

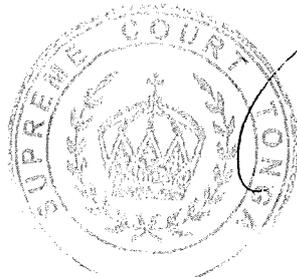
was not brought to the attention of the Magistrate by either party that, although there are some sections of the Fisheries legislation that allow sentences of imprisonment and fines to be imposed, this is not one of them. Section 102 provides that;

"Every person that contravenes any regulation made under this section commits an offence and shall be liable upon conviction to a fine not exceeding \$250,000".

[5] The Crown rightly brought this appeal in as timely way to correct this error. The appeal is upheld. The Crown placed before me a number of sentencing comparables which suggest that a fine of between \$5-600 is appropriate for a first offence. A much more severe fine is appropriate, however, for a repeat offence.

[6] Mr Lutui, who appeared for the Crown on this sentence and Mr Pouono for the respondent agreed that I should impose sentence. Having heard from counsel, I impose a sentence by way of fine of \$500 to be paid within two months and in default one months' imprisonment. I am assured that the respondent is in a position to pay such a fine.

NUKU'ALOFA: 7 AUGUST 2015

 *Pitofe*
JUDGE