



**"AN ACT TO AMEND THE NATIONAL FISHERIES AND
AQUACULTURE AUTHORITY LAW BY ADDING THERETO
THE FISHERIES AND AQUACULTURE MANAGEMENT AND
DEVELOPMENT"**

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AQUACULTURE AUTHORITY LAW BY ADDING THERETO THE
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FIRST SCHEDULE

NATIONAL FISHERIES ADVISORY COUNCIL

SECOND SCHEDULE

MAXIMUM FINES

Preamble

WHEREAS the fisheries resources of the Republic of Liberia are a national asset and part of the heritage of the Republic of Liberia, which should be managed and developed for the benefit of the country as a whole, and especially for those communities whose livelihood depend on these resources;

WHEREAS the Republic of Liberia is endowed with valuable marine and inland fisheries resources which, if developed and managed in a sustainable manner, have the potential to make an enduring and significant contribution to the development, economy and wellbeing of the Nation;

WHEREAS the management and development of sustainable aquaculture for subsistence and commercial purposes will further contribute to the food security and economic wellbeing of the Nation;

WHEREAS the of government Liberia recognizes that artisanal fisheries sub-sector plays a significant role in securing livelihoods and has the potential to make a greater contribution to food security, poverty alleviation, and the promotion of sustainable development;

WHEREAS the industrial and semi-industrial fisheries sub-sectors have significant economic potential in terms of the generation of licensing and other fees for fishing and related activities, export earnings and as the addition of value through processing and other post-harvest activities;

WHEREAS the government of Liberia in 2017 passed an Act to establish the National Fisheries and Aquaculture Authority that is responsible to oversee, supervise and monitor all fishing and aquaculture activities in the country;

WHEREAS it has been observed that the 2017 Act did not provide sufficient provisions for the operationalization of the fisheries and aquaculture sectors, it has become necessary to establish an appropriate framework for the formulation of policy and the transparent and accountable management of the fisheries and aquaculture sectors;

WHEREAS there is an ongoing need to comprehensively regulate and control fishing and related activities within the areas under national jurisdiction of the Republic of Liberia to combat illegal fishing and related activities and to enforce applicable conservation and management measures within and beyond the Fisheries Waters in accordance with the laws of the Republic of Liberia and its obligations under regional fisheries management organizations or arrangements and international law;

AND WHEREAS fisheries sector development must take place in an ecologically sustainable manner in order to not only protect the diversity and availability of fisheries resources for present and future generations, but also to ensure the protection of the wider aquatic environment and marine ecosystems.

NOW THEREFORE it is enacted by the Senate and the House of Representatives of the Republic of Liberia in Legislature Assembled:

CHAPTER 1. GENERAL PROVISIONS

Section 1.1 Title

This Act shall be entitled An Act to Amend the National Fisheries and Aquaculture Authority Law by Adding Thereto the Fisheries and Aquaculture Management and Development.

Section 1.2 Short Title

This Act may be referred to as the Fisheries and Aquaculture Management and Development Law of 2019.

Section 1.3 Definitions

Words used in the singular form in this Act shall be deemed to import the plural, and vice versa, as the case may require. For the purposes of this Act, the following definitions apply:

“access agreement” means an agreement concluded pursuant to Chapter 5 of this Act permitting access to the Fisheries Waters for fishing or related activities, and includes an arrangement, international agreement, or other instrument or agreement for that purpose having the force of law;

“aircraft” means any craft capable of self-sustained movement through the atmosphere, and includes helicopters and unmanned aerial systems or remotely operated airborne devices;

“aquaculture” means the cultivation, propagation or farming of fish, and includes cultivation, propagation or farming from eggs, spawn, spat or seed, or by rearing fish lawfully taken from the wild or lawfully imported into the Republic of Liberia, or by other similar process, and the collecting and holding of live fish, and includes both inland aquaculture and mariculture in the marine environment;

“aquatic” refers to areas of fresh or estuarine water over which Liberia claims sovereignty landward of the baseline from which the territorial sea is measured;

“areas under national jurisdiction” means any area where the State exercises sovereignty, sovereign rights or jurisdiction;

“areas Beyond National Jurisdiction” means any area where the State does not exercise sovereignty or sovereign rights. .

“artisanal fishing” means small scale commercial fishing using an small craft fishing vessel where the owner is directly involved in the day-to-day running of the enterprise ;

“artisanal fishing vessel” means any fishing vessel, canoe or un-decked vessel of not more than eight (8) meters which is motorised or un-motorised;

“Association” means a co-management fisheries association established in accordance with section 3.2 of this Act;

“Authority” means the National Fisheries and Aquaculture Authority of Liberia as established by the National Fisheries and Aquaculture Authority Act of 2017;

“Automatic Identification System” or “AIS” means navigational equipment associated with the Automatic Identification System as elaborated under the International Convention for the Safety of Life at Sea, 1974 as amended, which automatically provides information about the ship, including

ship's identity, type, position, course, speed, navigational status and other safety-related information, to other ships and to coastal authorities;

"automatic location communicator" means a device approved by the Director General which is placed on a fishing vessel and is designed to transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing and such other activities of the vessel as may be required and includes a Mobile Transceiver Unit ("MTU");

"beneficial owner" refers to the person ultimately in control of the ownership and revenue from a vessel. Beneficial owner may or may not be the registered owner;

"Board" means the Board of Directors which serves as the governing body of the Authority established in the National Fisheries and Aquaculture Authority Act of 2017;

"buy" includes:

- (a) barter or attempt to barter;
- (b) purchase or attempt to purchase;
- (c) receive on account or consignment;
- (d) receive in order to send, forward or deliver for sale;
- (e) broker a sale;
- (f) purchase or barter for future goods or for any consideration of value; and
- (g) purchase or barter as an agent for another person, and "buyer" has a corresponding meaning;

"bycatch" means fish which are harvested in a fishery, but which:

- (a) are not the species of fish directly targeted;
- (b) belong to a species not identified or identified as bycatch in the applicable license;
- (c) includes economic and regulatory discards; and
- (d) does not include fish which are released alive under a recreational catch and release programme;

"carcass" is the dead body of any animal or fish;

"Chair" means the Chairperson of the Board of Directors of the National Fisheries and Aquaculture Authority of Liberia;

"commercial aquaculture" means aquaculture, other than subsistence aquaculture, resulting or intending to result in the selling or trading of any fish which may form part of the aquaculture operations and which generally involves a business orientation and the use of hired labour;

"commercial fishing" means any fishing resulting or intending or appearing to result in the sale or trade of any fish which may be taken, caught or harvested during the fishing operations, excluding subsistence fishing;

"Convention Area" means the area designated as such in all Conventions or other establishing agreement of a regional fisheries management organization or body to which Liberia is a party or cooperating non-member;

"Court" means a court of competent jurisdiction;

"Director General" means the Director General of the National Fisheries and Aquaculture Authority of Liberia appointed pursuant to the National Fisheries and Aquaculture Authority Act of 2017;

“diving” means swimming underwater, whether or not breathing apparatus or other scuba equipment is used;

“discard” means that portion of the total organic material of animal origin in the catch, which is thrown away, or dumped at sea for whatever reason. It does not include plant materials and post-harvest waste such as offal. The discards maybe dead, or alive

“document” means a document in any form whether signed or initialed or otherwise authenticated by its maker or not, and includes:

- (a) any writing, printing or other information contained on any material;
- (b) any information recorded or stored by means of any tape-recorder, computer, or other device (including any network or the internet), and any material subsequently derived from information so recorded or stored;
- (c) any label, marking, or other writing that identifies or describes anything of which it forms part, or which it is attached by any means;
- (d) any book, chart, map, plan, graph or drawing; and
- (e) any photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced;

“driftnet” is a net which is kept near the surface, or certain distance below it, by numerous floats, this net drift freely with the current, separately or, more often, with the boat to which they are attached.

“driftnet fishing activities” is use of any netting material in the water column with the intention of catching fish that is not attached to the sea bed;

“exclusive economic zone” consists of an area of the sea beyond and adjacent to the territorial sea, subject to the specific legal regime under which the rights and jurisdiction of Liberia and the rights and freedoms of other States are governed;

“export” in relation to fish or fish products means to:

- (a) send or take out of the Republic of Liberia;
- (b) attempt to send or take out of the Republic of Liberia;
- (c) receive on account or consignment for the purposes of (a) or (b); or
- (d)

when associated with any buying or selling, or intended buying or selling of the fish or fish products:

“export facility” means any building or vessel or area in which food is handled, prepared and stored for export purposes, including the surroundings under the control of the same management;

“fish” means any water-dwelling aquatic or marine animal or plant, alive or dead not, and includes their eggs, spawn, spat and juvenile stages, and any of their parts, and includes all organisms belonging to sedentary species;

“fish aggregating device” means an object or group of objects of any size, whether anchored or deployed or not, that is natural, manufactured or a combination of both and includes *inter alia* buoys, floats, netting, webbing, plastics, metals, bamboo, logs and objects with electronic devices affixed floating or designed to float on or near the surface of the water with which fish may associate, and any natural floating object on which a device has been placed to facilitate its location;

“fish processing establishment” includes any premises or vessel on or in which fish are processed or stored but does not include a restaurant, eating place, hotel, or place where fish is prepared for immediate retail sale or consumption;

“fish product” means any fish which has been partly or wholly processed;

“Fisheries Advisory Council” means the National Fisheries and Aquaculture Advisory Council established in accordance with Section 3.3;

“fisheries inspector” means any person or category of persons appointed in accordance with Section 11.3 of this Act;

“fisheries management agreement” means any agreement entered into pursuant to chapter 5 of this Law;

“Fisheries Waters” means the waters over which the Republic of Liberia exercises jurisdiction or sovereign rights as permitted or declared in relevant national and international laws, and includes all inland Fisheries Waters including all rivers, streams, lakes, lagoons, reservoirs and ponds within the borders of the Republic of Liberia whether permanent or not;

“fishery” or “fisheries” means:

- (a) one or more stocks of fish, or parts thereof, which can be treated as a unit for the purposes of conservation, development and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or
- (b) any fishing for such stocks;

“fisheries resource” means any fishery, or stock, species, or habitat of fish or part thereof;

“fishing” means:

- (a) searching for or taking fish;
- (b) the attempted searching for or taking of fish;
- (c) engaging in any activity which can reasonably be expected to result in the locating or taking of fish;
- (d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;
- (e) any operation at sea in support of or in preparation for any activity in relation to a fishing vessel described in Paragraphs (a), (b), (c) or (d);
- (f) any use of an aircraft which is related to any activity described in Paragraphs (a), (b), (c) or (d), except for flights in emergencies involving the health or safety of a crew member of the safety of a vessel, but does not include aquaculture or the transportation of fish;

“Fishing Mortality” means death due to fishing; death or removal of fish from a population due to fishing;

“fishing port” means a port or harbour that is used for purposes related to fisheries, including the landing of fish from fishing vessels, transshipment, packaging, processing and the refuelling or re-supplying of fishing vessels, or a defined area within a commercial port that is used for such purpose,

“fishing vessel” means ship, boat or any type of vessel used for, equipped to be used for, or of a type that is normally used for, fishing or fishing related activities.;

“flag State” means the jurisdiction under whose laws the vessel is registered;

“foreign fishing vessel” means any fishing vessel other than a Liberian flagged fishing vessel.

“gear” in relation to fishing means any equipment, implement or other item that can be used in the act of fishing, including any net, rope, line, float, trap, hook, fish aggregating device, winch, boat, or craft or aircraft carried on board a vessel, or aircraft or vehicle used in association with the act of fishing;

“genetic resource” includes germplasm of plants, animals or other organisms containing useful characters of actual or potential value, and “genetically” has a corresponding meaning;

“Government” refers to the Government of the Republic of Liberia;

“Gross Registered Tonnage (GRT)” means the cubic capacity of the vessels internal space measured in tonnes;

“high seas” means the waters beyond areas under the national jurisdiction that are not part of the territorial sea or the internal waters of any State;

“illegal, unreported and unregulated fishing” shall have the meaning given in relevant international instruments, including any agreement and international plan of action developed through the United Nations Food and Agriculture Organization;

“import” means to bring or cause to be brought into the Republic of Liberia fish and fish related products from a foreign country.

“industrial fishing” means fishing and or related activities using an industrial fishing vessel;

“industrial fishing vessel” means any fishing vessel with an internal engine or engines and length above 30 meters;

“inland fishing” means fishing in inland waters;

“inland waters” mean all waters landward of the baseline including lakes, rivers, creeks, streams and their associated wetlands;

“Inshore Exclusion Zone” means the area of the sea up to a distance of six (6) nautical miles from the baseline from which the territorial sea is measured;

“international agreement” includes any treaty or other legally binding instrument to which the Republic of Liberia is Party, including bilateral, multilateral and regional agreements or arrangements;

“international conservation and management measure” means a measure to conserve or manage one or more species of fish that is adopted and applied consistently with the relevant rules of international law by any regional fisheries management organization, treaty, agreement or arrangement applicable to the Republic of Liberia;

“landing site” means an area of land designated as a landing site in accordance with Section 9.5 of this Law;

“large-scale driftnet” means a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length, the purpose of which is to enmesh, entrap or entangle fish;

“Liberian fishing vessel” means a fishing vessel registered by any person or persons who are nationals or permanent residents of Liberia pursuant to the Maritime Law, Chapter 21 of Title 23, Liberian Codes and used for fishing primarily in the fisheries waters or as may be otherwise specified by Regulation; or any artisanal fishing vessel required to be registered pursuant to this Act, and that does not hold a registration from another State unless expressly permitted under the laws of the Republic of Liberia;

"marine" refers to all areas seaward of the baseline from which the territorial sea is measured and over which the Republic of Liberia exercises sovereignty or sovereign rights;

"master", in relation to a vessel, aircraft or vehicle, means the person in command or charge, or for the time being in charge, or apparently in command or in charge of the vessel, aircraft or vehicle, but does not include a pilot on board a vessel solely for the purpose of navigation;

"MSY" Maximum Sustainable Yield (MSY) Means: the maximum theoretical and the largest average catch or yield that can continuously be taken from a stock under existing environmental condition

"national" means a citizen of a particular country, typically entitled to hold that country's passport.

"observer" means any person or category of persons appointed as observers in accordance with Section 11.18 of this Act;

"operator" means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;

"owner" means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner whether on his own behalf or on behalf of another, and includes a person who is the owner jointly with one or more other persons and any manager, coordinator and secretary of any corporation which is an owner;

"person" means any natural person or legal person including business, enterprise, a corporation, partnership, joint venture, association, cooperative, trust, estate, the Government or any of its subdivisions or agencies and any foreign Government, its subdivisions or agents, and any organized group of persons whether incorporated or not;

"pollution" means the introduction, directly or indirectly, of substances or energy into the marine or aquatic environment which results or is likely to result in deleterious or otherwise harmful effects or impacts on fisheries resources and their habitat, marine environmental quality and related activities;

"President" means the President of the Republic of Liberia;

"processing", in relation to fish, includes the work of cutting up, dismembering, separating parts of, cleaning, filleting, sorting, packing, loining, icing, freezing, salting, smoking, drying, cooking, canning, pickling or otherwise preserving or preparing fish, and "processed" has a corresponding meaning;

"public notice" means any notice given in accordance with the requirements in Section 16.2;

"recreational fishing" means fishing for sport or pleasure and not for commercial gain, either from land or vessel and using authorized gear as prescribed in regulations;

"Recreational fishing vessel" means any vessel designed and used for recreational fishing;

"register" means the database of information collected on the owners and fishing vessels for the purpose of maintaining information on the vessels and canoes operating in all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights as well as all fishing and related activities and any other activity or matter falling within the scope of this Act, however it does not confer any rights associated with operating under the flag of the Republic of Liberia;

"regulations" means regulations made under this Act;

"related activities", in relation to fishing, includes:

- (a) storing, transshipping, processing or transporting fish or fish products up to the time they are first landed;
- (b) on-shore storing, buying, or processing fish or fish products from the time they are first landed;
- (c) refuelling or supplying fishing vessels, selling or supplying fishing equipment or performing other activities in support of fishing operations;
- (d) exporting fish or fish products from the country; and
- (e) attempting or preparing to do any of the above;

“research fishing” means fishing for purposes of scientific research on any aspect of fish, fishing or fisheries in or relating to the Fisheries Waters as provided for in regulation to this Act;

“sell” includes:

- (a) any method of disposition for consideration, including cash, of anything which has value or which can be exchanged for cash, and barter;
- (b) disposition to an agent for sale on consignment;
- (c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale; and
- (d) disposition by way of raffle, lottery, or other game of chance, and “sale” and “sold” have a corresponding meaning;

“stock” means a species of fish or other marine life within a particular area that is treated as one unit for purposes of fisheries management;

“semi-industrial fishing vessel” means a fishing vessel of length above 8 meters and not more than 30 meters and powered by an outboard or inboard engine.

“shark finning” means the taking of a shark, removing its fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea;

“shrimp vessel” is any fishing vessel equipped with an approved shrimp trawl.

“small scale fishing” includes, for purposes of licensing, fishing using semi-industrial and artisanal vessels;

“subsistence aquaculture” means aquaculture by residents of Liberia in areas to which they exert customary claims or and where the fish are produced exclusively for household consumption, barter or local market trade, unless otherwise prescribed;

“territorial sea” means the area measured from the baselines along the coast of the Republic of Liberia seawards to a distance of twelve (12) nautical miles in accordance with international law and as may be declared by the Republic of Liberia;

‘Trade’ means the activity of buying, selling, or exchanging goods or services between people, entities, or countries

“transshipment” means the act of transferring fish or fishery products from one fishing vessel to either another fishing vessel or to a vessel used for the carriage of cargo;

“vehicle” means any car, truck, van, bus, trailer or other powered land conveyance;

"vessel" means any boat, ship, hovercraft or other water going craft, and includes fishing vessels;

"vessel monitoring system" or "VMS" means a satellite-based monitoring system which at regular intervals provides data on the location course, speed and activities of licensed fishing vessels via the MTU required to be fitted as a condition of licence to fish as prescribed by regulation to this Act.

Section 1.4 Application of this Act

- 1) This Act, unless the contrary intention appears, applies to:
 - a. all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights;
 - b. all fishing and related activities and any other activity or matter falling within the scope of this Act;
 - c. all persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act;
 - d. all persons, and all vessels:
 - i. in relation to the Fisheries Waters; and
 - ii. in relation to areas beyond national jurisdiction:
 1. following hot pursuit initiated in the Fisheries Waters and conducted in accordance with international law; or
 2. as required pursuant to this Act or international conservation and management measures, or permitted by international law or any international agreement; and
 - e. all Liberian fishing vessels and all persons on them or dealing with or having any relevant relationship to them or persons on them, in and in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.

- 2) This Act has extraterritorial application according to its provisions.

CHAPTER 2. OBJECTIVE, PRINCIPLES AND POLICY

Section 2.1. Objective

The objective of this Act shall be to ensure the long-term management, conservation, development and sustainable use of the fisheries and aquaculture resources and related ecosystems for the benefit of the people of the Republic of Liberia.

Section 2.2 General principles

All authorities, responsibilities and functions under this Act shall be exercised in a manner consistent with the following principles:

- a. all fisheries and aquaculture resources of the Republic of Liberia, as well as the environment in which they exist, are a natural asset and heritage of all its people, and the sovereign rights, jurisdiction and consequential custody of the Government shall be exercised in relation to these resources for the benefit of present and future generations in the country as a whole;
- b. fisheries resources shall be used sustainably to achieve socio-economic benefits including economic growth, human resource development, employment creation and sound ecological balance;

- c. management measures shall be based on the best scientific evidence available to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by relevant environmental and economic factors including fishing patterns, the interdependence of stocks and relevant international standards;
- d. the precautionary and ecosystem approaches shall be applied to the management and development of the fisheries and aquaculture at a standard that is equal or superior to agreed international standards, and that take into account the need to conserve habitats and biodiversity;
- e. management measures for fishing and related activities shall minimize:
 - i. wastes, by-catch, discards, regulatory discards, economic discards and catch by lost or abandoned gear;
 - ii. pollution originating from fishing vessels or vessels engaged in related activities;
 - iii. negative impact by gear and harvesting methods on the fishery resources; and
 - iv. catch of non-targeted species;
- f. resources shall be allocated consistently with international standards and, among other things, to promote employment and develop the fisheries and aquaculture sectors of the Republic of Liberia;
- g. the standard of optimum utilisation of resources shall be applied and adapted to value creation, markets and industries in relation to the fisheries and aquaculture sectors;
- h. the best available data and information concerning activities falling within the scope of this Act and fisheries and aquaculture resources shall be collected as appropriate and, as appropriate, shared, in a timely manner;
- i. over-fishing and excess capacity shall be prevented or eliminated and levels of fishing effort managed so they do not exceed those commensurate with sustainable use of fishery resources;
- j. customary fishing rights shall be recognised and access for customary fishing ensured;
- k. the interests of artisanal and subsistence fishers shall be taken into account, including their participation in management of their respective fisheries;
- l. an understanding of, and broad and accountable participation by, stakeholders in the conservation, management, development and sustainable use of fisheries resources shall be promoted to the extent practicable;
- m. conservation and management measures, including those agreed by a regional fisheries management organization in which the Republic of Liberia is a member, shall be implemented and enforced through effective monitoring, control and surveillance;
- n. measures and actions in the FAO Code of Conduct for Responsible Fisheries and other internationally agreed plans of action, guidelines and other fisheries instruments shall be implemented; and
- o. the Republic of Liberia may effectively implement international agreements and relevant international law and cooperate effectively with other States and organisations in the management and development of fisheries and aquaculture.

Section 2.3 National Fisheries and Aquaculture Policy

- 1) The Director General shall, take into account relevant economic, social and environmental factors, on the basis of the best available scientific information and in consultation with the Fisheries Advisory Council and relevant stakeholders, formulate and submit the National Fisheries and Aquaculture Policy of Liberia to the Board of Directors for their consideration.
- 2) The National Fisheries and Aquaculture Policy shall take into account the objective and principles of this Act and include the following:
 - a. an overview and assessment of the fisheries and aquaculture sectors;
 - b. identification of relevant sub-regional, regional and international obligations of the Republic of Liberia;
 - c. a policy statement and objectives;
 - d. short, medium and long term goals to be realised in order to ensure the conservation, management and sustainable use of fisheries and aquaculture resources; and
 - e. Identification of the implementing environment and strategic approaches necessary to achieve the objectives.
- 3) The Director General shall submit the National Fisheries and Aquaculture Policy to the Cabinet for approval, and it shall be gazetted.
- 4) The National Fisheries and Aquaculture Policy shall be reviewed and as necessary revised at least once every five (5) years.

CHAPTER 3. INSTITUTIONAL ARRANGEMENTS

Section 3.1 General

The Authority is responsible for the conservation, management and development of Liberia's fisheries resources in accordance with this Act.

Section 3.2 Co-Management Fisheries Associations

- 1) Co-Management Fisheries Associations ("Association") may be established in accordance with this Act for the purpose of exercising rights and responsibilities within a designated area relating to information and decision-making for fisheries conservation, management and sustainable use.
- 2) Any fishing community or communities with the same interest may apply to the Authority for the designation of a fisheries co-management area, which shall be an area within the Fisheries Waters naturally adjacent to such community, traditionally used by its members. The application shall be made in such form, and containing such information, as may be prescribed or required by the Director General.
- 3) The co-management area shall enter into force upon approval in writing by the Board of Directors, with such conditions as may be required including, *inter alia*, to the rights and responsibilities for the sharing or delegation of information, decision-making and other matters within the scope of this Act.
- 4) Upon the establishment of a fisheries co-management area, an Association shall adopt a constitution, prepared by members of the relevant fishing communities in consultation with the Director General. Each such constitution shall provide for the following matters:
 - a. the functions and objectives of the Association;
 - b. participation in the planning, design and implementation of co-management activities;
 - c. authority for monitoring, control, surveillance, and evaluation;

- d. the fisheries management area of the Association;
 - e. priorities for fisheries management, including species;
 - f. a process and timeline for the development and implementation of co-management fisheries management plans and the adoption of fisheries management measures;
 - g. legal or administrative redress for violations of fisheries management measures;
 - h. in association with the Authority and any other relevant government agency that the Authority may designate, the collection, administration, disposition of and accounting for fines and pecuniary penalties;
 - i. membership of the Association, which should include persons engaged in all aspects of the fisheries sector;
 - j. officers and other leadership of the Association;
 - k. meetings of the Association;
 - l. budget and financial matters of the Association
 - m. decision making within the Association;
 - n. by-laws and other subsidiary instruments; and
 - o. any other matter, consistent with the objectives and principles of this Act and other laws of the Republic of Liberia, that may be required or approved by the Board of Directors.
- 5) Upon acceptance by the proposed members of the Association, the constitution of the Association shall be submitted to the Director General for approval, and shall enter into force upon such approval.
 - 6) The Association shall develop a fisheries management plan as soon as practicable after the establishment of the fisheries co-management area.
 - 7) The Association shall, where it takes any fisheries management measure or adopts any fisheries management plan in accordance with its constitution, notify, in writing, the Authority, within one (1) week, and, if any such measure or plan is inconsistent with broader objectives of fisheries conservation and management, the Director General may declare it to be inoperative and without effect and shall provide reasons to the Association for his/her decision.
 - 8) The designation of a fisheries co-management area may be cancelled, or the definition and demarcation of the area changed, at the request of the local community through the same procedures as the designation of such area, and any such cancellation or change shall be by notice published in a newspaper in accordance with Section 18.2.
 - 9) The designation of a fisheries co-management management area may be cancelled by the Director General or Board of Directors upon advice of the Director General or the community, as appropriate, where there has not been compliance with the terms of the constitution, or that it is otherwise in the interest of the fisheries conservation and management to cancel the designation.
 - 10) The Authority shall, to the extent possible, provide each Association with:
 - a. guidance for fisheries conservation and management, and the preparation of fisheries management plans;
 - b. technical support, including assistance with record keeping;
 - c. assistance and guidance for data/information collection for agreed use by Association members and the Authority;
 - d. relevant fisheries legal instruments and amendments; and
 - e. training and capacity building in fisheries management.
 - 11) The Director General may approve the delegation of the following information and decision-making authorities and responsibilities to an Association established under this section and may

require the Association to coordinate with, or receive approval by the Director General in any such matter:

- a. taking specified fisheries management measures;
 - b. designating persons who may cooperate with fisheries inspectors or the police to promote enforcement of the management measures, subject to approval by the Director General;
 - c. monitoring fisheries activities; and
 - d. such other authority as the Director General may approve, consistent with the objective and principles of this Act and other laws of the Republic of Liberia.
- 12) The contravention of a management measure in an Association's fisheries management plan or entry into a co-management area in contravention of the plan or constitution of an Association by any person:
- a. other than persons engaged in industrial, semi-industrial or artisanal fishing, shall be an offence punishable by a fine and/or penalty levied in accordance with the constitution of the relevant Association.
 - b. engaged in or associated with industrial, semi-industrial or artisanal fishing or related activities shall be punishable as non-compliance with this Act pursuant to Section 9.1, provided that such portion of the moneys received by way of fines, administrative determinations or other settlement for such offences, as may be prescribed in regulations or contained in the constitution of the relevant Association, shall be paid to the relevant Association and in addition compensation shall be paid by the offender on conviction to the Association for any financial loss incurred as a result of such non-compliance.
- 13) Any fines or other pecuniary penalties received by an Association pursuant to Subsection 12 shall be collected, administered, disposed of and accounted for in accordance with its constitution.

