



HONDURAS

FISHERIES LAW

National Congress Decree 154-59

The cover features a blue background with a gradient from light blue at the top to a darker blue with white-capped waves at the bottom. At the top left are the NOAA and USAID logos. At the top right is the OSPECA logo (a blue map of Honduras) and the SICA logo (a green circular emblem with the text "DESARROLLO", "LIBERTAD", "SICA", "DEMOCRACIA", "PAZ", and "COMUNIDAD DE LA INTEGRACION CENTROAMERICANA").

**Translation of the
FISHERIES LAW
from Honduras
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National Congress Decree No. 154-1959

June 9, 1959

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Chapter I General Provisions

Article 1

The Fisheries Law aims at the conservation and propagation of the nation's fluvial, lacustrine and marine fauna and flora, its use, commercialization and transformation.

Article 2

Fishing includes all activities intended to extract, possess, preserve and use biological elements that normally live in water and the overall exploitation of these elements as well as all other acts connected with it.

Article 3

All species of fish, crustaceans, mollusks, aquatic mammals, reptiles, marine plants and all other species including fluvial, lacustrine and marine flora and fauna are declared property of the State, of common dominion and public use. They may be caught, extracted and exploited and commercialized freely by all Hondurans subject to the limitations of this Law, the regulations for its implementation and other resolutions that are dictated; without being able to grant monopolies, auctions, leases of any kind, to fish in all, or part of, the waters of the sea, rivers, bays, ports, coves, lagoons, channels, keys and islands adjacent to them, etc, to any natural or legal person, entailing privileges prejudicial to the pro communal rights.

Article 4

According to the aim in which it is executed, the fishing activity is classified as follows:

1. –Of Domestic Consumption, when executed for the sole purpose to subcome to the nutritional needs of those who fish or their family.

2. – Of Exploitation, when it seeks to provide an economic benefit by means of the transfer of the specimens caught in any stage. It is commercial, when those specimens are the subject of commercial transactions in their natural state, without having been subject to anything other than the process of preservation. It is industrial, when the specimens captured have undergone a process of partial or total transformation before being sold.

3. - Sport fishing, when it is executed for pleasure, distraction or exercise.

4. - Of a scientific nature, when it is executed with the purpose of obtaining specimens for study, research or for exhibition in aquariums and museums.

Article 5

The Executive Authority, by means of the Ministry for Natural Resources¹, is the highest authority for fishing affairs and its relations; therefore it can establish and dictate the following measures by regulations:

1. - The necessary procedures and requirements to be able to practice fluvial, lacustrine or marine fishing.

2. - The setting of the closing seasons, whether they are permanent or temporary, general or regional, reserve zones and other conditions that ensure its methodical and rational use, from a biological, sanitary, commercial, industrial or sporting point of view.

3. - Establishing the methods of fishing to be used and their characteristics.

4. - Issuing the sanitary standards and other provisions necessary to regulate the fishing industry. These functions are exercised by the corresponding Ministry through the Game and Fisheries Department² of the Natural Resources General Directorate and with the collaboration referred to in Chapter IX.

Article 6

The Game and Fisheries Department has sufficient authority to suspend fisheries of any kind, when their proportions cause fear about the depletion of the species.

¹ Currently it is under the Ministry for Agriculture.

² Fisheries and Aquaculture General Directorate

Chapter II

Game and Fisheries Department

Article 7

The Game and Fisheries Department has the following attributions:

