

THE FISHERIES AND AQUACULTURE REGULATIONS, 2019.

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Statutory Instrument No. of 2019

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THE FISHERIES AND AQUACULTURE ACT, 2018
(ACT No.10 of 2018)

Short title. THE FISHERIES AND AQUACULTURE REGULATIONS, 2019.

In exercise of the powers conferred upon him by section 92 of the Fisheries and Aquaculture Act, 2018, the Minister hereby makes the following Regulations -

PART I- PRELIMINARY

Interpretation. **1.** In these Regulations, unless the context otherwise requires -

“Act” means the Fisheries and Aquaculture Act, 2018
(Act No.10 of 2018);

“agent” means a Sierra Leonean citizen or a naturalised citizen appointed under sub-regulation (5) of Regulation 14, by the owner of a foreign fishing vessel for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master or crew;

“automatic identification system” means the marine VHF radio system used as a navigational system to automatically provide information about a ship, including the 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 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 and automatic identification system;

“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 of 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;

"buyer" has a corresponding meaning;

“by-catch” means fish which are harvested in a fishery which-

- (a) are not the species of fish that are directly targeted;
- (b) belong to a species identified as by-catch in an applicable licence or fisheries management plan;
- (c) include -
 - (i) discards;
 - (ii) fish that is taken or killed by means other than fishing operations, such as collision with vessels, ghost fishing and destruction of corals;
- (d) does not include fish which are released alive under a recreational catch and release programme;

“carrier vessel” means a vessel that does not target fish but are used as fishing vessels at sea-

- (a) with supplies of fuel, provisions, fresh water and other consumable goods;
- (b) that transfer the catch from the vessels, process and preserve the fish;
- (c) that render medical and social services to the crews; or

(d) that transport and land fish products in port;

“cephalopod trawler” means an industrial fishing vessel targeting cephalopods and meets the requirements set out in the **Sixth Schedule**;

“demersal trawler” means an industrial fishing vessel demersal fin fish species that meets the requirements set out in the **Sixth Schedule**;

“designated port” means a port or an area that has been designated by public notice of the Minister for use by fishing vessels;

“Ghana planked boat or canoe” means a wooden planked undecked semi industrial canoe that is propelled by an inboard engine with a power not exceeding 40 Hp and with a length not more than 20m;

“discards” means fish that have been harvested using a fishing vessel and are returned to the sea during the same fishing trip, but does not include post-harvest waste or apply to recreational fisheries;

“document” means a document in any form whether signed or initialled 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;

“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 consumption;

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

“fishing trip” means a period of time commencing with the departure of a fishing vessel from port until such time as all or any of the fish caught since such departure are unloaded from the vessel, either ashore or onto another vessel;

“industrial fishing” means any large-scale fishing or related activities using an industrial fishing vessel;

“industrial fishing vessel” means a decked fishing vessel with an internal engine or engines of not less than 100 horsepower when combined and that is 20 meters in length overall or more;

“inspector” means a person authorised in writing by the Director under section 36 of the Act;

“licensing period” means the period of time during which a licence issued under these Regulations is valid and should not exceed 1 year;

“marine protected area” means a form of marine reserve and includes any area of intertidal or subtidal terrain, together with its overlying waters, subsoil and associated flora, fauna, historical and cultural features, which has been reserved pursuant to the Act and these Regulations to protect part or all of the enclosed environment;

“mid water trawler” means the same as pelagic trawler;

“mobile transceiver unit” means a satellite-based tracking device to monitor the position and movement of vessels for the purpose of effective management of fisheries;

"mothership with canoes" means a larger vessel which carry on board small fishing vessels that are launched and perform fishing operations on fishing grounds; the catch from the smaller fishing vessels is transferred to the mothership for processing and preserving and at the end of the fishing period, the fishing vessels are hauled aboard and the mothership returns to the port;

“mothership for processing” means factory trawlers which are generally large stern trawlers equipped with processing plant including mechanical gutting and filleting equipment with accompanying freezing installation, fish oil, fish meal and sometimes canning plants;

“observer” means any person or category of persons assigned on board fishing vessels (eg. fisheries observers or scientific observers) or port of landing fish (eg. dock observers) in accordance with section 29 of the Act;

“person” means anybody or business enterprise and includes a corporation, partnership, cooperative, association, the Government of Sierra Leone or any of its subdivisions or agencies and any foreign government, its subdivisions or agents;

“pelagic trawler” means an industrial fishing vessel targeting pelagic or mid water fish species and meets the requirements set out in the Sixth Schedule;

“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 close to shore or within a commercial port that is used for such purposes;

“port state authority” means any official organisation authorised by the Government of a port State to administer guidelines and enforce standards and regulations relevant to the implementation of national and international port control measures;

“regional fishery management organisations area” means the area within which a regional fishery management organization has established conservation and management measures;

“sell” includes-

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

“sale” and “sold” have a corresponding meaning;

“semi-industrial fishing” means a fishing or related activities using a semi-industrial fishing vessel, including-

- (a) “decked semi-industrial fishing vessel” with a length overall of less than 20 meters and that is decked, and powered by an inboard engine; and

- (b) “un-decked semi-industrial fishing vessel” with a length overall of not less than 10 meters and not more than 20 meters less and powered by outboard engines of at least 40 horsepower and include Ghana type boats and standard 5-10;

“Sierra Leone fishing vessel” means a fishing vessel registered under section 15 of the Merchant Shipping Act, 2003;

“shrimp trawler” an industrial fishing vessel targeting shrimps and meets the requirements as describes in the **Sixth Schedule** of these Regulations relating to such vessels;

“Standard 5-10 canoe” means a wooden planked canoe with 5 -10 men working on board and propelled by an inboard engine that does not exceed 40 Hp;

“supply vessel” has the same definition as a carrier vessel as defined under these Regulations;

“test fishing” means fishing operations undertaken pursuant to an authorisation over period of one calendar month at a particular area for the purpose of testing the scientific feasibility of commercial fishing operations with a view to the establishment of fishing operations based locally or in the region;

“tuna long liner” means a vessel that target tuna and tuna like species and has a line hauler usually placed on the star-board forward in the rail to haul in the fish;

“tuna purse seiner” means purse seiners targeting tuna and tuna like species and are normally equipped with a skiff located on top of the net at the sloped part of the stern of the vessel; their deck equipment consists of purse-seine winch and a power block, with topping, vang, cork and other specific winches to handle the heavy boom and net; and

“vessel monitoring system” includes a satellite-based tracking device to monitor the position and movement of fishing vessels.

Application.

2. These Regulations shall apply to all -

- (a) areas and persons over which Sierra Leone exercises sovereignty, sovereign rights or jurisdiction under the Maritime Zone Establishment Act, 1996 (Act No.11 of 1996);
- (b) fishing and related activities, utilisation of fish and genetic material derived from fish and any other activity or matter falling within the scope of these Regulations;
- (c) persons, vessels, vehicles, aircraft, fish processing, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of these Regulations;
- (d) persons including non-citizens and fishing vessels other than Sierra Leone fishing vessels in relation to-

- (i) the fishery waters; and
 - (ii) areas beyond national jurisdiction.
- (e) hot pursuit conducted in accordance with international law; or
- (f) international conservation and management measures, or permitted by international law or any international agreement or other arrangement or agreement to which Sierra Leone is a party; and
- (g) Sierra Leone fishing vessels and all persons on them or dealing with or having any relevant relationship to them or persons on them 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.

PART II- FISHERIES CONSERVATION AND MANAGEMENT

Shared responsibility for fisheries management.

3. The Director shall encourage, in the spirit of shared responsibility, the participation of stakeholders, including community management associations, in the development of management plans for artisanal fisheries and marine protected areas, in accordance with subsection (4) of section 11 of the Act.

Inshore Exclusion Zone.

4. (1) The Inshore Exclusion Zone referred to in subsection (1) of section 18 of the Act consists of all waters seawards of the low-water line along the coast of Sierra Leone to the line connecting the following coordinates of latitude and longitude as set out in the **First Schedule**.

(2) An industrial fishing vessel, decked semi-industrial fishing vessel or canoe operating with a canoe support vessel shall not engage in fishing in the inshore exclusion zone.

**Marine
protected
areas.**

5. (1) The Minister may, by notice published in the Gazette, declare any area of the fishery waters to be a marine protected area and shall, as part of such declaration, specify the following-

- (a) area;
- (b) boundaries;
- (c) purpose;
- (d) objective;
- (e) management measures;
- (f) decision-making responsibilities;
- (g) procedures for the coordination of stakeholders;
- (h) procedures for conflict resolution;
- (i) procedures for monitoring and review; and
- (j) fines and penalties.

(2) The Minister may delegate to a local area management authority, the power to develop community by-laws specifying management measures for the managing access rights and implementation of conservation measures.

(3) A declaration made by the Minister under sub-regulation (1) and local bye-laws made by a local authority under sub-regulation (2), as the case may

be, shall confer the status of a marine protected area to any area of the fishery waters specified in the declaration.

(4) A person who contravenes a management measure in a declaration in respect of a marine protected area under this Regulation commits an offence and is liable on conviction, to such fines and penalties set out in the Fourth Schedule.

**Prohibited
fishing gear
and methods.**

6. A person shall not, for the purpose of fishing use, permit to be used or attempt to use-

(a) fishing gear that has not been authorised by a valid and applicable licence issued under these Regulations;

(b) the technique of pair trawling;

(c) monofilament net;

(d) more than one net at a time when fishing with trawl net;

(e) attachments to any trawl net, except as specified in the Sixth Schedule;

(f) a gill net, whether drifting or set, in any river or body of water forming part of the riverine system if the mesh of the net is less than 45 millimetres in stretched diagonal length;

(g) a beach seine net; or

(h) firearms, lights or other electrical devices or poison, including stunning, disabling, catching or killing fish, or in any way rendering fish to be caught more easily.

**Interfering
with fishing
gear and
storage of
fishing gear.**

7. (1) A person shall not damage or unnecessarily endanger fishing gear that he does not own or use or that is not associated with the fishing vessel from which he engages in fishing, except where the fishing gear impedes the safe movement of the vessel from which he engages in fishing or crew.

(2) Where a vessel becomes entangled with fixed fishing gear or other object and impedes the safe movement of the vessel or crew under sub-regulation (1), the master shall-

- (a) undertake to minimise 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 to the Director at the earliest opportunity.

(3) The owner, operator and master -

(a) of a –

- (i) fishing vessel in any place in the fishery waters of Sierra Leone; or navigating through the Inshore Exclusion Zone or any area where it does not have any licence or authorisation to fish;
- (ii) Sierra Leone fishing vessel navigating through an area under

the jurisdiction of another State
where it does not have a licence
to fish;

(b) 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 authorised under the Fisheries Act or this Regulation to fish on the high seas; or

(iii) navigating through the Inshore Exclusion Zone or any area where it does not have any licence or authorisation to fish,

shall ensure that all fishing gear on board is at all times stowed or secured in such a manner that it is not readily available for fishing.

(4) A person who contravenes sub-regulations (1) or (2) shall compensate the owner of a legal fishing gear for any damage caused, in addition to such other fines and penalties set out in the **Fourth Schedule**.

**Prohibition
on leaving or
abandoning
objects in the
sea.**

8. (1) A person shall not-

(a) dump gear, moorings and other objects in the sea;

(b) 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) A person who contravention of sub-regulation (1) shall clear up or remove the relevant objects, in addition to other fines and penalties set out in the Fourth Schedule.

Prohibitions regarding sea turtles, rays and sharks.

9. (1) A person shall not engage in fishing for –

- (a) sea turtles;
- (b) immature rays or immature sharks,

and where a sea turtle or immature ray or immature shark is caught as by-catch or in any other circumstances, it shall be immediately released and not be harmed, destroyed, killed or kept for any reason.

(2) The Director may require fishing vessels to install turtle excluder devices in its fishing gear as a condition of licence.

(3) A person shall not in the fishery waters or on a Sierra Leone vessel in any place within or beyond national jurisdiction, remove any part from the body of a shark or a ray, including the fins.

(4) The operator of a fishing vessel that lands or tranships any shark or ray in the fishery waters, or of a Sierra Leone fishing vessel in any place within or beyond the national jurisdiction of Sierra Leone, shall ensure that each shark landed or transhipped is whole and intact, with no part of its body mutilated or removed.

(5) A person who contravenes this Regulation commits an offence and is liable on conviction, to such fines and penalties set out in the Fourth Schedule.

Declaration of endangered species of fish.

10. (1) The Minister may, on the advice of the Scientific, Economic and Technical Committee, by notice published in the Gazette, declare any species of fish to be endangered or threatened with extinction, including those adopted under any international agreement or instrument.

(2) A person who fish, catch, possess, transport, process, buy or sell any species of fish declared endangered or threatened with extinction under sub-regulations (1) commits an offence and is liable on conviction, to such fines and penalties set out in the Fourth Schedule.

PART III- LICENCE, AUTHORIZATION AND REGISTRATION REQUIREMENTS AND PROCEDURES

Licences and authorisations required.