Section 3.3 Fisheries Advisory Council

- 1) The Director General shall, within one (1) year of the effective date of this Act, appoint members to a Fisheries Advisory Council.
- 2) The function of the Fisheries Advisory Council shall be, to advise the Director General on policy and related matters concerning the conservation, management, sustainable utilisation and development of fisheries and aquaculture within and, in accordance with international law and agreements and this Act, beyond the Fisheries Waters, including, *inter alia*:
 - a. sustainable management of fisheries resources and ecosystems, including fisheries management plans and strategies;
 - b. aquaculture development plans and strategies;
 - c. promotion of investment in the fisheries sector, and enhancement of value addition, marketing, post-harvest practices and fish trade;
 - d. fisheries and aquaculture policy;
 - e. proposals for development and research projects to be funded under the Fisheries and Aquaculture Management and Development Fund;
 - f. inter-sectoral cooperation and collaboration on fisheries management; and
 - g. such other matters within the scope of this Act which may be referred to it by the Director General or a member of the Fishery Advisory Council.
- 3) The provisions of the First Schedule of this Act shall have effect with respect to the constitution, appointment and procedures of the Fisheries Advisory Council.

CHAPTER 4. FISHERIES CONSERVATION, MANAGEMENT AND SUSTAINABLE USE

PART 1 - GENERAL

Section 4.1 Conservation and management measures

- 1) In giving effect to its responsibilities for fisheries conservation and management pursuant to this Act, the Authority shall develop and recommend to the Board of Directors, the implementation, monitoring and enforcement of conservation and management measures necessary to ensure the long-term sustainable use of fisheries resources in accordance with the principles of fisheries management set out in section 2.2 of this Act.
- 2) The Board of Directors shall determine the conservation and management measures taking into account the recommendations of the Authority. Such measures may include the total allowable catch and/or total applied fishing effort to be allocated in any year to any fisheries sub-sector and the means of implementation of such measures, including by:
 - a. the granting of fishing rights to artisanal fishers;
 - b. determining quotas for total allowable fish catch by species in accordance with this Act;
 - c. applying such other measures, rules and standards consistent with this Act that may be approved by the Board of Directors and published by the Authority.
- 3) The Director General may require fishing rights to be granted as a prerequisite for license issuance for artisanal fisheries, in accordance with such requirements as may be prescribed, and may determine the use of a particular type of vessel or gear, or area of fishing, to which a right may be subject. The period of a fishing right shall not exceed 15 years, after which it shall automatically terminate and revert back to the State to be reallocated in accordance with relevant Laws and Regulations.
- 4) Conservation and management measures determined by the Authority shall without prejudice to the jurisdiction and sovereign rights of the Republic of Liberia over resources in the Fisheries Waters, take into account measures for the same stock or stocks of fish, or associated or dependent species, established for high seas fisheries by a sub-regional or regional organisation or arrangement to which the Republic of Liberia is party or cooperating non-party.
- 5) Conservation and management measures shall be developed take into account best available scientific advice and consultations with stakeholders, and may be implemented *inter alia* through Fisheries Management Plans, regulations, public notice, as a condition of licence, in writing, or otherwise as provided in this Act.

Section 4.2 Fisheries Management Plans

- 1) The Director General shall cause to be drawn up Fisheries Management Plans for any fishery or area in the Fisheries Waters and shall ensure consultation with relevant stakeholders, including, as appropriate, the Fisheries Advisory Council in the development of each Plan.
- 2) A Fisheries Management Plan shall apply to all persons, all vessels and all fishing and related activities.
- 3) Each Fisheries Management Plan shall be consistent with the objective and principles of this Act and shall:

- a. identify the characteristics of the fisheries resource(s) and the area, including as appropriate the
 - i. current status of the fisheries and the resource;
 - ii. current state of exploitation;
 - iii. relevant fishing methods and practices;
 - iv. boundaries of any relevant area; and
 - v. relevant regional and international context;
 - b. identify the management objectives and strategy for the fishery;
 - c. as appropriate, identify development strategies for the fishery;
 - d. specify the management measures to be applied to the fishery;
 - e. specify arrangements for the monitoring and review of the Fisheries Management Plan; and
 - f. as appropriate, provide for any other matter necessary for the conservation, management and sustainable use of the fishery.
 - g. Specify arrangement for the collection and collation of fisheries catch and effort data
- 4) Each Fisheries Management Plan, and each revision of a Fisheries Management Plan, shall be submitted to the Board of Directors for approval.
 - 5) Upon approval by the Board of Directors and the giving of due public notice by the Authority, the management measures in each Fisheries Management Plan shall be deemed to have the legal status of a regulation pursuant to this Act.
 - 6) The Authority shall give due public notice of each Fisheries Management Plan.
 - 7) A Fisheries Management Plan shall have no effect to the extent that it is inconsistent with this Act.

Section 4.3 Inshore Exclusion Zone

- 1) The Inshore Exclusion Zone shall be reserved solely for the use of subsistence, artisanal and semi-industrial fishing activities. A number of shrimp, cephalopods and other coastal species trawlers in line with best scientific evidence may be licensed to operate beyond 4 nautical mile (NM) using approved fishing gears/nets.
- 2) No person shall, in the Inshore Exclusion Zone:
 - a. engage in fishing or related activities other than for subsistence, artisanal or semi-industrial fishing;
 - b. use unapproved beach seine gear.
 - c. carry out fishing or related activities in connection with an industrial fishing vessel, including by using canoe support vessels or by any other means; or
 - d. carry out fishing or related activities otherwise than in accordance with this Act.
- 3) No industrial fishing vessel, other than shrimp, cephalopods and other coastal species trawlers as indicated in Subsection (1), shall in the Inshore Exclusion Zone:
 - a. engage in fishing or related activities, either by direct or indirect means;
 - b. navigate, except for purposes of proceeding directly to port.
- 4) A person who contravenes Subsection (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 4.4 Fishing zones

The Authority may, in accordance with the objective and principles of this Act, by public notice in accordance with Section 18.2, establish marine and inland fishing zones based upon, *inter alia*:

- a. vessel size;
- b. engine use;
- c. engine size or horsepower;
- d. fishing gear
- e. the period and/or duration of the fishing trip; and/or
- f. other criteria it deems appropriate,

and shall ensure that such zones comply with the requirements in Section 4.3 relating to the Inshore Exclusion Zone.

Section 4.5 Fisheries conservation and management measures

- 1) Fisheries conservation and management measures may be prescribed or imposed by public notice in accordance with Section 18.2, including measures that, *inter alia*:
 - a. identify and establish a list of protected fisheries resources;
 - b. specify the place and time in which fishing may be undertaken;
 - c. specify the species, size and other characteristics and quantity of fish that may be targeted or caught;
 - d. specify fishing methods and gear that may be used;
 - e. limit fishing capacity;
 - f. provide incentives to reduce and prevent by-catch of protected fisheries resources;
 - g. prohibit at all times, or during a specified period, the taking, from any specified area of the Fisheries Waters of fish or fish included in a specified class of fish and in the case of a specified class of crustaceans, females having eggs or spawn attached to them, and the processing of such fish on a vessel in the specified area;
 - h. prohibit the taking from the Fisheries Waters of fish included in a specified class of fish that:
 - i. are less or greater than a specified size;
 - ii. have dimension less or greater than a specified dimension; or
 - iii. have a part with dimension less or greater than a specified dimension in relation to that part;
 - i. prohibit the taking, from any Fisheries Waters, of fish, or of fish included in a specified class of fish:
 - i. by a specified method or gear;
 - ii. by persons other than a specified class of persons; or
 - iii. by vessels other than a specified class of vessels;
 - j. prohibit the purchase, sale, landing, sale, receipt, possession or export of fish or of fish included in a specified class of fish;
 - k. prohibit the use of port to fishing vessels for landing, transshipping, packaging, or processing of fish or for other port services including, *inter alia*, refuelling and resupplying, maintenance and dry-docking;
 - l. prohibit a person from using, or having in his possession or in his charge in a vessel, in any Fisheries Waters, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the notice;
 - m. prohibit the conduct of a specified type of related activity:
 - i. absolutely;

- ii. by persons other than a specified class of persons; or
 - iii. in a specified manner;
 - n. prohibit the taking of protected or endangered species of fish; and
 - o. otherwise fall within the scope of this Act and are consistent with its objective and principles.
- 2) Any person who contravenes a conservation and management measure taken pursuant to Subsection (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

PART 2 - PROHIBITIONS

Section 4.6 Use of harmful fishing techniques and gear prohibited

- 1) No person shall:
- a. use, permit to be used or attempt to use fishing gear that has not been authorized by a valid and applicable license issued pursuant to this Act for the purpose of fishing;
 - b. use, permit to be used or attempt to use the method of pair trawling for the purpose of fishing;
 - c. use, permit to be used or attempt to use explosive, bomb, firearms, lights or other electrical devices or poison or other noxious substance for the purpose of fishing, including stunning, disabling, stupefying, destroying, catching or killing fish, or in any way rendering fish to be caught more easily; or
 - d. carry on board a vessel, transport or have in his/her possession or control any fishing gear, explosive, bomb, firearm, lights or other electrical devices, poison or other noxious substance for any purpose referred to in subparagraphs (a), (b) and (c).
- 2) No person shall import, sell, use, possess or have control of:
- a. any net the mesh size of which does not conform to the minimum mesh size prescribed in regulations;
 - b. any monofilament net;
 - c. any gear that does not conform to the standards prescribed for that type of gear; or
 - d. any gear that is not authorised pursuant to this Act.
- 3) No person shall land, receive, sell or take possession of any fish which he/she knows or has reasonable cause to believe has been taken using a fishing technique of the type described in Subsection (1) or using any gear of the type described in Subsection (2).
- 4) No person shall:
- a. remove, haul, empty, cast adrift or otherwise interfere with any fishing gear or other equipment belonging to another person without the consent of that person;
 - b. place any object in the water, or promote any activity in a manner so as to obstruct a lawful fishing operation being carried out by another person;
 - c. destroy, damage, move or alter the position of any lawful gear or other fishing equipment or any part thereof or thing attached thereto; or
 - d. remove fish from any lawful gear belonging to another person without the permission of that person.

- 5) Unless the contrary is proved, any person who is found in possession of any explosive, bomb, poison or any device capable of producing an electric shock on or near the fishery waters shall be presumed to be undertaking an unlawful activity contrary to this Act.
- 6) Any person who contravenes Subsection (1), (2), (3) or (4) commits an offence and upon conviction, shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and the fishing vessel and gear used in the offence and all fish on board shall be confiscated, forfeited or destroyed.

Section 4.7 Shark fishing prohibited

- 1) This section applies, *inter alia*, to all persons carrying out commercial fishing activities within all areas under national jurisdiction of the Republic of Liberia, including the Fisheries Waters, and to all persons using a Liberian fishing vessel for commercial fishing activities in areas beyond national jurisdiction.
- 2) No person shall:
 - a. without a valid and applicable license or authorization issued under this Act, engage in commercial fishing for sharks;
 - b. engage in shark finning;
 - c. possess, store, tranship or land, or attempt to tranship, land, buy or sell any:
 - i. shark fin (including the tail) that is not naturally attached to the whole corresponding carcass;
 - ii. species of shark, in whole or in part, that is prohibited by an international conservation and management measure to be retained on board, transhipped, stored or otherwise; or
 - d. possess, use or caused to be used a trace wire or J hook for the purpose of fishing.
- 3) The owner, operator and master of each fishing vessel shall release or cause to be released any species of shark that is caught, for which fishing is not permitted, as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible.
- 4) Any person who contravenes Subsection (2) or (3) commits an offence and upon conviction, shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and the fishing vessel and gear used in the offence and all fish on board shall be forfeit.

Section 4.8 Damage, destruction to and interference with fishing gear, vessel, person prohibited

- 1) No person shall, using a vessel, wilfully, negligently, recklessly or otherwise damage, destroy, interfere with, endanger, injure or cause loss of life in respect of:
 - a. any fishing gear that he/she does not own or use or that is not associated with such vessel;
 - b. any other vessel and/or person(s) thereon; or
 - c. any person(s) on any other vessel or otherwise in the Fisheries Waters.
- 2) Where a vessel becomes entangled with fixed fishing gear or other object referred to in Subsection (1), the master shall:
 - a. undertake to minimize any damage caused to the gear;
 - b. where practicable return the gear to the sea and log the position; and
 - c. make a full report of the incident and steps taken by him/her to the Director General at the earliest opportunity.

- 3) Where events referred to in Subsection (1) or (2) occur, the master shall immediately:
- a. undertake to minimize any damage caused;
 - b. where any person has been injured or harmed in any way:
 - (i) rescue such person from the sea;
 - (ii) administer all possible first aid or medical treatment; and
 - (iii) steam directly to shore and seek further medical treatment;
 - c. where there has been a death of a person, recover the body and bring it directly to port; and
 - d. promptly make a full report of the incident and steps taken by him/her to the Director General.
- 4) A person who contravenes Subsection (1), (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or to a term of imprisonment not exceeding five years or both and in addition that person shall fully compensate the owner or apparent owner of the fishing gear for any damage caused and for lost fishing time, any injured person compensation for medical expenses, injury and as appropriate loss of expectation of life, and the estate of any person who died as a consequence of the action full compensation for loss of life unless there is sufficient proof that:
- a. in the case of fishing gear, that the person who owned or used the fishing gear at the relevant time did not hold a valid and applicable licence required pursuant to this Act; or
 - b. the damage, destruction, interference or endangerment took place in an area where the person(s) or vessel(s) that caused such consequences were legally entitled to be at that time and it was not reasonably possible to detect the fishing gear or vessel and any relevant fishing gear was not marked in accordance with the requirements pursuant to this Act.
- 5) Each person making a claim for compensation pursuant to Subsection (4) shall do so within thirty (30) days as of the day the damage, destruction, interference or endangerment occurred, and shall produce all available evidence.

Section 4.9 Prohibition on leaving or abandoning objects in the sea

- 1) No person shall dump gear, moorings and other objects in the sea or leave unnecessarily or abandon such objects in the sea or on the seabed if they may adversely affect fish or other marine organisms, impede harvesting operations, damage harvesting gear or endanger vessels.
- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding six months or both. In addition, any person that acts in contravention of Subsection (1) shall clear up or remove the relevant objects.

Section 4.10 Prohibitions relating to driftnet fishing

- 1) No person shall in the Fisheries Waters engage in, support or assist any driftnet fishing activities involving use, intended use or possession of a large-scale driftnet, or use or permit a vessel to be used for such activities.
- 2) No person or vessel shall in the Fisheries Waters engage in, support or assist any fishing or related activities involving use, intended use or possession of a driftnet of a length less than a large-scale driftnet except for artisanal or semi-industrial Liberian fishing vessels and Liberian nationals or those persons with the right to live in Liberia and engage in fishing in the Fisheries Waters.

- 3) No person shall permit, use or assist a vessel, being registered pursuant to the laws of the Republic of Liberia, to participate in or provide support to any driftnet fishing in areas beyond national jurisdiction of the Republic of Liberia.
- 4) Any person who contravenes Subsection (1), (2) or (3) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and the fishing vessel and gear used in the offence and all fish on board shall be forfeited.

Section 4.11 Obstruction or impeding fish passage prohibited

- 1) No person shall permanently (not more than one month) obstruct, impede or cause to be obstructed or impeded the passage of fish in any inland Fisheries Waters in the Republic of Liberia, where such passage has occurred naturally over a period of time.
- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding twelve months or both and may be ordered to restore the free passage of fish and make compensation for any loss or damages to persons who depended upon the fish as a source of livelihood and food security.

Section 4.12 Unauthorized introduction of genetically modified species of fish prohibited

- 1) No person shall introduce or cause to introduce into the Fisheries Waters any genetically modified species of fish without written permission from the Director General and such other licence or permission as may be required.
- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding twelve months or both.

Section 4.13 Prohibited activities relating to fish or fish products taken contrary to the laws of another State

- 1) No person shall, within Liberia or in the Fisheries Waters, on their own account or any other capacity:
 - a) cause or permit a person acting on his/her behalf; or
 - b) use or permit a vessel to engage in fishing or related activity, to take, import, export, tranship, land, transport, sell, receive, acquire or buy any fish or fish product taken, possessed, transported or sold in violation of any law or regulation of another State or of international conservation and management measures.
- 2) This section does not apply to fish taken on the high seas contrary to the law of another State where Liberia does not recognise the jurisdiction of that State over those fish.
- 3) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or to a term of imprisonment not exceeding five years or both.

Section 4.14 Prohibitions of protected or endangered fish species

- 1) *The Board of Directors may, by publication in accordance with Section 18.2, declare as protected or endangered any fish which are designated as endangered by international agreement or on recommendation by the Director General or the Fishery Advisory Council.*
- 2) *Management measures in relation to protected or endangered species may be taken in accordance with a Fisheries Management Plan or otherwise in accordance with this Act.*
- 3) *No person shall take, land, display for sale, sell, deal in, transport, receive, buy or possess any fish or fish product declared as endangered in accordance with this section.*
- 4) *Any person who contravenes Subsection (3) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule, or a term of imprisonment not exceeding three years, or both, and in addition the fish or fish products shall be forfeited.*

PART 3 - CONSERVATION AND PROTECTION OF THE MARINE AND AQUATIC ENVIRONMENT

Section 4.15 Measures for the protection of the Fisheries Waters

- 1) *No person shall prepare for the introduction of, attempt to introduce or introduce into the Fisheries Waters, directly, indirectly, deliberately or accidentally, any deleterious substance, including substances which may have toxic, hazardous or other harmful properties or effects in relation to fish or the marine environment, and which may adversely affect the habitat or health of the fish.*
- 2) *A person who contravenes Subsection (1) is guilty of an offence and shall be liable on conviction to fine not exceeding the maximum prescribed in the second schedule or to a term of*

Section 4.16 Special Management Areas

- 1) *The Authority, in consultation with the Forestry Development Authority, Environmental Protection Agency, Ministry of Mines and Energy, Liberia Maritime Authority and Ministry of Defence as appropriate, may, with the objective of conservation, management, and sustainable use of fisheries resources, by Notice in the Gazette, declare any area of the Fisheries Waters and adjacent areas, including protected areas under any other laws, to be Special Management Areas for the purpose of:*
 - a. *implementation of conservation and management measures;*
 - b. *protecting or regenerating fisheries resources and marine ecosystems including breeding grounds and flora or fauna under threat of extinction;*
 - c. *promoting scientific study and research;*
 - d. *preserving and enhancing the natural beauty of such an area;*
 - e. *community co-management;*
 - f. *promoting sustainable livelihoods for local fishing communities; and/or*
 - g. *other purposes in accordance with the objectives and principles of this Act.*
- 2) *The notice declaring the Special Management Area shall specify the:*
 - a. *area;*

- b. boundaries;
- c. purpose;
- d. objective;
- e. mandate for total or partial regulation;
- f. management measures;
- g. decision-making responsibilities;
- h. procedures for the coordination of stakeholders;
- i. procedures for conflict resolution;
- j. procedures for monitoring and review; and
- k. fines and penalties.

- 3) A person who undertakes fishing in a Special Management Area in contravention of the public notice under this section shall be guilty of an offence and is liable on conviction to a fine not exceeding the maximum proscribed or imprisonment for a term of ten (10) years or both fine and imprisonment and the fish or fish products, and gear shall be forfeited.

Section 4.17 Collaboration on establishing protected areas for rivers, lakes and wetlands

- 1) The Authority may consult with the Environment Protection Agency pursuant to section 75(1) of the *2003 Environmental Protection and Management Law of the Republic of Liberia*, to promote the issuance of guidelines and prescription of measures for the protection of rivers, lakes, and wetlands.
- 2) The Authority may, in collaboration with the Environment Protection Agency and after consultations with the Fisheries Advisory Council and relevant communities, propose that any area of a river, lake or wetlands be declared a Protected Area in accordance with the provisions of section 75(3) of the *2003 Environmental Protection and Management Law of the Republic of Liberia*.

Section 4.18 Fisheries Impact Assessments

- 1) Any person, Ministry or Agency planning to conduct any activity that:
 - a. does not fall within the scope of this Act;
 - b. is likely to have a significant adverse impact on the fisheries resources of Liberia; and/or
 - c. is listed in Annex I of the *2003 Environment Protection and Management Law of the Republic of Liberia*,

shall inform the Director General of such plan and consult with her/him prior to the commencement of the planned activity.

- 2) The Director General shall, in collaboration with the Environment Protection Agency and taking into account the environmental impact assessment requirement of the *2003 Environment Protection and Management Law of the Republic of Liberia*, require that such person, Ministry or Agency:
 - a. conduct an assessment of the likely impact of such activity on the fisheries resources of the Republic of Liberia;
 - b. identify means of avoiding or mitigating such adverse impacts; and
 - c. take into account the outcomes of (a) and (b) in the planning and implementation of such activity.

CHAPTER 5. FISHERIES AGREEMENT AND INTERNATIONAL COOPERATION

Section 5.1 Fisheries Access Agreement

- 1) The Director General shall act on behalf of the Government of the Republic of Liberia and in accordance with the provisions of this Act, and any applicable international agreement, national policies and strategies, taking into account the advice of the Licensing Committee, permit access to foreign fishing vessels in the Fisheries Waters for fishing or fishing related activities.
- 2) Fisheries access may be granted, and licences or authorizations may be issued in accordance with Subsection (1) pursuant to:
 - a. such international agreement, fisheries partnership agreement, joint venture or other written agreement or arrangement setting out the terms and conditions of fisheries access as are required pursuant to this Act and additional terms and conditions as may be recommended by the Director General with:
 - i. States or regional economic integration organisations;
 - ii. any fishing association or similar body;
 - iii. a publicly incorporated company; or
 - iv. such other persons or bodies as the Board of Directors considers appropriate; and/or
 - b. an access right granted by the Director General in consultation with the Board of Directors taking into account the provisions of Subsections (1) and (2) in accordance with such conditions as he/she may require and as may be prescribed, including the:
 - i. maximum number of such rights to be granted for a given period of time;
 - ii. maximum period of time during which such right can be held;
 - iii. fishery or fisheries to which access applies;
 - iv. qualifications of applicants for such rights;
 - v. procedures for application for such rights;
 - vi. criteria for the grant of such rights;
 - vii. conditions for the use of such rights;
 - viii. transferability of such rights; and
 - ix. conditions for the cancellation or revocation of such rights; and/or
 - c. a determination by the Board of Directors, on the recommendation of the Director General that each vessel meets the requirements under this Act for licence issuance, including the standards for licence approval in section 10.3 and such other requirements that may be prescribed or required by national policy or by notice in the *Gazette*, and:
 - i. the vessel, its operator, master and beneficial owner have not engaged in or were not reasonably suspected to have engaged in illegal, unreported or unregulated fishing in any place during the five-year period prior to application for the license; and
 - ii. the Board of Directors determines there are clear benefits to Liberia for issuing such a licence.
- 3) Fisheries access granted pursuant to Subsection (2) shall not be more than five years and be subject to the terms and conditions in this Act and such other conditions as may be required by the Board of Directors on the advice of the Director General.

- 4) The fees, charges and other levies for each proposed arrangement, right and licence for fisheries access, shall maximize benefits to the Republic of Liberia and be determined in accordance with the following:
 - a. the estimated economic value of the fisheries to the other party;
 - b. *the estimated value of the fisheries to the Republic of Liberia;*
 - c. international standards for payments for fisheries access for relevant species and fishing methods; and
 - d. other required costs and benefits to the Republic of Liberia,except that such fee or benefits shall not include development assistance or benefits that are unrelated to the value of the fisheries access.
- 5) Fisheries access shall be permitted solely for purposes of fishing or fishing related activities in the Liberian Exclusive Economic Zone or at a designated port.
- 6) No licence or other authorization for fishing or fishing related activities shall be issued to a foreign fishing vessel unless fisheries access has been granted in accordance with this Act.

Section 5.2 Fisheries Access Agreement Review

- 1) Fisheries access shall, if agreed for more than one year, be subject to annual renewal based on a review which shall assess, inter alia:
 - a. the compliance by the other party with the laws of Liberia and the terms of the access agreement, arrangement, right, licence or authorization;
 - b. the realized benefits to Liberia under the access agreement or arrangement for the preceding year;
 - c. *the estimated value of the continuing fisheries access provided; and*
 - d. such other matters as may be prescribed or required by the Board of Directors in accordance with this Act.
- 2) ~~Fisheries access may be terminated or suspended at any time by the Director General, according to its terms or upon material non-compliance by the other party with this Act or any other requirement for fisheries access, and the other party shall be given reasonable notice of such termination or suspension to ensure the prompt termination of fishing or fishing related activities.~~
- 3) Fisheries access may be suspended or otherwise limited by the Director General on the advice of the Council or Committee that continued fishing at current levels would pose a risk to the fish stocks based on a precautionary approach, or on such other ground for suspension or limitation as may be specified in this Act.
- 4) Suspension of fisheries access or fishing in accordance with Subsection (2) or (3) may be for such time or until such conditions are met as the Director General may require.

Section 5.3 Requirements for joint venture and charter agreements and Fishing rights

- 1) No agreement governing joint ventures, or the chartering of any foreign fishing vessel for fishing or fishing related activities within or beyond the fishery waters, whether or not it involves changing the registration of the vessel, shall be valid unless and until it is approved by the Director General

- 2) A joint venture or charter agreement may be approved only where the following requirements are fully met:
 - a. a charter agreement vests operational control of the foreign fishing vessel in a Liberian citizen, resident or registered company;
 - b. the joint venture or charter agreement provides clearly identifiable benefits with no adverse effects to Liberia, its fisheries or its marine environment, including:
 - i. development of the Liberian fishing industry;
 - ii. training of Liberian citizens;
 - iii. foreign exchange earnings for Liberia;
 - iv. investment in Liberia;
 - v. landing and domestic distribution activities; and
 - vi. development of export activities;
 - c. establishment of a company under the Associations Law of Liberia with specified ownership, control and equity by Liberian citizens;
 - d. the joint venture, charter agreement, right or vessel approved under this Act, shall be in full compliance with all applicable laws of the Republic of Liberia;
 - e. ~~full and complete evidence shall be submitted, as the Board of Directors may require, that all financial obligations of the foreign fishing vessel will be met promptly and effectively, including payment of all fees and any applicable fine, penalty or other determination which may result from the vessel's activities; and~~
 - f. in respect of a charter agreement, that the flag State is responsible for exercising full and effective control over the vessel when it is in areas beyond the national jurisdiction of the Republic of Liberia.
- 3) Unless a company is otherwise established under a joint venture or charter agreement, where the operator of the foreign fishing vessel is a company incorporated outside the Republic of Liberia and doing business in Liberia, it shall establish a place of business in Liberia that includes the requirements for significant benefit to Liberia under Subsection (2)(b) and shall comply with the requirements of the Associations Law, Title 5, Liberian Codes Revised (as amended).
- 4) Any vessel fishing under an approved charter agreement shall be subject to all requirements of this Act in respect of foreign fishing vessels, including licensing and compliance.
- 5) Any fishing company established by a foreigner under the Associations Laws of Liberia shall be in compliance with Act and partner with a Liberian National, company, Partnership or association.
- 6) The Liberian Partner shall hold at least Fifty Per cent (50%) interest in the company in order to be registered by the Fisheries Authority of Liberia.
- 7) The holder of a licence issued for purposes of fisheries access shall, in the conduct of all relevant activities, give preference to:
 - a) materials and products made in the Republic of Liberia;
 - b) service agencies located in the Republic of Liberia and owned by:
 - (i) Liberian citizens;

- (ii) companies or partnerships incorporated or registered in Liberia; and
- (iii) public corporations.