- a) To preserve, foment and enhance fluvial, lacustrine and marine wildlife.
- b) To establish nurseries and breeding grounds for fish and shellfish in ponds, reservoirs, dams, creeks, streams, rivers, lagoons, lakes and appropriate places on the coasts.
- c) To Implement and enforce this Fisheries Law, its regulations and other provisions that are dictated.
- d) To keep a foliated record book of the licenses granted to any fishing vessel.
- e) To keep also a record book of all registered fishing gear for fishing activities, such as nets, beach nets, seines, diving suits, oyster dredges and trawling nets.
- f) To extend fishermen's identification cards in general and keep a record of them
- g) To be able to establish, suspend and modify the close seasons of sites and species of fish, crustaceans, mollusks, sponges or chelonians, of a general or local character according to the circumstances. In cases of economic crisis and as an emergency measure, it may agree to the fishing, sale and transport of certain species under closed season regulation.
- h) Furthermore, to grant authorizations to capture species of manatee (*Manatus americanus*) and chelonians, those are destined exclusively for scientific institutions. Moreover, It may grant special permits to scientific corporations or its members, to travelers who are collectors and naturalists, to acquire specimens during closed season, whether being fish, crustaceans, mollusks, chelonians or sponges, with the previously indicated objective.
- i) Likewise, to supervise all marine or aquatic biology, fish or oyster farming, for the purpose of better observance, compliance and application of this Law, its regulations and agreements adopted by the Game and Fisheries Department and other resolutions dictated on the matter.
- j) To be the sole authority in all inquiries about require the settlement, clarification or decision on matters relating to the conditions to be met by fish products, in order to allow the capture, transport and sale for consumption in markets and other industrial uses, as well as everything related to the import, export and license to

the effect on which it will dictate the resolutions and other measures which it deems necessary to improve the effectiveness of all fishing activities.

Article 8

It will maintain a general record on fishermen, ship-owners, industrials, traders, fisheries businessmen; registration and sealing of all fishing gear, in exception of lobster traps and cast-nets, diving equipment and suits for sponge fishing, mother pearl or other type of pearl oysters; to issue the fishermen's identification, fishing diver's diplomas or certificates, to maintain statistics of all species that are being fished. It will observe all landings of fishery products, with the intention of verifying if they comply with and have observed the regulations that have been emitted for its fishing; issuing the corresponding certificates during closed seasons to ensure that the species contained in the packages meet the legal requirements.

Article 9

The officials, employees and inspectors from the Game and Fisheries Department of the Ministry for Natural Resources, will have the character of law enforcement personnel, for all intents and legal purposes, within the Republic's territorial waters, river banks, beaches, piers, train stations, markets, warehousing facilities, transport network, refrigerators, fish, shellfish, sponges and other species retailers that are protected under this law. To this end, they may approach and register any ship, boat, nursery, as well as fish, sponges and other aquatic or marine species warehouses, places or establishments dedicated to the business, commerce or industry of any of the species already mentioned, without prior mandate, to inspect and ensure compliance and observance of this law, its regulations and other agreements adopted by the Department.

Article 10

The Game and Fisheries Department must create within itself the necessary positions for the best development of fishing industry.

**Chapter III
Of Concessions and Permits**

Article 11

The executive power, through the Ministry for Natural Resources will grant concession or license for fishing exploitation, for scientific and sport fishing, in agreement with the present Law and its Regulations and the Concessions law which is in force by a non greater term of five (5) years deferrable.

Article 12

Concessions will be granted to Hondurans or companies established under the laws of the country, provided they prove their economic capacity and that, due to their nature of their fishing activities, they require a term greater than two (2) years for its fructiferous development. Under no circumstances will rights be conferred that hamper or prevent fishing for domestic consumption of the region's inhabitants.

Article 13

The concessionaires guarantee their obligations to the State with a warranty escrow in the manner laid down in the Concessions Law.

Article 14

In order for a concessionaire to continue in full possession of the concession granted, he must begin the necessary construction for the installation of refrigerating plants, warehouses, etc. and such that a fishing operation requires within six months after the approval by the National Congress.

Article 15

Fishermen legally organized into cooperatives will have preference for fishing in areas where more than half of its members reside. Nevertheless, concessions can be granted to third parties in those zones whenever it refers to species that are not exploited by the respective cooperatives.

Article 16

Cooperatives are exempted from the warranty escrows referred to in Article 13 of this Law.

Article 17

Except for those granted to cooperatives, all concessions will have a non exclusive feature character.

Article 18

Concessionaires, whom are not cooperatives, may transfer its rights if they are in full operation, previous authorization of the Ministry for Natural Resources.

Article 19

In cases of scientific fishing, sport fishing and others which are not included in previous dispositions the Ministry for Natural Resources may grant permits to individual fishermen with the report from the Game and Fisheries Department alone and valid for one year.

