

**BAHAMAS FISHERIES LEGISLATION, REGULATORY  
AND POLICY RECOMMENDATIONS REPORT  
FOR THE MINISTER OF AGRICULTURE AND MARINE  
RESOURCES  
PRESENTED BY  
MR. ANTHONY MAILLIS & MR. LUKE MAILLIS**

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**Introduction**

Dear Honorable Sir,

For the last two decades we (the Maillis brothers) have found ourselves in situations that have provided firsthand experience and in-depth knowledge of the various active fisheries sectors within the Bahamas, as well as those still yet to be exploited. We have spent portions of our lives residing in both Spanish Wells, Eleuthera and Clarence Town, Long island and have fished many of the diverse areas of the Bahamas Archipelago. From offshore areas such as; the Great Bahama banks, the sand bores of the tongue of the ocean, Diana bank, and the Columbus bank, to near shore areas of the Abacos; Eleutheras, Berry islands, Exumas, Long Island, Crooked and Acklins islands, and the Ragged islands. We have been engaged in the Spiny Lobster fishery with condos, reef diving and trap methods, the stone crab fishery using traps, the sponge fishery, the grouper and snapper fishery using fish pots and spears, pelagic fisheries, and deep-water scalefish fisheries using everything from conventional sport rod and reel to commercial electric reels, deep water pots, and pole fishing. We have spent years under the surface as divers observing the underwater environments and have been deeply engaged in the tourist charter fishing guide industry. Alongside our own experience we have had countless discussions with other fisherman and conducted personal investigations into fisheries methods, fishing grounds, catch reports, poaching reports, known harms, and future outlooks to the various fisheries sectors within the Bahamas. As Bahamian fishery resource stakeholders with an intention for expansion and diversification of a sustainable and well managed fisheries industry sector in the Bahamas. We have a very personal and professional interest in pursuing legislation and policy for the Bahamas that will achieve these goals of sustainability and profitability for the industry, all together with the proper management of the marine environments so that they will still be producing for the generations yet to come.

**Observational Findings**

Throughout our years in the various fishing sectors and time spent on and under the surface of the ocean, we have come across and experienced many different negative and positive circumstance and physical presentations of the fisheries industry, fish stocks and the catch

methods used. The following paragraphs are our physical observations of such according to each fishery or method and the major issues at hand:

**LOBSTER FISHERY:** The spiny lobster fishery within The Bahamas has made great strides in the last two decades, mostly due to the large expanse of lobster condos placed by Bahamian fisherman. The lobster stocks appear to be on the increase as area specific catches are seen to increase year by year where there are fewer unregulated threats to the stocks. Routinely we have encountered more juvenile lobsters under the condos than large adults, this is especially true in comparison to fishing the reefs where the adult to juvenile ratio is substantially less.

Current threats to this fishery in our observation include: Major illegal poaching by Dominican nationals, the reduction in breeding stock by harvesting of larger adult lobsters, and over fishing of the reef environments.

**NASSAU GROUPEL FISHERY:** The nassau grouper stocks are a challenging figure to narrow down. Observations have suggested a major decline in large adult breeding stocks yet a major increase in juveniles has been observed, mostly due to the newly implemented closed season.

Various regional stocks have suffered huge losses while at the same time larger commercial areas are making a comeback. An overall point for concern is the trending reduction in average adult size and some abandonment of regional aggregation sites due to low populations.

Current threats to this fishery in our observations include: Continued illegal fishing of aggregation sites through the closed season by use of fish pots, over fishing of outer laying and deeper water reproductive populations, over pressure for the fishery as a whole due to export demands, abandoned and lost fish pots, and the illegal and over harvest by both Dominican and American nationals.

**STONE CRAB FISHERY:** The stone crab fishery in the Bahamas is largely untapped and has much room for expansion. The population is primarily older adult animals and the Bahamas is known for its “super colossal” claw size being a pound or greater each. There are however destructive attributes to the Bahamian fishery of this stock and some have left fishing grounds destroyed.

Current threats to this fishery in our observations include: The taking of both claws from the crab which drastically increases the mortality rates of the animal, the removal of the whole crab from the fishing grounds before de-clawing and thus over condensing the population in a single location when returning to the sea, the loss or abandonment of trap gear, (we have found hundreds of crab traps abandoned in the fishing grounds which continue to catch and kill crab).

**CONCH FISHERY:** The conch fishery in The Bahamas is in a delicate situation. Near shore populations have disappeared due to over consumption and the ease of fishing for large export volumes, while offshore populations in certain areas are massive and over compete for food sources and grounds. A major problem to maintaining our fishing grounds and breeding stock is the practice of breaking open conch on the bottom and leaving the shell. There are now

thousands of acres of seabed that have been destroyed for breeding and conch habitat by this practice. Juvenile populations however have been seen in all regions of the country to be maintaining a steady inflow, this is most likely attributed to large breeding stocks in Cuba and in remaining portions of our open banks.

Current threats to this fishery in our observation include: The export demand on the fishery, the harvesting of the conch meat while leaving the shell in the fishing ground, harvesting with a compressor, harvesting in nearshore areas that are over fished, the lack of a clear definition for size limits, and the illegal poaching and over harvesting by tourists and Dominican nationals.

**SNAPPER FISHERY:** The snapper fishery in the Bahamas is for the most part very healthy and even under exploited for certain species. There is much room to increase activities directed at the yellowtail, lane and region specific mutton snapper populations. Although spawning aggregations are allowed to be fished, in most areas it does not negatively impact the fishery potential. Low populations are most evident around the heavily and routinely fished areas like the nation's capital and areas of Grand Bahama.

Current threats to this fishery in our observations include: The fishing of aggregation sites in certain regions of the country, the use of very large hauling nets for aggregation site fishing, the abandonment or loss of fish pots, overfishing in high traffic areas, the lack of an established size limit.

**HOGFISH:** Although not currently a regulated species, hogfish have seen more demand put on their harvest in the last two decades than many other species. We have observed the numbers on this slow to repopulate, and easy to harvest, species drop substantially in recent years. An increased commercial interest alongside major increased targeting by an exploding tourist spearfishing industry have left this species in a vulnerable state of decline.

Current threats to this fishery in our observation include: the taking of small sexually immature fish in large numbers, increased pressure from commercial and recreational fisheries without protection for breeding stock preservation.

**DEEPWATER FISHERIES:** The deepwater fisheries are currently limited to a variety of red snapper and grouper species. There is however virgin new fisheries in the deep that have yet to be targeted by Bahamian fishermen. These include: the swordfish, escolar, tile fish, golden crab, and royal red shrimp. The red snapper and deep grouper fisheries have suffered recently from abuse and overfishing practices. The red snapper populations throughout the country have fallen sharply due mostly to the loss of many fishpots and overfishing in certain regions. The deep water grouper populations are a bit more robust but the fishery is a difficult one to target and holds challenges in further exploitation.

Current threats to these fisheries in our observations include: The overfishing with use of deepwater fishpot gear in certain areas, the loss or abandonment of many fishpots, illegal poaching by American and Dominican nationals.

**PELAGIC FISHERIES:** The pelagic Fisheries are a largely untapped resource, apart from sports and recreational catches there is practically no commercial industry targeting pelagics.

