

S.I. 77 of 2021

FISHERIES ACT

(Act 20 of 2014)

Fisheries (Mahé Plateau Trap and Line Fishery) Regulations, 2021

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In the exercise of the powers conferred by sections 6 and 77 of the Fisheries Act, 2014, the Minister of Fisheries and the Blue Economy hereby makes the following Regulations —

PART I - PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Fisheries (Mahé Plateau Trap and Line Fishery) Regulations, 2021 and shall come into operation on such date as the Minister may by Notice in the Gazette appoint.

Objectives

2. The objective of these Regulations is to implement the Seychelles Mahé Plateau Trap and Line Fishery Co-management Plan, published in Government Notice No. 68 of 2020, and pursuant to the Fisheries Act, 2014 section 5(4) which permits the Authority to enter into co-management arrangements for the management of a fishery and section 6(1) which empowers the Minister to make regulations prescribing measures for the proper management of a fishery.

Interpretation

3. In these Regulations the terms used shall have the same meaning given in section 3 of the Fisheries Act, 2014 as may be amended or replaced, and in addition for the purposes of these Regulations and unless otherwise provided or the context otherwise requires —

“Act” when expressed as “this Act” or “the Act”, means the Fisheries Act, 2014, and may, unless the context otherwise requires, be understood to include requirements or provisions in

any subsidiary instrument made thereunder having the force of law;

“**Authority**” means the Authority established by the Seychelles Fishing Authority (Establishment) Act 1984 (Cap 214);

“**bag limit**” refers to the maximum number of fish permitted;

“**buy**” or “**purchase**” includes —

- (a) barter or attempt to barter;
- (b) purchase or attempt to purchase;
- (c) trade or attempt to trade;
- (d) receive on account or consignment; or
- (e) receive in order to send, forward or deliver for sale;

“**commercial fishing vessel**” means a vessel, other than a sport fishing vessel, recreational fishing vessel or other type of vessel subject to these regulations, that holds a valid and applicable licence and is used for fishing for purposes of obtaining commercial gain from the catch and “commercial fisher or fishery” shall have a similar meaning;

“**fork length**” means —

- (a) where fish have caudal fins and it is difficult to establish where the vertebral column ends, the length of the fish measured from the tip of the snout to the end of the middle caudal fin rays; or
- (b) where the fish have tails with a fork shape, the length of the fish measured from the tip of the snout to the fork of the tail;

“**land**” means to off load the fish from the boat to the land or a land-based facility;

“**operator**” means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;

“**Performance Monitoring System**” means the system described in Regulation 14;

“**primary stakeholders**” means are those that benefit directly from or are adversely affected by actions of these regulations, may be wholly dependent on the fishery resource or related services for their well-being and have few other options when faced with change;

“**recreational fishing**” means any fishing activity carried out primarily for purposes of leisure or hobby which does not involve any commercial disposition of the fish caught including trading, buying or selling, and “recreational fisher” and “recreational fishing vessel” shall have a similar meaning;

“**sell**” includes —

- (a) any method of disposition for consideration, including cash, trade and barter, of anything which has value or which can be exchanged for cash;
- (b) disposition to an agent for sale on consignment;
- (c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale;
- (d) disposition by way of raffle, lottery, or other game of chance, and

“**sale**” and “**sold**” have corresponding meanings;

“**secondary stakeholders**” means people and institutions other than primary stakeholders that have a stake or interest in the resources, services or area subject to these Regulations;

“**semi-industrial fishing vessel**” means a decked commercial fishing vessel between 16 and 24 meters in length with an engine of 4 to 12 cylinders capable of producing up to 316 horsepower;

“**sport fishing**” means any fishing activity carried out primarily to cater for tourism and usually targeting big game species that involves the hiring, chartering or leasing of a vessel and its annexes not exceeding 40 meters in length overall but which does not result in trading, buying or selling of fish, and “sport fisher” and “sport fishing vessel” shall have a similar meaning;

“**tranship**” means the transfer of fish or fish products to or from any vessel;

“**trap**” refers to a basket trap or pot constructed to make it difficult for the fish to escape;

