

# The Fisheries (Conservation and Management) Ordinance 1986

## The Fishing Regulations Order 1987

(S.R. & O. No. 24 of 1987)

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# **The Fisheries (Conservation and Management) Ordinance 1986.**

## **The Fishing Regulations Order 1987**

(S.R. & O. No. 24 of 1987)

IN EXERCISE of my powers under section 20 of the Fisheries (Conservation and Management) Ordinance 1986 I make the following Order —

### **PART I**

#### **INTRODUCTORY**

1. This Order may be cited as the Fishing Regulations Order 1987 and shall come into force on 1st January 1988. Citation and commencement.

2.(1) In these Regulations unless the context otherwise requires Interpretation.

“aircraft” includes a hovercraft;

“Director” means the Director of Fisheries as defined in section 2 of the Ordinance.

“fee” and “prescribed fee” means such fee as is prescribed by Regulations under the Ordinance in respect of the application or licence in question;

“Khz” means Kilo hertz

“kilohertz” means a thousand cycles per second

“megahertz” means a million cycles per second;

“mhz” means megahertz; “International Tonnage Rules” means the Regulations annexed to the International Maritime Organisation Convention on Tonnage Measurement of Ships 1969;

“licensee” means the person granted a fishing licence under the Ordinance and these Regulations;

“licensed fishing boat” means a fishing boat specified in a fishing licence;

“the Ordinance” means the Fisheries (Conservation and Management) Ordinance 1986;

“Stanley Agent” means the agent required by regulation 26 to be engaged;

“very high frequency” means a single radio frequency or band lying between three hundred mhz and thirty mhz;

"vessel" does not include a hovercraft; and

"VHF" means very high frequency.

(2) In relation to a land store, in these Regulations, "owner" means such of the owner, lessee and occupier as is appropriate in the circumstances of the case.

(3) Unless the contrary intention appears in these Regulations every expression appearing in these Regulations which is defined in the Ordinance has the same meaning as it has under the Ordinance.

## PART II

### LICENCES TO CATCH FISH AND OBLIGATIONS IN RESPECT OF FISHING BOATS

3. This Part applies to applications for licences to catch or take fish, operations undertaken under such a licence by a fishing boat and obligations of a fishing boat so licensed.

Application of  
this part.

4. (1) Unless otherwise provided by other Regulations made under the Ordinance in respect of any fishing season and subject to paragraphs (2) and (3) of this regulation, an application for a fishing licence in respect of a fishing boat shall be lodged not less than twenty-one days before the date requested in the application for commencement of the licence.

Application for  
a licence.

(2) Applications to which paragraph (1) of this regulation relates shall

(a) be delivered addressed to the Director —

(i) at the Fisheries Department, Stanley, Falkland Islands, or

(ii) at Government Office, London; and

(b) be in a form approved by the Director.

(3) Nothing in regulation 6 shall preclude an application being made for a licence for more than one fishing boat in the same application.

(4) The Director may in his discretion accept an application made less than twenty-one days before the requested commencement date of the licence.

(5) Every application under this regulation shall be in writing and shall contain all the information required under these regulations and, in addition, any information required in any form approved by the Director for the purpose and may be made by the applicant or his duly authorised agent by delivery of the application, or by sending it by telegram, telex or facsimile transmission.

(6) Every application under this regulation shall specify whether or not it is requested that the licence shall also operate as a transshipment or export licence or both.

(7) An application under this regulation shall be accompanied by —

(a) an International Tonnage Certificate as to the gross tonnage, issued under the International Tonnage Rules, of each fishing boat in respect of which the application is made;

(b) a remittance for the prescribed application fee; and

(c) any deposit required under paragraph (9) of this regulation.

(8) In the event that any fishing boat to which an application for a licence under this regulation relates is not registered under the flag of a country which is a party to the International Maritime Organisation Convention on Tonnage Measurement of Ships 1969 the Director, in his discretion, may accept such evidence as he thinks fit of the gross tonnage of that fishing boat and using such method of calculation as he thinks fit, convert that tonnage into the gross tonnage of that fishing boat for the purposes of the International Tonnage Rules and the gross tonnage so calculated shall be the gross tonnage for the purposes of calculation of licence fees.

(9) The Director may require that the application

(a) be lodged by a date specified by him in such requirement; and

(b) be accompanied (in addition to the application fee mentioned in paragraph (7) of this regulation) by a deposit of not more than one tenth of the licence fee that would be payable if a licence were granted to the applicant. (10) Sums required to be paid under paragraphs (7) and (9) of this regulation shall be paid in such manner as the Director shall direct.

(11) An application fee (whether or not a licence is granted) shall not be refunded unless the Director otherwise directs but, if a licence is granted, shall be applied towards payment of the fee for that licence.

(12) A deposit shall be refunded to the applicant if a licence is not granted but shall otherwise be applied towards payment of fee for the licence granted.

(13) The Director may, before issuing a licence, if the whole of the fee for that licence has not been paid require that the payment of the balance of that fee be assured by irrevocable letter of credit or other means satisfactory to him.

(14) The Director may, on considering an application, offer that a licence will be granted

(a) in respect of a different part or parts of the fishing waters than that or those specified in the application;

(b) in respect of a species of fish other than those specified in the application or in respect of some only of those species of fish;

(c) in respect of a period or periods other than those specified in the application, or one or more of those things.

5. A licensee or the Stanley Agent of the licensee shall, if required by the Director before or after issue of the fishing licence, either execute and maintain a bond in an amount and form satisfactory to the Director to guarantee compliance with the Ordinance, these Regulations and the conditions of the licence or provide such other financial or other security as the Director may approve.

Bond.

6. (1) Every fishing licence shall bear a separate serial number allocated by the Director, apply to one fishing boat, which shall be specified therein, and shall not be transferable.

Fishing Licence.

(2) Unless the Director otherwise permits, the licence or a copy of it authenticated by him and a copy of these Regulations shall be kept on board the fishing boat and be produced for inspection on demand to any Fisheries Protection Officer or other person authorised by the Director to demand production thereof.

(3) A fishing licence shall be subject to the general conditions contained in Schedule 1 to these Regulations and such special conditions as may, in the discretion of the Director, be attached to that licence.

(4) If the fishing licence also operates as a transshipment licence or export licence or both, it shall be endorsed with a statement to that effect and also with any conditions required by these Regulations to be attached to such a Licence or which the Director, in his discretion, imposes in relation thereto.