Section 5.4 Performance bond

- 1) The Director General may require either as a precondition of issuing a licence to any fishing vessel other than a Liberian fishing vessel, or at any time during the licensing period, that a performance bond be provided by the applicant in accordance with such procedures and in such form as may be prescribed.
- 2) Such performance bonds shall serve as a financial assurance for the fulfilment of all obligations arising out of the licence and this Act, including potential costs relating to rescue, recovery of other costs and fines, penalties and/or compensation for violations against this Act. Such performance bonds shall be drawn upon in such manner as may be prescribed.
- 3) The amount of financial assurance provided under this section shall be determined in consultation with the Board of Directors and the Director General and having regard to any applicable Fishery Management Plan and the value of the relevant fishery.
- 4) The forms of financial assurance acceptable under this section may be any or a combination of the following:
 - a. surety bond;
 - b. trust fund with pay-in period;
 - c. insurance policy;
 - d. cash deposit;
 - e. annuities.
- 5) Where a licence-holder is obligated to provide a financial assurance under this section and fails to do so, the Director General shall:
 - a. cause to be served, on the licence-holder a notice of demand; and
 - b. cause a note of the service of the notice to be registered in a Magistrate's Court.
- 6) If by the end of the period specified in the notice of demand under Subsection (5) the financial assurance required from the licence-holder under this section:
 - a. has been provided, the notice shall thereupon cease to have effect, and the Director General shall cause the registry endorsement to be cancelled;
 - b. has not been provided, the applicable licence shall be liable to cancellation by the Director General.

Section 5.5 International agreements on fisheries management

- 1) The Director General may, with the advice of the Board of Directors enter into any international agreement with any other State which has as its purpose cooperation, coordination and/or harmonization of fisheries management measures for fish that occur within and beyond areas of national jurisdiction, but which does not include an access agreement.
- 2) International agreements on fisheries management entered into under Subsection (1) may relate to, *inter alia*:

- a. establishment of arrangements for harmonized and/or joint monitoring, control and surveillance;
- b. standards for actions and measures to be taken to combat illegal, unreported and unregulated fishing activities; and
- c. any other matter relating to fisheries management.

Section 5.6 International cooperation

- 1) The Director General shall ensure the implementation of applicable international conservation and management measures of any regional fishery body of which Liberia is a member or cooperating non-member, and in so doing may provide to other State members and/or to other organizations and States as appropriate:
 - a. all information and data required under such measures; and
 - b. relevant information or material that can be used as evidence in legal or administrative processes of other States in relation to such measures.
- 3) If the Director General has reason to suspect that a foreign fishing vessel has been involved in the contravention of an international conservation or management measure, he/she may provide to the appropriate authorities of the flag State of the foreign fishing vessel concerned available information, including evidentiary material, relating to that contravention.
- 4) The Director General shall maintain up to date records of information received pursuant to any international agreement in relation to vessels that have been included on a list of illegal, unreported and unregulated fishing vessels in accordance with the procedures established by the relevant organization.
- 5) The Director General shall notify the relevant flag State, regional fishery body and other organization where a foreign fishing vessel has been denied use of a port in the Republic of Liberia, or where, after inspection in port, there are clear grounds for believing that the vessel has engaged in illegal, unreported or unregulated fishing or related activities in support of illegal, unreported and unregulated fishing.
- 6) The Authority, in keeping with Article 8 of the 1995 United Nations Fish Stock Agreement, shall implement guidelines of Regional Fisheries Management Organizations (RFMOs) and other fisheries advisory bodies, where applicable; that promote international best practices for the purpose of conservation and management of fish stock in line with best scientific evidence.

CHAPTER 6. DEVELOPMENT AND REGULATION OF AQUACULTURE

Section 6.1 Aquaculture activities requirements

- 1) No person shall engage in aquaculture activities except in accordance with this Act.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction in relation to:
 - a) commercial aquaculture to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both; and
 - b) subsistence aquaculture to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three months or both.

Section 6.2 Aquaculture development plan

- 1) The Director General shall, in consultation with the Fisheries Advisory Council, as appropriate, prepare an aquaculture development plan for the approval of the Board of Directors, with the objective of promoting the sustainable development of aquaculture in Liberia in accordance with the principles and objectives of this Act.
- 2) The aquaculture development plan shall have a duration of at least five years and shall be renewed, modified or replaced at the end of each five year period.
- 3) The aquaculture development plan shall include:
 - a. a statement of the objectives and priorities of the plan and a strategy for achieving those objectives;
 - b. performance indicators to monitor the extent to which the objectives of the plan are being attained;
 - c. a strategy for monitoring progress at least on an annual basis, and as appropriate an evaluation of the implementation of the aquaculture plan that preceded it;
 - d. a description or identification of any area of water which is suitable for aquaculture and the type of aquaculture for which the area is suitable;
 - e. a description of suitable or unsuitable methods for undertaking any type of aquaculture;
 - f. identification of suitable or unsuitable species of fish for aquaculture;
 - g. acceptable drugs and medications that may be used;
 - h. requirements for the importation and manufacture of seed and feed that may be used for aquaculture;
 - i. requirements or standards for water quality, aquaculture waste, escapement, environmental impact assessments and the introduction, transfer, release and harvesting of fish for purposes related to aquaculture;
 - j. a conflict prevention and resolution mechanism; and
 - k. any other matter concerning aquaculture which the Director General considers appropriate.
- 4) The first aquaculture development plan shall be prepared and submitted to the Board of Directors for approval within one year after the entry into force of this Act.

Section 6.3 Collaboration with Counties, Districts and other local government bodies

- 1) The Director General shall, in collaboration with Counties, districts and other local government bodies, ensure that:
 - a. aquaculture development is ecologically sustainable and allows rational use of the resource shared by aquaculture and other activities; and
 - b. the livelihood, culture and traditions of local communities and their access to fishing grounds are not affected by aquaculture development.

Section 6.4 Prohibited to deprive community of traditional access to fisheries

- 1) No person shall, by carrying out aquaculture activities, deprive a local community of its traditional access to fishing grounds.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding twelve months or both, and in addition shall restore to the local community its traditional access.

Section 6.5 Local government's responsibility to monitor non-commercial aquaculture activities

- 1) Local governments shall, based on the advice of the Authority, monitor aquaculture practices and operations in areas under their respective jurisdictions other than commercial aquaculture operations regulated pursuant to this Act.
- 2) Where any person or any local government has cause to believe that any fish in and/or fish products from any waters used for aquaculture activities are infected with a disease which can reasonably be foreseen to become, or which has become, of epidemic proportions, he/she or such local government shall notify the Director General.
- 3) The Director General shall, if he/she is satisfied that the fish and/or fish products subject to notification under Subsection (2) are so infected, give notice in writing to the owner of the relevant waters requiring the destruction of all fish and/or fish products in the said waters and/or the taking of such other measures as the Director General may specify in the notice.
- 4) Every person who receives a notice under Subsection (3) shall comply with its requirements at his/her own expense, and in default of such compliance, the local authority may enter the relevant facility and take or cause to be taken such measures as may be necessary for complying with the requirements of the notice and any expenses incurred shall be recoverable as a civil debt from the person so notified.
- 5) A person who does not comply with the requirements in the Director General's notice received pursuant to Subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and in addition shall be responsible for costs directly associated with the resulting damage.

Section 6.6 Introduction, transfer, import, export, release, of live fish

- 1) No person shall carry out the following activities in relation to commercial aquaculture without authorization in writing by the Director General:
 - a. place or, by act of omission or otherwise, cause to be placed any species of live fish in any place in the Fisheries Waters, except where:
 - i) the fish species being so placed previously occurred in the same body of water prior to being fished there from; or
 - ii) a fish farmer is stocking his/her pond with fish obtained from another fish farmer with whom he/she shares the same water catchment area.
 - b. introduce or cause to be introduced into Liberia or the Fisheries Waters any species of fish;
 - c. transfer any eggs, fingerlings or seed of exotic or genetically modified species or such adult species of fish from one aquaculture establishment in Liberia to another or from any location in Liberia to another;
 - d. import or export live fish for the purpose of commercial aquaculture; or
 - e. release into the fishery waters any fish except for indigenous wild fish caught in Liberia.
- 2) The activities described in Subsection (1) may also be applicable more generally to the Fisheries Waters where required by public notice.

- 3) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 6.7 Authority to inspect, seize fish designated for import or export that are diseased, highly invasive fish or fish species

- 1) The Director General may inspect or cause to be inspected any fish before or after they are imported for the purpose of aquaculture and inspect or cause to be inspected any fish produced by aquaculture operations that are destined for export.
- 2) The Director General may seize, hold, quarantine, disinfect or destroy any live fish that have been imported or that are destined for import or export for purposes of aquaculture, and shall take such measures where it is determined that the fish or fish species are diseased or highly invasive.

Section 6.8 Aquaculture waste

- 1) Each person engaged in commercial aquaculture in Liberia shall ensure that aquaculture waste:
 - a. does not cause an unsightly or offensive condition at the licence area; and
 - b. is secured or treated in a manner designed to prevent it being blown, washed or swept off the area used by such person for aquaculture.
- 2) Where any person fails or apparently fails to fulfil the conditions set out in Subsection (1), the Director General, in consultation with relevant environmental protection authorities, may notify such person in writing of the requirement to take measures to restore the applicable area to such standard as the Director General may specify within a stated period of time, and may upon inspection require such person to redesign the applicable area.
- 3) Each person who is notified by the Director General pursuant to Subsection (2) shall promptly fulfil the requirements set out in the notification.
- 4) A person who contravenes Subsection (1) or (3) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both, and in addition shall be responsible for compensation for the costs of restoring the applicable area as required pursuant to Subsection (2).

Section 6.9 Escapement

- 1) Each person engaged in commercial aquaculture in the Republic of Liberia shall take appropriate measures to prevent and/or minimise the risk of the escape of aquaculture stock into the wild.
- 2) Where there has been an escape of hatchery reared aquaculture stock or damage to a farming structure, equipment or facility that may lead to the escape of hatchery reared aquaculture stock, the operator of the relevant aquaculture facility shall take immediate measures to minimise the damage and to repair any damage caused to the extent possible.
- 3) Each person engaged in commercial aquaculture in the Republic of Liberia shall, within 12 hours after becoming aware of the escape of hatchery reared aquaculture stock or damage to a farming structure in relation to a facility over which he/she exercises management or control or to other equipment that may lead to the escape of hatchery reared aquaculture stock, notify the Director General of the escape or damage, including the following:
 - a. the species of fish affected;
 - b. the date (or an estimate of the date) on which the escape or damage took place;

- c. the number and biomass (or an estimate of the number and biomass) of the fish that have escaped;
 - d. the age or developmental stage of the fish at the time of their escape; and
 - e. details of the circumstances in which the escape or damage took place,
- 4) Each person to whom the provisions of Subsection (3) apply shall, within 7 days after becoming aware of the escape or damage referred to in Subsection (3), notify the Director General in writing of the action taken to deal with it.
 - 5) A person who contravenes Subsection (1), (2), (3) or (4) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 6.10 Use of restricted drug, chemical etc.

- 1) No person shall use in a commercial aquaculture facility any drug, pharmaceutical, antibiotic or other chemical for the treatment of fish diseases or for the enhancement of fish growth without the written approval of the Director General.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 6.11 Information on wild, genetically modified species

The Director General shall have the authority to collect information and data on wild and genetically modified species for the purpose of assessing the impact of aquaculture.

Section 6.12 Interfering with aquaculture facility prohibited

- 1) No person shall, without a valid and applicable aquaculture license:
 - a. interfere with or harvest the product of an aquaculture facility without the written authority of the licensee;
 - b. place any object in the water, or promote or undertake any activity in a manner so as to obstruct an aquaculture operation being carried out by another person;
 - c. destroy, damage, displace or alter the position of any equipment lawfully deployed in connection with an aquaculture licence; or
 - d. without lawful excuse cause the release of any product of an aquaculture facility.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both, and in addition shall fully compensate the relevant licensee for any damage which is the direct result of his/her contravention.

Section 6.13 Trans-boundary aquaculture ecosystems

- 1) Subject to applicable regional and international law, the Director General shall initiate dialogue with other riparian States to ensure that governments and aquaculture farmers are obliged to protect trans-boundary aquatic ecosystems from, *inter alia*:
 - a. escapement of aquaculture species into shared water bodies;
 - b. waste from aquaculture activities;
 - c. diseases that are likely to become or have reached epidemic proportions; and
 - d. effluent that might affect trans-boundary aquatic ecosystems.

Section 6.14 Regulations for aquaculture

The Director General by notice in the *Gazette* and for purposes of sustainable management of aquaculture, make regulations in relation to, *inter alia*:

- a. fish hatchery standards;
- b. qualifications of persons authorized to offer aquaculture extension services;
- c. the mode of establishment of fish cages or any such form of aquaculture establishment in the Fisheries Waters;
- d. aquaculture extension systems;
- e. fish disease surveillance, control and management in aquaculture establishments;
- f. fish feeds formulation and importation;
- g. the use of biotechnology to increase productivity;
- h. codes of practice for fish farmers;
- i. accreditation requirements for any class of persons for engaging in specified aquaculture-related activities; and
- j. any other measure that he/she deems necessary for the proper management of aquaculture.

CHAPTER 7 – POST HARVEST ACTIVITIES

Section 7.1 Competent Authorities

- 1) The Authority shall be the competent authority for post-harvest activities in the fisheries sector, and shall exercise its authority and functions independently or in collaboration with National Public Health Institute of Liberia or other relevant institutions.
- 2) The functions of the competent authority shall be to:
 - a. convene on a regular basis meetings of the standing and technical committees;
 - b. monitor the production of fish products and fish feed with a view to assessing risks to humans;
 - c. control fish handling, storing, landing, transportation, processing and marketing;
 - d. work in collaboration with other Government agencies in matters related to this section;
 - e. assess and approve plans and structures of intended fishery enterprises;
 - f. carry out inspection of operational fishery enterprises for compliance with fish safety regulations issued by the Director General;
 - g. provide for all procedures to be followed for compliance with provisions under paragraph (f);
 - h. specify conditions for the placing on the market of fish, fish products and fish feed;
 - i. maintain a register of fishery enterprises approved by the competent authority;
 - j. issue health certification of fish, fish products and fish feed subject to the consignment meeting set requirements;
 - k. grant approval for the fishery enterprises that meet applicable requirements prescribed by the Board of Directors and
 - l. perform such other functions as may be necessary or expedient for food safety conditions of fish products in accordance with this Act.
- 2) The Authority shall establish and operate a laboratory to support the Competent Authority in exercising its functions.
- 3) The Competent Authority shall specify hygienic conditions for:

- a. combating parasites in fish and fish products;
 - b. staff working in fish processing establishments;
 - c. fresh fish products;
 - d. thawing of fish products; and
 - e. freezing of fish products.
- 4) The Competent Authority shall, prescribe standards for hygienic and quality placements in the market, set and adopt minimum standards for safety and quality assurance and ensure that the standards are applied throughout the fishing industry.
- 5) The Competent Authority may issue regulations prescribing conditions necessary for ensuring that consumers are supplied only with safe, wholesome and unadulterated fish and fishery products including:
- a. prescribing specifications for fish processing establishments, cold rooms, ice plants, fish transportation vehicles, boats and landing stations;
 - b. prescribing conditions for the activities of dealers of fish and fish products;
 - c. requiring fish processing establishments to prepare, implement and monitor quality management programmes;
 - d. the implementation of requirements, such as the Hazard Analysis and Critical Control Point (HACCP) system, for export markets;
 - e. performing microbiological, chemical, and physical analyses on fish and fish products before they are released for human consumption;
 - f. certifying the quality of fish and fish products through issuance of a sanitary certificate before they are placed on the market;
 - g. prohibiting the sale of certain types of fish and fish products;
 - h. establishing a traceability system for fish and fish products for all stages from the source to export/market; and
 - i. prescribing the manner in which fish and fish products placed on the market shall be labelled.

Section 7.2 Collaboration on post-harvest activities

- 1) The Authority shall collaborate with the Ministries responsible for health, commerce and industry and other relevant Government agencies to ensure regulation of the import, handling, sale, transport, storage, treatment, processing of fish, with the objective of promoting the value of fish and fish products and minimising or preventing risks to human health.

Section 7.3 Fish marketing

The Authority shall collaborate with the Ministries responsible for health, commerce and industry and other relevant Government agencies and the private sector, with the objective of ensuring hygienic fish marketing and distribution.

Section 7.4 Sale, export of adulterated or contaminated fish, fish products prohibited

- 1) No person shall sell or export any fish or fish product intended for human consumption which is adulterated, contaminated with or contains a poisonous or harmful substance or pathogenic microorganisms, has not met lawful inspection standards or is otherwise injurious to human health.

- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both, and in addition any fish or fish products shall be forfeited.

Section 7.5 Illegal possession and trade in fish or fish products prohibited

- 1) No person shall, or shall attempt to possess, import, export, transport, sell, receive, acquire, or buy any fish or fish products taken, possessed, transported, or sold in violation of this Act or any:
 - a. other law or instrument having the force of law in the Republic of Liberia; or
 - b. international agreement to which the Republic of Liberia is party.
- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both and the fishing vessel and gear used in the offence and all fish on board shall be forfeited and the gear shall be destroyed.

Section 7.6 Interference with inspected fish prohibited

- 1) No person shall, except with the written permission of the Director General, remove, alter or interfere with a trade description, seal, stamp or other mark applied to fish, a container of fish or a container system unit containing fish that has been inspected by a fisheries inspector.
- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both, and in addition any fish or fish products shall be forfeited.

Section 7.7 Authority and Harmonization of fish safety and quality standards

- 1) The Director General in consultation with the National Public Health Institute and any other relevant agency of government may enter into arrangements or agreements with other States relating to shared fishery resources for the purpose of harmonization of fish safety and quality standards.
- 2) The Authority shall have the power to test and certify all fish products entering or leaving Liberia as well as fish products in cold store facilities to ensure the quality of fish sold to the public.
- 3) The Authority shall have the power to test and certify any frozen livestock products for human consumption entering, leaving or stored in cold store across Liberia in the Laboratory of the National Fisheries and Aquaculture Authority to ensure food safety.
- 4) The Authority shall have the power to close down any cold store engaged in the sale or storage of fish unfit for human consumption independently or in collaboration with the National Public Health Institute of Liberia and any other relevant agency of government, where applicable.
- 5) The Authority shall deny entry or exit of any fish and frozen livestock products for human consumption tested to be unfit for human consumption.

Section 7.8 Conditions for fish processing accreditation/ authorization/ certification

- 1) Each accreditation/ authorization/ certification to operate a fish processing establishment shall be subject to the following conditions in addition to any other conditions required pursuant to this Act:

- a. the fish processed shall not exceed the total permitted for that operation, including such limits on species and quantity as the Board of Directors may set;
- b. the operator of the fish processing facility shall ensure that:
 - i) all relevant health, hygienic and environmental laws and standards of Liberia are implemented; and
 - ii) no fish is accepted for processing that has been caught in illegal, unreported or unregulated fishing operations.
 - iii) any change in the information submitted in the application form shall be notified to the Director General as soon as practicable and in any case not later than three working days from the date of change; and
 - iv) each accredited/ authorized / certificated company shall comply with the requirements of applicable laws in the Republic of Liberia relating to food safety.
- 2) Each accreditation/ authorization/ certification to engage in fish processing operations shall be posted in a conspicuous location and produced for inspection at the request of an inspector.
- 3) A person who contravenes Subsection (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 7.9 Period of validity, renewal, additional conditions and suspension of fish Processing accreditation/ authorization/ certification

- 1) The period of validity of each fish processing accreditation/ authorization/ certification shall not exceed ten years, and shall be subject to renewal on an annual basis.
- 2) Fish processing accreditation/ authorization/ certification may not be renewed where relevant grounds for denial of an accreditation/ authorization/ certification described in Section 10.6 exists or where the accredited/ authorized/ certificated company has not complied with any applicable requirement under the laws of Liberia, and shall not be renewed where the applicant has been convicted of any offence under this Act or any other law relevant to the operation of a fish processing operation and the requirements of the judgment have been fully met.
- 3) Additional fees, terms and conditions may be amended or added during the period of validity by the Director General.
- 4) Notwithstanding any other provision of this Act, a fish processing accreditation/ authorization/ certification may be suspended or terminated where there has been non-compliance with this Act, conditions of accreditation/ authorization/ certification or any other law of Liberia and the cause of such non-compliance has not been rectified and any fine, penalty, damages or determination made under the law have not been duly paid.

Section 7.10 Information and records

- 1) The operator of the fish processing facility shall provide such information and keep such records that may be prescribed or required by the Director General by Notice. Such information may be required by the Director General or his/her designee, including any inspector appointed pursuant to this Act and include the following, *inter alia*:
 - a. name and address of the seller;

- b. name of an applicable vessel and its operator that harvested the fish;
 - c. time and place where the fish was harvested;
 - d. species of fish sold;
 - e. number of fish sold;
 - f. type of product sold;
 - g. destination of the shipment;
 - h. name of the buyer;
 - i. date of sale;
 - j. date of shipment;
 - k. total weight of species being sold;
 - l. price per kilogram;
 - m. price of shipment;
 - n. means of transportation;
 - o. name of ship or plane;
 - p. number of flight or voyage; and
 - q. customs requirements.
- 2) Each inspector shall, after inspection of a fish processing establishment, promptly provide the Director General with a certificate of inspection.
 - 3) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.

CHAPTER 8. INFORMATION, RECORDS, RETURNS, REGISTERS

Section 8.1 Information given under this Act

- 1) No person shall:
 - a. fail to keep, or provide any accounts or records required under this Act;
 - b. neglect or refuse to provide any records, returns, or information when lawfully requested or required to do so under this Act; or
 - c. make any false or misleading statement, or omit any material information in any communication, application, record or return prescribed by or in accordance with this Act, or as required for its administration.
- 2) Any person who contravenes Subsection (1) commits an offence and shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both.

Section 8.2 Information to be true, complete and correct

- 1) Any information given, furnished or maintained or required to be given, furnished or maintained under this Act shall be true, complete and accurate and no such information shall be false, misleading or inaccurate.
- 2) A person who gives, furnishes, or maintains information which is false, misleading or inaccurate in contravention of Subsection (1) in any material respect, commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or

a term of imprisonment not exceeding one year or both, and any relevant licence issued pursuant to this Act which is held by such person may be revoked.

Section 8.3 Records, returns and other information

- 1) The Director General or his/her designee may, for the purposes of this Act, require any person to maintain and furnish in such manner and form as he/she may specify:
 - a. relevant fisheries data and information, including returns and information relating to fishing, related activities, landing, storage, food safety, processing, buying, selling, imports, exports and other related transactions;
 - b. all relevant returns, certificates and other information to ensure that any fish or fish product may be accurately traced from harvesting through to processing, distribution and sale; and
 - c. accounts, records, returns, documents and other additional information specified under this Act.

- 2) The following persons shall keep such accounts and records and furnish such returns, certificates and other information required under this Act, including such information the Director General may require pursuant to Subsection (1):
 - a. holders of licenses, authorizations, accreditations or other authorities or approvals issued or granted under this Act;
 - b. owners, operators, representatives, agents, and masters of fishing vessels licensed under this Act;
 - c. owners, operators, representatives, agents and masters of fishing vessels that undertake fishing or related activities in the Fisheries Waters or land fish or fish products at a port in the Republic of Liberia;
 - d. owners or operators of any fishing vessel required to be registered pursuant to this Act;
 - e. owners and persons in charge of any premises where fish or fish products are received, bought, sold, stored, transported, processed or otherwise disposed of;
 - f. any person in the Republic of Liberia who harvests, receives, transports or stores fish or fish products or places them for sale on the market;
 - g. persons who import or export fish or fish products;
 - h. persons who provide fishing vessels for hire or charter;
 - i. persons who conduct marine scientific research;
 - j. persons who own, manage or otherwise operate commercial aquaculture facilities;
 - k. any other person who is carrying out activities under the scope of this Act.

- 3) A person who does not comply with the requirements of Subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and any relevant licence issued pursuant to this Act which is held by such person may be revoked.

Section 8.4 Registers to be maintained by the Authority

- 1) The Director General shall establish and maintain registers which shall record details of:
 - a. each license authorization and accreditation issued pursuant to this Act;
 - b. each fishing vessel registered pursuant to this Act;
 - c. each Co-Management Fisheries Association registered pursuant to this Act;
 - d. each agent designated pursuant to Section 10.16 and registered pursuant to this Act;
 - e. each management area declared pursuant to this Act; and
 - f. such other matters as may be prescribed or required by the Board of Directors.

- 2) The Authority shall permit members of the public to inspect the register required to be maintained pursuant to this Act during office hours. The Authority may charge a reasonable fee for copies of the register.

Section 8.5 Registers of licences, authorizations and accreditations

- 1) The register established under Section 8.4(1) and (2) shall include:
 - a. information on applications for licences, authorizations and accreditations under this Act;
 - b. information on, each licence, authorization and accreditation issued, renewed, suspended and/or cancelled under this Act, including the activity, date and duration;
 - c. information on each licensed, authorized and accredited person;
 - d. information on the relevant vessel, facility, and/or licensed, authorized or accredited activity;
 - e. any record of non-compliance with the licence, authorization or accreditation;
 - f. any record of action taken as a result of non-compliance;
 - g. the requirements of any relevant international conservation and management measures of an organization of which Liberia is a member or cooperating non-member; and
 - h. such other information that may be prescribed or required by the Director General.
- 2) The register established under Subsection (1) shall contain information relating to fishing vessels licensed or authorized for fishing or fishing related activities:
 - i. within areas under national jurisdiction; and
 - b. in areas beyond national jurisdiction.
- 3) The Director General shall, in respect of information contained in the register in accordance with Subsection (2), provide:
 - a. access to such information on request by directly interested foreign States, regional economic integration organizations, regional fishery bodies or international organizations taking into account any applicable laws regarding the confidentiality or release of such information; and
 - b. such information as may be required by any regional fisheries management organization for purposes of international conservation and management measures.
- 4) The Director General shall ensure that the information on each license, authorization and accreditation in the database is sufficient for purposes of fisheries management and monitoring, control and surveillance, and to implement the international and regional agreements to which Liberia is party or cooperating non-party.
- 5) Registration of a licence, authorization or accreditation in the national register shall not be considered a licence or authorization for the purposes of this Act.

Section 8.6 Information on legal and administrative action taken in respect of violations of the Law

The Director General shall maintain and make publicly available a record of the outcome of any legal or administrative action taken in respect of any offence or violation against this Act that results in a judgment or administrative determination.

Section 8.7 Ownership of information

Ownership of all information required to be reported, notified or otherwise given to the Government and all information generated by automatic location communicators or similar device that is part of a vessel monitoring system or Automatic Identification System under this Act is vested in the Government.

