine resources under international law;

“international conservation and management measures” means measures to conserve or manage one or more species or habitats of living marine resources that are adopted and applied in accordance with the relevant rules of international law reflected in the 1982 United Nations Convention of the Law of the Sea, the FAO Compliance Agreement and the Fish Stocks Agreement either by global or sub-regional organizations or by treaties or arrangement to which Belize is a Party or is a cooperating non contracting party;

“IMMARBE” means the International Merchant Marine Registry of Belize;

“international treaty” means any treaty or convention (including any Regional Fisheries Management Measures, Agreements, Code of Practice or Agreement made under the auspices of a multilateral organization of which Belize is a Member), or part of any international treaty or convention to which Belize has adhered;

“length” means

- (a) for any fishing vessel of Belize built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of keel, or the

length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater, except that in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

- (b) for any fishing vessel of Belize built before 18 July 1982, registered length as entered on the vessel's documentation;

“high seas fishing license” means any permit, authorization or license issued in accordance with this Act;

“master” means the person in charge or apparently in charge of fishing activities of the vessel;

“Minister” means the Minister of Finance;

“operator” means any person who is in charge of or directs or controls a fishing vessel or for whose direct economic or financial benefit a vessel is being used, including the master, owner and charterer;

“owner” means the ultimate owning entity or representative thereof (either individual or body corporate or group of company); the beneficial owner may be the vessel's management company or the trading name of a group, both of which are generally perceived to represent the ultimate owner of the vessel;

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of 2010.

“*Registrar*” means the Registrar of Merchant Shipping appointed or designated under the Merchant Ships (Registration) Act;

“*resident agent*” in relation to a fishing vessel, means any person resident in Belize exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner or on an owner’s behalf;

“*Regulation*” means any regulation made pursuant to this Act;

“*Sanction Regulations*” means the regulations made under this Act, prescribing penalties for violation of the provisions of this Act;

“*serious violation*” as defined in paragraph 11 of Article 21 of the United Nations Fish Stocks Agreement, means

- (a) fishing without a valid license, authorization or permit issued by the Flag state in accordance with Article 18, paragraph 3 (a) thereof;
- (b) failing to maintain accurate records of catch and catch related data, as required by the relevant sub-regional or regional fisheries management organization or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organization or arrangement;
- (c) fishing in a closed area, fishing during a closed season or fishing without or after attainment of, a quota established by the relevant sub-regional or regional fisheries management organization or arrangement;

- (d) directing fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
- (e) using prohibited fishing gears;
- (f) falsifying or concealing the markings, identity or registration of a fishing vessel;
- (g) concealing, tampering with or disposing of evidence relating to an investigation;
- (h) multiple violations which together constitute a serious disregard of conservation and management measures; or
- (i) such other violations as may be specified in procedures established by the relevant sub-regional or regional fisheries management organization or arrangement.

“*transshipment*” means transferring any fish or fish products to or from any vessel.

PART II – ADMINISTRATION

5. (1) There shall be established under the Ministry of Finance a Belize High Seas Fisheries Unit with specific responsibility for the regulation and control of high seas fishing pursuant to this Act.

**Belize High
Seas Fisheries
Unit
(BHSFU).**

(2) The Belize High Seas Fisheries Unit shall be headed by a Director of High Seas Fisheries who shall be appointed by the Registrar.

(3) The Belize High Seas Fisheries Unit shall have powers and functions to:

- (a) conserve, manage and sustainably develop all resources in accordance with the principles and provisions of this Act and in sub-regional, regional and international instruments to which Belize is a party, for vessels fishing on the high seas;
- (b) establish management plans and programs to manage the resources;
- (c) issue licenses in accordance with this Act;
- (d) implement conservation and management measures taken from relevant resolutions and recommendations of those Regional Fisheries Management Organization (*RFMOs*) and international treaties to which Belize subscribes for Belize flagged vessels which operate on the high seas;
- (e) coordinate and manage fisheries monitoring, control and surveillance for Belize flagged vessels operating on the high seas;
- (f) appoint authorized officers and inspectors in accordance with this Act;
- (g) conduct summary administrative proceedings in accordance with the Sanctions Regulations to sanction any infringements made against this Act;
- (h) cooperate in the conservation and management of highly migratory fish stocks as appropriate with other States and high seas areas and participate in appropriate sub-regional, regional and international organizations or arrangement relating to fisheries;

- (i) participate in the planning and execution of projects, programs or other activities related to fisheries or fishing, or the exploration of the non-living resources of the high seas;
- (j) perform such other duties and functions as may be necessary to carry out the purposes of the high seas fisheries; and
- (k) perform such other duties and functions as may be necessary to carry out the purposes and provisions of this Act.

PART III – FISHERIES CONSERVATION, MANAGEMENT AND DEVELOPMENT

6. Exclusive management and control over living and non-living marine resources on Belize-flagged vessels on the high seas is vested in the Government of Belize.

Management.

7. The BHSFU may take measures for the conservation and management of Belize's high seas fisheries sector. Such measures shall be consistent with national and international standards applicable and shall include, inter alia:

Conservation and management measures.

- (a) declaring an open or closed season in accordance with mandatory international treaties to which Belize adheres for any specified area and for -
 - (i) any fish;
 - (ii) any period of time or at all times;
- (b) prohibiting the taking of fish from any area:
 - (i) by a specified method, gear, equipment or instrument;

- (ii) by a specified class of persons;
- (iii) by a specified class of vessels;
- (c) prohibiting the landing, transporting, transshipping, receiving or possession of fish;
- (d) prohibiting any fishing operation or activity related to fishing which may have an adverse effect on the marine resources.

BHSFU may allocate quotas for fishing.

8. The BHSFU may set quotas with respect to any fish stock, not in contravention of the total allowable catch of that same fish stock as determined by the relevant RFMO having jurisdiction over that particular fish stock, subject to the provisions of this Act or the provisions of an international conservation and management measure.

