

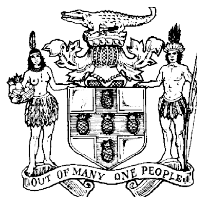
THE FISHERIES ACT

THE FISHERIES (CONSERVATION OF QUEEN CONCH) (FAMILY STROMBIDAE) REGULATIONS, 2023

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Total allowable catch.
4. Individual Conch Quota.
5. Close season declaration.
6. Restriction on the sale of conch product or by-product during the close season.
7. Inspection of prescribed premises.
8. Inspection on suspicion of breach or offence.
9. Certificate of satisfaction.
10. Immature conch.
11. Restriction on fishery management area.
12. Permission to fish in fishery management area or buffer zone.
13. Declaration of catch to the Authority.
14. Repeal of Fishing Industry (Conservation of Conch) (*Genus Strombus*) Regulations, 2000.

SCHEDULES.



THE JAMAICA GAZETTE SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

1383

Vol. CXLVI

WEDNESDAY, JULY 19, 2023

No. 152

No. 213

THE FISHERIES ACT

THE FISHERIES (CONSERVATION OF QUEEN CONCH) (FAMILY STROMBIDAE) REGULATIONS, 2023

In exercise of the power conferred upon the Minister by section 109 of the Fisheries Act, and of every other power hereunto enabling, the following Regulations are made:—

- | | |
|-----------------|--|
| Citation. | 1. These Regulations may be cited as the Fisheries (Conservation of Queen Conch) (Family Strombidae) Regulations, 2023. |
| Interpretation. | 2. In these Regulations—

“Authority” means the National Fisheries Authority established under section 5 of the Act;

“buffer zone” has the meaning assigned to it under section 2 of the Fisheries Act; |

“50% cleaned conch” means conch that has been removed from the shell and has its viscera and operculum removed;

“commercial cold storage facility” means any premises, on shore or off shore, and includes vessels where conch products or by-products are kept or stored for commercial purposes;

“conch products or by-products” means any product, or any part thereof or derivative or extract of conch including the meat, operculum, pearl, shell or any part thereof and any jewellery or any other thing made from or with conch products or by-products;

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

“electronic communication” include communication of any information to the authority electronically to include, electronic platforms, emails or other form of communication so specified by the Authority;

“fisher” has the meaning assign to it under section 2 of the Act;

“fishery management area” has the meaning assign to it under section 2 of the Act;

“immature conch” means conch described in Part B of the First Schedule;

“Individual Conch Quota” means the maximum weight of 50% cleaned conch that may be landed by any fisher, as allocated to that fisher by the Authority, within thirty days after the date of gazetting the Total Allowable Catch;

“non-food products” means any product that is not food and cannot be eaten, including the shell and opercula;

“pecuniary penalty order” means an order under section 5(l)(b) of the Proceeds of Crime Act;

“prescribed premises” means any processing plant, commercial cold storage facility, hotel, eating establishment or any place where conch meat or conch products or by-products are stored or offered to patrons;

“stoned conch” means an adult Queen conch which has a thickened shell and a flared lip of thickness greater than 10 millimeters (0.394 inches) and the shell length from the apex of the spire to the tip of the siphonal canal may be less than 22 centimeters;

“total allowable catch” means the maximum weight of 50% cleaned conch that may be landed by the aggregate of fishers, as determined by

the Authority at least thirty days prior to the end of the close season; and

“writing” include printing, written or electronic transmitted formats, photography and other modes of representing or reproducing words or figures in visible form as maybe stipulated by the Authority.

Total
allowable
catch.

3. The maximum weight of 50% cleaned conch, for a given species of conch, which may be landed during the period outside of a close season for conch, shall not exceed the total allowable catch for that species of conch.

Individual
Conch
Quota.

4.—(1) The maximum weight of 50% cleaned conch which may be landed by a fisher in any one open season shall not exceed the Individual Conch Quota allocated to that fisher.