Section 8.8 Confidential information

- 1) No person carrying out duties or responsibilities under this Act, including the Board of Directors and Director General shall, unless authorized or otherwise provided or directed in accordance with this Act, reveal information or other data of a confidential nature or designated as confidential in accordance with this Act, acquired by virtue of their authority, duties and responsibilities to any person not having such authority or carrying out such duties and responsibilities.
- 2) The Director General in consultation with the Board of Directors may designate any information as confidential, and in doing so may also exempt general summaries of aggregated information from confidentiality requirements.
- 3) The Director General may authorize in writing any person to:
 - a. receive or access confidential information;
 - b. access or restrict access to such premises holding confidential information as he/she may designate.
- 4) Notwithstanding Subsection (2), the following information shall be confidential unless the Director General in consultation with the Board of Directors otherwise directs:
 - a. any information or data of a commercial nature provided in records, returns, or other documents required under this Act;
 - b. any information or data supplied by a vessel monitoring system or part thereof in accordance with this Act;
 - c. such raw data from scientific research as may be designated by the Director General in consultation with the Board of Directors ; and
 - d. such other information or data as may be required by the Director General in consultation with the Board of Directors
- 5) Information may be disclosed to the extent:
 - a. that disclosure is authorized or required under this Act or any other law;
 - b. that the person providing the information is authorized to make the disclosure;

- c. necessary to enable the Director General to publish statistical information relating to the fisheries sector;
 - d. necessary for enforcement of Liberia laws by other Ministries and agencies of the Government of Liberia;
 - e. necessary to discharge regional or international obligations or to promote regional and international cooperation or coordination in monitoring, control and surveillance of relevant activities; and
 - f. necessary to enable advice to be given to the Director General or the Board of Directors.
- 6) The Director General may authorize the release of any information:
- a. relating to the real-time or other position of any vessel, upon request, to the responsible authority for purposes including surveillance, search and rescue and other emergency;
 - b. for purposes he/she deems would be supportive of the objectives and enforcement of this Act, including reasonable transparency in decision-making; or
 - c. designated as confidential for such purposes as the Board of Directors may approve or as may be prescribed.
- 7) Any information designated as confidential shall maintain such classification for a period of five years from the time of such designation, and at the expiry of five years, the Director General may extend such classification for a further period of up to five years or more as may be deemed **necessary for purposes relating to the objectives and enforcement of this Act.**
- 8) A person who does not comply with the requirements of Subsection (1), except where disclosure is authorized pursuant to Subsection (3), (5) or (6), commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule.

Section 8.9 Information on criteria for, and accreditation of persons, organizations or other entities

The Director General shall maintain and make publicly available information on criteria for accreditation of such persons, organizations or other entities as may be required in accordance with this Act, and shall ensure that a list of valid accreditations is posted on the official government website and kept current at all times.

Section 8.10 Information in partnership agreements between vessel agents and vessel owners

- 1) True copies of all agreements setting out the terms of partnership, association or other contractual obligations of agents to vessel owners shall be deposited in their full and unabridged form with the Authority upon the application in respect of a foreign fishing vessel for any licence or authorization under this Act.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.
- 3) Any person who, not being party to the partnership, association or other contractual obligation referred to in Subsection (1), divulges information of a confidential nature or conceals information which is not of a significantly sensitive commercial nature, commits an offence and shall be liable

on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 8.11 Information on the labels of containers, etc. containing fish harvested in the Fisheries Waters

- 1) The labels of any container or packaging materials containing fish harvested in the Fisheries Waters shall clearly designate:
 - a. that the fish were harvested in the Fisheries Waters, irrespective of the flag State of the vessel or nationality of any person involved in the production of such fish, and shall not indicate in any way that such fish is the product of any State other than Liberia;
 - b. the name of the fishing vessel that harvested the fish;
 - c. the name of the company that is the owner or operator of the fishing vessel; and
 - d. such other information that may be prescribed.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.

Section 8.12 Public access to information

- 1) The Authority shall facilitate access to information, except for such information that is designated as confidential pursuant to Section 8.8.
- 2) Any person who desires to obtain information relating to the implementation of this Act shall have freedom of access to read and to copy all documents and other information in its possession, related to fisheries management as mandated in this Act.
- 3) The person requesting to obtain information shall apply to the Authority in a prescribed form indicating the type of information required and may pay a minimal fee which may be prescribed by the Authority.
- 4) For the purpose of facilitating participation and access to information relating to fisheries, the Authority shall establish and operate a Public Registry within its offices to house documents produced, collected or submitted under this Act to include: audits, register of licensees, license and authorization fee invoices, fee payment information, fisheries management plans, minutes of the Council, regulations, reports, manuals, databases, access agreements, contracts, surveys any other relevant information.
- 5) The Authority, in consultation with the Advisory Council shall define proprietary information which may be treated as confidential so long as withholding of that information from public access does not circumvent the objective of this Act.
- 6) Notwithstanding any law or regulation of the Republic of Liberia, no civil or criminal proceedings shall lie against the Authority or the Advisory Council or its officers or any person acting on behalf of or under the direction of the Authority for disclosure of any record pursuant to this Act.

**CHAPTER 9. COMPLIANCE, UNLICENSED ACTIVITIES AND REQUIREMENTS FOR
ALL FISHING VESSELS**

Section 9.1 Compliance with the Act

- 1) No person shall contravene any provision of this Act, whether or not licensed, authorized, accredited or otherwise permitted.
- 2) Any person who contravenes Subsection (1) commits an offence and, unless a fine or penalty has otherwise been provided under this Act, upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.

Section 9.2 Unlicensed, unauthorized, unaccredited activities prohibited

- 1) No person shall, except under the authority of and in accordance with a valid and applicable license, authorization or accreditation issued pursuant to this Act:
 - a. on his/her own account or in any other capacity, engage in any activity;
 - b. cause or permit a person acting on his/her behalf to engage in any activity; or
 - c. use or permit a vessel to engage in fishing or a related activity,

of a kind or type, or at a time, or in a place or manner, for which a license, authorization, accreditation or other permission is required under this Act.

- 2) For the purposes of this section, where a vessel is used in the commission of an offence, the owner, operator, master and charterer shall each be deemed to have committed the offence.
- 3) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 9.3 Stowage of Fishing Gear

- 1) The operator of a:
 - a. foreign fishing vessel or Liberian fishing vessel in any place in the Fisheries Waters; or
 - b. Liberian fishing vessel:
 - (i) navigating through an area under the jurisdiction of another State where it does not have a license to fish; or
 - (ii) at all times when navigating on the high seas in an area to which international conservation and management measures apply where it has not been authorized under this Act to fish on the high seas,

whether licensed or authorized under this Act or not, shall ensure that all gear on board is at all times stowed or secured in such a manner that it is not readily available for fishing unless the vessel is licensed or authorized to engage in fishing in that area of the Fisheries Waters or high seas in accordance with this Act and any applicable Fisheries Management Plan, international agreement, international conservation and management measures or authorization of another State applicable to the relevant area.

- 2) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding 12 months or both and seizure of the gear.

Section 9.4 Reporting and Monitoring Requirements for all Fishing Vessels Entering, Exiting and Transiting the Fisheries Waters

- 1) The operator of each fishing vessel entering or exiting the Fisheries Waters, whether licensed or not pursuant to this Act, shall declare the type and quantity of fish on board by High Frequency Radio or email or text message to the Authority at least twenty-four (24) hours prior to each entry and exit, and such other information and in such manner as may be prescribed or the Director General may require.
- 2) The operator of each fishing vessel having an overall length of fifteen meters or greater that is transiting the Fisheries Waters, whether licensed or not pursuant to this Act, shall be equipped with and ensure, at all times while in the Fisheries Waters, continuous operation at full transmission power of a Class A Automatic Identification System transceiver or such other class that may be required and publicly notified by the Director General
- 3) Any person who contravenes Subsection (1) or (2) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years.

Section 9.5 Berthing of Fishing Vessels in Liberia

- 1) All Fishing vessels including Reefers used for storage or transportation of fish or loose cargo of frozen livestock products for consumption, wishing to berth in Liberia shall berth at Fisheries designated port upon obtaining permit from the National Fisheries and Aquaculture Authority and paying all relevant fees to the Authority.
- 2) All artisanal and semi-industrial vessels shall berth at the fisheries designated port or jetties within a specific co-management association zone for which they belong.
- 3) Upon the passage of this Act, no fishing vessel shall berth at the Freeport of Monrovia or any other non-fisheries port unless authorized by the National Fisheries and Aquaculture Authority.
- 4) All fish and fish related products shall land at the Fisheries designated site.
- 5) All containerized cargo vessels landing at non-fisheries port in Liberia containing fish or frozen livestock products for consumption shall disclosed the quantities on board said vessel to the Director General of NaFAA. In the case of fish and fish products, the vessel shall be in compliance with Section 7.1 (2) and 7.2 (2) of this Act.

CHAPTER 10. FISHERIES ACCESS: LICENSING, AUTHORIZATIONS, ACCREDITATION AND REGISTRATION

PART I - GENERAL

Section 10.1 Licenses, authorizations and accreditation required

- 1) A valid and applicable license and authorization issued under the authority of the National Fisheries and Aquaculture Authority shall be required for:

- a. using a fishing vessel or reefer for industrial fishing or related activities in the Fisheries Waters and for Liberian vessels on the high seas and in waters of third countries;
 - b. using a fishing vessel for semi-industrial fishing or related activities in the Fisheries Waters;
 - c. using a vessel for artisanal fishing in the Fisheries Waters;
 - d. using any vessel for research fishing in the Fisheries Waters;
 - e. diving for commercial fishing purposes;
 - f. recreational fishing;
 - g. such fishing activities as may be designated by public notice by the Director General
 - h. commercial aquaculture operations;
 - i. operating a fish processing establishment; and
 - j. such other activities for which a license is required by the Director General by public notice, an applicable Fisheries Management Plan or as may be prescribed from time to time.
- 2) A valid and applicable written authorization issued by the Authority shall be required for:
- a. using a Liberian fishing vessel for fishing or related activities in areas beyond national jurisdiction;
 - b. each transshipment to or from a Liberian fishing vessel in the Fisheries Waters or on the high seas;
 - c. each transshipment to or from a foreign fishing vessel in the Fisheries Waters, including **the transfer of fish or fish products from a fishing vessel to a carrier vessel or a shore based facility for purposes of export;**
 - d. using a foreign fishing vessel that does not hold a valid and applicable licence to carry out fishing or related activities in the Fisheries Waters to enter a Liberian port;**
 - e. deployment and maintenance of a fish aggregating device;
 - f. commercial aquaculture;
 - g. transfer and introduction of live fish in relation to the Fisheries Waters;
 - h. import and export live fish; and
 - i. marine scientific research.
- 3) In the case of a foreign fishing vessel, a valid and applicable written authorization issued under the authority of the flag State shall be required as a condition of issuance of a license or authorization under Subsection (1)(a) and (2)(c) for fishing in the Fisheries Waters and, for transshipment at sea in accordance with international conservation and management measures.
- 4) A valid and applicable accreditation by the Authority in accordance with such criteria as may be prescribed or it may determine and notify by public notice shall be required for such persons, organizations or other entities carrying out the following functions, responsibilities or activities and such others within the scope of this Act as may be prescribed or required in accordance with Subsection 5:
- a. agents representing foreign fishing vessels;
 - b. businesses specializing in the construction of aquaculture facilities;
 - c. non-government organizations that undertake activities in relation to aquaculture or capture fisheries.
- 5) For the purposes of this section and notwithstanding any other provision of this Act, the Director General may, in a Fisheries Management Plan or by Notice, declare any activity within the scope of this Act to be subject to a license, authorization or accreditation.

Section 10.2 Accreditation

- 1) The Director General may, taking into account the recommendations of a Licensing Committee established pursuant to this Act, approve the grant, renewal, suspension or revocation of

accreditations for any purpose specified in Section 10.1 or which may be prescribed in accordance with this Act or required under any applicable Fisheries Management Plan or international agreement.

- 2) Non-Governmental organizations, cooperative, private corporate institutions, fisheries co-management associations, advocacy groups, national as well as international organizations wishing to engage into fishing and fishing related activities in Liberia shall apply to the Director General of NaFAA for accreditation.
- 3) Subsection (1) and (2) shall also apply to fisheries agent/ agency and the establishment of processing facilities and companies.

Section 10.3 Licenses and authorizations

- 1) The Director General may, taking into account the recommendations of a Licensing Committee established pursuant to this Act, approve the grant, renewal, suspension and revocation of licenses and authorisations for any purpose specified in Section 10.1 or which may be prescribed in accordance with this Act or required under any applicable Fisheries Management Plan or international agreement.
- 2) The Director General shall issue licenses, authorizations and accreditations that have been approved by the Committee.
- 3) Where the Director General denies the issuance or renewal of a license or authorization, he/she shall state in writing reasons for the decision, and promptly transmit them to the applicant.
- 4) Where the Director General denies to issue license or renewal of a license or authorization, he/she shall state in writing reasons for the decision, and promptly transmit them to the applicant.

Section 10.4 Standards for approval or renewal of licenses and authorizations

- 1) In approving or renewing licenses and authorizations pursuant to this Act, and in setting the level of any performance bond required under Section 5.4, the Director General and a Licensing Committee established pursuant to this Act shall take into account the extent to which the relevant vessel, including its operator or other relevant person, as appropriate, has:
 - a. the ability to comply with or has complied with this Act, including other relevant legislation and any applicable licensing terms and conditions, Fisheries Management Plan or international agreement, and such other standards as may be required in writing by the Director General;
 - b. the ability to comply with or has complied with other applicable regional and international obligations;
 - c. complied with all applicable vessel registration requirements;
 - d. provided all required data and information;
 - e. in the case of an operator or person, complied with applicable laws of other States and international conservation and management measures;
 - f. complied with the requirements of the *Maritime Law, Title 21 Liberian Codes Revised*; and
 - g. That a license issue is in compliance with the annual fisheries management plan.
- 2) In approving or renewing licenses and authorizations in respect of any foreign fishing vessel pursuant to this Act, and in setting the level of any performance bond required under Section 5.4, the Director General and a Licensing Committee established pursuant to this Act shall take into

account the ability of the relevant flag State to ensure compliance by its fishing vessels with the laws of coastal States and international conservation and management measures.

- 3) Each licence or authorization for an industrial, semi-industrial or recreational fishing vessel shall not be issued or have legal force or effect unless the relevant vessel submits to inspection as may be required by the Director General, at the port of Monrovia or such other port as he/she may designate, at the expense of such vessel, and it is established in writing by an inspector, or in the case of a port outside the Republic of Liberia a person duly authorized by the relevant government agency to carry out the duties of an inspector, that all required licence conditions have been met, including that all gear on board is authorized pursuant to the licence.
- 4) A fish processing licence shall not be issued or have legal force or effect unless an inspection of the relevant fish processing facility has taken place as the Director General may require, and he/she is satisfied that the fish processing establishment or any other related operation complies with all such safety and sanitary standards as this Act, other laws of the Republic of Liberia and conditions as the Board of Directors by public notice may require.
- 5) A commercial aquaculture licence shall not be issued or have legal force or effect unless the applicant has carried out such conditions as the Director General or Board of Directors may require pursuant to this Act, including a fisheries impact assessment pursuant to Section 4.18, and he/she is satisfied that the commercial aquaculture facility fully complies with all required conditions and standards.

Section 10.5 Preference for employment of citizens of the Republic of Liberia

- 1) Where commercial employment is foreseen in relation to the activity for which the licence or authorization is sought, it shall be a condition of the licence or authorization that citizens of Liberia possessing the necessary qualifications and experience shall be given preference for employment, and such employment shall be in accordance with the national labour laws.
- 2) Where licensed foreign fishing vessels operate from the Republic of Liberia for all or part of a year, the operator shall employ and train such Liberians as may be required by the Director General.
- 3) A licensee shall not:
 - a. import unskilled labour; or
 - b. in any case use child labour,

for the carrying out of any of its operations undertaken under the terms of the applicable licence or authorization.

- 4) Where the applicant for a licence or authorization is partly or wholly a foreign citizen or company, or where an applicable fisheries access agreement, arrangement, right, licence or authorization has been entered into pursuant to Section 10.1, such applicant shall be required, to the extent possible and in such manner as the Director General may approve, to contribute to the training and employment of Liberian citizens taking into account the requirements of safety and the need to maintain acceptable standards of efficiency in the conduct of the operations.
- 5) A person who contravenes Subsection (2) or who does not fulfil requirements made by the Director General under Subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both.

Section 10.6 Conditions for denial of licenses or authorizations

- 1) A license or authorization shall not be issued where:

- a. the relevant vessel is not intended for use as a fishing vessel;
 - b. the relevant vessel does not hold a valid and applicable registration, or holds more than one registration;
 - c. the relevant vessel is a foreign vessel and does not have a valid and applicable authorization or license to fish in areas beyond national jurisdiction;
 - d. the relevant vessel is a foreign vessel and has not provided its IMO number;
 - e. the issuance of a license would be contrary to any applicable Fisheries Management Plan;
 - f. within the previous Ten (10) years, the applicant, or a vessel or person associated with the applicant, has been convicted of an offence pursuant to this Act or any international agreement;
 - g. the applicant, vessel, or associated person has been charged with an offence pursuant to this Act more than three times and has:
 - i. not submitted to judicial or administrative procedures; or,
 - ii. has submitted to judicial or administrative procedures but has not fully complied with the final decision or determination;
 - h. the issuance of the license would be inconsistent with an international agreement;
 - i. the activity is likely to threaten the sustainability of a fishery resource;
 - j. in the case of a foreign fishing vessel, an agent has not been appointed; or
 - k. a vessel has been included on a list of illegal, unreported and unregulated fishing vessels established and maintained by a competent regional fishery body in accordance with its rules and procedures.
- 2) A license or authorization shall not be issued to or renewed for any foreign fishing vessel if that vessel was previously licensed or authorized by a foreign State for fishing within or beyond areas of national jurisdiction and was convicted of a violation under national law or undermined the effectiveness of international conservation and management measures, and, as a consequence:
- a. the foreign State suspended such license or authorization, and the suspension has not expired; or
 - b. the foreign State, within the last three years preceding the application for a license under this section, withdrew such license or authorization.
- 3) The restriction in Subsection (2) does not apply if the ownership of the vessel has changed since the vessel contravened international conservation and management measures, and the new owner has provided sufficient evidence to the Authority demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.
- 4) For the purpose of Subsection (1)(c) the term 'associated' shall include situations where the same legal or beneficial owner, or agent is shared.

Section 10.7 Application for the grant or renewal of licenses or authorizations

- 1) Except where otherwise prescribed, an application for a license or authorization under this Act shall:
- a. contain such information as may be required in this Act, in writing by the Director General or as may be prescribed by regulations;
 - b. be in such form as may be approved by the Director General;
 - c. be accompanied by such application fee and bond as may be prescribed; and
 - d. be made in accordance with such procedures and other requirements as may be approved by the Director General.

- 2) A non-refundable application fee shall be payable and shall accompany every application for a license or authorization required pursuant to this Act or the renewal of such license or authorization.
- 3) Where:
 - a. the Director General considers that an application has been made for an inappropriate class of license;
 - b. there is insufficient evidence or information accompanying the application upon which to make a recommendation regarding the application;
 - c. the information accompanying the application appears to be false, misleading or inaccurate; or
 - d. upon such other grounds as may be approved by the Board of Directors,

the Director General shall return the application to the applicant with details of his/her reasons for returning the application, and the applicant may submit a revised application with such additional evidence or information as may be appropriate.

- 4) If the information on an application is found to be false, misleading or inaccurate the Director General may decline to grant the license or authorization, or if such information is discovered to be false, misleading or inaccurate after the grant of the license or authorization, the Director General may suspend or cancel the license or authorization.

Section 10.8 Terms and conditions of licenses and authorizations

- 1) A license or authorization granted under this Act:
 - a. shall be subject to the terms and conditions, requirements and endorsements as are provided in this Act or as may be prescribed, or as may be otherwise required by the Director General from time to time for the purpose of implementing national or international conservation and management measures;
 - b. subject to Subsection (2), enters into force on the date specified in it;
 - c. unless sooner revoked or suspended in accordance with this Act, remains in force until the date on which it expires or the specified catch levels have been reached in accordance with the period approved by the Director General from time to time for the class of license or authorization to which it belongs; and
 - d. may be subject to a performance bond issued in accordance with this Act for an amount specified in the license issued pursuant to Section 5.4 .
- 2) No license or authorization shall be issued unless:
 - a. the approved fee and other required charges have been paid at the required time; and
 - b. where applicable:
 - i) a performance bond has been issued and notified to the Director General; and
 - ii) any access fee or other charges payable under any relevant access agreement have been paid.
- 3) The holder of a license or authorization issued under this Act shall:
 - a. comply with this Act, the terms and conditions of the relevant license or authorization, the laws of the Republic of Liberia, any applicable access agreement, any applicable Fisheries Management Plan, and any applicable international conservation and management measures;
 - b. comply with all relevant provisions of national law relating to navigational standards, employment on board and the safety of vessels at sea; and
 - c. not engage in fishing or related activities except as stated in the license or authorization.

- 4) The holder of a license or authorization relating to a fishing vessel shall ensure that the license or authorization, or a certified copy thereof is carried on board any relevant vessel at all times during the period of validity, unless a grace period not exceeding two weeks from the date of issue has been granted by the Director General, and the master shall upon request, produce it to a fisheries inspector or other person authorised under this Act to inspect it; provided that the Director General may authorize a true copy of a license to be temporarily carried in circumstances where it has not been reasonably practical for the original to be placed on board a vessel.
- 5) The holder of a license or authorization for any activity licensed in accordance with this Act other than for fishing vessels, shall display the license or authorization or a certified copy thereof in the registered business office, and produce it to a fisheries inspector or other person authorised under this Act to inspect it upon request.
- 6) A license or authorization issued in accordance with this Act or any associated regulation is not transferable except as may be otherwise provided in any Fisheries Management Plan.
- 7) Any person who contravenes Subsection (3) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both and in addition the license or authorization may be suspended or cancelled.
- 8) Any person who contravenes Subsection (4) or (5) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both.

Section 10.9 Period of validity

A license, authorization and accreditation issued pursuant to this Act shall be valid for a maximum of one year, unless otherwise provided in this Act, and may be renewable, subject to fisheries management and other relevant decisions taken in accordance with this Act and the terms and conditions set out in the license, authorization or accreditation.

Section 10.10 Fees, charges or levies

- 1) A registration, license, authorization or accreditation granted under this Act shall be subject to payment of:
 - a. the fee prescribed for that class of registration license, authorization or accreditation; and
 - b. such other fees, charges or levies as are set out in this Act, or as may be prescribed or notified by public notice.
- 2) The Director General shall charge license holders for the costs of services, including inspection and observer services, in accordance with such policy as the Board of Directors may establish by public notice.

Section 10.11 Suspension or cancellation of license, authorization or accreditation

- 1) The Director General may, by written notice to the license holder or that person's agent, suspend or cancel any license, authorization or accreditation issued pursuant to this Act for any of the following reasons:

- a. there has been a contravention of the license, authorization or terms of accreditation, this Act, or an applicable international agreement and/or national or international conservation and management measures in respect of which the license or authorization was given, and:
 - i. any applicable law or international agreement provides for such suspension or cancellation;
 - ii. the relevant person or persons involved in such contravention has not submitted to the legal or administrative process, or complied with the requirements of an applicable fine, penalty or other determination; or
 - iii. the Director General, having regard to the nature and seriousness of the contravention, may suspend or cancel the license ;
 - b. there has been a failure to maintain or comply with the eligibility criteria for the licence, authorization or accreditation, or there has been any material change or change in circumstances affecting eligibility to meet such criteria for any reason, including *inter alia*, in the:
 - i. registration of a company or a vessel;
 - ii. ownership or beneficial ownership or control of a company or vessel since the time of license approval; or
 - iii. characteristics, identification markings, or gear of the licensed industrial fishing vessel.
 - c. the license holder has furnished information which is untrue, incomplete or misleading in connection with the application, in contravention of Section 8.1;
 - d. a license or authorization has been transferred without the written approval of the Director General;
 - e. it is necessary to do so to implement conservation and management measures under this Act, in accordance with its objective and principles; or
 - f. such other reasons as may be prescribed in Liberian Law or the Regulations.
- 2) The Director General shall suspend or cancel a license, authorization or accreditation in accordance with such procedures as may be prescribed, where:
 - a. this Act, a Fisheries Management Plan or any international agreement so requires; or
 - b. the Director General decides it necessary to do so in order to ensure the sustainable use of any fisheries resource or to implement any conservation and management measure determined in accordance with this Act.
 - 3) Where a license, authorization or accreditation has been suspended or cancelled in accordance with Subsection (2), the Director General shall notify the applicant of the reasons.
 - 4) There shall be no refund of fees paid in respect of a license, authorization or accreditation suspended or cancelled under this section.
 - 5) Any person who engages in any activity for which the license, authorization or accreditation was issued after notice of suspension or cancellation under Subsection (3) is received by the holder or accredited agent or after the license has terminated, commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 10.12 Termination of licenses, authorizations and accreditations

- 1) Notwithstanding the provisions of Section 10.9, a license, authorization or accreditation issued pursuant to this Act shall terminate:
 - a. upon the expiration of the period for which it was valid;
 - b. where the vessel changes the country of registration, becomes registered in more than one country or is de-registered;
 - c. where the master, owner, or charterer of the fishing vessel to which the license relates is convicted of an offence under this Act and a decision to terminate the license has been taken by the relevant judicial or administrative proceedings in accordance with this Act.
- 2) There shall be no refund for a license, authorization or accreditation terminated pursuant to this section.

Section 10.13 Appeal

- 1) There shall be established by the Authority a License Appeals Committee within the Agency.
- 2) A person whose application for a license, authorization or accreditation has been refused by the Director General or whose license has been suspended, cancelled or terminated except as a result of judicial or administrative proceedings or for reasons of fisheries conservation and management, may appeal the decision to the License Appeals Committee.
- 3) The License Appeals Committee shall consist of a two members of the Board of Directors, a member of the Collaborating Management Association (CMA), a member of the Seamen Union and a member of the Liberia Bar Association.
- 4) The members of the License Appeals Committee whom are members of the Board shall be selected by the Chair of the Board of Directors. The members of the Committee shall elect their Chair.
- 5) Each member of the License Appeals Committee shall serve a tenure of three (3) years, without reappointment.
- 6) An appeal may be made to the License Appeals Committee in writing within fifteen (15) days of the notification to the applicant or license holder of the Director General's decision. Upon receipt of an appeal under Subsection (1), the Board of Directors shall require the Director General to prepare a written report relating to the appeal within seven (7) days.
- 7) The License Appeals Committee shall make a decision on the appeal within fifteen (15) days of receiving the Director General's report, and take into account the information in the report, such independent information that may be submitted to it regarding the appeal and other such information it may deem relevant.
- 8) The License Appeals Committee shall consider the appeal, with the view to arriving at a recommendation for the Board of Directors' action.
- 9) The decision of the License Appeals Committee shall be taken by consensus, or where consensus cannot be reached by majority vote, and shall be final; and the aggrieved party may seek judicial review in the court.
- 10) The Director General shall notify the appellant of the decision within seven (7) days of it having been taken.

PART 2 - Requirements for Fishing Operations

Section 10.14 Conditions for fishing

Fishing authorisations issued for all fishing vessels operating in and beyond the EEZ and licenses issued for industrial, semi-industrial, artisanal or recreational fishing vessels operating within the EEZ shall be subject to the following conditions:

- a. the fishing vessel shall display the markings required in the Regulations and shall not change such markings without written permission from the Director General;
- b. the operator shall hold a valid registration in respect of the fishing vessel as may be required by the flag State or entity for that type of vessel and issued by such flag State or entity;
- c. the operator shall hold only one valid registration in respect of the fishing vessel and shall not at the same time hold more than one such registration;
- d. the fishing gear on board the fishing vessel shall display the markings required in the Regulations and any other markings that may be required by the Director General, and such markings shall not be changed without the written permission from the Director General;
- e. the operator shall comply at all times with the requirements for fishing gear in the Regulations;
- f. the operator shall not carry on board the fishing vessel any fishing gear that has not been approved for fishing activities pursuant to the fishing license;
- g. the operator shall comply with all relevant provisions of national and international law relating to navigational standards and the safety of vessels at sea; and
- h. the operator shall comply with any direction given by the Director General for inspection of the vessel prior to its departure from the Fisheries Waters.