BHSFU may determine participatory rights in fisheries.

9. The BHSFU may determine participatory rights in the fishery, such as allocations of allowable catch or levels of fishing effort. Allocation of such participatory rights may include restrictions as to vessel type, species, gear type, season of operation, areas in which the fishing can take place, or any other restrictions relevant to fisheries conservation and management.

Consultation on international fisheries management.

10. (1) The BHSFU shall consult as appropriate with foreign governments, and in particular with governments of Coastal States having jurisdiction over the waters in which Belize flagged high seas fishing vessels operate with a view to:

- (a) ensuring the closest practicable harmonization or coordination of their respective fisheries management and development plans and regulations.
- (b) ensuring harmonization in the collection of statistics, the carrying out of surveys and procedures for assessing the state of the fisheries resources;

- (c) providing, as appropriate, for the formulation of regional fisheries management and development plans including monitoring control and surveillance for the allocation of fishing effort and catch among States fishing the same stocks and for taking joint conservation measures;
- (d) establishing, on a bilateral or regional level as appropriate, arrangements regarding fishing rights with other States in accordance with the provisions of the relevant fisheries management and development plan.

(2) Consultation under this section may be undertaken either directly with the Governments or persons concerned, or through existing appropriate regional or sub-regional organization or interpersonal agencies.

11. (1) The obligations and requirements relating to the activities and practices of fishing vessels provided for in any international treaty are obligations and requirements applying to vessels to which this Part applies, regardless of whether those vessels are operating on the high seas or in the jurisdiction of another State.

**Compliance
with
International
obligations.**

(2) The Registrar may make regulations, not inconsistent with this Act, for the purpose of:

- (a) adding any other international treaty or convention to those which Belize adheres to; and
- (b) specifically identifying which parts of an international treaty or convention, or which obligations and requirements stated in an international treaty, are imposed on or must be observed by vessels to which this Part applies.

(3) In the absence of a regulation made under subsection (2)(b), the operator of a vessel to which this Part applies must observe all the obligations and requirements of all international treaties applying to their fishing and related activities.

Prohibited
fishing
activities.

12. (1) No person shall:

- (a) permit to be used, use or attempt to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish to be more easily caught; or
- (b) carry or have in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention to use such substance for any purpose referred to in paragraph (a).

(2) A person who contravenes subsection (1) is guilty of an offence punishable in accordance with the Sanction Regulations.

(3) Any explosive, poison or other noxious substance found on board any vessel is presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1)(a).

(4) No person shall land, sell, receive or possess any fish taken by any means in contravention of subsection (1) (a), if the person knows or ought reasonably to have known the fish to have been so taken.

(5) A person who contravenes subsection (4) is guilty of an offence punishable in accordance with the Sanction Regulations.

(6) In any proceeding for any offence against this section, a certificate as to the cause or manner of death

of or injury to, any fish, signed by the Director or any person authorised by him in writing is, until the contrary is proved, sufficient evidence as to the matters stated in the certificate.

(7) In any proceedings for an offence against this section, the defendant must be given not less than 14 days' notice in writing of the intention to rely on a certificate under subsection (6).

(8) No vessel shall be used for driftnet fishing activities on the high seas.

(9) No vessel which holds a valid registration issued pursuant to the laws of Belize shall engage in driftnet fishing activities on the high seas.

(10) Where any fishing vessel is used in contravention of subsections (8) or (9), the owner, operator, and master thereof each commits a serious violation against this Act and shall be subject to disciplinary or pecuniary actions in accordance with the Sanction Regulations.

(11) The finning of sharks by Belize flagged fishing vessels is strictly prohibited, and for this purpose, finning means the detachment of fins from the carcass of a shark and the subsequent discard of that carcass.

(12) The operator of any vessel which contravenes subsection (11) commits a serious violation against this Act and shall be subject to disciplinary or pecuniary actions in accordance with the Sanction Regulations.

13. (1) No person shall use for fishing or have on board a Belize flagged vessel on the high seas –

- (a) any net, the mesh size of which does not conform to the minimum mesh size for that type of net that is required or prescribed pursuant to this Act;

**Prohibited
Fishing Gears
and Stowage.**

- (b) any fishing gear which does not conform to standards required pursuant to this Act for that type of fishing gear;
- (c) any fishing gear which is prohibited by this Act, including without limitation a driftnet.

(2) Any person who contravenes subsection (1) commits a serious violation against this Act and shall be punished in accordance with the Sanction Regulations.

(3) All fishing gear on board any fishing vessel in any place on the high seas where it is not permitted to fish or which has taken its allocation of fish, shall be stowed in such a manner that its not readily available for use for fishing or as may be prescribed.

(4) The operator of any fishing vessel used in contravention of subsection (1) commits an offense and shall be subject to disciplinary or pecuniary penalties in accordance with the Sanction Regulations.

PART IV - LICENSES

Fishing
licenses
required for
fishing on the
high seas.

14. (1) No Belize flagged vessel shall be used for fishing or fishing related activities on the high seas or in the jurisdiction of another State unless the vessel has on board a valid high seas fishing license and relevant fishing permissions from other States as may be necessary.

(2) In a case where a vessel intends to fish or carry out fishing related activities in the EEZ of another State, that vessel shall hold a valid authorization for such operation from that State in addition to the licence required under subsection (1) above.

(3) Where a Belize flagged fishing vessel is used in contravention of subsection (1) and (2), the master, owner, charterer or operator of the vessel is each guilty of an offence and shall be liable to disciplinary measures in accordance with the Sanction Regulations.

15. Activities subject to licenses and authorizations under the Belize flag are as follows:

Activities
subject to
licenses and
authorizations.

- (a) fishing;
- (b) transshipment and other related activities;
- (c) fish processing;
- (d) sport fishing;
- (e) commercial pilot fishing;
- (f) marine scientific research;
- (g) exploration and exploitation of non-living marine resources; and
- (h) activities that may be in support of fishing or any fishing related activities.

