

IN THE HIGH COURT OF FIJI

AT LABASA

[APPELLATE JURISDICTION]

CRIMINAL APPEAL NO. HAA 25 OF 2023

MAGISTRATES' COURT NOS. 117 OF 2020

BETWEEN : **ALIPATE KATONIVERE**

AND : **MINISTRY OF FISHERIES**

Counsel : Mr A Sen for the Appellant
Ms E Thaggard for the Respondent

Date of Judgment : **24 March 2025**

JUDGMENT

[1] This appeal concerns a jurisdictional error.

[2] The appellant was tried, convicted and sentenced for the offence of failure to comply with seasonal species restrictions pursuant to Offshore Fisheries Management Regulations 2014 in the Magistrates' Court at Labasa.

[3] In *Douyou Foods Imports & Export Ltd v Ministry of Fisheries*, Criminal Appeal No HAA21/23 (21 March 2025), this Court held that the Magistrates' Court does not have jurisdiction to convict and sentence for offences under the Offshore Fisheries Management Act. The jurisdiction to convict and sentence for offences under the

Offshore Fisheries Management Act lies with the High Court pursuant to section 98 of that Act.

[4] It therefore follows that the conviction and sentence imposed in this cases by the Magistrates' Court must be set aside for want of jurisdiction.

[5] **Result**

- Extension of time is granted to appeal.
- Appeal allowed.
- Conviction and penalty orders that were imposed in the Magistrates' Court are set aside.
- Fine if paid are to be refunded to the appellant after the expiry of the 30-day appeal period to the Court of Appeal.



.....
Hon. Mr Justice Daniel Goundar

Solicitors:

Sen Lawyers for the Appellant

Office of the Director of Public Prosecutions for the Respondent