

REPUBLIC OF KIRIBATI
(No. 6 of 2009)

I assent,

Beretitenti
Assented: 7th December 2009

AN ACT TO AMEND THE FISHERIES ORDINANCE (Cap. 33)

Commencement:
2009

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

1. Short Title

This Act may be cited as the *Fisheries (Amendment) Act 2009*.

2. Amendment of section 15(1)

Section 15(1) of the *Fisheries Ordinance* ("the principal Act") is amended by repealing the word "may" and substituting the word "shall".

3. Amendment of section 18

Section 18 of the principal Act is amended by repealing subsection 2.

FISHERIES (AMENDMENT) ACT 2009

EXPLANATORY MEMORANDUM

The object of this Act is to take away the discretionary power of the Court to forfeit a vessel or its catch, gear, instruments or appliances, equipment, stores and cargo when found guilty of breaching the provisions of the *Fisheries Ordinance*. It will act as a further deterrent to those who have constantly violated or are thinking of violating the *Fisheries Ordinance*. The need has arisen following the recent case of the *Hai Soon 28*, where the owner and captain were initially fined \$5.13 million by the High Court, which was reduced to \$4.73 million during the recent Court of Appeal sitting this August 2009. The recent experience is in direct contrast with the case of *Te Tauu*, where a similar use of a bunkering vessel violating our *Fisheries Ordinance* resulted in forfeiture of the vessel and its cargo to the Republic, in addition to a substantial fine. The amendment sought will restore that parity.

Titabu Tabane
Attorney-General
31 August 2009