Chapter IV Rights and Obligations of Fishermen

Article 20

All Hondurans and foreigners residing in Honduras may fish freely in the territorial waters, rivers, lakes, etc., for public use when it refers to sport, domestic consumption and scientific purposes. But for exploitation or financial profits, permits or fishing licenses can only be given to Honduran residents and Honduran companies in which at least fifty-one percent (51%) of the capital is owned by Hondurans. Tourists, when they wish to fish for sporting purposes, may fish in accordance with the provisions of this Law.

Article 21

Fishermen may use beaches for fishing, building cabins, bringing ashore their boats and utensils, bring out their catches and drying their nets, etc., refraining, however, from using any buildings or structures, if any, without permission from their owners, or to hinder the legitimate use by other fishermen.

Article 22

They may also use the land contiguous to the beach for the expressed activities that are necessary to a distance of fifty meters measured from the high tide inwards; but they can not affect the buildings or structures that exist within that

distance, neither will they cross the fences, or introduce themselves into the woods, plantations or sowings.

Article 23

The owners of properties adjacent to the beach are not allowed to put up fences, construct buildings, structures or crops within those fifty meters without leaving every certain area, adequate and comfortable spaces for the fishing activities.

Article 24

Fishing gear, with the exception of lobster traps, cast nets and auxiliaries must be sealed, registered and properly licensed for their use. No fees are to be charged for these licenses.

Article 25

Small boats as Cayucos, lanchas and boats, whose capacity does not exceed three (3) net tons are exempt from paying the tax referred to in Article 33 of this Law.

Article 26

Only Honduran born may be employers or captains of fishing boats of any kind.

Article 27

All species not regulated under a closed season and that are not specifically mentioned in the General Fisheries Regulation, are authorized to be fished, sold, transported and used in all seasons.

Article 28

It is also authorized that all fishing products whether be salted, smoked or prepared in any other industrial means and coming from species caught before the beginning of their respective closed seasons may be sale and transported in any time.

Article 29

Only boats bearing the Honduran flag will be able to engage in fishing activities in the territorial waters.

Article 30

Fishermen are forced to dock their boats and unload their catches in Honduran ports; they may kill, freeze and ship fish, crustaceans and mollusks and dispatch to markets on all the docks be they private property, municipal, state or government owned, previous permission of the Authority; without causing harm, sanitizing the part of the pier being used for the task that is performed in the shortest possible time.

Article 31

In order to exert a fisherman's profession for any species it is necessary to be enrolled in the Fishermen General Register of the Game and Fisheries Department of the Ministry for Natural Resources, to have a fisherman's identification card and the corresponding license of the boat used.

Article 32

Fishing craft in general must be registered in the manner provided by this Law's regulations; it must obtain a license and use a distinctive that identifies it.

Article 33

Taxes by concept of the license for any fishing boat will be according to the net tonnage of the vessel at a rate of L 0.20 per metric ton or fraction of a ton. This license will be valid for one year.

Article 34

Taxes paid by exporters of fishery products shall be established by the National Congress.

Article 35

All entrepreneurs, ship-owners, employers, fishermen and sailors, as is the case of any company, ship, vessel, nursery and other boats of any kind which are engaged in the fishing or transport of any species protected by this Law, are obliged to give account or part in writing to the respective officials for the result obtained in the fisheries or fishing expedition, to permit the examination of the merchandise in order to verify if it complies with the regulatory requirements, to obtain statistical data and to allow the revision of their books.

Article 36

Industrialists, merchants, ship owners, depositors, retailers and others who are engaged in the industry, commerce, transportation or storage of fishing in general, are under the obligation to provide the authorities that this Law and its regulations designate, all data that is requested relating to establishments, warehouses, refrigerators, nurseries, boats, crafts, workshops and other places used in industry and commerce of fisheries in general, in order to to verify whether the species meet the statutory requirements.

Article 37

Every fishing boat captain will report to the corresponding office departure and return of the fishing boat, indicating fishing locations, species and quantities caught.

Article 38

The products from any fishing boat must be unloaded at the corresponding national port, be it for domestic consumption, commercialization, processing, packaging and export.

Article 39

To those who fish in rivers and lakes, it is not lawful to use any of the buildings or cultivated grounds on the riverbanks, or to cross the fences.

Article 40

Under no circumstances can there be granted any title, permit or concessions for commercial or industrial fishing in national rivers.

