

DRAFT, APRIL 06, 2016

**FISHERIES RESOURCES (JURISDICTION AND
CONSERVATION) (FLATS FISHING)
REGULATIONS, 2016**

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FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (CHAPTER 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) REGULATIONS, 2016

The Minister, in exercise of the powers conferred by section 19 of the Fisheries Resources (Jurisdiction and Conservation) Act, makes the following Regulations —

1. Citation.

- (1) These Regulations may be cited as the Fisheries Resources (Jurisdiction and Conservation) (Flats Fishing) Regulations, 2016.
- (2) These Regulations shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

2. Interpretation.

In these Regulations —

“**Act**” means the Fisheries Resources (Jurisdiction and Conservation) Act¹;

“**authorised person**” means the Treasurer or a family island administrator;

“**Bahamas Fly Fishing Industry Association**” means the association established under the Companies Act (*Ch. 308*) with registration number -----;

“**commercial**” in relation to fishing has the same meaning as prescribed in the Act;

“**Conservation Fund**” means the Fund referred to in regulation 6;

“**DIY angler licence**” means a licence permitting a do-it-yourself angler to fish in the flats without the assistance of a flats fishing guide;

¹*Vol. V, (Ch. 244).*

“**fixed penalty offence**” means an offence listed in the *Fourth Schedule* for which a modified penalty is imposed;

“**flats**” means the areas of waters within the exclusive fishery zone, including inland, coastal and offshore areas, where —

- (i) water levels are between one to six feet deep;
- (ii) bottoms are muddy, sandy or covered by sea grasses;

“**flats fishing**” or “**fishing in the flats**” means the fishing for permits, tarpon, snook and bone-fish within the flats for sporting, or other non-commercial, purposes; and

“**flats fishing guide**” means a person who acts, for compensation or reward, as a flats fishing guide for another who fishes in the flats by hook or bait (angling) and includes a person who does any of the following—

- (a) accompanies and assists another person to angle;
- (b) attends another person at or near the flats in a way that directly or indirectly assists that person to angle;
- (c) assists any other person to and from the flats, or between different areas of the flats, for the purpose of angling; and

“**guide assisted licence**” means a licence permitting an angler to fish in the flats only with the assistance of a licensed flats fishing guide.

3. Licence required for fishing in the flats.

- (1) No person shall engage in fishing within the flats unless such person is the holder of a personal licence granted under regulation 4 or is under the age of twelve years.
- (2) A vessel, other than a Bahamian owned or licensed charter vessel, shall not engage in flats fishing unless —
 - (a) a permit to engage in sports fishing has been issued in respect of the vessel in accordance with the Act and regulation 47 of the Fisheries Resources (Jurisdiction and Conservation) Regulations²; and
 - (b) each person intending to fish in the flats by means of the vessel is the holder of a personal licence or under the age of twelve years.
- (3) A person aged twelve years or older wishing to fish within the flats must apply for a personal licence in Form 1 as set out in the *First Schedule* and pay the prescribed fee.
- (4) Application for a personal licence to engage in flats fishing —

²Sub. Leg., Vol. IV, (Ch. 244 - 14)

- (a) shall be addressed to the Minister and submitted in hard copy or electronically;
- (b) may be made for a DIY angler licence or a guide assisted licence;
- (c) may be issued electronically to an applicant in advance of arrival in The Bahamas subject to the —
 - (i) clearing of the applicant upon arrival at a port of entry; and
 - (ii) stamping of such licence at the port of entry.
- (5) Applicants for a personal licence who are citizens or permanent residents of The Bahamas are liable to pay a nominal fee as set out in the *Third Schedule*.
- (6) A person who contravenes paragraphs (1) or (2) of this regulation commits an offence.

4. Grant of flats fishing licence.

- (1) A personal licence granted to an applicant to fish in the flats may be issued —
 - (a) in the form of a DIY angler licence or a guide assisted licence; and
 - (b) only upon payment of the fees prescribed in the *Third Schedule*.
- (2) A flats fishing licence granted under this regulation —
 - (a) shall be issued in Form 2 or Form 3 as set out in the *First Schedule*;
 - (b) shall state the period for which it is granted;
 - (c) may be granted subject to such conditions, restrictions or limitations as the Minister considers appropriate; and
 - (d) shall be displayed prominently or, upon the request of a fisheries inspector, be easily accessible and produced by the licensee.
- (3) The Minister shall cause to be kept a record of all flats fishing licences issued under this regulation.
- (4) Subject to paragraph (5), where a vessel engages in fishing in the flats pursuant to the grant of a sports fishing permit referred to in regulation 3(2)(a) —
 - (a) the vessel must employ a minimum of one certified fishing guide; and
 - (b) a certified fishing guide must be employed at a ratio of one to two, namely, one guide for every two anglers fishing in the flats by means of the vessel.
- (5) Paragraph (4) does not apply where the vessel carries one person only.