Almost all pelagic species are migratory through the Bahamas and yet are a commercial fisheries industry in other neighboring countries. Notably the yellowfin, big eye and even bluefin tuna species can be targeted by a commercial industry as well as wahoo and mahi mahi to a lesser extent. There are no major threats to these fisheries as they migrate through the Bahamas. The threat lies in longline overfishing by neighboring countries to the north and south while the fish are in those waters.

**VISITOR FISHING, BAG LIMITS, CHARTER GUIDES AND FLATS GUIDES:** The tourist recreational fishery and charter guide industry are a hotly debated topic amongst fishermen across the Bahamas. The major issues we have observed are the economic losses presumed by the Bahamian fisherman and charter guides, and the unregulated large catches being conducted across the nation (and rightly so). On many many occasions we have witnessed, or been reported to, of bag limit violations; sometimes exuberantly so with many hundreds of pounds being removed from the country bound for restaurants in Florida. There are ambiguities to the bag limits that leave room for error and are to a certain extent over accommodating to a cruisers fishing permit with only a marginal fee. Adjacent to these issues are the charter guiding and flats guiding dilemmas. There has been recent movement to redesign the flats fishing legislation but we have observed that the underlying problems also include the sportsfishing charter guide and new spearfishing charter guide sectors, new regulations must be brought to these issues.

**ILLEGAL POACHING:** Poaching both by foreign nationals and Bahamian fisherman alike is the single largest threat to our national fisheries. We have been witness to and have been reported to on numerous instances of illegal poaching across our archipelago. From the Dominican Republic nationals who target many species but primarily lobster and conch across our southern islands and open banks, to American nationals who do day-runs to the northern banks and islands, to target reef fish and deep water fisheries for restaurants and/or charter business. Our own Bahamian fisherman who poach grouper and lobster out of season to get in front of the next man and dive conch with compressors and dirty fishing practices. There is no greater threat to our current fisheries sustainability than illegal poaching. In terms of numbers it can be easily gathered by exports from the DR that over \$20 million dollars worth of fishery resources are stolen from the Bahamas banks by these fisherman each year. We have also personally had it boasted to us of vessels that left the Crooked Island area with 30,000##+ of skinned conch headed back to the DR. Further to that we have witnessed firsthand the impact on the islands of Crooked and Acklins, Mayaguana, and Inagua where fish stocks have been decimated by these DR fisherman. Many times when a large fleet of DR fisherman pass through on the Bahama banks they pillage not only adult species but many juveniles and egg bearing animals also, as can be seen in examples of their catch when they are apprehended. In the Northern Bahamas the American fisherman are known to pillage our deepwater fisheries in both the Cay Sal bank and the western wall south of Bimini. Many American divers do day runs without entering the country legally and target large catches of reef species like hog fish and grouper. A third area of foreign poaching witnessed is that of both American and DR longliners which have been spotted in both the southern and northern Bahamas. With an EEZ of 200NM to the east of the islands it

can be presumed that countless amounts of illegal longline poaching is conducted against pelagic, deepwater, and shark species, just by the volume of lost longline gear found on our eastern shores. The total economic value of illegal poaching is likely to be astronomical if truly discovered and accounted for and represents the single largest loss to our economy and the sustainability of our fisheries.

CONDOS/CASITAS: The construction and depositing of condos (lobster habitats) across the Bahamas is a hotly contested argument with little scientific facts to back either argument at present. In personal observation, condos are seen to substantially increase the population of spiny lobster by increasing safe habitat for juveniles during their more vulnerable life stages. This has indeed been seen and recorded across the Bahamas. The flip side of the argument is that they are destructive to the environment and are a contamination. While certain aspects of this argument hold true, we have witnessed a minimal impact in direct destruction upon the environment. They do however represent a contamination when lost or destroyed by hurricanes and in accounting for the sheer numbers of condos set, it can add to quite a volume of material strewn across the seafloor. We believe that condos are indeed a way of the future sustainability of the lobster fishery and they should be encouraged over the practice of fishing the reefs for lobster, but that considerations need to be taken into account, and regulations created around the materials used and locations of deployment.

FISH POTS: Fish pots are a mainstay of many Bahamian fisherman, its estimated that over 10,000 are currently in use by Bahamian fisherman. The unfortunate reality however is that there is perhaps not a single more destructive fishing method employed in the Bahamas than that of fish pots. In our own observations it is estimated that well over a thousand fish pots are currently abandoned or lost across our archipelago and their total destructive power is near that of illegal poaching. Countless times we have come across abandoned fish pots where the skulls of grouper and other large reef species had finally built up to the level of the fish pot mouth at which point it ceased to catch. By that time they had been responsible for the loss of hundreds sometimes thousands of fish in vain. It is easy to see why in the USA, Florida banned fish pots many years ago and the Bahamas government must look to vital regulation changes around this method of fishing gear.

### **Legislative, Regulatory and Policy Recommendations**

Below are the legislative regulatory and policy recommendations we herein make according to our observations and direct interest in the sustainability of our fisheries as stakeholders:

LOBSTER: The larger breeding stock for the spiny lobster fishery need to be protected, these less economically valuable tails are far more valuable to future breeding capacity and there should be an implemented maximum size limit established. We recommend that the maximum tail size allowed to be taken be established at 10.5 inches.

NASSAU GROUPER: The annual closed season has proven to be effective and should remain annually closed as it has been established, from December through February. In addition all fish

pots should be made illegal to deploy during the closed season. Fish pots are primarily targeted at grouper during this portion of the year and it will ensure that nassau grouper poaching is hampered even further. It allows law enforcement to act more efficiently being that there is no excuse by fishermen to use fish pots during this closed season. We recommend that all fish pots should be illegal to deploy during the closed nassau grouper season with exception to lobster and stone crab traps. We recommend a move towards a ban on the export of wild caught nassau grouper in response to its position on the CITES list, as well as a ban on the foreign fishing for nassau grouper. We recommend the minimum size established for nassau grouper and all rockfish be changed to 20 inches fork length.

STONE CRAB: Regulations for Stone crab harvestable claw size should be changed to "mirror" the Florida regulations which is a minimum 2 3/4" length of the propodus of the claw. This allows Bahamian fishermen to have a clear understanding of legal size as measurement devices from the USA can be used, this also allows the Bahamas export of claws to increase. We further recommend that it should be only allowable to harvest one claw, but from both male or female animals. All crabs harvested should be "de-clawed " and the animal released on site of capture. We recommend the adoption of a trap licensing and management program like that of lobster trapping.

CONCH: The export quota for Conch should be scaled down each year by 200,000# over a 3 year period after which the export of Conch should be prohibited in accordance with its position on the CITES list, unless that conch has been grown by aquaculture. We recommend a ban on foreign fishing of conch. We recommend that Conch should be required to be landed whole in the shell and that a gauge of lip thickness should be established to define a legally harvestable animal, we recommend this thickness be established at 1/8th inch or greater.

SNAPPERS: We recommend the limiting of hauling net lengths and depths to no greater than 200 feet in length and 25 feet in depth. Further we recommend the establishment of a snapper minimum size limit and that be established at 8 inches fork length.

HOGFISH: A minimum size limit should be established at 16 inches fork length.

