

**CHAPTER 71:08**

**FISHERIES ACT**

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**CHAPTER 71:08**

**FISHERIES ACT**

30 of 1956

**An Act to regulate fishing in the waters of Guyana.**

[3RD AUGUST, 1957]

Short title.

**1.** This Act may be cited as the Fisheries Act.

Interpretation.  
[8 of 1969  
10 of 1977]

**2.** In this Act—

“fish” includes all or any of the varieties of marine, estuarine or fresh water fishes, crustacea, whales, porpoises, manatees, mollusca or other marine animal and plant life or fresh water animal and plant life;

“fisherman” means any person who is the holder of a valid licence issued under section 11;

“fishing” means—

- (a) the catching, taking or harvesting of fish;
- (b) the attempted catching, taking or harvesting of fish;
- (c) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish;

(d) any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b) and (c),

but does not include any scientific research activity which is conducted by a scientific research vessel;

“fishing boat” means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for—

- (a) fishing; or
- (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing;

“owner” in relation to a fishing boat includes the person having for the time being the principal charge and care of such fishing boat;

“waters” includes the sea and any harbour, bay, creek, lake, lagoon, pond, river, stream, trench or canal.

**3.** (1) Every existing fishing boat and every new fishing boat, and such particulars thereof as may be prescribed, shall be registered under this Act with the Chief Agricultural Officer:

Register of  
fishing boats  
and particulars  
thereof.  
[8 of 1969]

Provided that the Minister may by order exempt any class of fishing boat, or fishing boats in any specified area or areas of Guyana from such provisions of this Act as may be specified in the order.

(2) The Chief Agricultural Officer shall keep a register of all fishing boats registered under this Act, and shall cause to be entered therein the particulars from time to time registered in respect of such fishing boats.

(3) The contents of such register shall be *prima facie* evidence of all the facts contained therein in all proceedings under this Act.

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Application for registration of a fishing boat and particulars thereof. [8 of 1969]

4. (1) Every person who is the owner of a fishing boat shall—
- (a) within thirty days after the commencement of this Act, in the case of an existing fishing boat; and
  - (b) within thirty days after the fishing boat commences to operate as such, in the case of a new fishing boat,

make application to the Chief Agricultural Officer in the prescribed form for the registration of such fishing boat as an existing fishing boat or a new fishing boat, as the case may be.

(2) Upon receipt of an application for the registration of a fishing boat, the Chief Agricultural Officer shall cause a fishery officer to inspect the fishing boat to which the application refers and if on such inspection the fishing boat is found to be fit for the purposes of fishing the Chief Agricultural Officer, subject to subsection (3), shall assign to such fishing boat a number (hereinafter referred to as the “registration number”) and shall issue to the owner of such fishing boat a certificate of registration thereof in the prescribed form.

(3) The Chief Agricultural Officer may refuse to issue a certificate of registration for a fishing boat if he is satisfied that the issue thereof would not be in the interest of the fishing industry.

(4) The owner of any fishing boat may, within twenty-one days after such refusal appeal in writing to the Minister against such refusal.

Change of possession of fishing boat to be notified to the Chief Agricultural Officer.

5. (1) On the change of possession of a fishing boat otherwise than by death—
- (a) the fishing boat shall not be used for more than thirty days after such change of possession unless the new owner is registered as the owner thereof;
  - (b) the registered owner and the new owner shall within thirty days after such change of possession, make application in writing signed by both of them to the Chief Agricultural Officer giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of

registration. The Chief Agricultural Officer shall thereupon enter in the register and the certificate of registration the name and address of the new owner and the date on which the entry is made and from such date the new owner shall for the purposes of this Act be deemed to be the registered owner of the fishing boat.

(2) (i) On the death of the registered owner of a fishing boat the person into whose custody the vessel shall lawfully come shall within thirty days of its coming into his custody give notice of the fact to the Chief Agricultural Officer, who shall give such instructions in writing as he may think fit as to the use of the vessel pending the registration of the new owner. Any person to whom permission to use the vessel pending such registration is given shall, for the purposes of this Act, be deemed to be the registered owner of the vessel during the period for which such permission is given.

(ii) On the registration of the new owner the Chief Agricultural Officer shall amend the certificate of registration in the manner prescribed by subsection (1)(b).