(5) The Director or a person authorised by him may, with the consent of the master of a fishing boat, amend or vary any provision set out in a licence issued in respect of that boat, and not being a provision which by virtue of paragraph (3) of this regulation or any other provision of the Ordinance is required to be contained in that licence.

7. (1) A fishing licence shall be issued for a fishing season or a part or parts of a fishing season.

Period of validity of a fishing licence.

(2) A fishing licence may be cancelled by the Director with immediate effect at any time if the proportion of the licence fee referable to the then unexpired period of the licence has not been paid.

(3) The licence shall be issued to the master of the fishing boat at Stanley or at such other place as the Director may agree.

(4) The Director and any Fisheries Protection Officer may, before issuing a licence, require that the ship's papers of the fishing boat in question be produced to him and that such drawings and diagrams as to its construction as he shall specify shall be produced to him.

(5) The master of the fishing boat shall, if required by the Director, for the purpose of inspection and measurement by a Fisheries Protection Officer prior to commencement of fishing by the boat, bring the boat to Port Stanley or such other port or harbour in the Falkland Islands as the Director may direct.

(6) The master of a fishing boat shall permit a Fisheries Protection Officer to inspect that boat and to take measurements and photographs of the boat and any equipment or apparatus carried thereon.

(7) The Director may provisionally allocate a licence to an applicant who has applied for a licence under regulation 4 and complied with the requirements of that regulation and may stipulate in the notice of allocation -

(a) the last day on which notification of acceptance of the provisional allocation shall be given by the applicant to the Director; and

(b) the last day on which the master of the fishing boat specified in the licence may be issued with and collect the licence.

(8) If —

(a) an applicant fails to notify acceptance of allocation to the Director on or before the day stipulated under subparagraph (a) of paragraph (7) of this regulation;

(b) a master fails to collect the licence on or before the day stipulated under subparagraph (b) of paragraph (7) of this regulation; or

(c) the applicant fails to pay such proportion of the licence fee as the Director may require on or before the date stipulated under subparagraph (a) of paragraph (7) of this regulation,

the provisional allocation shall be of no further effect.

8. (1) A licensee may, if the Director so permits, surrender a fishing licence in exchange for another fishing licence.

Surrender of licence and substitution of another licence.

(2) A fishing licence issued in exchange for a licence surrendered under paragraph (1) of this regulation —

(a) may not be issued in respect of a fishing boat of greater gross tonnage (measured in accordance with paragraph (7) or (8) of regulation 4) than that of the fishing boat licensed under the fishing licence so surrendered; and

(b) shall be valid for the period then unexpired of the licence so surrendered.

(3) The Director shall not permit a fishing licence to be exchanged under paragraph (1) of this regulation unless the prescribed administrative fee has been paid.

(4) An application for permission to surrender and exchange a licence under this regulation shall be made to the Director in Stanley in such form as he may approve.

9. Every licensed fishing boat engaged in fishing and operations ancillary to fishing shall be equipped with radio equipment capable of providing radio telephony (voice) communications using maritime frequencies in the High Frequency and Very High Frequency (VHF FM) bands.

Compulsory radio equipment.

10. Each licensed fishing boat when in the fishing waters, shall carry on board a copy of the International Code of Signals and an appropriate set of flags and shall at all times carry on board persons competent to exchange messages by this means with a Fisheries Protection Officer embarked in any vessel.

Code of Signals and Flags to be carried.

11. (1) All records, reports or notifications required to be maintained or made under these regulations shall be maintained or made in English.

Use of English and International Code of Signals.

(2) In every communication by radio, flag or light between any licensed fishing boat in the fishing waters and a fisheries protection officer, the signals specified in the International Code of Signals published by the Inter-Governmental Maritime Organisation shall be used.

12. Each licensed fishing boat shall at all times it is within the fishing waters, carry appropriate navigational charts and publications and be fitted with such electronic navigational aids as will enable the master to ascertain its position within the fishing waters with sufficient accuracy.

Navigational charts and aids.

13. (1) The master of a licensed fishing boat intending to fish in the fishing waters shall notify the Director of his intention to enter the fishing waters not more than 48 hours and not less than 12 hours before the entry of that boat into the fishing waters.

Notification of entry into fishing waters.

(2) Such notification shall include:—

(a) name, registration number and port and country of registry, radio call sign and fishing licence number of that boat; and

(b) full details of any catch on board; and

(c) the intended date and time of commencement of fishing operations by the boat; and

(d) the position of her intended initial fishing position; and

(e) the boat's present position.

(3) All signals to which paragraph (1) of this regulation relate shall be given the prefix "FISHCOM REPORT".

14. Every licensed fishing boat shall properly stow fishing gear in accordance with section 6 of the Ordinance.

Stowage of gear by fishing boats.

15. (1) The master of a licensed fishing boat fishing within the fishing waters or undertaking any operation in relation to fishing or intended fishing within the fishing waters shall each day at a time and in such manner as may be notified by the Director, make reports to the Director detailing the position and fishing activities, if any, of the boat. Each such report shall include:—

Reports to be made by Masters of fishing boats.

(a) the boat's call sign and present position; and

(b) the approximate weight of each species of fish retained on board the boat since the last report; and

(c) the number and duration of trawl hauls made since the last report; and

(d) (if appropriate) the number and duration of operations of jigging machines in use; and

(e) any operational transfer of fish made or received in that period, and the fishing boat to which it was made or from which it was received.

(2) Such reports shall be given the prefix "CATCH REPORT" and shall be numbered consecutively.

(3) Where a number of fishing boats are operated as part of a fleet, the reports required under this regulation or under any other of these regulations, may with the prior approval of the Director, be made on behalf of a number of designated boats by the master of one of those boats designated for such purpose.

16. (1) Prior to a transhipment (whether it be a primary transhipment or a secondary transhipment) and to departure from the fishing waters the master of a fishing boat shall make a report to the Director giving the boat's call sign and present position; and also

Report to be made on completion of fishing.

(a) the total quantity of each species of catch taken within the fishing waters since the signal under paragraph (3) of regulation 15 (the FISHCOM REPORT);

(b) stating his intentions and if leaving the expected date and time of departure from the fishing waters.

