

**REPUBLIC OF KIRIBATI**  
(No. 6 of 2009)

I assent,

Beretitenti  
*Assented: 7<sup>th</sup> December 2009*

**AN ACT TO AMEND THE FISHERIES ORDINANCE (Cap. 33)**

Commencement:  
2009

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

**1. Short Title**

This Act may be cited as the *Fisheries (Amendment) Act 2009*.

**2. Amendment of section 15(1)**

Section 15(1) of the *Fisheries Ordinance* (“the principal Act”) is amended by repealing the word “may” and substituting the word “shall”.

**3. Amendment of section 18**

Section 18 of the principal Act is amended by repealing subsection 2.

## **FISHERIES (AMENDMENT) ACT 2009**

### **EXPLANATORY MEMORANDUM**

The object of this Act is to take away the discretionary power of the Court to forfeit a vessel or its catch, gear, instruments or appliances, equipment, stores and cargo when found guilty of breaching the provisions of the *Fisheries Ordinance*. It will act as a further deterrent to those who have constantly violated or are thinking of violating the *Fisheries Ordinance*. The need has arisen following the recent case of the *Hai Soon 28*, where the owner and captain were initially fined \$5.13 million by the High Court, which was reduced to \$4.73 million during the recent Court of Appeal sitting this August 2009. The recent experience is in direct contrast with the case of *Te Tauu*, where a similar use of a bunkering vessel violating our *Fisheries Ordinance* resulted in forfeiture of the vessel and its cargo to the Republic, in addition to a substantial fine. The amendment sought will restore that parity.

Titabu Tabane  
Attorney-General  
31 August 2009