

No. 2 of 2012.

*Fisheries Management (Amendment) Act 2012.*

Certified on } 23 FEB 2012



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**ARRANGEMENT OF SECTIONS.**

1. Compliance with Constitutional Requirements.
2. Membership of the Board (Amendment of Section 8).
3. Calling of Meeting (Amendment of Section 12).
4. Meetings of the Board (Amendment of Section 13).
5. Managing Director (Amendment of Section 16).
6. Technical Advisors (Amendment of Section 20).
7. Grant and Issuance of Licence (Amendment of Section 41).



An ACT  
entitled

*Fisheries Management (Amendment) Act 2012.*

Being an Act to amend the *Fisheries Management Act 1998* and for related purposes,

MADE by the National Parliament.

**1. COMPLIANCE WITH THE CONSTITUTIONAL REQUIREMENTS.**

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C. (*qualified rights*) of the *Constitution*, namely: -

- (a) the right to freedom of employment conferred by Section 48 of the *Constitution*; and
- (b) the right to privacy conferred by Section 49 of the *Constitution*; and
- (c) the right to freedom of movement conferred by Section 52 of the *Constitution*,

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

**2. MEMBERSHIP OF THE BOARD (AMENDMENT OF SECTION 8).**

Section 8 of the Principal Act is amended:-

(a) in Subsection (1): -

- (i) by repealing the words "ten" and replacing it with the word "eight"; and
- (ii) by repealing Paragraphs (e), (f) and (g) and replacing them with the following new paragraphs:-

"(e) one person nominated by fisheries resource owners, who shall be Deputy Chairman; and

"(f) one person nominated by fishing industry association; and

"(g) two persons nominated by the Minister; and

(iii) by repealing Paragraphs (h), (i) and (j); and

(b) by repealing Subsection (7).

*Fisheries Management (Amendment)*

**3. CALLING OF MEETINGS (AMENDMENT OF SECTION 12).**

Section 12 of the Principal Act is amended by repealing Subsection (1) and replacing it with the following new subsection:-

“(1) The Board shall meet as often as the Chairman requires, and at such times and places as the Chairman determines, but in any event shall meet not less frequently than once in every quarter.”.

**4. MEETINGS OF THE BOARD (AMENDMENT OF SECTION 13).**

Section 13(1) of the Principal Act is amended by repealing Paragraph (a) and replacing it with the following new paragraph:-

“(a) five members, one of whom shall be Chairman, constitute a quorum”.

**5. MANAGING DIRECTOR (AMENDMENT OF SECTION 16).**

Section 16 of the Principal Act is amended:-

(a) by repealing Subsection 2 and replacing it with the following new subsection:-

“(2) The Managing Director:-

- (a) shall be appointed by the National Executive Council, by notice in the National Gazette; and
- (b) shall be suspended and dismissed in accordance with Subsection 2A; and
- (c) shall be appointed for a term of four years; and
- (d) is eligible for reappointment.”; and

(b) by adding after Subsection 2 the following new subsection: -

“(2A) Where the National Executive Council believes that grounds exist for the dismissal of the Managing Director, it shall cause an investigation into the conduct, activities or performance of the Managing Director, and:-

- (a) where the National Executive Council has caused an investigation into the conduct of the Managing Director, it may suspend the Managing Director; and
- (b) where the National Executive Council has suspended the Managing Director, the National Executive Council shall make an acting appointment; and
- (c) on receipt by the National Executive Council of the report on the investigation into the conduct of the Managing Director, it may-
  - (i) revoke the appointment of the Managing Director; or
  - (ii) reinstate the Managing Director to his substantive position.”.

**6. TECHNICAL ADVISORS (AMENDMENT OF SECTION 20).**

Section 20 of the Principal Act is amended by repealing the words “Managing Director” wherever occurring and replacing them with the following words:-

*Fisheries Management (Amendment)*

“Managing Director or the Board”.

**7. GRANT AND ISSUANCE OF LICENCE (AMENDMENT OF SECTION 41).**

Section 41 of the Principal Act is amended in Subsection (1) by repealing the words “upon the recommendation of the Managing Director.”.

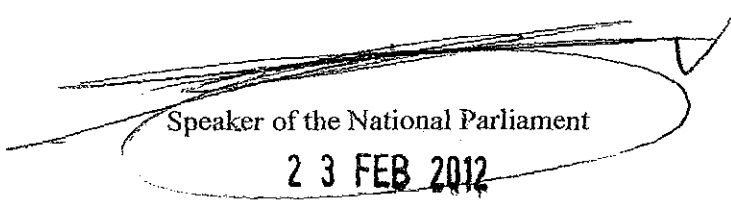
I hereby certify that the above is a fair print of the *Fisheries Management (Amendment) Act 2012* which has been made by the National Parliament.



Clerk of the National Parliament

23 FEB 2012

I hereby certify that the *Fisheries Management (Amendment) Act 2012* was made by the National Parliament on 21 February 2012 by an absolute majority in accordance with the *Constitution*.



Speaker of the National Parliament

23 FEB 2012