5. Certification and licensing of guides.

- (1) No person shall act as a flats fishing guide unless such person is the holder of a flats fishing guide licence granted and issued by the Minister in Form 2 or Form 3 as set out in the *Second Schedule*.
- (2) The Minister may grant and issue a flats fishing guide licence to an applicant —
 - (a) who is the holder of a flats fishing guide certificate issued by the Bahamas Fly Fishing Industry Association; and
 - (b) whose training has been verified by the Ministry of Tourism.
- (3) A flats fishing guide certificate issued by the Bahamas Fly Fishing Industry Association pursuant to paragraph (2) shall certify satisfactory completion by the holder of the certificate of internationally recognised training as a flats fishing guide.
- (4) The Minister —
 - (a) may subject the grant of a flats fishing guide licence to such conditions, restrictions or limitations as the Minister considers appropriate; and
 - (b) shall keep a register, accessible to the public, of all certificated and licensed flats fishing guides.
- (5) A licensed flats fishing guide must at all times have his licence readily available and produce it when required to do so by a fisheries inspector.
- (6) A flats fishing guide licence granted under this regulation is renewable annually and may be suspended or revoked by the Minister —
 - (a) for breach of any provision of these Regulations;
 - (b) for non-compliance with any condition, restriction or limitation to which the licence is subject; or
 - (c) where the holder no longer satisfies one or more eligibility criteria established and published by the Minister.
- (7) Notwithstanding any provision of this section, the Minister may grant a provisional flats fishing guide licence to an applicant in accordance with regulation 10.
- (8) A person who contravenes paragraphs (1) or (5) of this regulation commits an offence.

6. Conservation Fund, fees and levies.

- (1) The Minister shall establish a Conservation Fund for the conservation and management of the flats and its fisheries resources.

- (2) The fees payable on the issuance of a flats fishing licence shall be allocable as follows —
 - (a) fifty per cent of the fee shall be directly deposited into the Consolidated Fund; and
 - (b) fifty per cent of the fee shall be reserved as a conservation levy and deposited for the purposes of the Conservation Fund in accordance with section 15 of the Financial Administration and Audit Act³.
- (3) The Minister shall establish a committee, consisting of such officers of the Ministry and relevant non-governmental organisations as the Minister may appoint in writing, to monitor and assist in the management of the flats and the protection of the flats fish stocks.
- (4) Fees under these Regulations are payable in accordance with the *Third Schedule*.

7. Commercial fishing in the flats prohibited.

- (1) No person shall engage in commercial fishing in the flats.
- (2) A person who engages in commercial fishing in the flats commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

8. Protection of flats fish stocks.

- (1) Subject to paragraph (4), a person fishing within the flats shall —
 - (a) engage only in catch and release fishing in respect of bone-fish, permit, snook or tarpon and hold in their possession at any time not more than one fish; and
 - (b) fish for bone-fish, permit, snook or tarpon by hook and or bait method only.
- (2) A person commits an offence who, while engaging in flats fishing, contravenes any provision of paragraph (1).
- (3) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.
- (4) Paragraph (1) shall not apply to the grant of a personal flats fishing licence for research purposes which is made subject to such conditions, restrictions or limitations as the Minister considers appropriate.

³No. 26 of 2010

9. General offences and penalties.

- (1) A person who contravenes or fails to comply with any provision of these Regulations commits an offence and, except as otherwise provided by the Act or these Regulations, or any other regulation, is liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.
- (2) A court may, where a person is convicted of an offence against these Regulations, in addition to any other penalty, order the confiscation and forfeiture to the Crown of any fishing gear and related supplies or devices inclusive of boats, engines, trailers, trucks and vehicles used in the commission of the offence or that is the subject matter of the offence.