(2) A fisher who has been allocated an Individual Conch Quota shall be issued a certificate regarding such allocation.

(3) An Individual Conch Quota allocated to a fisher shall not be transferable and shall be valid for such period as is specified in the certificate referred to in paragraph (2).

Close season
declaration.

5.—(1) Every fisher shall, within twenty-one days of the commencement of the close season for conch, file a declaration in writing with the Authority.

(2) The declaration under paragraph (1) shall contain the—

- (a) declarant’s name and address;
- (b) quantity of conch products or by-products in the possession of the fisher;
- (c) *bona fide* owner of the conch products or by-products;
- (d) level of processing of such conch products or by-products; and
- (e) location of storage of the conch products or by-products.

(3) Every person in charge of prescribed premises, shall within twenty-one days of the commencement of the close season for conch, file a declaration in writing with the Authority.

(4) The declaration under paragraph (3), shall contain *inter alia*—

- (a) the quantity of conch products or by-products;
- (b) the *bona fide* owner of the conch products or by-products;
- (c) the level of processing of such conch products or by-products; and

(d) the location of storage of the conch products or by-products, in the possession of the owner or operator of the prescribed premises.

(5) Every person in charge of prescribed premises, shall, within five days of the receipt of any conch products or by-products for storage, declare in writing to the Authority—

- (a) the name and address of the persons for whom the conch products or by-products are stored and such other particulars as the Authority may require, from time to time;
- (b) the quantity and level of processing of any such conch products or by-products; and
- (c) the location of the storage of the conch products or by-products and any other information regarding the conch products or by-products, that the Authority considers to be necessary.

(6) Where any prescribed premises has an emergency situation requiring the removal or relocation of any conch products or by-products, the owner or operator of the prescribed premises shall, in writing (whether by hard copy or by electronic format), notify the Authority of any such removal or relocation, within seventy-two hours of the removal or relocation.

(7) The notice under paragraph (6) shall contain—

- (a) the address of the new location of the conch products or by-products;
- (b) the *bona fide* owner of the conch products or by-products;
- (c) the justification for the removal or relocation of the conch products or by-products;
- (d) the quantity of conch products or by-products being removed or relocated; and
- (e) where the quantity differs from the declaration under paragraph (3), the reason for the difference in quantity; and
- (f) whether the conch products or by-products are being stored on behalf of a third party.

(8) A declaration under paragraph (1) or a notice under paragraph (6) shall specify—

- (a) the levels of conch processing as specified in the second schedule—
 - (i) 50% cleaned;
 - (ii) 65% processed;

- (iii) 85% processed;
- (iv) 100% processed fillet;
- (v) unprocessed (dirty conch);

(b) the date and total weight of each batch of conch opercula; and

(c) the date and total weight of any other category of conch products or by-products specified by the Authority;

(9) For the purposes of paragraph (8), a “batch of conch opercula” refers to all conch opercula procured from each fisher within a specific conch fishing season and shall be stored in a separate container.

(10) Any person who contravenes this regulation commits an offence and is liable, on summary conviction in a Parish Court, to a fine not exceeding one million dollars and in default of payment, to a term of imprisonment not exceeding twelve months.”.

Restriction
on the sale of
conch
product or
by-product
during the
close season.

6.—(1) Subject to paragraph (2), a person shall not possess, offer for sale, sell, process or import any conch products or by-products during the close season for conch.

(2) Notwithstanding paragraph (1) where any conch products or by-products has been declared under regulation 5 and after—

- (a) receiving a written acknowledgement;
- (b) a receipt of a declaration; or
- (c) a certificate of conch in storage issued by the Authority,

the conch products or by-products may be sold or processed during the first twenty-one days of the close season for conch.

(3) Paragraph (1) does not apply to—

- (a) a person offering non-food derivatives of conch, such as jewellery, for sale; or
- (b) a person who possesses the shell or operculum;
- (c) dried or wet conch opercula or conch opercula that has been processed or transformed into jewellery or other non-food products.

