

## CHAPTER 195.

### FISHERIES.

#### ARRANGEMENT OF SECTIONS.

##### PART I.—PRELIMINARY.

###### SECTION.

1. Short title and commencement.
2. Interpretation.

##### PART II.—LICENCES FOR MOTOR FISHING VESSELS.

3. Unlicensed motor fishing vessels not to operate in Sierra Leone.
4. Appointment of licensing officers.
5. Application for a licence for a motor fishing vessel.
6. Licences for motor fishing vessels.
7. Renewal of licences.
8. Transfer of licensed motor fishing vessel.
9. Appeal to Governor in Council.

##### PART III.—MISCELLANEOUS.

10. Offences.
11. Powers of Court.
12. Powers of examination and detention.
13. Regulations.

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## CHAPTER 195.

### FISHERIES.

**An Ordinance to make provision for the Licensing of Motor Fishing Vessels and for the Regulation of Fishing.** 16 of 1957.  
11 of 1959.

[1ST SEPTEMBER, 1957.]

##### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Fisheries Ordinance. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpreta-  
tion.

“fish” means any aquatic animal whether piscine or not, and includes shell-fish, crustaceans, turtles and aquatic mammals;

“fishing vessel” means any ship, boat, canoe or other craft used for the taking of fish for sale or barter;

“ licence ” means a licence issued under the provisions of section 6 of this Ordinance;

“ licensing officer ” means any person appointed by the Minister under the provisions of section 4 of this Ordinance;

“ Minister ” means the Minister for Trade and Industry;

11 of 1959.

“ motor fishing vessel ” means a fishing vessel constructed or adapted for propulsion by means other than sails, oars, paddles or poles but excluding such vessels when of local origin and propelled by detachable outboard engines of less than twenty horse-power;

“ Sierra Leone ” includes the territorial waters of Sierra Leone;

“ taking fish ” includes any method of catching fish;

“ territorial waters ” means any part of the open sea within three nautical miles of the coast of Sierra Leone measured from low water mark.

#### PART II.—LICENCES FOR MOTOR FISHING VESSELS.

Unlicensed  
motor fishing  
vessels not to  
operate in  
Sierra Leone.  
11 of 1959.

3. (1) No motor fishing vessel shall be operated or navigated within Sierra Leone until a licence in respect of such vessel is issued:

Provided that no licence shall be required in respect of a foreign fishing vessel passing through the territorial waters of Sierra Leone, where no person on board or belonging to such a vessel fishes or attempts to fish while such vessel remains within the said territorial waters.

(2) Any person operating or navigating, or causing to be operated or navigated, a motor fishing vessel in contravention of sub-section (1) of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment.

(3) For the purposes of sub-section (1) of this section “ passing through the territorial waters ” includes stopping and anchoring, but only so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

4. (1) The Minister may appoint such number of licensing officers as he may think fit. Appointment of licensing officers.

(2) Such licensing officers shall be charged with the general administration of this Ordinance.

5. (1) Any person may apply to any licensing officer for a licence for a motor fishing vessel. Application for a licence for a motor fishing vessel.

(2) Every such application shall be in writing and shall state the methods of taking fish that are to be employed and the arrangements that are to be made for the preservation, distribution and marketing of the catch.

6. (1) Upon—

(a) due application being made for a licence;

(b) payment of the prescribed fee;

(c) information being given to the satisfaction of the licensing officer that the operations of the motor fishing vessel are not likely to be prejudicial to the interests of the fishing industry of Sierra Leone; and

(d) proof being adduced to the satisfaction of the licensing officer that the applicant is a fit and proper person to be granted a licence;

the licensing officer shall issue a licence for the motor fishing vessel specified in the application.

(2) A licence shall be in the prescribed form and may be issued subject to such conditions as the licensing officer may think fit to impose by endorsement thereon.

(3) Every licence shall be yearly or quarterly. A yearly licence shall expire on the 31st day of December in the year in which it is issued; a quarterly licence shall expire on the 31st day of March, the 30th day of June, the 30th day of September or the 31st day of December, whichever day follows next after the date of issue.

(4) A licence shall not be transferred save with the permission of the licensing officer first endorsed on the licence.

(5) Every motor fishing vessel licensed under this section shall bear such letters and number as may be given it by the licensing officer, and such letters and number shall be plainly painted, and maintained plainly painted, on each side of the vessel, on the swell of the bow thereof, in white on a black

Licences for motor fishing vessels.

ground or in black on a white ground, and the letters and number shall be at least eight inches in height and one inch in breadth of stroke.

Renewal of  
licences.

7. The provisions of this Ordinance which relate to the issue of a licence shall apply to any application for the renewal of a licence and to such renewal.

Transfer of  
licensed  
motor  
fishing vessel.

8. Where the ownership of a licensed motor fishing vessel is transferred, the original owner and the new owner shall within one month of such transfer notify the fact of such transfer to a licensing officer.

Appeal to  
Governor in  
Council.

9. Any person aggrieved by any refusal by a licensing officer to issue or renew a licence may, within fourteen days of such refusal, but not otherwise, appeal to the Governor in Council whose decision shall be final.

### PART III.—MISCELLANEOUS.

Offences.

