

# **Endangered and Protected Species Regulations 2003**

## **FIJI ISLANDS**

### **ENDANGERED AND PROTECTED SPECIES ACT 2002 (ACT NO. 29 OF 2002)**

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### **ENDANGERED AND PROTECTED SPECIES REGULATIONS 2003**

In exercise of the powers conferred upon me by section 35 of the Act, I make these Regulations-

#### *Citation*

1. These Regulations may be cited as the Endangered and Protected Species Regulations 2003.

#### *Fees*

2.-(1) Fees for the purpose of the Act are set out in Schedule 1.

(2) Subject to subregulation (3), any application made under the Act must be accompanied by the prescribed fee.

(3) Any application for approval for exemption made under section 20(2) relating to specimens to export personal or household effects are exempted from fees.

#### *Forms*

3.-(1) The forms for the purposes of the Act are set out in Schedule 2.

(2) An application for a CITES permit or certificate must be made in Form No. 1 as set out in Schedule 2.

(3) An application for a non-CITES permit must be made in Form No. 2 as set out in Schedule 2.

(4) A CITES permit or certificate must be issued in Form No. 3 as set out in Schedule 2.

(5) A non-CITES permit must be issued in Form No. 4 as set out in Schedule 2.

#### *Registration of trades*

4. An application for registration of a person to trade under the Act in any specimen of species must be made in Form No. 5 as set out in Schedule 2.

*Registration of captive breeders and artificial propagators*

5. An application for registration of a person to undertake captive breeding or artificial propagation under the Act must be made in Form No. 6 as set out in Schedule 2.

*Export quotas*

6. The Scientific Council may, by notice in the *Gazette*, determine the annual export quotas in respect of each endangered or protected species.

*Categories of permits and certificates for Appendices I to III*

7. The categories of permits or certificates for species listed in Appendices I to III are -

- (a) CITES import permits;
- (b) CITES export permits;
- (c) CITES re-export certificates;
- (d) CITES certificate of re-introduction from the sea;
- (e) CITES certificate of exemption for the purposes of section 20 of the Act.

*Other conditions for CITES permits or certificates*

8.-(1) The Management Authority must not issue an import permit for a living specimen listed in Appendix I, unless it is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for the specimen and the specimen will not be used primarily for commercial purposes.

(2) The Management Authority must not issue an import permit for a specimen listed in Appendix III, unless it is satisfied that the shipment is accompanied by a valid certificate of origin issue by the relevant CITES authority of the exporting country in accordance with the laws of that country for protection of *fauna* and *flora* and CITES.

(3) The Management Authority must not issue a certificate of introduction from the sea for a species listed in Appendix I unless the Council has advised the Authority that the introduction from the sea will not be detrimental to the survival of that species.

*Conditions for exemptions*

9.-(1) For the purposes of section 20 of the Act, 'Personal or household effects' includes specimens that are -

- (a) personally owned or possessed for non-commercial purposes;
- (b) acquired legally; and
- (c) when imported, exported or re-exported either worn or carried or included in personal baggage or in part of a household move.

(2) The exemption of personal and household effects does not apply -

(a) in the case of specimens of a species included in Appendix I, to specimens acquired by the owner outside his country of usual residence, and are being imported into his country of usual residence; or

(b) in the case of specimens of species in Appendix II -

(i) to specimens acquired by the owner outside his country of usual residence and in a country where removal from the wild occurred;

(ii) to specimens being imported into the owner's country of usual residence; and

(iii) to the country where removal from the wild occurred requires the prior grant of export permits before any export of such specimens unless the Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens;

(3) A visitor may export not more than a total of only 2 items of specimens of either helioporidae (blue coral), antipatharia (black coral), tubiporidae (organ-pipe coral), scleractinia (stony coral), milleporidae (fire coral) or stylasteridae (lace coral) as a personal effect under section 20 of the Act only if -

(a) the visitor acquired the specimens legally; and

(b) the specimens were beach-washed.

(4) For the purposes of section 20 of the Act, no CITES certificate of exemption shall be granted to take out of the Fiji Islands more than 3 specimens of *Physeter catodon* (Sperm whale) tooth (*tabua*) unless -

(a) they are taken out for traditional or cultural purposes only; and

(b) with the prior written approval of the Permanent Secretary responsible for Fijian Affairs.

(5) The Permanent Secretary responsible for Fijian Affairs may, in special circumstances, approve more than 3 specimens of *Physeter catodon* (Sperm Whale) tooth (*tabua*) to be taken out of the Fiji Islands under subregulation (4).

(6) A person who -

(a) contravenes subregulation (3) or (4); or

(b) takes out of the Fiji Islands more than 3 specimens of *Physeter catodon* (sperm whale) tooth (*tabua*) contrary to subregulation (5),

commits an offence and is liable on conviction to a fine of \$2,000 or imprisonment for 2 years.

#### *Procedures for appeal*

10.-(1) For the purpose of section 32 of the Act (appeal to the Minister and to the Authority), an application for appeal must be in writing setting out the following -

(a) the name and address of the appellant;

- (b) the date and nature of the decisions subject to appeal;
- (c) the grounds of appeal; and
- (d) signed by or on behalf of the appellant.

(2) The application must be accompanied by the prescribed fee.

Dated this day of November 2003.

M. RAGIGIA  
Minister for Local Government,  
Housing, Squatter Settlement and Environment

**SCHEDULE I**  
*(Regulation 2)*

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**FEES**

<i>No.</i>	<i>Subject</i>	<i>\$(VIP)</i>
1	Application for a CITES import permit/certificate .....	15.00
2	Application for a CITES export permit/certificate .....	30.00
3	Application for re-export certificate.....	15.00
4	Application for certificate of introduction from the sea.....	15.00
5	Application for approval by the Permanent Secretary for Fijian Affairs.....	30.00
6	Application for registration to trade in species.....	15.00
7	Certificate of Registration to Trade .....	1,000
8	Application for captive breeders/ artificial propagators for commercial purposes .....	15.00

9	Certificate of Registration for commercial purposes.....	1,000
10	Application for captive breeders/ artificial propagators for non-commercial purposes .....	10.00
11	Certificate of Registration for non-commercial purposes .....	10.00
12	Notice of appeals .....	15.00