11. (1) A valid and applicable licence issued by the Director under paragraph (c) of subsection (1) of section 5 of the Act shall be required for -

- (a) fishing or related activities in the fishery waters, including -
 - (i) using an industrial fishing vessel;
 - (ii) using a semi-industrial fishing vessel;
 - (iii) using an artisanal fishing vessel;
 - (iv) using any vessel for recreational fishing or related activities;
 - (v) using any vessel for marine scientific research or test fishing;
 - (vi) operating a fish processing or storage establishment;
 - (vii) such other activities for which a licence is required by an applicable fisheries management plan, international agreement or as prescribed by law.

(b) using a Sierra Leone fishing vessel for fishing or related activities in areas beyond the national jurisdiction of Sierra Leone, including fishing on the high seas or in waters under the jurisdiction of another State;

(c) transshipment to or from a Sierra Leonean fishing vessel in the fishery waters or in the high seas or to a shore based facility for the purpose of export;

(d) transshipment to or from a foreign fishing vessel in the fishery waters;

(e) using any foreign fishing vessel to enter a port of Sierra Leone;

(f) deployment and maintenance of a fish aggregating device in the fishery waters; and

(g) introduction into the fishery waters, of any genetically modified, alien or exotic fish.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction, to pay such fines and penalties set out in the Fourth schedule.

(3) The Minister may, in a fisheries management plan or by notice, declare any activity within the scope of the Act and these Regulations to be subject to a licence or authorisation.

**Grant or
renewal of**

12. (1) The Director may grant or renew a licence or authorisation for any purpose specified in Regulation 12 and each licence shall be granted or

licences and authorisations.

renewed, provided that such grant or renewal is based on the advice provided by the Scientific, Economic and Technical Committee under paragraph (c) of subsection (1) of section 5 and subsection (1) of section 7 of the Act.

(2) The Director shall, in granting or renewing a licence under sub-regulations (1), act in accordance with the procedures required by these Regulations.

(3) The Director on receiving advice from the Scientific, Economic and Technical committee shall promptly issue such licences or authorisations when all required conditions under these Regulations have been met.

(4) Where the Director declines to grant or renew a licence or authorisation, he shall state in writing, reasons for the decision, which will be made public and promptly transmitted to the applicant, who will have the right to appeal within 15 days from the receipt of the decision in accordance with Regulation 23.

Standards for granting and renewal of licences and authorisations.

13. (1) In granting or renewing a licence and authorisation under Regulation 12 and in setting the level of any performance bond required under sub-regulation (4) of Regulation 14 the Director shall take into account the extent to which the relevant fishing vessel, including its operator or other relevant person, has complied and has the ability to comply with -

- (a) these regulations, relevant laws of Sierra Leone and any applicable licensing terms and conditions, fisheries management plan and such other standards as may be required in writing by the Director;
- (b) other applicable regional and international obligations of Sierra Leone;
- (c) all applicable vessel registration requirements;

- (d) relicensing inspections and related procedures;
- (e) provision of required data and information;
- (f) applicable laws of other States and international conservation and management measures; and
- (g) the requirements of the Merchant Shipping Act, 2003 and Regulations made thereunder.

(2) In granting or renewing a licence or authorisation in respect of any fishing vessel other than a Sierra Leone fishing vessel and in setting the level of any performance bond required under sub-regulation (4) of Regulation 14, the Director shall take into account the ability of the relevant flag State to ensure compliance by its fishing vessels with -

- (a) the laws of Sierra Leone; and
- (b) the laws of coastal States and international conservation and management measures.

**Precondition
for granting
foreign fishing
vessel licence.**

14. (1) In the event of surplus of the allowable catch specified by a fisheries management plan, the Minister may, based on the advice of the Scientific, Economic and Technical Committee authorise a foreign fishing vessel to access this surplus, subject to issuance of a fishing vessel licence by the Director.

(2) Prior to the issuance of a foreign fishing vessel licence under sub-regulation (1), the Director shall verify the information provided by the applicant and undertake a full review of the record of compliance ensuring that the foreign fishing vessel and its beneficial owner has never been involved in illegal, unreported and unregulated fishing activities, or that the ownership of the vessel

has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of the vessel.

(3) The Director shall also ensure that the flag State's competent authority has authorised the foreign fishing vessel to fish and to operate beyond the flag State fishery waters.

(4) The Director shall require, prior to the issuing of a foreign fishing vessel licence, a performance bond set out in the Third Schedule as a financial guarantee for the fulfilment of all obligations arising out of the licence and these Regulations, including potential costs relating to rescue, other cost recovery and fines, penalties or compensation for violations against these Regulations, is provided by the applicant.

(5) A foreign fishing vessel licence shall not be issued unless an agent within Sierra Leone has been appointed for that vessel for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master or crew.

(6) An agent appointed under sub-regulation (5) shall –

- (a) be a Sierra Leonean citizen or a naturalised citizen who has resided continuously in Sierra Leone for a period of not less than 8 years immediately prior to the appointment;
- (b) not have a criminal record;
- (c) have a company or enterprise with valid business registration, a valid tax clearance certificate issued by the National Revenue Authority;

- (d) be actively operating at least 2 industrial or decked semi-industrial fishing vessel or a processing establishment with access to onshore cold room or fish storage facility;
- (e) have an onshore account valued up to US\$ 10,000 or asset valued more than US\$ 10,000;
- (f) pay an annual agency registration fee of US\$ 1,000; and
- (g) be a registered member of the Sierra Leone Industrial Fishing Company Association.

Refusal of licence and authorisation.

15. (1) A licence or authorisation shall not be granted or issued where -

- (a) the vessel for which a licence or authorisation is required -
 - (i) is not intended for use as a fishing vessel;
 - (ii) does not hold a valid and applicable registration or holds more than one registration;
 - (iii) is not a Sierra Leone vessel and does not have a valid and applicable authorisation or licence from its flag State to fish or carry out fishing related activities in areas beyond its national jurisdiction;

(iv) 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;

(v) has been engaged in the trafficking of persons, firearms, drugs or there is evidence that the crew or observers on board have been treated in a cruel or inhumane manner.

(b) the issuance of a licence would be contrary to any applicable fisheries management plan;

(c) within the previous 6 years, the applicant, or a vessel or person associated with the applicant, has been convicted of a very serious offence under these Regulations or any international agreement;

(d) the applicant, vessel, or associated person has been charged with any serious offence under these Regulations more than 3 times and has-

(i) not submitted to judicial or administrative procedures; or,

(ii) submitted to judicial or administrative procedures but has not fully complied with the final decision or determination;

- (e) the issuance of the licence or authorisation would be inconsistent with an international agreement;
- (f) the fishing vessel has not provided a performance bond if so required under sub-regulation (4) of Regulations 14;
- (g) the activity may threaten the sustainability of a fishery resource;
- (h) in the case of a foreign fishing vessel, an agent has not been appointed as required under sub-regulation (5) of Regulations 14;

(2) A licence or authorisation shall not be granted, issued to or renewed for any fishing vessel if that vessel was previously licensed or authorised by a foreign State for fishing within or beyond areas of national jurisdiction and was convicted of any serious violation under national law or undermined the effectiveness of international conservation and management measures and, as a consequence the foreign State -

- (a) suspended such licence or authorisation because of illegal, unreported or unregulated fishing activities by the vessel, and the suspension has not expired; or
- (b) within the last 3 years preceding the application for a licence under this Regulation, withdrew such licence or authorisation for illegal, unreported or unregulated fishing activities.

(3) The restrictions in sub-regulations (2) shall not apply if the ownership of the vessel has changed since the vessel undermined international

conservation and management measures and the new owner has provided sufficient evidence to the Director demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

(4) For the purpose of paragraph (e) of sub-regulations (1) the term 'associated' shall include situations where the same legal or beneficial owner or agent is shared.

Application for the grant or renewal of licences or authorisations.

16. (1) Except where otherwise prescribed, an application for a licence or authorisation under these Regulations shall-

- (a) contain such information as may be specified in these Regulations or in writing by the Director;
- (b) be in such form as set out in the Second Schedule or such other form as may be approved by the Director;
- (c) in the case of industrial fishing vessels, be accompanied by an International Tonnage Certificate showing the gross tonnage issued under the International Tonnage Rules and a fishing plan which shall specify for each month of the full period of validity of a licence or authorisation -
 - (i) fishing gear to be used;
 - (ii) species to be targeted for fishing, and expected quantity;
 - (iii) species that will constitute by-catch and expected quantity; and

(iv) area in which fishing or related activities will take place; and

(d) be made in accordance with such procedures and other requirements as may be approved by the Director.

(2) A non-refundable application fee as set out in the Fisheries (Fees) Regulations shall be payable and shall accompany every application for a licence or authorisation required under these Regulations or the renewal of such licence or authorisation.

(3) Where-

(a) the Director considers that an application has been made for an inappropriate class of licence;

(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 Minister,

the Director shall return the application to the applicant stating reasons for returning the application and the applicant may submit a revised application with such additional evidence or information as may be appropriate.

(4) Where the information on an application is found to be false, misleading or inaccurate, the Director may decline to grant the licence or

authorisation or if such information is discovered to be false, misleading or inaccurate after the grant of the licence or authorisation, the Director may suspend or cancel the licence or authorisation.

(5) A person who submits false, misleading or inaccurate information for purpose of obtaining a licence or authorisation commits an offence and shall upon conviction be liable to pay such fines and penalties as set out in the Fourth Schedule.

Terms and conditions of licences and authorisations.

17. (1) A licence or authorisation granted under these Regulations-

- (a) shall be subject to the terms and conditions, specified in these Regulations or as the Director may by notice in writing prescribe;
- (b) subject to sub-regulation (2), enters into force on the date specified in the licence or authorisation; and
- (c) shall, unless sooner revoked or suspended in accordance with these Regulations, remains in force until the date on which it expires.

(2) A licence or authorisation shall not 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; and

(ii) any access fee or other charges payable under any relevant access agreement have been paid.

(3) The holder of a licence or authorisation issued under these Regulations shall-

- (a) comply with these Regulations, the laws of Sierra Leone, any applicable access agreement, fisheries management plan, and
- (b) national, regional, international conservation and management measures;
- (c) comply with all relevant national laws relating to navigational standards and the safety of lives and vessels at sea; and
- (d) not engage in fishing or related activities except as stated in the licence or authorisation.

(4) The holder of a licence or authorisation in respect of a fishing vessel shall ensure that the licence or authorisation or a certified copy thereof is carried on board the vessel at all times during the period of validity and the master shall upon request, produce it to a fisheries inspector or other person authorised under these Regulations to inspect it; provided that the Director may authorise a true copy of a licence 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 licence or authorisation for any activity licensed under these Regulations other than for fishing vessels, shall display the licence or authorisation or a certified copy thereof in the registered business office and produce it to a fisheries inspector or other person authorised under these Regulations to inspect it upon request.

(6) A licence issued in accordance with these Regulations or any associated regulation is not transferable except as may be otherwise provided in the fisheries management plan.

Period of validity of licences and authorisations.

18. A licence or authorisation issued under these Regulations shall, unless otherwise provided in these Regulations, be valid for a maximum period of one year and may be renewable, subject to the terms and conditions set out in the licence.

Fees, charges or levies.

19. (1) A licence or authorisation granted under these Regulations shall be subject to the payment of-

(a) the licence fee for that class of licence as prescribed in these regulations or the Fisheries (Fees) Regulations; and

(b) such other fees, charges or levies as may be prescribed in these Regulations.

(2) The Director may charge licence holders for the costs of services, including monetary control and surveillance services, and at such levels as the Minister may by public notice prescribe.

Suspension or cancellation of licence or authorisation.

20. (1) The Director may, by written notice to the holder of a licence or authorisation or that person's agent, suspend or cancel any licence or authorisation issued under these Regulations for any of the following reasons -

(a) a contravention of the terms and conditions of the licence or authorisation, these Regulations;

(b) a contravention of any applicable law or international agreement which provides for such suspension or cancellation;

- (c) failure to submit to the legal or administrative process or comply with the requirements of an a fine, penalty or other determination; or
- (d) the Director, having regard to the nature and seriousness of a contravention and on the advise of the Scientific Economic and Technical Committee considers it appropriate to suspend or cancel the licence or authorisation;
- (e) the occurrence of a material change of circumstances affecting the eligibility criteria for the licence or authorisation, including -
 - (i) registration of a company or a vessel;
 - (ii) ownership or beneficial ownership or control of a company or vessel since the time of licence approval; or
 - (iii) characteristics, identification markings, or gear of any licensed industrial fishing vessel;
- (f) where information furnished by the licence or authorisation holder in connection with the licence application is untrue, incomplete or misleading;
- (g) where a licence or authorisation is transferred, without the written approval of the Director;

- (h) where the Scientific Economic and Technical Committee considers it appropriate to suspend or cancel the licence or authorisation to implement conservation and management measures under these Regulations; or
- (i) for such other reasons as may be prescribed by law.

(2) The Director shall, on the advice of the Scientific, Economic and Technical Committee suspend or cancel a licence or authorisation in accordance with such procedures as may be prescribed in these Regulations, a fisheries management plan or any international agreement.

(3) Where a licence or authorisation has been suspended or cancelled in accordance with sub-regulation (2), the Director shall notify the applicant of the reasons for the suspension or cancellation.

(4) There shall be no refund of fees paid in respect of a licence or authorisation suspended or cancelled under this Regulation.

(5) A person shall not engage in any activity for which the relevant licence or authorisation was issued after a notice of suspension or cancellation under sub-regulation (3) is received by the holder or after the licence or authorisation has been terminated under Regulation 21.