(3) In lieu of amending any certificate of registration as provided in this section the Chief Agricultural Officer may issue a new certificate of registration.

**6.** (1) The registration of a fishing boat shall remain valid so long as the fishing boat is kept for use as such and is fit for the purposes of fishing and shall only be cancelled if the Chief Agricultural Officer is satisfied that it is in the interest of the fishing industry so to do or that the fishing boat is not being used as such or is not fit for purposes of fishing or has been destroyed, lost or rendered permanently unserviceable or permanently removed from Guyana.

Cancellation  
of registration  
of fishing  
boats.

(2) The owner of any fishing boat which is not being used as such or has been destroyed, lost or rendered permanently unserviceable or has been permanently removed from Guyana shall notify the Chief Agricultural Officer of the fact within thirty days of the happening of the event.

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(3) The owner of any fishing boat the certificate of registration of which has been cancelled by the Chief Agricultural Officer under subsection (1) may within twenty-one days after such cancellation appeal in writing to the Minister against such cancellation, and the decision of the Minister thereon shall be final.

Using  
unregistered  
fishing boat an  
offence.  
[6 of 1997]

7. (1) No person shall use, or being the owner, shall permit any other person to use a fishing boat for the purpose of fishing unless the vessel has been inspected and is registered under this Act.

(2) Any person who contravenes this section shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars.

Correction of  
register of  
fishing boats.

8. (1) The Chief Agricultural Officer may take such steps as he may consider necessary to ascertain whether—

(a) any fishing boat registered under this Act is—

- (i) being operated as a fishing boat; or
- (ii) fit for purposes of fishing;

(b) any change has taken place in the particulars registered under section 4 in respect of any fishing boat.

(2) Where the Chief Agricultural Officer ascertains that any fishing boat registered as aforesaid is not being operated as a fishing boat, or that a change has taken place in the particulars registered as aforesaid in respect of any fishing boat, he shall remove the entries relating to that fishing boat from the register or shall make such amendment to the register as the circumstances may require, and shall notify the owner of such removal or amendment.

Registration  
number to be  
painted on to  
fishing boat.  
[6 of 1997]

9. (1) The owner of every fishing boat registered under this Act shall cause to be painted on the port and the starboard sides of the bow in figures each of which shall be not less than six inches in height and four inches in width a number corresponding with the registration number of such fishing boat.

(2) No person shall—

(a) paint or cause to be painted on the port and the starboard sides of the bow of any fishing boat any number other than the registration number of such fishing boat; or

(b) use the registration number assigned to any fishing boat in respect of any other fishing boat.

(3) Any person who contravenes any of the provisions of subsection (2) shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars.

**10.** (1) The owner of a fishing boat shall, once in every year, and as often as is required, at such a time and place named by a fishery officer, submit his fishing boat for inspection.

Inspection of fishing boat.

(2) If on any such inspection the fishery officer is satisfied that the fishing boat is unfit for purposes of fishing, or if any person who is required under subsection (1) to submit his fishing boat for inspection, fails, without reasonable excuse therefor, to do so, the fishery officer shall report the same to the Chief Agricultural Officer who may cancel the certificate of registration of such fishing boat and such fishing boat shall thereupon be deemed to be not registered.

(3) The owner of any fishing boat the certificate of registration of which has been cancelled under subsection (2) may within twenty-one days after the cancellation appeal in writing to the Minister against the cancellation, and the decision of the Minister thereon is final.

**11.** (1) Every owner of a registered fishing boat who engages in fishing with the said boat, or permits the same to be so used, shall make application in the prescribed form to the Chief Agricultural Officer for a licence permitting the boat to be so engaged and the licence shall be carried on the boat whenever and by whomever it is being used for fishing.

Chief Agricultural Officer to issue licences to fish.  
[8 of 1969  
27 of 1970  
6 of 1997]

(2) The Chief Agricultural Officer may on application made to him in the prescribed form issue a licence to any person to fish in any of the waters of Guyana to which this Act applies.

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(3) No person shall engage in fishing for gain as his sole or principal occupation unless he is the holder of a valid licence issued under this section:

Provided that the foregoing provisions of this subsection does not apply to any person who uses a line with not more than three hooks attached thereto, or who fishes in the interior.

(4) The Minister may by order exempt from the application of subsection (3) fishing in respect of any particular waters or areas of Guyana.

(5) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars.