(4) Any person who contravenes this regulation commits an offence and is liable, on summary conviction in a Parish Court, to a fine not exceeding one million dollars or to a term of imprisonment not exceeding twelve months.

Inspection of
prescribed
premises.

7. A Fishery Inspector may at any reasonable time of day enter any prescribed premises to—

- (a) inspect the prescribed premises;

- (b) examine any conch products or by-products found thereon;
- (c) inspect the records to determine the lawful owners of the conch products or by-products;
- (d) determine whether the Individual Conch Quota has been exceeded by any fisher;
- (e) remove any conch products or by-products that are found thereon, of which the Authority has not been informed pursuant to regulation 5; and
- (f) take, where the Inspector considers it appropriate, such other steps as may be necessary to prevent the sale of conch products or by-products from the prescribed premises.

Inspection on
suspicion of
breach or
offence.

8.—(1) A Fishery Inspector may, where he has reasonable grounds for suspecting that any breach or offence against these Regulations is being committed or is about to be committed on any prescribed premises—

- (a) enter, and remain upon such premises;
- (b) request any person in charge of or employed in such premises to furnish such information as the Fishery Inspector may require for the purposes of these Regulations; and
- (c) give such directions as he considers necessary to prevent the commission or further commission of an offence against these Regulations.

(2) Any person who—

- (a) refuses, neglects or fails to comply with any direction given by a Fishery Inspector;
- (b) refuses, without reasonable cause, to give an explanation which he is required by any Fishery Inspector to give; or
- (c) assaults or obstructs any Fishery Inspector acting in the execution of his duty,

commits an offence and is liable, on summary conviction in a Parish Court, to a fine not exceeding one million dollars and, in default of payment, to a term of imprisonment not exceeding twelve months.

Certificate of
satisfaction.

9. Where a Fishery Inspector is satisfied, pursuant to regulations 7 and 8 that—

- (a) the prescribed premises are in satisfactory condition; and
- (b) the storage of conch products or by-products found on the prescribed premises complies with the provisions of these

Regulations, the Fishery Inspector shall issue a certificate to that effect.

Immature
conch.

10.—(1) Subject to paragraph (2) a person shall not possess, fish, collect, sell or offer for sale any immature conch.

(2) Notwithstanding paragraph (1) a person may have in that person's possession immature conch that has a shell length of greater than 22cm.

Restriction
on fishery
management
area.

11. The Minister may at any time, by Order—

(a) implement measures to conserve and manage the fishing of conch in any fishery management area; and

(b) prohibit fishing of conch in any fishery management area for a specified period.

Permission
to fish in
fishery
management
area or buffer
zone.

12. A person shall not fish in a fishery management area or buffer zone unless the Minister has declared that fishing may be allowed in that area at that time.

Declaration
of catch to
the
Authority.
Third
Schedule.

13.—(1) Every fisher shall, using the relevant form specified in the Third Schedule, declare to the Authority, such information in respect of each catch conducted.

(2) Every person in charge of a processing plant shall declare to the Authority such information as is required using the relevant form specified in the Third Schedule.

(3) The information received by the Authority pursuant to paragraphs (1) and (2) shall be used for the purposes of Fisheries Statistics.

(4) Any person who contravenes this regulation commits an offence and is liable, on summary conviction, in a Parish Court, to a fine not exceeding two million dollars and on default of payment to a term of imprisonment not exceeding twelve months.

Repeal of
Fishing
Industry
(Conserva-
tion of
Conch)
(*Genus
Strombus*)
Regulations,
2000.