10. Fixed penalty offences and infringement notices.

- (1) There is prescribed offences against these Regulations called fixed penalty offences, together with modified penalties in relation thereto, as listed in the *Fourth Schedule*.
- (2) The Minister —
 - (a) may by order amend the *Fourth Schedule*; and
 - (b) shall supply each fisheries inspector assigned to duty within the flats with a certificate of authorisation, in the form set out in the *Fifth Schedule*, to issue infringement notices in relation to fixed penalty offences.
- (3) A fisheries inspector assigned to duty within the flats may —
 - (a) require any person to give to the inspector his name and address; and
 - (b) issue an infringement notice to any person whom the inspector has reason to believe has committed a fixed penalty offence.
- (4) An infringement notice under paragraph (3)(b) may be issued at or about the time the alleged offence is believed to have been committed.
- (5) An infringement notice shall be in the form set out in the *Sixth Schedule* and shall —
 - (a) contain a description of the alleged fixed penalty offence;
 - (b) advise that if the alleged offender does not wish to have a complaint of the alleged offence heard and determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to an authorised person within the period specified in the notice;

- (c) inform the alleged offender who are the authorised persons for the purposes of receiving payment of modified penalties; and
 - (d) inform the alleged offender of the manner in which payment of modified penalties may be made.
- (6) The amount specified in an infringement notice as being the modified penalty for the offence referred to in the notice must be the amount that was the prescribed modified penalty at the time the offence is believed to have been committed.
- (7) Where the modified penalty specified in an infringement notice is paid within the period specified in the notice, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a court and punished for the alleged offence.
- (8) Payment of a modified penalty is not to be treated as an admission for the purpose of any civil or criminal proceedings against an alleged offender.

11. Transitional provisions.

- (1) A person who on the date these Regulations come into operation has operated in excess of ten years as a flats fishing guide must, within thirty days of the date these Regulations come into operation, apply for a provisional licence in order to continue operation as a flats fishing guide.
- (2) The Minister shall upon application made in writing and payment of the prescribed fee grant and issue to an applicant under this section a provisional licence, in Form No. 3 as set out in the *Second Schedule*, for a period not exceeding one year.
- (3) A provisional licence granted under this regulation is not renewable.
- (4) The holder of a provisional licence shall not, upon expiry of such licence, be granted an annual flats fishing guide licence unless in accordance with regulation 5(2) —
- (a) he is in possession of a flats fishing guide certificate issued by the Bahamas Fly Fishing Industry Association; and
 - (b) his training in respect of the certificate referred to in sub-paragraph (a) has been verified by the Ministry of Tourism.

FIRST SCHEDULE (Regulations 3 and 4)

FORM 1

APPLICATION FOR LICENCE TO ENGAGE IN FLATS FISHING

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (Ch. 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) REGULATIONS

**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS
FISHING) REGULATIONS**

To: Minister responsible for Fisheries Resources

Is application for purposes of { } Sports Fishing OR { } Research

***Note: If for research purposes, the purpose and details of the research
and institution involved must accompany this application.***

1. Name of Applicant:

2. Sex: Male { } Female { }

3. Age Range (Years):

13-20 { } 21-35 { } 36-55 { } 56+ { }

4. Home Address:

State/Province:

Country:

5. Telephone No.:

Fax No.:

Email Address:

6. Proposed Start Date of Fishing:

Ending Date of Fishing:

7. Proposed Fishing Areas (Island):

8. DIY Angler Licence { } **OR** Guide Assisted Licence { }

Signature of Applicant:

Date:

FORM 2

DIY ANGLER LICENCE TO ENGAGE IN FLATS FISHING

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (CH. 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) REGULATIONS

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) REGULATIONS

No:.....

This Licence is granted to
to conduct flats fishing without the assistance of a licensed flats fishing guide during the period toin the area of
.....for purposes of(*insert sports fishing/research as applicable*).

This Licence is issued subject to the following conditions:

- (a) This Licence shall not be transferred or assigned;
- (b) { } For sports fishing purposes, catch and release fishing only is allowed for the following species: bone-fish, permit, tarpon and snook OR
{ } For research purposes, the following fishing methods may be employed:.....;
- (c) { } For sports fishing purposes, no more than one fish may at any time be found in the possession of the licence holder; OR
{ } For research purposes, no more than ...bone-fish, ...permit, ...tarpon andsnook may at any time be found in the possession of the licence holder;
- (d) Other than for research purposes, fishing on the flats is by hook and/or bait only.

The holder of this Licence may fish in the flats WITHOUT the assistance of a licensed flats fishing guide during the validity of this Licence.

This Licence is valid for the period from, 20..... to, 20.....

Dated this day of, 20.....

MINISTER RESPONSIBLE FOR FISHERIES RESOURCES

FORM 3

GUIDE ASSISTED LICENCE TO ENGAGE IN FLATS FISHING

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (CH. 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) REGULATIONS

**FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS
FISHING) REGULATIONS**

No:.....