Termination of licences and authorisations.

21. (1) A licence or authorisation issued under these Regulations shall automatically 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; or

(c) where the master, owner or charterer of the fishing vessel to which the licence or authorisation relates is convicted of an offence under these Regulations and a decision to terminate the licence or authorisation has been taken in accordance with these Regulations.

(2) There shall be no refund for a licence or authorisation terminated under this Regulation.

Transfer of licences and authorisations

22. (1) A licence or authorisation issued under these Regulations shall-

(a) be issued to a specific fishing vessel or activity; and

(b) be personal to the holder of that licence.

(2) Notwithstanding sub-regulation (1), a licence issued to an industrial fishing vessel may be transferred to another industrial fishing vessel with the same characteristics and under the same agency with written authorisation by the Director and endorsement by the Minister.

Appeal.

23. (1) Subject to these Regulations, a person whose application for a licence or authorisation has been refused by the Director or whose licence has been suspended, cancelled or terminated may appeal the decision to the Licence Appeals Committee under sub-regulation (2).

(2) The Licence Appeals Committee shall consist of the Permanent Secretary, who shall be Chairman, the Director, one representative of the Scientific

and Technical Committee who is not a member of the Ministry, a legal adviser to the Ministry and the head of the compliance directorate or unit.

(3) An appeal under sub-regulation (1) may be made to the Licence Appeals Committee in writing within 15 working days of the notification to the applicant or licence holder of the Director's decision and the Licence Appeals Committee shall, upon receipt of an appeal prepare a written report relating to the appeal within 7 days.

(4) The Licence Appeals Committee shall make a decision on the appeal within 15 working days of receiving the appeal and shall take into account the information in the report, such independent information that may be submitted regarding the appeal and other such information it may deem relevant.

(5) The Director shall notify the appellant of the decision of the Licence Appeals Committee within 7 days.

**National
register of
licences and
authorisations.**

24. (1) The Director shall, in accordance with subsection (5) of section 13 of the Act, establish and maintain a national register of licences and authorisations.

(2) The register established under sub-regulation (1) shall be in such form as the Minister may require and shall contain -

- (a) information on applications for licences and authorisations;
- (b) information on each licence and authorisation granted, renewed, suspended or cancelled;
- (c) information on vessels, facilities and licensed or authorised activity;

- (d) information relating to fishing vessels licensed or authorised for fishing or related activities-
 - (i) within areas under national jurisdiction; and
 - (ii) beyond areas of national jurisdiction;
- (e) record of incidences of non-compliance with a licence or authorisation including any penalty or sanction invoked;
- (f) record of action taken as a result of non-compliance;
- (g) the requirements of any relevant international conservation and management measures of an organization in which Sierra Leone is member or cooperating non-member; and
 - (i) such other information that may be required by the Director.

(2) The Director shall, subject to any applicable laws of Sierra Leone regarding the confidentiality or release of such information, provide access to information contained in the national register of licences and authorisations, on request, by government ministries, departments and agencies, regional fisheries management organisations, international organisations and foreign States or entities.

(3) The Director shall ensure that the information on each licence and authorisation in the database is sufficient for the purpose of fisheries management and monitoring, control and surveillance and to implement the international and regional agreements to which Sierra Leone is a party or cooperating non-party.

(4)The Director shall also ensure that, as appropriate, information is released from the database and communicated to other States and regional and international organisations in a timely manner to ensure the discharge of the regional and international obligations of Sierra Leone including as a flag State, port state and as a member of regional fisheries management organisations.

(5)A person may, upon payment of the prescribed administrative fee, access any non-confidential information in the national register.

PART IV- CONDITIONS AND REQUIREMENTS FOR FISHING, TRANSHIPMENT, THE USE OF PORTS AND FISH AGGREGATING DEVICES

Conditions for industrial, semi-industrial and artisanal fishing vessels.

25. A Fishing licence issued for industrial, semi-industrial or artisanal fishing vessels shall be subject to the following conditions-

- (a) a fishing vessel shall clearly display at all times, such markings specified in the Fifth Schedule and shall not change such markings without the written permission of the Director;
- (b) a fishing vessel shall at all times fly a flag of a flag State or entity;
- (c) 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;
- (d) an operator shall hold only one valid registration in respect of a fishing vessel and shall not at the same time hold more than one registration;

- (e) an operator shall comply, at all times, with the requirements for trawling gear as specified in the Sixth Schedule;
- (f) an operator shall not carry on board a fishing vessel, any fishing gear that has not been approved for fishing activities on the fishing licence;
- (g) the fishing gear on board a fishing vessel shall comply with the fishing gear specifications in the Sixth Schedule and any other specifications that may be required by the Director and such specifications shall not be changed without the written permission of the Director.
- (h) an operator shall ensure that at least 45% of the crew members on board a fishing vessel are citizens of Sierra Leone;
- (i) an operator shall comply with all relevant national law relating to navigational standards and the safety of lives and vessels at sea; and
- (j) an operator shall comply with any direction given by the Director for inspection of the vessel prior to departing from the fishery waters of Sierra Leone.

Additional conditions for industrial fishing vessels.

26. (1) Notwithstanding the conditions for licensing of vessels under Regulation 25, a licence issued to an industrial fishing vessel for fishing or related activities shall be subject to the following conditions-

- (a) an operator of an industrial fishing vessel shall, at all times, maintain a fishing and navigational logbook in the English language with such

information and in such form as may be prescribed;

(b) an operator of an industrial fishing vessel shall report the vessel's position, catch, by-catch and such other information that may be required by these Regulations to the Director by High Frequency Radio every 24 hours while in the fishery waters of Sierra Leone;

(c) an operator of an industrial fishing vessel shall continually monitor the international distress call frequency and the international safety call frequency;

(d) an operator of an industrial fishing vessel 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;

(e) an operator of an industrial fishing vessel shall ensure that a recent and up-to-date set of charts showing the Sierra Leone fishery waters be carried on board at all times;

(f) an operator of an industrial fishing vessel shall install, maintain and operate, in accordance with the requirements of these Regulations, an automatic location communicator or such other equipment integral to a vessel monitoring system as the Director may require;

(g) an operator of an industrial fishing vessel shall carry on board an observer designated by the

Director and comply with all requirements relating to observers set out in the Act and these Regulations;

(h) an operator of an industrial fishing vessel shall not, except for purposes of steaming directly into port with all gear stowed, 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;

(i) an operator of an industrial fishing vessel shall not cause or allow the fishing vessel to engage in fishing for or take or carry on board or possess fish taken from a closed area or any marine protected area or inshore exclusion zone;

(j) an operator of an industrial fishing vessel shall retain no more than 30% of by-catch and the remaining portion shall be landed as required under paragraph (k);

(k) an operator of an industrial fishing vessel shall, except where transshipment has been authorised, land for sale in the local market or at such places as may be designated in the licence or directed in writing by the Director, all catch or such portion as may be prescribed or required by the Director, including the following landing obligations for each designated class of vessel in respect of the total fish catch for each fishing trip-

- (i) finfish trawlers - 40% of total fish catch;
- (ii) shrimp trawler - 70% of the bycatch and 15 % of the shrimps;
- (iii) cephalopods trawlers -70% of the bycatch and 10 % of the cephalopods;
- (iv) tuna purse seiner- 30% of the bycatch.

(2) A person shall not use a Sierra Leone fishing vessel, being an industrial fishing vessel –

- (a) except with a valid and applicable authorisation issued pursuant to an application made under the Second Schedule, for fishing or related activities-
 - (i) on the high seas;
 - (ii) in areas under the national jurisdiction of any other State except in accordance with the laws of that State; or
 - (iii) that do not comply with an applicable international agreement or undermine the effectiveness of international conservation and management measures.
- (3) during the period of validity of the licence-

- (i) for fishing or related activities on the high seas or related activities in areas subject to international conservation and management measures unless the licence or authorisation has been endorsed to authorise such fishing;
- (ii) in areas of national jurisdiction of other States except in accordance with a licence or authorisation and the laws of that State; or
- (iii) to engage in any activity on the high seas or in areas of national jurisdiction of other States 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;
- (iv) unless the Director otherwise directs in writing or unless the master of the fishing vessel is able to communicate effectively in English, the operator shall ensure that the fishing vessel has on board at all times while in the fishery waters of Sierra Leone a person who is able to communicate effectively in English and in the language of the master; and

(v) such other conditions that may be required by Public Notice by the Minister or prescribed in accordance with these Regulations.

Reporting requirements for industrial fishing vessels.

27. An operator of an industrial fishing vessel shall make such reports as may be prescribed or required by the Director as a condition of his licence or authorisation, which shall include-

(a) maintaining a fishing log for each fishing trip in the area to which the relevant licence applies, in the English language or other language approved by the Director, which shall include-

(i) the gear type used;

(ii) the noon position of the vessel and, where applicable, the set position of the fishing gear and soak time or the number of hooks and the sea surface temperature;

(iii) the total number of hauls per day, aggregate time for each haul and total number of days fished per fishing trip;

(iv) the species of fish taken and the size and quantity of each species by weight or number as may be specified in the relevant reporting form;

(v) species types and estimated quantities of fish returned from the vessel to the sea, the reason

for the discard, the quantity of each species by weight or number; and

- (vi) such other information as may be prescribed or as the Director may require.

(b) reporting information in a format approved by the Director, including, high frequency radio, email or facsimile relating to the position of, and the catch on board the vessel and such other information that may be required under these Regulations or the Director at the following times-

- (i) at least 24 hours prior to the estimated time of entry into and departure from the fishery waters;

- (ii) each day while the vessel is in the fishery waters;

- (iii) at least 24 hours prior to the estimated time of entry or departure from port; and

- (iv) upon entry into or departure from a closed area or marine protected area.

(c) information or data which may be required to be transmitted by radio communication, a transponder, automatic location communicator or other component of a vessel monitoring system is transmitted continuously, accurately and effectively to the designated receiver;

(d) daily information in such form as the Director may require to give effect to obligations under international law; and

(e) certifying that information provided under paragraphs (a), (b), (c) and (d) is true.

Additional conditions for semi-industrial fishing vessels.

28. Notwithstanding the requirements specified in the Second Schedule, licences issued to semi-industrial fishing vessels for fishing or related activities shall be subject to the following conditions-

(a) a semi-industrial fishing vessel shall not be used -

(i) for fishing or related activities in areas under the national jurisdiction of any other State unless the licence or authorisation has been endorsed to authorise such fishing or related activities; or

(ii) in areas of national jurisdiction of any other State except in accordance with laws of that State;

(b) a 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;

(c) on receipt of an application for registration of a semi-industrial fishing vessel made under these

Regulations, the Director 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 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;

(d) the Director may-

(i) determine on advice from the Scientific, Economic and Technical Committee from time to time the total number of semi-industrial fishing vessels to be licensed and may refuse to license additional semi-industrial fishing vessels once this number has been met; and

(ii) 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 may require;

(e) except where transshipment has been authorised, all catch, or such portion as may be prescribed or required by the Director, shall be landed for sale in the local market at such places as may

be designated in the licence or directed in writing by the Director, and shall include the following landing obligations for each designated class of vessel in respect of the total fish catch for each fishing trip-

- (i) undecked semi-industrial fishing vessels: 100% of total catch and
- (ii) decked semi-industrial fishing vessels: 50% of total catch.

(f) an undecked semi-industrial fishing vessel known as a Ghana boat or a Standard 5-10 boat shall not carry gear that exceeds the dimensions set out in the Seventh Schedule.

Reporting requirements for semi-industrial fishing vessels.

29. An operator of a semi-industrial fishing vessel shall make such reports as prescribed or required by the Director, monthly or at such earlier time as may be required by the Director, as a condition of licence or authorisation, which shall include-

- (a) maintaining a fishing log for each fishing trip in the area to which the licence applies, in the English language or other language approved by the Director, 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 may require; and

- (iv) the species of fish returned from the vessel to the sea, the reason for the discards, 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 may require; and
- (d) certifying that information provided under paragraphs (a), (b) and (c) is true and correct.

**Conditions
for artisanal
fishing vessels.**

30. (1) An artisanal fishing vessel shall be marked with a registration number and such other identifications markings as may be prescribed or required in writing by the Director.

(2) On receipt of an application for registration of an artisanal fishing vessel made under these Regulations, the Director 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 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 may-

- (a) determine, following the advice of the Scientific Economic and Technical Committee, the total number of artisanal fishing vessels to be licensed under each Fisheries Management

Plan and may refuse to license additional artisanal fishing vessels once this number has been met; and

(b) specify conditions of licensing for an artisanal vessel relating to the area in which it is permitted to fish and the use of its fishing gear.

**Transshipment,
loading and
landing
requirements.**

31. (1) An operator of a fishing vessel intending to take on board any fish by transshipment or any other means, including loading and landing for local consumption shall-

(a) only tranship-

(i) at the port of Freetown or such other port or area in Sierra Leone that may be designated by the Director;

(ii) at the time and date authorised for transshipment; and

(ii) pursuant to a valid and applicable authorisation issued under these Regulations and on such terms and conditions that may be required by the Director; and

(b) notify the Director of such intention not less than 72 hours prior to the intended transshipment.

