

ANTIGUA AND BARBUDA



THE BARBUDA (FISHERIES) REGULATIONS, 2014
STATUTORY INSTRUMENT

2014, No. 33

*[Published in the Official Gazette Vol. XXXIV No. 57
dated 28th August, 2013]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Ralph George, Government Printer
— By Authority, 2014.

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THE BARBUDA (FISHERIES) REGULATIONS, 2014
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ANTIGUA AND BARBUDA

THE BARBUDA (FISHERIES) REGULATIONS, 2014

2014, No. 33

THE BARBUDA (FISHERIES) REGULATIONS, made by the Barbuda Council in exercise of the powers contained in section 19 of the Barbuda Local Government Act of 1976, CAP. 44, as amended.

1. Short title

These Regulations may be cited as the Barbuda (Fisheries) Regulations, 2014.

2. Interpretation

In these Regulations unless the context otherwise requires—

“Barbuda” includes all waters and submarine areas under the jurisdiction of the Barbuda Council, including internal waters and coastal waters.

“Chicken lobster” is a local term that means undersized lobster.

“Chief Fisheries Officer” means the person designated as such under the Fisheries Act, 2006.

“Coastal waters” means waters and submerged lands within 1 league seaward of the (a) low-water line or (b) closing lines of Barbuda as prescribed by the Maritime Areas (Closing Lines-Internal Waters) Order 1986 made under section 3(2) of the Maritime Areas Act, Cap. 260.

“Committee” means the Barbuda Coastal Management Advisory Committee.

“Council” means the Barbuda Council.

“Enforcement officer” means an authorized officer as defined in the Fisheries Act, 2006 or any person designated as a Barbuda fisheries ranger by the Council under these regulations;

“Internal waters” means any waters landward of the low-water line or closing line of Barbuda as prescribed by the Maritime Areas (Closing Lines-Internal Waters) Order 1986 made under section 3(2) of the Maritime Areas Act, including Goat Island Flush and Codrington Lagoon.

“Ordinarily resident in Barbuda” means a person currently domiciled in Barbuda who has been domiciled in Barbuda for a period of not less than seven years.

“Permit” means Barbuda Special Area Permit, unless otherwise specified.

“Officer” means Barbuda Senior Fisheries Officer, unless otherwise specified.

“Recreational fishing” is fishing for personal enjoyment and does not include the purchase or sale of fish.

“Spawning aggregation” means a concentration of fish gathered for the purpose of spawning.

“Undersized lobster” means any lobster that is smaller than the minimum size or weight stipulated in the Fisheries Regulations, 2013 or any successor thereto.

The terms and phrases defined in the Maritime Areas Act, CAP. 260, Fisheries Act, 2006, Act No. 22 of 2006, or the Fisheries Regulations, 2013, S.I. No. 2 of 2013 shall be given the same meaning in these regulations, unless the context requires otherwise.

3. Barbuda Senior Fisheries Officer

The Council shall appoint a Barbuda Senior Fisheries Officer, who shall be an employee of the Council and shall have the duty and responsibility to implement and enforce these regulations, in compliance with the Fisheries Act, 2006 and regulations, and to perform other duties as directed by the Council.

4. Barbuda Coastal Management Advisory Committee

(1) There is hereby established a Barbuda Coastal Management Advisory Committee.

(2) The Committee shall consist of the following members—

- (a) a member of the Council nominated and appointed by the Council;
- (b) a person nominated by the Chief Fisheries Officer after consultation with the Council, and appointed by the Council;
- (c) the Barbuda Parks Commissioner, or if such a person has not been designated, a person with knowledge and responsibility for National Parks in Barbuda, who shall be nominated and appointed by the Council;
- (d) a person nominated by a non-governmental organization with a demonstrated commitment to ensuring the sustainable use of Barbuda coastal resources, who shall be appointed by the Council;
- (e) a person nominated by a person or organization with a demonstrated interest in fishing in Barbuda, who shall be a Barbuda Special Area Permit holder and shall be appointed by the Council;
- (f) a person nominated by a person or organization with a demonstrated interest in tourism in Barbuda, who shall be appointed by the Council; and
- (g) a member of the Coast Guard, appointed by the Defence Force.

