

LOCAL FISHERIES REGULATIONS 1995

WESTERN SAMOA

Pursuant to the Fisheries Act 1988, I, **MALIETOA TANUMAFILI II**, Head of State acting on the advice of Cabinet **DO HEREBY MAKE** the following regulations: .

DATED this 14th day of April 1996

HEAD OF STATE

Arrangement of Provision

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REGULATIONS

1. **Title** -These Regulations may be cited as the Local Fisheries Regulation 1995.
2. **Interpretation** -In these Regulations, unless the context otherwise requires, words used shall have the same meaning as in the Fisheries Act, 1988.

"fish aggregating device" means a man made or partly man made floating device intended for the purpose of aggregating fish., and includes a natural floating object on which a device has been placed to facilitate its location.

"sale" includes every method of disposition for valuable consideration, including barter, and includes offering or attempting to sell or receiving or having of sale, or causing or permitting to be sold, offered or exposed for sale, and also includes disposal by means of a raffle or other game of chance, and "sell" and "sold" shall have a corresponding meaning.

"the Act" means the Fisheries Act, 1988.

PART I

CONSERVATION MEASURES

3. **Prohibition on catching or sale of certain fish** -(1) No person shall undertake fishing in the fishery waters for any of the species of fish referred to in schedule I which is less than the size indicated in that schedule.

(2) No person shall sell any of the species of fish referred to in Schedule I which is less than the size referred to in that schedule or the sale of which is totally prohibited in that schedule.

(3)For the purpose of this regulation and Schedule I, the length of a fish shall be measured from the furthest point of the snout to the middle of the tailfin when the fish is laid flat.

4. **Periods in which fishing is prohibited** -The Director may, by notice published in a newspaper which is published at least twice weekly throughout Western Samoa, declare the period or periods during which the fishing for the species of fish listed in Schedule n to these regulations is prohibited.

5. **Prohibition on the use of certain gear** -The fishing gear specified in Schedule ill to these Regulations shall not be used for fishing in the fishery waters unless authorised in accordance with the conditions of a fishing licence issued under Part V of the Act.

6. **Crabs** -No person shall undertake fishing for or sell or possess any crab which is:

(a) known as *pa'alimago* (*Scylla serrata*) and less than 150 mm (5.9 inches) measured across the widest part of the carapace;

(b) known as *kuku* (*Capilius maculatus*) and less than 120 mm (4.7 inches) when measured across the widest part of the carapace;

(c) egg bearing or

(d) soft shelled.

7. **Turtles** -(1) No person shall undertake fishing for, or possess, or sell any turtle known as *laumei* (*Eretmochelys imbricata*, *Chelonia mydas*) whether alive or dead the shell of which is less than 700 mm (27.6 inches) in length at its longest part of the carapace measured along the curve of the carapace from that part of the carapace nearest the head to that part nearest the tail.

(2) No person shall at any time disturb the nest of any turtle, or take, use or sell or destroy the egg of any turtle.

8. **Lobster** -(1) No person shall undertake in the fishery waters fishing for, or possess, or sell any lobster known as *ula sami* (*Panulirus* species) with a carapace length of less than 80 mm (3.2 inches) measured from the base of the horns, to the rear edge of the carapace.

(2) No person shall sell a separated tail of a lobster with a length of less than 140 mm (5.5 inches) as measured from the first tail segment to the tip of the tail.

(3) No person shall undertake fishing for, or possess, or sell any egg bearing or soft shelled lobster.

9. **Slipper Lobster** -No person shall undertake in the fishery waters fishing for, or possess or sell any slipper lobster known as *papata* (*Parribacus* species) with a length of less than 150 mm (5.9 inches) when measured from the front edge of the carapace to the rear of the telsons.

10. **Giant clams** -Except for cultured clams no person shall undertake in the fishery waters fishing for, or possess, or sell giant clams known as *faisua* which is less than 160 mm (6.3 inches) for *Tridacna maxima* and 200 mm (7.9 inches) for *Tridacna squamosa* measured across the shell at its widest part.

