

TURTLE ACT 2002

ARRANGEMENTS OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Offences
4. Power of Arrest
5. Forfeiture of turtle, & c
6. Forfeiture of nets, & C
7. Research
8. Repeal

A BILL FOR

AN ACT to update the Turtles Ordinance (Cap. 112)

BE IT ENACTED by the Queen's Most excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat, and by the Authority of the same as follows:-

Short title

1. This Act may be cited as the Turtle Act 2002.

Interpretation

2. In this Act, the word "turtle" means a sea or a river turtle.

Offences

3. Any person who –
 - (a) catches or takes, or attempts to catch or take, or causes to be caught or taken any turtle
 - (i) at any time on land; or
 - (ii) between the first day of March and the first day of December, in any year at sea; or
 - (b) at any time catches or takes or attempts to catch or take, or causes to be caught or taken, any turtle which is under fifty pounds in weight; or
 - (c) at any time takes, or attempts to take, or causes to be taken any turtle eggs; or
 - (d) slaughters any turtle or buys, sells, exposes for sale or has in his possession the whole or any portion of the meat of a turtle, between the first day of March and the first day of December in any year; or
 - (e) buys, sells, exposes for sale or has in his possession any turtle eggs at any time shall be guilty of an offence under this Act and shall, on summary conviction, be liable to a fine not exceeding five thousand dollars and shall in default be liable to imprisonment for a term of three months.

Power of Arrest

4. If any police officer or fisheries officer shall have reasonable grounds for believing that any person is committing or attempting to commit an offence against this Act he may arrest such person without warrant.

Forfeiture of turtle, & c

5. Any police officer or fisheries officer may seize any turtle or part thereof in the possession of any person between the first day of March and the first day of December in any year and may seize any turtle eggs in the possession of any person at any time of the year.

Forfeiture of nest, & c

6. Any vessel, vehicle, net, instrument or thing which any police officer or fisheries officer has reasonable grounds for believing is being or has been used for or in connection with the commission of any offence against this Act shall be seized by such officer, and any magistrate may, upon conviction of any person for such an offence against this Act in connection with which such vessel, vehicle, net, instrument or things so seized was used, order such vessel, vehicle, net, instrument or thing to be forfeited.

Research

7. The provisions of this Act shall not apply to any person who is by virtue of office or under a special authorization granted by the Minister permitted to catch turtles for the purposes of research and monitoring; the persons entitled to do so by virtue of office shall be fisheries officers or research officers of the Fisheries Department in the execution of their duties.

Repeal

8. The Turtle Ordinance (Cap 112) is hereby repealed.