(2) Notification given under paragraph (b) of sub-regulation (1) shall include-

- (a) the vessel's name, radio call sign and fishing licence number where applicable;
- (b) full details of any catch on board the vessel;
- (c) the intended place, date and time of the transshipment;
- (d) the intended species and quantity of fish to be transhipped; and
- (e) the intended date and arrival time in the port of Freetown or any designated port in Sierra Leone.

(3) An operator of a fishing vessel shall not less than 72 hours prior to transshipment, apply to the Director for a transshipment, loading or local landing authorisation in accordance with the conditions and in the form specified in the Eighth Schedule and prior to the issuance of such authorisation shall pay the required fee.

(4) A transshipment, loading or local landing authorisation shall specify when and where transshipment, loading or local landing shall take place and shall be subject to such conditions as the Director may endorse.

(5) An operator of a fishing vessel shall-

- (a) not tranship at sea under any circumstances unless authorised by the Director;
- (b) only tranship at the time and port or other place authorised by the Director;

(c) cause the fish being loaded or locally landed to be accurately weighed and recorded by species on board the vessel and furnish the Director daily, with copies of these records;

(d) during transshipment operation give every assistance to any authorised officer, inspector or other person designated by the Ministry in the performance of his/her duties, including verification of the species and weight of the fish and determining when the transshipment operation has been completed.

(6) An operator of a fishing vessel shall during transshipment in the fisheries waters comply with all applicable laws of Sierra Leone relating to protection of the marine environment.

(7) An operator of a fishing vessel shall upon completion of the transshipment operation, submit to the Director within 72 hours of the transshipment or before departing the fishery waters, whichever is earlier, a full transshipment report on each transshipment completed in the fishery waters in the form set out in the Ninth Schedule and such other form or information which may be prescribed or otherwise required by the Director.

Deployment and maintenance of fish aggregating device.

32. (1) A person shall not deploy or maintain a fish aggregating device in the fishery waters except with the authorisation of the Director and in accordance with such conditions as he may specify or as are otherwise specified in these Regulations.

(2) The Director may, in authorising a person to deploy or maintain a fish aggregating device in the fishery waters under sub-regulation (1) consider the following-

- (a) the method of use of the fish aggregating device;
- (b) its location;
- (c) the times during which it may be used;
- (d) the number of fish aggregating device; and
- (e) the markings or colourings to be adopted.

(3) A fish aggregating device shall not be placed in such a way as to hinder or block marine traffic.

(4) An authorisation of the Director under these Regulations shall be in writing and may be in electronic form whether as a condition or licence or otherwise.

(5) An authorisation to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

(6) The master of a vessel placing a fish aggregating device shall notify the Director within 24 hours of such placement and of the nature and location of the device.

Designated fish aggregating device.

33. (1) The Director may, by notice published in the Gazette, declare a fish aggregating device to be a designated fish aggregating device for the purposes of these Regulations.

(2) Subject to sub-regulation (3), a person shall not fish within a radius of one nautical mile from a designated fish aggregating device except with the authorisation of the Director and in accordance with such conditions as he may specify.

(3)The Minister may, by public notice, declare that any class of persons who are Sierra Leone nationals may fish within a specified radius of a designated fish aggregating device or a class of designated fish aggregating devices.

Marking of fish aggregating devices.

34. An operator of a fishing vessel or any other person in apparent control of a fish aggregating device shall not deploy a fish aggregating device 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 may from time to time require.

Disposal of unauthorised fish aggregating devices.

35. A person shall not use or dispose of a fish aggregating device in a manner other than in accordance with these Regulations or as may be required by the Director.

Prior information and authorisation required for use of a port by a fishing vessel other than a Sierra Leone fishing vessel.

36. (1) An operator of a fishing vessel or the vessel's representative other than a Sierra Leone fishing vessel shall not use a port in Sierra Leone for landing, transshipping, packaging or processing of fish or for any other port services including refuelling, resupplying, maintenance and dry-docking, unless by a written authorisation issued by the Director.

(2)The operator of a fishing vessel or the vessel's representative other than a Sierra Leone fishing vessel shall provide the Director with the information set out in the Tenth Schedule within 72 hours before the estimated time of entry into any port in Sierra Leone.

(3) Upon receipt of information under sub-regulation (2), the Director may –

(a) enquire whether the vessel requesting entry into a port in Sierra Leone has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of illegal, unreported and unregulated fishing; and

(b) decide whether to authorise or deny the entry of the vessel requesting entry into a port in Sierra Leone and communicate his decision to the operator of a fishing vessel or his representative.

(4) The Director shall not grant authorisation to a vessel requesting entry into a port in Sierra Leone if he is satisfied that the vessel -

(a) has engaged in illegal, unreported and unregulated fishing or fishing related activities or in support of such activities; or

(b) is an illegal, unreported and unregulated listed vessel.

(5) Notwithstanding sub-regulation (4), the Director may grant authorisation to a vessel to enter a port in Sierra Leone exclusively for the purpose of force majeure or for inspecting it and taking other appropriate action in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating illegal, unreported and unregulated fishing and fishing related activities in support of such activities.

(6) An operator of a fishing vessel or the vessel's representative shall in the case of authorisation of entry, present the authorisation for entry into a port in Sierra Leone to the competent authorities upon the vessel's arrival at port.

Denial of the use of port to a fishing vessel other than a Sierra Leone

37. (1) When a vessel other than a Sierra Leone fishing vessel has entered one of Sierra Leone's ports, the Director 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 refuelling and resupplying, maintenance and dry docking, where-

(a) the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its flag State;

(b) the vessel has not been granted a valid and applicable licence to engage in fishing or fishing related activities required by Sierra Leone in respect of its fishery waters;

(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 such fishing vessel does not confirm within a reasonable period of time on the request of the Director that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organisation; or

- (e) the fishing vessel does not have appropriate authorisation from the coastal state where the fish was caught;
- (f) 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 or the vessel's representative can establish-
 - (i) that it was acting in a manner consistent with relevant 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 paragraph (e).

(2) Notwithstanding sub-regulation (1), a vessel shall not be denied the use of port services-

- (a) essential to the safety and health of the crew and the safety of the vessel, provided these needs are duly proven; or
- (b) where appropriate, for the scrapping of the vessel.

(3) Where the Director has denied the use of a port in Sierra Leone to a fishing vessel under sub-regulation (1), the operator of the vessel shall not use or attempt to use the port for any of the purposes specified in subsection (1).

Inspection of fishing vessels other than Sierra Leone fishing vessels in port.

38. (1) An inspector shall inspect fishing vessels other than Sierra Leone fishing vessels in port in Sierra Leone.

(2) An inspector shall, in conducting an inspection of fishing vessels under sub-regulation (1), follow the procedures set out in the Eleventh Schedule and shall-

- (a) present to the master of the vessel an identification document prior to an inspection;
- (b) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;
- (c) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State; and
- (d) make all possible efforts to-
 - (i) avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board;
 - (ii) avoid action that would adversely affect the quality of the fish on board;

- (iii) facilitate communication with the master or senior crew members of the vessel; and
- (iv) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner that would not constitute harassment of any vessel.

(3) An inspector shall submit the report of the inspection conducted under sub-regulation (1) to the Director in the form set out in the Twelfth Schedule.

(4) An operator of the fishing vessel shall give an inspector all necessary assistance and information and present relevant material and documents as may be required or certified copies thereof.

PART V- INFORMATION, RECORDS, RETURNS, ILLEGAL, UNREPORTED AND UNREGULATED REGISTER

Information given under Regulations.

39. (1) A person shall not-

- (a) fail to keep or provide accounts or records;
- (b) neglect or refuse to provide records, returns or information when lawfully requested or required to do so under these Regulations; or
- (c) make false or misleading statement or omits material information in any communication, application, record or return prescribed by or in accordance with these Regulations or as required for its administration.

(2) Information required to be provided under these Regulations shall be true, complete and accurate and no such information shall be false, misleading or inaccurate.

Ownership of information.

40. Ownership of all information required to be provided under these Regulations and all information generated by automatic location communicators or similar devices that is part of a vessel monitoring system under these Regulations is vested in the Government.

Records, returns and other information.

41. (1) The Director may, for the purposes of these Regulations, require any person to provide and maintain in such manner and form as he/she may specify-

(a) relevant fisheries data and information, including data and information relating to fishing, landing, storage, food safety, processing, buying, selling, exports and other related transactions; and

(b) accounts, records, returns, documents and other additional information specified under these Regulations.

(2) The following persons shall keep such accounts and records and furnish such returns and information that would make it possible at all times to trace fish and other resources harvested, received, transported, stored or processed or placed on the market, back to a catch registered on a landing or sales note -

(a) holders of licences, permits, endorsements or other authorities or approvals issued or granted under these Regulations;

- (b) owners, operators, representatives, agents, and masters of fishing vessels licensed under these Regulations;
- (c) owners or operators of any fishing vessel required to be registered pursuant to these Regulations;
- (d) owners and persons in charge of any premises or landing sites where fish or fish products are received, bought, sold, stored, transported, processed or otherwise disposed of; and
- (e) any other person who is carrying out activities under the scope of these Regulations.

Information in partnership agreements between vessel agents and vessel owners.

42. 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 Ministry upon the application in respect of a fishing vessel other than a Sierra Leone fishing vessel for any licence or authorisation under these Regulations.

Information on legal and administrative action taken in respect of violations of the Act.

43. The Director shall maintain and make publicly available a record of the outcome of any legal or administrative action taken in respect of any violation against the Act, including these Regulations that result in a judgment or administrative determination.

Illegal, unreported, unregulated fishing register. 44. (1) The Director shall establish and maintain a register of vessels presumed to have carried out illegal, unreported, and unregulated fishing activities in the regional fishery management organisations areas, third country economic exclusive zones and the high seas.

(2) The Director shall ensure that the illegal, unreported and unregulated vessel register established under sub-regulation (1), is in accordance with international commitments to prevent registration of such vessels under the Sierra Leone flag and to prevent transactions with such vessels in the high seas.

(3) The Minister may, by statutory instrument make further regulations prescribing vessel licence conditions to prevent any transactions with such vessels within ports of Sierra Leone, fishery waters, regional fishery management organisations' jurisdictions and the high seas.

PART VI-FISH PROCESSING AND MARKETING

Application for fish processing licences. 45. (1) An application for a licence to operate a fish processing establishment under paragraph (c) of subsection (1) of section 13 of the Act shall be in writing addressed to the Director and in the form specified in the Fourteenth Schedule.

(2) An application to process fish on a fishing vessel in the fishery waters shall be made in writing, addressed to the Director and in such form as he may require.

(3) A licence to engage in fish processing operations shall be displayed in a conspicuous location and produced for inspection at the request of an authorised officer or inspector.

Grounds for denial of fish processing licence. 46. A licence in respect of fish processing shall not be issued unless-

(a) an application has been made in accordance with the Act and these Regulations;

- (b) information requested by the Director and relevant to the proposed fish processing operations has been provided in the manner requested;
- (c) the prescribed fees has been paid;
- (d) the Director is satisfied that the fish processing establishment or other operation complies with all such safety and sanitary standards as required by law or the Director by notice in the Gazette have been complied with; and
- (e) where the applicant has been convicted of any offence under the Act or any other law relevant to the operation of a fish processing operation, the requirements of the judgement has been fully met.

Conditions for fish processing licence.

47. A licence to operate a fish processing establishment shall be subject to the following conditions-

- (a) the fish processed shall not exceed the total permitted for that operation, including such limits on species and quantity as the Director may specify; and
- (b) any change in the information submitted in the application form shall be notified to the Director as soon as practicable and in any case not later than 3 working days from the date of change.

**Validity,
renewal,
additional
conditions,
suspension of
fish processing
licence.**

48. The period of validity of a fish processing licence shall not exceed 10 years and shall be subject to renewal on an annual basis.

(2) A fish processing licence may not be renewed where grounds for denial of a fish processing licence under Regulation 46 exists and shall not be renewed where the applicant has been convicted of an offence under the Act or any other law relevant to the operation of a fish processing establishment and the requirements of the judgement have been fully met.

(3) Additional fees, terms and conditions may be imposed or added during the period of validity.

(4) A fish processing licence may be suspended or terminated where there has been non-compliance with the Act, these Regulations, conditions of licence or any other laws and the cause of such non-compliance has not been rectified and any fine, penalty, damages or determination made have not been duly paid.

**Inspectors to
request
information and
keep records.**

49. (1) An inspector shall request information and keep records in relation to fish processing operations as authorised under the Act or as may be required by the Director.

(2) An information requested and records kept by an inspector in relation to fish marketing may include the following-

- (a) name of the seller;
- (b) name of the District or Province;
- (c) name of the village the seller is from;
- (d) species of fish being sold;
- (e) number of fish being sold;

- (f) type of product being 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; and
- (p) flight or voyage number

(3)A person to whom a request for information is made by an inspector shall promptly furnish such information.

Returns.

50. (1) For purposes of fishery conservation and management, the Director may require data returns from a seller or buyer of such species as he may specify, including information relating to the-

- (a) quantity of fish bought or sold;
- (b) name of the buyer or seller; and

(c) origin of species sold or bought.

(2) A person to whom a request for data returns is made by the Director under sub-regulation (1), shall promptly furnish such information.

PART XII- OFFENCES, FINES AND PENALTIES

Offences, fines and penalties.

