

Foreign Fishing Vessels Regulations, 1979 (as amended)

Article 1. - Citation. - These Regulations may be cited as the Foreign Fishing Vessels Regulations, 1979.

Article 2. - Application for licence. - An application for a licence shall be in writing, signed by the owner of the foreign fishing vessel in respect of which the licence is sought, and countersigned by the authorized local agent named in the application, and shall contain the following information:

- (a) the name and description of the vessel, the equipment and crew complement;
- (b) the flag state and home port of the vessel;
- (c) the name of the owner and master of the vessel;
- (d) the side number of the vessel, its radio frequencies, call sign and signal letters;
- (e) a description of the proposed fishing operations or related activities including:
 - (i) the species to be fished;
 - (ii) the method of fishing and type and dimensions of gear to be used;
 - (iii) the area or areas to be fished;
 - (iv) the amount of fish to be caught;
 - (v) the period of time for which a licence is sought;
 - (vi) the place in which the fish is to be landed and/or processed, and a description of the ultimate destination and use of the fish; and
 - (vii) a description of support operations, and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out;
- (f) a description of any joint venture or other contractual arrangements with Seychelles business interests in connexion with the fishing operations;
- (g) a brief description of any related fishing operations sought to be undertaken in the marine areas under the jurisdiction of Seychelles by other vessels belonging to or under the control of the owner;

- (h) the name and address of the local authorized agent appointed by the owner to represent him in all dealings with the Government, and evidence of the extent to which the local agent is authorized to undertake legal and financial obligations on behalf of the owner; and
- (i) such other information as may be requested by the Minister in clarification or amplification of the information furnished by the applicant.

Article 3. - Form of licence. - Every licence shall be in the form set put in the First Schedule.

Article 4. - Licence fees. - The fees for licences shall be the subject of negotiation between the Government and the owner of the foreign fishing vessel.

Article 5. - No fishing in territorial waters. - No licence issued shall purport to authorize or be valid for fishing operations by any foreign fishing vessel in the territorial waters.

Article 6. - Conditions of licence. - A licence shall be subject to the following conditions:

- (a) the owner of the vessel shall appoint and maintain a local authorized agent in Mahe, who shall be authorized to accept legal and financial responsibility on behalf of the owner in respect of the operations undertaken by the vessel and to accept service of any notice, summons or other document on behalf of the owner in any legal proceedings arising out of the conduct of the fishing operations or related activities by the vessel; the local representative shall be a person resident in a Mahe and having a permanent office or establishment in Mahe;
- (b) the owner or the authorized local agent shall, if required by the Minister, execute and maintain a bond in an amount and form satisfactory to the Minister, to guarantee performance of the obligations under the licence;
- (c) the master or the authorized local agent shall notify the Minister of the estimated time and location of entry of the vessel into the marine areas under the jurisdiction of Seychelles not less than 24 hours prior to such entry, and shall at the same time notify the Minister of:
 - (i) the approximate fishing plan or schedule of activities to be carried out under the licence;
 - (ii) the date of arrival of the vessel at Port victoria for initial inspection, unless exempted from such inspection; and
 - (iii) the species of fish on board the vessel, and the quantity and condition of each species;

- (d) after entry into the marine area under the jurisdiction of Seychelles, the vessel shall proceed directly and immediately to Port Victoria for initial inspection by an authorized officer, unless exempted from such inspection by the Minister, and shall not be used for fishing or related activities in such area until such time as such inspection has been carried out or such exemption has been given;
- (e) the licence shall be valid only for such activities, for such period and for such area or areas as are specified in the licence;
- (f) where fishing is authorized by the licence:
 - (i) only such species of fish shall be fished for, in such quantities, using such methods of fishing and such fishing gear, as are authorized by the licence;
 - (ii) no by-catch shall exceed such percentage as may be specified in the licence;
 - (iii) all relevant laws and regulations regarding the conservation and management of fisheries resources in Seychelles and the conduct of fishing operations shall be complied with;
 - (iv) the master shall cause written records to be maintained of the fishing effort and catch of the vessel in the manner prescribed in the licence.
- (g) any transshipment of fish shall be done in Port Victoria under the control of authorized officers unless otherwise permitted by the licence;
- (h) the written records required to be maintained under paragraph (f) shall be transmitted by the master of the vessel to the Minister:
 - (i) monthly or at the request of the Minister, or of any fisheries officer on his behalf, or by any authorized officer, at any time during the term of the licence; and
 - (ii) in any event, not later than 30 days after the expiry of the licence;
- (i) the master of the vessel shall cause radio reports to be made to the Minister or to such persons as may be specified in the licence at the following intervals and containing the following information:

Every 3rd day

- (i) the name of the vessel;
- (ii) the licence number;
- (iii) the precise geographical position of the vessel in terms of longitude and latitude;