DEEPWATER FISHERIES: We recommend a ban on the usage of fish pots for deepwater fisheries until a proper design, materials and form of use can be approved as safe and sustainable.

VISITOR FISHING AND BAG LIMITS: A Foreign registered vessel in possession of a valid cruising permit and valid sportsfishing permit should be allowed no more than 10 fish for pelagic species on board at any time and 50 pounds total weight for scalefish species being no more than 10 fish on board at any time, unless a licensed Bahamian chartered guide is hired and on board. In addition an adjacent Spearfishing permit should be established which will allow the said vessel to utilize legal spearfishing apparatus and have on board at any time; 10 lobsters and an additional 50 pounds of scalefish species being no more than 10 fish total on board at any time unless also there is a Licensed Bahamian charter guide hired and on board. The permit requirements and these combined bag limits shall also pertain to Bahamian registered vessels

operated by non-Bahamian nationals. Foreign permitted fishing should exclude conch, nassau grouper and jew fish. The Flats fishing regulations should be repealed and similar framework to the sportsfishing and spearfishing regulations should be implemented but on an individual angler basis.

**CHARTER FISHING/ CHARTER GUIDES:** Bahamian Citizens wishing to operate charter fishing, charter guide and flats guide services must be in possession of a valid permit to do so which encompasses a training program approved by the Minister and Ministry of Tourism. They must also have a valid business license, a captains B license, standard safety gear and liability insurance. Bag limits for Charter fishing and guiding services shall be the same as Bahamian noncommercial fishing Bag limits to incentivize the usage of the Bahamian guiding services especially for that of trophy fishing. We further recommend that charter fishing, charter guide and flats guide operators should be permitted duty exemption on vessels and equipment required to conduct their business as is the case with commercial fishing operators. Overall this will help in a transition from commercial fishing to the added value and more sustainable model of guided fishing for many Bahamian commercial fisherman.

**ILLEGAL POACHING:** Measures should be taken to increase patrols and monitoring of the entrance to the southern Bahamas between Mayaguana and Ragged island to mitigate the transit of poaching vessels from the south. Large vessel once apprehended should be de-commissioned, cleaned and sunk as artificial reefs. Additionally patrols should be increased along the northern Banks between the Matanilla Shoal and Cay Lobos to mitigate illegal poaching activities by American nationals in the region, vessels once apprehended should be forfeit to the Crown and sold at auction. An increase in domestic dockside inspections should be targeted at reducing poaching, especially for out of season species such as grouper and lobster and the use of illegal apparatus.

**CONDOS/ CASITAS:** Measures should be taken to regulate the setting of condos in the Bahamas to ensure environmentally safe materials and designs are employed and that certain reef dominant areas are exempt zones from condo placement. The dumping of vehicles, tires and other unregulated devices should be prohibited and enforcement increased.

**FISH POTS:** Any Bahamian citizen wishing to use recreational or commercial fish pots must apply for an annual fish pot license. The license should authorize the applicant to own a specific number of fish pots and require the same to be inspected annually for condition and required features and that they are not deployed for use during the closed nassau grouper season. All licensed fish pots should have the license number clearly marked on them and on the buoys. They should have an eat-away safety door being no less than 12 inches wide and 6 inches tall being made of untreated wood or other degradable material and located in the midsection of the fish pot, each fish pot should have no more than 200 feet of rope attached to it with a buoy.

**NEW LEGISLATION:** We strongly recommend an overhaul of the current Fisheries Regulations to encompass the recommendations stated herein as shown an example of on the included draft

Regulations which include clearer definitions on many ambiguous parts of the current Regulations. We strongly recommend the adoption of the proposed sportsfishing, spearfishing and flats fishing Regulations design as presented in the included draft Regulations, which brings into balance the excessive regulations of the current flats fishing document with a stronger, more manageable, statement on sportsfishing and spearfishing than the current regulation does. Lastly we request a strong stance on a commercial fishing industry for Bahamians only and recommend the removal of paragraph (2) from regulation 11 in the Fishery Resource (Jurisdiction and Conservation) Act, as it currently leaves a loop hole in the laws and an inability to enforce some of the problems we currently face as Bahamian fisherman fighting to keep the fishing industry for Bahamians.

### **Conclusions**

We strongly believe that a collaborative effort between stake holders and the Government through new legislation, regulations and enforcement policy can move the national fisheries into a modern and sustainable model. Please feel free to contact us for further information, discussion or comment on these recommendations. We are conservatively driven members of the Bahamian public and as stake holders wish to see the sustainability of our sector come to light. These legislative, regulatory and policy recommendations are supported by Bahamian fisherman across our nation. We look forward to working closely with the Minister of Agriculture and Marine Resources in this mutual pursuit.

Sincerely yours,

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**CHAPTER 244**  
**FISHERIES RESOURCES**  
**(JURISDICTION AND CONSERVATION)**  
**REGULATIONS**

(SECTION 19)

(Amendments to the Interpretations and Parts 1 through 10 as Purposed and  
drafted by Anthony Maillis and Luke Maillis)

1. These Regulations may be cited as the Fisheries Resources (Jurisdiction and Conservation) Regulations.
2. (1) In these Regulations —  
“aquaculture” means the cultivation of freshwater and marine organisms by exploiting their natural environment;  
“explosives” has the meaning assigned to it by section 2 of the Explosives Act;  
“firearm” has the meaning assigned to it by section 2 of the Firearms Act;

“fishery product” means any product intended for human consumption which consists wholly or mainly of a fishery resource;

“Hand Sling” means a device designed for the discharge of a spear under water by the force of a sling of rubber that is both held in tension and released by the hand(s); (Clearer definition of Hawaiian sling to also include pole spears)

“prohibited fishing apparatus” means —

- (a) a device, other than a snorkel, designed to enable a person to breathe whilst submerged under water to capture a fishery resource;
- (b) a device other than a spear or harpoon with (a) sharpened barbed end(s) with or without a line attached to capture a fishery resource;
- (c) a device, other than a Hand sling, designed to discharge a spear under water to capture a fishery resource;
- (d) a device other than a hand held crawfish hook or gaff attached to a handle or pole to capture a fishery resource;
- (e) a device other than a trap as defined by regulations 19, 34 and 40 for trapping of a fishery resource;
- (f) a device other than a net as described in regulation 7 to capture a fishery resource;
- (g) a device other than a traditional style reel or spool onto which line is stored and let out and retrieved by hand, through a rod or pole or by machine, onto which hooks or bait are attached to capture a fishery resource;
- (h) a line as described in regulation 2 paragraph (1) subsection (g) onto which more than ten hooks or bait are

attached to capture a fishery resource;

(i) a reel or spool as described in regulation 2 paragraph (1) subsection (g) onto which more than one mile of line is stored;

(Clearer definitions of all non-prohibited apparatus)

“snorkel” means a tube enabling a person whose face is beneath the surface of the water to breathe the air directly from the atmosphere and not assisted by a compressor

“spearfishing apparatus” means any of the following articles used in the activity commonly known as “spearfishing” —

(a) a spear;

(b) a Hand sling;

(c) a snorkel;

(d) an underwater mask;

(e) swim fins;

(Clear definition of spearfishing apparatus)

“take” means catch, capture or remove from the water without release.

“trap” includes a device designed or used for the trapping of fishery resources.

