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**CHAPTER 242**  
**AGRICULTURE AND FISHERIES**  
**ARRANGEMENT OF SECTIONS**

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**CHAPTER 242**

AGRICULTURE AND FISHERIES

**An Act to provide for the supervision and development of agriculture and fisheries in The Bahamas.**

*[Assent 20th December, 1963]*

*[Commencement 7th January, 1964]*

*50 cf 1963*  
*9 cf 1920*  
*43 cf 1964*  
*10 cf 1965*  
*13 cf 1969*  
*ELAO, 1974*  
*19 cf 1975*  
*13 cf 1977*  
*5 cf 1987*  
*12 cf 1997*

1. This Act may be cited as the Agriculture and Fisheries Act.

Short title.

2. In this Act, unless the context otherwise requires —

Interpretation.

“Department” means the Department of Agriculture and Fisheries;

*13 cf 1977,*  
*Second Sch ;*  
*12 cf 1997, s 35*  
*and Sch*

“Director” means the Director of Agriculture and Fisheries;

“Minister” means the Minister responsible for Agriculture;

*ELAO, 1974*

“peace officer” includes any person authorised in writing by the Director to enforce the provisions of this Act or any rules made thereunder;

“vessel” means a ship, boat, or other surface craft and includes an aircraft.

3. The staff of the Minister shall comprise a Director of Agriculture and Fisheries who shall be the technical adviser and chief executive officer of the Department and such other officers as may from time to time be authorised by Parliament.

Staff.

*ELAO, 1974*

4. The Minister may make rules for all or any of the following purposes —

Rules.

*13 cf 1969,*  
*Second Sch*

(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 to plant, propagate, take, uproot or destroy any species of plant;

- (b) 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;
- (c) to conserve, uproot, or destroy any specified kind of plant;
- (d) to provide for the examination, seizure, forfeiture and disposal of any articles taken, captured, destroyed or killed contrary to the provisions of a licence or of any rules made under this Act;
- (e) the grading, packing and inspection of fruit and vegetable produce intended for export;
- (f) 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;
- (g) the management of the Botanical Station;
- (h) the establishment, management and regulation of produce exchanges;
- (i) generally for carrying into effect the purposes of this Act.

Penalty for  
breach of rules.  
*5 cf 1987, s 2*

**5.** Any person committing a breach of any rule for which no penalty is prescribed by this Act shall be liable on summary conviction to a penalty of four hundred dollars or to imprisonment for one year.

Penalty for  
possession.  
*13 cf 1977, 2nd  
Sch*  
*5 cf 1987, Sch*

**6.** Any person, whether holding a licence or not, found in possession of any article prohibited to be used by the terms of a licence or the rules made under this Act and failing to give a satisfactory explanation of such possession shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

Prohibits export  
of cave earth or  
guano.  
*9 cf 1920; 13 cf  
1977*

**7.** (1) It shall not be lawful to export cave earth or guano from The Bahamas.

(2) If any cave earth or guano shall be exported, or be water borne to be so exported, it shall be forfeited.

(3) Any person who acts in contravention of any of the provisions of this section shall be guilty of an offence against this Act and shall, in addition to the forfeiture of the said cave earth or guano, be liable on summary conviction to a fine of four hundred dollars or to imprisonment for six months or to both such fine and imprisonment. *5 cf 1987, s 2*

**8.** Any person convicted of an offence under this Act (other than section 7 thereof) or any rules made thereunder who is again convicted of a second or subsequent offence shall be liable to double the amount of penalty or fine, or to imprisonment for twice the maximum of imprisonment which might otherwise be imposed or to both such fine and imprisonment. *Second or subsequent offence.*

**9.** Upon the conviction of any person of an offence under this Act (other than section 7 thereof), or the rules made thereunder, the court before whom the charge has been heard may make any order that the court may think fit awarding the half, or any lesser portion, of any fine imposed and recovered to the person on whose information the charge has been laid. *Awards to informers.*

**10.** (1) The Minister shall lay upon the table of each House of Parliament before the end of April or as soon as practicable thereafter in every year a report dealing with — *Reports. E L A O, 1974*

- (a) the progress and condition of agriculture in The Bahamas; *13 cf 1969, Second Sch*
- (b) the measures adopted by the Department in the discharge of its duties and powers; and
- (c) the financial expenditure and receipts of the Department during the previous year.

**11.** Nothing in this Act contained shall affect any rights of the Crown within the waters of The Bahamas or the exercise of such rights by the Crown. *Crown rights.*

**12.** Nothing in this Act contained shall affect any contract that was valid and subsisting immediately prior to the seventh day of January, 1964 and which had been entered into by the Agricultural and Marine Products Board (abolished by this Act on the said date) and any such contract shall be deemed to be a contract entered into by the Minister on behalf of the Government of The Bahamas. *Contracts. 43 cf 1964, Third Sch*