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THE FISHING INDUSTRY ACT

THE FISHING INDUSTRY (SPINY LOBSTER) REGULATIONS, 2009

In exercise of the power conferred upon the Minister by section 25(k) of the Fishing Industry Act, the following Regulations are hereby made:—

Citation. 1. This Order may be cited as the Fishing Industry (Spiny Lobster) Regulations, 2009.

Interpretation. 2. In these Regulations—

“close season” means the close season for lobster declared under section 19(k) of the Act;

“commercial cold storage establishment” means any premises, on shore or off shore, and includes vessels where spiny lobster is kept or stored for commercial purposes;

"eating establishment" means any place where spiny lobster is prepared or sold for human consumption and includes a mobile cart or unit, a roadside stand or a container in which spiny lobster is prepared;

"middleman" means any person who buys and sells spiny lobster for sale to retailers and consumers;

"possess" in relation to spiny lobster, includes the confining of live spiny lobster by whatever means within any space—

- (a) by any device in the sea;
- (b) any container housed within any device in the sea; or
- (c) any container housed within any device floating in the sea,

except where spiny lobster is, unintentionally caught after naturally entering fishing gear during active fishing and immediately returned to sea;

"spiny lobster" means all the species of the family Panuliridae and Genus Panulirus and includes the whole or part thereof (whether in or out of the shell).

Sale, possession, etc. of spiny lobster prohibited.

3.—(1) Subject to paragraph (2), a person shall not—

- (a) sell;
- (b) possess the whole or part of; or
- (c) import or export,

any specie of spiny lobster during the close season for lobster.

(2) Notwithstanding paragraph (1), where spiny lobster has been declared under regulation 4, to be in storage, that spiny lobster may be sold, exported or processed during the first twenty-one days after the commencement of the close season.

Declaration *re* spiny lobster.

4.—(1) Where—

- (a) a fisher;
- (b) a middleman;
- (c) an owner or operator of a commercial cold storage establishment or hotel, eating establishment or similar entity which offers spiny lobster meat to its patrons; or

- (d) any other person,

has possession of any spiny lobster on or before the date of commencement of the close season, that person shall in writing declare the quantity stored therein to the Licensing Authority.

(2) A declaration made under paragraph (1), shall specify whether the spiny lobster in possession is—

- (a) the whole lobster;
- (b) the tail;
- (c) the head;
- (d) the head meat;
- (e) the tail meat; or
- (f) of any other category specified by the Licensing Authority.

Power to
enter
premises, etc.

5. A Fishery Inspector may enter at any reasonable time—

- (a) premises he knows or reasonably believes to be under the control of a person in possession of spiny lobster;
- (b) an entity referred to in regulation 4; or
- (c) devices in which he knows or reasonably believes spiny lobster are confined,

in order to inspect and verify the quantity of spiny lobster in that person's possession.

Power to
seize lobster
during close
season.

6.—(1) Where, at any time after twenty-one days from the commencement of the close season—

- (a) a fisher;
- (b) a middleman;
- (c) an owner, operator or person in control of an establishment or entity referred to in regulation 4; or
- (d) any other person,

has possession of or offers for sale any spiny lobster, a Fishery Inspector may seize in whole or part the spiny lobster and deposit the seized product in a storage facility designated under regulation 7.

(2) A Fishery Inspector may, within twenty-one days of the commencement of the close season, seize in whole or part from a person mentioned in regulation 4, any spiny lobster that has not been declared by that person pursuant to regulation 4; and the Fishery Inspector may deposit the seized product in a storage facility designated under regulation 7.

Designation
of storage
facility.

7.—(1) The Minister may designate any facility an authorized storage facility, for the purpose of storing fish and fish products seized by a Fishery Inspector, and shall cause notification of the designation to be published in the *Gazette*.

(2) A Fishery Inspector shall from time, inspect each authorized storage facility.

Offences.

8. Any person who contravenes these Regulations commits an offence and is liable on summary conviction in a Resident Magistrate's Court, to a fine not exceeding one thousand dollars.

Dated this 30th day of April, 2009.

CHRISTOPHER TUFTON
Minister of Agriculture and Fisheries.

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