

**PROHIBITION OF DRIFTNET ACT**

Act 11 of 1992 – Not in operation as at 30 September 2007

**ARRANGEMENT OF SECTIONS**

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**PROHIBITION OF DRIFTNET ACT**

**1. Short title**

This Act may be cited as the Prohibition of Driftnet Act.

**2. Interpretation**

In this Act—

“driftnet” means a gill net which—

- (a) exceeds 250 metres in length;
- (b) is made up of meshes of whatever size; and
- (c) is designed with floats or weights to suspend vertically whether at surface level or in midwater;

“fishing limits of Mauritius” means the area over which Mauritius has exclusive fishing rights and such other areas of the sea as may be prescribed;

“master” means the master of a vessel and includes any person having control or management of a vessel;

“vessel” means any kind of ship or boat whether registered in Mauritius or elsewhere or unregistered, but excludes a state owned vessel.

**3. Prohibition of driftnet**

(1) No person shall, within the fishing limits of Mauritius, fish with or have in his possession a driftnet.

(2) Any person who sights a driftnet, whether attended or unattended, within the fishing limits of Mauritius, shall as soon as practicable inform the Portmaster of its location.

#### **4. Offences by vessel**

(1) The master of a vessel which—

- (a) is engaged in fishing with a driftnet; or
- (b) carries a driftnet on board,

within the fishing limits of Mauritius shall commit an offence.

(2) A vessel shall be deemed to be engaged in fishing with a driftnet where in any way it participates in the fishing, whether by being used to set the driftnet at sea, to exercise control over the driftnet or by being used as a mother ship to receive the catch harvested by means of a driftnet.

#### **5. Powers of National Coast Guard**

(1) An officer of the National Coast Guard may—

- (a) within the fishing limits of Mauritius, stop, board, search, detain and arrest any vessel involved in the commission of an offence, or which is suspected to have been involved, or is likely to be involved in the commission of an offence under this Act;
- (b) seize and secure the driftnet and any other implement connected with the use of a driftnet, and any fish found on the vessel which is suspected to have been caught by means of a driftnet;
- (c) have such powers as may be prescribed.

(2) A vessel arrested under subsection (1) may be released on provision by the master of the vessel, the owner or his agent, of a surety in such amount as the Commissioner of Police may determine.

#### **6. Offences**

(1) Any person who contravenes this Act or any regulations made under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees or to imprisonment for a term not exceeding 5 years.

(2) In addition to any penalty imposed under subsection (1) the Court may order the forfeiture of the vessel, driftnet and any fish caught by means of the driftnet.

#### **7. Jurisdiction**

Notwithstanding any other enactment, the Intermediate Court shall have jurisdiction to try any offence under this Act and impose any penalty provided by this Act.

**8. Regulations**

The Prime Minister may make such regulations as he thinks fit for the purposes of this Act.

**9. Commencement**

This Act shall come into force on a day to be fixed by Proclamation.

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