

A BILL

entitled

FISHERIES AMENDMENT ACT 2011

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WHEREAS it is expedient to amend the Fisheries Act 1972;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Fisheries Amendment Act 2011.

Amends section 1

2 Section 1 of the Fisheries Act 1972 (in this Act referred to as "the principal Act") is amended—

(a) by repealing the definition of "licence" and substituting the following definition—

“ "licence" means a licence issued by the Director or the Chairperson; ”; and

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(b) by inserting the following definitions in their proper alphabetical positions—

“Chairperson” means the Chairperson of the Commercial Fisheries Council;

“Director” means the Director of Environmental Protection;”.

Amends section 4

3 Section 4 of the principal Act is amended—

(a) in subsection (3A) by deleting “\$25,000.00” and substituting “\$50,000”; and

(b) in subsection (3B) by deleting “\$1,000” and substituting “\$2,500”.

Amends section 5

4 Section 5(2) of the principal Act is amended by deleting “\$25,000” and substituting “\$50,000”.

Amends section 6

5 Section 6(3) of the principal Act is amended by deleting “\$25,000” and substituting “\$50,000”.

Amends section 7

6 Section 7(2)(b) of the principal Act is amended by deleting “recreational fishing licence” and substituting “fishing licence for that purpose”.

Amends section 8

7 Section 8(4) of the principal Act is amended by deleting “\$5,000” and substituting “\$10,000”.

Amends section 13

8 Section 13(3) of the principal Act is amended by deleting “twenty-five thousand dollars” and substituting “\$50,000”.

Amends section 17

9 Section 17 of the principal Act is amended by deleting “one year or a fine of \$25,000” and substituting “two years or a fine of \$50,000”.

Amends section 18

10 Section 18 of the principal Act is amended by deleting “Minister” and substituting “Director”.

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Amends Third and Fourth Schedules

11 The Third and Fourth Schedules to the principal Act are amended by deleting “chairman” wherever it occurs and substituting “Chairperson”.

Validating provision

12 Notwithstanding clause 2, any licence or permit issued under the principal Act or any Regulations made under the principal Act, before the coming into operation of this Act shall be deemed to be valid to the extent that it would have been if this Act had been in operation when the licence or permit was issued.

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EXPLANATORY MEMORANDUM

The Bill for consideration is the Fisheries Amendment Act 2011 which amends the Fisheries Act 1972 ("the principal Act").

Clause 1 is the citation.

Clause 2 spells out the primary aim of this amendment which is to complete the shift of power from the Minister to issue various licences, to the Chairperson of the Commercial Fisheries Council and the Director of Environmental Protection. The definition of licence in section 1 of the principal Act has been changed in clause 2. It is now defined as "a licence issued by the Director or the Chairperson".

The principal Act dates back to 1972. A number of the penalties are outdated. The penalty provisions for breaches of various provisions of the principal Act have been increased in clauses 3, 4, 5, 7, 8 and 9.

Clauses 6, 10 and 11 are housekeeping exercises.

The power of the Minister to issue licences was given to the Director of Environmental Protection and the Chairperson of the Commercial Fisheries Council under the Fisheries Regulations 2010. The definition of licence in section 1 of the enabling Act was however not changed. This anomaly has been rectified in clause 2 of this Bill. Clause 12 validates licences issued by the Director of Environmental Protection and the Chairperson of the Commercial Fisheries Council between the coming into operation of the Fisheries Regulations 2010 and the coming into operation of this Act.