(3) The Council shall seek nominations for membership on the Committee by placing notice in the fisheries complex, Council office, and other means that it determines are necessary and appropriate for obtaining nominations.

(4) The term for Committee members shall be two years, and members shall be eligible for

re-appointment. However, three persons appointed by the Council shall serve an initial term of one year after the Committee is first constituted; subsequent appointments of persons for such positions shall serve a term of two years.

(5) By majority vote, each year the Committee shall elect one of its members to serve as Chairperson of the Committee and one to serve as Deputy Chairperson of the Committee for that year.

(6) The quorum for meetings of the Committee shall be four, including the Chairperson, or in his or her absence the Deputy Chairperson.

(7) The Officer shall be present at all meetings of the Committee unless instructed by the Chairperson to withdraw from any meeting, having obtained leave of absence from the Chairperson, or being incapacitated by illness or other cause from attending any meeting.

(8) The Committee may invite such other persons as it may think fit, to participate in its meetings.

(9) The Committee shall keep minutes of the meetings of the Committee, via a secretary provided by the Council.

(10) Neither Committee members nor other attendees shall be compensated for serving on the Committee.

(11) Travel expenses to and from Barbuda for meetings shall be paid by each individual organization from which the member of the Committee is nominated.

(12) The Committee may determine its own procedures but shall meet at least twice per year. The Chairperson may call a meeting of the Committee at any time, and shall call a meeting within 7 days after receiving a written request from at least three members.

5. Functions of Committee

The functions of the Committee are as follows—

(1) to advise the Council on coastal management in Barbuda;

(2) to advise the Council on licenses and permits issued by the Council, including, but not limited to, Barbuda Special Area Permits, artificial reef permits, and permits to disturb sea-grass and coastal mangroves;

(3) to advise the Council on monitoring and enforcement of coastal management regulations affecting Barbuda;

(4) to consider and advise the council on the need for any amendment to these regulations or other regulations governing coastal management in Barbuda;

(5) to advise the Council on coordination of the coastal management policies and activities of the Council with those of Government departments and ministries;

(6) to advise the Council on expenditure of any special fund for Barbuda coastal management that may be established; and

(7) to consider and advise the Council on such other matters as the Council may from time to time request of the Committee.

6. Barbuda Special Area Permit

(1) A person shall not fish or attempt to fish in Barbuda without having with them a valid Barbuda Special Area Permit issued by the Officer, except that a person who is under the age of 16 may engage in recreational fishing without such a permit, provided that he or she complies with all national and local regulations.

(2) The permitting requirements in this section shall be in addition to and consistent with the licensing, registration, and permitting requirements established under the Fisheries Act, 2006 and Fisheries Regulations, 2013.

(3) The Council may place conditions on permits based on species, time, area, gear, fishing method, or any other criteria necessary or appropriate for the long-term sustainability and responsible management of the marine ecosystem of Barbuda, provided such conditions are not inconsistent with these Regulations, the Fisheries Act 2006, the Fisheries Regulations 2013, or any other law of Antigua and Barbuda. Once established, conditions established pursuant to this section shall immediately apply to all new and existing permits.

(4) The Council may give effect to any plan to limit fishing effort, including limiting the number of permits issued, if it determines that it is necessary to do so in order to ensure long-term sustainability and responsible management of Barbuda.

(5) A person may obtain a permit by submitting an application to the Officer, as set forth in Schedule A, and paying the permit fees prescribed in Schedule D. Upon receiving a completed application, the Officer shall issue the permit with any conditions set under subsection (3), unless—

- (a) denial of the permit is required pursuant to an effort limitation system created under subsection (4); or
- (b) the applicant has admitted to or been convicted of three or more offences against these Regulations.

(6) The Council may alter or amend any of the following by notice in the *Gazette* and displayed in a public area at each fisheries complex in Antigua and Barbuda—

- (a) application form;

- (b) permit conditions pursuant to subsection (3); or
- (c) effort limitations pursuant to subsection (4).

(7) A permit shall be valid for two years when issued to a person eligible for entry into the record as a licensed local fisher pursuant to section 35 of the Fisheries Regulations, 2013.

(8) A permit shall be valid for one week, but not longer than the duration of the person's legal stay in Antigua and Barbuda, when issued to a person who is not eligible for entry into the record as a licensed local fisher pursuant to section 35 of the Fisheries Regulations, 2013, and such permit shall be valid only when used on a licensed sports or recreational fishing vessel.

