

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Ministry of Fisheries, Marine Resources and Agriculture
Male', Republic of Maldives

Regulation on the General Process of Issuing Licenses and Permits for Fishing, Fishing Related Activities and Aquaculture Activities

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DRAFT UNOFFICIAL TRANSLATION

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<u>Regulation on the General Process of Issuing Licenses and Permits for Fishing, Fishing Related Activities and Aquaculture Activities</u>			
Introduction and Name	1.	(a)	This Regulation has been made pursuant to Section 29 (a), Section 33 (b) (1) and Section 86 of Act No. 14/2019 (Fisheries Act of the Maldives), with reference to Chapter 6 of the aforementioned Act.
		(b)	This Regulation shall be cited as "Regulation on the General Process of Issuing Licenses and Permits for Fishing, Fishing Related Activities and Aquaculture Activities".
Objectives	2.		The main objective of this Regulation is to establish the general procedures for issuing, renewing and cancelling of permits or licenses for fishing, fishing related activities, aquaculture activities, parties carrying out aquaculture related activities, vessels and places falling within the scope of Act No. 14/2019 (Fisheries Act of the Maldives).
Requirements to be complied with prior to application for licenses or permits	3.	(a)	All requirements that are to be complied with prior to application for licenses or permits as stipulated in the relevant Regulations and the Fisheries Management Plans that are made pursuant to Act No.: 14/2019 (Fisheries Act of the Maldives), shall be complied with.
		(b)	Where the activity requires a permit under Regulation No.: R-91/2020 (Regulation on issuing permits for the establishment of fisheries projects), a permit issued by the Ministry authorizing such activity shall be secured prior to the application for licensing.
Application for permits or licenses and renewal of permits and licenses	4.	(a)	The application for new permits or licenses or renewal of the same shall be via a form prepared and publicized on the Ministry's website, or via the "Fisheries Information System – Keyolhu".
		(b)	Permits and licenses issued for vessels or places under this Regulation, may be issued to a party other than the legal title holder of such vessels or places.

		(c)	The following documents shall be submitted with the application for permits or licenses issued under this Regulation.
		(1)	Copy of the National Identity Card of the person applying for the permit or license, or where it is a juridical person, a copy of the registration certificate of the entity;
		(2)	Registration copy of vessel;
		(3)	Document stipulating that the applicant for permit or license is authorized to carry out the activities at the place or building or vessel that the permit or license is applied for;
		(4)	Where the applicant for permit or license is not the legal title holder of the vessel or place, a letter of no objection for such a permit or license, from the legal title holder (as per template published on the website of the Ministry);
		(5)	EIA decision statement from the relevant institution, if the activity is required to complete an Environment Impact Assessment (E.I.A);
		(6)	Any other relevant information or documents stated in the application form for permits or licenses.
		(d)	Applications for renewal of permits or licenses shall only be submitted from 30 (Thirty) days prior to the expiry of such licenses.
		(e)	Applications for permits or licenses shall be submitted 3 (Three) business days prior to the date the applicant wishes to receive the permit or license.
Issuing permits and licenses	5.	(a)	Permits and licenses issued under this Regulation shall only be issued upon the completion and submission of the application form along with all the necessary documents and upon full payment of the fees to the Ministry or a party appointed by the Ministry.
		(b)	Permits and licenses for fishing or fishing activities within the territory or the maritime zones of the Maldives may only be issued by the Ministry or a party designated by the Ministry.