(6) In the proviso to subsection (3) the expression “the interior” means all that part of Guyana not less than twenty miles from the sea coast between the Corentyne River on the east and the Pomeroon River on the west and includes the North West District.

Provision of fish centres, depots and other services. [8 of 1969]

**12.** The Chief Agricultural Officer may, with the approval of the Minister, establish and maintain out of moneys provided by Parliament fish centres and depots in order to afford facilities for the servicing and provisioning of registered fishing boats and for the disposal and sale of catches of fish and to provide services and amenities for the use of fishermen.

Licence to export fish. [6 of 1997]

**13.** (1) No person shall export from Guyana any fish without first obtaining a licence in that respect from the Chief Agricultural Officer and such licence may either be a general licence or a licence for the export of a particular shipment only.

(2) The Chief Agricultural Officer may refuse to grant any such licence if he is not satisfied that the fish to be exported has been acquired in accordance with this Act.



(3) Any person who contravenes any of the provisions of subsection (1) shall be liable on summary conviction to a fine of forty-eight thousand seven hundred and fifty dollars or to imprisonment for six months.

**14.** (1) The Chief Agricultural Officer shall keep a register of all licences issued under this Act and shall cause to be entered therein such particulars as may be prescribed.

Registers of licences to be kept by Chief Agricultural Officer.

(2) The contents of the registers are *prima facie* evidence of all the prescribed particulars contained therein in all proceedings under this Act.

**15.** (1) The holder of a licence issued under this Act shall, upon being so required by any fishery officer, justice of the peace or member of the police force, produce his licence for examination within four thousand eight hundred and seventy-two hours of the request so made at the nearest police station.

Licences to be produced for examination. [6 of 1997]

(2) Any person who fails to comply with the provisions of subsection (1) shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars.

**16.** (1) Except in the case of a licence for the export of a particular shipment of fish referred to in section 13(1), a licence issued under this Act shall be valid for the period of one year commencing on the 1st January in every year and shall, unless previously cancelled, remain in force for that period.

Duration of licence, time for payment of fee and refusal to issue licence. [8 of 1969]

(2) Where at any time during the period referred to in subsection (1) a new licence is issued for the first time it shall expire on the 31st December in the year in which it is issued but no proportionate reduction in the annual fee payable for the licence shall be allowed.

(3) The fee for every annual licence shall be due and payable on the 1st January in every year and shall be paid on or before the last day in February.

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(4) The Chief Agricultural Officer may refuse to issue a licence under this Act if he is satisfied that the issue thereof would not be in the interest of the fishing industry.

(5) Any person aggrieved by the refusal of the Chief Agricultural Officer to issue a licence under this Act may, within twenty-one days of the date of such refusal, appeal in writing to the Minister whose decision thereon shall be final.

Cancellation of licences to fish and to export fish.

**17.** (1) The Chief Agricultural Officer may at any time by notice in the *Gazette* cancel any licence issued under this Act and the said licence shall cease and determine on and from the date of publication of such notice in the *Gazette*.

(2) Any person aggrieved by the cancellation of a licence under subsection (1) may, within twenty-one days of the date of such cancellation, appeal in writing to the Minister whose decision thereon shall be final.

Fees and charges.

**18.** The fees for licences issued under this Act and the fees or charges in respect of any facilities, services or amenities provided thereunder, shall be those prescribed by regulations made under section 33.

Power to restrict number of licences.

**19.** The Chief Agricultural Officer, with the approval of the Minister may, by notice published in the *Gazette*, limit the number of all or of any of the licences which may be issued under this Act, either generally or in respect of any particular waters or area of Guyana.

Unlawful use of licence.  
[6 of 1997]

**20.** (1) No person licensed under this Act shall knowingly permit his licence to be used by any other person.

(2) Every licensee who contravenes subsection (1), and every person who uses the licence in contravention of the said subsection shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars.

**21.** If any licence issued under this Act is accidentally destroyed, defaced or lost the Chief Agricultural Officer may, if satisfied as to the destruction, defacement or loss of such licence, and on payment of the prescribed fee issue to the licensee a certificate setting out the purport and effect of the licence, and reciting the destruction, defacement or loss, and such certificate shall have the same force and effect as the original licence.

Procedure on  
loss of licence.