(2) All reports to whom paragraph (1) of this regulation relate shall be given the prefix "FISHEND REPORT".

17. (1) The master of a licensed fishing boat who intends to leave the fishing waters shall if required by the Director, bring the boat to Port Stanley or such other port or harbour within the Falkland Islands as the Director shall direct for the purpose of inspection of the boat by a Fisheries Protection Officer or other person authorised by the Director.

Post fishing inspection and hand over of fishing log.

(2) The master shall, if so required by the Director, prior to departure from the fishing waters, deliver to the Director the fishing log referred to in paragraph (2) of regulation 18.

18. (1) The master of each fishing boat engaged in fishing shall keep a radio log book in English showing dates and times when fishing reports were transmitted and to which station they were transmitted.

Keeping of log books.

(2) The master of each fishing boat engaged in fishing shall keep a fishing log in a form prescribed by or approved by the Director.

(3) The radio log book and fishing log shall be produced to a Fisheries Protection Officer for inspection on demand and copies or copy extracts therefrom shall also be given without payment to a Fisheries Protection Officer on demand.

19. In the event of the main radio equipment of a fishing boat being unserviceable the master shall make appropriate arrangements for all information required by these Regulations to be relayed to the Director through another vessel.

Arrangements to be made on radio becoming in operative.

20. (1) The Radio Call Sign of each licensed fishing boat shall be displayed on each side of its superstructure clear of obstruction and where it can best be seen from an aircraft or patrol vessel.

Display of radio call signs.

(2) The letters and numbers shall be prominently painted in black on a white background or in white on a black background.

(3) The paintwork where the letters are painted shall be maintained in good condition so that the letters are clearly visible at all times.

21. (1) Masters shall comply with any lawful instruction or order given from any patrol vessel by or at the direction of a Fisheries Protection Officer.

Compliance with instructions from surveillance aircraft.

(2) Fishing boats which a Fisheries Protection Officer wishes to stop for boarding and inspection shall be informed by VHF radio Marine Band on the ship to ship calling channel (Channel 16) or by the international code signal "SIERRA QUEBEC 3" or by flashing by a signal lamp the Morse code symbol "LIMA" (that is to say "you should stop your vessel instantly") from a patrol vessel; but if contact cannot be made through any of the foregoing means the patrol vessel will direct a series of flashing white lights towards the boat which shall be interpreted as an instruction to the master of the fishing boat that it must forthwith desist from any previous manoeuvre, course or action and follow that patrol vessel.

22. (1) Masters shall comply with any instructions or orders given from any surveillance aircraft.

Compliance with instructions from surveillance aircraft.

(2) A Fisheries Protection Officer on board a surveillance aircraft wishing to communicate with a fishing boat on VHF Marine Band Channel 16 shall cause the aircraft to signal the morse code symbol "KILOG" with a yellow light or to switch its navigation and landing lights on and off; and if the fishing boat shall not respond to such a signal, the Fisheries Protection Officer shall cause the aircraft to waggle its wings from side to side and then to settle on a steady course.

(3) If, contact not having been made by radio with the aircraft, the aircraft is seen to waggle its wings and then settle on a steady course, the master of the fishing boat shall cause that boat to stop fishing and immediately proceed in the direction indicated by the aircraft (that is to say, the course adopted by the aircraft after waggling its wings) and at the same time attempt to make radio contact with a Falkland Islands Fishery Patrol Vessel or the office of the Director in Stanley.

23. (1) Subject to paragraph (2) of this regulation, at least one member of the crew of each licensed fishing boat shall be reasonably fluent in the English language.

Requirement to have an English speaking crew member.

(2) The Director may waive the provisions of paragraph (1) of this regulation in respect of a fishing boat which is one of a number of fishing boats operated as a fleet, provided that a competent interpreter is available at all times on a designated fishing boat within that fleet.

24. The master of each fishing boat shall require a continuous listening watch on VHF Marine Band Channel 16 and 2182 Khz to be maintained whilst the fishing boat is in the fishing waters, but such frequencies shall be used as calling and distress call frequencies only and shall not be used for intership communications.

Radio Listening Watches.



25. (1) The master of a fishing boat shall, when in the fishing waters, and when requested to do so by the Director, permit one or more official observers designated in writing by the Director to board and remain on board that boat for the purpose of recording scientific data and observations, of inspecting the boat's radio and fishing logs and of taking samples, and shall permit such official observers to retain and remove from that boat any samples and records taken or compiled by them.

Accommodation of observers and Fisheries Protection Officers and Provision of other facilities.

(2) Where an official observer is on board a fishing boat for a period of more than four hours the master of that boat shall provide the observer with suitable food and accommodation.

(3) The master shall also provide to any Fisheries Protection Officer facilities similar to those required by (2) of this regulation in the event that such officer is compelled by sea conditions or any other circumstance to remain on board the relevant fishing boat for a period exceeding four hours.

(4) The master of a fishing boat shall -

(a) at the request of a Fisheries Protection Officer or official observer, arrange for that officer or observer to be able to send or receive messages by means of radiotelegraph or radiotelephone facilities on board the boat, and

(b) provide all reasonable assistance in his power to enable a Fisheries Protection Officer or official observer to carry out his duties and functions.

26. (1) The owner or charterer of a licensed fishing boat shall during the period of the licence engage a local agent in Stanley who shall be authorised to accept as agent for the owner or charterer legal and financial responsibility on his behalf in respect of the operations undertaken by the boat and further on his behalf to accept service of any notice, summons or other document on his behalf in any legal proceedings arising out of the conduct of the fishing operations or related activities by the boat.

Stanley Agent.

(2) The agent referred to in paragraph (1) of this regulation shall be resident in Stanley and have an office or establishment in Stanley.

(3) The owner or charterer of a licensed fishing boat shall notify the Director of the name of any agent substituted for the agent notified to the Director in the application by the owner or charterer for a licence in respect of the licensed fishing boat.

### PART III PROVISIONS APPLYING TO ALL FISHING BOATS

27. (1) This Part applies to all fishing boats within the fishing waters.

(2) Regulations 14, 21, and 22 (in Part II) apply to all fishing boats, whether or not they are licensed under the Ordinance or any part of these Regulations.

Application of Part III and extension of application of certain regulations in Part II. Action to be taken by a fishing vessel on receiving a signal to stop.

