

Government Notice No. 193 of 2004

**THE FISHERIES AND MARINE RESOURCES ACT**

**Regulations made by the Minister under section 73(1) (b) of the Fisheries and Marine Resources Act**

1. These regulations may be cited as the Fisheries and Marine Resources (Toxic Fish) Regulations 2004.

2. In these regulations -

“Act” means the Fisheries and Marine Resources Act;

“oceanic bank” means the Saya de Malha bank, Nazareth bank, Soudan bank, Cargados Carajos shoals (St Brandon) or Chagos Archipelago banks;

“territorial waters” has the same meaning as in the Maritime Zones Act.

3. (1) Subject to paragraphs (2), (3), (4) and (5), the species of fish specified in the First Schedule shall be toxic fish.

(2) The yellow tailed croissant (*Variola louti*) shall not be deemed to be toxic fish -

(a) where it has been fished on an oceanic bank and it weighs less than 3 kilogrammes when ungutted or less than 2.6 kilogrammes when gutted;

(b) where it has been fished in the territorial waters of Mauritius and it weighs less than 1.5 kilogrammes when ungutted or less than 1.3 kilogrammes when gutted.

(3) The sinsillac or vieille babonne (*Plectropomus maculatus*) shall not be deemed to be toxic fish where it has been fished on an

oceanic bank and it weighs less than 3 kilogrammes when ungutted or less than 2.6 kilogrammes when gutted.

(4) The carangue shall not be deemed to be toxic fish where it has been fished in a place other than an oceanic bank.

(5) The Bourgeois (*Lutjanus Sebae*) shall not be deemed to be toxic fish where it has been fished in the Exclusive Economic Zone of the Seychelles.

(6) No person shall sell, expose, keep or offer for sale, fish referred to in paragraphs (2), (3) and (4) unless the fish is sold, exposed, kept or offered for sale, in whole, either gutted or ungutted.

4. (1) No person shall import Bourgeois (*Lutjanus Sebae*) fish unless he is authorised by the Permanent Secretary to do so.

(2) Any person who wishes to import Bourgeois (*Lutjanus Sebae*) fish shall -

(a) make an application in writing to the Permanent Secretary for his authorisation; and

(b) furnish the Permanent Secretary with such information he may require.

(3) On receipt of an application under paragraph (2), the Permanent Secretary may authorise the importation of the fish -

(a) where the special conditions for the import of Bourgeois (*Lutjanus Sebae*) fish as specified in the Second Schedule are complied with; and

(b) on such terms and conditions as he thinks fit.

5. Any authorisation issued under regulation 4(3) shall be in respect of one consignment only and shall be valid for a period of 4 months as from the date of issue.

6. Any person who contravenes these regulations shall commit an offence and shall on conviction, be liable to a fine not less than 2,000 rupees and not more than 50,000 rupees and to imprisonment for a term not exceeding 2 years.

7. The Fisheries Regulations 1983 are amended by repealing -

(a) regulation 6; and

(b) the Fourth Schedule.

8. These Regulations shall come into operation on 01 December 2004.

Made by the Minister on 23rd November 2004.