(2) In these Regulations, a reference to “commercial purposes” in relation to the exportation of any fishery resource or fishery produce is a reference to any act or transaction or the doing of anything for the purpose of effecting a sale or deriving a financial reward through the exportation of that resource or product.

## PART I GENERAL

3. Except in such limited quantity as may be specified in a written permission of the Minister for scientific research or sanitation purposes as the case may be, no person shall use or have in his possession with intent to use, for fishing within the exclusive fishery zone —
- (a) dogwood or other poisonous bark;
  - (b) quicklime;
  - (c) household bleach; or
  - (d) any other noxious or poisonous substance.
4. (1) Subject to paragraph (2), no person shall use a firearm to fish within the exclusive fishery zone.
- (2) Paragraph (1) does not apply to a person who uses —
- (a) a firearm for scientific or research purposes with the written permission of the Minister;
  - (b) a firearm (commonly known as a “bang stick”) for self defence against sharks and other marine predators.
5. No person shall, except for scientific or research purposes and with the written permission of the Minister, have in his possession on a fishing vessel or use for fishing within the exclusive fishery zone any explosives.
6. No person shall use any spearfishing **or trap** apparatus to take a fishery resource — **(excludes the use of traps in near shore areas)**
- (a) within one mile of the coast at low water mark of New Providence; or
  - (b) within one mile of the southern coast at low water mark of Freeport, Grand Bahama; or
  - (c) within two hundred yards of the coast at low water mark of any other Family Island.
7. (1) No person shall use a net to fish within the exclusive fishery zone unless the net —
- (a) is a gill net, drag net, cast net or seine net; and
  - (b) has a mesh the gauge of which is two inches minimum.

(c) has measurements no greater than a length of 200 feet and a depth of 25 feet.

(Establish maximum hauling net sizes)

(2) Subparagraph (b) of paragraph (1) shall not apply to —

(a) nets used for the harvesting of cultured re-sources; or

(b) hand nets used for capturing small species of fishery resource; or

(c) cast nets used for catching goggle-eyes or members of the herring and silver-side families.

(Allow cast nets for bait fish)

8. (1) No person shall deploy a trap to capture a fishery resource in the exclusive fishery zone without first obtaining a permit to do so granted by the Minister as stated in regulations 19, 34 and 40.

(2) Subject to paragraph (3) No person shall, take from, remove, tamper with or destroy a trap deployed by a person with a permit to do so from the Minister other than the person to which the permit was granted or a person authorized by the person to which the permit is granted.

(3) Unless done so by law enforcement or fisheries officers for inspection or due to loss or abandonment.

(4) A person who contravenes paragraph (2) commits an offence and, except as otherwise provided by the Act or these Regulations or other Regulations is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three month or to both fine and imprisonment.

(Establish legal recourse to theft from/of traps and gear)

9. No person shall use, or have in his possession with intent to use, for fishing within the exclusive fishery zone any prohibited fishing apparatus, except with the written permission of the Minister.

(Allow for the Minister to permit use of prohibited apparatus such as compressors, ext.)

10. No person shall —

- (a) within two hundred yards of the coast at low water mark of New Providence or any Family Island fish for or take any fishery resource other than edible fish, edible conch or crawfish as food for himself and family in The Bahamas;
- (b) save as provided in paragraph (a), fish for or take by means of a net in the harbour or at the entrance to the harbour of any place in The Bahamas any resource other than the species known as goggle-eyes, pilchards or passing jacks.

11. (1) No person shall uproot, destroy, or, without the written permission of the Minister, take or sell any hard or soft coral.  
(2) Nothing in paragraph 1 shall apply to the sale of coral by any person who holds a licence for a shop under the provisions of the Shop Licences Act.

12. No person shall cut, harvest or remove from any beach or shore or from any area immediately adjacent thereto any sea oats except with the written permission of the Minister.

13. (1) No person shall construct any artificial reef within the exclusive fishery zone except with the written permission of the Minister.

(2) Paragraph (1) excludes habitat structures for crawfish commonly known as “condos” according to designs and materials used for their construction that are found to be environmentally safe and sustainable by the Minister and approved for use in certain prescribed areas of the exclusive fishery zone.

(Establish provision allowing for and regulating of lobster condos)

14. (1) No person shall sell in New Providence fishery resource unless he is the holder of a permit granted by the Minister authorizing him to sell fishery resource, or the latter is the result of fishing done by that person.

- (2) No person shall sell fishery resource in New Providence other than at such places as the Minister may prescribe or by notice appoint: Provided that the foregoing provisions of this paragraph shall not apply to the holder of a permit from the Commissioner of Police permitting him to peddle and hawk articles along a public road and of a permit mentioned in paragraph (1).
- (3) An application for a permit mentioned in paragraph (1) shall be made to the Minister in Form I in the First Schedule.
- (4) The Minister may, upon payment of the respective fee specified in the Second Schedule, grant to the applicant a permit in Form 2 in the First Schedule, subject to such terms and conditions as the Minister thinks fit.
- (5) Paragraphs (1) and (2) shall not apply to any person who for the purpose of such sale occupies any premises licensed as a shop under the provisions of the Shop Licences Act.

## PART II CRAWFISH

15. There shall be an annual closed season for crawfish extending from 1st April to 31st July (inclusive).
16. No person shall during the closed season take, have in possession, buy or sell any live, fresh or frozen crawfish without first having obtained the written permission of the Minister or unless he has bought the crawfish from the holder of such a permit.
17. No person shall take, have in his possession, buy or sell any crawfish which measures –
- a. less than three and one-quarter inches from the base of the horns to the end of the jacket or which, if the tail is severed, has a tail measurement of less than five and one-half inches, not including any protruding muscle.
  - b. greater than six and one-quarter inches from the base of the horns to the end of the jacket or which, if the tail is severed, has a tail

measurement of more than ten and one-half inches, not including any protruding muscle.

(Establish maximum crawfish size limit)

18. The person in charge of vessel engaged in fishing for crawfish shall ensure that the vessel carries a measuring gauge of a type capable of determining the size for the purposes of regulation 19 of any crawfish taken.
19. (1) No person shall take or capture crawfish by means of traps (hereinafter referred to as “crawfish trapping”) other than those specified in paragraph (2)
  - (2) Traps used for crawfish trapping shall be as described below —
    - a. wooden slat traps not more than 3 feet in length, 2 feet in width and 2 feet in height with slats placed not less than 1 inch apart; or
    - b. traps of other such materials as approved by the Minister, and in the case of traps other than wooden traps containing a panel made of a material that would, after use in water for a continuous period of not more than six weeks, deteriorate.
  - (3) Traps described in paragraph (2) subsection (a) may be reinforced with wire mesh as mentioned in regulation 34 save that one panel of the trap shall retain the ability to deteriorate as referred to in paragraph (2).
  - (4) No person shall engage in crawfish trapping unless the person has obtained a permit from the Minister authorizing the person to do so.
  - (5) An application for a permit mentioned in paragraph (4) shall be made to the Minister in Form 3 in the First Schedule.
  - (6) The Minister may, upon payment of the respective fee specified in the Third Schedule, grant a permit to the applicant in Form 4 in the First Schedule which permit shall be subject to such terms and conditions as the Minister thinks fit.