**22.** (1) Any person who—

- (a) forges or counterfeits any licence required by, under or for the purposes of this Act;
- (b) gives or signs any such licence knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such licence so forged, counterfeited or false as aforesaid;
- (d) knowingly utters or makes use of as applying to any person any such licence which does not so apply;
- (e) personates any person named in any such licence;
- (f) falsely pretends to be fishery officer;
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, licence or document required by, under or for the purposes of, this Act to be kept, issued or submitted;
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, this Act; or
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

Offence to  
forge  
certificate of  
registration or  
licence.  
[6 of 1997]

shall be liable on summary conviction to a fine of ninety-seven thousand five hundred dollars or to imprisonment for six months.

(2) In this section the term “forgery” has the same meaning as that assigned to it by section 240 of the Criminal Law (Offences) Act.

c. 8:01

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Appointment  
of fishery  
officers.  
[8 of 1969  
10 of 1977]

**23.** (1) There shall be appointed such number of fishery officers as may be requisite for the purpose of carrying out the provisions of this Act and their remuneration shall be paid out of moneys provided by Parliament.

(2) The following persons shall also be fishery officers for the purposes of this Act, that is to say—

- (a) members of the Guyana Defence Force;
- (b) members of the Police Force;
- (c) officers of the Customs and Excise Department; and
- (d) other persons appointed for the purposes of this Act.

Powers of  
fishery  
officers.  
[8 of 1969  
10 of 1977]

**24.** (1) Any fishery officer appointed under this Act may without warrant—

- (a) stop and search any vessel which he has reason to suspect of being used in fishing contrary to this Act;
- (b) search and examine any fishing stake, net, line, instrument or appliance used in catching fish;
- (c) seize and detain subject to the orders of a court any vessel, net, line, stake, instrument or appliance found in possession of any person in such circumstances as to lead to a reasonable suspicion that it had been used or that there is an intention to use it for the purpose of the capture of any fish in any manner contrary to this Act, and the court may order any such vessel, net, line, stake, instrument or appliance—

- (i) to be disposed of in such manner as the court may think fit in the event of the court convicting any person of any offence in relation to which such vessel, net, line, stake, instrument or appliance was seized:

Provided that where the person convicted is not the owner of the vessel in relation to which the offence was committed no order shall be made in respect of such vessel unless the owner has been given an opportunity of being heard;

(ii) to be returned to the owner in the event of no person being prosecuted within a reasonable time or where the person prosecuted is discharged by the court;

(iii) to be forfeited to the State where the owner thereof is unknown and no claim is made thereto within one month of its being detained.

(2) If there is found as a consequence of any search referred to in subsection (1)(a) any fish or part thereof appearing to have been obtained or to have been possessed in contravention of this Act the same may be seized and detained and shall be sold in such manner as the Chief Agricultural Officer may think fit and the proceeds of such sale shall be paid into the court of competent jurisdiction and shall—

(a) be forfeited to the State in the event of any person being convicted of any offence under this Act or in the event of such persons being unknown and no claim being made thereto within one month of the payment into the court;

(b) be handed to the person who captures such fish where the person who captured such fish is known and either no person is prosecuted or the person prosecuted is discharged:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred by this paragraph.

**25.** Any fishery officer may for the purpose of—

- (a) stocking water with fish; or
- (b) inspecting any water containing fish,

Power to enter lands.

at all reasonable times of the day enter, remain upon and traverse any lands.

**26.** Any person who wilfully obstructs, hinders, resists or assaults any person in the exercise of his powers under this Act shall be liable on summary conviction to a fine of thirty-six thousand dollars or to imprisonment for six months.

Obstructing, resisting or assaulting fishery officer.  
[6 of 1997]

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Dealings with fish taken, killed or injured contrary to this Act.  
[6 of 1997]

**27.** Every person who knowingly buys, sells or has in his possession fish taken, killed or injured in contravention of this Act shall be liable on summary conviction to a fine of four thousand eight hundred seventy-five dollars.

Failure to give true name etc. on being found offending.  
[6 of 1997]

**28.** Where the holder of a licence under this Act has reason to suspect that an offence against the provisions of this Act has been committed or is about to be committed by any other person, he may require that other person to give his name, description and place of abode, and in case that other person does not give his true name, description and place of abode, or refuses so to do, he shall, in addition to any penalty to which he may be liable under this Act, be liable to a fine of two thousand six hundred dollars.