	6.	Permits or licenses under this Regulation may not be issued under the following circumstances;	
		(a)	Applicant for license or permit is in default of payment of fine or has not been making regular payments towards such a fine that may have been imposed on him under Act No. 14/2019 (Fisheries Act of the Maldives) and the Regulations or Fisheries Management Plans made thereunder.
		(b)	Applicant for license or permit has their license or permit revoked and has not completed any suspension period of such permit or license that may have been imposed on them due to a violation of Act No. 14/2019 (Fisheries Act of the Maldives) and any Regulations or Fisheries Management Plans made thereunder.
		(c)	The applicant has been issued the maximum number of permits or licenses as allowed for the type of fishing, in Act No. 14/2019 (Fisheries Act of the Maldives), and any Regulations or Fisheries Management Plans made thereunder.
		(d)	Any requirements for permit or license as stipulated in Act No.: 14/2019 (Fisheries Act of the Maldives) and relevant Regulations or Fisheries Management Plans made thereunder, are not met.
		(e)	The vessel for which permit or license is applied for is included in an Illegal, Unregulated and Unreported (IUU) Fishing Vessel list, at a national or international level, for any illegal, unregulated and unreported fishing.
	7.	Permits or licenses issued under this Regulation shall include the following information:	
		(a)	Name, address and National Identity Card number or company registration number of the holder or responsible party of license or permit;
		(b)	Authorized activity under the license or permit;
		(c)	Place, area or building which is authorized for fishing or activity under the license or permit;
		(d)	Name, registration number and other details of authorized vessel under permit or license;

		(e)	Name and/or address of authorized building or place under permit or license;
		(f)	License number and validity period of permit or license;
		(g)	Conditions for permit or license.
Renewal due to loss or damage of permit or license	8.	(a)	Application for a copy of a lost or damaged license issued under this Regulation that has not expired, shall be made via the application form prepared and publicized on the Ministry's website or via "Fisheries Information System – Keyolhu".
		(b)	No fee shall be charged for issuing a copy of license or permit pursuant to Subsection (a) herein.
Change of holder of permit or license	9.		A permit or license issued pursuant to this Regulation may not be transferred to a third party during the tenure of said permit or license.
Cancellation or revocation of license	10.	(a)	If a permit or license holder wishes to cancel their license or permit issued pursuant to this Regulation within the tenure of said license or permit, it shall be cancelled upon submission of the required form stipulated in Section 4 (a) of this Regulation or via "Fisheries Information System – Keyolhu".
		(b)	Any license or permit issued under this Regulation may be revoked upon discovery by the Ministry of any unauthentic documents submitted by applicant for license or permit.
		(c)	Where a vessel with a permit or license issued to it under this Regulation is included in any Illegal, Unregulated and Unreported (IUU) Fishing Vessel list compiled at a national or international level, for any illegal, unregulated and unreported fishing, such a permit or license may be revoked.
		(d)	Where a decision has been made to revoke a permit or license pursuant to Regulation No.: R-74/2020 (Regulation on administration of penalties for fisheries related offences), such a permit or license shall be revoked.
		(e)	If the registration of any vessel or place with a license pursuant to this Regulation is revoked or temporarily suspended by a relevant authority, the license or permit issued pursuant to this Regulation must also be revoked or suspended, respectively. Furthermore, if such authority

			decides not to temporary suspend or to revoke the registration of such vessel or place following a review of its decision, such a decision must also be followed in respect of the permit or license issued pursuant to this Regulation.
		(f)	The Ministry is not required to pay back any fees paid in respect of a permit or license in the event such a permit or license is revoked pursuant to Subsection (b) (c) (d) and (e) herein, to the holder of permit or license.
License tenure and fees	11.	(a)	Fees collected for permits and licenses issued under this Regulation shall be in accordance with the conditions specified in Act No. 14/2019 (Fisheries Act of Maldives) and the Regulations or Fisheries Management Plans made thereunder.
		(b)	Fees payable for permits and licenses pursuant to this Regulation may be paid via Ministry or Island Council or City Council.
Collection and management of information	12.		A national registry of permits and licenses issued under this Regulation comprising of the following information shall be compiled and kept up-to-date by the Ministry. The following information shall be included in the registry.
		(a)	Information of applicants for permits or licenses under this Regulation;
		(b)	Information of issued, renewed or revoked permits and licenses
		(c)	Details of activities that have licenses or permits issued for them;
		(d)	Information of party issuing permit or license; and
		(e)	Information of vessel or place that have licenses or permits issued to them;
	13.	(a)	Upon the commencement of this Regulation, any permits or licenses issued pursuant to 5/87 (Fisheries Act of Maldives) shall be deemed to be issued under this Regulation, without prejudice to Section (b) herein, and shall be valid for the remainder of their tenure.
		(b)	Notwithstanding subsection (a) above, where the Ministry deems necessary the amendment of permit or license