16. (1) All licences under this Act shall be issued by the Director with the approval of the Registrar.

Authority to
issue licences.

(2) Regulations may prescribe the application form and other documents and fees required for licences under this Act.

17. (1) The Director shall have regard to the following matters in determining whether or not to grant a high seas fishing license:

License
approval and
issuance.

- (a) the capacity of Belize to implement its obligations under the Compliance Agreement and the Fish Stocks Agreement and with regard to the international conservation and management measures which are recognized by Belize;

- (b) there is no evidence suggesting that the vessel is operating or has previously operated in a manner that may breach or have breached any obligations or requirements of an international treaty;
- (c) any other relevant matters.

(2) The Director shall be responsible for approving guidelines and /or promulgating regulations governing the issuance of licenses or authorizations pursuant to this Act,

(3) The owners/operators of a registered vessel shall designate an agent resident in Belize who shall act for or on behalf of that vessel and represent that vessel in all matters relating to the enforcement of this Act.

(4) Any fishing vessel which requires a license to fish or to carry out fishing related activities on the high seas shall be duly registered with IMMARBE.

(5) The Director shall review each application submitted pursuant to this Act and determine whether or not it qualifies for a licence.

(6) Applications for licenses shall be in such a form as the Director may require or as may be prescribed and shall specify, inter alia:

- (a) the name, call sign, registration number, name and address of owners and operators;
- (b) the tonnage, capacity, gear type, processing equipment and such other pertinent information with respect to the characteristics of the vessel as the Director may require;
- (c) the area of operation, intended ports of discharge, species to be targeted etc.,

(7) Licenses may be issued after application is made in accordance with this Act and the required documentation is submitted and the fees paid.

(8) The Director may attach such conditions to a license as he thinks fit and shall attach such terms and conditions as may be prescribed.

(9) The Regulations made under this Act may provide for:

- (a) a form and procedures for application for a license;
- (b) any conditions which may or shall be attached to a license;
- (c) criteria for renewal, refusal, suspension or cancellation of a license;
- (d) fees, contributions and other forms of payment for licenses;
- (e) period of validity of licenses;
- (f) offenses, fines and penalties.

18. (1) The Director shall not issue a high seas fishing license in respect of any fishing vessel of Belize, if that vessel was previously authorised to be used for fishing on the high seas by a foreign State, and:

Refusal of license.

- (a) that foreign State suspended such authorization because the vessel engaged in activities that are contrary to the provisions of international conservation and management measures, and the suspension has not expired;

- (b) the foreign State, within the last three years preceding the application for a license under this section, withdrew such authorization because the vessel engaged in activities that were contrary to the provisions of international conservation and management measures.

(2) The restriction in subsection (1) does not apply if the ownership of the vessel has changed since the vessel engaged in activities contrary to the provisions of international conservation and management measures, and the new owner has provided sufficient evidence to the Director demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

(3) The restriction in subsection (1) does not apply if the Director makes a determination that issuing a high seas fishing license in respect of the vessel would not undermine the effectiveness of international conservation and management measures.

(4) A person who knowingly or recklessly provides any information required to be given under this section which is false incomplete or misleading commits an offence and shall be liable to disciplinary measures in accordance with the Sanction Regulations.

(5) A license or its renewal may also be denied where:

- (a) the vessel is not duly registered or is not in good standing with IMMARBE;
- (b) the application is not in accordance with the requirements of this Act;
- (c) the vessel or a person associated with the vessel has previously been involved in a breach of this Act;

- (d) the owner, operator or charterer is the subject of legal proceedings or on reasonable grounds appears unable to meet its obligations;
- (e) the Director has reasonable grounds to believe that the ownership information is false or not a true representation of the beneficial ownership of the vessel or vessels;
- (f) the owner fails to submit the prescribed application and documentation required for the issuance or renewal of a license or authorization;
- (g) the fishing vessel does not bear the required markings;
- (h) the fishing vessel does not bear the required markings for fishing gears;
- (i) an operator of the vessel has contravened or the vessel has committed a serious violation against the laws of Belize other international law relating to international conservation and management measures;
- (j) the fishing vessel is being used in operation within the EEZ of another State without the proper authorization of that State;
- (k) if the vessel does not have a good standing with the Regional Registers of vessels maintained by fisheries management organizations;
- (l) there has been a failure to satisfy a judgment or other final determination for breach of this Act;
- (m) the owner fails to appoint a legal representative in Belize;

- (n) the Director determines that it would be inconsistent with management measures implemented in accordance with this Act;
- (o) the required fees, royalties or other forms of compensation have not been paid in accordance with this Act; or
- (p) the Director determines that the issuance of a license would not be in the best interests of Belize.

(6) The Director shall notify the applicant of the decision to issue or deny a license within a reasonable time of the date of receipt of the application.

(7) The Director may attach to a licence such terms, conditions and restrictions as he may consider fit.

(8) No license shall be issued authorizing fishing using a driftnet/gillnets or other substantially similar method of catching fish.

(9) Where the licence is refused, the applicant shall be informed of the reasons for refusal and the applicant may then submit a revised application taking into consideration the reasons for disapproval.

19. (1) The Director may suspend or cancel a licence if he is satisfied that:

- (a) information required to be given or reported under this Act is false, incomplete, incorrect, misleading or not provided as and when required; or
- (b) it is necessary to do so in order to give effect to any licensing programme specified in a fishery management plan; or

Suspension, revocation or imposition of conditions or restrictions on a license.

- (c) the owner or operator is the subject of bankruptcy proceedings under the insolvency laws of any jurisdiction, and satisfactory financial assurance has not been provided; or
- (d) the vessel or establishment in respect of which the licence has been issued has been used in contravention of this Act, or of any condition of the licence; or
- (e) payment has not been made and is overdue in relation to any fees, charges, royalties and other payment required under this Act, or for any penalty or fine in relation to a breach of this Act; or
- (f) an operator of the vessel has breached any obligation or requirement imposed by an international treaty, or has committed any offence against the laws of Belize that, in the opinion of the Director, justifies the suspension or cancellation of the licence.