This Licence is granted to
to conduct flats fishing with the assistance of a licensed flats fishing guide during the
period toin the area of
for purposes of(*insert sports fishing/research as applicable*).

This Licence is issued subject to the following conditions:

- (a) This Licence shall not be transferred or assigned;
- (b) { } For sports fishing purposes, catch and release fishing only is allowed for
the following species: bone-fish, permit, tarpon and snook OR
{ } For research purposes, the following fishing methods may be
employed:.....;
- (c) { } For sports fishing purposes, no more than one fish may at any time be
found in the possession of the licence holder; OR
{ } For research purposes, no more than ...bone-fish,permit,tarpon and
.....snook may at any time be found in the possession of the licence
holder;
- (d) Other than for research purposes, fishing on the flats is by hook and/or bait only.

**The holder of this Licence may fish in the flats ONLY with the assistance of a
licensed flats fishing guide during the validity of this Licence.**

This Licence is valid for the period from, 20..... to, 20.....

Dated this day of, 20.....

MINISTER RESPONSIBLE FOR FISHERIES RESOURCES

SECOND SCHEDULE (Regulation 5)

FORM 1

APPLICATION FOR FLATS FISHING GUIDE LICENCE

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (Ch. 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) REGULATIONS

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) REGULATIONS

To: Minister responsible for Fisheries Resources

1. Name:

2. Sex: Male { } Female { } Date of Birth (d/m/y):

3. Home Address:

District/Settlement:

Island:

4. Telephone No.:

Fax No.:

Email Address:

5. Date of Certification:

NB: This application must be accompanied by an original/certified copy of the certificate issued to you by the Bahamas Fly Fishing Industry Association.

Signature of Applicant:

Date:

.....

Official Use Only

Has applicant enclosed original/certified copy of certificate? Yes { } No { }

Has training of applicant been verified by Ministry of Tourism in accordance with regulation 5(2)(b)? Yes { } No { }

This Licence expires onday of, 20.....

Dated thisday of, 20.....

MINISTER RESPONSIBLE FOR FISHERIES RESOURCES

THIRD SCHEDULE (Regulation 6(4))

FLATS FISHING LICENSING FEES
(inclusive of VAT)

B\$

FLATS FISHING – PERSONAL LICENCES

DIY Angler Licences (non-citizens/non-permanent residents):

Day licence (valid for day of issuance only):	50.00
Weekly licence:	100.00
Monthly licence:	250.00
Annual licence:	400.00

DIY Angler Licences (citizens/permanent residents):

Day licence (valid for day of issuance only):	10.00
Weekly licence:	30.00
Monthly licence:	50.00
Annual licence:	110.00

Guide Assisted Licences (non-citizens/non-permanent residents):

Day licence (valid for day of issuance only):	20.00
Weekly licence:	50.00
Monthly licence:	75.00
Annual licence:	100.00

Guide Assisted Licences (citizens/permanent residents):

Day licence (valid for day of issuance only):	5.00
Weekly licence:	20.00
Monthly licence:	40.00
Annual licence:	100.00

FLATS FISHING GUIDE LICENCES:

Provisional Licence (Valid for one-year period only):	100.00
Annual Licence:	100.00

FOURTH SCHEDULE (Regulation 10(1))

FIXED PENALTY OFFENCES

No.	Description of offence	Regulation	Modified penalty if paid within 14 days	Maximum penalty on conviction
1	Engaging in flats fishing without holding a personal flats fishing licence	3(1)	\$750.00	\$5000.00 and/or 3 months imprisonment
2	Failure to display or produce a flats fishing licence when requested to do so by a Fisheries Inspector	4(2)(d)	\$500.00	\$5000.00 and/or 3 months imprisonment
3	Acting as a flats fishing guide without a valid flats fishing guide licence	5(1)	\$1,000.00	\$5000.00 and/or 3 months imprisonment
4	Failure to produce a flats fishing guide licence when requested to do so by a Fisheries Inspector	5(5)	\$500.00	\$5000.00 and/or 3 months imprisonment
5	Possession of flats fish species in excess of the quantity limit	8(1)(a)	\$1,000.00	\$5000.00 and/or 3 months imprisonment
6	Engaging in fishing on the flats for flats fish species by means other than hook and/or bait	8(1)(b)	\$500.00	\$5000.00 and/or 3 months imprisonment
7	Fishing in violation of the 1:2 fishing guide/customer ratio	4(4)(b)	\$1,000.00	\$5000.00 and/or 3 months imprisonment
8	Engaging in commercial fishing in the flats	7(1)	\$4,000.00	\$5000.00 and/or 3 months imprisonment

FIFTH SCHEDULE (Regulation 10(2))

CERTIFICATE OF AUTHORISATION FORM

MINISTRY RESPONSIBLE FOR FISHERIES RESOURCES

CERTIFICATE OF AUTHORISATION

(issued pursuant to)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (CH. 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) REGULATIONS, 2016 (REGULATION 10)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) ORDER, 2016

No:.....

