

THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020

EXECUTIVE SUMMARY

Bill No.:	Senate Bill 5 of 2020
Introduced in:	The Senate
Introduced by:	Senator the Honourable Clarence Rambharat, Minister of Agriculture, Land and Fisheries
Introduced on:	26-Oct-2020
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The Fisheries Management (No. 2) Bill, 2020 was introduced in the Senate by Senator the Honourable Clarence Rambharat, Minister of Agriculture, Land and Fisheries; and has made provisions for long-term sustainable fisheries in Trinidad and Tobago and to regulate fishing and fishing related activities in the fishery waters and in areas beyond national jurisdiction.

The Bill has repealed the following Acts:

- Fisheries Act, Chap. 67:51; and
- Control of Importation of Live Fish Act, Chap. 67:52.

And has amended the following Acts:

- Tobago House of Assembly Act, Chap. 25:03 – has been amended to include a new definition of “Tobago Fishery Waters” in order to clarify the waters under the jurisdiction of Tobago.
- Environmental Management Act, Chap. 35:05 – has been amended to delete references to the Fisheries Act and substitute with references to the Fisheries Management Act.
- Marine Areas (Preservation and Enhancement) Act, Chap. 37:02.
- Shipping Act, Chap. 50:10 – has been amended to include the definitions of “Illegal, Unreported and Unregulated fishing” and “IUU listed vessel”; by deleting the definition of “fishing vessel” and substituting it with the definition stated in section 2 of the Fisheries Management Act; and by including a new provision to govern the restriction on registration of fishing vessels for IUU listed vessels.
- Archipelagic Waters and Exclusive Economic Zone Act, Chap. 51:06 – has been amended to exclude the definitions of “allowable catch”, “fish”, “fishing craft”,

“foreign fishing craft” and “foreign ship”; include a new definition of “fish” in accordance with section 2 of the Fisheries Management Act; insert new definitions of “craft” and “suspect craft”; repeal sections 21, 23, 25, 26, 27, 28, 29, 30(1), 31, 32(f) to (p); and substitute with new sections 28 and 31.

- Conservation of Wildlife Act, Chap. 67:01.
- Customs Act, Chap. 78:01.
- Fish and Fishery Products Regulations, Chap. 30:01 – has been amended to exclude the definition of “fish” and substitute with a definition in accordance with section 2 of the Fisheries Management Act.
- Imports and Exports Control Regulations, 1941.

Delegation of Powers

The Bill has provided for the delegation of powers among the Minister, Secretary, Director, and Director – Tobago, as it relates to operations on the island of Trinidad and the island of Tobago respectively. The Secretary who would be guided by the technical and administrative advice provided by the Director – Tobago, has been made responsible for the management of Tobago’s fishery waters. The Director would provide the same guidance to the Minister in relation to Trinidad’s fishery waters. The Director and Director – Tobago would also act as the Chairman and Vice Chairman of the Trinidad and Tobago Fisheries Financial Board responsible for managing the monies in the Fisheries Management Fund, maintain a record of fish vendors and fishing vessels, and grant certificates and licences for same along with other permits.

In addition to working harmoniously for the development, conservation and management of fisheries on both islands, the Bill has mandated the establishment of a Fisheries Inspectorate in the Ministry and in Tobago, responsible for enforcing laws, regulations and standards; collaborating with agencies; and monitoring and controlling fishing vessels.

Fisheries Management and Development

The Bill has provided the Minister with the authority to declare designated fisheries as having national interest and has allowed for the Minister to prepare and implement management and development plans for the long-term sustainability of these fisheries.

Prohibited Fishing Methods and Fishing Related Activity

The Minister has been provided with the authority to prohibit fishing from a specific area, a specific type of fish or by using a specific method among other activities. Persons have also been prohibited from using noxious and/or explosive substances for fishing purposes. The Bill has also provided rules and regulations for commercial fishing and recreational fishing.

Monitoring, Control, Surveillance and Enforcement

The Bill has also provided for various port control measures and a reporting and monitoring system, the latter of which includes:

- Reporting and record-keeping of all catches and fishing activities;
- The installation of a mobile trans receiver unit or electronic device onto fishing vessels.

Authorised officers including the Director, Coast Guard, etc. have been granted powers to seize items, including vessels, equipment, fish, etc. without a warrant and powers to arrest within reasonable grounds.

As of October 26 2020, the Bill has been referred to the Joint Select Committee.