(9) Upon expiration of a permit, each permit holder shall submit a new application in order to continue fishing in Barbuda.

(10) The Officer shall maintain a record of all permits issued under these regulations, including the name of the holder, the permit number, the date of expiry and all other relevant information for each permit, and the record shall be available to the public during normal working hours.

7. Suspension and revocation of Permit

(1) When a person to whom a permit has been issued is convicted of or agrees to pay a fine for an offence against these Regulations, a Magistrate may—

- (a) in the case of a first offence, suspend the permit for a period of not more than three months;
- (b) in the case of a second offence, suspend the permit for a period of not more than six months;
- (c) in the case of a third offence, suspend the permit for a period of not more than one year per offence, and thereafter decline to issue any permit to the offender;
- (d) for any additional offences, revoke the permit and thereafter decline to issue any permit to the offender.

(2) A person whose permit is suspended or revoked under this section may within 21 days of the receipt of notification of that decision appeal against it to the Council, whose decision shall be final, but subject to judicial review.

(3) Suspension or revocation of any fishing licence issued under the Fisheries Regulations, 2013 shall automatically result in an equivalent suspension or revocation of any permit held by the licence holder.

8. Protection of herbivorous fishes and invertebrates

(1) A person shall not take, attempt to take, possess, place for sale, purchase, or have in his or her possession any fish from—

- (a) family Scaridae (parrotfish); or
- (b) class Echinoidea (sea urchins).

(2) A person who inadvertently catches any fish included in subsection (1) shall immediately release such fish, unharmed.

9. Protection of lobster

(1) The limits on the take of lobster, including Caribbean spiny lobster (*Panulirus argus*), provided in the Fisheries Regulations, 2013, apply in Barbuda.

(2) The size restrictions in the Fisheries Regulations, 2013 apply to—

- (a) lobster caught for local consumption; and
- (b) chicken lobster.

10. Disposal of conch shells

(1) Empty shells of conch shall be returned to shore and shall not be dumped or otherwise disposed of while at sea, except in areas designated under subsection (2).

(2) The Council may designate specific areas where conch shells may be disposed by notice published in the *Gazette* and posted in each fisheries complex in Antigua and Barbuda.

11. Protection of sharks

(1) A person shall not fish or attempt to fish for sharks in Barbuda unless—

- (a) that person is ordinarily resident in Barbuda; and
- (b) that person engages solely in traditional use of the shark.

(2) Traditional use includes only—

- (a) direct consumption and other uses by the taker and his or her immediate family; and
- (b) sale of edible portions to other persons ordinarily resident in Barbuda.

(3) Export of sharks, shark fins, or any other portion of sharks is prohibited.

(4) A person shall not possess shark fins aboard a vessel without the corresponding carcass; and shall not land shark fins without the corresponding carcass.

(5) The Council shall prohibit or further regulate catch of sharks in Barbuda, including by creating a special permit for harvest of sharks, upon a determination that any species or stock of shark is depleted. The Council shall make such provisions by notice in the *Gazette* and displayed in a public area at each fisheries complex in Antigua and Barbuda.

12. Escape gaps in traps and pots

(1) A person shall not fish or attempt to fish in Barbuda by use of a trap or pot that does not include two or more open gaps positioned at opposing corners of the trap or pot, in addition to the gear requirements provided in section 56 and schedule X of the Fisheries Regulations, 2013 and as illustrated in Schedule B. The open gaps shall—

- (a) span the height of the trap or pot;
- (b) be at least 1 inch (2.54 centimeters) wide at their narrowest point; and
- (c) be positioned with the long length of the gap perpendicular to the seafloor when set so as to allow fish to escape through the gaps.

(2) This section shall take effect six months after the effective date of these Regulations.

13. Restrictions on the catch of certain species for certain periods of time

(1) The Council shall prohibit the catch of certain species during certain times of year or for certain other periods of time upon a determination that such a prohibition is necessary to—

- (a) protect the species during spawning periods;
- (b) replenish the species if it is determined that a stock is depleted or threatened with depletion; or
- (c) protect public health if it is determined that the species is unsafe to consume.

(2) A person shall not fish or attempt to fish on a spawning aggregation. A person who catches any fish from a spawning aggregation shall immediately release such fish, unharmed.