(2) If a licence is suspended or cancelled under this section, written notification of the suspension or cancellation shall be given to the person to whom the licence was issued.

(3) If a licence is suspended or cancelled because the Director was satisfied that it was necessary to do so in order to give effect to any licensing programme specified in a fishery management plan, a proportion of any fee paid for the licence representing the unexpired period of that licence shall be reimbursed to the licensee at licensee's request.

20. (1) An applicant for, or the holder of, a licence may, within 30 days of being notified of one of the following decisions, appeal the decision by notice in writing in accordance with this section:

Appeal.

- (a) a decision by the Director to refuse to issue a licence; or
- (b) a decision by the Director to suspend or cancel a licence.

(2) An appeal against a decision made by the Director in relation to a matter specified in subsection (1) shall be by way of a request to the Registrar for a re-consideration of the decision.

(3) Until such time as the Registrar makes a decision in relation to an appeal made under this section, the original decision remains in force.

Licenses –
Period of
validity.

21. (1) Subject to the provisions of this section and unless otherwise prescribed in accordance with this Act, every license issued or renewed under this Act shall be valid for a period of one year, or such lesser period as may be specified.

(2) A license issued or renewed under this Act shall only be valid for the species of fish, the type of fishing gear or method of fishing, or such other activity in accordance with this Act, as may be specified in the license.

(3) A license issued under this Act may not be transferred.

(4) A high seas fishing license is void in the event that the vessel in respect to which it was granted is no longer entitled to fly the Flag of Belize.

Information
Exchange with
the FAO.

22. In accordance with Article VI of the Compliance Agreement, information on all vessels that have been issued with a fishing license pursuant to this Act shall be made readily available to the FAO.

23. (1) There shall be paid in respect of every license issued under this Act, fees, contributions or other forms of compensation.

Fees and charges.

(2) The fees, contributions or other forms of compensation for licenses issued pursuant to this Act and other charges in relation to license administration shall be prescribed by Regulations made under this Act.

(3) In determining the level of fees, contributions or other forms of compensation for licenses for fishing and related activities, the Registrar shall take the following, inter alia, into account;

- (a) the value of the fish species being caught;
- (b) the quantity of the species caught;
- (c) the gear type;
- (d) alternative use of the fishery resources;
- (e) the cost of fishery management and development;
- (f) the cost of observers;
- (g) the cost of fisheries research, administration and enforcement;
- (h) any other expenses that may result from the administration of the high seas fishing fleet.

(4) License fee may be classified, inter alia, according to the value of species caught and the length overall, gross tonnage, type of gear, or other methods related to the harvesting potential of the vessel.

(5) No license shall be issued pursuant to this Act unless the requisite fees, contributions, charges and other

forms of compensation have been paid in accordance with this Act.

Investigation
of breaches
and non-
compliance.

24. (1) The Director shall investigate the fishing and related activities of any Belize flagged fishing vessel operating on the high seas to which this Part applies, if -

- (a) a complaint is made to the Director concerning a Belize Flagged vessel by a person responsible for the implementation and enforcement of any international treaty; or
- (b) a complaint is received from the competent authority of any other flag State; or
- (c) the Director has any other reason to believe that a breach of any condition of an international authorization to fish under this Part may have been committed by a vessel to which this Part applies.

(2) The Director shall notify the master, owner and operator of any vessel under investigation that the Director is conducting an investigation into the fishing related activities of that vessel, and the master, owner and charterer shall each:

- (a) provide such information, data and documentation as is required by the Director;
- (b) answer such specific questions as are put to by the Director concerning the fishing or related activities of the vessel under investigation; and
- (c) cooperate with an investigator authorized by the Director in relation to the investigation, and permit the investigator to have full access to all records and to the crew of the vessel for questioning.

(3) A master, owner or operator who fails to comply with subsection (2) or who otherwise obstructs an investigation under this section is guilty of an offence punishable in accordance with the Sanction Regulations.

(4) Any person other than those listed in subsection (3) who obstructs an investigation under this section is guilty of an offence and is liable to the imposition of penalties in accordance with the Sanction Regulations.

(5) For the purpose of conducting an investigation under this section, the Director may authorize any person to conduct the investigation on his behalf and in such a case the authorized person may exercise all powers of the Director under this section.

(6) The report of any investigation conducted under this Part shall be provided by the Director to:

- (a) the Registrar;
- (b) the Senior Deputy Registrar of the International Merchant Marine Registry of Belize, and
- (c) the master, owner and operator of the vessel under investigation.

25. Where a fishing vessel has been licensed under section 16, the Director shall maintain a register which shall contain the following information:

**Record of
Fishing
Vessels.**

- (a) nature of the activity licensed or authorized;
- (b) the particulars of the vessel, person or establishment licensed or authorized;
- (c) the terms of each license or authorization;

- (d) any action taken in respect of the licence or authorization;
- (e) the result of any appeal affecting the licence or authorization considered; and
- (f) any other matter that is prescribed.

Observance of Laws.

26. Any license issued or authorization given under this Act shall not exempt a person from any other laws of Belize or any reasonable requirement of another country.

Fishing or other activity conducted without or in contravention of a license.

27. (1) Where a person or vessel is engaged in fishing or in any other activity described in this Act for which a license is required, without a license or in contravention of any of its terms and conditions, that person, or in the case of a vessel, the operator, commits an offence and shall be punished in accordance with the Sanction Regulations.

(2) No such person shall be permitted to engage in fishing or the relevant activity, or if a license has been issued it will be suspended, for a period to be determined in accordance with the Sanction Regulations.

(3) Each day of continuing violation under this section shall be considered a separate offence.

(4) Where an offence against this Act has been committed by any person on board or employed on a fishing vessel, the master of the fishing vessel shall also be guilty of the same offence and shall be subject to applicable fines and penalties.