This Certificate authorises, a fisheries inspector within the Ministry of Agriculture and Marine Resources assigned to duty within the flats, to issue an infringement notice to any person whom the inspector has reason to believe has committed a fixed penalty offence.

This Certificate expires onday of, 20.....

Dated thisday of, 20.....

MINISTER RESPONSIBLE FOR FISHERIES RESOURCES

SIXTH SCHEDULE (Regulation 10 (5))

INFRINGEMENT NOTICE FORM

MINISTRY RESPONSIBLE FOR FISHERIES RESOURCES

INFRINGEMENT NOTICE

(issued pursuant to)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (CH. 244)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) REGULATIONS, 2016 (REGULATION 10)

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) (FLATS FISHING) ORDER, 2016

No:.....

TO: Alleged Offender

Surname:

Forenames:

Address:

Post Code:

Date of Birth (juveniles only):

I,, a fisheries inspector within the Ministry of Agriculture and Marine Resources, holder of certificate of authorisation number 00000, have reason to believe that on theday of, 20-- you committed the offence as ticked overleaf within the area of

This notice offers you the opportunity to discharge any liability to conviction for the above-mentioned offence by payment of a modified penalty. If you pay the modified penalty of \$..... within 14 days no further proceedings will be taken. If you do not pay the modified penalty within that time, you may be prosecuted for the offence

described above and, if convicted, could receive a much larger fine and/or a term of imprisonment. The maximum for the offence is stated overleaf.

Payment must be made to the Treasurer or to a Family Island administrator.

Fisheries Inspector

Name:

Signature:

Date:

.....

SERIAL NO.

This slip must accompany your payment.

To: [Name/Title and Address]

I enclose with this letter a cheque in the amount of \$.....

Signature:

Date:

Name (BLOCK LETTERS):

Address (BLOCK LETTERS):

Please make all cheques payable to the Treasurer. [Alternatively, you can pay by credit or debit card:

Credit card / Debit Card

Card number:

Start Date (if applicable):

Expiry Date:

Issue no. (debit card only):

Signature of card-holder:.....

Reverse page

Tick	No.	Description of offence	Regulation	Modified penalty if paid within 14 days	Maximum penalty on conviction
	1	Engaging in flats fishing without holding a personal flats fishing licence	3(1)	\$750.00	\$5000.00 and/or 3 months imprisonment
	2	Failure to display or produce a flats fishing licence when requested to do so by a Fisheries Inspector	4(2)(d)	\$500.00	\$5000.00 and/or 3 months imprisonment
	3	Acting as a flats fishing guide without a valid flats fishing guide licence	5(1)	\$1,000.00	\$5000.00 and/or 3 months imprisonment
	4	Failure to produce a flats fishing guide licence when requested to do so by a Fisheries Inspector	5(5)	\$500.00	\$5000.00 and/or 3 months imprisonment
	5	Possession of flats fish species in excess of the quantity limit	8(1)(a)	\$1,000.00	\$5000.00 and/or 3 months imprisonment
	6	Engaging in fishing on the flats for flats fish species by means other than hook and/or bait	8(1)(b)	\$500.00	\$5000.00 and/or 3 months imprisonment
	7	Fishing in violation of the 1:2 fishing guide/customer ratio	4(4)(b)	\$1,000.00	\$5000.00 and/or 3 months imprisonment

	8	Engaging in commercial fishing in the flats	7(1)	\$4,000.00	\$5000.00 and/or 3 months imprisonment
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Back page

Statement of witness

Statement of:

Address:

Tel. No:

This statement, consisting of ... page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false, or do not believe to be true.

Dated:

Signature:

Statement..... (half page)

Signature of Fisheries Inspector.....

Made this day of 2016

Minister of Agriculture and Marine Resources

EXPLANATORY NOTES

(These Notes do not form part of these Regulations)

The purpose of these Regulations is to create a specific regime for the regulation of fishing in the flats in order to protect and preserve the flats and flats fishing stocks and to bring order and transparency to the fly fishing industry in The Bahamas.