(3) Closed seasons established pursuant to this section shall be in addition to, and shall not conflict with, closed seasons prescribed in the Fisheries Regulations, 2013, which apply in Barbuda.

(4) The Council shall establish prohibitions pursuant to this section by notice placed in the *Gazette* and displayed in a public area at each fisheries complex in Antigua and Barbuda. Such prohibitions may take effect immediately upon posting and prior to publication in the *Gazette* if the Council determines that such closure is required as an emergency measure to protect a species or to protect public health, provided that the notice is subsequently published in the *Gazette* at the next available opportunity.

(5) A person who catches any species during its closed season shall immediately release such

species, unharmed. A person shall not retain, purchase, or sell any species caught in Barbuda in violation of a prohibition established under this section.

14. Placement of artificial reefs in Barbuda

(1) A person shall not place an artificial reef, materials intended for construction of an artificial reef, or any material meant to serve as a makeshift artificial reef, in Barbuda without a special permit from the Council pursuant to Schedule C and payment of the fee specified in Schedule D.

(2) No permit shall be issued under this section unless—

- (a) the applicant has first obtained permission for placement of the reef from the Chief Fisheries Officer as required by section 38 of the Fisheries Regulations, 2013; and
- (b) the Council has first consulted the Committee regarding the application.

(3) In addition to the restrictions provided in sections 38, 40, and 41 and Schedule VIII of the Fisheries Regulations, 2013, which shall continue to apply, artificial reefs shall be constructed of materials upon which corals are likely to settle and shall be installed solely for the purpose of encouraging coral growth. Artificial reefs shall not be constructed out of materials known to be toxic or hazardous to marine life.

(4) Artificial reefs shall be installed securely such that they will not move or dislodge even in hurricane-force surge.

(5) For any existing artificial reef in Barbuda, a permit for that reef must be obtained within one month of the effective date of these regulations. The Council may order removal of any artificial reef which does not qualify for a permit under this section or for which a permit has not been issued within one month after the effective date of these regulations. The Council shall deliver such order to the person who caused the reef to be installed, if known, and shall post notice at the Council office for each reef for which such person is not known. If the person who caused the reef to be installed fails to comply with an order from the Council pursuant to this section within 30 days after it is delivered, the Council may remove an artificial reef at that person's expense. If the person who caused the reef to be installed is not known, the Council may remove an artificial reef 30 days after it posts notice, and may recover the costs of removal from the person who installed the reef, if subsequently identified.

(6) The fee for an artificial reef pursuant to subsection (1) may be waived if reef construction is for the purpose of reef restoration rather than commercial purposes.

(7) A permit to place an artificial reef shall not confer any exclusive right to fish in the vicinity of that reef.

(8) A person shall not fish nor attempt to fish within 100 meters of any artificial reef in Barbuda.

15. Designation of Barbuda fisheries rangers

(1) Pursuant to its duty to enforce the Barbuda Local Government Act provided under section 18 of said Act, the Council may designate by notice published in the *Gazette* such persons as it considers fit to be Barbuda fisheries rangers for the purposes of these Regulations and other Barbuda by-laws and regulations.

(2) The Council shall ensure that all Barbuda fisheries rangers receive adequate training to ensure the safe and effective enforcement of these Regulations and shall collaborate with the Chief Fisheries Officer, Coast Guard, Antigua and Barbuda Royal Police Force, and other relevant authorities to provide this training.

(3) It shall be the duty of Barbuda fisheries rangers, in fulfilling their responsibilities under these regulations, to—

- (a) stop and search a vehicle;
- (b) stop, board and search a fishing vessel in Barbuda;
- (c) require to be produced, examine and take copies of a licence or other document required under these regulations;
- (d) require to be produced and examine any fishing gear whether at sea or on land;
- (e) collect evidence for prosecution;
- (f) provide notice of offence to a person believed to be committing an offence against these regulations; and
- (g) work with authorised officers to enforce these regulations.

(4) A Barbuda fisheries ranger in exercising any of the powers conferred on him by this section shall on request produce such means of identification as may be necessary to show that he is a Barbuda fisheries ranger for the purposes of these regulations.

16. Powers of enforcement officers

All enforcement officers shall have the duty and responsibility to enforce these Regulations.