28. (1) The master of a fishing boat which receives an instruction to which regulation 21(2) applies shall cause the fishing boat so soon as is consistent with the safety of navigation of the fishing boat to heave to and take all way off the vessel and shall, if instructed to permit a Fisheries Protection Officer to board, take such steps as, in accordance with good seamanship, are requisite or most convenient to facilitate the boarding of the fishing boat by him.

(2) A fishing boat shall not without the permission of a Fisheries Protection Officer, once it has heaved to and taken way off in accordance with paragraph (1), again put on way.

29. (1) On instructing a fishing boat to stop in accordance with paragraph (2) of regulation 21, a Fisheries Protection Officer may also, and without prejudice to the generality of paragraph (1) of that regulation may require that fishing boat -

(a) to haul in its nets or discontinue the use of fishing gear;

(b) to take such steps as he may specify to desist from catching or taking fish;

(c) to stow its fishing gear.

Powers of Fisheries Protection Officers in relation to stopped fishing vessel.

(2) On boarding a fishing boat which has stopped, a Fisheries Protection Officer may -

(a) require the master of that fishing boat

(i) to cause radio communication to be maintained with a patrol vessel on such frequency or channel as he shall direct;

(ii) to permit him to speak with the patrol vessel by radio;

(iii) to permit him to speak via the fishing boat's radio equipment with the Director or any other person at the Fisheries Department, Stanley;

(iv) produce any document or thing required to be carried on board a fishing boat licensed under Part I;

(v) to produce the fishing boats log and fishing log, any charts carried on that fishing boat and any document relating to the registration and tonnage of the ship;

(b) inspect and take copies or require the master to furnish copies of any document produced to him to which subparagraph (a) of this regulation applies;

(c) search and inspect and take photographs of the fishing boat, any fish on board the fishing boat, and any fishing gear any apparatus or equipment whatsoever aboard that fishing boat;

(d) do or require anything he may do under section 10 of the Ordinance.

**(3) The master of a fishing boat —**

(a) shall furnish every assistance requisite to permit the Fisheries Protection Officer to do anything he is permitted to do under paragraph (2) of this regulation;

(b) shall ensure that the Fisheries Protection Officer is not obstructed or hindered in the performance of his duties aboard the fishing boat.

(4) A Fisheries Protection Officer on board a fishing boat which has been stopped may require that there be done in relation to that fishing boat anything which could be required under paragraph (1) of this regulation by him from aboard a patrol vessel.

**30. (1)** If a Fisheries Protection Officer while aboard a fishing boat or a patrol vessel, has reasonable cause to believe that there has been committed in relation to that fishing boat any offence under the Ordinance or these Regulations, he may direct the master of the fishing boat to bring or take that fishing boat to such port or harbour in the Falkland Islands as the Fisheries Protection Officer shall direct.

Power to direct stopped fishing boat to Port.

(2) A direction under paragraph (1) of this regulation may be altered or modified or withdrawn by the Fisheries Protection Officer.

(3) The master of a fishing boat in respect of which a direction under paragraph (1) has been given shall require the crew of the fishing boat to take all steps necessary for the direction to be complied with.

**31.** The powers of the Fisheries Protection Officer to direct the master of a fishing boat to bring or take a fishing boat to such port or harbour in the Falkland Islands as he directs are equally exercisable if he desires that the fishing boat should go there for the purpose of any search examination or enquiry being carried out at such port or harbour.

Supplementary to regulation 30.

**32. (1)** On arrival at a port or harbour in the Falkland Islands in accordance with a direction given under regulation 30 or 31, that fishing boat shall moor, anchor or make fast in such manner and in such anchorage berth a position as a Fisheries Protection Officer shall direct.

Obligation to anchor etc.

(2) After mooring, anchoring, or making fast pursuant to paragraph (1) the fishing boat shall be deemed to be detained under paragraph (j) of subsection (1) of section 10 of the Ordinance and may not be unmoored, nor may it upanchor, slip its moorings or anchor or move from its berth, mooring or position, (subject to paragraph (3)) without the prior consent of a Fisheries Protection Officer.

(3) Paragraph (2) of this regulation shall not apply so as to prevent a fishing boat being moved within the confines of the port or harbour concerned without the consent of a Fisheries Protection Officer insofar as may be necessary in any emergency of tide, wind or water or other emergency which, in accordance with the dictates of good seamanship,

require the fishing boat to be moved and, in the circumstances of the case, the fishing boat or the safety of its crew would be hazarded by any delay attendant upon the obtaining of such consent.

#### PART IV

##### LICENCES TO TRANSHIP AND TRANSHIPMENTS OF FISH

33. This Part applies in respect of transhipment of fish.

Application of  
Part IV.  
Operational  
transfers of fish.

34. A licence issued under Part II of these Regulations may (in addition to any conditions authorised or required by that Part or by the Ordinance to be included therein) include such conditions as to operational transshipments of fish as the Director considers requisite.

35. (1) The provisions of this Part relating to application for and issue of licences to tranship fish do not apply to —

Licences not re-  
quired for cer-  
tain activities.

(a) operational transshipments of fish (as defined by section 2 of the Ordinance; or

(b) secondary transshipments of fish (as defined by section 2 of the Ordinance), and accordingly apply only to application for and issue of licences for the primary transhipment of fish.

(2) Nothing in paragraph (1) of this regulation shall operate so as to prevent a licence for the primary transhipment of fish containing such conditions as the Director thinks fit as to the secondary transhipment of fish (including but not limited to conditions as to the place or places where the secondary transhipment of fish within the fishing waters and as to the provision of information and notifications to the Director of and in relation to any such transhipment).

36. (1) An application for a licence to tranship fish shall be made in writing and

Mode of ap-  
plication for a  
licence.

(a) may be made by the owner master or charterer of the fishing boat or, in the case of a land store, the owner, lessee or occupier of the store in respect of which the licence is requested to issue;

(b) shall be delivered or sent addressed to the Director at the Fisheries Department, Stanley;

(c) may be made by mail, telex, telegram or by facsimile transmission.

(2) An application to which paragraph (1) relates shall contain all the information required by these Regulations and, in addition, any information required in any form approved by or issued by the Director for the purpose.

37. (1) An application to which regulation 36 applies shall contain the following information so far as applicable —

Information to  
be contained in  
application for a  
licence.