Section 10.15 Conditions for National fishing vessels

Any fishing license or authorization issued to a National fishing vessel shall be subject to the conditions that, during the period of validity of the license or authorization, it shall not be used:

- a. for fishing or related activities on the high seas or in areas subject to international conservation and management measures unless the license or authorization has been endorsed or issued to authorize such fishing or fishing related activity;
- b. in areas of national jurisdiction of any other State(s) except in accordance with:
 - (i) a valid and applicable license or authorization issued by such State(s) in accordance with its laws; and
 - (ii) the laws of that State; or
- c. to engage in any activity on the high seas or in areas of national jurisdiction of any State which does not comply with an applicable international agreement or undermines the effectiveness of international conservation and management measures in an area to which such measures apply.

Section 10:16 Conditions for Foreign Fishing vessels

Any foreign fishing vessel wishing to fish in the fisheries waters of Liberia shall fulfil the below requirements:

- 1) The operator of each foreign fishing vessel licensed pursuant to this Act shall designate a natural or corporate person as an agent authorized to accept on behalf of such vessel service of process and any notices required to be served on the vessel and to provide such information as may be required under this Act with respect to the vessel and its activities, operators, masters and crew members.
 - i) A corporate person may be designated as agent only where it has been established pursuant to the laws of the Republic of Liberia, and has provided full and correct information to the Director General in relation to the following:
 - b. the full address of the registered or principal office of the company and their principal place of business in Liberia;
 - c. the present name and any former forename or surname, address and occupation of the person authorised to manage the company in the Republic of Liberia;
 - d. a list of the directors of the company, containing such particulars with respect to the directors as are required to be furnished in the register of the directors of a company; and
 - e. the names and addresses of one or more persons continuously resident in the Republic of Liberia authorised to accept on behalf of the company service of process and any notices required to be served on the company and to provide such information as may be required under this Act with respect to the vessel and its activities, operator, master and crew members, and in the event of any alteration being made in the instrument or in the address or in the directors or managers or in the names or addresses of such persons, the company shall promptly deliver to the Director General a notice of the alteration in writing
- iii) Each natural person designated pursuant to Subsection (1), each person identified pursuant to Subsection (2)(d) and, in respect of subparagraphs (c) through (i) each company identified pursuant to Subsection (2) shall:
 - a. be continuously resident in Liberia;
 - b. have no record of conviction for felony;
 - c. have no record of association with illegal, unreported or unregulated fishing activities that take place within or beyond areas under the national jurisdiction of the Republic of Liberia;
 - d. where relevant carry out duties as required pursuant to the Companies Law and other laws in Liberia relating to agents;
 - e. provide such information as may be required pursuant to this Act in relation to the relevant foreign fishing vessel;
 - f. receive and respond to legal process with respect to the vessel and its activities, operator, master and crew members;
 - g. comply with all laws of the Republic of Liberia;
 - h. not exceed his/her authority as an agent, including dealing on his/her own account; or
 - i. not engage in any activity that constitutes or is likely to constitute a conflict of interest, between his/her duties and responsibilities as an agent appointed in accordance with this Act and any duties or responsibilities he or she may directly or indirectly exercise in relation to the government, public service or the laws of the Republic of Liberia.

- iv) Each agent designated pursuant to Subsection (1) and each company established pursuant to Subsection (2) shall not have legal authority as agent or otherwise as representative in relation to any foreign fishing vessel unless s/he/it holds a valid and applicable accreditation by the Authority.
 - v) The operator of each foreign fishing vessel shall ensure that its accredited agent:
 - a. has full legal authority and is sufficiently informed at all times in order to carry out his/her/its responsibilities pursuant to this Act including the requirements in Subsection (3); and
 - b. complies with all requirements in Subsection (3).
 - vi) No licence shall be issued to a foreign fishing vessel unless an agent has been designated and holds a valid and applicable accreditation in accordance with this Act, and meets all requirements of this section.
 - vii) Where there is clear evidence of a violation of Subsections (1), (2) or (3), the accreditation of the agent shall be suspended or revoked, and notification shall be given to the operator of the relevant foreign fishing vessel and agent of such suspension or revocation shall be immediately given.
 - viii) Where notification of revocation of accreditation is given pursuant to Subsection (7), such agent or company shall be permanently prohibited from representing any foreign fishing vessel in relation to fishing or related activities in the Republic of Liberia.
 - ix) The operator of a foreign fishing vessel shall appoint a new agent within a time period specified in the notification given pursuant to Subsection (7), and until such appointment is made, licence to fish is suspended.
 - x) A person who contravenes any requirement set out in Subsections (1), (2), (3) or (9) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.
 - xi) A person who represents himself/herself /itself as an agent or performs activities as an agent in relation to a foreign fishing vessel without valid and applicable accreditation required pursuant to Subsection (4) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both, and shall be permanently prohibited from receiving accreditation as an agent in the Republic of Liberia in relation to any foreign fishing vessel.
 - xii) Where any operator does not comply with Subsection (V), he/she/it commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule and in addition:
 - a. the applicable licence(s) shall be suspended for such period as the Director General, based on a recommendation by a Licensing Committee established pursuant to this Act, thinks fit but not less than one month; or
 - b. the applicable licence(s) may be revoked; and
 - c. such operator shall fully disclose information regarding the agreement between the operator and the agent.
- 2) Any foreign fishing vessel that may be prescribed or required, each agreement, arrangement, right, licence and authorization for fisheries access shall require:
- a. the operator to comply with all laws of the Republic of Liberia;

- b. the operator to hold, in respect of the vessel, a valid and applicable licence or authorization from the State in which it is registered to carry out fishing or fishing related activities in the fisheries waters;
 - c. the operator to hold, in respect of the vessel, a valid and applicable license for fishing or fishing related activities issued in Liberia;
 - d. that the vessel is included on a list of authorized vessels maintained by any competent regional fishery body to which Liberia is a party or a cooperating non-party in accordance with the rules of such organization(s);
 - e. that the vessel is not included on a list of illegal, unreported or unregulated vessels maintained by any competent regional fishery body to which Liberia is a party or a cooperating non-party in accordance with the rules of such organization(s), and that access shall automatically terminate should the vessel be included on such a list;
 - f. the other party to take all measures required to ensure compliance with the requirements for fisheries access and otherwise pursuant to this Act, including by posting a performance bond in accordance with Section 5.4 if required;
 - g. where fisheries access is agreed with a corporation, association or other body acting on behalf of its members or other persons, it shall be liable for the discharged liabilities of its members or other persons arising out of any operations under the agreement and the agreement itself, including fees;
 - h. that any trade-related undertakings are consistent with the rules of the World Trade Organization;
 - i. the flag States of the vessels to fully comply with their duties and responsibilities as flag States under international law and standards as reflected in international fisheries instruments;
 - j. fees, levies and other charges to be fully paid at the required time, and all other undertakings are discharged within a stated time, or access will automatically be terminated and
 - k. such other requirements that may be made in accordance with the principles and objectives of this Act and as appropriate to implement any international obligation or undertaking of Liberia.
- 3) A foreign fishing vessel may be permitted entry into port for reasons of *force majeure* or distress exclusively for the purpose of rendering assistance to persons, ships or watercraft in danger or distress.

Section 10.17 Conditions for industrial fishing

Industrial fishing licenses issued for fishing or related activities shall be subject to the following conditions:

- a. the fishing vessel shall at all times fly its national flag;
- b. the operator shall maintain fishing and navigation logbooks at all times in the English language with such information as may be prescribed or required by the Director General;

- c. the operator shall report the fishing vessel's position to the Director General by High Frequency Radio every twenty-four (24) hours while in the Fisheries Waters or as required by the Director General;
- d. the operator shall install, maintain and ensure continuous operation of an Automatic Identification System at full transmission power at all times while the fishing vessel is in the Fisheries Waters and in areas beyond national jurisdiction until it completes landing or transshipment of any fish caught in the Fisheries Waters;
- e. the operator shall continually monitor the international distress and call frequency and the international safety and calling frequency;
- f. the operator shall ensure that a recent and up-to-date copy of the International Code of Signals be carried on board and accessible at all times;
- g. the operator shall ensure that a recent and up-to-date set of charts showing the Fisheries Waters be carried on board at all times;
- h. the operator shall not at any time cause or allow the fishing vessel to enter, be present in, engage in fishing for or take or carry on board or possess fish taken from the Inshore Exclusion Zone; and
- i. such other conditions that may be required by this Act or prescribed in accordance with the Regulations.

Section 10.18 Reporting requirements for industrial fishing vessels

- 1) The operator of each industrial fishing vessel shall make the following reports as a condition of license or authorization, which shall include:
 - a. at all times while in the Fisheries Waters or such other area where fishing or related activities are permitted, causing to be maintained in the English language a fishing log in a form supplied or approved by the Director General and shall enter the following-
 - (i) the gear type used;
 - (ii) the noon position of the vessel and, where applicable, the set position fishing gear and soak time or the number of hooks and the sea surface temperature;
 - (iii) the species of fish taken and the size and quantity of each species by weight or number as may be specified in the form;
 - (iv) the species of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number as may be specified in the form; and
 - (v) the total number of hauls per day, aggregate time for each haul and total number of days fished per fishing trip.
 - (vi) such other information as may be prescribed or as the Director General may require, or as may be required by an applicable international agreement or fisheries management agreement.
 - b. reporting information in a format approved by the Director General, by email, High Frequency Radio or facsimile relating to the position of, and the catch on board, the vessel and such other information that may be required or prescribed by this Act or required by the Director General at the following times:
 - (i) at least twenty-four (24) hours prior to the estimated time of entry into and departure from the Fisheries Waters;

- (ii) each day while the vessel is in the Fisheries Waters;
 - (iii) at least twenty-four (24) hours prior to the estimated time of entry or departure from port; and
 - (iv) upon entry or departure from a closed or protected area.
- c. ensuring that any information or data which may be required to be transmitted by a transponder, automatic location communicator or other component of a vessel monitoring system is transmitted continuously, accurately and effectively to the designated receiver;
 - d. providing such daily information as and in the form the Director General may require to give effect to its duty under international agreements and law;
 - e. such other reports as may be prescribed or required by the Director General;
 - f. certifying that information provided pursuant to sub-paragraphs (a), (b), (c) (d) and (e) are true, complete and correct.
- 2) The operator of each industrial fishing vessel shall ensure that a radio is onboard and fully operational at all times and shall permit and facilitate any observer on board to make a report from such radio at least daily and at such other time or times as may be required by the Director General.
 - 3) Any person who contravenes Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both
 - 4) Any person who contravenes Subsection (2) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and in addition the Director General may recall the vessel to port and the licence of the vessel may be suspended or revoked.

Section 10.19 Conditions for semi-industrial fishing

- 1) Semi-industrial fishing licenses issued for fishing or related activities shall be subject to the following conditions:
 - a. each semi-industrial fishing vessel shall at all times fly its national flag;
 - b. each semi-industrial fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Director General.
- 2) On receipt of an application for registration of a semi-industrial fishing vessel made under this Act, the Director General shall, as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Director General shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.
- 3) The Director General may:
 - a. determine from time to time the total number semi-industrial fishing vessels to be licensed and may refuse to license additional semi-industrial fishing vessels once this number has been met; and

- b. specify conditions of licensing for a semi-industrial vessel relating to the species, total allowable catch or area in which it is permitted to fish, the season, the type and use of its fishing gear, and such other conditions that he or she may require.
- 4) Semi-industrial fishing vessels, except in cases where transshipment has been authorized in accordance with this Act shall land all catch at such places as shall be designated in the license or directed in writing by the Director General.

Section 10.20 Reporting requirements for semi-industrial fishing vessels

The operator of each semi-industrial fishing vessel shall make such reports as may be prescribed or required by the Director General by public notice as a condition of license which shall include:

- a. maintaining a fishing log for each fishing trip in the area to which the relevant license applies, the English language or other language approved by the Director General, which shall include:
 - (i) the date of fishing;
 - (ii) the gear type used;
 - (iii) the species of fish taken and the size and quantity of each species by weight or number as may be prescribed or the Director General may require;
 - (iii) the species of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number;
- b. the place of landing or transshipment;
- c. such other information as may be prescribed or as the Director General may require; and
- d. certifying that information provided pursuant to sub-paragraphs (a), (b) and (c) is true, complete and correct.

Section 10.21 Transfer of Semi-Industrial and Industrial Fishing Licenses

- 1) A semi-industrial or industrial fishing license shall:
 - a. be issued to a specific fishing vessel;
 - b. be personal to the holder of that license; and
 - c. not be transferred to another person or vessel except with the written approval of the Director General, and subject to the conditions determined by the Director General, including the payment of fees as may be prescribed or required in writing by the Director General.
- 2) Any person who contravenes Subsection (1)(c) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both.

Section 10.22 Conditions for artisanal and recreational fishing vessels

- 1) Every artisanal and recreational fishing vessel shall be marked with a registration number in such form as may be prescribed or required in writing by the Director General.
- 2) On receipt of an application for registration of an artisanal or recreational fishing vessel made under this Act, the Director General, shall as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards by LiMA, the Director General shall assign identification markings

to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.

- 3) The Director General may:
 - a. determine from time to time the total number artisanal and recreational fishing vessels to be licensed and may refuse to license additional artisanal or recreational fishing vessels once this number has been met.; and
 - b. specify conditions of licensing for artisanal and recreational fishing vessel relating to the area in which it is permitted to fish and the use of its fishing gear.
- 4) Any person, being the owner or operator of an artisanal or recreational fishing vessel, who does not comply with Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both.

Section 10.23 Condition for Inland fisheries

- 1) Every inland fishing vessel shall be marked with a registration number in such form as may be prescribed or required in writing by the Director General.
- 2) On receipt of an application for registration of an inland fishing vessel made under this Act, the Director General, shall as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Director General shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.
- 3) The Director General may:
 - a. determine from time to time the total number of inland fishing vessels and gears to be licensed and may refuse to license additional fishing vessels once this number has been met.; and
 - b. specify conditions of licensing vessel relating to the area in which it is permitted to fish and the use of its fishing gear.
- 4) Any person, being the owner or operator of an inland fishing vessel, who does not comply with Subsection (1) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding one year or both.
- 5) NaFAA shall promote the decentralization of management of inland water fisheries to local communities as appropriate.

PART 3 – AUTHORIZATIONS FOR RESEARCH FISHING, TRANSHIPMENT, FISH AGGREGATING DEVICES, IMPORT, EXPORT INTRODUCTION/TRANSFER ETC OF FISH

Section 10.24 Conditions for research fishing

- 1) Research fishing shall not be undertaken in the Fisheries Waters unless a valid and applicable authorization has been issued to the relevant vessel.
- 2) Each person applying for an authorization to undertake research fishing shall submit together with the application a detailed research plan for the duration of the fishing or related activities in the

Fisheries Waters, and no authorization for research fishing shall be issued unless such plan has been submitted and approved by the Director General.

- 3) Each authorization for research fishing shall be subject to the following conditions:
 - a. that at least two Liberian scientist or observer be included at all times for the duration of the research at the expense of the person to whom the authorization is granted;
 - b. the authorized person to bear the full costs of such scientist(s) or observer(s), including accommodation and food at a reasonable standard, insurance coverage and travel costs, including embarkation and disembarkation costs;
 - c. the research findings and raw data to be communicated to the Director General within a specified period as determined by the Director General in consultation with the researcher;
 - d. compliance with the terms of a detailed research plan approved by the Director General;
 - e. that the research complies with any relevant Fisheries Management Plan and this Act; and
 - f. such other conditions as the Director General deems necessary and are consistent with Part XIII, of the 1982 United Nations Convention on the Law of the Sea, including a requirement that the licensee undertake an evaluation of the environmental impacts of the research fishing.
- 4) Any person who contravenes Subsection (1) or (3) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 10.25 Conditions for transshipment

- 1) The operator of a fishing vessel or reefers intending to engage in, or engaging in transshipment in the Fisheries Waters or in a Liberian port, or on the high seas or in the port of another country shall:
 - a. only tranship at the time, place or port authorized for transshipment and on such terms and conditions as may be required:
 - i. pursuant to this Act;
 - ii. under an applicable international agreement;
 - iii. by any international conservation and management measure.
 - b. provide seventy-two (72) hours prior notice, or such other prior notice as may be prescribed by the Director General. The vessel owner or Captain/ Agent may request to tranship any or all of the fish or fish products on board and provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port or other place where such transshipment is requested to occur and such other information that may be prescribed or required by the Director General;
 - c. not tranship at sea in the Fisheries Waters, except where the Director General declares exceptional circumstances such as unavailability of a designated port during a reasonable time period, and the transshipment operations are monitored by such authorized inspector or observers that the Director General may require;
 - d. fulfil the revenue and finance laws of general applicability in the Republic of Liberia; and
 - e. submit full reports on transshipments on forms that may be prescribed or required by Director General in accordance with this Act.
- 2) The operator of a fishing vessel engaging in transshipment shall comply with such procedures as may be required by the Director General, including placement of a fisheries inspector or observer on board prior to and during transshipment, to:

- a. obtain and verify data, including on the quantity and species transshipped; and
 - b. determine when transshipment has been completed,
- and such other procedures as may be prescribed or otherwise required by the Director General.
- 3) During transshipment in the Fisheries Waters the operator of each vessel shall comply with all applicable laws relating to protection of the marine environment.
 - 4) Transshipments shall be subject to such further conditions as may be prescribed or otherwise required, including in any applicable Fisheries Management Plan.
 - 5) Any person who contravenes Subsection (1), (2) or (3) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 10.26 Conditions for deployment and maintenance of a fish aggregating device

- 1) No person,
 - a. being the operator of a fishing vessel or any other person in apparent control of a fish aggregating device shall deploy or maintain any fish aggregating device in the Fisheries Waters; or
 - b. being the operator of a fishing vessel, including a supply vessel, shall deploy any fish aggregating device in areas beyond national jurisdiction that drifts into the Fisheries Waters with or without the knowledge of such operator,

except under an authorization issued by the Director General and in accordance with such conditions as he/she may specify or as are otherwise specified in this Act.

- 2) The Director General shall not authorize the use of any fish aggregating device unless the Data Reporting Network Identification Code is notified in the application for authorization.
- 3) In granting an authorization under Subsection (1), the Director General may require other conditions relating to any fish aggregating device, including the following:
 - a. the method of use;
 - b. the location;
 - c. the times, areas and seasons during which it may be used;
 - d. the maximum number of fish aggregating devices that may be deployed;
 - e. the maximum number of sets for each fish aggregating device and the associated reporting requirements;
 - f. requirements for a radio beacon or other position-finding device; and
 - g. the markings or colourings to be adopted.
- 4) No fish aggregating device shall be placed in such a way as to hinder or block marine traffic or be a hazard to navigation at sea.
- 5) The permission of the Director General under this Act shall be in writing and may be in electronic form whether as a condition or licence or otherwise.
- 6) Unless otherwise provided under this Act or specified by the Director General, permission to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

- 7) The master of any vessel placing a fish aggregating device shall notify the Director General within 24 hours of such placement and of the nature and location of the device.
- 8) A person who contravenes Subsection (1) (a) or (b) or Subsection (4), or contravenes any condition required under Subsection (3) or claims an exclusive right to fish in the vicinity of the device in contravention of Subsection (6) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule in respect of each fish aggregating device or to a term of imprisonment not exceeding three years or both, and each fish aggregating device that is used or found in the Fisheries Waters in contravention of this section shall be confiscated and any authorization to deploy fish aggregating devices may be revoked.

Section 10.27 Markings, equipment for fish aggregating devices

- 1) No person, being the operator of a fishing vessel or any other person in apparent control of a fish aggregating device shall deploy a fish aggregating device in the Fisheries Waters or being the operator of a fishing vessel, including a supply vessel, shall deploy any fish aggregating device in areas beyond national jurisdiction that drifts into the Fisheries Waters with or without the knowledge of such operator unless it:
 - a. is clearly marked with the name of the owner and of the vessel from which such a device was placed;
 - b. is equipped with a radar reflector and such lights as shall be clearly visible at night from a distance of one nautical mile; and
 - c. has such other equipment or markings as the Director General may from time to time require.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule in respect of each fish aggregating device or a term of imprisonment not exceeding three years or both and each fish aggregating device that is used or found in the Fisheries Waters in contravention of this section shall be confiscated and any authorization to deploy fish aggregating devices may be revoked.

Section 10.28 Use or disposal of unauthorized fish aggregating devices

- 1) No person shall use or dispose of a fish aggregating device in a manner other than in accordance with this Act or as may be required by the Director General.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule in respect of each fish aggregating device or to a term of imprisonment not exceeding one year or both.

Section 10.29 Requirements for the import, export and release of live fish

- 1) No person shall, without an authorization issued by the Director General and in accordance with its terms and conditions and this Act:
 - a. import into Liberia any live fish;
 - b. export from Liberia any live fish; or
 - c. release into the Fisheries Waters any live fish imported into Liberia.
- 2) The Director General shall not approve any release of live fish unless the fish has been kept under observation and control for such period and on such terms and conditions as he/she thinks fit.
- 3) Where the Director General is satisfied that any fish which has been imported into Liberia is unsuitable for the purpose of release he may order the fish to be forfeited and destroyed.

- 4) The importer or person in possession of any fish destroyed under Subsection (3) shall not be entitled to compensation.
- 5) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.

Section 10.30 Requirements for the introduction and transfer of live fish

- 1) An application for the activities described in section 6.6 (1) and (2) shall be made in such form and containing such information as may be prescribed or as the Director General may require.
- 2) The Director General shall not issue authorization for activities described under section 6.6 (1) and (2) where there are reasonable grounds to believe that the introduction, transfer or stocking of native or non-native species of fish, or other activities described in that section, may harm native fish stocks, livelihoods, biodiversity or the environment.
- 3) An authorization issued under this section shall be subject to such general conditions as may be prescribed and to such specific conditions as may be necessary to safeguard native fish stocks, livelihoods, biodiversity or the environment.

PART 4 – AQUACULTURE

Section 10.31 Application for licence for commercial aquaculture (“aquaculture licence”)

- 1) An application for an aquaculture licence shall be made to the Director General in such form as may be prescribed by the Regulations or required by the Director General and be accompanied by such documents and information as the Director General may require, including proof that the applicant is legally entitled to use the land or other area designated as the proposed site.
- 2) After receipt of an application pursuant to Subsection (1), the Director General shall ensure that any relevant environmental standards for the proposed aquaculture project are being met, including requirements for siting, emissions and other relevant matters under the Environment Protection Law, and may, in consultation with the relevant Local government, determine whether the applicant is required to submit an environmental assessment of the proposed aquaculture project.
- 3) **If the applicant is required to undertake an environmental impact assessment in respect of any law, the application shall be accompanied by a copy of any environmental impact assessment report and the recommendations of anybody or agency responsible for reviewing the environmental impact assessment report.**
- 4) The applicant shall disclose fully in the application the level of foreign investment in the proposed aquaculture operations, if any, and the potential benefits to the Republic of Liberia from such investment which the Director General shall include, *inter alia*, as a condition of license.
- 5) The applicant shall give notice of the application, at the applicant’s expense, in such manner as may be prescribed and to such person or persons, including the public in general, as the Director General may determine, and such notice shall invite all those to whom it is addressed to submit in writing to the Director General, within thirty days from the date of the notice, any objections to or representations in connection with the application.

- 6) The applicant shall designate the person or persons accredited in accordance with Section 10.1(4) that will install the aquaculture facility.
- 7) If, before a licence is issued, there is any change in the particulars submitted under Subsection (1) or, where an environmental assessment is required, any change in the information on which the environmental assessment is based, the applicant shall immediately communicate such change or changes in writing to the Director General.
- 8) A person who contravenes Subsection (1), (3), (5) (6) or (7) commits an offence and shall be liable on conviction to a fine described in the Second Schedule or a term of imprisonment not exceeding one year or both.

Section 10.32 Standards for approval of aquaculture licence

- 1) When considering an application submitted pursuant to Section 10.29, the Committee may have regard to:
 - a. the technical and financial ability of the applicant to exercise the rights sought in the application in a satisfactory manner;
 - b. the species of fish that the applicant proposes to farm and the method of aquaculture that the applicant proposes to employ; and
 - c. any other matters applicable to the licence that, in the opinion of the Director General, are relevant.
- 2) Where more than one person applies for a licence covering all or part of the same site, preference in relation to that site shall be given to the applicant who, in the opinion of the Director General in consultation with the relevant local government, is the best overall applicant based on the information contained in the application.

Section 10.33 Inspection of proposed site

- 1) The Director General may require an inspector to inspect any site proposed by a licence applicant for the establishment of an aquaculture facility to determine the suitability or otherwise of such site for use as an aquaculture facility.
- 2) The Director General may require the relevant licence applicant to pay such fee for the inspection carried out pursuant to Subsection (1) as may be prescribed.

Section 10.34 Conditions for aquaculture licences

- 1) The period of validity of each aquaculture licence may not exceed ten years, and shall be subject to renewal on an annual basis.
- 2) The Director General may approve an aquaculture licence for issuance subject to any conditions considered appropriate, including conditions relating to:
 - a. the siting, design, equipment and materials to be used in the construction of the aquaculture facility;
 - b. the control of species of aquatic life that may be introduced into such facility;
 - c. the control of feed for use at the aquaculture facility;

- d. the promotion of sanitary conditions in the handling of fish and in the preparation and processing of fisheries and aquaculture products;
 - e. preventing the escape of fish from an aquaculture facility;
 - f. preventing and controlling the spread of diseases to fish;
 - g. marketing of fish and fisheries products of an aquaculture facility;
 - h. the disposal of dead fish or waste from an aquaculture facility operated by the licensee including relevant consents and notifications required;
 - i. the control and monitoring of water quality in the aquaculture area;
 - j. the use of any chemicals or pharmaceuticals, drugs, antibiotics or other chemicals;
 - k. pollution in the proposed area of operation;
 - l. employment of a reasonable number of Liberian citizens;
 - m. the composition of the feed which may be used;
 - n. the types of manures or fertilizers which may be used;
 - o. the use of hormones for controlling reproduction or promoting growth;
 - p. the disposal of dead or diseased aquaculture products, material or waste resulting from aquaculture;
 - q. the keeping of records;
 - r. compliance with conditions under other relevant legislation in the Republic of Liberia; and
 - s. such other conditions as may be required or prescribed by the Regulations.
- 3) The Director General shall require as a condition of licence that:
- a. such licence for aquaculture automatically terminate if the facility is not developed within the period of time specified on the licence;
 - b. the cost of any destruction or damage during the licensing period that is caused by the negligence or malpractice of the licence holder, including the epidemic spread of diseases, shall be borne by the licence holder.
- 4) A person who contravenes any condition described under Subsection (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.

Section 10.35 Exclusive rights

An aquaculture licence shall confer on the holder exclusive rights to harvest the products of the relevant aquaculture facility within the area specified in the licence.

Section 10.36 Registration of ponds used for subsistence aquaculture

- 1) Each person shall register with the Authority any pond or ponds he/she use for purposes of subsistence aquaculture.
- 2) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three months or both

CHAPTER 11. MONITORING, CONTROL AND SURVEILLANCE (MCS)

PART 1 – MCS RESPONSIBILITY AND FUNCTIONS

Section 11.1 Monitoring, control and surveillance responsibility and functions

- 1) The Authority shall have primary responsibility for the monitoring, control and surveillance of all activities falling within the scope of this Act and international agreements, and its functions in relation to monitoring, control and surveillance shall include, *inter alia*, to:
 - a. monitor activities that fall within the scope of this Act, including the provision of information and data;
 - b. carry out surveillance over activities falling within the scope of this Act;
 - c. and
 - d. ensure compliance with this Act through effective enforcement.
- 2) In discharging the functions and responsibilities of the Authority, the Director General shall coordinate and collaborate with relevant Government Ministries, Authorities and agencies, including:
 - a. the Liberian Coast Guard, pursuant to its mandate in Section 4.3 of the **National Defense Law of 2008** to render assistance with the protection of marine resources, including fisheries;
 - b. the Liberian Maritime Authority;
 - c. the Ministry of Justice, including the Liberian National Police; and
 - d. the Liberia Immigration Service,

and each such Ministry, authority or agency and all its officials, staff or employees shall provide full and effective coordination, collaboration and cooperation with the Authority, including by allowing and assisting the Director General, fisheries inspectors and other relevant personnel carrying out responsibilities and functions under this Part to perform monitoring, control and surveillance activities as provided in this Act.

