



BERMUDA

FISHERIES AMENDMENT (NO. 2) REGULATIONS 2022

BR 94 / 2022

The Minister responsible for the environment, in exercise of the power conferred by section 13 of the Fisheries Act 1972, makes the following Regulations:

Citation

1 These Regulations, which amend the Fisheries Regulations 2010 (the "principal Regulations"), may be cited as the Fisheries Amendment (No. 2) Regulations 2022.

Amends regulation 2

2 The principal Regulations are amended in regulation 2(1) by inserting the following definitions in their proper alphabetical order—

“anchored fish aggregating device” means a fish aggregating device that is anchored or tethered to the seabed in any way;

“drifting fish aggregating device” means a fish aggregating device that is not anchored or tethered to the seabed in any way;

“FAD or fish aggregating device” means a floating or submerged object, structure or device of any material (man-made or natural), whether anchored or not, deployed for the purpose of aggregating fish for subsequent capture;

“FAD fishing licence” means a licence to use a fish aggregating device issued under regulation 6C;”.

Inserts regulations 6B and 6C

3 The principal Regulations are amended by inserting after regulation 6A the following—

“Fish Aggregating Devices

6B (1) Notwithstanding any provision in these Regulations, it shall be unlawful for a person to have in his possession or deploy a fish aggregating device unless that person is authorised by a licence issued by the Director or the Chairperson to deploy such a device for any of the following purposes—

- (a) scientific research, conservation or experiment;
- (b) exploiting certain marine resources as specified in the licence.

(2) The Director or the Chairperson may, upon receipt of an application and the prescribed fee, issue a licence to deploy a fish aggregation device.

(3) The Director may impose such conditions as he may think fit, on a licence to be issued under paragraph (2), for the better regulation of the fishing industry and the safety of fishing vessels.

(4) The issuance of a licence to deploy a fish aggregating device shall not confer any exclusive right to take fish in the vicinity of the device.

(5) Any person who is issued a licence to deploy a fish aggregating device shall notify the Director immediately on the completion of the placement of the device; and the Director shall immediately notify the relevant authorities responsible for shipping in the waters of Bermuda of the placement of the fish aggregating device.

(6) Any person who is issued a FAD fishing licence in accordance with regulation 6C but uses a fish aggregating device for a purpose other than for any of the purposes mentioned in paragraph (1), commits an offence.

(7) Any person who takes fish, swims or operates a fishing vessel within three nautical miles of a fish aggregating device without a valid FAD fishing licence in accordance with regulation 6C, commits an offence.

(8) Any person who uses a fish aggregating device or any markings attached to such device for mooring purposes commits an offence.

(9) Any person who destroys, wilfully or negligently damages, or otherwise tampers or interferes with any fish aggregating device that has been lawfully placed in the waters of Bermuda commits an offence; provided that, this paragraph shall not apply to any person authorised by the Director to remove, repair or otherwise alter a fish aggregating device.

(10) Any person who uses or deploys a drifting fish aggregating device commits an offence.

Issue of FAD fishing licence

6C (1) The Director or the Chairperson, upon receipt of an application for a FAD fishing licence and the prescribed fee, may issue a FAD fishing licence, valid for one year, to the owner of a licensed fishing vessel.

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(2) The Director may impose such conditions as he may think fit, on a licence to be issued under paragraph (1), for the better regulation of the fishing industry and the safety of fishing vessels.

(3) When the Director or the Chairperson issues a FAD fishing licence under paragraph (1), he shall also issue to the owner, a coloured decal in such form as the Director may determine, indicating that the fishing vessel is licensed for FAD fishing for the current year.

(4) When FAD fishing, the holder of a FAD fishing licence or person in charge of a FAD fishing vessel shall exhibit the coloured decal referred to in paragraph (3) on the fishing vessel in respect of which it was issued, in such manner and in such position as the Director may direct, by notice published in the Gazette.

(5) The holder of a FAD fishing licence or person in charge of a FAD fishing vessel who fails to comply with paragraph (4) commits an offence.

(6) When fishing at night, the holder of a FAD fishing licence or person in charge of a FAD fishing vessel shall deploy navigational lights appropriate to the fishing vessel size when fishing in the vicinity of a fish aggregating device.

(7) The holder of a FAD fishing licence or person in charge of a FAD fishing vessel who fails to comply with paragraph (6) commits an offence.”.

Amends regulation 31

4 The principal Regulations are amended in regulation 31 by inserting after “fixed fishing gear”, in each place where it occurs, the words “, fish aggregating device”.

Made this 31st day of August 2022

Minister of Home Affairs

[Operative Date: 01 September 2022]