“**tuna and tuna like species**” includes —

Yellowfin tuna	<i>Thunnus albacares</i>
Skipjack	<i>Katsuwonus pelamis</i>
Bigeye tuna	<i>Thunnus obesus</i>
Albacore tuna	<i>Thunnus alalunga</i>
Southern Bluefin tuna	<i>Thunnus maccoyii</i>
Longtail tuna	<i>Thunnus tonggol</i>
Kawakawa	<i>Euthynnus affinis</i>
Frigate tuna	<i>Auxis thazard</i>
Bullet tuna	<i>Auxis rochei</i>
Narrow barred Spanish Mackerel	<i>Scomberomorus commerson</i>
Indo-Pacific king mackerel	<i>Scomberomorus guttatus</i>
Blue Marlin	<i>Makaira nigricans</i>
Black Marlin	<i>Makaira indica</i>
Striped Marlin	<i>Tetrapturus audax</i>
Indo-Pacific Sailfish	<i>Istiophorus platypterus</i>
Swordfish	<i>Xiphias gladius</i>

Area of application

4. The area of application of these Regulations comprises an area around Mahé Island and Seychelles Bank with the boundary running as follows: From Point 1 (Latitude 5°22.0'S and Longitude 57°23.0'E) to Point 2 (Latitude 3°40.0'S and Longitude 56°06.9'E) to Point 3 (Latitude 3°30.0'S and Longitude 55°11.0'E) to Point 4 (Latitude 3°55.0' S and Longitude 54°23.0'E) to Point 5 (Latitude 4°44.0'S and Longitude 53°47.0'E) to point 6 (Latitude 5°38.0'S and Longitude 56°08.0'E) to point 7 (Latitude 6°34.04'S and Longitude 56°02.0'E) to Point 8 (Latitude 6°34.0'S and Longitude 56°23.0'E) and back to Point 1, the Point of commencement.

PART II - MANAGEMENT MEASURES

Gear and species to be licensed

5.(1) The Authority may, in addition to measures adopted under these regulations and on such terms and conditions that it may determine, require and issue licences for the following gear and species on the Mahe Plateau, and such other gear and species as may be necessary for the management of the fisheries resources in Seychelles waters in accordance with the Act —

- (a) Gear —
 - (i) Trap;
 - (ii) Handline;
 - (iii) Beach Seine;
 - (iv) Dropline;
- (b) Species —
 - (i) Octopus;
 - (ii) Lobster;
 - (iii) Spanner crab;
 - (iv) Sea cucumber;
 - (v) Deepwater shrimp;
 - (vi) Tuna and tuna-like species;

Minimum length

6. Any person who catches, assists or is associated with the catching of any fish listed in the First Schedule that is less than the minimum fork length required for the fish in that Schedule shall —

- (a) immediately release it back into the water; and
- (b) not retain onboard, possess, tranship, land, buy or sell such fish, or attempt any such activities.

Bag limits

7. No person engaged as a commercial, recreational, competition sport or sport fisher shall —

- (a) exceed the bag limits in the Second Schedule; or
- (b) retain onboard, tranship or land fish that exceed such bag limits or attempt any such activities.

Requirements and limitations for use, etc of traps

8.(1) No person, being a fisher or a vessel operator or other person who assists or is associated with the catching of fish or otherwise, shall deploy, maintain, recover or otherwise use a trap, including for commercial, recreational or sport purposes, unless —

- (a) it has been registered in accordance with procedures publicly notified by the Authority; and
- (b) a licence for the use of the trap has been issued by the Authority.

(2) No person, being a fisher or a vessel operator or other person who assists or is associated with the catching of fish or otherwise, shall deploy, maintain, recover or otherwise use or attempt to use a trap, including for commercial, recreational or sport purposes, except in full compliance with the limitations in the Third Schedule and as applicable in the area defined in the Fourth Schedule.

Exemptions

9. The Authority may exempt any person from the requirements of Regulations 5, 6, 7 or 8 for purposes of research, aquaculture or other stated purposes with the aim of supporting the objective of these regulations.

Statistics and information

10. Any person involved in activities regulated under these regulations shall provide the Authority with all such reports and information in relation to the activities that the Authority may require.

Vessel monitoring system

11. Any vessel operator carrying out activities regulated under these regulations shall comply with all monitoring and surveillance conditions that the Authority may require, including those relating to vessel monitoring systems.

PART III - SALE, PURCHASE, EXPORT ETC OF FISH

Sales of fish by recreational or sport fishers prohibited

12. No person shall purchase or sell fish that was caught in any recreational fishing, competition sport fishing or sport fishing activity unless exempted in writing by the Authority.

Purchase of fish from licensed fishers only

13. No person shall purchase fish unless it was caught by a license holder in a commercial fishery and in compliance with these Regulations.