17. Notice of offence

(1) Where an enforcement officer has reason to believe that an offence against these regulations has been or is being committed, it shall be lawful for him or her to give to the person committing the offence a notice charging him or her with the commission of such offence, and notifying him or her that a complaint will be made against him or her in respect thereof and requiring him or her either to pay the fixed penalty within the time specified in the notice or to appear at the court specified in the notice on the day and at the hour stated therein, if provided, or such other day and

hour as the court may determine, to answer said complaint.

(2) Where an enforcement officer proceeds under subsection (1), the notice shall be given on the occasion when he had reason to believe that the offence was committed.

(3) The enforcement officer shall send a duplicate of the notice to the Magistrate for Barbuda, which duplicate shall be deemed to be a complaint laid before the Magistrate and a summons issued by the Magistrate for the purposes of the Magistrate's Code of Procedure Act.

18. Contents of notice

A notice given under section 18 shall be signed by the enforcement officer and shall specify—

- (a) the date, time and place of the giving or affixing of the notice;
- (b) the section of these regulations creating the offence alleged, and such particulars of the offence as are required for proceedings under the Magistrate's Code of Procedure Act;
- (c) the time within which the fixed penalty may be paid;
- (d) the amount of the fixed penalty and the period of permit suspension;
- (e) any articles seized by an enforcement officer;
- (f) the Clerk of the Magistrate to whom, and the address at or to which the fixed penalty may be paid or remitted; and
- (g) the address of the Magistrate's Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of such appearance, if known, or indicating that the court will determine the date and hour of such appearance.

19. Acceptance of notice of violation

(1) Where a notice has been given under section 18, the alleged offender may pay the fixed penalty in accordance with the notice and indicate his or her acceptance of any prescribed permit suspension.

(2) Payment of the fixed penalty shall be made to the Clerk of the Magistrate having jurisdiction in Barbuda, and shall be dealt with in the same manner as payment of a fine imposed for an offence under the Magistrate's Code of Procedure Act.

(3) Payment of the fixed penalty shall be accompanied by the notice which shall be completed by the alleged offender in the manner prescribed.

(4) The fixed penalty shall be payable within thirty days from the date of the notice, and where payment reaches the Clerk of the Magistrate after that time it shall not be receivable and shall be returned to the sender.

(5) Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Magistrate's Code of Procedure Act.

(6) (In any proceedings, a certificate that payment of the fixed penalty was or was not made to the Clerk of the Magistrate by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(7) Where the fixed penalty is duly paid in accordance with the notice, no person shall then be liable to be prosecuted of the offence in respect of which the notice was given and the proceedings instituted by the notice shall be deemed to have been discontinued.

(8) Acceptance of the notice or conviction shall result in the forfeiture of any articles seized under this section; provided, however, that all seized articles shall be returned to the alleged offender upon a determination that no offence was committed.

20. Amount of penalty and permit suspension

(1) The fixed penalty and permit suspension for an offence shall be those specified in Schedule E for each offence.

(2) The Council may, by order published in the *Gazette*,—

- (a) increase or reduce the fixed penalty or permit suspension for any offence against these regulations; or
- (b) amend the prescribed notice of offence described in section 18.

21. Immunity

No action shall be brought against any enforcement officer in respect of anything done or omitted to be done by him or her in good faith in the execution or purported execution of his or her powers and duties under these regulations.

22. Offences and penalties

(1) A person contravening any of the provisions of these regulations commits an offence and is liable on summary conviction to a fine not exceeding \$500 dollars or imprisonment for up to three months, or both, plus \$10 per day for continuing violations.

(2) Any person who makes a false statement to the Council, the Officer, or any enforcement officer on an application, in testimony, or in other matters related to these Regulations commits an offence against these Regulations.

(3) Any person who obstructs, assaults or threatens the Officer, or any enforcement officer in the exercise of the powers and duties conferred on him or her under these Regulations commits an offence against these Regulations.

(4) Until the contrary is proved, all fish or other articles found on board a vessel which has been used in the commission of an offence against these Regulations shall be presumed to have been caught or used in the commission of that offence.

(5) When a person is convicted of an offence against these regulations, the court, in addition to any other penalty imposed, may order that any vessel, gear, fish, or other articles used in the commission of the offence shall be forfeited.