- 3) Any person who fails to cooperate, or otherwise prevents or hinders a fisheries inspector or other authorized personnel from performing responsibilities and functions under this Act, in contravention of Subsection (2), shall be subject to civil or criminal penalties and disciplinary actions under the Civil Service Agency or such other authority as appropriate.

PART 2 – FUNCTIONS, APPOINTMENT, POWERS OF FISHERIES INSPECTORS

Section 11.2 Fisheries inspectors – authority and functions

- 1) Fisheries inspectors shall exercise monitoring, control, surveillance and compliance functions pursuant to this Act:

- a. within areas under national jurisdiction; and
 - b. in relation to such other laws and international conservation and management measures beyond areas of national jurisdiction in accordance with any international agreement.
- 2) Where fisheries inspectors exercise functions pursuant to Subsection (1)(b), the provisions of this Act are applicable as if the duties were performed in areas under national jurisdiction.
 - 3) The Director General, in consultation with the Board of Directors may, in writing, based on such criteria as may be prescribed, authorize experienced foreign fisheries inspectors who have taken an oath to enforce this Act to exercise the rights and responsibilities of a fisheries inspector:
 - a. in the Fisheries Waters; or
 - b. on behalf of Liberia fisheries inspectors in areas beyond national jurisdiction,

in accordance with this Act and any applicable international agreement, and such inspectors shall have full legal status under this Act and the jurisdiction of the Republic of Liberia for the purposes of this Act.

Section 11.3 Appointment of fisheries inspectors

- 1) The following persons are deemed to be fisheries inspectors for the purposes of this Act:
 - a. the Director General;
 - b. employees of the Authority who are appointed, in writing, by the Director General as fisheries inspectors;
 - c. such members of the Liberia Coast Guard as the Director General and the Minister of Defense may both approve in writing and publish through official government public notices;
 - d. such other category of national government officers trained in enforcement and carrying out duties as enforcement officers or inspectors as the Director General and the Minister of Justice may both approve in writing and publish through official government public notices.
- 2) The Director General may, in writing, appoint any trained and qualified person or category of persons as fisheries inspectors for the purposes of this Act, other than persons described in Subsection (1), and such personnel shall exercise all powers and privileges accorded by this Act and as may be conferred on national police officers and members of the Liberian Coast Guard.
- 3) The Director General may limit the exercise of any powers and functions of a fisheries inspector to a specific area or period of time.

Section 11.4 General powers of fisheries inspectors

- 1) A fisheries inspector may do all such acts and things and give such directions as are reasonably necessary for the purposes of exercising any of his/her powers under this Act.
- 2) A fisheries inspector may use such force as may be reasonably necessary to enable the exercise of his/her powers under this Act.
- 3) A fisheries inspector bringing a vessel to a place in the Republic of Liberia in accordance with this Act, or in other circumstances where the need for assistance in enforcing this Act is immediate and overwhelming, may require any person to assist him or her, and that person shall be deemed to be an inspector for the purposes for and time during which he/she is required to act.

- 4) Where a fisheries inspector is required to undertake duties in areas beyond national jurisdiction, unless provided otherwise in an international agreement or arrangement, the provisions of this Act are applicable as if the duties were performed within areas under national jurisdiction.
- 5) Where a fisheries inspector has been appointed in accordance with Section 12.3(1) or is otherwise serving under the authority of another State where such State is party to an applicable international agreement or arrangement with the objective of carrying out fisheries monitoring, control and surveillance operations jointly or cooperatively with the Government of Liberia, he/she shall make such reports to the Director General as may be required pursuant to the terms of such international agreement or arrangement.
- 6) A fisheries inspector may exercise such other powers as may be prescribed to give effect to this Act and any international agreement, fisheries management agreement or international conservation and management measures, whether within or beyond areas of national jurisdiction.

Section 11.5 Identification of fisheries inspectors

- 1) A fisheries inspector in exercising any power conferred by this Act shall, upon request, identify himself /herself and produce evidence that he/she is a fisheries inspector.
- 2) The production by any fisheries inspector of any identification document issued to him or her shall, until the contrary is proved, be sufficient authority for any such fisheries inspector to do anything which he/she is authorized by this Act to do.

Section 11.6 Declaration of boarding and inspection

- 1) Fisheries inspectors, observers and other personnel conducting boarding and inspection of fishing vessels shall certify their presence by signing such Declaration of Boarding and Inspection form as may be prescribed or required by the Director General and promptly providing it to the Director General.
- 2) Such Boarding and Inspection Form as may be prescribed or required by the Director General shall be completed by a fisheries inspector who has participated in the boarding and inspection of a fishing vessel pursuant to this Act, other than a boarding and inspection in port, and such fisheries inspector or inspector shall promptly provide it to the Director General.

Section 11.7 Powers of hot pursuit

A fisheries inspector may, following hot pursuit outside the fisheries waters in accordance with international law and commenced within the fisheries waters, stop, board and inspect outside the fisheries waters any vessel which he/she has reasonable grounds to believe has been used in the commission of an offence under this Act, exercise any powers conferred by this Act and bring such vessel and all persons and things on board back into the Fisheries Waters.

Section 11.8 Immunity of fisheries inspectors and observers

Excepting acts of gross recklessness or negligence, no action shall be brought against a fisheries inspector or observer for anything he/she does or fails to do in good faith in the execution or purported execution of his/her powers and duties under this Act.

Section 11.9 Powers of entry and inspection of fisheries inspectors

- 1) The application of this section extends to all activities falling within the scope of this Act.
- 2) A fisheries inspector may, for purposes and activities falling within the scope of this Act, without a warrant:
 - a. stop, board, stay on board, enter and inspect any vessel, vehicle or aircraft, including:
 - i. any vessel in the Fisheries Waters which he/she has reason to believe has been used, is being used or is intended to be used for fishing or a related activity;
 - ii. any Liberian vessel outside the Fisheries Waters; and
 - iii. any other vessel to which this Act and any international law or agreement applies,and such inspection may include the breaking open of any hold or compartment, container or other receptacle upon a boarded vessel that the fisheries inspector has reasonable grounds to believe may contain evidence of an offence under this Act;
 - b. enter, examine and inspect any premises or place, other than premises used exclusively as a dwelling house, including premises that are part of or attached to a dwelling house which he/she reasonably suspects are used for activities falling within the scope of this Act:
 - i. in or on which he/she has reason to suspect that evidence of an offence against this Act may be found; or
 - ii. that it is necessary or expedient to enter or search to ascertain whether this Act is being or has been complied with;
 - c. stop any person and examine any record, article, container, gear, apparatus, device or fish in the possession of that person;
 - d. pass across any land;
 - e. monitor landing and transshipment operations and take samples, photographs and relevant documentation;
 - f. require a person engaged or apparently engaged in any activity for which a license, authorization or other permission is required under this Act or an applicable international agreement to:
 - i. give information about the relevant activity;
 - ii. state whether he/she holds a license, endorsement or other authorization under this Act and, if so, to produce the license, endorsement or other authorization;
 - iii. state his or her name, date of birth and place of abode;
 - g. make an entry dated and signed by her/him in a vessel's log, and require the master to sign the entry, or to indicate on a chart or other document the position of the vessel at that time and initial such chart or other document accordingly;
 - h. require any person associated or apparently associated with a vessel, vehicle, aircraft, premises, facility, or other place or activity falling within the scope of this Act, to provide such information as may be reasonably required for the enforcement of this Act;
 - i. examine any gear, equipment, record or other document that is found in or on any vessel, vehicle, aircraft, premises, facility or place, that he/she has reason to believe has been used, is being used or is intended to be used for or in relation to any activity requiring a license or authorization under this Act;

- j. examine and/or test or cause to be examined and/or tested any electronic equipment required to be on board any vessel or used for the any purpose that falls within the scope of this Act,

and may examine and inspect any document, record, article, gear, equipment, apparatus, device, container, fish and contents of any kind found therein or thereon.

- 3) A fisheries inspector may, without a warrant, erect a temporary barrier across a public road for the purpose of implementing any relevant authority in Subsection (2).
- 4) An authorized officer may, in respect of premises used exclusively as a dwelling house, only conduct searches in accordance with this section and seizures in accordance with Section 12.9 with a warrant issued by any court of competent jurisdiction and the provisions of this section shall apply *mutatis mutandis*.

Section 11.10 Power to take, detain, remove and secure information and evidence

- 1) A fisheries inspector may, for purposes and activities falling within the scope of this Act, without a warrant:
 - a. inspect, take, detain and secure samples, logbooks, documents, records, documents, records and other information, or copies thereof, from any vessel, vehicle, aircraft, premises, facility or other place, other than premises used exclusively as a dwelling house but including premises that are part of or attached to a dwelling house used for activities falling within the scope of this Act;
 - b. take, detain, and secure:
 - i. any vessel, vehicle, aircraft, gear, implement, appliance, material, container, goods, equipment, explosive or noxious substance or item that he/she has reason to believe has been taken or used, is being used or is intended to be used in or in relation to the commission of an offence in contravention of this Act;
 - ii. any fish which the fisheries inspector believes on reasonable grounds are being, or have been taken, killed, transported, bought, sold or found in the possession of any person in contravention of this Act, and any fish with which such fish have been intermixed;
 - iii. any logs, charts or other documents required to be maintained under this Act or the terms of any license or which he/she has reason to believe show, or tend to show, the commission of an offence against this Act, including any license issued under this Act; and
 - iv. any article, record or item which he/she has reason to believe might be used is evidence in any administrative or legal proceeding under this Act;
 - c. require any person in charge or control or apparent charge or control of any activity in respect of which a license, authorization or other permission is required under this Act or an applicable international agreement, including the master of a vessel, to:
 - i. produce the registration, license, authorization or other permission required for or in relation to the activity;
 - ii. produce any other documents in relation to the activity ;
 - iii. give any other relevant information,and the fisheries inspector may take copies of, or extracts from, any document.

- d. make or take copies of any record, and for this purpose may take possession of and remove from the place where they are kept any such records, for such period of time as is reasonable in the circumstances;
 - e. if necessary, require a person to reproduce, or assist the authorized officer to produce in a useable form, information recorded or stored in a document;
 - f. require any person associated or apparently associated with a vessel premises, facilities or other place or activity falling within the scope of this Act, to provide such information as may be reasonably required for the monitoring or enforcement of this Act; and
 - g. otherwise remove and secure any item that may reasonably be considered to be evidence of an offence against this Act.
- 2) Where a fisheries inspector is questioning a person pursuant to Subsection (1), he/she may require, *inter alia*:
- a. the person being questioned to provide answers including any explanation or information concerning any vessel or any place or thing or fishing method, gear, apparatus, record, document, article, device, or thing relating to the taking, sale, buying, trade, import, export or possession of any fish; and
 - b. that person or any other person to produce any permit, authority, approval, permission, licence, certificate or other document issued in relation to any vessel or person.
- 3) A fisheries inspector may detain any person, vessel, vehicle, or aircraft, parcel, package, record, document, article, gear, equipment, apparatus, device, container, fish or thing for such period as is reasonably necessary to enable the fisheries inspector to carry out an examination or search under this Act.
- 4) 4. A written receipt shall be given to the owner, apparent owner, agent, or person in control or apparent control of any article or item taken or detained in accordance with this section for such article or item, and the grounds for the taking or detention shall be stated in the receipt.

Section 11.11 Power to use reasonable means to stop and to take control of a fishing vessel

- 1) A fisheries inspector may, where the master of a fishing vessel does not stop that vessel within a reasonable period of time following a request made pursuant to Section 12.9(2)(a), including in cases of hot pursuit in accordance with Section 12.7, use any reasonable means consistent with international law to stop the vessel, including, *inter alia*, firing a warning shot or using a device to impede use of the system for propelling the vessel.
- 2) A fisheries inspector may not fire at or into a fishing vessel unless fired upon or is in imminent threat of serious bodily harm or death.
- 3) Where a fisheries inspector has reason to believe that a vessel has been used, is being used or is intended to be used to commit, or in relation to the commission of, a fisheries offence, or where a vessel has been seized under this Act, he/she may, including in cases of hot pursuit in accordance with Section 12.7:
 - a. bring the vessel, or require the master to bring the vessel to such place in the Republic of Liberia as he directs; and

- b. remain in control of the vessel pending the taking and determination of proceedings for the offence, or require the master to remain in control of the vessel at that place until a fisheries inspector permits him to depart from that place;
- 4) A fisheries inspector bringing a vessel to a place in Liberia in accordance with Subsection (3), or in other circumstances where the need for assistance in enforcing this Act is immediate and overwhelming, may require any person to assist him or her, and that person shall be deemed to be a fisheries inspector for the purposes and time during which, he/she is required to assist.
 - 5) Where a vessel is being brought to a place in the Republic of Liberia in accordance with Subsection (3) no claim may be made against any fisheries inspector, observer or the Authority in respect of any death, injury, loss or damage occurring while the vessel is being so brought, other than a claim in respect of the death of or injury to a fisheries inspector, and where the master is required to remain in control she or he shall be responsible for the safety of the vessel and each person on board the vessel until the vessel arrives at the designated port.

Section 11.12 Power to immobilize a fishing vessel

- 1) Where a fishing vessel has been seized or detained in accordance with Section 12.10(b)(i) or where it has been brought to a place in the country in accordance with Section 12.11(3), a fisheries inspector may remove any of its part or parts, or otherwise secure the fishing vessel, for the purpose of immobilizing it.
- 2) Where any part or parts of a vessel have been removed in accordance with Subsection (1):
 - a. the part or parts shall be kept safely and returned to the vessel immediately upon its lawful release from custody; and
 - b. no person shall:
 - i) possess or arrange to obtain such part or parts;
 - ii) possess or arrange to obtain any replacement or substitute part or parts;
 - iii) fit or attempt to fit any part or parts or any replacement or substitute part or parts to a vessel immobilized pursuant to this Act.
- 3) A person who contravenes Subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or imprisonment for a term not exceeding one year or both.

Section 11.13 Power to confiscate Seamen's' Books

The Director General may approve the confiscation of the passports and seamen's books of the master and crew of a vessel for up to one week during an investigation of an offence against this Act by such master and crew if it is apparent that the passport and seamen's books would facilitate travel outside the country prior to the conclusion of the investigation. The inspector must turn over all documents confiscated under this section to the Liberia Immigration Service for safe keeping.

Section 11.14 Power of detention

- 1) A fisheries inspector may, if he/she believes on reasonable grounds that a person is committing or has committed an offence against this Act, or if a person assaults him/her or any other fisheries inspector, inspector, observer, or fishery dock observer, while exercising his/her powers or duties under this Act, or offers a bribe to a fisheries inspector or observer:
 - a. order that person to forthwith cease and desist;

- b. request that person to supply to the fisheries inspector that person's name, date of birth, residential address and occupation and may request that person to supply such verification of those details as it is reasonable in the circumstances to require that person to provide; and
 - c. detain, without warrant, that person.
- 2) If a fisheries inspector detains a person under Subsection (1) he/she shall cause the person to be delivered into the custody of a member of the Liberian National Police as soon as practicable and that person shall thereafter be dealt with in accordance with the relevant law or laws, except that the duties relating to the laying and filing of an information shall be the duties of the detaining fisheries inspector and not a member of the Liberia National Police.

Section 11.15 Power of inspection

- 1) For the purposes of this section:
- a. a vessel's equipment, gear, furniture, appurtenances, stores, cargo and aircraft shall be deemed to form part of the vessel; and
 - b. aircraft operating independently of a vessel shall be subject to this section.
- 2) A fisheries inspector may inspect:
- a. any vessel or other conveyance, fishing gear, implement, appliance, material, container, goods, equipment or thing which the fisheries inspector believes on reasonable grounds is being or has been or is intended to be used in the commission of an offence against this Act;
 - b. any fish which the fisheries inspector believes on reasonable grounds are being, or have been taken, killed, transported, bought, sold or found in the possession of any person in contravention of this Act and any other fish with which such fish are intermixed;
 - c. any article, record or thing which the fisheries inspector believes on reasonable grounds may be or contain evidence of an offence against this Act;
 - d. and retain any passport and seaman's book:
 - i) of the master and crew of a vessel directed to return to and remain in port pursuant to this Act until the vessel is permitted to depart;
 - ii) of any person detained, until that person is brought before a court; or
 - iii) pursuant to any order of a Court; and
 - e. any other item which the fisheries inspector has reasonable grounds to believe:
 - i) has been or is being used in the commission of an offence against this Act;
 - ii) has been seized or forfeited under this Act; or
 - iii) has been unlawfully removed from custody under this Act.
- 3) Anything seized pursuant to Subsection (2) shall be delivered into custody of the Director General.
- 4) A written notice shall be given to the person from whom any article or thing was inspected or to any other person whom the fisheries inspector believes is the owner or person otherwise entitled to possession of the article or thing inspected and the grounds for such inspection shall be stated in the receipt.

Section 11.16 Authority of fisheries inspector in relation to abandoned fishing vessels, fishing gear, fish or fish products

- 1) Where a fisheries inspector has reason to believe that any fishing vessel, fishing gear, fish or fish product has been abandoned for the purpose of avoiding prosecution, he/she shall report same immediately to the Authority. Upon receipt of the information, the Authority shall notify the owner of the vessel to remove the abandoned fishing material(s) within Thirty (30) days; otherwise, the Authority shall take administrative decision against the vessel or apply to the Court of competent jurisdiction for an Order to dispose of the fishing vessel, fishing gear, fish or fish product.
- 2) Where a fishing vessel, fishing gear or fish product is abandoned, and a fisheries inspector believes that any person is liable to be investigated, searched or arrested in connection with a commission of an offence under this Act, or that person has absconded to any place within or outside Liberia, or has concealed himself or herself so that he/she cannot be searched, arrested or otherwise investigated, the fisheries inspector may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or under control of the suspect.

PART 3 – FUNCTIONS, APPOINTMENT AND DUTIES OF OBSERVERS

Section 11.17 Observer program

- 1) An observer programme shall be established by the Director General for the purpose of collecting, recording and reporting reliable and accurate information for scientific, monitoring, management, and compliance purposes including:
 - a. the species, quantity, size, age, and condition of fish taken;
 - b. the methods by which, the areas in which, and the depths at which, fish are taken;
 - c. the effects of fishing methods on fish, and the environment;
 - d. all aspects of the operation of any vessel;
 - e. processing, transportation, transshipment, storage, or disposal of any fish;
 - f. monitoring the implementation of management measures and applicable international conservation and management measures; and
 - g. any other matter that may assist the Director General to obtain, analyse, or verify information for fisheries scientific, management, and compliance purposes.

Observers may be deployed as directed by the Director General in accordance with this Act, any applicable international agreement or arrangements, including an agreement or arrangement with the objective of carrying out fisheries monitoring, control and surveillance operations jointly or cooperatively with another State, or any international conservation and management measures on any vessel used for fishing, transshipment, transportation and/or landing of fish within and beyond the Fisheries Waters and such other uses as may fall within the scope of this Act.

- 3) Where observers exercise functions beyond areas of national jurisdiction pursuant to Subsection (2), the provisions of this Act are applicable as if the duties were performed in areas under national jurisdiction and all responsibilities and duties under this Act of operators, crew members or other relevant persons to such observer shall be fully applicable.

Section 11.18 Appointment and identification of observers

- 1) The Director General may appoint a person in writing to be an observer for the purposes of this Act, but shall not appoint as observer a crew member of the vessel being observed or any person directly or indirectly connected with the fishing vessel company being observed including as employee or contractor.
- 2) Observers may be deployed as may be directed by the Director General in accordance with this Act and any applicable international agreement, or international conservation and management measures on any vessel used for fishing, transshipment, transportation or landing of fish and such other uses as may fall within the scope of this Act.
- 3) An observer may be employed by the Authority or on a contractual basis with valid Identity Card.
- 4) An observer shall on request identify himself/ herself and produce evidence that he/she is an observer.

Section 11.19 Duties of observers

The duties of an observer shall include collecting and reporting reliable and accurate information for scientific, management, and compliance purposes including:

- (a) the species, quantity, size, age, and condition of fish taken;
- (b) the methods by which, the areas in which, and the depths at which, fish are taken;
- (c) the effects of fishing methods on fish, and the environment;
- (d) all aspects of the operation of any vessel;
- (e) processing, transportation, transshipment, storage, or disposal of any fish or fish product;
- (f) monitoring the implementation of management measures and applicable international conservation and management measures; and
- (h) any other matter as directed by the Director General to obtain, analyse, or verify information for fisheries scientific, management, and compliance purposes.

Section 11.20 Observer costs

- 1) The costs of operating the observer programme shall consist of funds paid by:
 - a. licence holders in respect of all or any vessels licensed or authorized pursuant to this Act as a specified component of the licence fee as provided in Section 10.10, at such level and in such manner as the Director General may require, in accordance with any relevant policy which may be adopted by the Board of Directors or such level as may be prescribed;
 - b. such other source as may be qualified to contribute to the Fund established by the Director General.
- 2) The costs referred to in Subsection (1) shall include, *inter alia*:
 - a. full insurance coverage;
 - b. salary;
 - c. allowances;
 - d. equipment;

- e. training;
 - f. all travel and associated expenses to and from the vessel to which the observer is assigned; and
 - g. other costs associated with the management and administration of the observer programme at a level to be prescribed or approved in writing by the Board of Directors.
- 3) Where payment required pursuant to Subsection (1) is not made, the fishing license shall be deemed to be suspended and without legal force or effect until payment in full has been made and acknowledged in writing by the Authority.

Section 11.21 Notice of intention to place observers

- 1) Before placing any observer on a fishing vessel, the Director General shall notify the holder of the license or authorization or his/her agent of the requirement to take an observer on board at a specified time and place and to remain on board for a specified period of time and to disembark at a specified place, and such notification may include designating places beyond areas of national jurisdiction of the Republic of Liberia or involve calling the vessel to port.
- 2) Upon receipt of a notice given under Subsection (1), no person shall:
 - a. cause or allow the vessel to which the notice relates to put to sea without taking on board the observer(s) at the time and place specified in such notice; or
 - b. otherwise refuse to take on board such observer(s).
- 3) The operator of a licensed vessel shall notify the Director General:
 - a. at the beginning of each licensing period of any port or ports in Liberia where it intends to base operations for purposes of observer placement, and if placement is not possible at such port or ports the operator of the vessel shall be responsible to the Director General or all and any extra costs incurred in observer placement; and
 - b. of the intended time of entry into and subsequent departure from port at such reasonable time prior to such entry as the Director General may direct for the purpose of arranging observer deployment.
- 4) Any person who contravenes Subsection (2) or (3) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both.

Section 11.22 Duties of licensee and others to observers

- 1) The license or authorization holder and the owner, operator, charterer, master and every crew member of a fishing vessel, and such other person as the Director General may require, shall, in respect of any observer or observers he/she may designate:
 - a. carry the observer(s) on board the fishing vessel at all times at the direction of the Director General;
 - b. allow the observer(s) to board the vessel to which the license relates at such time and place as the Director General may require;
 - c. facilitate the activities of the observer(s) on board the vessel;
 - d. ensure that the observer(s) has/have full access to and the use of facilities, gear and equipment on board the vessel which the observer may determine is necessary to carry out his duties, including:

- i. any fish on board the vessel which may be used to hold, process, weigh and store fish;
 - ii. the bridge and the communications and navigation equipment of the vessel;
 - iii. the documents and records, including all logbooks of the vessel, whether required to be carried and maintained under this Act or otherwise for purposes of inspection and copying;
- e. permit the observer(s) at all times to:
 - i. receive and transmit messages and communicate with the shore and other vessels by means of the vessel's communications equipment or other device or equipment in the possession of the observer(s);
 - ii. take, measure, remove from the vessel and retain samples or whole specimens of any fish;
 - iii. store samples and whole specimens on the vessel, including samples and whole specimens held in the vessel's freezing facilities;
 - iv. take photographs of the fishing activities, including fish, gear, equipment, documents, charts and records, and remove from the vessel such photographs or film as he/she may have taken or used on board the vessel;
 - v. gather such other information relating to fisheries as may be required for purposes of carrying out the objectives of this Act;
- f. not tamper with, destroy, remove from the possession of or otherwise interfere with any device or equipment in the possession of the observer(s);
- g. allow the observer(s) to disembark at such time and place as the Director General may require or in accordance with an applicable access agreement, provided it is in accordance with the safe operation of the vessel; and
- h. ensure the safety of the observer(s) at all times.

2) The provisions of Subsection (1) shall apply:

- a. when the vessel is at any place in the fisheries waters or such other place where fish taken from the fisheries waters is unloaded or transhipped as may be required in the applicable licence, access agreement or international conservation and management measures, or as may be otherwise authorized under any applicable access or other agreement, or in the applicable licence or authorization; and
- b. in the case of a Liberian fishing vessel operating under an authorization to fish in the high seas in areas subject to international conservation and management measures, when the vessel is on the high seas in an area subject to such international conservation and management measures or otherwise in accordance with such measures or the applicable license or authorization.

3) Any person who contravenes Subsection (1) or part thereof commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both

Section 11.23 Conditions for observers

- 1) The operator and license holder in respect of any vessel on which an observer is placed shall:
 - a. provide full board, accommodation and access to any cooking and toilet facilities and amenities at officer level or similar standard approved in writing by the Director General and free of charge at all times;
 - b. provide a safe work area adjacent to the sample collection site, for sampling and storage of fish to be sampled, including where reasonably possible a sampling table which permits the observer to stand upright and is of reasonable depth or of such dimensions as may be prescribed or required in writing by the Director General;
 - c. notify the observer at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer;
 - d. collect bycatch when requested by an observer;
 - e. collect and carry baskets of fish when requested by an observer;
 - f. allow an observer to determine the sex of fish when this procedure will not decrease the value of a significant portion of the catch;
 - g. take measurements, including of decks, codends and holding bins; and
 - h. ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of any observer involved.
- 2) An operator or licence holder of a vessel who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding three years or both, and in addition the applicable licence or authorization may be suspended or cancelled.

PART 4 PROTECTION OF AND DUTIES TO AUTHORIZED PERSONS

Section 11.24 Authorized persons

For the purposes of this Part, "authorized person" refers to any fisheries inspector or observer appointed pursuant to this Act.

Section 11.25 Protection of authorized persons from liability

- 1) Any authorized person, including persons with delegated authority and any person assisting a fisheries inspector pursuant to Section 12.4(3), who acts or omits to act while performing duties under this Act shall not be subject to any action, liability, claim or demand for any matter or thing done or omitted to be done in good faith in the performance or purported performance of any function or duty, or exercise or purported exercise of any power under this Act.

- 2) Where a vessel is being brought to a place in Liberia in accordance with this Act:
 - a. where the master is required to remain in control, the master shall be responsible for the safety of the vessel and each person on board the vessel until the vessel arrives at the designated place; and
 - b. no claim may be made against any authorized person in respect of any death, injury, loss or damage that occurs while the vessel is being brought to such place.
- 3) The State shall not be held directly or indirectly liable for an act or omission of any authorized person or person, unless such person would incur liability for the act or omission.