(a) the name, port of registry and country of registry and gross tonnage in accordance with the International Tonnage Rules of the vessel in relation to which the licence is desired;

(b) the fishing registration number of the vessel, its international radio call sign and its crew component;

(c) if the application is in respect of a transport vessel, the names or descriptions and country of registry of the fishing boats from which it is intended to receive fish;

(d) if the application is in respect of a fishing boat which is not a transport vessel, the name of, port and country of registry of the vessel (whether or not it is a transport vessel) to which it is intended to tranship fish; and

(e) the number of transshipments of fish requested to be authorised by the licence, if issued.

(2) The only ports or harbours which may be specified in an application under this regulation are Stanley Harbour, Port William and Berkeley Sound.

(3) Every application for a licence under this regulation shall be made at least 72 hours before the licence is required, unless the Director in his discretion otherwise permits.

<p><b>38. (1)</b> Every licence to which this Part applies shall —</p> <p>(a) be valid only in respect of the fishing vessel or land store described in the licence and, where applicable, the crew of the vessel specified in the application;</p> <p>(b) be valid only for the period mentioned in and the number of transshipments of fish specified in the licence;</p> <p>(c) be valid only for the place or places of transshipment specified therein.</p>	<p>Application of licence.</p>
<p>(2) Every such licence shall contain or refer to the conditions subject to which it is issued.</p>	
<p><b>39. (1)</b> Subject to paragraph (2) of this regulation, every licence shall be kept on board the vessel to which it relates while that vessel is within the fishing waters.</p>	<p>Place licence to be kept, productions of licence etc.</p>
<p>(2) The licence may, instead of being kept as provided in paragraph (1), be kept by the agent in Stanley of the vessel to which it relates.</p>	
<p>(3) The licence shall be produced on demand to any Fisheries Protection Officer.</p>	
<p><b>40. (1)</b> A vessel in respect of which notification of issue of a licence under this Part has been given may without that licence having been delivered proceed by the most direct safe route to such port or harbour as has been notified for delivery and collection of that licence.</p>	<p>Authority to proceed to port for collection of licence.</p>
<p>(2) The master and the crew of the fishing vessel shall not, while in passage in accordance with paragraph (1) of this regulation, engage in any fishing operations unless it is also licensed to undertake those operations.</p>	
<p><b>41. (1)</b> Every licence granted in respect of a [under Part IV.] vessel under this Part shall be expressed to be subject to the conditions contained or referred to in schedule 2 to these Regulations.</p>	<p>Conditions of licences under Part IV.</p>
<p>(2) Any licence granted under this Part may contain, in addition to the conditions referred to in paragraph ( ) of this regulation such other conditions as the Director shall see fit to impose and any such conditions shall be set out in, endorsed upon or annexed to the licence.</p>	
<p>(3) The Director, in his discretion, may with the consent of the master of a vessel amend or vary any provision of or condition of a licence issued under this Part and not being a condition required by the provisions of the Ordinance.</p>	
<p><b>42. (1)</b> Subject to paragraph (2) of this regulation, if specifically stated in such licence, a licence granted under this Part may also operate as an export licence.</p>	<p>Licences under Part IV as an export licence.</p>
<p>(2) A licence granted under this Part in respect of a land store shall not also operate as an export licence.</p>	
<p><b>43. (1)</b> For the sake of avoidance of doubt and subject to this regulation, it is declared that a licence to transship fish is required both in respect of the vessel from which the fish is transhipped and the vessel to which it is transhipped.</p>	<p>When licences required etc and provisions as to secondary transshipments.</p>
<p>(2) Paragraph (1) of this regulation does not apply to operational transshipments of fish or secondary transshipments of fish, but in relation to secondary transshipments of fish the conditions contained or referred to in Schedule 2 to these Regulations apply as if they had been set out in a licence granted under this Part to both vessels involved in such transshipment.</p>	
<p><b>44.</b> Where a grant of a licence under this Part is subject to the payment of a prescribed fee, the Director shall not issue that licence unless —</p>	<p>Provisions as to fees.</p>
<p>(a) the fee has been paid in full; or</p> <p>(b) payment thereof has been secured by irrevocable letter of credit or by other means satisfactory to the Director.</p>	
<p><b>45.</b> The Director acting in his discretion may at any time revoke or cancel any licence granted under this Part.</p>	<p>Cancellation or revocation of licences under Part IV.</p>
<p><b>46.</b> The provisions of regulations 8,9, 10, 11, 12, 19, 20, 21, 22, 24 and 25 apply to vessels licensed under this Part as they apply to fishing vessels licensed under that Part.</p>	<p>Application of certain provisions of Part II.</p>

## PART V

### EXPORT OF FISH ETC

47. (1) This Part applies in relation to the removal of fish, caught or taken in the fishing waters, from a land store in the Falkland Islands and in relation to —

Application of  
Part V.

- (a) removal of fish from the Falkland Islands or the fishing waters thereof by air;
- (b) removal of fish aboard a vessel which is not licensed as to the export of fish by endorsement on a licence granted under Part II or Part IV of these Regulations,

and additionally to the removal of fish from a land store for the purpose of sale or disposal and consumption within the Falkland Islands and other obligations in relation to a land store.

(2) Fish (except fish caught or taken outside the fishing waters) may not be removed from the Falkland Islands or the fishing waters except under authority of a licence granted under Part II or Part IV of these Regulations or under the authority of a licence granted under this Part.

48. (1) Application for a licence under this Part may be made in any manner in which an application for a licence under Part IV may be made and shall be made to the Director at the Fisheries Department Stanley, or addressed to him at the Falkland Islands Government Office, London.

Applications for  
licences.

(2) If the Director so requires an application for a licence under this Part shall be made in a form approved by him.

(3) Unless otherwise agreed by the Director in the circumstances of any particular case, an application for a licence under this Part shall be made at least 72 hours before the licence is required.

(4) An application for a licence under this Part shall contain all the information required by this Part to be furnished and any further information the Director may require.

49. (1) In any case where a licence to export fish by aircraft is requested the application shall contain the following information:—

Export by  
aircraft.

