

No. 104B

## THE ENDANGERED SPECIES (PROTECTION, CONSERVATION AND REGULATION OF TRADE) ACT

### THE ENDANGERED SPECIES (PROTECTION, CONSERVATION AND REGULATION OF TRADE) (ESTABLISHMENT OF INDIVIDUAL EXPORT QUOTA (CONCH, STROMBUS GIGAS)) (AMENDMENT) REGULATIONS, 2002

In exercise of the power conferred upon the Minister by section 53 of the Endangered Species (Protection, Conservation and Regulation of Trade) Act, 2002 and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Endangered Species (Protection, Conservation and Regulation of Trade) (Establishment of Individual Export Quota (Conch, *Strombus gigas*)) (Amendment) Regulations, 2002 and shall be read and construed as one with the Endangered Species (Protection, Conservation and Regulation of Trade) (Establishment of Individual Export Quota (Conch, *Strombus gigas*)) (Amendment) Regulations, 2000 (hereinafter referred to as the principal Regulations).

2. Regulation 2 of the principal Regulations is amended by deleting the definitions of "Fisheries Division" and "Veterinary Division".

3. Regulation 3 of the principal Regulations is amended—

- (a) in paragraph (1) by deleting the words "in the form set out in the Schedule" and substituting therefor the words "in the form set out as Form 1 in the Schedule hereto";
- (b) in paragraph (2) by deleting sub-paragraphs (b) and (c) and substituting therefor the following—
  - "(b) an Individual Allowable Catch Quota for Conch issued in respect of the applicant pursuant to the Fishing Industry (Conservation of Conch (Genus *Strombus*)) Regulations, 2000;
  - (c) a licence to fish granted by the Licensing Authority pursuant to the Fishing Industry Act.";
- (c) a licence to operate a fishing vessel or proof that the vessel to be used by the applicant is licensed pursuant to the Fishing Industry Act; and
- (d) a licence to operate a factory vessel, freezer vessel or carrier vessel or, proof of the issuance of such licence in respect of the vessel used by the applicant pursuant to section 12 of the Aquaculture Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act, 1999.

4. Regulation 4 of the principal Regulations is hereby amended—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a), by inserting next after the numerals "2000;" the word "and";

- (ii) by deleting sub-paragraph (b); and
- (iii) by relettering sub-paragraph (c) as sub-paragraph (b);
- (b) by inserting next after paragraph (2) the following as paragraphs (3) and (4)—
  - " (3) All applications for individual export quotas shall be made before the beginning of the close season for conch.
  - (4) Notwithstanding paragraph (1), where the applicant has harvested conch to be exported prior to applying for an Individual Export Quota, the Management Authority shall, before granting the quota, ensure that the harvesting and storage of conch by the applicant are consistent with the relevant provisions of the Endangered Species (Protection, Conservation and Regulation of Trade) Act, the Fishing Industry Act and the Aquaculture Inland and Marine Products and By-Products (Inspection and Licensing and Export) Act and the relevant provisions of any other applicable legislation."

5. Regulation 5 of the principal Regulations is hereby amended by inserting next after paragraph (2) the following as paragraph (3)—

" (3) A certificate shall be in the form set out as Form 2 in the Schedule; so, however, that the Management Authority may, in its sole discretion grant an individual export quota subject to such conditions as it deems fit, either prior to harvesting or after harvesting and storage of conch and may adjust the Form accordingly."

6. Regulation 8 of the principal Regulation is amended by deleting the words "to the Minister" and substituting therefor the words "under section 37 of the Act in the manner specified therein".

7. The Schedule to the principal Regulations is hereby repealed and the following substituted therefor—

" SCHEDULE (Regulations 3 and 5)

#### FORM 1

THE ENDANGERED SPECIES (PROTECTION, CONSERVATION AND REGULATION OF TRADE) (ESTABLISHMENT OF INDIVIDUAL EXPORT QUOTA (CONCH, STROMBUS GIGAS)) (AMENDMENT) REGULATIONS, 2002

*Application Form for Individual Export Quota for Conch (Strombus gigas)*

Application No. \_\_\_\_\_

Name of Exporter: \_\_\_\_\_

Please Print or Type

Address of Exporter: \_\_\_\_\_

TRN: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax No.: \_\_\_\_\_ E-Mail: \_\_\_\_\_

SCHEDULE, *contd.*

I/We hereby apply for an Individual Export Quota to export \_\_\_\_\_ kilograms of 50% cleaned *Strombus gigas* (Queen Conch). Fishing year \_\_\_\_\_ State \_\_\_\_\_ the premises or facilities where conch is currently stored (if applicable) \_\_\_\_\_

Attach the following documents—

- (1) A Certificate of the Individual Allowable Catch Quota for conch issued pursuant to the Fishing Industry (Conservation of Conch (Genus *Strombus*)) Regulations, 2000.
- (2) A copy of a Fishing Licence granted by the Licensing Authority pursuant to the Fishing Industry Act.
- (3) A Licence to operate a fishing vessel or proof of use of a licensed vessel under the Fishing Industry Act.
- (4) A Licence to operate a factory vessel, freezer vessel or carrier vessel or proof of use of such a vessel pursuant to the Aquaculture Inland Marine Products and By-Products (Inspection, Licensing and Export) Act, 1999.

**APPLICANT'S DECLARATION**

I hereby certify that—

- (a) I have read and am familiar with the Endangered Species (Protection, Conservation and Regulation of Trade) Act and the Regulations made thereunder;
- (b) the information contained in this application is true to the best of my knowledge and belief; and
- (c) I understand that any misrepresentation found to be contained in this application during its processing shall lead to the discontinuation of the processing thereof.

\_\_\_\_\_  
Signature of Exporter  
(If company, sign by authorized  
officer and affix seal).

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

Date of Management Authority Inspection (if applicable): \_\_\_\_\_

Quantity of conch in storage (if applicable): \_\_\_\_\_

Degree processed: \_\_\_\_\_

Name of officer: \_\_\_\_\_

Application fee enclosed: \_\_\_\_\_

Date approved: \_\_\_\_\_

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FORM 2

Individual Export Quota (Conch, *Strombus gigas*) Certificate

Certificate No.: \_\_\_\_\_

In exercise of the power conferred on the Management Authority pursuant to Regulations 4 and 5 of the Endangered Species (Protection, Conservation and Regulation of Trade) (Establishment of Individual Export Quota (Conch, *Strombus gigas*)) Regulations, 2001, the Individual Export Quota (Conch, *Strombus gigas*) is hereby granted to:—

\_\_\_\_\_  
Name of Company/Exporter

\_\_\_\_\_  
Address/Registered Office

For the quantity of \_\_\_\_\_ fifty per cent (50%) cleaned Conch  
(*Strombus gigas*).

Subject to the following conditions:—

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

This Certificate is issued by:

\_\_\_\_\_  
Management Authority

\_\_\_\_\_  
Date of Issue

\_\_\_\_\_  
Valid Until

Dated this 31st day of July, 2002.

HORACE DALLEY,  
Minister of Land and Environment.