51. (1) A person who contravenes any of the provisions of the Act or these Regulations commits an offence and shall be liable upon conviction to pay a fine specified in the Fourth Schedule.

(2) In addition to the fines specified in the Fourth Schedule, the court may order-

- (a) a term of imprisonment not exceeding 12 months, and where a fine is not paid into court on the terms required, he may order such term of imprisonment in lieu of payment of the fine;
- (b) forfeiture of a fishing vessel, fish on board or fishing gear;
- (c) cancellation or suspension of a licence or authorisation;
- (d) compensation to be paid to the owner of any property damaged or destroyed as a direct result of an offence; and
- (e) compensation for the cost of clearing any pollution of the fishery waters that may have been caused as a direct result of an offence or removing any objects that continue to cause such pollution.

(3) The fines may be levied in such currency equivalent to United States dollars as the court may determine.

Arrest, detention and release of fishing vessels, crew members other than Sierra Leone fishing vessels and nationals.

52. (1) The Director shall, in cases of arrest or detention of a fishing vessel other than a Sierra Leone fishing vessel, notify the concerned flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

(2) A fishing vessel other than a Sierra Leone fishing vessel and its crew arrested under these Regulations shall be promptly released upon the posting of a reasonable bond or other security.

(3) Penalties for violations of these Regulations in the exclusive economic zone by a fishing vessel other than a Sierra Leone fishing vessel or crew member other than a Sierra Leone national shall not include imprisonment, in the absence of an agreement to the contrary with the foreign State concerned, or any other form of corporal punishment.

Continuing offence.

53. Each day of a continuing offence shall be considered a separate offence

Costs incurred by State.

54. The owner or charterer shall bear any cost or expenditure incurred by a State, as determined by the court upon conviction, in connection with-

(a) the seizure of a fishing vessel other than a Sierra Leone fishing vessel for an offence against these Regulations;

(b) the prosecution for an offence in accordance with these Regulations;

(c) costs of imprisonment, taking into account the duty to promptly release crew members under sub-regulation (2) of Regulation 53; and

(d) the repatriation of the master and crew of any vessel seized under these Regulations.

Default for non-payment. **55.** In addition to a fine or penalty determined under these Regulations, the court may order a default penalty for non-payment of fines or determinations, not to exceed one percent per day of the total amount of the fine or determination.

Liability for loss or damage. **56.** (1) A person who commits an offence under these Regulations may, upon conviction, be liable for any loss or damage caused by the offence and the amount of the loss of such damage may be awarded by the court as restitution in addition and recovered in the same manner as a fine.

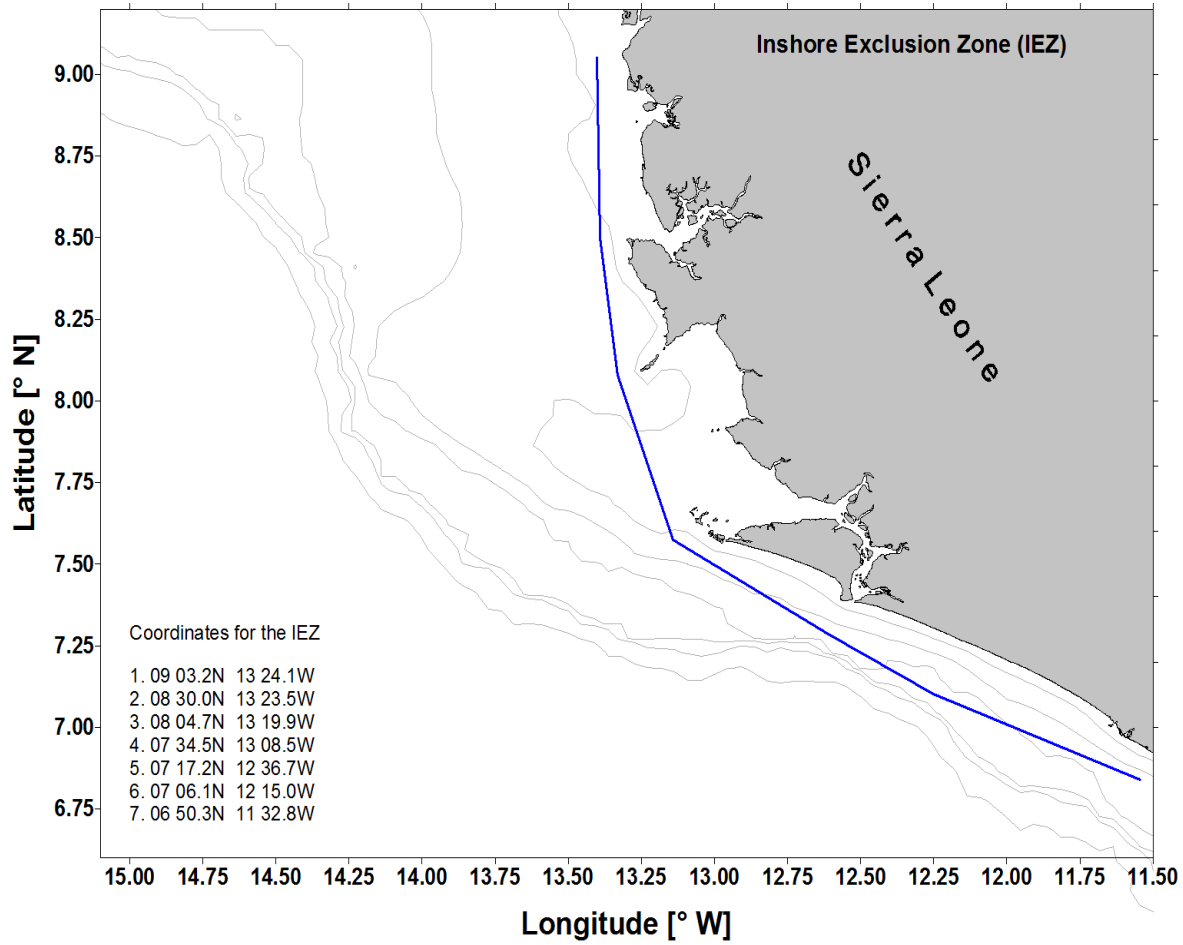
(2) A loss or damage caused by an offence under sub-regulation (1) shall include, any costs incurred in-

(a) detecting, apprehending, investigating or prosecuting the offence; and

(b) detaining or seizing any property, fish, article or thing in respect of that offence.

Repeal. **57.** The Fisheries Regulations, 1995 is hereby repealed.

INSHORE EXCLUSION ZONE



SECOND SCHEDULE Regulation 16 (1) (b)

LICENCE APPLICATION FORM

A. GENERAL

1. Vessel				
Full Name of the fishing vessel				
International Radio Call Sign (IRCS)				
Operational base (Country)				
Previous names and IRCS, if known				
2. Registration				
Port		Country		Registration number
3. Owner of Vessel				
Owner Company	Representative	Date and place of incorporation	Address/City/Country	Telephone, Fax & Email
				Tel: Fax: e-mail:
4. Beneficial Owner of Vessel(optional)				
Owner Company	Representative	Date and place of incorporation	Address/City/Country	Telephone, Fax & Email
				Tel: Fax: e-mail

5. Charterer of Vessel (if different from owner)			
Company	Representative	Address/ City/Country	Telephone, Fax & Email
			Tel: Fax: e-mail
6. Agent in Sierra Leone			
Company	Representative	Address/ City/Country	Telephone, Fax & Email
			Tel: Fax: e-mail
7. Insurance			
Full Name and Address of Insurer	Insurance Certificate Number	Period of Validity of Insurance Certificate	
		From: To:	

B. LICENCE SPECIFICATIONS

8. Category of Licence required

- | | | |
|---|--------------------------|--------------------------|
| (A 1) Shrimp Trawler | <input type="checkbox"/> | <input type="checkbox"/> |
| (A 2) Cephalopod Trawler | <input type="checkbox"/> | |
| (A 3) Demersal Trawler (Fish) | <input type="checkbox"/> | |
| (A 4) Midwater Trawler (Fish) | <input type="checkbox"/> | |
| (A 5) Purse Seine Vessel (Tuna) | <input type="checkbox"/> | |
| (A 6) Long Line Vessel (Tuna) | <input type="checkbox"/> | |
| (A 7) Pelagic Trawler (Small pelagics) | | <input type="checkbox"/> |
| (A 8) Purse Seine Vessel (Small Pelagics) | <input type="checkbox"/> | |
| (B 1) Mothership for Processing | <input type="checkbox"/> | |
| (B 2) Mothership with Canoes/ pots/ traps/ nets or line | <input type="checkbox"/> | |
| (B 3) Supply Vessels | | <input type="checkbox"/> |
| (C 1) Canoe Support for Industrial Vessels | <input type="checkbox"/> | |

9. Licence period				
Period		Proposed Commencement Date	Authorized Commencement Date	
6 months	<input type="checkbox"/>			
12 months	<input type="checkbox"/>			
10. Previous Licensing Of Vessel				
Number of the last Licence held in Sierra Leone				
11. Authorization or licence granted by the flag State				
Form and Number	Period of Validity	Specific Area(s), for which it is valid	Species for which it is valid	Time Periods for which it is valid
12. Other licences in West Africa Region				
Country		Licence number		

C. VESSEL DETAILS

12. Make of Vessel				
13. Type of Vessel				
Trawler:	Single	<input type="checkbox"/>		
Purse Seine:	Single	<input type="checkbox"/>	Group	<input type="checkbox"/>
Long liner:		<input type="checkbox"/>		
Pole & Line Vessel:		<input type="checkbox"/>		

Mothership (Supply Vessel)	<input type="checkbox"/>
Processing Vessel	<input type="checkbox"/>
Carrier	<input type="checkbox"/>
Other (specify):	.....

14. Construction			
Year	Country	Material of Construction	Date and Location of Build

15. Registered Length Overall (LOA)	
Meters:	

16. Gross Registered Tonnage (GRT)	

17. Hull	
Wood <input type="checkbox"/> Fibreglass <input type="checkbox"/> Aluminium <input type="checkbox"/> Steel <input type="checkbox"/>	Colour

18. Moulded Depth And Beam	

19. Carrying Capacity	
Freezer Type, Capacity And Number	Fish Hold Capacity

20. Main engine(s)	
--------------------	--

Number	Make	Engine Power (combined)	Unit	
			HP <input type="checkbox"/> KW <input type="checkbox"/> Power	
21. Auxiliary engine(s)				
Number	Make	Engine Power (combined)	Unit	
			HP <input type="checkbox"/> KW <input type="checkbox"/> Power	
21. Helicopter, if any, to be carried on the vessel				
Registration Number		Make		
22. Equipment				
Radio channels	Radar	Satellite Navigator	Depth Sounder	Fish Finder
HF <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
VHF <input type="checkbox"/>	Model	Model	Model	Model
SSB <input type="checkbox"/>				
23. Vessel communication types and numbers (Inmarsat A, B, and C numbers and satellite telephone number)				
24. Identifying code letters and/or numbers used for identification during radio transmission				

25. Type of vessel monitoring system installed
26. Navigation and position fixing aids

D. CREW DETAILS

27. Vessel Master		
Name	Nationality	Address
28. Fishing Master		
Name	Nationality	Address
29. Chief Engineer		
Name	Nationality	Address
30. Number of Crew		
Sierra Leonean	Foreign	

E. STORAGE/PROCESSING CAPACITY

31. Storage Capacity Below Deck				
Refrigeration method	Chilled holds	Freezer holds	Blast freezer capacity (Kg/24 hours)	Ice machine Production (Kg/24) hours)

Ice <input type="checkbox"/> Refr. Sea Water <input type="checkbox"/> Air (Coil) <input type="checkbox"/> Brine (NaCl) <input type="checkbox"/> Brine (CaCl ₂) <input type="checkbox"/> Other (specify)	Unit Cubic meter <input type="checkbox"/> Cubic feet <input type="checkbox"/> Capacity	Unit Cubic meter <input type="checkbox"/> Cubic feet <input type="checkbox"/> Capacity		
32. Storage Capacity On Deck				
Storage capacity in insulated boxes (in kg)				

F. DETAILS OF FISHING GEAR

33. Type Of Fishing Gear Onboard				
Trawl:	<input type="checkbox"/>	Number of trawl gears onboard:	.....
Purse Seine:	<input type="checkbox"/>	Number of gears onboard:	.....
Deep sea reels:	<input type="checkbox"/>	Number of gears onboard:	.....
Trolling:	<input type="checkbox"/>	Number of gears onboard:	.....
Traps:	<input type="checkbox"/>	Number of gears onboard:	.....
Long lining:	<input type="checkbox"/>	Number of gears onboard:	.....
Gillnet:	<input type="checkbox"/>	Number of gears onboard:	.....
34. Details of trawl gear (if licence for a trawl vessel is being requested)				
	Gear 1	Gear 2	Gear 3	Gear 4

Length foot rope (m)				
Vertical net opening (m)				
Cod end mesh size (mm)				
35. Details of Purse Seine				
	Gear 1	Gear 2	Gear 3	Gear 4
Length (m)				
Depth (m)				
Mesh size (mm)				
<u>Mother ship support</u> (details of the vessel which supports the purse seiner)	Name			
	IRCS			

G. DETAILS OF SUPPORT VESSELS

36. Mother ships (Licence Category B1) Give details of the vessel(s) supported by the mother ship	
Name	IRCS
37. Mother ships with canoes:(Licence Category B.2)	
Numbers of canoes onboard	

H. MISCELLANEOUS

38. Has this vessel been involved in an offence against the Fisheries Act of Sierra Leone?			
Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>If yes, specify:</u>	Date	
		Offence	
		Proceedings taken and Outcome	
39. Has this vessel been involved in an offence against any laws of Sierra Leone of Sierra Leone?			
Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>If yes, specify:</u>	Date	
		Offence	
		Proceedings taken and Outcome	
40. Is the owner/charterer of this vessel subject to proceedings under the bankruptcy laws of any jurisdiction?			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
41. Is the owner or charterer insolvent?			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
42. Are there any joint ventures or other contractual Arrangements with or in Sierra Leone in connection With the intended operations?			
Yes <input type="checkbox"/> No <input type="checkbox"/>		<u>If yes, provide details</u>	
43. Has the vessel complied with all requirements of the Sierra Leone Merchant Shipping Act, 2003?			
Yes <input type="checkbox"/> No <input type="checkbox"/>			

44. Has the vessel identified above, under its current name/flag, or any previous names/flags, had any permit or licence suspended or revoked within the past three years?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	<u>If yes</u> list and attach on a separate sheet of paper the circumstances surrounding each such instance and include an explanation of the current status of the suspension or revocation
45. Has the vessel identified above flown the flag of another State or States within the last three years?	
If yes , provide the following information for each period during which the vessel operated under such other flag or flags	
a) period	beginning/...../.....; end./...../..... (Day/Month/Year) (Day/Month/Year)
b) vessel name	
c) flag	
d) International Radio Call Sign	
e) homeport	
f) owner name, address, phone, fax, email	
g) operator name, address, phone, email (If necessary, provide additional information on a separate sheet of paper.)	