PART IV - INSTITUTIONAL ARRANGEMENTS

Committee established to oversee management of the Mahe Plateau trap and line fishery

14.(1) An Implementation Committee (hereafter “Committee”) is hereby established to oversee the implementation of the Mahé Plateau Trap and Line Fishery Management Plan (hereafter “Management Plan”) and review future developments.

(2) The Committee shall report on and make recommendations to the Minister responsible for Fisheries in relation to the implementation of Management Plan, including issues relating to day-to-day management, education, awareness and enforcement.

(3) The reports and recommendations of the Committee shall be based on the Performance Monitoring System, and shall include compliance, updates on the status of fish stocks, changes to regulations and the performance of the education awareness strategies.

(4) The Committee shall be comprised fourteen (14) voting members split equally between primary and secondary stakeholders.

(5) Observers, comprised of primary and secondary stakeholders, may participate without vote in the meetings of the Committee.

(6) The Committee shall meet at least once every 3 months and make publicly available on the website of the Authority or by other agreed means an update on the progress of implementation of the Management Plan and other relevant information and reports.

(7) The Committee shall adopt its own Rules of Procedure.

(8) The Authority shall provide administrative support to the Implementation Committee and provide reports on the Performance Monitoring System, fish stocks status, compliance and other matters as requested.

PART V - OFFENCES, FINES AND PENALTIES

Offences and fines

15.(1) Any person who contravenes these regulations, including regulations 5(1) (a) and (b), 6 (a) and (b), 7 (a) and (b), 8(1)(a) and (b), 8(2), 9, 10, 11, 12 and 13, commits an offence and on conviction, shall be liable to a fine not exceeding SCR20,000.

(2) Any person who does not comply with an exemption issued under regulation 9 commits an offence.

SCHEDULE 1**MINIMUM LENGTH REQUIREMENTS***[Regulation 6]*

Minimum fork length is required for these species.

Fish	Scientific name	Minimum fork length (cm)
Emperor Red Snapper (Bourzwa)	<i>Lutjanus sebae</i>	32
Green Jobfish (Zob Gri)	<i>Aprion virescens</i>	32

SCHEDULE 2**BAG LIMITATIONS***[Regulation 7]***PART A. Combined bag limits for recreational fishers****Bag limit**

20 fish per person per day including limitations in Part B

PART B. Species-specific bag limit for recreational fishers, including those on sportfishing, competition sport fishing or charter vessels

Fish	Scientific name	Bag limit
Emperor Red Snapper (Bourzwa)	<i>Lutjanus sebae</i>	5 fish per person per day
Green Jobfish (Zob Gri)	<i>Aprionvire scens</i>	5 fish per person per day

PART C. Bag limits for semi-industrial fishing vessels licensed to fish tuna and tuna-like species

Bag limit

20 demersal fish per fishing trip, including on board at any time and at landing.

SCHEDULE 3

TRAP LIMITATIONS

[Regulation 8]

PART A. NUMBER OF TRAPS

Vessel	Limitation of number of traps per vessel
Commercial fishing vessel	25 traps
Recreational fishing vessel	2 traps

PART B. SPECIES, AREA AND TIME LIMITATIONS

All species of the genus SIGANUS

Kordonyen Rabbit Fish

Area and time

The limitations in this Part shall apply to all *Siganus* spawning aggregation sites listed in Schedule 4 of these Regulations from September to April.

Limitations

(a) Traps

Maximum 6 traps per commercial fishing vessel per day for 7 days spanning the full moon including three days prior to the full moon, the day of the full moon and three days after the full moon.

(b) Overnight use

Traps shall not be left in the sea overnight from 6pm to 6am between September to April.

SCHEDULE 4**SIGANUS SPAWNING AGGREGATION SITES***[Regulation 8]*

The area of the spawning aggregation site shall be the area comprised from the central point of (Latitude and Longitude) within a radius of 100m.

No:	SPAWNING AGGREGATION SITE	Latitude	Longitude
1	Pate Konsolasyon Deor	4.37462	55.75793
1a	Pate Konsolasyon Andan	4.37023	55.76255
2	Pate Polit	4.37827	55.74485
3	Pate Ros Deor	4.36583	55.71849
3a	Pate Ros Andan	4.36617	55.72129
4	Pate Desire	4.34587	55.67882
5	Pate Dividi	4.35661	55.67706
6	Pate Pti Bonnonm (pti)	4.36215	55.67528
6a	Pate Pti Bonnonm (larg)	4.36142	55.67013

MADE this 10th day of September, 2021.

**JEAN-FRANCOIS FERRARI
MINISTER OF FISHERIES
AND THE BLUE ECONOMY**