Chapter V**Closed Seasons****Article 41**

The closed season for mature and spawning shellfish and chelonians will be of one hundred and twelve (112) lunar days; for fish, crustaceans and sponges, eighty-

four (84) moon days. For shrimp and lobster the period set for close season will be from December first through April 30 of each year.

Article 42

The Fish and Game Department will establish the closing season calendar in accordance to the moon cycle of every year, after discussion with the national meteorological observatory.

Article 43

Fifteen days before the beginning of each of the close season of the species protected by this law, it will be announced for general knowledge to ensure the expected results. All closures are strictly observed and may be altered only in cases in accordance with the provisions of this law.

Article 44

Any closure always include the ban on fishing, transport, sell, deposits, dead or alive, chilled, or imported fish, crustaceans, mollusks, etc., and all species which are imported in times that are not necessarily closed must meet the same conditions and regulatory requirements of the domestic ones, whether be fish, crustaceans, mollusks and ornament fish, and must be authorized by the Fisheries Department, upon inspection by the delegated official for purposes of identification and compliance with the requirements legal. If the imported species do not meet the regulatory conditions, they will be confiscated.

Article 45

Fishing gear, legal measurement of species and caught during a close season period, will be object of regulation for this law.

Article 46

All fishing activity is forbidden in nursery and reproduction zones for fish and fish species and those areas where navigation may be interrupted.

Article 47

The use of dynamite, gunpowder, pate, carbide, lime, sulphur, chemical salts, acids, sponges and their nursery areas are banned for fishing.

Article 48

Small fish in juvenile stage cannot be used for bait. It identifies as legal bait: sardines, mojarrita, machuelo, lisera, boqueron, anchovy, jeníguanos, mantejuelos, crustaceans, mollusks and other species of no commercial value.

Article 49

It is strictly *prohibited* to hunt, injure, harpoon or capture manatee (*Manatus americanus*), as well as bring into Honduran territory their offal, meat, fur, etc. Is also forbidden for five years the fishing and exploitation of chelonians, known as turtles and shellfish known as oysters such as *Anadara grandis* and *Anadara tuberculosa* in the Pacific Coast.

Article 50

Mineral or industrial waste of any kind, such as those from, refineries, distilleries, liquor factories, rope factories, fur tanneries, laundries, warehouses, honey, oil and any other waste, chemicals and debris are forbidden to be disposed into the ocean, rivers, streams, lakes, lagoons and canyons and be deposited in places that can run off, filter or channel into these places, and can cause damage to fish in general and their nurseries in particular.

Article 51

No vessel will dispose ashes, garbage, oil tanks' wash, honey, oil, or wasting materials of any kind the bays and harbors. Those ashes, garbage, honey, oil tanks' wash, oil and other materials should be thrown into the ocean, not less than five miles offshore from the coast.

Article 52

It also prohibits the clearing of mangroves and other trees on the river banks and their mouths, channels, estuaries, lagoons, seashore and other places used by fish and oysters for protection and shade.

Article 53

The use of harpoons, hooks, fixed hooks, skewers for chelonian fisheries are totally forbidden.

Article 54

In order to reconcile existing quantities of species under close season regulation, eggs of fish and chelonians, crustaceans and mollusks it will be allowed, the transport and wholesale awaiting the fifth day after the beginning of the close season. After this period of time if any species of fish, crustaceans, mollusks and chelonians or any other species under a close season regulation is served, sale or kept fished or alive, dead or frozen by the owners, managers, restaurant managers, hotels, cafes, bars, guest houses, markets and served to their parishioners or clients, in any form, it will be judge as a violation of this law.

Article 55

The import and export of eggs and living species of fauna and aquatic flora will be authorized by the Department Game and Fisheries.

Chapter VI**Protective measures for the fishing industry****Article 56**

The executive power may waive import duties provided that those items are not produced or made in the country, or whenever this action does not affect industries whose operation is of national interest, such as the following items:

- 1) Boats, fishing tools and fishing gear, machinery, equipment for boats.
- 2) Equipment designed exclusively for transportation or industrialization of fisheries goods.
- 3) All kinds of items needed for fisheries fauna transformation.
- 4) Scientific material to carry on research and studies related to the fishing activity.