- (a) the country of registration and international registration letters of the aircraft;
- (b) the name of the manufacturer of the aircraft and its description or type;
- (c) the name and address of the registered owner of the aircraft;
- (d) if the application is made by or on behalf of a charterer of the aircraft —

- (i) the name and address of the charterer; and
- (ii) a statement as to which of the charterer; the owner or some other person will be providing the crew of the aircraft and if some other person than the owner or charterer, his name and address;

(e) the quantity in relation to each species of fish it is intended to export from the Falkland Islands or the fishing waters;

(f) the date or dates on which it is intended that the fish will be exported;

(g) the source or derivation of the fish it is intended to export;

(h) if the application is not made by an agent resident in the Falkland Islands on behalf of the owner or a charterer of the aircraft, the name and address of some person resident in the Falkland Islands to whom the licence, if issued, may be delivered;

(i) the location of the airport from which it is intended to export the fish.

(2) An application to which paragraph (1) of this regulation applies shall be accompanied by a list of the names, citizenship and passport numbers of all persons who may form part of the crew of the aircraft.

(3) If the airport specified under paragraph (1) of this regulation is Mount Pleasant Airport, the Director shall consult the Governor before granting the licence.

50. (1) An application for a licence to export fish by ship shall contain the information required by subparagraphs (a), (b), (c) and (d) of paragraph (1) regulation 37 and, in addition, the following information —

Export by ship.

- (a) the date of intended arrival of the vessel in the fishing waters;
- (b) the date of intended departure of the vessel from the Falkland Islands; and
- (c) the port or harbour in the Falkland Islands at which it is intended that the fish should be loaded.

(2) Where it is intended that the fish should be exported from a land store, the application shall (instead of the information required by subparagraph (c) of paragraph (1) of regulation 37) specify the name address and description of the land store from which it is intended to export fish.

51. Unless the payment thereof is secured by irrevocable letter of credit or in some other way satisfactory to him, the Director shall not issue any licence under this Part unless all fees prescribed in respect thereof have been paid.

Payment of fees.

52. (1) It is not necessary for the owner of a land store to possess a licence under this Part but before delivering or loading any fish for the purpose of export, he shall satisfy himself that the aircraft or vessel to which, or for the purpose of transport to which, he delivers or loads fish is in possession of a valid licence issued under this Part authorising the export of the fish so delivered or loaded and he shall additionally comply with the provisions of subsequent paragraphs of this regulation.

No licence required by land store.

(2) On each occasion on which he delivers or loads fish for the purpose of export, the owner of a land store (as the case may be) shall within 24 hours thereafter send or deliver to the Director at the Fisheries Department, Stanley —

- (a) a copy of any consignment note issued by him in relation to the fish; and
- (b) insofar as the same is not contained in any such consignment note —
  - (i) the name and port and country of the vessel exporting the fish or, in the case of export by aircraft, the international registration number and country of registration of that aircraft;
  - (ii) the place at which the fish was delivered or loaded by him;
  - (iii) the date and time of such delivery or loading; and
  - (iv) the quantity, by relation to species of the fish delivered or loaded.

(3) The owner shall permit a Fisheries Protection Officer to be present at all times that delivery or loading is taking place and shall give to the Director at least 24 hours prior notice of such delivery or loading.

53. (1) The owner of a land store shall maintain written records of all fish received at and removed from that store.

Records to be kept at a land store.

(2) The records required by paragraph (1) of this regulation to be maintained shall be —

- (a) in such form as the Director may approve;
- (b) be kept at the land store or such other place as the Director may approve;
- (c) shall be produced to the Director or a Fisheries Protection Officer on demand at any time.

(3) The owner of a land store shall deliver copies of any written records maintained under this Regulation whenever required by the Director or a Fisheries Protection Officer to do so.

54. (1) The owner of a land store shall permit the Director and any Fisheries Protection Officer to enter and inspect a land store and the fish stored therein.

Inspection of land store.

(2) For the purposes of paragraph (1) "land store" includes all plant, machinery apparatus and vehicles belonging to or used in connection with a land store.

55. (1) On every occasion that fish is removed from a land store for the purpose of its disposal by way of sale or otherwise in the Falkland Islands (including every occasion on which it is removed for disposal as being unfit for consumption) the owner of the land store shall give notice in writing to the Director within 24 hours of its removal and in such form as the Director may approve of the quantity and species of fish removed and the purpose for which it was removed.

Removal of fish from land store for disposal in the Falkland Islands.

(2) The provisions as to records contained in regulation 53 extend to fish removed in circumstances to which this regulation applies.

56. (1) The pilot in command of every aircraft on which fish is loaded for export shall deliver to the Director before departure a copy of all air waybills relating to the carriage of that fish and the master or agent of a ship on which fish is so loaded shall so deliver a copy of the relevant manifest.

Copies of air waybills and ship's manifests.

(2) The requirements of paragraph (1) of this regulation are satisfied if there is delivered to a customs officer at the airport of departure an envelope addressed to the Director containing a copy of all such air waybills.

## PART VI

### ADMINISTRATIVE AND GENERAL

57. (1) The Director shall keep at the Fisheries Department in Stanley good and sufficient records of —

Maintenance of records by Director.

- (a) all licences issued under these Regulations or the Ordinance;
- (b) the date of issue of such licences;
- (c) the name and address of the person to whom the licence was issued;
- (d) the conditions subject to which any licence was granted;
- (e) where the licence was granted in respect of a fishing boat (including a transport vessel) the name, country of registry, port of registry, registration number, fishing vessel number and international radio call sign thereof;
- (f) the type of licence granted;
- (g) where the licence permits the catching or taking of fish —
  - (i) the species of fish permitted to be caught or taken;
  - (ii) any limitation in terms of quantity or size upon the amount of fish or fish of any species which may be caught or taken under the licence;
  - (iii) if the licence is limited to a part or parts of the fishing waters, a sufficient description (by reference to longitudinal and latitudinal co-ordinates) of the part or parts of the fishing waters concerned (provided that where the licence relates to the internal waters it shall be sufficient if the description thereof is by reference to a chart or map);
  - (iv) whether, pursuant to these Regulations the licence also operates as a transhipment or export licence;
  - (v) the types (and number of any type, if appropriate) of fishing gear permitted to be used and whether or not surimi apparatus is permitted to be used;
  - (vi) the period or periods of validity of the licence;
- (h) if the licence is a licence other than to which (g) above relates —
  - (i) if the licence relates to a transport vessel, the number location and quantity of transhipments of fish the licence permits, and if so
  - (ii) whether the licence relates to transhipments only of fish caught or taken within the fishing waters or relates to fish not so caught and taken; and
  - (iii) whether licence, pursuant to these Regulations also operates as an export licence;