Please note:

All applications have to be accompanied by a true copy of:

- the vessel’s Registration Certificate;
- an international Tonnage Certificate;
- an Engine Manufacture Certificate;
- a recent side-on photo of the vessel to be licensed with the current name and international call sign of the vessel clearly displayed in the photo and written on the back of the photo.

If requested, the Director may waive any of these requirements only if the requested documentation is currently held in Sierra Leone and it is current, true and correct in all respects.

Statement by Applicant

I understand that:

- I am required to notify any changes in any information contained in this application as soon as practicable, but no later than seven (7) days after such change, to the Director.
- A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation if any of the information given is false, incorrect, or misleading.
- The fee required in the Fisheries (Fee) Regulations must be paid before any licence is issued.

.....

Place &Date

.....

Signature of Applicant

Print Name of Applicant:

.....

Position of Applicant:

Owner **Lessee** **Agent**

For official use only:

Date Received/...../..... Signature of Director

Date Accepted/...../..... Licence Number.....

Period

Licence Fee Amount.....

Royalty Amount

if applicable Receipt No

Signature of Minister

THIRD SCHEDULE Regulation 14(4)

REQUIREMENTS FOR PERFORMANCE BONDS

1. Performance bonds

- 1) A performance bond shall—
 - a) be in the form approved by the Director, which may include a cash deposit, letter credit or other form of guarantee;
 - b) be lodged with a bank approved by the Permanent Secretary; and
 - c) subject to subsection (2), authorise the Director in consultation with the permanent Secretary and the Minister to draw directly on the bond in the event of non-compliance with any term, condition or requirement of the licence or of any provision of these Regulations.
- 2) The Minister, on the recommendation of the Director, may from time to time define the types or categories or the class or classes of licence, for which a performance bond is required, and the amount or scale of amounts of bonds.
- 3) The Director may draw directly on a bond only—
 - a) in accordance with procedures under this Regulation; and
 - b) to the extent of the approved scale of deductions for specified breaches of terms, conditions or requirements.
- 4) Where the Director has drawn on a bond in accordance with this Schedule, the holder of the licence shall, within 30 days of being so notified by the Director, deposit a sum equivalent to the amount drawn in the account from which the amount was drawn.
- 5) A performance bond:
 - a) shall be lodged in respect of each and every foreign vessel in a sum specified in the access agreement under and in accordance with which each vessel is licensed; and

- b) may be lodged in respect of any other vessel in a sum as determined under the terms of the licence or by the Director.
- 6) A performance bond required by this regulation or the terms of a licence shall be lodged within one week of the issuance of the licence, or within such further time as the Minister on the recommendation of the Director may allow.
- 7) Where a performance bond is not lodged in accordance with the requirements of this regulation, the licence may be suspended by the Minister on the recommendation of the Director, until such time as the requirements of this regulation are fulfilled.
- 8) A performance bond under this regulation shall not be considered as a payment of security into any Court, and shall not be used for any such purpose.
- 9) A performance bond lodged under this regulation shall not be considered as part of the funds of the Director, except in circumstances where the Director has been authorised in terms of section 2 of this Schedule to draw on the performance bond.

2. Drawing on performance bonds

- 1) The Director may draw on a performance bond for non-compliance in accordance with a term, condition or requirement of the licence or this regulation.
- 2) Where the Director draws on a performance bond in accordance with subsection (1), it shall, subject to subsection (6), give written notice in accordance with subsection (3) to the licensee or, in the case of a foreign vessel, to the legal representative of the vessel.
- 3) A notice under subsection (2) shall:
 - a) contain a description of the non-compliance alleged and a statement of the amount which it is proposed to draw; and
 - b) state that the bond will be drawn upon if no objection is received by the Director within 14 days from the date of the notice.

- 4) Unless the terms of the licence permit otherwise, the amount that may be drawn on the performance bond under subsection (3)(a) shall not exceed 100% of the maximum fine prescribed for the offence created by the non-compliance.
- 5) Where no objection is received by the Director within 14 days from the date of a notice under this section, the Director may draw directly on the performance bond.
- 6) Notwithstanding any other provision of this Part, where a person who has been duly served a summons to answer a charge of a contravention of, or failure to comply with, a term or condition of a licence, fails to appear in answer to the summons, the Director may, without notice, draw directly on any performance bond lodged in respect of the licence to an amount not exceeding 100% of the maximum fine prescribed for the offence created by the non-compliance.
- 7) A performance bond in the form of a cash deposit shall be returned at the end of the period of validity of the licence, subject to the provisions of this Schedule.

PART XII- OFFENCES, FINES, PENALTIES AND LIABILITIES

51(1) Any person who contravenes any Regulation or part thereof shown in the fourth schedule, shall be deemed to have committed an offence under the corresponding section of the Act shown in the fourth schedule, and upon conviction shall be liable for the fine and other penalties provided in such corresponding section of the Act, except that where there is no corresponding section in the Act or a fine is not otherwise shown, such person shall be liable to a minimum fine of US\$100,000

FOURTH SCHEDULE
Regulations 8(4), 9(2), 10(7)
Section 80 (1b) of the Act

Regulation		Corresponding Section of the Act		Offence	Category of Vessel/Activity	Gravity of Offence	Administrative Fines/penalties	
Number	Title	Section	Title				Minimum	Maximum
4 (2)	Inshore exclusion zone	18 (1)	The Inshore Exclusion Zone shall be reserved for artisanal and recreational fisheries	Fishing in the Inshore Exclusion Zone (IEZ) ¹	Industrial fishing vessel	Very Serious	US\$1,500,000	US\$1,800,000
					Decked semi-Industrial fishing vessel	Very Serious	US\$500,000	US\$600,000
5(2)	Marine protected areas	3(2f)	Management and Administration	Fishing in Closed Area such as the Marine Protected Areas (MPAs)	Industrial fishing vessel	Very Serious	US\$1,000,000	US\$1,200,000
					Decked semi-Industrial fishing vessel	Very Serious	US\$500,000	US\$600,000
Regulation		Corresponding Section of the Act		Offence	Category of	Gravity of	Administrative Fines/penalties	

Number	Title	Section	Title		Vessel/Activity	Offence	Minimum	Maximum
6 (1a), (1b), (1c), (1d), (1e), (1f)	Prohibited fishing gear and methods	Section 42(1)	Use, possession on vessel, import, purchase or sale of prohibited gear.	Use of prohibited fishing gear				
				Fishing with prohibited gear and method(pair trawling)	Industrial fishing vessel	Very Serious	US\$2,500,000	US\$3,000,000
					Decked semi-industrial			US\$1,000,000
7(1),(2)	Interfering with fishing gear and storage of fishing gear	Section 41(1-3)	Tampering with or destruction of property in the fisheries waters prohibited	Removing fish from another person net/gear, enclosure or storage device; tampering with or destruction of property in the fisheries waters without authority of the owner	Industrial	Serious	US\$100,000	US\$120,000
					Decked semi industrial		US\$ 50,000	US\$ 60,000
					Undecked semi-industrial		US\$ 20,000	US\$ 24,000
					Artisanal		US\$ 5,000	US\$ 5,000
8(1)	Prohibition on leaving or abandoning objects in the sea	49(1)	Pollution of the fisheries waters prohibited	Introduction into the fisheries waters, directly, indirectly, deliberately or accidentally,		Very Serious	US\$5,000,000	US\$6,000,000

				any deleterious substance, including substances which may have toxic, hazardous or other harmful properties or effects in relation to fish or the aquatic or marine environment, and which may adversely affect the habitat or health of the fish.				
9	Prohibitions regarding sea turtles, rays and sharks	47(2)	Declaration of and protected or endangered species	<p>Possession of sea turtles ,immature rays and sharks onboard a fishing vessel</p> <p>Possession of marine mammals</p> <p>Possession of sharks or ray</p>		<p>Serious</p> <p>Serious</p> <p>Serious</p>	<p>US\$200,000</p> <p>US\$200,000</p> <p>US\$100,000</p>	<p>US\$240,000</p> <p>US\$240,000</p> <p>US\$120,000</p>

				fins on board fishing vessels				
10(2)	Declaration of endangered species of fish	47(2)	Declaration of endangered species of fish	Fishing, Possession of, landing, selling, dealing in, transporting, receiving, buying; processing, importing or exporting of protected or endangered aquatic species without permission		Very Serious	US\$200,000	US\$240,000

¹A fine maximum fine of USD 1,500,000 for first contravention of section 181) of the Act or Regulation 4 (2); the fines shall be doubled for committing the same offence for a second time plus suspension of licence for six (6) months.

11(1)	Licences and authorisations required	14 (1)(a),(b), (c),(d),(e), (f),(g),(h), (i) ²	Licences and authorisations required	Use of fishing vessel for fishing or related activities including diving for commercial	Recreational/sport fishing		US\$50,000	US\$60,000
				Industrial fishing vessel		Very	US\$2,500,000	US\$3,000,000

				<p>fishing purposes, commercial sport and recreational fishing without valid licence or authorisation by the Director of Fisheries.</p> <p>Operating a fish processing establishment or storage facility without licence or authorisation</p> <p>Export or import of fish including live fish or other fish products without licence or authorisation</p> <p>Research into fishery resources or related activities without licence or authorisation</p>	<p>Decked semi-industrial fishing vessel</p> <p>Un-decked semi-industrial fishing vessel</p> <p>Artisanal fishing vessel</p>	<p>Serious</p> <p>Serious</p> <p>Serious</p> <p>Serious</p>	<p>US\$1,000,000</p> <p>US\$20,000</p> <p>US\$3,750</p> <p>US\$500,000</p> <p>US\$200,000</p> <p>US\$500,000</p>	<p>US\$1,200,000</p> <p>US\$24,000</p> <p>US\$4,500</p> <p>US\$600,000</p> <p>US\$240,000</p> <p>US\$600,000</p>
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			Introduction of genetically modified or alien fish species into the fisheries water		Very Serious	US\$750,000	US\$900,000
			Deployment, maintenance, monitoring of fish aggregating device and associated electronics equipment or as appropriate fishing around such a device without licence or authorisation		Very Serious	US\$750,000	US\$900,000
			Exploration of non-living marine resources or otherwise in relation to the seabed and soil over which Sierra Leone exercises jurisdiction or sovereign rights without licence or authorisation		Very Serious	US\$1,000,000	US\$1,200,000

11(1)(e)				Foreign fishing vessels entering or existing the Sierra Leone fishery waters without a valid authorisation from the Director of fisheries	Industrial fishing vessel	Serious	US\$500,000	US\$600,000
				Decked semi-industrial fishing vessel	Serious Serious	US\$100,000	US\$120,000	
				Artisanal fishing vessels		US\$10,000	US\$12,000	
16 (4)	Application for the grant or renewal of licences or authorisations			Submission of false, misleading or inaccurate information for the grant or renewal of license or authorisation ⁵	Industrial fishing vessel	Very Serious	US\$1,000,000	US\$1,200,000
				Decked semi-industrial fishing vessel		US\$500,000	US\$600,000	

²Fines for committing any of these offences under section 14 of the Act or Regulation 11 shall include confiscation of the vessel, fishing gears and other devices used to catch the fish, catch onboard the vessels and fish in establishment

Regulation		Corresponding Section of the Act		Offence	Category of Vessel/Activity	Gravity of Offence	Administrative Fines/penalties	
Number	Title	Section	Title				Minimum	Maximum
25 (h)	conditions for industrial semi-industrial and artisanal fishing vessels			Failure to have 45% local crew onboard	Industrial fishing vessel	Serious	US\$100,000	US\$120,000