14. The Fishing Industry (Conservation of Conch) (*Genus Strombus*) Regulations, 2000, is hereby repealed.

FIRST SCHEDULE

(Regulation 2)

Part A

Fishery Management Area

The Island Shelf of Jamaica

Pedro Bank

Morant Bank

Formigas Bank

Henry Holmes Bank

Albatros Bank

Grappler Bank

Part B

*Queen Conch (Family Strombidae)***Immature Queen Conch**

“immature conch” means conch that does not have a shell with a flared lip or that—

- (a) is not a stoned conch and has a shell length of which, from the apex of the spire to the tip of the siphonal canal, is less than 8.6 inches (22 cm);
- (b) has a lip of thickness less than 0.394 inches (10 millimetres);
- (c) has an operculum with a length of less than 2.76 inches (70 millimetres);
- (d) in the case of males, does not have a verge, or has a verge that is not fully developed, which is relatively thin and light or greenish in colour; or
- (e) in the case of females, does not have an egg groove or has an egg groove that is thin and does not extend the full length of the mantle.

SECOND SCHEDULE

(Regulation 5(8))

Conversion Factors

Meat Grade, Tissue Loss, Mean Yield and Conversion Factors for Queen Conch

Processing Grade	Tissue Loss	Mean Yield	Conversion Factor
“Unprocessed” (“dirty conch”)	None: animal simply removed from shell	6.07/Kg (2.76/lb)	0.8500
50% cleaned	removal of the operculum (“claw”) and viscera (“bag”)	7.15/Kg (3.25/lb)	1.0000
65% cleaned (“Semi-fillet”)	50% cleaned plus head (“eyes, stalk and proboscis”) and parts of the mantle (“shirt”)	7.95/Kg (3.61/lb)	1.1130
85% cleaned	65% cleaned plus verge (“penis”), mantle and part of the skin	9.16/Kg (4.16/lb)	1.2821
100% cleaned (“fillet”)	Only the pure white meat remains	10.21/Kg (4.64/lb)	1.4286

[illegible]

THIRD SCHEDULE, *contd.*

DATA ENTRY ONLY

DATE	NAME OF QUOTA HOLDER	VESSEL NAME	VESSEL REGISTRATION NUMBER	CONCH PRODUCT WEIGHTS (KG)					TOTAL (KG)
				50%	65%	85%	100%	OTHER (SPECIFY)	

COMMENTS

<i>ENTERED</i>	<i>CHECKED</i>
<i>DATE</i>	<i>DATE</i>

DATE DD/MM/YYYY _ _ / _ _ / 20 _ _	LANDING SITE	VESSEL NAME AND REGISTRATION NO:	FREEZER <input type="checkbox"/> NO ICE <input type="checkbox"/> ICE OTHER: _____
CAPTAIN NAME	CAPTAIN LICENCE NO.	SCUBA <input type="checkbox"/> FREE LUNG DIVE <input type="checkbox"/> HOOKAH TOTAL NO. OF GEAR: _____ OTHER: _____	
SPECIFY GPS COORDINATES FORMAT	DMS <input type="checkbox"/> (DMS=degrees minutes seconds: for e.g. 17° 08' 04" N 78° 52' 06" W)	DDM <input type="checkbox"/> (DDM= degrees decimal minutes: for e.g. 17° 08.070' N 78° 52.113' W)	DD <input type="checkbox"/> (DD= decimal degrees: for e.g. 17.1345° N 78.8685°W)

[illegible]

THIRD SCHEDULE, *contd.*

<i>DATA ENTRY ONLY</i>	
<i>ENTERED</i>	<i>CHECKED</i>
<i>DATE</i>	<i>DATE</i>

Name of Diver	Name of Dory/ Canoe	AREA FISHED			Depth Fished (m/ft/fthm)	Dive Time		TOTAL CATCH NUMBERS/ WEIGHT (Nos./Kg/Lbs)	PROCESS LEVEL (%)		
		Latitude	Longitude	Name/ Description		Start (am/pm)	Duration (Hours)		(Please indicate with a √)		
									Dirty	No gut	50
						TOTAL					

CONCH PRODUCTION RECORDS FOR PROCESSING PLANT

SUBMITTED BY: _____ DATE: _____

[illegible]

FLOYD GREEN, MP,
Minister of Agriculture and Fisheries.