Weekly

The information in sub-paragraphs (i), (ii) and (iii) and

- (iv) the quantity, in kilograms, of each species of fish in the hold;
 - (v) the quantity, in kilograms, of fish caught since the last inspection in Port Victoria or the last weekly radio report, whichever is the later;
 - (vi) the quantity, in kilograms, of each species of fish transferred, if the licence authorises such transfer, to other vessels since the last inspection in Port Victoria or the last weekly radio report, whichever is the later;
- (j) the master or the authorized local agent shall notify the Minister or any designated fishery officer of the estimated time of entry of the vessel into Port Victoria, at least 24 hours prior to such entry;
- (k) the master shall bring the vessel into Port Victoria for inspection at any time when required to do so by the Minister or any authorized officer;
- (l) where the vessel is in any marine area under the jurisdiction of Seychelles where it is not authorized by its licence to engage in fishing, all fishing gear shall be stowed in accordance with the manner prescribed in these Regulations;
- (m) the vessel shall at all times while in any marine area under the jurisdiction of Seychelles:
- (i) fly the flag of its flag state; and
 - (ii) display so as to be clearly visible both from the sea and from the air, on the starboard side of the funnel or the starboard side of the superstructure, the licence number in white markings of at least 90 centimetres in height in the case of a vessel whose overall length exceeds 18 metres, or 45 centimetres in height in any other case, on a black background;
- (n) the master shall permit an observer or observers designated in writing by the Minister to go on board and remain on board the vessel for any or all of the period of validity of the licence, and shall:
- (i) provide the observer or observers with suitable food and accommodation while on board;
 - (ii) cooperate fully with each observer in the performance of his duties; and
 - (iii) arrange for the observer or observers to send or receive messages by way of the radio telegraph or radio telephone facilities on board the vessel;

- (o) the master shall, at all times while in marine areas under the jurisdiction of Seychelles comply with any directions or instructions given to him by any authorized officer and, in particular, shall bring the vessel to when requested to do so, permit and facilitate any authorized officer to board the vessel and cooperate with such officer in any inspection carried out by him;
- (p) the vessel shall have on board at all times while in marine areas under the jurisdiction of Seychelles such communications and position fixing equipment as may be specified in these Regulations or in the licence as required equipment;
- (q) the master or the authorized local agent shall notify the Minister or any designated fishery officer, of the estimated time and location of the departure of the vessel from marine areas under the jurisdiction of Seychelles not less than 48 hours prior to such departure, and shall at the same time notify him of the following:
 - (i) the expected date of arrival of the vessel in Port Victoria for final inspection unless exempted from such inspection; and
 - (ii) the species of fish on board the vessel, and the quantity and condition of each species;
- (r) before leaving marine areas under the jurisdiction of Seychelles, the vessel shall proceed to Port Victoria for final inspection by an authorized officer, unless exempted from such final inspection by the Minister;
- (s) after final inspection, the vessel shall depart directly from marine areas under the jurisdiction of Seychelles and shall not be used for fishing or related activities before such departure; and
- (t) any records, reports or notifications required to be maintained or made under this regulation shall be maintained or made in the English or French language; in every communication by radio, flag or light between any licensed vessel in marine areas under the jurisdiction of Seychelles and any Government authority the signals specified in the "International Code of Signals" published by the Inter-Governmental Maritime Consultative Organization Marine Safety Committee shall be used.

Article 7. - Prescribed manner of stowage. - Any foreign fishing vessel prohibited from fishing in marine areas under the jurisdiction of Seychelles under section 3 shall, while within such areas, stow its fishing gear in accordance with the following provisions:

- (a) all such gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;

- (b) all nets, trawlboards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames; and
- (c) all fishing gear carried on deck shall be secured to some part of the superstructure of the vessel.

Article 8. - Signals. - (1) For the purpose of section 9 or regulation 6:

- (a) the signal to be used for requiring a foreign fishing vessel to bring to is the International Code of Signals, signal "L";
- (b) the signal to be used for requiring a foreign fishing vessel to bring to be boarded is the International Code of Signals signal "SQ 3)".

(2) Signals may be given by flag, signal lamp, loudspeaker, horn, siren whistle or radio.

Article 9. - Penalties for contravention. - Where any provision of these Regulations (except regulation 7) is contravened in respect of any foreign fishing vessel to which it applies the owner and the master shall each be guilty of an offence and liable to a fine of Rs. 75,000.

FIRST SCHEDULE

FOREIGN FISHING VESSELS REGULATIONS 1979

N°

Issued to

Address

Name and address of owner of vessel if different from above

Name and address of agent or other legal representative in Seychelles

Name and address of master of vessel

Name of vessel

Type of vessel

Port and country of registry

Registration number

Fishing vessel identification mark

Signal letters

LengthRegistered net tonnage

Engine horse power

Radio call sign Frequency

The vessel, details of which appear above, is hereby authorized to do such of the following as may be indicated on this licence:

Authorization to fish within marine areas under the jurisdiction of Seychelles

Description of fishing operations authorized

Areas to be fished

Species of fish to be taken
.....
Requirements concerning disposal of by-catch.....
.....
Reporting requirements
.....
Authorized landing places
.....
.....
Special conditions
.....
Period of validity from
until Date of issue

Fees paid:

Approved
Minister

This licence is granted subject to the following conditions:

1. The holder shall comply with and ensure that the vessel is used in conformity with the provisions of the Control of Foreign Fishing Vessels Decree, 1979 and Foreign Fishing Vessels Regulations, 1979.
2. (here insert any other condition to which licence is subject).