(6) Any violation of these Regulations may result in the suspension or revocation of a Barbuda Special Area Permit, as provided in section 7 and Schedule E of these Regulations.

(7) Where an offence against these regulations has been committed by a person on board or employed on a fishing vessel, the master of such vessel shall also be liable to be convicted of the offence.

23. Enforcement log

(1) The Officer shall assemble each month a record of enforcement actions, including contacts with vessels and fishers at sea and dockside, violations detected at each contact, the vessel and identity of each violator, and the resolution or current status of each resulting enforcement action under these regulations and other Council regulations. The Officer shall provide this record to the Council.

(2) The Officer shall cause to be published an enforcement log on a monthly basis in a newspaper of national circulation, specifying each violation compounded and prosecuted during the prior month, the identity of each person and vessel involved, and the associated penalty. The Officer shall post a copy in a public area of each Fisheries Complex in Barbuda.

24. Fees, fines, etc.

(1) Fees and fines paid in accordance with these regulations shall be deposited into the Council Deposit Account as defined in section 22 of the Barbuda Local Government Act unless and until a special account is established for Barbuda coastal or fisheries management.

(2) If a special account is established for Barbuda coastal or fisheries management, all fees and fines collected pursuant to these regulations shall be deposited into such account.

SCHEDULE A

APPLICATION FORM FOR A BARBUDA SPECIAL AREA PERMIT

INSTRUCTIONS: If any items below are not applicable, write NA – leave no blanks.
For “address” provide complete mailing address.
Attach additional pages if needed.

DOCUMENTS TO BE SUBMITTED ALONG WITH APPLICATION (copy is acceptable):

- Valid Identification Card for Local Fishers, if applicable
- Fee (by check or money order)

ADDRESS TO: Barbuda Council, Council Hall, Codrington, Barbuda, Antigua and Barbuda .

I hereby apply for a Barbuda special area permit:

Name: _____ Local Fisher No: _____

Address: _____

Country of Citizenship: _____

Phone number: _____

Email address: _____

Name of vessel(s): _____ Registration No: _____

Nature of fishing operation to be undertaken (X as appropriate)

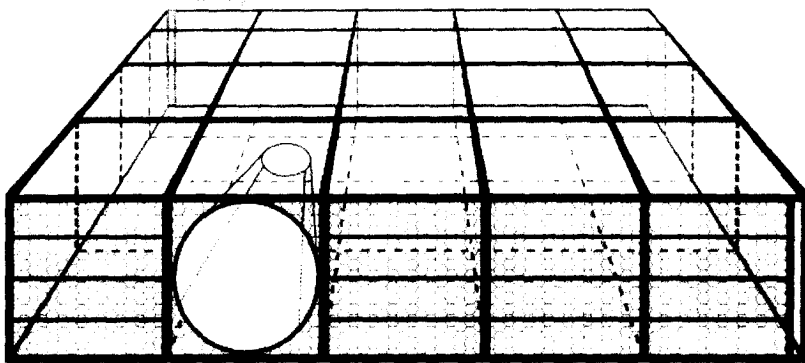
- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Sport | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Trapping | <input type="checkbox"/> Diving |
| <input type="checkbox"/> Gillnetting | <input type="checkbox"/> Handlining |
| <input type="checkbox"/> Longlining | <input type="checkbox"/> Spear fishing |
| <input type="checkbox"/> Seining | <input type="checkbox"/> Recreational |
| <input type="checkbox"/> Any Other | |

Signature of Applicant: _____ Date: _____

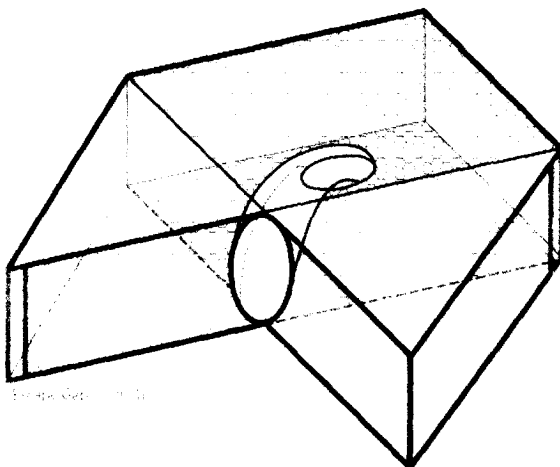
Print name of Applicant: _____

Note: Any permit issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

SCHEDULE B
DIAGRAMS OF ESCAPE GAPS



Escape Gap - 1 inch



Escape Gap - 1 inch

SCHEDULE C

APPLICATION FORM FOR AN ARTIFICIAL REEF PERMIT

INSTRUCTIONS: For “address” provide complete mailing address.
If not applicable, write NA – leave no blanks.
Include required fee (by check or money order)

