



FISHERIES (AMENDMENT) ACT, 2001
(Act 2 of 2001)

I assent

A handwritten signature in black ink, appearing to read "F. A. René".

F. A. René
President



22nd March, 2001

AN ACT to amend the Fisheries Act (Cap 82).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Fisheries (Amendment) Act, 2001. Short title

2. The Fisheries Act is hereby amended as follows

- (a) section 2 by inserting after the definition of "related activities the following definition:

Cap 127A

"Seychelles vessel" means a vessel required to be registered under the Merchant Shipping Act and a local fishing vessel;";

- (b) by inserting after section 17, the following section—

"Authorization
of external
fishing

17A. (1) No Seychelles vessel shall be used for fishing outside Seychelles waters except under and in accordance with an authorization under this section.

(2) SFA may, in writing, authorize any Seychelles vessel, other than a vessel which Seychelles is bound by an international agreement not to authorize, to be used for fishing outside Seychelles waters subject to such conditions as it may specify or as may be prescribed and on payment of the prescribed fee.

(3) The conditions of an authorization under this section may be varied at any time.

(4) An authorization under this section may be suspended or cancelled where the vessel in respect of which the authorization was granted has been used in contravention of this Act or any regulation made thereunder or in breach of any conditions of the authorization or at any time that SFA determines that

it is unable to exercise its responsibilities effectively in respect of the vessel under international law”;

(c) in section 19 —

(i) by repealing subsection (1) and substituting therefor the following subsection:

“(1) For the purposes of enforcing this Act, an authorized officer may, without a warrant —

(a) stop, board and search —

- (i) in Seychelles waters, any fishing vessel, and
- (ii) on the high seas, any Seychelles vessel or any fishing vessel flying the flag of a state party to an agreement to which Seychelles is a party and which provides for such stopping, boarding and searching;

(b) in Seychelles and aboard any vessel boarded under paragraph (a) —

- (i) require to be produced, examine and make copies of any licence, logbook or document required under this Act;
- (ii) require to be produced and examine any net or other fishing gear and any fish.”;

(ii) by inserting after subsection (2) the following subsection:

“(2A) The master of any Seychelles vessel ordered to stop by an authorized officer of a State party to an international agreement to which Seychelles is a party and which provides for such stopping and boarding shall take all necessary measures to facilitate boarding of the vessel.”:

(iii) by repealing subsection (3) and substituting
-- therefore the following subsection:

“(3) Where an authorized officer has reasonable grounds to believe that an offence against this Act has been committed in Seychelles or Seychelles waters, he may in Seychelles or Seychelles waters without a warrant. seize and detain any vessel (together with its gear, stores and cargo), fish, fishing gear or other article which he has reason to believe has been used in the commission of the offence or in respect of which the offence has been committed

(iv) by inserting after subsection (5). the following subsections: —

“(6) Where an authorized officer has reasonable grounds to believe that an offence against this Act or a violation of a fisheries management measure under an international agreement to

which Seychelles is a party has been committed on the high seas, he may without a warrant seize and detain any Seychelles vessel and where authorized by an international agreement to which Seychelles is a party a foreign vessel (together with its gear, stores and cargo) fish, fishing gear or other article which he has reason to believe has been used in the commission of the offence or violation or in respect of which the offence or violation has been committed.

(7) Any vessel or other articles seized under subsection (6) shall be dealt with in accordance with applicable international law and where international law does not make provision in accordance

with subsection (4) and (5) and section 23.”:

(d) in section 24, by inserting after subsection (11), the following subsections:

“(12) Where any Seychelles vessel that is not authorized under section 17A is used for fishing outside Seychelles waters, the operator or master shall each be guilty of an offence and liable on conviction to a fine of R500,000.

(13) Where any Seychelles vessel authorized under section 17A is used in contravention of any prescribed-standard requirements applicable to the vessel, the operator or master shall each be guilty of an offence and liable on conviction to a fine of R500,000.

- (e) in section 25 (1), by inserting after the words "section 24 (1)" the words "or (12)";
- (f) in section 27(1), by inserting after paragraph (h) the following paragraphs;
 - "(h1) regulating fishing by Seychelles vessels beyond the limits of Seychelles waters;
 - (h2) regulating the exercise of powers under this Act outside Seychelles waters;
 - (h3) regulating landing and transhipment of any fish;"

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 6th March; 2001.



Mrs. Sheila Banks
Clerk to the National Assembly