10. (1) Any person who—

(a) contravenes or fails to comply with any of the conditions of a licence; or

(b) contravenes or fails to comply with any requirement made under section 12 of this Ordinance; or

(c) contravenes or fails to comply with any of the provisions of sections 6 or 8 of this Ordinance,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment.

11 of 1959.

(2) Any fine imposed under this Ordinance may be recovered in the ordinary way, or, if the court think fit so to order, by distress and sale of the fishing vessel to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto or any part thereof:

Provided that where the vessel is a foreign fishing vessel, the court may order that in lieu of any such distress the vessel may be detained in some port in Sierra Leone for a period not exceeding three months from the date of the conviction, and the vessel may be detained accordingly, and in such case shall not be distrained.

11. The Court before which any person is convicted of an offence under this Ordinance may— Powers of Court.

(a) order the forfeiture to Her Majesty of any apparatus or catch employed in the commission of, or derived from, any act in respect of which such person was convicted;

(b) where the fishing vessel so employed is a motor fishing vessel, cancel or suspend, for such time as the court thinks fit, the licence thereof.

12. (1) Any officer or member of the crew of any of Her Majesty's ships, licensing officer, constable, customs officer and any other person authorised in writing by the Minister in that behalf, may, for the purposes of enforcing the provisions of this Ordinance— Powers of examination and detention.

(a) require the owner or person in charge of any fishing vessel or any person employed in taking fish to exhibit his fishing apparatus and catch;

(b) require the owner or person in charge of any motor fishing vessel to exhibit his licence, fishing apparatus and catch;

(c) go on board any fishing vessel and search and examine any fishing apparatus in such vessel;

(d) where there is reasonable suspicion that any offence under this Ordinance has been committed, take the alleged offender, the vessel, apparatus and catch, without warrant, summons or other process, to the nearest or most convenient police station or port.

(2) Any vessel or apparatus taken under the provisions of paragraph (d) of sub-section (1) of this section may be detained pending trial of the offender and the catch may be sold and the proceeds of the sale detained pending such trial; and thereafter any vessel, apparatus or money so detained shall, unless forfeited under the provisions of paragraph (a) of section 11 of this Ordinance, be returned to the person from whom the same was taken.

13. (1) The Governor in Council may make regulations for furthering the best interests of the fishing industry of Sierra Leone and for giving effect to the provisions of this Ordinance. Regulations.

(2) Without prejudice to the generality of the foregoing power such regulations may—

(a) regulate or restrict the taking of fish in any specified area within Sierra Leone;

(b) prohibit the use of any fishing vessel, apparatus or method of taking fish considered to be harmful to the fishing industry of Sierra Leone;

(c) prescribe limits to the size of the nets or the mesh of nets that may be employed in motor fishing vessels in taking fish in any specified area within Sierra Leone;

(d) provide for the inspection of buildings and premises used for the curing, preserving, storage or sale of fresh, cured or preserved fish and for the seizure and destruction of any fresh, cured or preserved fish that is unfit for human or animal consumption;

(e) prescribe the form of a licence and the amount of the fee to be paid in respect of such licence;

(f) prescribe the lights to be carried by fishing vessels between sunset and sunrise;

(g) regulate any other matter relating to the conservation, protection and maintenance of a stock of fish which may be deemed necessary or expedient.

11 of 1959.

(3) The lights prescribed under paragraph (f) of sub-section (2) of this section shall conform to those prescribed in the International Regulation for Preventing Collisions at Sea, 1948.

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\* See the Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1953 (S.I. 1953 No. 1557), which is printed in the last volume of this Edition.

## TITLE XXVIII.

### MINERALS AND MINING.

CHAPTER.	PAGE.
196. MINERALS ... ..	2016
197. MINING (MINERAL OIL) ... ..	2062
198. ALLUVIAL DIAMOND MINING ... ..	2071
199. DIAMOND INDUSTRY PROTECTION ... ..	2094
200. DIAMOND INDUSTRY PROFIT TAX ... ..	2097
201. PROTECTORATE MINING BENEFITS TRUST FUND ...	2101
202. TONKOLILI AGREEMENT ... ..	2104
203. TONKOLILI (SUPPLEMENTARY) AGREEMENT ... ..	2129
204. TONKOLILI SUPPLEMENTARY AGREEMENTS (1947) RATIFICATION ... ..	2132
205. TONKOLILI AND MARAMPA SUPPLEMENTARY AGREEMENTS (1956) RATIFICATION ... ..	2140
206. ROKEL RIVER WATER RIGHTS AGREEMENT ... ..	2149
207. DIAMOND AGREEMENT AND LICENCE (RATIFICATION)	2153
208. DIAMOND SUPPLEMENTARY AGREEMENT (1951) RATIFICATION ... ..	2166
209. DIAMOND SUPPLEMENTARY AGREEMENT (1954) RATIFICATION ... ..	2171
210. DIAMOND SUPPLEMENTARY AGREEMENT (1955) RATIFICATION ... ..	2179
211. DIAMOND SUPPLEMENTARY AGREEMENT (1956) RATIFICATION ... ..	2186
<i>See also under Title XXXVIII "1959 Ordinances":—</i>	
285. <i>Diamond Corporations Agreement (1959)</i> <i>(Ratification).</i>	3296
294. <i>Titanium Agreement (Ratification).</i>	3413