20. (1) The permit granted under regulation 19 or a certified copy thereof shall be kept at all times readily available on the vessel from which crawfish trapping is conducted.
- (2) The number of the permit granted under regulation 19 shall be painted or affixed in legible figures on every trap and on every buoy used in connection with that trap which belongs to the person to which the permit relates.
- (3) A buoy bearing the number of the permit shall be attached to each trap except that where traps are tied together in a trot line, a buoy is not needed to be attached to each trap so long as a flag buoy, bearing the number of the permit on the flag, is attached to the end of the trot line.
- (4) Every buoy shall, except when it is intentionally submerged by a timed float release device, be of sufficient strength and buoyancy to remain continuously afloat and shall be of such colour and brilliance as to be easily seen.

21. (1) Subject to paragraph (2) no person shall, during the closed season —

(a) have in his possession on board a vessel a trap or other device designed for crawfish trapping; or

(b) set any trap or other device on or below the surface of the sea for the purpose of crawfish trapping.

- (2) Paragraph (1) does not apply to the holder of a numbered permit granted under regulation 19 in respect of a person who during the last two weeks of the closed season, soaks the traps which are tied in bunches at port in preparation for the open season.

(Removal of 23 to new part X “Inspections”)

22. No person shall —

- a. take, have in his possession or sell any egg-bearing crawfish;

- b. clip or otherwise remove the eggs from an egg-bearing crawfish;
- c. have in his possession or sell any crawfish from which eggs have been clipped or otherwise removed.

(Removal of 25 to new Part X “Inspections”)

23. No person shall for commercial purposes export any crawfish unless —
- (a) it is submitted at the time of exportation to a fisheries inspector; and
  - (b) the export duty specified in the Second Schedule is paid.

### PART III CONCH

24. (1) Subject to paragraph (5) No person shall take, have in his possession, buy or sell any conch, the shell of which does not possess a well formed flaring lip being a minimum of 1/8th of an inch thick at the thinnest point.

(Establish clear definition of legal harvestable size conch)

(2) No person may bring to shore any conch from which the shell has been removed.

(Establish provision to prevent the discarding of conch shells in the fishing grounds)

(3) No person shall dispose of any conch shell in any manner other than those prescribed by the Minister.

(Further strengthen the provision of the discarding of conch shells to avoid dumping at sea)

(4) No person shall sell any conch shell which does not possess a well formed flaring lip.

(5) Unless so authorized by the Minister in writing.

(Minister may allow in case of aquaculture, hatchery or regional restocking)

25. (1) No person shall for commercial purposes export any conch, by-product of conch or any whole conch shell unless —
- (a) the conch has been cultivated by aquaculture and is not wild caught;  
**(Ban on export of wild caught conch)**
  - (b) the conch or by product of conch is submitted for inspection to a fisheries inspector at the time of exportation; and
  - (c) the export duty specified in the Second Schedule is paid.
- (2) Nothing in paragraph (1) shall apply to any conch in a quantity not exceeding ten pounds in weight and carried in the personal baggage of a person leaving The Bahamas.

#### PART IV TURTLE

26. Subject to Regulation 30, no person shall take, have in his possession, buy or sell —
- (a) marine turtles;
  - (b) marine turtle parts; or
  - (c) marine turtle eggs.
27. Subject to Regulation 30, no person shall interfere with any marine turtle nest.
28. Subject to Regulation 30, no person shall export from The Bahamas —
- (a) marine turtles;
  - (b) marine turtle parts; or
  - (c) marine turtle eggs.
29. (1) A person who wishes to take, have in his possession or export marine turtles, marine turtle parts or marine turtle eggs for educational, scientific or research purposes, shall apply to the Minister for a permit.

- (2) An application made under paragraph (1), shall be made in the manner set out in Form 19 in the First Schedule.
- (3) Where the Minister approves an application made under paragraph (1), he shall issue a permit as set out in Form 20 of the First Schedule, specifying the terms and conditions of the approval including the payment of fees as specified in the Third Schedule.

## PART V SCALE FISH

30. (1) No person shall —

- (a) buy or sell any fish commonly known as bonefish, tarpon, permit or snook;
- (b) fish for bonefish, tarpon, permit or snook within the exclusive fishery zone by means of nets.

(No commercial use of flats species or capturing by net)

31. (1) No person shall take, buy or sell any fish commonly known as grouper or rockfish that measures less than twenty inches from end of mouth to the fork of the tail.

(Establish new grouper minimum size limit)

(2) No Person shall take, buy or sell any fish commonly known as hogfish that measures less than sixteen inches from end of mouth to the fork of the tail.

(Establish new hogfish minimum size limit)

(3) No Person shall take, buy or sell any fish commonly known as snapper that measures less than eight inches from end of mouth to the fork of the tail.

(Establish new snapper minimum size limit)

32. There shall be an annual closed season for Nassau Grouper extending from 1<sup>st</sup> December to the 28<sup>th</sup> February (inclusive).

(Inclusive closed Nassau grouper season)

33. (1) No person shall, during the closed season, take, have in possession, buy or sell any live, fresh or frozen Nassau grouper without first having obtained the written permission of the Minister or unless he has bought the Nassau grouper from the holder of such a permit

(2) Subject to paragraph (1), no person shall during the period 1<sup>st</sup> December to the 28<sup>th</sup> February land any fish commonly known as “grouper” or “rockfish”, unless its head, tail and skin are intact.

(Provisions for Nassau grouper during closed season and rockfish to be landed whole during same period)

34. (1) No person shall use a wire mesh trap to capture scale fish (hereinafter referred to as “fish potting”) within the exclusive fishery zone unless the trap has the following requirements —

(a) in the case of a hexagonal wire mesh, a minimum size of 1½ inches (greatest length of mesh);

(b) in the case of welded or woven rectangular wire mesh, a minimum size of 1 inch by 2 inches;

(c) one of the panels of the trap must include a degradable panel made of a material that would deteriorate after use in water for a continuous period of not more than six weeks, with an opening size no less than 12 inches by 6 inches;

(d) be connected by a rope tether not more than 200 feet in length to a buoy at the surface, unless otherwise permitted by the Minister;

(2) No person shall engage in fish potting unless the person has obtained a permit from the Minister authorizing the person to do so.

(3) An application for a permit mentioned in paragraph (1) shall be made to the Minister in Form 3 (b) in the First Schedule.

(4) The Minister may, upon payment of the respective fee specified in the Third Schedule, grant a permit to the applicant in Form 4 in the First Schedule which permit shall be subject to such terms and conditions as the Minister thinks fit.

(Establish permit program and requirements for fish potting)

35. (1) The permit granted under Regulation 34 or a certified copy thereof shall be kept at all times readily available on the vessel from which the fish potting is conducted.
- (2) The number of the permit granted under regulation 34 shall be painted or affixed in legible figures on every trap and on every buoy used in connection with that trap which belongs to the permit holder.
- (3) Every buoy shall be of sufficient strength and buoyancy to remain continuously afloat and shall be of such colour and brilliance as to be easily seen.
- (4) Subject to paragraph (5) Wire mesh traps must be removed from use in all parts of the exclusive fishery zone during the period of 1<sup>st</sup> December through 28<sup>th</sup> February.
- (5) Excluding those traps that are reinforced with wire mesh as described in Regulation 19 for crawfish trapping.
- (Require permit to be in vessel using fish pots, clear permit markings on buoy and trap and no use of fish pots during closed nassau grouper season, excluding lobster traps)

36. No person shall for commercial purposes export any scale fish unless —

- (a) the scale fish is not Nassau Grouper; unless the Nassau Grouper has been cultivated by aquaculture and is not wild caught;
- (b) it is submitted at the time of exportation to a fisheries inspector; and
- (c) the export duty specified in the Second Schedule is paid.