Article 57

All goods imported into the country under the present Law, shall be exclusively for fishing activities and its industrialization; if those goods have other uses different from the fishing activities, the Ministry for Economy and Finance, will be entitled to demand the reinstatement immediate tax exempt; without prejudice to the responsibility therefore infer in accordance with the laws of the country.

Article 58

In order to import goods under this Law it will be submitted to the Ministry for Natural Resources a detailed list of items indicating place of origin and port of landing to alert the Ministry for Economy and Finance to grant the franchises agreed on this Law.

Article 59

The executive power will endorse sport fishing in order to promote tourism and to that effect it may establish reserve areas exclusively for sport fishing; it may also, grant to a sport entity a concession for fisheries reserves where commercial activities will be prohibited.

Chapter VII**Private, municipal, and government nurseries peculiarities****Article 60**

Unless harmful to healthiness or any person, the Municipalities and the Central District Council, in accordance with the Ministry for Natural Resources, may grant public water use to establish lakes, ponds for fish hatcheries.

Article 61

The Authorizations for fish hatcheries or any other species listed in this Law, will be issued for a ten year period; nevertheless if they were abandoned or not developed within two years, the license officially has lapsed.

Article 62

If reproducers were needed during close season periods either by individuals or entities, a license to fish them may be obtained from the municipalities or the Central District. The same permit can be obtained for embryos and fingerlings.

Article 63

Authorities will provide to those who own private hatcheries, if requested, with species' embryos for farming or spreading, as well as fingerlings to restock rivers, lakes, etc., or pairs reproducers of certain species or families.

Article 64

The Government owns the right to inspect hatcheries, conservation and improvement facilities of any kind through its delegates, for the purposes intended in this law; owners are obliged to provide them with any background required in regard of the industries' results and status.

Article 65

It is mandatory to Municipalities and the Central District Council, to establish in their jurisdictions, nurseries for fish or any other species whose livelihood is water, pending on its economic capacities; to monitor their conservation and propagation in accordance with instructions received by the Ministry for Natural Resources or their specialized field units.

Article 66

In order to promote and train on fish farming or the farming of any other sea species the Ministry for Natural Resources will agree on the establishment of nurseries and model parks in sites established by the Fish and Game Department under the General Directorate for Natural Resource.

Article 67

The obligations and rights for fish nurseries will be listed in the regulations for this Law.

Article 68

The Ministry for Natural Resources holds the supreme inspection of all hatcheries, which is exercised through its delegates.

Chapter VIII

Penal provisions

Article 69

Infractions on manatee's close season will be punished by a fine of two hundred lempiras or two hundred days of imprisonment.

Article 70

The subsequent offences shall be punished by three hundred lempiras or three hundred days of imprisonment:

- 1) Those using for fishing: dynamite gunpowder, explosives, carbide, sulfur, lime or chemical salt of any kind.
- 2) Those throwing, cease runoffs, filter or channel musts, sugar refinery honey, acids, minerals or industrial waste, manufacturing rigging or ropes sewage, tanneries, fur or leather tanneries, laundries, distilleries and stills, into the oceans, rivers, streams, lakes, lagoons, or those who wash tanks from oil vessels and throw ashes or trash inside bays, harbors, etc., or less than five miles off the coast.
- 3) Whoever destroys or collect for profit eggs, fingerlings, chelonians or other aquatic species.
- 4) Those who fish, catch, transport or sell, during their respective close season crustaceans, fish, shells, mollusks and chelonians.
- 5) Those using inadequate fishing gear that does not meet the legal measurement, mesh size and other regulatory requirements. For beach nets, nets and trammel nets, in addition to the specified penalty, the illegal gear shall be dispersed.
- 6) Those that cut mangroves and other trees at seashore, river margins and other places that provide shelter for fish in general and oysters in particular, with the exception of a granted permit for trees and other plants exploitation and transformation.
- 7) Those that catch fish, crustaceans and chelonians under weight, size and dimension of the regulation.
- 8) Those who infringe the provisions on labeling preserved packages of fish, crustaceans, etc., not expressing the real content with the name.
- 9) Those who harpoon chelonians and other species that are not profitable shall be consider a cruelty.

10) Those serving any kind of fish, crustaceans, mollusks either frozen, alive, dead, in deposit or possession of, in close season period, under size, weight or with dimensions smaller than those required by the General Rules of Fisheries, whether in their establishments, guest houses, hotels, restaurants, bars or cafes.