11. **Trochus/top shell**- (1) No person shall undertake in the fishery waters fishing for, or possess, or sell trochus shell known as *aliao* (*Trochus niloticus*) which measures less than 75 mm (3.0 inches) across the base of the shell.

(2) No person shall undertake fishing for, or possess, or sell top shells known as *aliao* (*Tectis* species) which measures less than 65 mm (2.6 inches) across the base of the shell.

12. **Pearl oyster** -No person shall undertake in the fishery waters fishing for, or possess, or sell pearl oyster known as *tifa* (*Pinctada margaritifera*) measuring less than 130 mm (5.1 inches) from the hinge to the opposite edge at its longest point.

13. **Turbo shell** -No person shall undertake in the fishery waters fishing for, or possess, or sell green snail known as *alili* (*Turbo* species) which measures less than 30 mm (1.2 inches) across the whorl opening.

14. **Porpoises and Dolphins** -No person shall undertake in the fishery waters fishing for, or harm, or possess, or sell any porpoise and dolphin known as *mumua* and *manua* (*Phocaena* or *Delphis*).

PART II

FISH AGGREGATING DEVICES

15. **Placing of private fish aggregating devices** -(1) No person shall place a privately owned fish aggregating device in the fishery waters except with the permission of the Director and in accordance with such conditions as he may specify or as are otherwise specified in these Regulations.

(2) In granting permission under sub-regulation (1), conditions which the Director may specify

include, but are not limited to, the following:

- (a) the method of use;
- (b) the location;
- (c) the times during which the device may be used; and
- (d) the markings or colourings to be adopted.

(3) The permission of the Director under this Regulation shall be in writing and may be in the form of a telex or facsimile whether as a condition of a licence or otherwise.

(4) The Director may specify in writing that no fishing may take place within two nautical miles of a private fish aggregating device except by the person to whom permission has been granted to place the device.

(5) Any person who has placed a private fish aggregating device shall notify in writing the Director within 24 hours of such placement of the nature and location of the device.

16. *Public fish aggregating device* -(1) The Minister may, by notice published in the Gazette, declare any fish aggregating device to be a public fish aggregating device for the purposes of these Regulations.

(2) Subject to sub-regulation (3), no person shall fish within a radius of two nautical miles from a public fish aggregating device except with the permission of the Director and in accordance with such conditions as he may specify.

(3) The Minister may, by notice published in a newspaper which is published at least twice weekly throughout Western Samoa, designate any category of person who may fish within a radius of two nautical miles of a public fish aggregating device or a category of public fish aggregating devices.

17. *Marking of fish aggregating devices* -(1) Any fish aggregating device placed in the fishery waters shall:

- (a) be clearly marked with the name of the owner;
 - (b) be equipped with a radar reflector as shall be clearly visible from a distance of one nautical mile;
- and
- (c) have such other equipment of markings as the Minister may from time to time require by notice published in the Gazette.

18. *Compliance with applicable conservation or management measures* -Permission to use a fish aggregating device does not affect any obligation to observe applicable conservation or management measures for fisheries unless the Director specifies in writing that a particular measure does not apply with respect to fish caught within one nautical mile of that device.

19. *Disposal of unauthorised fish aggregating devices* -Any fish aggregating device placed in the fishery waters otherwise than in accordance with permission given under this Part or found in the fishery waters without a marking or piece of equipment required by these regulations may be used or disposed of in such manner as the Director may decide.

PART III

REGISTRATION AND SAFETY REQUIREMENTS

20. *Registration and Safety requirements* -(1) Where a certificate of registration has been issued in

respect of a local commercial fishing vessel under section 5 of the Act, the Director may by notice in writing to the owner of the local commercial fishing vessel in addition require that the vessel is equipped with any or all of the following:

- (a) a two way radio;
- (b) an anchor rope of not less than two hundred metres (200m) in length and an anchor;
- (c) two functioning outboard engines;
- (d) navigation lights;
- (e) such other equipment that he, considers necessary or desirable for the safety of the vessel.