(Ban exports of wild caught nassau grouper)

## VI STONE CRAB

37. There shall be an annual closed season for stone crab extending from 1st June to 15th October (inclusive).

38. No person shall during the closed season take, have in possession, buy or sell any fresh or frozen stone crab without first having obtained the written permission of the Minister or unless he has bought the stone crab from the holder of such a permit.

(Clear provisions for stone crab during closed season)

39. (1) No person shall take, have in possession, buy or sell any stone crab the propodus of the claw of which measures less than two and three-quarter inches in length.

(2) No person shall take, both claws from a stone crab.

(3) Subject to paragraph (5) No Person shall take, have in possession, buy or sell the whole stone crab.

(4) Subject to paragraph (5) No Person shall remove a stone crab from whence it was taken and release it into another location.

(5) Unless done so with the written permission of the Minister.

(Establish new clear minimum size and harvest procedures)

40. (1) No person shall take or capture stone crab by means of traps (hereinafter referred to as “stone crab trapping”) other than those specified in paragraph (2)

(2) Traps used for stone crab trapping shall be as described below —

- a. wooden slat traps not more than 2 feet in length, 2 feet in width and 2 feet in height with slats placed not less than 1 inch apart; or
- b. traps of other such materials as approved by the Minister, and in the case of traps other than wooden traps containing a panel made of a material that would, after use in water for a continuous period of not more than six weeks, deteriorate.

(3) No person shall engage in stone crab trapping unless the person has obtained a permit from the Minister authorizing the person to do so.

(4) An application for a permit mentioned in paragraph (3) shall be made to the Minister in Form 3 in the First Schedule.

(5) The Minister may, upon payment of the respective fee specified in the Third Schedule, grant a permit to the applicant in Form 4 in the First Schedule which permit shall be subject to such terms and conditions as the Minister thinks fit.

(Establish permit program and requirements for stone crab trapping)

41. (1) The permit granted under regulation 40 or a certified copy thereof shall be kept at all times readily available on the vessel from which stone crab trapping is conducted.

(2) The number of the permit granted under regulation 40 shall be painted or affixed in legible figures on every trap and on every buoy used in connection with that trap which belongs to the person to which the permit relates.

(3) A buoy bearing the number of the permit shall be attached to each trap except that where traps are tied together in a trot line, a buoy is not needed to be attached to each trap so long as a flag buoy, bearing the number of the permit on the flag, is attached to the end of the trot line.

(4) Every buoy shall, except when it is intentionally submerged by a timed float release device, be of sufficient strength and buoyancy to remain continuously afloat and shall be of such colour and brilliance as to be easily seen.

(Require permit to be in vessel using stone crab traps, clear permit markings on trap and buoy)

42. (1) Subject to paragraph (2) no person shall, during the closed season —

(a) have in possession on board a vessel a trap or other device designed for stone crab trapping; or

(b) set any trap or other device on or below the surface of the sea for the purpose of stone crab trapping.

(2) Paragraph (1) does not apply to the holder of a numbered permit granted under regulation 40 in respect of a person who during the

last two weeks of the closed season, soaks the traps which are tied in bunches at port in preparation for the open season.

(No use of stone crab traps during closed season)

43. No person shall for commercial purposes export any stone crab unless —

(a) it is submitted at the time of exportation to a fisheries inspector; and

(b) the export duty specified in the Second Schedule is paid.

(Requirements for export of stone crab)

## PART VII MARINE MAMMALS

44. (1) Subject to paragraph (2) no person shall, within the exclusive fishery zone, fish for, molest or otherwise interfere with any marine mammal.

(2) Paragraph (1) does not apply to a person who has the prior written permission of the Minister to capture marine mammals for scientific, educational or exhibitional purposes.

## PART VIII SPONGE

45. (1) No person shall take, have in his possession, buy or sell any of the following sponges that have less than the following minimum measurements when removed from the sea —

(a) wool sponge - 5½ inches;

(b) grass sponge - 5½ inches;

(c) hard head sponge - 1 inch;

(d) reef sponge - 1 inch.

(2) The person in charge of a vessel engaged in sponging shall ensure that the vessel is equipped with a set of measuring rings of the diameters specified in paragraph (1).

46. No person shall for commercial purposes export sponge unless —

- (a) the sponge is clipped and graded and also packaged and labelled in accordance with these Regulations;
- (b) it is presented to a fisheries inspector at the time of exportation; and
- (c) the export duty specified in the Second Schedule is paid.

## PART IX AQUACULTURE

47. (1) No person shall engage in aquaculture unless he has a permit granted by the Minister.
- (2) An application for a permit shall be made to the Minister in Form 5 in the First Schedule.
- (3) The permit granted by the Minister for which there shall be paid the fee prescribed in the Third Schedule shall be in Form 6 in the First Schedule and shall be subject to such terms and conditions as the Minister sees fit.
48. (1) A fisheries inspector may at any reasonable time of the day enter any place where freshwater and marine organisms are cultured and carry out such inspection of the operations being carried out therein in relation to aquaculture.
- (2) The owner or person in charge of a place entered by a fisheries inspector pursuant to paragraph (1) and every person found therein shall give the fisheries inspector all reasonable assistance as is possible and furnish him with such information, as he may reasonably require.
- (3) Any person who —
- (a) fails to comply with paragraph (2);
  - (b) obstructs an inspector in the carrying out of his duties under these Regulations; or
  - (c) knowingly makes any false or misleading statements either orally or in writing to any inspector engaged in carrying out his duties under these Regulations, is guilty of an offence.

## PART X INSPECTIONS OF FISHERY PRODUCTS

49. (1) A person who holds a licence under regulation 66 and the owner or operator of every hotel, restaurant, supermarket or grocery store who buys or sells fishery products shall upon any request made of him by the Minister submit to the Minister a statement as to the quantity in weight of fishery products frozen or otherwise in his possession at the date of the statement.
- (2) Every person mentioned in paragraph (1) shall, when requested by a fisheries inspector, allow the inspector to carry out any inspection of business premises occupied by such person for the purpose of enabling the inspector to ascertain the quantity of any fishery products in the possession of that person.
- (3) All fishery resource gathered within the exclusive fishery zone shall be liable to inspection by a fisheries inspector at any time requested.

(New clearly defined inspections section)

PART XI PROCESSING AND PRESERVING FISHERY RESOURCE  
AND FISHERY PRODUCT

(Continues with current Regulations)

**FISHERIES RESOURCES (JURISDICTION AND  
CONSERVATION) ACT  
(CHAPTER 244)**

(Draft Regulations)

**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION)  
(SPORTSFISHING SPEARFISHING AND FLATS FISHING)  
REGULATIONS 2019**

**(As purposed and drafted by Anthony Maillis & Luke Maillis)**

The Minister, in exercise of the powers conferred by section 19 of the Fisheries Resources (Jurisdiction and Conservation) Act, makes the following Regulations –

1. These Regulations may be cited as the Fisheries Resources (Jurisdiction and Conservation) (Sportsfishing, Spearfishing and Flats Fishing) Regulations 2019.

