

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FISHERIES (AMENDMENT) ACT 2016

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FISHERIES (AMENDMENT) ACT 2016

AN ACT to amend Title 51, Chapter 2 of the MIRC, in order to address the issue of shark by catch with practical implications on commercial fishing.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short Title.

This Act may be cited as the Fisheries (Amendment) Act 2016.

§102. Amendments.

(1) Section 230 of the Fisheries Act is hereby amended as follows:

"§230. Prohibition of taking of sharks, possession, sale and trade.

- (1) No person shall catch, capture or intentionally engage in fishing for shark or retain or be in possession any part thereof or intentionally remove the fins or tail of any shark or otherwise mutilate or injure on land or within the fisheries waters of the Republic of the Marshall Islands.
- (2) Notwithstanding subsection (1):
 - (a) A person who holds a license or permit from the Marshall Islands Marine Resources Authority to conduct research on sharks and carries out activities in accordance with that license or permit;
 - (b) A person is fishing for shark for subsistence use is permitted, provided that no person shall harvest shark that has been declared as protected species. The Authority may make

- Regulation imposing restrictions or catch limit on all or certain species;
- (c) Any purse seiner, long-liner or carrier or other support vessels in possession of shark or shark fins or any other parts of shark, caught outside of the fishery waters of the Republic of the Marshall Islands, provided that the shark or shark fins or any other parts of shark shall be:
 - (i) validated by catch records or relevant transfer documentation, if transshipped; and
 - (ii) reported together with an entry notice prior to the entry into the Republic of the Marshall Islands fisheries waters.
 - (d) In the case where a purse seiner inadvertently caught or captured any shark, the purse seiner shall act to immediately release, as soon as such event is recognized, whether the shark is dead or alive. For the purpose of this section, "such event" means the selective removal and release of sharks when visibly identified within the catch during transshipment.
- (3) No person shall receive, transfer, or transship or trade any shark, shark fins or any other parts of shark, whilst in RMI waters including ports. For the purpose of this subsection it shall be rebuttable presumption that if any shark or any part of a shark is found aboard a vessel, the shark, or part of a shark, is deemed possessed or transferred in violation of this subsection.
- (4) The presumption above may be rebutted upon satisfactory proof that shark or part of shark found onboard was caught outside RMI Fishery Waters and validated in accordance with subsection (2) paragraph (c) above.
- (5) No person, operator, or fishing vessel licensed to fish in the fishery waters of the Marshall Islands shall have fishing gear or equipment constructed or manufactured with trace wire use or caused to use a trace wire. The Authority may make regulations and fishing license condition including restrictions on type of fishing gear in order to further reduce the mortality of sharks, in accordance with this Title.

- (6) Any violations of the provisions of this Section including failure to provide validation reports and or failure to provide catch reports to the Director prior to entry into RMI fishery water shall constitute an offense and shall subject the vessel, the Mater, the Operation and the Owners to the penalties prescribed under Section 231 of the Act.

§103. Effective Date

This Act shall take effect in accordance with the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 42ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 15th day of November 2017; and
2. That I am satisfied that Nitijela Bill No: 42ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 14th day of November 2017.



Hon Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:



Morean Watak

Clerk

Nitijela of the Marshall Islands