Penalty for assaulting fishery officer or member of the police force.  
[6 of 1997]

**29.** Every person who—

- (a) assaults, obstructs, hinders or resists; or
- (b) aids, abets or incites any other person to assault, obstruct, hinder or resist,

any fishery officer or member of the police force in the execution of his duty under this Act shall be liable on summary conviction to a fine of twenty-six thousand dollars or to imprisonment for six months.

Forfeiture of thing seized.

**30.** Any weapon, instrument or trap used in the commission of any offence under this Act in respect of which there is a conviction may, in the discretion of the court, be forfeited.

Offences at sea.

**31.** Any offence against this Act committed at sea within the territorial limits of Guyana shall be deemed to have been committed in any place adjoining such sea and may be tried and punished accordingly.

Expenses of Act.  
[8 of 1969]

**32.** (1) Any expenses incurred in connection with this Act shall be defrayed out of moneys provided by Parliament.

(2) All fees received under this Act shall be paid by the Chief Agricultural Officer to the Accountant General.

**33.** (1) Subject to negative resolution of the National Assembly, the Minister may make regulations for carrying out the provisions of this Act and without prejudice to the generality of the foregoing such regulations may—

Regulations.  
[8 of 1969  
6 of 1997]

(a) prescribe the form of application for registration of fishing boats and for any licence or authorization to be issued under this Act;

(b) prescribe the form and make provision for the issue of certificates of registration of fishing boats and of licences and authorizations and the fees therefor;

(c) make provision for facilitating the identification of holders of licences and certificates issued under this Act;

(d) prescribe the particulars to be recorded in respect of fishing boats;

(e) control either generally or for any specified period or periods the taking of any fish or of any specified species of fish either throughout Guyana or in any specified water or area;

(f) make provision for the stocking of any water with fish and for the establishment and control of fish hatcheries;

(g) control either generally or in respect of any specified water or area the methods and traps which may be employed in taking any fish;

(h) limit the number of fish which may be taken by any one person in any one day or in any other period;

(i) require persons to render returns containing such information as may in the opinion of the Minister be necessary for the compilation of fishery statistics;

(j) make provision for the safety and welfare of fishermen and of men working in fishing boats or otherwise engaged in the fishing industry whether on their own behalf or as servants or employees of another person;

(k) make provision for promoting and fostering the interest of the fishing industry in general;

(l) regulate or prohibit the erection, maintenance, working repair or lighting of fishing pen sites;

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(m) regulate or prohibit any method of fishing or the use of any fish traps or fishing nets, lines or other instruments or appliances for fishing;

(n) provide for the regulation and control of the marketing, purchase, sale, processing, canning or freezing of fish either generally or in respect of any particular area or areas;

(o) prescribe the kinds or the minimum weights and sizes of any species of fish which may be caught for the purposes of sale or consignment;

(p) prescribe areas and periods of time within which fish or any particular species or size of fish may not be caught, or within which any particular method of fishing is prohibited;

(q) prohibit or regulate the deposit or discharge in waters of any solid or liquid substance detrimental to fish;

(r) prescribe anything which is to be prescribed under this Act.

(2) There may be annexed to the breach of any regulation made under this Act such penalty not exceeding forty-eight thousand seven hundred and fifty dollars as may be prescribed and such penalty may be sued and recovered under the Summary Jurisdiction Acts.

Protection of person acting under this Act.  
c. 5:07

**34.** Any person acting in the execution of his office or duty under this Act shall be entitled to the protection afforded by the Justices Protection Act.

Special rules as to making of complaints for offences.  
c. 1:01  
O. 80/1980

**35.** (1) Subject to article 187 of the Constitution, no prosecution under this Act shall be instituted except by or with the previous sanction of the Chief Agricultural Officer.

(2) A fishery officer if so authorised in writing by the Chief Agricultural Officer may, although he is not a barrister or a solicitor, prosecute, conduct or defend before any court having jurisdiction, any information, complaint or other proceeding arising under this Act or in the discharge of his duty as a fishery officer.



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**36.** (1) This Act shall extend to all waters within the territorial limits of Guyana. Application of Act.

(2) This Act does not apply to—

(a) any vessel belonging to or being used by or on behalf of the Government so long as such vessel is on fisheries duty under this Act and is being used in the course of that duty;

(b) any person operating for or on behalf of the Government.

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