(iv) if the licence relates to export by aircraft, the name and address of the owner and of any charterer of the aircraft to which the licence relates, the aircraft's international registration letters, country of registry, manufacturer and type and

(aa) the airport from which export is permitted; and

(bb) the number of occasions on which export is permitted;

(cc) any limitation on the quantity of fish (and, if appropriate, by relation to species) that the licence imposes;

(i) all notifications, communications and notices of any kind made by or on behalf of any person pursuant to the provisions of the Ordinance, these Regulations or the conditions of any licence;

(j) any variation or modification made subsequent to its issue to any licence and the date and effective date of the same;

(k) if any licence has been revoked, cancelled, exchanged or surrendered, the date and effective date of the same;

(l) all fines and penalties imposed on any person by any court or by way of administrative penalty and whether under the Ordinance or these Regulations;

(m) all deposits and fees paid or payable by any applicant or licensee by virtue of the provisions of the Ordinance or regulations made thereunder and, where such fees have not been paid in full, such security as has been given or such arrangements have been made for the payment of those fees.

(2) The records required to be kept under paragraph (1) of this regulation shall be kept in such manner as the Director may determine and, if the Director so determines, may be kept wholly or partly with the assistance of a computer or computers.

**58. (1)** The Director shall issue to every Fisheries Protection Officer an identification document which shall —

Identity Documents.

(a) bear the name and a photograph of the person to whom it is issued;

(b) state that the bearer is a Fisheries Protection Officer;

(c) state its date of issue and its period of validity.

(2) Every Fisheries Protection Officer shall produce the identification document issued to him under paragraph (1) of this regulation whenever reasonably required by any person to do so in relation to the performance of any of the Fisheries Protection Officer's functions.

(3) The provisions of paragraphs (1) and (2) of this regulation do not apply to any police officer or member of Her Majesty's armed services who is or who is acting as a Fisheries Protection Officer in the course of his duties as a police officer or as a member of Her Majesty's armed services.

**59. (1)** The Director may from time to time issue such written guidance or advice to masters of fishing boats and others related to the Ordinance and these and other regulations as he thinks fit.

Notes of guidance.

(2) Noncompliance with such written guidance shall not itself constitute an offence, but may be taken into account by any court or other person in their determination of the amount of any penalty or fine to be imposed in respect of any offence under any provision of the Ordinance or these regulations.

**60. (1)** Every patrol vessel, other than one of Her Majesty's ships for the time being engaged in fisheries patrol duties outside the territorial waters and internal waters shall be clearly marked on the sides thereof with the words "Fisheries Patrol" in capital letters at least one metre high painted or otherwise applied thereto in a colour contrasting with the colour of the background on which it appears.

Patrol vessels.

(2) Every patrol vessel, other than one of Her Majesty's ships for the time being engaged in fisheries patrol duties within the territorial waters or internal waters shall, unless it is marked as required by paragraph (1) of this regulation, be marked on the sides thereof with the words "Harbour Patrol" in capital letters at least fifty centimetres high painted or otherwise applied thereto in a colour contrasting with the colour of the background on which it appears.



## PART VII

### OFFENCES

61. (1) Any person who, being the owner, master or charterer of any vessel or the owner, charterer of any vessel or the owner, charterer or pilot in command of any aircraft or the owner of any land store or a person engaged as a member of the crew of any vessel who contravenes any provision of Parts I to V of these Regulations or of any licence applicable to such vessel or aircraft commits an offence.

Offences under these Regulations.

PENALTY £50,000

(2) Any person who wilfully obstructs the Director or any Fisheries Protection Officer in the performance of any of his functions under these Regulations commits an offence.

PENALTY £50,000

(3) Any person who provides any information he is required under these Regulations to provide to the Director or to any Fisheries Protection Officer and does so —

(a) knowing that information to be false; or

(b) not believing it to be true; or

(c) by suppression or concealment of other information, in such a manner as is calculated to mislead or deceive in a material respect,

commits an offence.

PENALTY £20,000

(4) Any person who wilfully refuses to answer a question which the Director or a Fisheries Protection Officer puts to him in the exercise of his functions under the Ordinance or these Regulations is deemed for the purposes of paragraph (2) of this Regulation to have wilfully obstructed the Director or Fisheries Protection Officer in the performance of his duties: Provided that it shall be a defence for any person prosecuted in respect of an offence by virtue of this paragraph to satisfy the court that he reasonably believed that the answer to that question might tend to incriminate him of an offence.

(5) Where any act or omission constitutes an offence under the Ordinance as well as an offence under these Regulations a person may be convicted only in respect of one of those offences and may not be convicted of the other, and where in respect of any such act or omission he would be liable on conviction of that offence under the Ordinance to a lesser penalty than that provided by this regulation he shall, on conviction, be liable only to such lesser penalty.

62. The prescribed forms for the purpose of section 18 of the Ordinance are those set out in Schedule 3 to these Regulations.

Administrative Penalty Forms.

## PART VIII

### REVOCATIONS

63. The Orders and Regulations specified in Schedule 4 to these Regulations are revoked.

Revocation of existing regulations.

### SCHEDULE 1

#### Fishing Licence - General Conditions

(a) (i) The licence shall be valid only for such activities, for such period and for such areas as are specified in the licence.

(ii) The licence shall not extend to the territorial sea or internal waters of the Falkland Islands unless the licence otherwise states.

(b) (i) Only such species of fish shall be fished for in such quantities, using such methods of fishing and such fishing gear, as are authorised by the licence.

- (ii) All relevant laws and regulations regarding the conservation and management of fisheries resources in the Falkland Islands and the conduct of fishing operations shall be complied with.
- (iii) The master shall cause written records to be maintained on a daily basis of the fishing effort and catch of the boat in the form set out in the schedule attached to this licence or in such form as the Director may approve.
- (c) Any transshipment of fish (other than an operational transfer of fish) shall be undertaken in Berkeley Sound or such other place as the Director of Fisheries may approve.
- (d) The master shall bring the fishing boat into Port Stanley or another port or harbour notified to him by the Director of Fisheries for inspection at any time when required to do so by the Director of Fisheries.
- (e) The master shall, at all times while in the fishing waters, comply with any directions or instructions given to him by any Fisheries Protection Officer and co-operate with such officer in any inspection carried out by him and, in particular, shall bring the fishing boat to when requested so to do, shall permit and facilitate any fisheries protection officer or official observer to board and disembark from the boat in safety and in accordance with ordinary practices of seamen shall manoeuvre his boat to make a lee and shall provide an adequate and safely secured pilot ladder.
- (f) When making position reports the master shall use the grid shown on the illustrative chart attached to this licence.