Regulations to prevent unauthorized fishing in waters of a foreign State.

28. To ensure that Belize flagged fishing vessels do not conduct unauthorized fishing in the exclusive economic zone, territorial seas, archipelagic waters (or other zone of extended fisheries jurisdiction) of any foreign state, the

Registrar, may on the recommendations of the Director, make regulations:

- (a) requiring the recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data;
- (b) requiring that owners/operators receive prior authorization from the Flag State authorizing their activity within the jurisdiction of another State;
- (c) requiring the owners, operators, charterers or masters of such vessels to provide copies of licenses and evidence that such operations are duly authorized;
- (d) authorizing and establishing procedures for the provision of evidence to a foreign State which alleges that such a vessel has engaged in such unauthorized fishing;
- (e) any other regulations that may be relevant.

29. The owner, operator and master of every Belize flagged high seas fishing vessel shall be familiar with all applicable conditions, obligations and requirements applying to his vessels engaged in fishing or fishing related activities; and it is no defence that any person in breach of any condition, obligation or requirement was not aware of it or has not been advised of it.

Liability.

PART V - MONITORING, CONTROL AND SURVEILLANCE

30. (1) A Fisheries Monitoring Center under the Director shall have primary responsibility for 24 hour monitoring control and surveillance of the activities of

Enforcement
responsibility.

Belize flagged high seas fishing vessels and the enforcement of this Act as it pertains to matters of the high seas.

(2) The Director may, as appropriate, involve participation by relevant Government departments or offices in fisheries enforcement.

(3) The Director may authorize other entities, officials or persons to perform fisheries enforcement functions.

**Appointment
of Authorized
Officers and
Inspectors.**

31. (1) The Director shall appoint in writing a person or class of persons as authorized for the purpose of enforcing this Act and such persons shall exercise all powers and privileges accorded by this Act.

(2) For all surveillance and enforcement duties and obligations or any other duties provided under this Act, except any duties arising from the licensing and reporting requirements of this Act, general safety inspectors of IMMARBE shall be deemed to be authorized officers for the purpose of safety inspection of the vessel only.

(3) The Director may appoint any person with the exception of any ship owner, charterer, beneficial owner, operator or crew of any Belize high seas fishing vessel, to be authorized officer for the purposes of the implementation of this Act and in doing so may determine the scope of their authority and duties.

(4) Any person or class of persons appointed as authorized officers, inspectors or observers in accordance with a fisheries management agreement or similar cooperative arrangement to which Belize is a party, who is not a citizen of Belize or has not been appointed in accordance with subsection (1), shall have such rights and privileges as may be necessary for the performance of his duties as authorized officer(s), under this Act.

32. (1) The Director shall appoint in writing any person to be an authorized observer for the purpose of this Act or may appoint as necessary any accredited institution for the provision of such observer services.

**Appointment
of Authorized
Observers.**

(2) Any authorized observer pursuant to a fisheries management agreement to which Belize is a party, who has not been appointed in accordance with subsection (1) shall have the same rights and privileges as may be required for the performance of his duties under this Act relating to authorized observers.

(3) Observers may exercise scientific, compliance, monitoring and other functions.

33. (1) For the purpose of enforcing this Act, any authorized officer/inspector may:

**Powers of
Authorized
Officers and
Inspectors.**

- (a) stop, board, remain on board and search any vessel which operates in the high seas which he reasonably believes is a fishing vessel which is registered under the Belize flag, and stop and search any such vessel he reasonably believes may be transporting fish or engaging in any activity relating to fishing;
- (b) require the master or any crew member or other person aboard to inform him of the name, call sign and the name(s) of the master, owner, charterer and crew members;
- (c) examine the master or any crew member or other person aboard about the cargo, contents of hold and storage spaces, voyage and activities of the vessel;
- (d) make such examination and inquiry as may appear necessary to him concerning any vessel

in relation to which any of the powers conferred by this section have been or may be exercised and take samples of any of fish products found on board;

- (e) require to be produced, examine and take copies of any license, logbook, record of other document required under this Act or concerning the operation of any vessel;
- (f) make an entry dated and signed by him in the logbook of such vessel;
- (g) require to be produced and examine any fish, fishing gear or appliance or explosive, poison or other noxious substance;
- (h) give direction to the master and any crew member of any vessel stopped, boarded or searched as may be necessary or reasonably expedient for any purpose specified in this Act or to provide for the compliance of the vessel or master or any crew member with conditions of any license;
- (i) endorse the validity and authenticity of any license.

(2) Where an authorized officer/inspector has reasonable grounds to believe that an offense against this Act is being or has been committed by a Belize flagged vessel, he may without warrant:

- (a) enter, inspect and search any premises, other than premises used exclusively as a dwelling house, in which he has reasonable grounds to believe that an offence has been or is being committed or fish taken illegally are being stored;

- (b) stop, enter and search and stay in or on any vessel or vehicle which he reasonably suspects of transporting fish or fish products;
- (c) take samples of any fish found in any vessel inspected or any premises searched under this Act;
- (d) seize:
 - i. any vessel (including its fishing gear, equipment, stores and cargo), nets or any other fishing appliances which he has reasonable grounds to believe has been or is being used in the commission of such offence or in respect of which the offenses have been committed;
 - ii. any fish or fish products he has reasonable grounds to believe have been caught in the commission of an offence or are possessed in contravention of this Act;
 - iii. any logs, charts or other documents required to be maintained by this Act or under the terms of any license or other authorizations or which he has reasonable grounds to believe, show or tend to show, with or without other evidence, the commission of an offence against this Act; and
 - iv. anything which he has reasonable grounds to believe might be used as evidence in any proceedings under this Act;

(3) A written receipt shall be given for any article or thing seized under this section and the grounds for such seizure shall be stated in such receipt.

