

*Government Notice No. 296 of 2022***FISHERIES AND MARINE RESOURCES ACT****Regulations made by the Minister under section 74(1)(d) of
the Fisheries and Marine Resources Act**

1. These regulations may be cited as the Fisheries and Marine Resources (Exploratory Fishing) Regulations 2022.

2. In these regulations –

“Act” means the Fisheries and Marine Resources Act;

“exploratory data” –

(a) means data in connection with the exploratory fishing; and

(b) includes coordinates, depth, gear, size and species of catch and by-catch;

“exploratory fishing” means fishing for the purpose of assessing the sustainability and feasibility of future commercial fisheries by contributing to scientific data relating to such fisheries.

3. (1) Any person who intends to conduct exploratory fishing shall make an application, in writing, to the Permanent Secretary.

(2) The Permanent Secretary may grant or refuse the application.

(3) Where the Permanent Secretary grants the application, he shall, in writing, issue an authorisation on such terms and conditions as he may determine.

4. (1) An authorisation under regulation 3(3) shall be in respect of any fish specified in the Schedule.

(2) The authorisation under regulation 3(3) may be granted on the following terms and conditions –

- (a) the exploratory fishing shall be conducted in due regard to the protection of the marine environment;
- (b) no person shall use a trawl net along the sea floor in a maritime zone of the Republic of Mauritius;
- (c) the catch and by-catch shall be –
 - (i) landed in the harbour of Port Louis; and
 - (ii) processed or exported from the Island of Mauritius;
- (d) data, in respect of the exploratory fishing, shall be recorded in the logbook in such form and manner as the Permanent Secretary may determine;
- (e) an observer designated by the Permanent Secretary shall be on board the vessel in the course of an exploratory fishing;
- (f) a report, in respect of the data obtained or generated from the exploratory fishing, shall be submitted to the Permanent Secretary at such interval as he may determine;
- (g) no person shall interfere or tamper with the exploratory data fishing of an exploratory fishing;
- (h) every person authorised to conduct exploratory fishing shall provide every exploratory data to the Permanent Secretary.

5. (1) The Permanent Secretary may vary the terms and conditions of an authorisation as he deems necessary.

(2) A person authorised under regulation 3(3) shall ensure that the catch or by-catch of an exploratory fishing under these regulations shall not be transhipped prior to arrival of the vessel conducting the exploratory fishing to Port Louis harbour.

(3) No person shall use a trawl net along the sea floor in a maritime zone of the Republic of Mauritius.

6. (1) The Permanent Secretary may issue such directive as he deems necessary to a person authorised to conduct exploratory fishing.

(2) The Permanent Secretary may cancel an authorisation under regulation 4(1) where he is satisfied that the person authorised to conduct exploratory fishing has failed to comply, without reasonable justification, with a directive made under these regulations.

7. (1) (a) The exploratory data generated within a maritime zone of the Republic of Mauritius shall be treated as confidential.

(b) The ownership of the exploratory data generated within a maritime zone of the Republic of Mauritius shall be vested in the Government of the Republic of Mauritius.

(2) No person shall –

- (a) interfere, or tamper with, the exploratory data of an exploratory fishing;
- (b) where authorised to conduct exploratory fishing, fail to provide exploratory data to the Permanent Secretary without lawful excuse or reasonable justification; and
- (c) transship the catch or by-catch of an exploratory fishing.

- 8.** Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine of not less than 20,000 rupees and not exceeding 500,000 rupees or its equivalent in US dollar.
- 9.** These regulations shall come into operation on 10 November 2022.

Made by the Minister on 10 November 2022.

SCHEDULE
[Regulation 4(1)]

1. Crabs
 2. Horse mackerel
 3. Lobsters
 4. Round-scads, also known as small mackerel
 5. Shrimps
 6. Squids
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