		15 (1)(a), (b), (c)	Buying, selling, processing of fish and fish products for export	No person(s) shall engage in any activity relating to fish processing for the purpose of export without a license No person(s) shall buy fish from unlicensed storage facility or vessel No person(s) shall buy or sell fish where there are reasonable grounds to believe that it has been caught as a result of IUU fishing activities		Serious serious Very Serious	US\$50,000 US\$ 50,000 US\$100,000 plus confiscation of catch/fishery product	US\$60,000 US\$ 60,000 US\$120,000 plus confiscation of catch/ fishery product
27 (1) (a)	Reporting requirements for industrial fishing vessels.	17(1),(3)	Reporting	Failure to maintain logbook and make such reports related to fishing or related activities	Industrial fishing vessel	Serious	US\$500,000	US\$600,000

Regulation		Corresponding Section of the Act		Offence	Category of Vessel/Activity	Gravity of Offence	Administrative Fines/penalties	
Number	Title	Section	Title				Minimum	Maximum
29	Reporting requirements for semi-industrial fishing vessels.	17(1),(3)	Reporting	Failure to maintain logbook and make such reports related to fishing or related activities	Decked semi-industrial	Serious	US\$100,000	US\$120,000
31(1)(a)	Transshipment, loading and landing requirements	10 (2)(1)	Conservation and management measures	Failure to tranship at the designated transshipment point	Industrial fishing vessel	Very Serious	US\$500,000	US\$600,000
					Carrier/Reefer Vessel	Very Serious	US\$1,000,000	US\$1,200,000
					Decked semi-industrial Vessel	Serious	US\$500,000	US\$600,000
31(5)(a)	Transshipment, loading and landing requirements	10 (2)(1)	Conservation and management measures	Illegal transshipment in the high seas	Industrial fishing vessel	Very Serious	US\$1,500,000	US\$1,800,000
					Carrier/Reefer Vessel	Very serious	US\$2,500,000	US\$3,000,000
					Decked semi-industrial vessel	Very serious	US\$500,000	US\$600,000
38 (2d iv)	Inspection of fishing vessels other than Sierra Leone	21(5)	Powers of Authorised Officers	An authorized officer who receive or solicit directly or indirectly		Serious (Service Terminated)	shall be dealt with in accordance with the Civil Service Code of	

	fishing vessel in port			anything of value to improperly influence his/her actions withhold evidence, or act inconsistently with the required standard required in the performance of duties under this Act			Conducts and /or the ACC Act.	
		28(3a ,b & c)	Removal of parts from Seized vessels	possess or arrange to obtain, make replacement or substitute attempt to fit any part or parts to a vessel immobilized under this Act		Very Serious	US\$ 1,000,000 Plus forfeiture of the parts	US\$ 1,200,000 Plus forfeiture of the parts
26 (1g)	Additional Conditions for Industrial fishing vessels	29(4)	Observer Programme	Failure to comply with any requirements given by the Director of fisheries in relation to the Fisheries Observers program		Serious	US\$100,000 and cancellation of license for at least one year	US\$120,000 and cancellation of license for at least one year
		30(5)	Appointment of observers	Foreign Fisheries observers		Moderately serious	Punitive action instituted	

				exercising their duties on a Sierra Leone Flagged vessel fishing in high seas or waters outside of Sierra Leone who fails to comply with the instructions of the Director of Fisheries or this Act			through the foreign office of the observers	
		31(2)	Application of the Act to Observers beyond fisheries waters	Any Sierra Leonean Fisheries Observer performing his duties under this Act in the jurisdiction of another States and fails to comply with the laws of the State where he/she is serving		Moderately serious	Immediate disembarkation from vessel plus six month suspension	
26 (1)(g)	Additional conditions for industrial fishing vessels	32	Duty of operators, licence holders and crew	Failure to allow or assist a Fisheries Observer in the performance of his duties		Serious	US\$100,000	US\$120,000
26 (1)(g)	Additional conditions	33(1)	Conditions for observers	Failure to provide an		Serious	US\$100,000	US\$120,000

	for industrial fishing vessels			Observer free of cost all living conditions at the officer level for him to carry out his duties				
26 (1)(g)	Additional conditions for industrial fishing vessels	35(2b)	Notice of intension to place observer	Failure to have fisheries observer onboard	Industrial fishing vessel	Very Serious	US\$500,000	US\$600,000
		37(3)	Vessel monitoring systems	Failure to report any VMS transponder that has stopped working		Serious	US\$250,000	US\$300,000
		90(2)(d)	Vessel monitoring systems	Interfering with a mobile transceiver unit or renders it inoperative or cause it not to operate accurately in accordance with the licence conditions of the fishing vessel	Industrial fishing vessel (VMS) Decked semi-industrial (VMS/AIS Class B)	Very Serious Very Serious	US\$500,000 US\$250,000	US\$600,000 US\$300,000
		40(1&2)	Fishing with explosives electrical device, chemicals and associated activities	Use of explosives, electrical devices, chemical and associated activities for the	Industrial fishing vessel semi-industrial fishing vessel Artisanal fishing	Very Serious	US\$1,000,000 US\$500,000 US\$10,000	US\$1,200,000 US\$600,000 US\$12,000

			prohibited	purpose of fishing.	vessel/ or individual			
		40(4)	Fishing with explosives electrical device, chemicals and associated activities prohibited	Committing a second or subsequent offence under this Act		Very Serious	Fine should not be less than twice the previous fine	
		41(1-3)	Tampering with or destruction of property in the fisheries waters prohibited	Removing fish from another person net/gear, enclosure or storage device; tampering with or destruction of property in the fisheries waters without authority of the owner		Serious	US\$100,000	US\$120,000
		42(1)	Use, possession on vessel, import, purchase or sale of prohibited gear	Possession or use of fishing gear that does not conform to the requirement of the Act or the regulations (fishing with illegal mesh sizes)	Industrial fishing vessel Decked semi-industrial fishing vessel Undecked semi-industrial fishing vessel Artisanal fishing vessel	Very Serious	US\$750,000 US\$500,000 US\$1,000 US\$500	US\$900,000 US\$600,000 US\$1,200 US\$600

		42(2)	Use, possession on vessel, import, purchase or sale of prohibited gear	Importation, sale of purchase of any fishing gear that is not in conformity to those prescribed in the Act or Regulation	For Industrial fishing Artisanal fishing	Serious	US\$100,000 US\$10,000	US\$120,000 US\$12,000
		43	Prohibition of trade in fish products or other fisheries resources	Possession, sale or purchase of fish or fishery product caught in contravention to this Act.		Serious	US\$100,000 Plus fish product to be forfeited to the state	US\$120,000 Plus fish product to be forfeited to the state
		44	Prohibition of sale or export of adulterated or contaminated fish products	Wilful sale or export of adulterated, contaminated or below lawful inspection standards fish or fishery product		Very Serious	US\$500,000	US\$600,000
		45	Prohibition of interference with inspected fish or fish product.	Interference with inspected fish or fishery product		Very Serious	US\$200,000	US\$240,000
		46	Prohibition to deploy, maintain fish aggregate devise without permission	No one shall deploy, maintain monitor or recover any fish aggregating device without permission		Very Serious	US\$500,000	US\$600,000

		47(2)	Declaration of and protected or endangered species	No person shall take, land, sell, deal in, transport, receive, buy; process, import or export protected or endangered aquatic species without permission		Very Serious	US\$200,000 plus confiscation of the species	US\$240,000 plus confiscation of the species
		48(1)	Activities contrary to the laws of another State.	No person shall take, import export, land, tranship, transport, sell, receive, acquire or buy any fish or fishery products believed to be harvested in contravention of the laws of another State		Serious	US\$100,000	US\$120,000
		49(1)	Pollution of fisheries waters prohibited	Pollution of fisheries waters		Very Serious	US\$5,000,000	
		50(1)	Aquaculture activities requirement	No person shall engage in commercial aquaculture activities without due permission		Serious	US\$15,000	US\$18,000

		53(1)	Prohibition to deprive any community traditional access to fishing grounds	No person practicing aquaculture shall deprive any community of traditional access to fishing grounds without good cause.		Moderately Serious	US\$15,000	US\$18,000
		54(4)		Failure to destroy fish, remove fish cages or fish pond that deprives community of access to traditional fishing ground		Serious	US\$50,000	US\$60,000
		55(1)		No person shall introduce, transfer, release into, import or export any strange, genetically modified or alien fish species (including eggs, fingerlings or seed) without due permission		Serious	US\$100,000	US\$120,000
		57(1&2)		Any aquaculture licensed shall not cause waste from		Moderately Serious	US\$15,000	US\$18,000

				his/her farm to be an unsightly or offensive to the public. If it does, the licensee should immediately clear or treat the waste; any person who refuses to clear or treat the waste commits an offense				
		58		Failure to notify the Director within 12 hours of escape of hatchery reared aquaculture stock or failure to take appropriate action to prevent the escape of cultured fish		Moderately Serious	US\$15,000	US\$18,000
		59		Use of chemical in aquaculture for growth of fish without approval of the Director		Moderately Serious	US\$15,000	US\$18,000
		60(1)		No person shall without permission		Moderately Serious	US\$15,000 plus cost of damage that may have	US\$18,000 plus cost of damage that may have

				interfere with any aquaculture facility owned by another person			been caused to the facility	been caused to the facility
51(1)	Offences, fines and penalties	64(1),(2) 65(1)	General Offences Maximum fines and guidelines	Failure to comply with this Act or any notice, direction, restriction, requirement or condition given, made or imposed under the Act or these regulations other than to pay a sum of money, and anyone who commits an offence under any sections of the Act or these Regulations for which no other penalty is provided		Serious	US\$100, 000	US\$120, 000
		90 (1) , (2)	Interfering with evidence	Interfering with evidence		Very serious	US\$1,000, 000	US\$1,200, 000

Regulation	Corresponding Section of the Act	Offence	Category of Vessel/Activity	Gravity of Offence	Administrative Fines/penalties
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Number	Title	Section	Title				Minimum	Maximum
		55(1)	No person shall introduce, transfer, release into, import or export any strange, genetically modified or alien fish species (including eggs, fingerlings or seed) without due permission	Importation, construction or acquisition of new fishing vessel without due authorization from the Director of Fisheries		Industrial fishing vessel	US\$1,000,000	US\$1,200,000
						Decked semi-industrial fishing vessel	US\$500,000	US\$600,000
						Un-decking semi-industrial fishing vessel	US\$25,000	US\$30,000
		57(1&2)	Any aquaculture licensed shall not cause waste from his/her farm to be an unsightly or offensive to the public. If it does, the licensee should immediately		Moderately Serious		US\$15,000	US\$18,000

			clear or treat the waste; any person who refuses to clear or treat the waste commits an offense					
		60(1)	No person shall without permission interfere with any aquaculture facility owned by another person		Moderately Serious		US\$15, 000 plus cost of damage that may have been caused to the facility	US\$18, 000 plus cost of damage that may have been caused to the facility

Notes:

Banning Order: In addition to any other fine penalty provided under the Act or these Regulations, the court may order any person and vessel to be banned from fishing in the fisheries waters or engaging in any other activity for which a license is required under this Act for a period up to 5 years if that person and vessels has committed a second or subsequent offence under this Act.

Default penalty for non-payment: In addition to any fine or penalty imposed under this Act, the court may order a default penalty for non-payment of fines, not exceeding 1 % per day of the total amount of the fine or penalty.

Any items used or involved in the commission of the offence be confiscated or forfeited to the state.

Any person convicted under the Act or these Regulations, and the court is satisfied that as result of committing the offence, that person acquired more monetary benefits; the court may impose more penalties equal to the accrued amount.

In addition to the penalty, any vessel found guilty under the Act or these Regulations, the owner and character of a vessel, body corporate or there entity involved in the offence, jointly and severally, to bear the cost or expenditure incurred by the state.

Where a body corporate is convicted of an offence under the Act or these Regulations, a fine of up to three times the maximum fine specified for the offence may be imposed.

Any person including the operator of any fishing vessel banned from fishing for committing an offence under the Act or these regulations and fails to comply, commits an offence.

Where an employee, officer or agent of partnership, cooperation, firm, company or any other business enterprises commits offence under the Act or these regulations he or she shall be dealt with in accordance with the provisions of these regulations.

MARKING OF FISHING VESSELS**PART 1 GENERAL PROVISIONS****1. Definitions**

For the purpose of this Schedule:

- a) a "vessel" includes a fishing vessel and refers to any vessel intending to fish or engaged in fishing or ancillary activities, operating, or likely to operate, in the fisheries waters and includes a boat, skiff or craft (excluding aircraft) carried on board another vessel and required for fishing operations;
- b) a "deck" is any surface lying in the horizontal plane, including the top of the wheelhouse; and
- c) a "radio station" is one that is assigned an International Telecommunication Union Radio Call Sign.

PART 2 BASIC SYSTEM AND APPLICATION**2. Basic System**

- 1) These standard specifications are based on:
 - a) the International Telecommunication Union's system for the allocation of call signs to countries for ship stations; and
 - b) generally accepted design standards for lettering and numbering.
- 2) Vessels shall be marked with their International Telecommunication Union Radio Call Signs (IRCS).
- 3) Vessels to which an IRCS has not been assigned shall be marked with the characters allocated by the International Telecommunication Union (ITU) to the flag State followed by the licence or registration number assigned by the flag State. In such cases, a hyphen shall be placed between the nationality identification characters and the licence or registration number identifying the vessel.