ADDRESS TO: Barbuda Council, Council Hall, Codrington, Barbuda, Antigua and Barbuda

I hereby apply for a permit for the placement of an artificial reef in Barbuda for the described activity.

Name of applicant: _____

Organization: _____

Address: _____

Phone number: _____

Email address: _____

Project details. Please attach a description of the proposed project, including:

- (a) objectives and purpose of work
- (b) how reef will be installed and maintained
- (c) documentation that reef will withstand hurricane-force surge
- (d) practicable steps taken to avoid and minimize environmental damage

Site details. Please attach a description of the proposed site, including:

- (a) coordinates of proposed reef
- (b) explanation behind site selection
- (c) documentation of current conditions at site

Device details. Please attach a description of the device to be used, including:

- (a) materials to be used
- (b) documentation of effectiveness of materials for promoting the growth of coral

Expected commencement date of reef construction: _____

Expected completion date of reef construction: _____

I understand that I am required to report any changes in the information contained in this form to the Barbuda Senior Fisheries Officer within 7 days of the change.

Signature of Applicant: _____ Date: _____

Print name of Applicant: _____

Note: Any permit issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

SCHEDULE D

PERMIT FEES

Type of permit	Cost	Duration of permit
Fishing by person eligible for entry into the record as a local fisher	\$100 per person	2 years
Fishing by person not eligible for entry into the record as a local fisher	\$200 per person	The shorter of 1 week or duration of applicant's legal stay
Artificial reef	\$1000	Lifetime of reef

SCHEDULE E

Fixed penalties and permit suspensions for offences against the Barbuda (Fisheries) Regulations, 2014.

Offences	1st offence	2nd offence	3rd offence	In contravention of:
Fishing without a Permit	\$200, 1 month permit suspension	\$400, 3 months permit suspension	Taken to court	Sec. 7
Taking, placing for sale, purchasing or having in possession parrotfish or sea urchin	\$50 per fish, 1 month permit suspension	\$100 per fish, 1 month permit suspension	Taken to court	Sec. 9
Disposing of empty conch shells at sea or outside designated areas	\$25 per shell, 2 weeks permit suspension	\$100 per shell, 3 months, permit suspension	Taken to court	Sec. 11

Taking or attempting to take a shark for non-traditional use or by person not ordinarily resident in Barbuda	\$250 per shark, 2 months permit suspension	\$500 per shark, 4 months permit suspension	Taken to court	Sec. 12
Exporting shark, shark fins, or other portions of shark	\$500 per portion, 2 months permit suspension	\$500 per portion, 4 months permit suspension	Taken to court	Sec. 12
Fishing or attempting to fish with traps or pots that do not include two or more escape gaps	\$100 per trap or pot, catch forfeited, 6 weeks permit suspension	\$200 per trap or pot, 4 months permit suspension	Taken to court	Sec. 13
Retaining, purchasing, or selling species during closed season established by the Council	\$250, 6 weeks permit suspension	\$500, 4 months permit suspension	Taken to court	Sec. 14
Fishing or attempting to fish on a spawning aggregation	\$250, 6 weeks permit suspension	\$500, 4 months permit suspension	Taken to court	Sec. 14
Placing an artificial reef without a permit	\$100 plus \$5 per day in water, 6 weeks permit suspension (if applicable)	\$500 plus \$5 per day in water, 4 months permit suspension (if applicable)	Taken to court	Sec. 15
Harming, taking, possessing, purchasing, or selling undersized, egg-bearing, or other unlawfully retained lobster	Charged/compounded under Fisheries Regulations 2013			

Made the 12th day of August, 2014

Arthur Nibbs
Chair of the Barbuda Council.

Mable Francis
Secretary of the Barbuda Council.