

AN ACT

To regulate the harvesting of trochus, and for related purposes.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

1 Section 1. Short title.

2 This Act may be cited as the Marine Resources (Trochus)  
3 Act 1983.

4 Section 2. Interpretation.

5 In this Act -

6 "open season", in relation to any part of the waters  
7 to which this Act applies by virtue of Section  
8 3, means an open season declared under Section 4  
9 in relation to that area;

10 "trochus" means trochus niloticus, trochus maximus,  
11 tectus niloticus or tectus maximus.

12 Section 3. Application of this Act.

13 This Act applies in the internal waters and the  
14 territorial waters of the Republic.

15 Section 4. Regulation of harvesting of trochus.

16 Except as permitted by or under this Act, the taking  
17 or harvesting of trochus, or any intentional or reckless  
18 interference with the growth of trochus, in the waters to which  
19 this Act applies is prohibited.

20 Section 5. Open seasons.

21 (1) The Cabinet may from time to time declare, in  
22 relation to any part of the waters to which this Act applies  
23 an open season of trochus.

---

1           (2) A declaration under Subsection (1) shall be  
2 published in the Government Gazette and in such other ways as  
3 the Cabinet or the Minister directs.

4           (3) An open season in respect of any part of the  
5 waters to which this Act applies shall not exceed three months  
6 in any period of 12 months.

7           Section 6. Permitted taking of trochus in open season.

8           (1) The taking or harvesting of trochus is permitted  
9 in an open season only -

10           (a) by a citizen of the Marshall Islands diving  
11 in an area in which he has, in accordance  
12 with customary law, a right to fish; or

13           (b) under a fishing permit issued under the  
14 Marshall Islands Marine Resources Jurisdiction  
15 Act of 1978 that specifically authorizes  
16 the taking of trochus.

17           (2) Subsection (1) does not extend to the taking or  
18 harvesting of trochus whose shell is less than three inches  
19 in diameter at the base.

20           Section 7. Removal for re-planting, etc.

21           (1) The Minister may, at any time, grant to any  
22 person a permit to remove and transport trochus from an area  
23 for the purpose of its introduction into or propagation in any  
24 other area.

25           (2) If the Cabinet determines that any underwater  
26 operations, or proposed underwater operations, that will or may

1 interfere with a trochus bed are in the public interest, .  
2 it may grant a permit for the removal and transplanting of the bed of  
3 the expense of the person conducting or desiring to conduct the  
4 underwater operations.

5 (3) A permit under this section shall be in writing,  
6 and may be made subject to such conditions as the Minister or  
7 the Cabinet, as the case may be, thinks proper.

8 (4) A permit under this section takes effect  
9 notwithstanding anything in the Marshall Islands Marine Resources  
10 Jurisdiction Act of 1978.

11 Section 8. Enforcement.

12 Any contravention of or failure to comply with the  
13 provisions of this Act or of a permit under Section 7 may be dealt  
14 with, and the same consequences ensue, as it it were a contravention  
15 of or failure to comply with the provisions of the Marshall  
16 Islands Marine Resources Jurisdiction Act of 1978.

17 Section 9. Repeal.

18 45 TTC Ch. 2 is repealed.

19 Section 10. Effective date.

20 This Act take effect on the date on which it becomes  
21 law.

22 Certificate

23 I hereby certify:

24 (1) that the above Nitijela Bill No. 8 has been passed by  
25 the Nitijela of the Marshall Islands on the 4th day of February  
26 1983; and

1           (2) that I am satisfied that Bill No. 8 has been passed  
2 in accordance with the Constitution of the Marshall Islands and  
3 the Rules of the Nitijela.

4 I hereby place my signature before the Clerk of the Nitijela  
5 this 11th day of February, 1983.

6

7

9 /s/ Atlan Anien  
10       Atlan Anien, Speaker  
      Nitijela of the Marshall Islands

11

12

13 Attest:

14

15

16

17 /s/ Donald F. Capelle  
18       Donald F. Capelle, Clerk  
      Nitijela of the Marshall Islands

19

20

21 Concurred by the High Commissioner Hon. Janet McCoy

22 3/4/83