Section 11.26 Duties to authorized persons

- 1) For the purposes of this section "fail" includes any effort which does not result in meeting the specified requirement.
- 2) No person shall:
 - a. being the operator or crew member of a vessel, fail or refuse to allow and assist any authorized person:
 - i. safe boarding of a vessel;
 - ii. to have full access to and use of all facilities, gear and equipment on board which such authorized person may determine is necessary to carry out his/her duties, including full access to the bridge, fish and fish products on board, fishing gear and areas which may be used to hold, process, weigh or store fish; that are not of a specified size or dimension;
 - iii. to have full access to the vessel's records including its logs, charts and documentation and other information relating to fishing, whether required to be carried and maintained under this Act or otherwise, for purposes of carrying out functions and exercising powers under this Act, including records inspection and copying;
 - iv. to have access to all navigational and communications equipment;
 - v. to take, measure, store on or remove from the vessel and retain such reasonable samples or whole specimens of any fish as may be required for scientific purposes;
 - vi. where any authorized person is forced by circumstances to stay on board the vessel for a prolonged period of time, provide him/her while on board the vessel with food, accommodation and medical facilities equivalent to that accorded to officers of the vessel, at the expense of the operator; and
 - vii. safe disembarkation from a vessel;
 - b. fail or refuse to allow an audit, inspection, examination or search that is authorized by or under this Act to be made or impede the same;
 - c. in respect of any premises, facility, including those used for aquaculture, cold storage, export and processing, landing site or other place where person(s) engage in activities

within the scope of this Act fail or refuse to facilitate by all reasonable means the entry into and inspection by an authorized person in accordance with this Act of:

- i. the entire premises, facility, landing site or other place including storage areas;
and
 - ii. any fish or fish product, fishing gear, equipment or records;
- d. fail, refuse or neglect to immediately and fully comply with every lawful instruction or direction given by an authorized person;
 - e. deny a request by an authorized person made in the course of exercising his or her duties and powers under this Act, including requesting access to records, documents, areas, gear and equipment including navigation and communication equipment and that equipment be turned on for his or her use;
 - f. when lawfully required to state his/her name, date of birth and place of abode to an authorized person fail or refuse to do so or state a false name, date of birth or place of abode to the authorized person;
 - g. when lawfully required by an authorized person to give information, give information which is false, incorrect or misleading in any material respect;
 - h. resist lawful arrest for any act prohibited by this Act;
 - i. aid, incite or encourage another person to assault, resist, intimidate or obstruct an authorized person who is carrying out his/her duties or exercising his/her powers under this Act, or any person lawfully acting under a fisheries inspector's instructions or in his/her aid;
 - j. interfere with, delay or prevent by any means, the apprehension or arrest of another person having reasonable grounds to believe that such person has committed an act in contravention of this Act;
 - k. fail or refuse to allow an authorized person to carry out all duties safely, or to take all reasonable measures to ensure the safety of an authorized person as appropriate in the performance of his/her duties;
 - l. impersonate or falsely represent himself or herself to be a fisheries inspector, or to be a person lawfully acting under the Director General's instructions or in his/her aid;
 - m. impersonate or falsely represent himself or herself to be the master or an officer, or not to be the master or an officer, of a fishing vessel;
 - n. fail to sail a seized vessel to a place in Liberia designated by a fisheries inspector and fail to ensure the safety of all those on board;

- o. interfere with an authorized person in the performance of his/her duties; or in any other way obstruct or hinder an authorized person in the exercise of his or her powers, duties or functions under this Act;
 - p. use abusive or threatening language or insulting gestures or behave in a threatening or insulting manner towards an authorized person who is carrying out his/her duties or exercising his/her powers under this Act, or towards any person lawfully acting under the fisheries inspector's instructions or in his/her aid; or
 - q. obstruct, resist, delay, refuse boarding to, intimidate, or kidnap an authorized person who is performing his/her duties or exercising his/her powers under this Act, or any person lawfully acting under a fisheries inspector's instructions or in his/her aid; or
 - r. breach any other duty to an authorized person as required under this Act.
- 3) A person who contravenes Subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule in respect of Subsections (2) (a) – (h) and the maximum amount described in the Second Schedule in respect of Subsections (2) (i) – (r) or to a term of imprisonment not exceeding ten years or both, and in addition the applicable licence or authorization may be suspended or cancelled.

PART 5 - VESSEL MONITORING SYSTEM

Section 11.27 Vessel Monitoring System

The Director General shall establish and operate vessel monitoring systems for purposes of monitoring, control and surveillance, and managing the operations of fishing vessels under this Act. The operator of any industrial fishing vessel, as a condition of license, shall install, maintain and operate a VMS transponder in accordance with such conditions as prescribed or required by the Director General. The mobile transceiver unit (MTU) or other device or equipment shall be an integral component of a vessel monitoring system at all times while the fishing vessel is in the Fisheries Waters or, in respect of a Liberian fishing vessel, in areas beyond national jurisdiction, or such other area as may be prescribed or agreed in an international agreement or international conservation and management measures.

- 1) The operator of each fishing vessel required to install, maintain and operate equipment pursuant to Subsection (2) shall do so at his/her own expense.
- 2) The operator of each fishing vessel licensed pursuant to this Act shall comply with all license conditions and shall immediately:
 - a. notify the Director General when the MTU or other device ceases to operate in accordance with such requirements; and
 - b. cause the vessel to cease fishing except as otherwise authorized by the Director General.
- 3) Where the MTU or other device ceases to operate as required, the operator shall immediately:
 - a. give notice to the Director General in accordance with Subsection (4) and submit to the Director General a report of the vessel's name, call sign, position (expressed in latitude and longitudes to the minutes of arc) and the date and time of the report at

intervals of four hours or such other period as the Director General may notify the operator; or

- b. cause the vessel to immediately return to the port of Monrovia in the Republic of Liberia.
- 4) No person shall:
- a. without lawful excuse render inoperative or otherwise interfere with an MTU or other device installed pursuant to this section so that it does not operate accurately or in accordance with any prescribed conditions;
 - b. whether within or beyond areas under national jurisdiction, knowingly, recklessly or negligently destroy, damage, render inoperative or otherwise interfere with any part of an automatic location communicator or vessel monitoring system aboard a vessel licensed pursuant to this Act, or intentionally feed or input into that system information or data which is not officially required or is meaningless; or
 - c. knowingly, recklessly or negligently divulge information or data obtained from a vessel monitoring system or a system of reporting or recording required or permitted under this Act, other than in the course of duty and to a person or persons entitled to receive that information or data in the course of duty.
- 5) The operator shall comply with such other conditions that may be prescribed or the Director General may require, including:
- a. the type of vessel monitoring system equipment to be used;
 - b. installation procedures;
 - c. operational requirements;
 - d. information requirements;
 - e. confidentiality; and
 - f. declaration reports.
- 6) Any person who contravenes Subsection (4), (5) (6) or (7) commits an offence and upon conviction shall be liable for a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

PART 6 - REQUIREMENTS FOR THE USE OF PORT

Section 11.28 Entry to port by foreign fishing vessels and industrial fishing vessels

- 1) No foreign fishing vessel or industrial fishing vessel shall enter or use a port in the Republic of Liberia unless:
 - a. the port has been designated by public notice for use by foreign and industrial fishing vessels;
 - b. the operator has given at least 72 hours advance notice or such other notice as may be prescribed or required by the Director General;
 - c. the operator has provided to the Director General such information as may be prescribed or he/she may require;

- d. a written authorization for the entry into such port has been issued by the Director General; and
 - e. where the Director General has authorized entry of such vessel into port pursuant to Subsection (a), the master of the vessel or the vessel's representative presents the authorization to a fisheries inspector or other competent officer upon the vessel's arrival at port.
- 2) This section shall apply at a minimum to all foreign fishing vessels equal to or greater than 12 meters in length overall, and the Director General may by public notice apply the requirements in this section, Section 11.29 and Section 11.30 to foreign fishing vessels below 12 meters length overall and foreign fishing vessels operating under charter.
 - 3) The operator, master and charterer of a vessel that contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 11.29 Vessels may be prohibited from entering port

- 1) Authorization to enter a port shall be denied by the Port Authority, at the direction of the Director General or his designee, to all foreign fishing vessels, and may be denied to other industrial fishing vessels where there is sufficient proof that a vessel seeking entry into port has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organization, in which the Republic of Liberia is a member or cooperating non-member, in accordance with the rules and procedures of such organization and in conformity with international law.
- 2) Notwithstanding Subsection (1), authorization for such a vessel to enter a port may be given exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which is at least as effective as denial of port entry.
- 3) A person who contravenes Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

Section 11.30 Denial of the use of port to a foreign fishing vessel

- 1) Where a foreign fishing vessel has entered a port in the Republic of Liberia, and whether or not it has been inspected, the Director General shall deny that vessel the use of the port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry-docking, where:
 - a. the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
 - b. the vessel has not been granted a valid and applicable license to engage in fishing or fishing related activities required under this Act;
 - c. there is clear evidence that the fish on board was taken in contravention of applicable requirements of any coastal State in respect of areas under the national jurisdiction of that coastal State;

- d. the flag State of any foreign fishing vessel does not conform within a reasonable period of time on the request of the Director General that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization; or
 - e. there are reasonable grounds to believe that the vessel was otherwise engaged in illegal, unreported or unregulated fishing or fishing related activities in support of *illegal, unreported or unregulated fishing*, unless the operator of the vessel can establish:
 - i. that it was acting in a manner consistent with relevant laws of the Republic of Liberia and applicable international conservation and management measures; or
 - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not at the time of provisioning a vessel referred to in subparagraph (e).
- 2) Notwithstanding Subsection (1), a vessel shall not be denied the use of port services essential to the safety and health of the crew and the safety of the vessel, provided these needs are duly proven, or, where appropriate, for the scrapping of the vessel.
 - 3) Inspection of vessels in port shall conform to such procedures as may be prescribed, and a report of the inspection shall be made in accordance with such requirements as may be prescribed.
 - 4) Where a foreign fishing vessel in a port in the Republic of Liberia has been inspected, the Director General shall deny that vessel the use of port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, *inter alia*, refueling and resupplying, maintenance and drydocking, where there are clear grounds for believing that a vessel has engaged in illegal, unreported or unregulated fishing or related activities in support of such fishing.
 - 5) The operator of a vessel that uses a port where such use has been denied pursuant to Subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding ten years or both.

Section 11.31 Transmittal of inspection results

The Director General shall, to the extent practicable and in any case where there is clear evidence of *illegal, unreported or unregulated fishing*, transmit the results of the inspection carried out pursuant to section 11.30, to the flag State of the inspected vessel and, as appropriate, to:

- (a) those States for which there is evidence through inspection that the vessel has engaged in illegal, unreported or unregulated fishing or fishing related activities in support of *such fishing within waters under their national jurisdiction*;
- (b) the State of which the vessel's master is a national;
- (c) relevant regional fisheries management organizations; and
- (d) relevant international organizations.

Section 11.32 Offense to provide goods or services to vessel denied the use of port

Any person who, knowing or having reasonable cause to know that a vessel has been denied the use of port to land, tranship, package or process fish that have not been previously landed or to use other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, pursuant to Section 11.30 (1) or (3) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Second Schedule or a term of imprisonment not exceeding five years or both.

CHAPTER 12. REQUIREMENTS FOR ARRESTED PERSONS AND SEIZED ITEMS

Section 12.1 Arrest, seize or detention and release of foreign fishing vessels, crew members

- 1) In cases of arrest or detention of foreign fishing vessels, the Authority shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.
- 2) Any foreign fishing vessel and its crew arrested pursuant to this Act shall be promptly released upon the posting of reasonable bond or other security.
- 3) Notwithstanding in the absence of any agreement to the contrary with the State of which the vessel or its crew are foreign nationals, penalties for violations of this Act in such exclusive economic zone as may be declared by the Republic of Liberia shall not include imprisonment or any other form of corporal punishment.

Section 12.2 Prompt judicial or administrative proceedings.

- 1) A person arrested or detained under this Act shall promptly be brought before a Court or be subject to administrative proceedings in accordance with this Act.
- 2) Where a person does not appear to answer a charge within ninety (90) days, any item seized from that person shall be forfeited to the State.

Section 12.3 Delivery and notice for seized items

- 1) Any item seized pursuant to this Act shall be delivered into the custody of the Director General.
- 2) A written notice listing the item(s) seized shall be given to the person from whom any article or item was seized or to any other person whom the fisheries inspector believes is the owner or person otherwise entitled to possession of the article or item seized and the grounds for such seizure shall be stated in the receipt.

Section 12.4 Disposal of perishable items

- 1) Any fish or fish product seized by a fisheries inspector under this Act may, at the direction of the Director General, be sold and the proceeds of the sale shall be held and dealt with according to Section 12.4 of this Act.
- 2) Where, after making all reasonable efforts:
 - a. the Director General is unable to sell the fish or fish products referred to in Subsection (1);
 - b. no facilities are reasonably available to store such fish or fish products; or

- c. the fish or fish products are unfit for sale in accordance with applicable national health and food safety standards,

the Director General may dispose of them in such manner as may be prescribed, or approved by the Board of Directors or in accordance with procedures recommended by the Fisheries Advisory Council.

- 3) Where any fish or fish products are sold or otherwise disposed of pursuant to this section, the fisheries inspector shall:
 - a. give the person from whom such fish or perishable goods were seized a receipt stating the date on which the goods were sold or otherwise disposed of, the quantity of such goods and in the case of a sale the amount realized; and
 - b. pay the proceeds of sale into an escrow account set up by the Board of Directors in consultation with the Minister of Financial and Development Planning.
- 4) The proceeds of any such sale shall be dealt with pursuant to Section 12.5(3)(b) of this Act.

Section 12.5 Notice of Detainment or Seizure of Property

Upon seizure of a vessel, vehicle, aircraft or other item, reasonable efforts shall be made to notify the owner or owners of the property seized or detained pursuant to this Act of the seizure or detention of said property. Such notice shall:

- a. enumerate the reasons for the seizure and/or detention;
- b. describe the steps required for reclamation of the seized and/or detained property;
- c. list the property seized or detained; and
- d. make the owner or owners aware of any deadlines and potential forfeiture of property pursuant to this Act

Section 12.6 Treatment of items detained or seized

- 1) If any vessel, vehicle, aircraft or item has been seized pursuant to this Act, and a person who has been properly charged with an offence in relation thereto fails to appear to answer the charge within ninety (90) days of the service a notice pursuant to this Act, the Director General may apply for the items to be forfeited to the State and the court shall make such order as it shall deem fit.
- 2) If the lawful owner of a vessel, vehicle, aircraft or other item seized pursuant to this Act cannot be traced within ninety (90) days after the application by the Director General for the forfeiture of the item seized pursuant to this Act, the item shall be forfeited to the state and shall be sold at a public auction and the proceeds of the sales shall be deposited/paid into the Fisheries Management and Development Fund.

Section 12.7 Security for Release

- 1) Every vessel seized pursuant to this Act and brought to a port within the Republic of Liberia and any vehicle or aircraft seized and held pursuant to this Act may be detained pending the outcome of legal proceedings under this Act or its release on bond or other security in accordance with this Act.
- 2) An application to release a vessel, vehicle or aircraft seized pursuant to this Act shall be made to the Court.

- 3) Upon receipt of an application under Subsection (2), the Court may, and in the case of a foreign fishing vessel, shall, unless the vessel, vehicle, or aircraft is required as an exhibit in court proceedings or reasonably required for any further investigation of fisheries offences, order:
 - a. the payment into court of a bond, surety or other security in the total of:
 - i. the fair market value of the vessel or property;
 - ii. the maximum fine or fines provided for the offences or likely to be charged;
 - iii. the costs of pursuit; and
 - iv. the costs likely to be recovered by the prosecution if convicted;
 - b. the release of the vessel or property, upon receipt of the bond, surety or other security referred to in Subsection (a).
- 4) In the event of an appeal from an order of forfeiture, the Court may continue any such bond, surety or other security deposited in accordance with this Act pending the outcome of the appeal and any retrial or rehearing on remand or may require additional security to be deposited with the Court.
- 5) Exoneration of such bond, surety or other security shall be conditional upon the return of the released property to the Court without any impairment of its value or until any final proceedings under this Act have been disposed of or discontinued, and any fines, penalties or other determinations have been paid.
- 6) A vessel or other item seized under this Act, or where a security has been paid under Subsection (3), the security, shall be held until any proceedings under this Act have been disposed of or discontinued, and any fines, penalties or other determinations imposed have been paid.
- 7) Where a bond, surety or other security has been paid under this section and the vessel or property has been released:
 - a. an order for forfeiture under this Act shall operate as an order for the forfeiture of the sum paid in respect of the value of the vessel or property;
 - b. the payment of any fine or penalty ordered upon conviction shall be made from the security; and
 - c. any order for costs shall be applied against the security.
- 8) Pending the outcome of legal proceedings under this Act, the court may, on the application of a fisheries inspector, refuse to order the release of any Liberian fishing vessel seized under this section where the master, owner or operator of the vessel has been convicted of an offence under this Act within a period of twelve (12) months prior to the date on which the vessel was seized.

Section 12.9 Liability for Loss, Damage or Deterioration of Things in Custody

The State shall not be liable to any person for any loss, damage to or deterioration in the condition of any vessel, vehicle, aircraft or other item while in the custody of the State pursuant to this Act, provided that the State took reasonable care given the circumstances.

CHAPTER 13. JURISDICTION, FORFEITURE, FINES, LIABILITIES, ETC.

Section 13.1 Jurisdiction for acts or omissions under this Act

- 1) Any act or omission in contravention of any of the provisions of this Act, in such places and to such persons to which this Act applies shall be dealt with and judicial proceedings taken as if such act or omission had taken place in the Republic of Liberia within the jurisdiction of the Circuit Court.
- 2) Where a fisheries inspector or observer appointed under this Act is exercising any powers or performing duties conferred on her/him by this Act beyond areas of national jurisdiction of the Republic of Liberia but within the jurisdiction of the Court, any act or omission of any person in contravention of any of the provisions of this Act shall be deemed to have been committed within such jurisdiction.
- 3) Standing in the Circuit Court shall be afforded to any authorized person appointed or performing duties under this Act or designated under a relevant international agreement or fisheries management agreement or international conservation and management measures to bring action against any person for any act or omission that:
 - a. has occurred within the jurisdiction of the Circuit Court as described in subsection (1);
 - b. is actionable under this Act or other law or laws of the Republic of Liberia; or
 - c. is a violation of an access agreement, fisheries management agreement or international conservation and management measures pursuant to which the observer was authorized,notwithstanding the nationality or permanent residence of such authorized person.
- 4) Where any operator of a fishing vessel who is charged with an offence under this Act is neither resident nor physically present in the Republic of Liberia at the time when the vessel was first arrested or at any time after the arrest, any corporate entity operating under the laws of the Republic of Liberia with which such operator is connected as an officer, director or chief executive officer shall be deemed to be the operator and legal proceedings may be taken in accordance with this Act, and such operator may be charged, prosecuted, convicted and subject to fines and penalties as appropriate.

Section 13.2 Procedures

- 1) An offence against this Act shall be prosecuted before the Circuit Court, except where Summary Administrative Proceedings are taken in accordance with Chapter 14 of this Act.
- 2) A fisheries inspector may submit evidence for fisheries offences, and the State may sue for and recover fees, levies and charges due and payable under this Act.

Section 13.3 Forfeiture

- 1) Where a court convicts a person of an offence against this Act, or such other offences as may be prescribed for the purposes of this subsection, the court may order the forfeiture of any or all of the following, *inter alia*:
 - a. any fish, fish product, fishing vessel (including its gear, furniture, appurtenances, stores, cargo and aircraft) vehicle, aircraft, gear, equipment, explosive or noxious substance taken, used or otherwise involved in the commission of the offence;
 - b. where a fishing vessel, vehicle or aircraft was used in the commission of the offence, any fish on board such vessel, vehicle or aircraft at the time of the offence;
 - c. where a storage facility was used in the commission of the offence, any fish or fish products in the facility at the time of the offence;

- d. any instrumentality used in the commission of the offence;
 - e. any benefits from the offence; or
 - f. where any fish has been sold under section 12.5(4), the proceeds of the sale of the fish.
- 2) Where a court convicts a person of an offence against this Act, or such other offences as may be prescribed for the purposes of this subsection, in the commission of which a foreign fishing vessel was used or was otherwise involved, the court shall order the forfeiture of, *inter alia*:
- a. the fishing vessel;
 - b. any gear and other equipment that was on the vessel concerned at the time of the offence; and
 - c. all fish or fish products on board the vessel at the time of the offence, or where the fish products have been sold, the proceeds of sale.

Section 13.4 Disposition of forfeited property

- 1) Any vessel or other property or security forfeited under this Act becomes the property of the State.
- 2) Any vessel or other property forfeited under this Act may be:
- a. retained;
 - b. leased; or
 - c. sold by the State by tender or by agreement approved by the Director General,

provided that if such forfeited property is sold by the State, the owner or apparent owner prior to forfeiture shall be afforded a reasonable opportunity to bid on or purchase such property.

- 3) Any perishable fish products which have been seized or confiscated pursuant to this Act shall be subject to the disposition of the Director General, who may:
- a. decide to sell or authorize the sale of such perishable fish or fish products; or
 - b. otherwise dispose of them as the Director General shall deem fit.

And the proceeds from such sale if any, shall be paid into an escrow account set up by the Board of Directors in consultation with the Minister of Financial and Development Planning or as may be otherwise provided in this Act or prescribed, pending the final disposition or any proceedings under this Act.

- 4) The Director General or any person acting on his or her behalf, shall not be liable in any way of any costs incurred or damages sustained as of a decision taken under subsection (2) or (3).
- 5) The Director General shall notify the owner or apparent owner of the perishable goods seized for any sale in accordance with subsection (3), and such owner or his or her nominee may be present at the sale.
- 6) The proceeds of any sale of any items forfeited in accordance with this section shall be deposited into the Fisheries Management and Development Fund in accordance with section 11.3.

Section 13.5 Costs incurred by State

- 1) The owner or charterer shall jointly and severally bear the cost or expenditure incurred by the Government, upon application by the Government and as determined by the court upon conviction, in connection with:

- a. the seizure of a fishing vessel, vehicle or aircraft or other item for an offence against this Act, including any relevant costs of pursuit of a vessel, vehicle or aircraft;
 - b. the prosecution for an offence in accordance with this Act; and
 - c. the repatriation of the master or crew of any vessel seized under this Act.
- 2) The amount of any costs or expenditure by the court under subsection (1) may be recovered in the same manner as a fine and shall be imposed in addition to any fine or penalty that may be ordered by the Court.
 - 3) Nothing in subsection (1) shall be deemed to allow for the recovery of any cost or expenditure that has already been recovered pursuant to any other order made under this Act.
 - 4) If it intends to apply for pursuit costs in accordance with subsection (1), the Government shall, fourteen (14) days prior to a trial of the offence, serve the defendant with written details of those costs.

Section 13.6 Liability for non-payment of pecuniary penalties

The following amounts may be sued for, determined, enforced and recovered by suit or other appropriate civil proceedings in a court in the name of the State, and all such proceedings shall be deemed to be civil proceedings:

- a. pecuniary penalties not specifically designated as fines;
- b. forfeitures incurred under or imposed pursuant to this Act, and the liability to forfeiture of any article seized under the authority thereof;
- c. all rents, charges, expenses and duties; and
- d. all other sums of money payable under this Act.

Section 13.7 Liability for loss or damage

- 1) A person who contravenes this Act may, upon the determination of the court, be liable for any loss or damage caused by the offence and shall retribute any gain made in the commission of the offence.
- 2) The loss or any damage caused by the offence referred to in subsection (1) shall include, as may be applicable;
 - a) any costs associated with or incurred in detecting, apprehending, investigating or litigating the offence; and
 - b) any costs associated with or incurred in detaining or seizing any property, fish, article or thing in respect of that offence

Section 13.8 Civil liability of officers of companies

- 1) Except as further provided in this section, officers of a partnership, corporation, firm, association, company or any other business enterprise engaged in activities governed by this Act shall be liable for any violation of or offence committed under this Act by any member or employee.

Section 13.9 Liability of companies and other persons for actions of officers and employees

Every act or omission of:

- a. any officer or employee of a company or other person; or

- b. the master or any member of the crew of a vessel that is owned, chartered or leased by a company for the purpose of fishing or related activities,

is deemed for the purposes of this Act to be the act or omission of such corporation or other person.

Section 13.10 Liability of operators

In any proceedings under this Act, the act or omission of a crew member of a fishing vessel or in association with a fishing vessel shall be deemed to be that of the operator of the vessel, unless otherwise expressly provided.

Section 13.11 Liability of principal for agent

- 1) Where a person, referred to in this section as "the principal", is required by or under this Act to do or refrain from doing anything, every act or omission of any person acting or purporting to act as agent for the principal in respect of any such requirement is deemed for the purposes of this Act to be the act or omission of the principal, unless the principal proves that the person purporting to act as agent had no authority, either express or implied, to act as the principal's agent in carrying out the act or omission.
- 2) Subsection (1) does not absolve the principal of any liability he or she may have under this Act.

Section 13.12 Citizen suits and civil enforcement

- 1) A person harmed by a violation of any provision of this Act or the accompanying regulations may bring an action against any responsible person, except the Government and its employees, in a court and in response the court may award civil damages and injunctive relief, as the court deems appropriate.
- 2) A person may bring an action against the Government to compel it to comply with this Act, its accompanying regulations, and the Authority's internal manuals, and a court may grant appropriate injunctive relief.

Section 13.13 Injunctions

A court may issue an injunction to enforce any provision of this Act against any person as provided for in section 13.12.

Section 13.14 Court Order declaratory of parties' rights

A court may, in any proceedings against the Government where any such relief is sought as in proceedings between persons be granted injunction or specific performance, make an order declaratory of the rights of the parties.

CHAPTER 14. SUMMARY ADMINISTRATIVE PROCEEDINGS

Section 14.1 Process for administrative penalties

- 1) The process for administrative penalties described in this Chapter shall be subject to requirements of the Administrative Procedure Act, Chapter 82 of the Executive Law 1972 as amended.

Section 14.2 Process for initiating summary administrative proceedings

- 1) The Director General shall proceed administratively for violation of this Act within forty-eight (48) hours of the Director General's written notice.
- 2) If the person or operator admits in writing to the violation, the Director General or his/her designee may handle this matter in accordance with this Chapter.
- 3) Should the negotiation or the preliminary administrative procedures be delayed because of the person or the operator, or any other person connected with the vessel's failure to respond to the Director General's written notice within forty-eight (48) hours, the Director General shall refer the matter to the Attorney General and the option to proceed by way of administrative proceedings shall there by terminate.
- 4) The Board of Directors may prescribe rules for the conduct of the summary administrative proceedings.

Section 14.3 Summary Administrative Proceedings

- 1) Subject to Subsection (4) the Director General may, where:
 - a. he/she has determined that any person has violated this Act; and
 - b. such person has, in writing, admitted to having committed such violation and consented to summary administrative proceedings after being fully informed about these proceedings,dispose of such violation by causing an Agreement to compound the case to be drawn up by the Attorney General to formalize the terms and conditions for the Director General to accept on behalf of the Government from such person or operator an administrative penalty, plus the fair market value of any fish involved in the violation.
- 2) Where Summary Administrative Proceedings have been initiated under this Act, the person or operator who admits to having committed the offence, shall:
 - a. not engage in fishing or any related activities or any activity related to the violation until the penalty has been paid in full; and
 - b. be deemed to have consented to any seizure which took place in accordance with this Act in relation to the offence subject to the Summary Administrative Proceedings.
- 3) if the full amount of the penalty as determined by the Director General under Subsection (1) or (2) is not paid within fourteen (14) days of the notification of such penalty assessment to the person subject to administrative proceedings, the matter shall immediately be sent to court.
- 4) On payment of the penalty in full under this section, the Director General may order the release of any article, items, fish or fish products seized under this Act or proceeds of sale of such items, fish or fish products subject to such conditions as may be prescribed or as may be approved by the Attorney-General.
- 5) Where the person or operator is unable to pay the penalty in full, that person or operator may enter into an agreement permitting the penalty to be paid in specified installments, provided that the consequences for non-payment of any installment are specified and the Director General consents to such agreement.