## **SCHEDULE 2**

### **General Conditions: Transshipment Licences**

1. If the vessel has not already entered the fishing waters for the purpose of delivery of this licence, and in any case on each subsequent such entry, the master or some person acting on his behalf shall notify the Director —
  - (a) of the date, estimated time and co-ordinates of the vessel into the fishing waters;
  - (b) the intended activities under the licence during such time as the vessel is within the fishing waters on that occasion including —
    - (i) the name of each vessel from or to which fish is intended to be transhipped; and
    - (ii) the quantity of fish intended to be transhipped from or to each such vessel.
2. Transshipment shall only take place at such location or locations as is or are specified in this licence.
3. During or immediately after each transshipment the master or some person acting on his behalf shall notify the Director, in such form as the Director may require of the vessel from or to which fish is being or has been transhipped and of the quantity (if so required, broken down into quantity by species) of fish transhipped.
4. Transshipment shall only take place during such hours (if any) as are specified in this licence.
5. If transshipment is to take place in a port or harbour of the Falkland Islands permitted by this licence, before commencing transshipping operations and as soon as the ship comes to a stop, the master or some person acting on his behalf shall notify the customs and immigration authorities of the vessel's arrival and —
  - (a) shall permit the vessel to be boarded and inspected for customs and immigration purposes;
  - (b) shall furnish to the local authorities crew lists and cause to be produced passports, seaman's books or other travel documents in relation to each member of the crew;

(c) shall not otherwise than for the purpose of saving life at sea or other emergency lower any boat;

(d) shall not permit, without the consent of the immigration authorities, any member of the crew to land.

6. The master or some person on his behalf shall cause records in writing to be maintained of all transshipments of fish made in the fishing waters and shall produce the same to a Fisheries Protection Officer on demand.

7. The written records referred to in paragraph 6 shall be —

(a) in a form satisfactory to the Director;

(b) transmitted at any time during the currency of the licence, or within 60 days thereafter to the Director when requested by him or by a Fisheries Protection Officer.

8. The vessel shall at all times when within the fishing waters fly the flag of its country of registry.

9. The vessel shall not enter or leave the fishing waters so loaded or burdened as to be in contravention of international conventions relating to load lines.

10. The vessel shall not leave the fishing waters -

(a) if it has been within a port or harbour in the Falkland Islands without outwards customs and immigration clearance (and shall not proceed to any other port or harbour without transire, if required by law); or

(b) without giving twenty-four hours prior notice to the Director.

Form A

### SCHEDULE 3

(Regulation 62)

#### THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 1986

Notice of Alleged Offence

No.....

IN THE MATTER of section 18 of the Fisheries  
(Conservation and Management) Ordinance 1986.

To: .....

.....

.....

1. TAKE NOTICE that I have reasonable cause to believe that on ..... day  
the ..... day of ..... 19.... at ..... you committed an offence  
against ..... (specify section or regulation applicable) in that  
you ..... (specify brief details of alleged offence), being an offence  
relating to fishing within the fishing waters which I consider appropriate to be dealt with  
under Section 18 of the Fisheries (Conservation and Management) Ordinance 1986.

2. The following is a summary of the facts on which this allegation is based:

.....

.....

.....

(Specify a sufficient summary to fully and fairly inform recipient of allegation against him.)

3. I consider the following matters to be relevant to the imposition of a penalty in this case:

.....  
.....

4. This notice is served on you pursuant to Section 18 of the Fisheries (Conservation and Management) Ordinance 1986. The provisions of that section are attached to this notice.

Dated this ..... day of ..... 19 .....

.....  
*Governor*

(provisions of Section 18 to be attached or endorsed on notice)

Form B

THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 1986

Notice requiring proceedings to be Dealt with in Court

To: The Governor  
Stanley

TAKE NOTICE that I require that any proceedings in respect of the alleged offence referred to in your Notice Number ..... served on me under Section 18 (1) of the Fisheries (Conservation and Management) Ordinance, shall be dealt with before a Court.

Dated this ..... day of ..... 19 .....

.....  
(Signature)

Form C

THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 1986

Section 18 (4)

Notice to the Governor admitting offence.

1. I refer to the notice No. .... dated the day of ..... 1987 that you have caused to be served upon me in accordance with Section 18 (1) of the Fisheries (Conservation and Management) Ordinance 1986.  
I admit the offence set out in the said notice.

2. I consider that you should take the following into account in imposing a penalty:—

.....  
.....  
.....  
.....  
.....

Signed .....

Date .....

THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 1986

Section 18(7)

Notice of Imposition of Administrative Penalty

No .....

IN THE MATTER of Section 18(7) of the Fisheries  
(Conservation and Management) Ordinance 1986.

To: .....

.....

.....

1. TAKE NOTICE that I have on the ..... day of ..... 19 .... imposed  
on you a monetary penalty of ..... in respect of the offence committed by you  
on the ..... day of ..... 19 .... against ..... (specify section  
or regulation applicable.).

2. This penalty must be paid to the Crown within 28 days after this notice is served on you.

3. Payment should be made to the Treasury, Stanley.

Dated this ..... day of ..... 19....

.....

Governor.

**SCHEDULE 4**

(Regulation 63)

**Regulations revoked**

1. The Fisheries (Transshipment and Export) Regulations Order 1986.
2. The Fisheries (Transshipment and Export) Regulations (Amendment) Order 1986.
3. The Fisheries (Fishing) Regulations Order 1986.
4. The Fisheries (Fishing) Regulations (Amendment) Order 1986.
5. The Fisheries (Fishing) Regulations (Amendment) Order 1987.
6. The Fisheries (Administrative Penalty Forms) Order 1987.
7. The Fisheries (Fishing) Regulations (Amendment) (No. 2) Order 1987.

Made this 17th day of December 1987.

**B. R. CUMMINGS,**

*Acting Governor.*