2. In these Regulations –

“**Act**” means the Fisheries Resources (Jurisdiction and Conservation) Act;

“**Act Regulations**” means the Fisheries Resources (Jurisdiction and Conservation) Regulations;

“**angler**” means a foreign person who fishes the flats for sporting or other non-commercial purposes;

“**approved association**” means a body established under the Companies Act that –

(a) has as its primary object and purpose the development and sustainability of the fishery resource industries in the Bahamas;

(b) offers to the public an internationally recognized program of training leading to certification as a charter fishing guild or flats fishing guild of any person who successfully completes the program; and

(c) is approved by the Minister in writing;

“**charter fishing guide**” means a person who acts for compensation or reward as a guide to another for sportsfishing or spearfishing and includes a person who;

(a) accompanies or facilitates a person to engage in sportsfishing or spearfishing; or

(b) attends a person who is engaged in sportsfishing or spearfishing;

“**commercial**” in relation to fishing has the meaning given under the Act;

“**diver**” means a foreign person who fishes, using spearfishing apparatus for sporting or other non-commercial purposes;

“**flats**” means those areas comprising the exclusive fishery zone where water levels form a shallow gradient between one to 10 feet with different habitats including sand and grass bottoms, coral heads, mud marks, mangrove basins and mangrove creeks;

**“flats fishing”** means foreign fishing in the flats for sporting purposes other than commercial by the uses of rod, reel and line with hook or bait;

**“flats fishing guide”** means a person who acts for compensation or reward as a guide to another for flats fishing and includes a person who;

(a) accompanies or facilitates an angler to engage in flats fishing; or

(b) attends an angler who is engaged in flats fishing;  
or

(c) transits an angler to and from the flats for flats fishing;

**“prohibited fishing apparatus”** has the meaning assigned to it by the Act Regulations;

**“spearfishing”** means foreign fishing within the exclusive fishery zone excluding the flats, for sporting purposes or purposes other than commercial by the uses of spearfishing apparatus;

**“spearfishing apparatus”** has the meaning assigned to it by the Act Regulations;

**“sportsfishing”** means foreign fishing within the exclusive fishery zone excluding the flats, for sporting purposes or purposes other than commercial by the uses of rod, reel and line with hook or bait;

**“take”** means catch, capture or remove from the water without release.

**“unlawful fishery resource”** means fishery resources that have been made unlawful by the Act Regulations;

## **PART I SPORTSFISHING**

3. (1) The owner or operator of a vessel shall not permit the vessel to be engaged in sportsfishing unless the owner or operator of the vessel —
  - a. holds a permit granted by the Minister under this regulation authorizing the vessel to be so engaged;  
and
  - b. pays the permit the fee prescribed in the Third Schedule.
- (2) Paragraph (1) shall not apply to Bahamian owned and licensed charter fishing vessels.
- (3) An application for a permit under paragraph (1) shall be made to the Minister in Form 7 in the First Schedule and be submitted —

- (a) in the case of a vessel entering The Bahamas for the purpose of sportsfishing, to the customs officer at the Port of Entry at which the vessel first called;
- (b) in any other case to the office of the Director of Fisheries
- (4) The permit granted under paragraph (3) shall be in Form 8 in the First Schedule.
- (5) A foreign vessel engaged in a sportsfishing event or tournament shall be in possession of a valid permit granted under paragraph (3).
- (6) No person shall sell or attempt to sell fishery products derived from sportsfishing under the terms and conditions of a permit granted under paragraph (3).
- (7) No vessel shall engage in a sportsfishing event or tournament unless the owner or operator of that vessel —
  - (a) has been issued with a tournament decal by the organizer or tournament director; and
  - (b) has attached the tournament decal at the bottom of the sportsfishing permit granted under this regulation.
- 4. (1) In sportsfishing the following rules apply —
  - (a) a person shall fish by the traditional method of angling with a hook or bait attached to a line held in the hand or attached to a pole, rod or reel;
  - (b) a person, unless otherwise authorized by the respective permit, shall not use a spear with Hand sling, or a fish trap, or a net other than a landing net;
  - (c) each vessel shall use not more than 6 rods or reels unless the operator is in possession of a permit authorizing the use of more;
  - (d) any migratory fishery resource (such as Kingfish, Dolphin, Tuna or Wahoo) that is caught shall not in total exceed 10 fish aboard the vessel at any time;
  - (e) any Billfish (such as Marlin, Sailfish and Swordfish) caught shall be returned to the sea unharmed except where landed under the terms of an approved sportsfishing event or tournament; and
  - (f) no vessel shall have on board at any time other scalefish fishery resources exceeding 50 pounds total weight or 10 fish total, whichever is greatest;
  - (h) no vessel shall have on board at any time — (i) turtle; or (ii) conch; or (iii) crawfish; or (iv) jewfish or nassau grouper;

- or (v) any unlawful fishery resource; or (vi) any prohibited fishing apparatus;
- (2) Subject to paragraph (3) the rules specified in paragraph (1) shall also apply to a Bahamian vessel engaged in sportsfishing by persons who are not Bahamians or permanent residents.
- (3) Paragraph (1) excludes Bahamian owned and licensed charter vessels.
- (4) A vessel engaged in sportsfishing with a hired licensed charter fishing guide on board shall be exempt from the limits stated in paragraph (1) subsection (d) and (f).
- (5) For the purposes of this regulation permanent residents shall be treated the same as Bahamians.
- (6) A fishery inspector shall be permitted to enter and inspect a vessel that has engaged in sportsfishing.

## **PART II SPEARFISHING**

- 5. (1) The owner or operator of a vessel shall not permit the vessel to be engaged in spearfishing unless the owner or operator of the vessel —
  - (a) holds a permit granted by the Minister under this regulation authorizing the vessel to be so engaged; and
  - (b) pays the permit the fee prescribed in the Third Schedule.
- (2) Paragraph (1) shall not apply to Bahamian owned and licensed charter fishing vessels.
- (3) An application for a permit under paragraph (1) shall be made to the Minister in Form 7 in the First Schedule and be submitted —
  - (a) in the case of a vessel entering The Bahamas for the purpose of spearfishing, to the customs officer at the Port of Entry at which the vessel first called;
  - (b) in any other case to the office of the Director of Fisheries
- (4) The permit granted under paragraph (3) shall be in Form 8 in the First Schedule.
- (5) A foreign vessel engaged in a spearfishing event or tournament shall be in possession of a valid permit granted under paragraph (3).
- (6) No person shall sell or attempt to sell fishery products derived from spearfishing under the terms and conditions of a permit granted under paragraph (3).
- (7) No vessel shall engage in a spearfishing event or tournament unless the owner or operator of that vessel —

- (a) has been issued with a tournament decal by the organizer or tournament director; and
- (b) has attached the tournament decal at the bottom of the spearfishing permit granted under this regulation.