- 6) The Director General may order that any item used or involved in respect of the offence be seized, confiscated or forfeited, but shall not impose a term of imprisonment in Summary Administrative Proceedings.
- 7) A decision taken by or an order given by the Director General pursuant to this section is final and binding. However, such person shall have the right to appellate review.
- 8) A person who engages in fishing or other related activities by Subsection (2)(a) while prohibited from so doing, or who violates a valid order pursuant to the terms of this section commits a separate offence and shall be liable in addition for the maximum fine provided in Part B of the Second Schedule, or an amount that deprives the person of monetary benefits whichever is greater, and in addition may be subject to such further proceedings under this Act as the Director General may determine..

CHAPTER 15. OFFENCES, FINES AND PENALTIES

Section 15.1 General Offence

For an offence for which no other penalty is specifically provided, a court may subject a person guilty of any offence under this Act to the following Penalties:

- 1) A fine of up to ten thousand (\$10,000) United States dollars or twice the economic benefit that the person obtained through the violation, whichever is greater.
- 2) For intentional violations or violations resulting from gross negligence, one or both of the following:
 - a. a fine of up to one hundred thousand (\$100,000) United States dollars or three times the economic benefit that the person obtained through the violation, whichever is greater; and/or
 - b. imprisonment for a term not exceeding five (5) years.
- 3) For violations resulting in damage to fisheries resources or the marine or aquatic environment in general, an additional fine equal to twice the value of the reduction in market caused by the violation, twice the total cost of restoration of the fisheries resources or twice the total cost of restoration of the environment, whichever is greatest.

Section 15.2 Minimum and maximum fines and guidelines

- 1) Unless otherwise provided in this Act, the maximum fines for contraventions of this Act are described in Part A of the Second Schedule, and the minimum and maximum fines for specified sectors are specified in Part B of the Second Schedule.
- 2) The Second Schedule may be amended by Regulation.
- 3) Where an offence in this Act or the Second Schedule refers to a subsection with multiple parts, contravention of any part of such subsection shall be considered to constitute the offence.
- 4) The court or an administrative determination may, in relation to an offence committed by a Liberian national in any area under the national jurisdiction of the Republic of Liberia, impose a fine in Liberian Dollars and shall for that purpose apply the official exchange rate of the Central Bank of Liberia on the date of the judgment or administrative determination.

- 5) The fine or determination in judicial or administrative proceedings taken pursuant to this Act shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities.
- 6) In particular, the relevant judicial or administrative proceedings shall take into account, inter alia, the following criteria:
 - a) the seriousness of the offence, taking into consideration the:
 - i. maximum level of fine;
 - ii. international and national best practices in relation to serious offences, including their definition in international fisheries instruments;
 - iii. degree of impact of the offence on the fishery resources, the environment and the economic and social well-being of citizens of the Republic of Liberia;
 - iv. scope of the offence;
 - v. duration of the offence;
 - vi. whether personal injury or loss of life was involved;
 - vii. associated offences, if multiple offences were committed; and
 - viii. the value of the vessel;
 - b) the situation of the offender, taking into consideration:
 - i. the material and other benefits received as a result of commission of the offence;
 - ii. whether it is a first offence;
 - iii. whether multiple offences are involved;
 - iv. whether the offender was acting alone or associated with others in committing the offence;
 - v. the likelihood that the offender will repeat the offence; and
 - vi. the impact of the level of fine on the offender;
 - c) an aggravated fine or penalty shall be required for offences involving assault, obstruction or bribery of an authorized inspector or observer or any fisheries officer or person carrying out authorities or responsibilities under this Act, damage to gear or vessels, personal injury, loss of life, illegal fishing or damage to the environment;
 - d) where it appears that any offence against this Act involved transnational criminal activity or was committed in association with other transnational criminal activity, an aggravated fine or penalty shall be required and the Court may consider a minimum amount at a level of no less than ninety per cent of the maximum fine.

Section 15.3 Deprivation of monetary benefits

- 1) A Court that has convicted a person of an offence under this Act may assess the benefit acquired or saved by the person as a result of the commission and impose a fine including the fine for the section violated.

Section 15.4 Court may order additional penalties and compensation

- 1) In addition to any fine and term of imprisonment described in this Act and unless otherwise provided, the Court may order:
 - a) a term of imprisonment not exceeding twelve months, and where a fine is not paid in court on the terms required may order such term of imprisonment in lieu of payment of the fine;
 - b) forfeiture of the fishing vessel, fish on board and/or fishing gear;

- c) cancellation or suspension of the relevant licence, authorization or accreditation;
- d) compensation to be paid to the owner of any property damaged or destroyed as a direct result of the offence; and
- e) compensation for the cost of clearing any pollution of the Fisheries Waters that may have been caused as a direct result of the offence or removing any objects that continue to cause such pollution.

Section 15.5 Increased maximum fine for body corporate

If a body corporate is convicted of an offence against this Act, a fine of up to three times the maximum fine specified for the offence may be imposed.

Section 15.6 Repeated offenders

- 1) Any fine and penalty determined for any person convicted of the same offence more than once shall be at a significantly higher level than imposed on the previous occasion and, to the extent possible, shall be double such level.

Section 15.7 Banning Order

- 1) In addition to any other fine or penalty provided under this Act, the Court or a Summary Administrative Panel may order any natural person to be banned from fishing in the Fisheries Waters for a period up to five years if that person has committed:
 - a. an offence against section 9.2; or
 - b. multiple offences against this Act,

and shall order a natural person to be banned from fishing in the Fisheries Waters if that person has been found by a court or admitted under Summary Administrative Proceedings to have committed any offence or offences against this Act on three separate occasions.

- 2) The operator or master of a fishing vessel who knowingly permits a person banned under subsection (1) to go or remain on board a fishing vessel under his command or control, commits an offence and shall upon conviction be liable for a fine the maximum amount described in the Second Schedule or a term of imprisonment for a period not exceeding three (3) years, or both.

Section 15.8 Default for non-payment

In addition to any fine or penalty determined under this Act, the court may order a default penalty for non-payment of fines, not to exceed one percent (1%) per day of the total amount of the fine or determination.

CHAPTER 16 EVIDENCE AND PRESUMPTIONS

Section 16.1 Certificate evidence

The Director General or any person designated in writing by her/him may give a certificate stating that:

- a. a specified vessel was or was not on a specified date or dates a Liberian fishing vessel or a foreign fishing vessel;
- b. a person was or was not on a specified date or dates the holder of any specified license, authorization or registration;
- c. a specified fishing vessel was not on a specified date or dates the subject to a specified license, authorization or registration;
- d. an appended document is a true copy of the license or certificate of registration for a specified vessel or person and that specified conditions were attached to such document;
- e. a particular location or area of water was on a specified date or dates within the Inshore Exclusive Zone, the Fisheries Waters or a closed, limited, restricted or in any other way controlled area of the Fisheries Waters, or an area of the Fisheries Waters subject to specified conditions;
- f. **an appended chart shows the boundaries on a specified date or dates of the Fisheries Waters, Inshore Exclusive Zone, territorial sea, closed or limited areas or other areas or zones delineated for any specified purpose;**
- g. a particular item or piece of equipment is fishing gear;
- h. the cause and manner of death of or injury to any fish;
- i. an appended document is a true copy of an approved charter agreement or an access agreement or fisheries management agreement;
- j. a call sign, name, or number is that of or allotted to a particular vessel under any system of naming or numbering of vessels;
- k. an appended position or catch report was given for a specified vessel;
- l. a specified fishing vessel is included on a list of illegal, unreported and unregulated fishing vessels or authorized fishing vessels established by a regional fisheries management organization or pursuant to an international agreement; or
- m. **a certificate as to the condition of fish given under this Act was made in accordance with this Act and was made by the person who is signatory to the certificate.**

Section 16.2 Validity and procedures for certificates

- 1) A document purporting to be a certificate given under section 16.1 shall be deemed to be such a certificate and have been duly given.
- 2) Where a certificate issued under section 16.1 is served upon a defendant seven or more days before its production in court in any proceedings under this Act, the certificate shall be *prima facie* evidence, unless the contrary is proved, of all the facts averred in it.
- 3) **Where a certificate issued under section 16.1 is served upon a defendant fourteen (14) or more days before its production in court and the defendant does not, within seven (7) days of the date of service, serve a counter-notice of objection in writing upon the prosecutor, then the certificate shall, unless the court finds the defendant is unduly prejudiced by any failure to object, be conclusive proof of all the facts averred in it.**
- 4) Where any objection is notified under subsection (3) the certificate shall be *prima facie* evidence, unless the contrary is proved, of all the facts averred in it.
- 5) Any certificate issued under section 16.1 shall be titled "Certificate Made Under section 17.1, National Fisheries and Aquaculture Act of 2018".

- 6) Any omission from a mistake made in any certificate issued under section 16.1, shall not render it invalid unless the Court considers such omission or mistake to be material to any issue in the proceedings concerned, or the defendant is unduly prejudiced thereby.
- 7) Where in any proceedings a certificate made under section 16.1 is produced to the Court, the prosecution shall not be obliged to call the maker of the certificate unless otherwise ordered and the Court shall, where material, rely on the facts therein unless the contrary is proved.

Section 16.3 Electronic location devices

- 1) The readings of any automatic location communicator or other electronic location device integral to a vessel monitoring system shall be admissible as evidence and may be used as *prima facie* evidence unless the contrary is proved of the facts that they averred.
- 2) The readings of such devices may be made from a printout or as observed from a visual display unit.
- 3) Any electronic location device must be capable either wholly or partially in itself of producing the readings concerned and not merely be a receiver of information or data.

Section 16.4 Photographic evidence

- 1) If a photograph is taken of any fishing or related activity and the date and time on and position from which the photograph is taken are simultaneously integrated in the photograph, it shall be *prima facie* evidence that the photograph was taken on the date, at the time and in the position so appearing.
- 2) The provisions of this section shall apply only when:
 - a. the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and
 - b. the instruments which provide the date, time and position are generally recognised as being accurate or are designated machines or were checked as soon as possible after the taking of the photograph against such instruments.

Section 16.5 Presumptions

- 1) All fish found on board any fishing vessel which has been used in the commission of an offence under this Act shall be presumed to have been caught during the commission of that offence, unless the contrary is proved.
- 2) Where, in any legal proceedings under this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place shall be presumed **to be the place in which the event took place.**
- 3) The production of a written copy or extract of the entry certified by a fisheries inspector as a true copy of the accurate extract shall be *prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft.
- 4) Where in any legal proceedings relating to an offence under this Act:

- a. a fisheries inspector gives evidence of reasonable grounds to believe any fish to which the charge relates were taken in a specified area of the Fisheries Waters ; and
- b. the Court considers that, having regard to that evidence the grounds are, reasonable,

all the fish shall be presumed to have been so taken, unless the contrary is proved.

- 5) Where in any legal proceedings for an offence under this Act:
 - a. a fisheries inspector gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken by the use of illegal gear; and
 - b. the Court considers that, having regard to the evidence, the grounds are reasonable,

all the fish shall be presumed to have been so taken, unless the contrary is proved.

- 6) Where any information is given for a fishing vessel under this Act or an access agreement in relation to any fishing activity of a fishing vessel, it shall be presumed to have been given by the master, owner or charterer of the vessel concerned, unless it is proved it was not given or authorized to be given by any of them.
- 7) Any entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel shall be deemed to be that of the master, owner and charterer of the vessel, unless proven otherwise.
- 8) Any position fixing instrument on board a vessel or aircraft used for the enforcement of this Act shall be presumed to be accurate.
- 9) For the purposes of subsection (8), a position fixing instrument shall be deemed to be any device which indicates the location of a vessel, including but not limited to any global positioning system.
- 10) Unless the contrary is proved, any person who is found in possession of explosives, poison or any device and associated paraphernalia, such as coil ignites capable of producing explosions or electric shocks, on or near the Fisheries Waters, with the intention or apparent intention of using such items for fishing, shall be presumed to be undertaking an unlawful activity contrary to this Act.
- 11) Unless the contrary is proved, any person who is found in possession of any illegal fishing gear on or near the Fisheries Waters shall be presumed to be undertaking an unlawful activity contrary to section 4.10 of this Act.

Section 16.6 Burden of Proof

Where, in any proceedings under this Act, a person is charged with having committed an offence involving an act for which a license, authorization, accreditation or other permission is required, the burden of proof shall be on that person to prove that the license, authorization, accreditation or other permission was valid and applicable in accordance with this Act.

Section 16.7 Interfering with evidence

- 1) No person shall, being on board any vessel being pursued, about to be boarded or notified that it will be boarded by a fisheries inspector, whether in Fisheries Waters or beyond areas under national jurisdiction, throw overboard or destroy any fish, equipment, document, explosive, noxious substance or other item with intent to avoid its seizure or the detection of any offence against this Act.
- 2) No person shall remove from legal custody any vessel, fish, equipment or other item, or do any act or omission by which a vessel, fish, equipment or other item held in custody may be removed from

custody, whether or not he/she knew that the vessel, fish, equipment and other item was being held in custody.

- 3) No person shall intentionally, recklessly or negligently destroy, damage, render inoperative or otherwise interfere with any premises where activities within the scope of the Law are carried out or any licensed aquaculture facility.

CHAPTER 17. REGULATIONS

Section 17.1 Power to Issue Regulations

- 1) The Director General may, with the advice of the Board of Directors and, as appropriate, the Fisheries Advisory Council, prescribe regulations on:
 - a. any matter required or permitted to be prescribed pursuant to this Act; and
 - b. generally all matters which are reasonably necessary or expedient to be prescribed in order to achieve the objective and principles of this Act.
- 2) Without prejudice to the generality of the provisions of Subsection (1), the Director General may make regulations:
 - a. on any matter for the conservation, management and sustainable use of the fisheries resource;
 - b. on institutional arrangements relating to the Authority, including committees or councils, their membership, functions, authorities and procedures;
 - c. prescribing the catch and use of fish taken incidentally when fishing for a species for which a license has been issued, including the reduction of by-catch and the management of discards;
 - d. regarding licenses or authorizations for any vessel or class or category of vessels to be used for fishing, related activities or any other purposes pursuant to this Act, including application procedures and forms, and the format and requirements for the issuing of licenses or authorizations, grounds for denial, terms and conditions;
 - e. prescribing different classes of and formats for licenses or authorizations, including application procedures and forms, and the area or fishing method or type of gear for which each class of license or authorization shall be valid;
 - f. prescribing the operation of, and conditions and procedures to be observed by any fishing vessel while in the Fisheries Waters, having due regard to the requirements of international agreements;
 - g. prescribing the operation of, and conditions and procedures to be observed by, any vessel which enters the Fisheries Waters for any purpose, including transiting such waters, regulating the navigation of foreign fishing vessels through the Fisheries Waters having due regard to the provisions of the United Nations Convention on the Law of the Sea;
 - h. regarding the harvesting, loading, landing, handling, processing, transshipping, transporting, possession and disposal of fish;
 - i. regarding the import, export, trade in, distribution and marketing of fish and fish products;
 - j. regarding fees, fines, levies, penalties, and royalties;
 - k. prescribing the manner in which any gear shall be stowed;
 - l. regarding the appointment, powers and duties of fisheries inspectors and observers;
 - m. prescribing the duties and procedures to be followed by the master and crew of any vessel in relating to fisheries inspectors and observers;
 - n. regulating or prohibiting the use of any diving apparatus, spear guns or other similar devices for fishing or related activities;
 - o. establishing standards and measures for the safety of fishers and fishing vessels;
 - p. regulating and controlling the operation of fish processing establishments, including quality control measures and inspection of such establishments;

- q. regarding the prevention of pollution of the Fisheries Waters;
 - r. relating to the dumping or discharging of anything which is or may be injurious to fish, or which may disturb or change the ecological balance in any area of the sea;
 - s. enabling those engaged in artisanal fisheries to participate in the co-management of fish landing sites and related fisheries with the Authority;
 - t. ensuring the orderly development of high seas fishing by Liberian persons and vessels;
 - u. implementing the requirements of any international agreement or international conservation and management measures; and
 - v. such other matters that fall within the scope of this Act.
- 3) The Director General shall formulate and submit the proposed regulations to the Board of Directors for their consideration.
 - 4) The regulations shall come into force upon being published in the National Gazette.

Section 17.2 Delegation of powers

- 1) The Director General, on the written approval of the Board of Directors, may in writing and on conditions determined by the Board of Directors, delegate to the Deputy Directors of the Authority any power conferred under this Act other than the power to approve regulations and to further delegate such powers.
- 2) The Director General may, on the written approval of the Board of Directors, delegate in writing any power conferred upon him to an officer of the Authority.

Section 17.3 Duty to consult

- 1) The Authority shall consult relevant stakeholders to the extent practicable on proposed Regulations to be made pursuant to this Act.
- 2) The Director General may establish further procedures for public consultations on matters within the scope of this Act.

CHAPTER 18. MISCELLANEOUS

Section 18.1 Reports

- 1) In January of each year, the Authority shall make available to the public an enforcement report listing:
 - a. the names of all persons and vessels identified by the Authority as violators under any provision of this Act in the past calendar year;
 - b. all enforcement action taken by the Government or any court against any Person and vessels in connection with each violation; and
 - c. the fines and penalties collected by the Government or the court for each violation.

Section 18.2 Public notice

For the purposes of this Act, any requirement to give public notice shall involve the relevant information being:

- a. in respect of notices applicable at national level:

- i. placed as a notice in at least three daily newspapers of major national circulation; and
 - ii. broadcast on at least three local stations including the national radio station in standard and Liberian English and at least one vernacular relevant to the venue; and
 - iii. at least one television station.
- b. posted on the website maintained by the Government for fisheries-related information; and
- c. disseminated nationally, bilaterally, regionally and internationally through any relevant network, country or organization.

Section 18.3 Notification

- 1) Any notification required under this Act shall be in writing.
- 2) Except as otherwise specified in this Act, if under this Act any notice or other document is to be given, served on or furnished to any person, that notice or other document may be:
 - a. given to the person personally;
 - b. given personally to any other person authorised to act on behalf of the person;
 - c. in the case of any notice or document to be given or served in the course of or for the purpose of any proceedings for an offence under this Act, given to the person as the Court may direct;
 - d. except in the case of any notice or document to be given or served in the course of or for the purpose of any proceedings for an offence against this Act, send by post through registered mail to the person, or any other person authorised to act on that person's behalf, at that person's or other person's usual or last known place of business or abode;
 - e. except in the case of any notice or document to be given or served in the course of or for the purpose of any proceedings for an offence against this Act, sent by electronic transmission to the person, or any other person authorised to act on the person's behalf, at that person's or other person's usual or last known address, and for the purpose of this paragraph-
 - i. the term "electronic transmission" means any transmission of information send electronically; and includes any transmission send by facsimile, electronic mail, or electronic data transfer; and
 - ii. the term "address" includes a facsimile number or an electronic mail address.
- 3) Where the operator of a foreign fishing vessel is a defendant in any proceedings for an offence against this Act, then, notwithstanding any other law, service on the defendant of any summons or other documents may also be effected-
 - a. by being delivered personally to the agent of the vessel on behalf of the defendant or being brought to the notice of the agent if that agent refuses to accept it on behalf of the defendant;
 - b. by being send to the agent of the vessel, by registered mail to that agent on behalf of the defendant at the agent's last known or usual place of residence or that agent's place of business; or
 - c. where no agent has been nominated in respect of any foreign vessel, the agent shall be deemed to be the master of the vessel.

CHAPTER 19. EFFECTIVE DATE

Section 19.1 Effective Date

This Act shall take effect immediately upon publication in handbill.

FIRST SCHEDULE

FISHERIES ADVISORY COUNCIL

Section 3.15

Membership

- 1) The Director General shall appoint a maximum of fifteen (15) members to the Fisheries Advisory Council, from nominations by each of the following Ministries, and nominations shall be made with a view to achieving a balanced representation in relation to gender, senior public officers or employees, representatives and experts:
 - a. the Minister of Agriculture;
 - b. the Minister of Finance and Development Planning;
 - c. the Minister of Justice, who shall nominate a person responsible for policy, coordination or legal matters within the Ministry;
 - d. the Minister of Defense, who shall nominate a Coast Guard officer;
 - e. the Commissioner of the Liberia Maritime Authority;
 - f. the Executive Director of the Environmental Protection Agency of Liberia;
 - g. Director General of the Authority;
 - h. the Liberia Artisanal Fishermen's Association;
 - i. the Co-management Fisheries Association;
 - j. the head of a research or educational institute, who shall nominate a person who has expertise in fisheries or aquaculture;
 - k. three (3) persons nominated by the Director General who have expertise in technical aspects of fisheries and aquaculture, such as management, science, statistics and information, economics, social/cultural aspects, ecosystem management, fish processing and marketing; and
 - l. Seamen union representative.
- 2) The nominating authority may designate an alternate in the event that the person appointed as member is unable to fulfil his or her duties.
- 3) The Director General shall serve as the Secretary to the Fisheries Advisory Council.
- 4) The Legal Counsel attached to the Authority shall attend meetings of the Fisheries Advisory Council in an *ex officio* capacity and otherwise provide advice as requested by the Chairperson or the Director General.
- 5) The Director General shall publish the membership list prior to the first meeting of the Fisheries Advisory Council.

Terms and Conditions of Office for Members of the Fisheries Advisory Council

- 6) Appointed members shall serve a staggered term of five years where an agreed upon number of seats will be up for appointment every five years, and members may be reappointed subject to confirmation of the nominating authority.
- 7) An appointed member may resign by written notice to the Director General or the Chairperson.
- 8) In consultation with the Fisheries Advisory Council, the Chairperson may dismiss any member on grounds of dishonesty, bankruptcy, neglect of duty or conflict of interest and shall dismiss any member at the request of the Fisheries Advisory Council.

- 9) The Chairperson shall remove a member if he/she is convicted of a felony under any law of the Republic of Liberia.
- 10) Members may be paid such reasonable travel costs and sitting fees as the Chairperson may determine.

Information

- 11) The Fisheries Advisory Council may invite any person that is not a member to furnish or provide information, explanations, advice or express an expert opinion at any time, including at its meetings.

Election of Chair and Vice-Chairs

- 12) The Fisheries Advisory Council shall elect a Chair and two Vice-Chairs from among its members attending the meeting at which they are elected. They shall assume office immediately following the meeting at which they were elected. The term of the Chair shall be two years, and each Chair may, if elected, serve a total of six years. The first term of each Vice-Chair shall be three years and each Vice-Chair may, if elected, serve a total of six years.

Procedure and Meetings of the Fisheries Advisory Council

- 13) The Fisheries Advisory Council shall meet at least twice a year, or as often as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Chair may determine in consultation with the members.
- 14) The Chair may at any time call a special meeting to be held within seven days of a written request for that purpose addressed to him by any eight members of the Fisheries Advisory Council.
- 15) The quorum shall be eight members.
- 16) The decisions of the Fisheries Advisory Council shall be by a majority of the votes and in addition to an original vote, the Chair shall have a casting vote in any case in which the voting is equal.
- 17) Minutes in proper form of each meeting shall be kept by the Secretary or his or her proxy.
- 18) The validity of the proceedings shall not be affected by any vacancy among its members or by any defect in the appointment of any member.
- 19) Subject to the provisions of this Schedule, the Fisheries Advisory Council may regulate its own proceedings.

Disclosure of interest by members of the Fisheries Advisory Council

- 20) Any member who, otherwise than as such member, is directly or indirectly interested in a contract made or entered into, or proposed to be made or entered into, by the Fisheries Advisory Council, or in the subject matter of any proceedings before it shall as soon as practicable after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Fisheries Advisory Council.
- 21) A disclosure under this paragraph shall be recorded in the minutes of the Fisheries Advisory Council and the member shall—

- a. not take part after the disclosure in any deliberation or decision relating to the contract or matter in question; and
- b. be disregarded for the purpose of forming a quorum for any such deliberation or decision.

22) A member who fails to disclose his or her interest as required by paragraph (1) of this section is guilty of misconduct and his or her appointment shall be revoked.

23) A member who may otherwise have a conflict of interest shall disclose such interest in accordance with that section.

Immunity from action

24) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Fisheries Advisory Council in respect of any act done bona fide in pursuance or execution or intended execution of this Act.

Office of Chair, etc, not public office

25) The office of Chair or member of the Fisheries Advisory Council shall not be a public office for the purpose of Chapter XIII of the Constitution of Liberia.

-2019-

SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE
OF THE REPUBLIC OF LIBERIA

SENATE'S ENGROSSED BILL NO. 36 ENTITLED:

**"AN ACT TO AMEND THE NATIONAL FISHERIES AND
AQUACULTURE AUTHORITY LAW BY ADDING
THERETO THE LIBERIA FISHERIES AND
AQUACULTURE MANAGEMENT AND
DEVELOPMENT"**

On Motion, the Bill was read. On motion, the Bill was adopted on its first reading and sent to committee Room on Tuesday, August 27, 2019 @ 12:55 G.M.T.

On Motion, the Bill was taken from Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Friday, September 20, 2019 @ 13:20 G.M.T



SECRETARY OF THE LIBERIAN SENATE, R.L.

-2019-

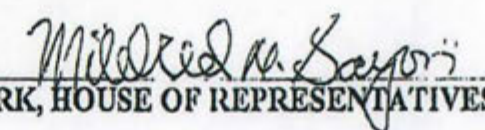
SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE
OF THE REPUBLIC OF LIBERIA

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED
BILL NO. 36 ENTITLED:

**"AN ACT TO AMEND THE NATIONAL FISHERIES AND
AQUACULTURE AUTHORITY LAW BY ADDING THERETO
THE LIBERIA FISHERIES AND AQUACULTURE
MANAGEMENT AND DEVELOPMENT"**

On Motion, the Bill was read. On motion, the Bill was adopted on its first reading and sent to committee Room on Monday, September 23, 2019 @ 13:18 G.M.T.

On Motion, the Bill was taken from Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Thursday, September 26, 2019 @ 15:05 G.M.T.,



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R. L.

ATTESTATION TO:

**“AN ACT TO AMEND THE NATIONAL FISHERIES AND
AQUACULTURE AUTHORITY LAW BY ADDING THERETO
THE FISHERIES AND AQUACULTURE MANAGEMENT AND
DEVELOPMENT”**

Albert Chie 10/25/2019

for VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/
PRESIDENT OF THE SENATE

[Signature]

SECRETARY, LIBERIAN SENATE

[Signature]

SPEAKER, HOUSE OF REPRESENTATIVES, R.L.

Mildred N. Layton

CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.



SECRETARY OF THE SENATE



The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

2019

SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE OF THE REPUBLIC OF LIBERIA.

SCHEDULE OF SENATE'S ENROLLED BILL NO. 15 ENTITLED:

“AN ACT TO AMEND THE NATIONAL FISHERIES AND AQUACULTURE
AUTHORITY LAW BY ADDING THERETO THE FISHERIES AND
AQUACULTURE MANAGEMENT AND DEVELOPMENT”

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR
EXECUTIVE APPROVAL.

APPROVED THIS 26th DAY OF November A.D. 2019
AT THE HOUR OF 3:56pm.



THE PRESIDENT OF THE REPUBLIC OF LIBERIA