(2) Where a local commercial fishing vessel puts to sea without such equipment as may be required under the preceding paragraph, or in contravention of section 5 of the Act, the Director may revoke the certificate of registration issued under section 5 of the Act, and the owner master and charterer each commits an offence against these regulations.

PART IV

PENALTIES

21. **Penalties** -Any person who violates any of the provisions of these regulations shall be guilty of an offence and liable to a fine not exceeding ten thousand tala.

Schedule I (Regulation 3)

Minimum size of fish which may be caught or sold

Common English name	Family	Samoan name	Genus	Minimum length (mm)
Mullet	Mugilidae	Anae, Afa, Matapona, Aua	Mugil, Chaenomugil, Crenimugil, Liza, Valamugil	200 (7.9 in)
Jacks and Trevallies	Carangidae	Malauli, lupota, lupo	Caranx, Canrangoides	250 (9.8 in)
Rabbitfishes	Siganidae	Lo, pa 'uulu, malava	Siganus	200 (7.9 in)
Long-jaw mackerel (Striped mackerel or Indian mackerel)	Scombridae	Ga	Rastrelliger	200 (7.9 in)
Bigeye scad	Carangidae	Atule	Selar	150 (5.9 in)
Milkfish	Chanidae	Ava	Chanos	300 (11.8 in)
Mojarras (silver biddies)	Gerreidae	Matu	Gerres	120 (4.7 in)
Parrotfishes	Scaridae	Fuga	Scarus, Cetoscarus, Hipposcarus, Bolbometopon	200 (7.9 in)
Wrasses	Labridae	Sugale	Cheilinus	200 (7.9 in)
Rock cods, groupers	Serranidae	Gatala	Epinephelus	200 (7.9 in)
Sea breams, Emperors	Lethrinidae	Mataeleele, Filoa	Lethrinus, Gymnocranius	200 (7.9 in)

Goatfishes	Mullidae	Ululaoa, Vete, Taulaia	Mulloyes, Parupeneus	150 (5.9 in)
Surgeonfishes and Tangs	Acanthuridae	Alogo, Pone, Palagi	Acanthurus, Ctenochactus	200 (7.9 in)
Unicornfishes	Acanthuridae	Ume, Iliilia, Pa'umalo	Naso	200 (7.9 in)
Drummerfishes (rudderfishes or sea chubs)	Kyphosidae	Gague	Kyphosus	200 (7.9 in)

The list of fish and invertebrates which are prohibited for sale.

Common names	Samoan names	Scientific names
FISH		
Twinspot snapper	<i>Mu</i>	<i>Lutjanus bohar</i>
INVERTEBRATES		
Egg/Gonads of the followings:		
Green hare	<i>Gau</i>	<i>Dolabella auricularia</i>

SCHEDULE II (Regulation 4)

The species of fish in respect of which the Director may declare a period or periods when fishing for such species is prohibited.

Common names	Samoan names	Scientific names
Mullet	<i>Anae, Afa, Ulupona</i>	<i>Mugil species</i>
Rock Cod, Groupers	<i>Gatala</i>	<i>Serranus species</i>
Bigeye scad	<i>Atule</i>	<i>Selar-crumenophthalmus</i>
Hawksbill turtle	<i>Laumei fai uga</i>	<i>Eretmochelys imbricata</i>
Green turtle	<i>Laumei</i>	<i>Chelonia mydas</i>

SCHEDULE III (Regulation 5)

Unless otherwise authorised by a licence issued in accordance with Part V of the Act, the fishing gear referred to in this schedule may be used:

- a. beach seine and castnets with a mesh size not less 30 mm (1.2 inches), measured when wet and stretched;
- b. all other nets shall have mesh size of not less than 50 mm (2.0 inches), measured when wet and stretched;
- c. fish fences shall have a mesh size not less than 50 mm (2.0 inches), measured when wet and stretched irrespective of the material used to make them.

Issued under the authority of the Regulations Ordinance 1953. Date of Notification in the Western

Samoa Gazette. These Regulations are administered by the Department of Agriculture, Forestry, Fisheries and Meteorology.