

SUPPLEMENT to the Solomon Islands GazetteFriday 28th September, 2012

S.I. No.43

[Legal Notice No. 99]

**FISHERIES ACT 1998
(NO.6 OF 1998)****FISHERIES (EXPORT OF BECHE-DE-MER) REGULATIONS 2012**

IN exercise of the powers conferred upon me by section 59 of the Fisheries Act 1998, I make these Regulations:

Citation and
commencement

1. This Regulation shall be cited as the Fisheries (Export of Beche-de-mer) Regulations 2012 and shall commence on the date of publication in the *Gazette*.

2. All beche-de-mer confiscated by the Minister for Fisheries (the Minister) pursuant to **Regulation 13A of the Fisheries (Amendment) Regulations 2009**, shall, after the offence is compounded and a fine duly paid to the Government of Solomon Islands, become property of the Government of Solomon Islands.

3. The Minister may dispose such confiscated beche-de-mer; or
- (a) ordering the destruction of part or all of the beche-de-mer; or
 - (b) exporting part, or all of the beche-de-mer to an overseas buyer.

4. For purposes of Regulation 3 (b), the Minister may receive expressions of interest from overseas buyers for the purchase of part or all of the confiscated beche-de-mer.

5. Upon receipt of the expression of interest, the Minister may, upon request by interested buyers, cause to be supplied to such buyers, particulars of the species and weight of the confiscated beche-de-mer.

6. The Minister may, after consulting the Director of Fisheries, determine a suitable overseas buyer ("the Purchaser") having due regard to:

- (a) the receipt of any responses by interested buyers;
- (b) the prices submitted by the buyers;
- (c) whether or not the buyers have sufficient funds for the purchase of the beche-de-mer;
- (d) if selected, the time and manner of how the funds are to be transmitted to the Government of Solomon Islands;
- (e) whether or not the overseas' buyer has prior any trading history in Solomon Islands since 2008;
- (f) whether or not the overseas' buyer has any agents in Solomon Islands since 2008;
- (g) whether or not the overseas' buyer has knowledge of illegal harvesting of beche-de-mer in Solomon Islands since 2008;
- (h) whether or not the buyer has supplied goods, funds and other forms of assistance to the fishermen of Luaniua and Pelau, in Lord Howe Islands to assist in the harvesting of beche-de-mer since 2008;
- (i) whether or not the buyer is associated in any way with persons and companies in Solomon Islands who have been arrested, tried, fined or imprisoned in relation to any offence relating to the illegal harvesting of beche-de-mer, whether or not such harvesting of beche-de-mer was meant for export from Solomon Islands.

7. Upon determining the Purchaser, the Minister shall soon thereafter notify the Purchaser and the Purchaser shall issue a Letter of Offer (in triplicate) offering the beche-de-mer for sale to the Purchaser, upon such terms and conditions to be included in the Letter of Offer or an accompanying Sales and Purchase Agreement.

8. The Minister shall include in the Letter of Offer or as a term in the Sales and Purchase Agreement, a clause requiring the Purchaser to negotiate with any of the Licensed Financial Institutions in Solomon Islands for the issue by the Purchaser of an Irrevocable Standby Letter of Credit in favour of the Government of Solomon Islands.

9. A copy of the Letter of Offer, duly signed by both the Purchaser and the Minister shall constitute a valid and binding agreement, upon the terms and conditions contained therein.

10. The Irrevocable Standby Letter of Credit shall contain the exact amount of monies constituting the Purchase Price, such price being agreed to by the Minister and the Purchaser as monies properly due for the export of the beche-de-mer.

11. No beche-de-mer for export shall be loaded on any ship, vessel or boat, unless and until the Irrevocable Standby Letter of Credit is confirmed by the relevant Financial Institution in Solomon Islands.

12. Upon the presentation of the Bill of Lading to the relevant paying Financial Institution, all monies received from the export of the bechede-mer, shall be paid into the Consolidated Revenue Fund of the Government of Solomon Islands.

DATED AT HONIARA this twentieth-sixth day of September, 2012.

HON. ALFRED GHIRO
Minister for Fisheries & Marine Resources