(4) No authorized officer who does any act under this Act, or omits to do any act required by this Act, shall be under any civil or criminal liability as a result of that act or omission on the grounds of want of jurisdiction or mistake of law or fact, or any other ground, unless he has acted or omitted to act, in bad faith.

(5) An authorized officer/inspector may, for the purpose of enforcing this Act, with or without a warrant or other process:

- (a) execute any warrant or other process issued by any court of competent jurisdiction; and
- (b) exercise any other lawful authority.

**Duties of
Authorized
Observers.**

34. (1) Any person on board a vessel that is the subject of a licence or authorization under this Act shall permit an observer to board and remain on the vessel for the purpose of carrying out his duties and functions.

(2) The operator and each member of the crew of a vessel shall allow and assist any observer to:

- (a) board the vessel for scientific, compliance monitoring and other functions at such time and place as the Director may require; and
- (b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his duties, including:
 - (i) access to the bridge, navigation charts, fish on board and to areas which may be used to hold, process, weigh and store fish;

- (ii) access to the vessel's records, including its logbooks and documentation, for the purpose of records inspection and copying; and
 - (iii) access to fishing gear on board; and
 - (iv) reasonable access to navigation equipment and radios;
- (c) take and remove from the vessel samples and relevant information;
- (d) take photographs of the fishing operations, including of charts, records, fish, fishing gear and equipment and remove from the vessel such photographs or film;
- (e) carry out all duties safely; and
- (f) disembark at such time and place as may be determined by the Director, or in accordance with an access agreement.

(3) The operator must provide the observer with food, accommodation and medical facilities accorded to an officer of the vessel for the time that the observer is on board and at no cost.

(4) In addition to the requirements under subsection (3), the operator shall pay in full the following costs of the observer:

- (a) full travel costs to and from the vessel; and
- (b) the salary set by the Director; and
- (c) insurance cover as required by the Director.

(5) An operator of a vessel licensed as a Belize flagged fishing vessel or the subject of an international authorization to fish issued under this Act shall allow and assist an observer to have full access to any place where fish are unloaded or transshipped and shall permit the observer to remove samples and to gather information relating to the fishing and related activities of the vessel.

Cooperating
with
Authorized
Officers/
Inspector/
Observer.

35. (1) The master and each crew member of any fishing vessel shall immediately comply with every instruction or direction given by an authorized officer/inspector or observer as appropriate and facilitate safe boarding, entry and inspection of the vessel and any fishing gear, equipment, records, fish and fish products.

(2) Every person commits an offense who:

- (a) assaults, obstructs, resists, delays, refuses boarding to, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an authorized officer/inspector or observer in the performance of his duties;
- (b) incites or encourages any other person to assault, resist or obstruct any authorized officer, inspector, observer while carrying out his powers or duties, or any person lawfully acting under the authorized officer's orders or in his aid;
- (c) uses threatening language or behaves in a threatening or insulting manner or uses abusive language or insulting gestures towards any authorized officer or observer while in the execution of his powers or duties, or any person lawfully acting under an authorized officer's order or in his aid;

- (d) fails to comply with the lawful requirement of any authorized officer or observer;
- (e) fails to take all reasonable measures to ensure the safety of an authorized officer or observer as appropriate in the performance of his duties;
- (f) furnishes to any authorized officer or observer any particulars which to his knowledge are false or misleading in any respect;
- (g) impersonates or falsely represents himself to be an authorized officer or authorized observer or who falsely represents himself to be a person lawfully acting under an authorized officer's order or in his aid;
- (h) impersonates or falsely represents himself to be the master or other officer of a fishing vessel; or
- (i) is in breach of any other duty to authorized officer or observer required under this Act.

(3) Every person referred to in subsection (2) above shall be liable to disciplinary measures and/or pecuniary measures in accordance with the Sanction Regulations.

(4) Adequate accommodation on board the vessel shall be provided to any authorized observer in accordance with regulations made under this Act.

(5) For the purpose of subsection (2), any person who does not allow any authorized officer or inspector or any person acting under his order or in his assistance, or an authorized observer to exercise any of the powers conferred on such person by this Act shall be deemed to be obstructing that officer, person or observer.

Identification of authorized officer/inspector and observer.

36. An authorized officer/inspector or authorized observer, when exercising any of the powers conferred by this Act, shall on request produce identification to show that he is an authorized officer/inspector or observer under this Act.

Requirements relating to seized vessels.

37. (1) If any vessel is seized under this Act:

- (a) the master and crew must take it to the port that the authorised officer designates; and
- (b) the master is responsible for the safety of the vessel and each person on board the vessel, including the crew, and any authorised officer, until the vessel arrives at the designated port.

(2) If the master fails or refuses to take the seized vessel to the designated port then the authorised officer or any person called on to assist him may do so.

(3) If a vessel is taken to port in the circumstances described in subsection (2), no claim whatever may be made against any authorised officer or the Director in respect of any damage, injury, loss or death occurring while the vessel is being so taken.

(4) If a vessel is taken to port in the circumstances described in subsection (2), no port dues shall be levied against the Belize High Seas Fisheries Unit or any other Government Department.

(5) The provisions relating to vessels and masters in subsections (1) to (3) apply with all necessary changes to vehicles and aircraft seized in accordance with this Act, and to their drivers and pilots respective.

38. (1) An authorised officer may remove any part or parts from any vessel, vehicle or aircraft held in custody under this Act, for the purpose of immobilising that vessel, vehicle or aircraft.

Removal of parts from seized vessels etc.

(2) Any part or parts removed under subsection (1) shall be kept safely and returned to the vessel, vehicle or aircraft on its lawful release from custody.

(3) A person (other than an authorised officer) shall not:

- (a) knowingly possess or arrange to obtain any part or parts removed under subsection (1); or
- (b) knowingly possess or arrange to obtain any replacement or substitute part or parts for those removed under subsection (1); or
- (c) knowingly make any replacement or substitute part or parts for those removed under subsection (1); or
- (d) fit or attempt to fit any part or parts, or replacement or substitute part or parts to a vessel, vehicle or aircraft being held in custody under this Act.