Regulation 1 requires the Minister to appoint a date for the Regulations to come into operation.

Regulation 2 defines key words and phrases used in the Regulations.

Regulation 3 prohibits any person over the age of 12 years from fishing in the flats without having obtained from the Minister a personal flats fishing licence. A foreign vessel wishing to flats fish must obtain the usual sports fishing permit and each person on the vessel intending to flats fish must hold a personal licence. Provision is made for licences to be issued electronically to an applicant in advance of arrival in The Bahamas subject to the clearing of the applicant and stamping of the licence upon arrival at a port of entry.

Applicants for a personal licence who are citizens or permanent residents of The Bahamas are liable to pay reduced fees for licences.

Regulation 4 provides for the grant of DIY angler licences and guide assisted licences and for the imposition of fees. The Minister is empowered to grant licences subject to such conditions, restrictions or limitations as the Minister considers appropriate and must keep a record of all flats fishing licences issued. Licences are to be displayed prominently or, upon the request of a fisheries inspector, be easily accessible and produced by the licensee.

Except where the vessel carries one person only, a sports fishing vessel in the flats must employ a minimum of one certified fishing guide and a certified fishing guide must be employed at a ratio of one to two, namely, one guide for every two anglers fishing in the flats by means of the vessel.

Regulation 5 prohibits any person acting as a flats fishing guide without having obtained from the Minister a flats fishing guide licence. The Minister may grant a guide licence only where the applicant is the holder of a flats fishing guide certificate issued by the Bahamas Fly Fishing Industry Association and his training has been verified by the Ministry of Tourism. The Minister may subject the grant of guide

licences to such conditions, restrictions or limitations as the Minister considers appropriate and must keep a register, accessible to the public, of all certificated and licensed flats fishing guides. Guide licences are renewable annually and may be suspended or revoked by the Minister for breach. Provision is also made for the grant of Provisional guide licences as a transitional measure.

Regulation 6 provides for the establishment of a Conservation Fund for the conservation and management of the flats and its fisheries resources. 50% of fees payable for flats fishing licences are to be directly deposited into the Consolidated Fund and 50% reserved as a conservation levy and deposited for the purposes of the Conservation Fund in accordance with section 15 of the Financial Administration and Audit Act. Provision is made for the Minister to establish a committee to monitor and assist in the management of the flats and the protection of the flats fish stocks.

Regulation 7 makes it a criminal offence to engage in commercial fishing in the flats.

Regulation 8 restricts fishing in the flats in respect of bone-fish, permit, snook or tarpon to hook and or bait methods only and catch and release fishing only. An exception is made where the Minister grants a flats fishing licence for research purposes and subjects the licence to specific conditions as the Minister considers appropriate.

Regulation 9 creates general offences and penalties for the contravention of the Act or these Regulations with penalties not to exceed \$5000.00 or 3 months imprisonment or both and provides for confiscation and forfeiture by the courts of fishing gear and equipment.

Regulation 10 provides for certain contraventions of the Regulations to constitute fixed penalty offences for which an infringement notice may be issued by a fisheries inspector and a reduced and modified penalty paid by the alleged offender. The intention is to provide a simple and efficient means of dealing with the offences, avoiding court time, bearing in mind the abundance of visitors to The Bahamas who engage in flats fishing. A visitor who offends may simply pay the penalty to the Treasurer or a family island administrator and return home without the inconvenience of a court appearance.

Regulation 11 provides a transitional period wherein a person operating for more than 10 years as a flats fishing guide may be issued a Provisional guide licence for a maximum period of a year. On expiry of the Provisional licence, which is not renewable, an annual guide licence cannot be granted by the Minister unless the person

has obtained the required certification from the Bahamas Fly Fishing Association and verification of training by the Ministry of Tourism.

The *First Schedule* provides the forms for an application for a personal flats fishing licences, a DIY angler licence and a guide assisted licence.

The *Second Schedule* provides the forms for an application for a flats fishing guide licence, an annual guide licence and a Provisional guide licence.

The *Third Schedule* lists the applicable flats fishing licensing fees.

The *Fourth Schedule* provides for fixed penalty offences and modified penalties.

The *Fifth Schedule* provides for the certificate of authorisation form whereby the Minister authorises a fisheries inspector to issue infringement notices.

The *Sixth Schedule* provides for the form of an infringement notice.