6. (1) In spearfishing the following rules apply —

- (a) a diver shall fish by the traditional method of a spear, Hand sling, snorkel, an underwater mask and swim fins;
  - (b) a diver, shall not use a dive tank or dive compressor, a fish trap, or a net other than a landing net;
  - (c) each vessel shall use not more than 6 spears with Hawaiian slings unless the operator is in possession of a permit authorizing the use of more;
  - (d) no vessel shall have on board at any time fishery resources exciding more than 10 crawfish and scalefish of 50 pounds total weight or 10 fish, whichever is greatest;
  - (e) no vessel shall have on board at any time — (i) turtle; or (ii) conch; or (iii) jewfish or nassau grouper; or (iv) any unlawful fishery resource; or (v) any prohibited fishing apparatus;
- (2) Subject to paragraph (3) The rules specified in paragraph (1) shall also apply to a Bahamian vessel engaged in spearfishing by persons who are not Bahamians or permanent residents.
- (3) Paragraph (2) excludes Bahamian owned and licensed charter vessels.
- (4) A vessel engaged in spearfishing with a hired licensed charter fishing guide on board shall be exempt from the limits stated in paragraph (1) subsection (d).
- (5) For the purposes of this regulation permanent residents shall be treated the same as Bahamians.
- (6) A fishery inspector shall be permitted to enter and inspect a vessel that has engaged in spearfishing.

### **PART III FLATS FISHING**

7. (1) No angler shall be engaged in flats fishing unless that angler —

- (a) holds a permit granted by the Minister under this regulation authorizing the person to be so engaged; and

(b) pays the permit fee prescribed in the Third Schedule.

(2) An application for a permit under paragraph (1) shall be made to the Minister in Form 7 in the First Schedule and be submitted —

(a) in the case of a person entering The Bahamas for the purpose of flats fishing, to the customs officer at the Port of Entry at which the person first arrived;

(b) in any other case to the office of the Director of Fisheries

(3) An angler engaged in a flats fishing event or tournament shall be in possession of a valid permit granted under paragraph (3).

(4) No angler shall sell or attempt to sell fishery products derived from flats fishing under the terms and conditions of a permit granted under paragraph (3).

(5) No angler shall engage in a flats fishing event or tournament unless the person —

(a) has been issued with a tournament decal by the organizer or tournament director; and

(b) has attached the tournament decal at the bottom of the flats fishing permit granted under this regulation.

8. (1) In flats fishing the following rules apply —

(a) an angler shall fish by the traditional method of angling with a hook or bait attached to a line held in the hand or attached to a pole or rod and reel;

(b) an angler, shall not use a spear with Hand sling, or a fish trap, or a net other than a landing net;

(c) no more than 5 anglers shall be in a single vessel at any time while engaged in or intending to engage in flats fishing;

(d) any flats fishery resource (such as bonefish, tarpon, permit and snook ) that are caught shall be returned to the sea, unharmed;

(e) no angler shall take at any time any scalefish fishery resources exceeding 10 pounds total weight or 2 fish total, whichever is greatest; per permitted angler;

(f) no angler shall have in possession at any time — (i) turtle; or (ii) conch; or (iii) crawfish; or (iv) jewfish or nassau grouper; or (v) any unlawful fishery resource; or (vi) any prohibited fishing apparatus;

(5) For the purposes of this regulation permanent residents shall be treated the same as Bahamians.

- (6) An angler engaged in flats fishing with a hired licensed flats fishing guide shall be exempt from the limits stated in paragraph (1) subsection (e).
- (7) A fishery inspector shall be permitted to enter and inspect a vessel or question an angler that has engaged in flats fishing.

#### **PART IV TOURNAMENTS**

- 9. (1) A person who wishes to organize or hold a sportsfishing, spearfishing or flats fishing event or tournament shall apply to the Minister for a permit to organize or hold such an event or tournament.
  - (2) An application made under paragraph (1), shall be —
    - (a) in Form 17 in the First Schedule; and
    - (b) accompanied by a copy of the proposed rules for the event or tournament.
  - (3) Where the Minister approves an application for a sportsfishing, spearfishing or flats fishing event or tournament, he shall —
    - (a) issue a permit to the organizer or the tournament director as set out in Form 18 in the First Schedule, specifying the terms and conditions of the approval, including the payment of fees as specified in the Third Schedule; and
    - (b) issue tournament decals to the organizer or the tournament director for each participant in the event or tournament and such decal must be attached at the bottom of the sportsfishing, spearfishing or flats fishing permit granted under regulation;

#### **PART V GUIDES**

- 10. (1) No person shall act as a charter fishing guide or a flats fishing guide or operate a charter fishing vessel unless such person is the holder of a license granted by the Minister authorizing the person to do so.
- 11. The Minister may grant a charter fishing guide or flats fishing guide license to an applicant who —

- (a) Is a citizen of the Bahamas or a permanent resident with a minimum of 5 years status
  - (b) Is the holder of a charter fishing guide certificate issued by an approved association; and
  - (c) Whose training has been certified by the Ministry of Tourism
12. The Minister –
- (a) May grant a charter fishing guide or flats fishing guide license subject to such conditions or limitations as the Minister considers appropriate; and
  - (b) Shall keep a register accessible to the public of all certified and licensed charter fishing a flats fishing guides;
13. A licensed charter fishing or flats fishing guide shall at all times have his license readily available and produce it when required to do so by a fisheries inspector.
14. A charter fishing guide or flats fishing guide license granted under this regulation is renewable annually and may be suspended or revoked by the Minister –
- (a) For breach of any provisions of these regulations;
  - (b) For non-compliance with any conditions, restrictions or limitations to which the license is subject; or
  - (c) Where the holder no longer satisfies one or more eligibility criteria established and published by the Minister;

## **PART VII GENERAL AND FIXED PENALTY OFFENCES**

15. (1) A person who contravenes or fails to comply with any provisions of these Regulations or any of the provisions of the licenses or permits herein stated, commits an offence and unless otherwise provided by the Act or these Regulations, or any other regulation, is liable on summary conviction to penalties as prescribed and listed in the fourth schedule.

- (2) A person charged with an offence under this regulation may pay a fixed penalty offence fine and avoid appearance in court and summary conviction for the offence according to the listed fines and offenses in the fourth schedule.
- (3) A court may, where a person is convicted of an offence against these Regulations, in addition to any other penalty, order the forfeiture To the Crown of any fishing gear and related supplies or devices inclusive of vessels, engines, trailers, trucks and vehicles used in the commission of the offence or that is the subject matter of the offence.

## **PART VIII PROVISIONAL GUIDE LICENSE**

- 16. (1) A person who on the date these Regulations come into operation has operated in excess of five years as a charter fishing guide or flats fishing guide shall, within thirty days of the date these Regulations come into operation, apply for a provisional license in order to continue operation as a charter fishing or flats fishing guide.
- (2) The Minister shall upon application made in writing and payment of the prescribed fee, grant and issue to an applicant a provisional license, in form 3 as set out in the second schedule, for a period not exceeding one year.
- (3) A provisional license under this regulation is not renewable.
- (4) The holder of a provisional license shall not until expiration of such license, be granted an annual charter fishing guide or flats fishing guide license unless the person has satisfied the requirements of regulation 11.

(Continues with Regulations Schedules)