11) To those fishing more than they could carry in their boats, nurseries, deposits etc.

12) Those using boats and fishing gear without a license, registration or lack of seal, as well as those who do not have the fishing divers certificate or diploma, fisherman identification card or pennants in fishing vessels, licenses for all fishing, fisherman registration, industrial licensing for business, sellers, commission agents, depositors, refrigerators, retailers or any other fishing business in general and those using young fish as bait.

13) Those using boats and fishing gear without a license, registration or lack of seals; as well as fishermen who do not carry his identification card, or do not use in the distinctive for their craft as referred to in Article 32 of this Law.

Article 71

A fine of five thousand lempiras or the seizure of the vessel shall be imposed to the owner who do not land the product extracted from the fishing activities in territorial waters of the nation for the purpose referred to in Article 30 of this Law.

Article 72

Anyone: the owner, skipper companion, crewman, sailor, fisherman, entrepreneur, industrial business men, merchant, receiver, seller, waiter, retail, catering, depositor, refrigerator found in possession of species in close season period, prohibited, undersize, weight or dimension will be personally responsible for the infraction. This provision also applies to fishing gear if it violates the legal provisions.

Article 73

Additional infractions of this law, the Regulation for its implementation, the agreements taken by the Fish and Game Department and other legal provisions, shall be punished in according to the significance of the findings and in accordance with the above penalties.

Article 74

The Game and Fish Department and the General Directorate for Customs will be the agencies with sufficient authority to implement the fines referred in the preceding articles.

Article 75

The Foreign fishing vessels caught fishing in Honduran waters without completing the requirements of this Law and its regulations, will be retained as a warranty for payment of the compulsory fine, which in no case shall be less than TEN THOUSAND LEMPIRAS (LPS. 10,000.00), and the equipment and fishery product on board shall be confiscated.

Article 76

In cases where fine is not paid, the penalty of imprisonment under this Chapter will be imposed by the appropriate authority according to the regular procedure.

Chapter IX**COOPERATION OF OTHER DEPARTMENTS OF STATE****Article 77**

To arrange an adequate surveillance warranting the enforcement of the exact obligations and prohibitions contained in this Law and its regulations, as well as the National Merchant Marine Law, the Ministry for Finance and Economics, throughout the Merchant Marine Section, will collaborate with the Ministry for Natural Resources.

Article 78

The Ministry for Public Health, through the General Directorate for Public Health, will monitor the sanitary aspects of the fishing industry, comprising both the storage and handling of fishery products aboard vessels, in transport, distribution and sale. Any person engaged in fishing, as well as those engaged in transportation, distribution and selling of fish products will be forced to comply with all sanitary standards and other requirements established by the General Directorate for Public Health.

Article 79

For the enforcement of this Law and its regulations, the authorities for National Defense, Economy, Finance and Public Health must coordinate their activities with the Ministry for Natural Resources to guarantee the development and sanitation of the industry and the respect for national sovereignty.

For this purpose they shall:

- 1) Provide immediate collaboration mutually requested in the different aspects within their respective jurisdictions.
- 2) Maintain contact amongst them by means of Delegates, Inspectors, Armed Forces and any another subordinate personnel, either based on correspondence or through personal communication.
- 3) When the case requires so, joint inspections on books, statistical tables, units, warehouses, boats, etc., belonging to individuals or corporations who are engaged in fishing, or are linked in any way to the fishing industry will be carried out.
- 4) Establish close collaboration among the agencies to enforce the law and its regulations or punish infractions of the law.

Article 80

Conflicts raise involving individuals, companies or municipalities in connection with the implementation of this Law, shall be settled by the Fish and Game Department.

Article 81

The concessions or permits prior to the validity of this law are considered obsolete, in its own right; stakeholders ought to submit new requests subject to the provisions thereof.

Article 82

This decree will come into effect on the date of its publication in the "The Gazette" Official Journal.

MODESTO RODAS ALVARADO h.

President

MIGUEL ALFONSO CUBERO

Secretary

To the executive power execute

Tegucigalpa, D.C., June 9, 1959

The Secretary of State in the office for Natural Resources

M. Lardizábal Galindo