			conditions, or amendment of the permits and licenses that are issued pursuant to Act No. 5/87 (Fisheries Act of Maldives) themselves, the Ministry has the discretion to require such amendments. Where such amendments are brought, it shall be publicly announced by the Ministry.
Definitions	14.		Unless otherwise expressly provided herein, the following terms shall be defined as follows.
		(a)	“Ministry” means, the government institution responsible for all things related to fisheries, including aquaculture.
		(b)	<p>“fishing” means:</p> <ol style="list-style-type: none"> (1) searching for the purpose of catching, taking, killing and harvesting of fish; (2) attempting to search for, catch, take, kill or harvest fish; (3) engaging in any other activity that results in the searching, catching, taking, killing or harvesting of fish; (4) placing or searching or retaking of any fish aggregating device or equipment including “radio beacons”; (5) undertaking any operation at sea or on an island in preparation for any activity mentioned in subsections (1), (2), (3) or (4).
		(c)	<p>“related activity” in respect of fishing means:</p> <ol style="list-style-type: none"> (1) transshipment of fish or fisheries products to a vessel or from a vessel to another place; (2) preserving or transporting of fish from one place to another from the time of catching or taking of fish; (3) storing, purchasing and processing of fish and fishery products from when they are taken from the maritime zones of the Maldives and until the time they are landed ashore; (4) exporting fish and fishery products; (5) refuelling or supplying fuel to fishing vessels or providing any activity or service in support of fishing operations; and (6) attempting to or preparing to carry out any of the activities set out from subsections (1) to (5).
		(d)	“vessel” means any type of vessel, ship or any other thing which is used for fishing, which has been prepared for

			fishing, or which is usually used for fishing or related activities.
		(e)	“aquaculture” means culture of, propagation, keeping, raising, and ranching of aquatic living resources on the Territory and in the maritime zones of the Maldives.
		(f)	“aquaculture related activities” means establishment of quarantine facilities, operations and other activities related to the production of food for aquaculture.
		(g)	<p>“fish processing facilities” means lands, buildings, or such other places on or in which:</p> <ul style="list-style-type: none"> (1) fish or aquaculture products are cleaned, packaged, dried, salted, chilled, frozen or otherwise processed for sale in and outside the Maldives; or (2) fish or aquaculture products are stored for the purposes of packaging, canning, drying, cleaning, salting, chilling, freezing or otherwise for processing for sale in and outside the Maldives
		(h)	<p>“fish processing” means</p> <ul style="list-style-type: none"> (1) preparation of fish or aquaculture products by cleaning or packaged or drying or salting or chilling or freezing or otherwise processing; or (2) storing of fish or aquaculture products for the purposes of packaging or canning or drying or cleaning or salting or chilling or freezing or otherwise processing.
		(i)	“maritime zones of the Maldives” means Maldives internal waters, archipelagic waters, territorial sea and exclusive economic zone as stipulated in the Act No.: 6/96 (Maldives Maritime Zones Act).
		(j)	“territory of the Maldives” means the territory of the Maldives as defined in Article 3 of the Constitution of the Republic of Maldives.
		(k)	“fisheries management plan” means a plan made pursuant to Chapter 3 of Act no.: 14/2019 (Fisheries Act of the Maldives), for the planning and management of fishing.
		(l)	“Fisheries Information System – <i>Keyolhu</i> ” means a system established by the Ministry to record all fishing and fishing related activities, and issue permits and licenses for fishing and fishing related activities.

		(m)	“legal title holder” means person the title of vessel or place is registered to, by the relevant government authorities.
Commencement	15.		This Regulation shall come into force on the date it is published in the Maldivian Government’s Gazette

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