

GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI
DECREE NO. 46

FISHERIES ACT (AMENDMENT) DECREE 1991

A DECREE TO AMEND THE FISHERIES ACT

IN exercise of the powers vested in me and pursuant to section 5 of the Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree, 1990 and as amended by section 2 of the Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree 1990 (Amendment No. 1) Decree, 1990, I as the person appointed to perform the functions of the office of the President of the Republic of Fiji and acting in accordance with the advice of the Prime Minister and the Cabinet hereby make the following Decree:

Short title

- 1.—(1) This Decree may be cited as the Fisheries Act (Amendment) Decree, 1991.
- (2) In this Decree, the Fisheries Act is referred to as "the principal Act".

Section 2 of the principal Act amended

2. Section 2 of the principal Act is amended by inserting after the definition of "fish", the following:

" "fisheries certification officer" means any fisheries officer appointed by the Permanent Secretary for Primary Industries for the purpose of certifying whether or not any fish has been taken by the use of explosive or chemical substances: "

Section 10 of the Principal Act amended

3. Section 10 of the Principal Act is amended by:

- (a) deleting in subsection (1) the expression and figures "\$50" and substituting the expression and figures "\$500";
- (b) deleting in subsection (2) the expression and figures "\$50" and substituting the expression and figures "\$500";
- (c) deleting in subsection (4):
 - (i) the word "or" where it first occurs in the eighth, ninth and thirteenth lines and substituting the word "and";
 - (ii) the words "or to both such penalties" wherever they occur;
 - (iii) the expressions and figures "\$100", "\$150" and "\$200" respectively and substituting the expressions and figures "\$1000", "\$2000" and "\$5000";
 - (iv) the word "nine" in the ninth line and substituting the word "twelve";
 - (v) the words "twelve months" in the thirteenth line and substituting the words "two years";
- (d) inserting a new subsection (4A) as follows:
 - "(4A) Persons convicted of offences under subsection (4) shall be sentenced to a minimum of:
 - (a) a fine of \$1000 in case of a first offence;
 - (b) a fine of \$2000 in the case of a second offence;
 - (c) a fine of \$5000 in the case of a third and subsequent offences."
- (e) inserting in subsection (8) the words "fisheries certification officer" immediately after the words "A certificate under the hand of a" in the first line.

Section 11 of the principal Act amended

4. Subsection (1) of Section 11 of the principal Act is amended by deleting the words "any person" and substituting the words "Fisheries Officer".

Section 12A inserted in the principal Act

5. The principal Act is amended by the insertion of the following section 12A:

"Non-liability of Fisheries Officers

12A. No Fisheries Officer shall be personally liable in respect of any act done or omitted to be done by him in good faith in the execution or purported execution of his powers and duties under this Act."

Made this 30th day of October 1991.

INOKE TAKIVEIKATA
Person appointed to perform the functions of
the office of the President