(4) A person who contravenes subsection (3) is guilty of an offence punishable in accordance with the Sanction Regulations.

39. (1) The Director shall require as a condition of fishing in the high seas that the operator of any vessel:

Vessel Monitoring System.

- (a) installs on such vessel at its own expense a vessel monitoring system designated by the Director;

(b) maintains such equipment in good working order at all times while in the high seas or such other areas as may be agreed or designated.

(2) Any machine:

(a) aboard a vessel automatically feeding or inputting position, fixing information or data into a transponder shall be judicially recognized as accurate;

(b) used in conjunction with a transponder for the purpose of ascertaining or obtaining information or data need not be judicially recognized as appropriate;

(3) All information or data obtained or ascertained by the use of a transponder, shall be presumed, unless the contrary is proved, to:

(a) come from the vessel so identified;

(b) be accurately relayed or transferred; and

(c) be given by the master, owner, operator and charterer of the vessel.

Evidence may be given of information and data so obtained or ascertained whether from printout or visual display unit.

(4) The presumption in subsection (3) shall apply whether or not the information was stored before or after any transmission or transfer.

(5) Any person may give a certificate stating –

(a) his name, address and official position;

(b) he is competent to read the printout or visual display unit or any machine capable of obtaining or ascertaining information from a transponder;

- (c) the date and time the information was obtained or ascertained from the transponder and the details thereof;
- (d) the name and call sign of the vessel on which the transponder is or was as known to him or as ascertained from any official register, record or other document; and
- (e) a declaration that there appeared to be no malfunction in the transponder, its transmission or other machines used in obtaining or ascertaining the information.

(6) Any person who intentionally or recklessly destroys, damages, renders inoperative or otherwise interferes with a machine aboard a vessel which automatically feeds or inputs information or data into a transponder, or who intentionally feeds or inputs information or data into a transponder that is not officially required or is meaningless commits an offence and shall be sanctioned in accordance with the Sanction Regulations.

40. (1) For the purpose of recording catch and effort data, the operator of a high seas fishing vessel in respect of which a high seas fishing license is issued shall utilize relevant reporting measures as may be prescribed by the Director.

Catch
reporting
requirement.

(2) In addition to the catch and effort data required to be recorded, the Director may require such additional information to be provided in respect of the fishing operations of a permitted high seas fishing vessel as he may determine to be appropriate for fisheries conservation and management development.

(3) The Director may, with the approval of the Registrar, make regulations pursuant to this Act to prescribe

additional reporting requirements to achieve the effective management and control of high seas fisheries.

PART VI - MISCELLANEOUS

Information and documentation to be true, complete and accurate.

41. (1) Every person shall promptly give any information required under this Act, including records of any kind and information requested by the Director, an authorized officer or other officer or official carrying out duties under this Act.

(2) Any information required under this Act shall be true, complete and accurate and the Director shall be notified immediately of any change in circumstances which has the effect of rendering any such information or documentation false, incomplete or misleading.

(3) Any license, permit, registration or other document required to be obtained under this Act shall be obtained and held in its original, complete and accurate form as required under this Act, and no such document shall be altered after its issuance by any person.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offense and shall be sanctioned in accordance with the Sanction Regulations.

Presumptions.

42. (1) Any fish found on board any fishing vessel which has been used in the commission of an offence against this Act are presumed to have been caught in the commission of that offence, unless the contrary is proved.

(2) If, in any legal proceedings under this Act, the place at which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record as being the place at which the event took place, is presumed to be the place at which the event took place, unless the contrary is proved.

(3) For the purpose of any proceedings under this Act, the act or omission of any member of the crew of a fishing vessel while on board that vessel or engaged in fishing activity related to that vessel, is taken to be also that of the master, owner and operator of the vessel.

(4) Any entry in writing or other mark in or on any logbook, chart or other document required to be maintained under this Act, or used to record the activities of a vessel's activities, is taken to be that of the master, owner, and operator of the vessel.

(5) If any information is given in respect of a fishing vessel under this Act or a related agreement to any fishing activity of the vessel, it is presumed to have been given by the master, owner and operator of the vessel, unless it is proved it was not given by any of them.

(6) If in any legal proceedings for an offence under this Act:

- (a) an authorized officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken by the use of driftnets; and
- (b) the court considers that, having regard to the evidence, the grounds are reasonable;

the fish are presumed to have been so taken, unless the contrary is proved.

43. (1) If in any proceedings under this Act, a person is charged with having committed an offence involving an act for which a license, authorization or other permission is required, the onus is on that person to prove that at any relevant time the requisite license, authorization or other permission was held by him.

Onus of Proof.

(2) If a person is charged with having unlawfully entered the jurisdiction area of another State, the onus is on that person to prove that his entry was for a purpose recognized by international law.

(3) If a person is charged with having contravened this section, the onus is on that person to prove that the information given was true, complete and accurate.

**Authorization
of Transship.**

44. (1) A person shall not use a Belize flagged fishing vessel to undertake transshipment of fish without the authorization of the Director.

(2) The Director may issue an authorization to transship subject to the following conditions:

- (a) any prescribed conditions;
- (b) the conditions of the applicable fishing license;
or
- (c) any other condition imposed by the Director as he sees fit.

(3) A person authorized in accordance with this section shall comply with all applicable laws and with any conditions of the authorization.

(4) The Director may suspend or cancel an authorization if there is any failure to comply with the conditions of this authorization or the provisions of this Act.

(5) An authorization given under this section shall be in writing.

(6) A person shall only transship fish in an approved port or as authorized.

(7) Any person who undertakes transshipment activities:

- (a) without an authorization given under this section; or
- (b) in breach of any condition of an authorization or of a relevant fishing license; or
- (c) at a place other than an approved port;

is guilty of a serious violation against this Act and shall be subject to disciplinary or pecuniary actions in accordance with the Sanction Regulations.

45. No permit documents issued under this Act shall relieve any fishing vessel or its operator or crew of any obligation or requirement imposed by other laws, including those concerning navigation, customs, immigration or health, unless otherwise indicated in those laws.

Application of other laws.

46. (1) It shall be unlawful for any person to import, export, transport, sell, receive, acquire or purchase any fish or fish products, possessed, transported or sold in violation of any law or regulation of another State upon implementation, on a reciprocal basis, of a fisheries management agreement between the Government of Belize and such other State or States, in which such activities are agreed to be unlawful.

Application of laws of other States.

(2) The Director shall implement the fisheries management agreement described in subsection (1) by regulation and may require, *inter alia*, record keeping and reporting for each day of fishing activity.

47. Any person who commits the same offense against this Act more than once shall:

Subsequent offences.

- (a) be required to pay an additional fine that the Director may deem appropriate for the second and any subsequent offenses;
- (b) have any applicable licenses or permits suspended for a period of up to one year.

PART VII - SANCTIONS AND DISCIPLINARY ACTIONS

Sanctions to be imposed.

48. The Director, after examining the facts relating to a violation or serious violation, may take disciplinary or pecuniary actions in accordance with the Sanction Regulations.

Amount of Penalty to be imposed.

49. (1) In determining the amount of penalty to be imposed, the Registrar shall take into consideration the nature, circumstances, extent and gravity of the prohibited act or acts committed and its financial and economic impact on the fishing industry and the environment. With respect to the violators, the degree of culpability, any history of previous offenses relating to fishing and such other matters that may be relevant in accordance with the Sanction Regulation.

(2) The maximum penalty that may be imposed for any offence under this Act shall be three million dollars.

PART VIII - POWER TO MAKE REGULATIONS

Powers to make regulations.

50. (1) Subject to the provisions of this Act, the Registrar may, on the recommendations of the Director and with the approval of the Minister, 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 in relation to:

- (a) measures for licensing and regulation of fisheries or any particular fishery, including the prohibition of specific activities in any designated fishery or area, any fishing gear as well as the establishment of closed seasons and size limits;
- (b) prescribing the criteria and conditions for the allocation or distribution of total allowable catch;
- (c) measures for the licensing, authorization or registration in respect of any vessel or class or category of vessels to be used for fishing, related activities or any other purpose pursuant to this Act, including the form, issuance requirements, grounds for denial, terms and conditions and fees, charges, royalties and other forms of compensation related to such licensing, authorization or registration;
- (d) providing for the installation and use of vessel monitoring systems on an individual vessel or a category of vessels authorized to fish under this Act;
- (e) the appointment and maintenance of an appropriate procedure for agents appointed to receive and respond to process pursuant to this Act;
- (f) setting out the requirements for providing details of the beneficial ownership of vessels for the catching, loading, landing, handling, transshipping, transporting, possession or disposal of fish;
- (g) for the import and export of fish, including live fish;

- (h) prohibiting the use of driftnets, bottom trawling and shark finning;
- (i) requiring the provision of statistical and other information related to fisheries;
- (j) regulating or prohibiting fishing for certain stocks or specie needing special attention;
- (k) the requirements for the process of development and the contents of any management plan and the procedures to be followed in their implementation;
- (l) prescribing penalties and sanctions for offences under this Act and the Regulations;
- (m) prescribing any other matter which is required or authorized to be prescribed under this Act;
- (n) related activities on the high seas;
- (o) the operation of fishing vessels or any other vessel which may fish on the high seas;
- (p) the use and protection of fishing gear and equipment, including fish aggregating devices;
- (q) licensing for fishing and other activities falling within this Act;
- (r) pollution or the environmental quality of the high seas;
- (s) fisheries monitoring, control and surveillance of fishing vessels as well as economic operators;
- (t) prescribing the powers and duties of persons engaged in the administration or enforcement

of this Act and providing for the carrying out of those powers and duties;

- (u) compliance by fishing vessels which engage in fishing on the high seas with applicable laws of other States or regional fisheries management organizations or arrangements or fisheries management agreement;
- (v) issuing fishing vessel circulars to effect the implementation of conservation and management measures for the effective management and control of high seas fisheries and any other measures that may be required under international treaties to which Belize subscribes;
- (w) prescribing the jurisdiction of the courts for the purpose of this Act and other evidential matters;
- (x) providing for the sale, release and forfeiture of retained property;
- (y) prescribing any other matter to carry out the purposes and provisions of this Act.

(2) Such regulations may provide that any contravention or breach thereof shall be punishable by Order of the Registrar with a fine not exceeding three million dollars.

(3) All regulations made by the Registrar under this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

PART IX - GENERAL

**General
Offence and
Penalty.**

51. Unless otherwise stipulated under this Act, contravention of any provision of this Act is an offence punishable in accordance with the Sanction Regulations.

**Conflict of
Laws.**

52. Subject to the Belize Constitution, whenever the provisions of this Act or of any Order, rule or regulation made under this Act are in conflict with any other law, rule or regulation relating to the management of high seas fishing and related matters, the provisions of this Act and any Orders, Rules or Regulations made under this Act shall prevail.

**Exchange of
Information
with other
States.**

53. The Director shall make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other States that are parties to the Compliance Agreement so as to better implement the objects of the Agreement.

**Powers to
delegate.**

54. (1) The Registrar may, in relation to any particular matter or class of matter, by writing under his hand delegate to the Director any of his powers under this Act, except the power to make regulations.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Registrar.

**Repeal and
Savings.
No. 3
of 2003.**

55. (1) Upon the commencement of this Act, the High Seas Fisheries Act, 2003 shall stand repealed.

(2) All Regulations, By-laws, Rules, Orders and other subsidiary legislation made under the repealed Act, to the extent that they are not inconsistent with this Act, shall continue in force after the commencement of this Act, until repealed by Regulations, By-laws, Rules, Orders and other subsidiary legislation made under this Act.

Commencement.

56. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.