- 4) In order to avoid confusion with the letters I and O, it is recommended that the numbers 1 and 0, which are specifically excluded from the ITU call signs, be avoided by national authorities when allocating licence or registration numbers.
- 5) Apart from the vessel's name or identification mark and the port of registry as required by international practice or national legislation, the marking system as specified shall be the only other vessel identification mark consisting of letters and numbers to be painted on the hull or superstructure.

3. Application

- 1) The markings shall be prominently displayed at all times:
 - a) on the vessel's side or superstructure, port and starboard; fixtures inclined at an angle to the vessel's side or superstructure would be considered as suitable provided that the angle of inclination does not prevent sighting of the sign from another vessel or from the air; and
 - b) on a deck, except as provided for in paragraph 3.2.4 below. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwart ships with the top of the numbers or letters towards the bow.
- 2) Marks should be placed as high as possible above the waterline on both sides. The bow and the stern of the hull shall be avoided.
- 3) The marks shall:
 - a) be so placed that they are not obscured by the fishing gear whether it is stowed or in use;
 - b) be clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discoloration from the catch of certain types of species; and
 - c) not extend below the waterline.
- 4) Undecked vessels shall not be required to display the markings on a horizontal surface. However, owners should be encouraged, where practical, to fit a board on which the markings may be clearly seen from the air.

- 5) Vessels fitted with sails may display the markings on the sail in addition to the hull.
- 6) Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.

PART 3 TECHNICAL SPECIFICATIONS

4. Specifications of letters and numbers

- 1) Block lettering and numbering shall be used throughout.
- 2) The width of the letters and numbers shall be in proportion to the height.
- 3) The height (h) of the letters and numbers shall be in proportion to the size of the vessel in accordance with the following:

a) for marks to be placed on the hull, superstructure and/or inclined surfaces:

<u>Length of vessel overall (LO) in meters (m)</u>	<u>Height of letters and numbers in meters (m) to be not less than</u>
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
under 5 m	0.1 m

b) for marks to be placed on deck: the height shall not be less than 0.3 m for all classes of vessels of 5 m and over.

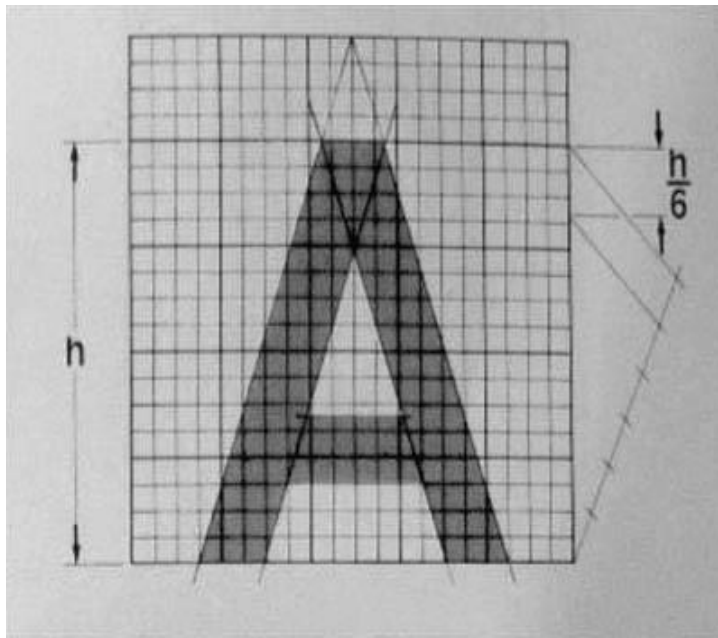
- 4) The length of the hyphen shall be half the height of the letters and numbers.

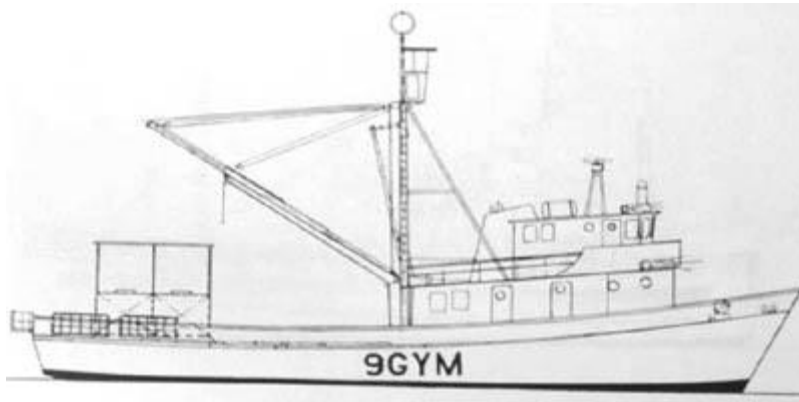
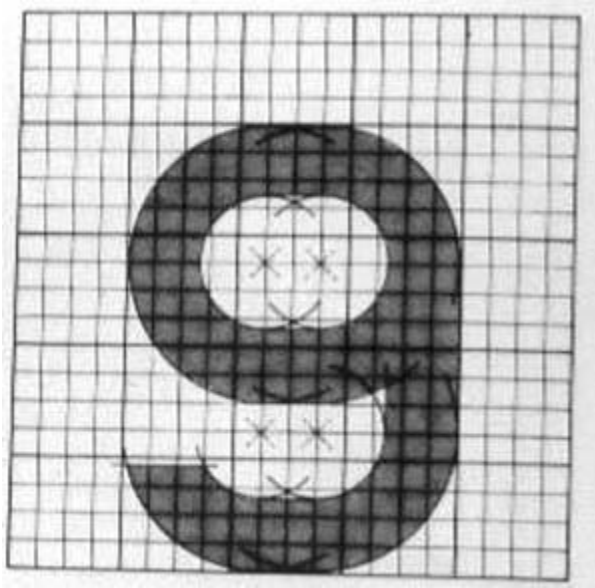
- 5) The width of the stroke for all letters, numbers and the hyphen shall be $h/6$.
- 6) Spacing:
 - a) the space between letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$;
 - b) the space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$, for example A V.

5. Painting

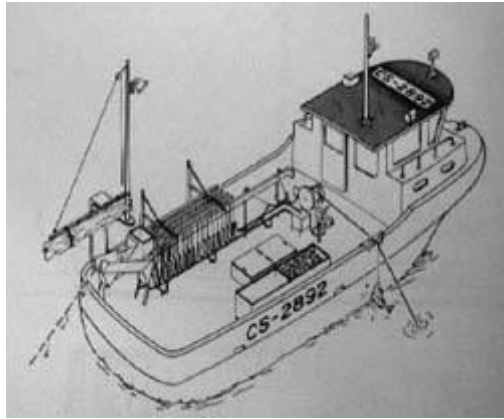
- 1) The marks shall be:
 - a) white on a black background; or
 - b) black on a white background.
- 2) The background shall extend to provide a border around the mark of not less than $h/6$.
- 3) Good quality marine paints to be used throughout.
- 4) The use of retro-reflective or heat generating substances shall be accepted, provided that the mark meets the requirements of these Standard Specifications.
- 5) The marks and the background shall be maintained in good condition at all times.

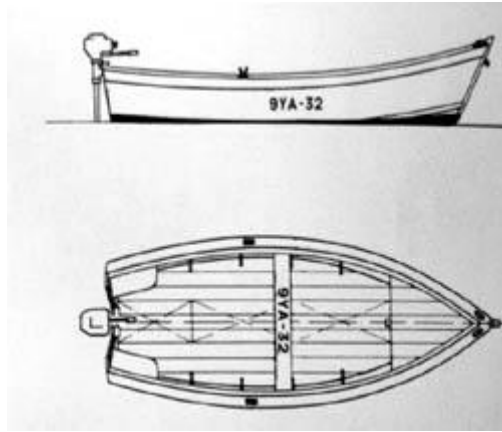
SAMPLES











SIXTH SCHEDULE Regulation 6 (1) (e)

REQUIREMENTS FOR TRAWLING GEAR

All fishing gear used for trawling shall meet the following specifications:

- a) no person shall use twine or a combination of nets that results in a reduction of the minimum mesh size required pursuant to these Regulations;
- b) the total length of the net (the length of head line between the first and last hanging) shall not exceed 11 meters;
- c) any net or combination of nets attached to trawl nets shall:
 - i. only cover the bottom half of the cod end;
 - ii. not exceed a width of half the circumference of the net; and
 - iii. not reduce in any way or form the minimum mesh size required pursuant to these Regulations;
- d) the minimum dimensions of the stretched diagonal length of trawl nets shall be, in respect of:

i. Shrimpers	Wings not less than 60mm	Nets not less than 45mm
ii. Demersals	Wings not less than 100mm	Nets not less than 60mm
iii. Cephalopods	Wings not less than 100mm	Nets not less than 60mm
- e) the mesh of the body of the net, or that portion of the net not capable of being used as a cod end, shall not be less than 40 millimetres (mm) nor more than 60 mm;
- f) the mesh of the cod end of the net, or portion of the net capable of being used as cod end, shall be not less than 27 mm nor more than 40 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter and hung on the bar so that the meshes are square shaped;

- g) the length of a square mesh cod end shall not be less than 1 meter nor more than 3 meters and the circumference shall not exceed 3.2 meters;
- h) except where the use of a V-bridle is permitted, sweeps shall be secured to the head line and the otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 meters or the distance from the trawl gallows to the stern of the boat, whichever is the greater.

SEVENTH SCHEDULE Regulation 30 (f)

MAXIMUM DIMENSIONS OF FISHING NETS

The following maximum dimensions of fishing nets used for fishing from Ghana boats and Mackerel boats shall not be exceeded:

a. Ringnets (bonga, herring)

Maximum length of fishing net	1 000 meters
Maximum depth of fishing net	60 meters
Minimum mesh size for overall net	45 mm

b. Cousta nets

Maximum length of fishing net	2 000 meters
Maximum depth of fishing net	10 meters
Minimum mesh size for overall net	100 mm

c. Shark nets

Maximum length of fishing net	2 000 meters
Maximum depth of fishing net	10 meters
Minimum mesh size for codend	200 mm

d. Bottom set nets (mixed, demersal)

Maximum length of fishing net	1 000 meters
Maximum depth of fishing net	5 meters
Minimum mesh size for codend	45 mm

EIGHTH SCHEDULE Regulation 31 (3)

**APPLICATION FOR FISH LOADING, LOCAL LANDING AND TRANSHIPMENT
AUTHORISATION**

Instructions:

- Fill in one form for each vessel/transhipment to be licensed.
- Type or print clearly
- Where boxes are provided, tick off the box next to the appropriate option.
- Repeat name and international radio call sign of vessel on top of each page. delete this, make a space for name of vessel and international radio call sign at top of each page.
- When providing names, underline surnames.

A. GENERAL

1. Vessel			
Name of Vessel	Length Overall (in m)	International Radio Call Sign	GRT
2. Registration			
Port	Country	Registration Number	
3. Owner of Vessel			
Owner Company	Representative	Address/City/Country	Telephone, Fax and Email
			Tel: Fax:

			e-mail
4. Charterer of Vessel (if different from owner)			
Company	Representative	Address/City/Country	Telephone, Fax and Email
			Tel: Fax: e-mail
5. Agent in Sierra Leone			
Company	Representative	Address/City/Country	Telephone, Fax and Email
			Tel: Fax: e-mail
6. Transhipping to			
Carrier vessel	Name:		
	Type:		
	Registration number:		
	International Radio Call Sign:		
7. Loading from			
Shore-based facility	Name:		
	Address:		
8. Proposed commencement date of transhipment			
...../...../...../ Day/Month/Year			

B. TRANSHIPMENT/LOADING DETAILS

9. Activity		
Transshipment or Loading	Export	Both
10. Place of transshipment/loading operation		
11. Fish Species to be loaded/transhipped	Weight	

C. NATIONAL OWNERSHIP DECLARATION

12. Statement of National ownership (if applicable)
12.1 The vessel described above is wholly owned by:
<p>a) A public corporation established by or under the law of Sierra Leone</p> <p>b) One or more persons who are citizens of Sierra Leone</p> <p>c) A cooperative, company society or other association of persons incorporated or established under the laws of Sierra Leone</p>

D. APPLICANT

13. Applicant

Name	Position	Address/City/Country	Telephone, Fax and Email
	Owner Charterer Agent		

STATEMENT BY APPLICANT

I understand:

- I am required to report any changes in any information contained in this application to the Director as soon as practicable, but no later than seven (7) days after such change.
- An authorization will not be issued, or an authorization issued on the basis of this application is liable to cancellation if any of the information given is false, incorrect, or misleading.
- The fees required in the Fisheries (Fees) Regulations must be paid in full before any authorization is issued.

.....

Place & Date

.....

Signature of Applicant

For official use only:

Date received: .../.../...

Signature of Director:

Date of Issue: .../.../...

Licence number:

Date of Expiry: .../.../....

Licence Fee Amount:

Receipt No.

Date Rejected: .../.../....
.....

Reason for Rejection:

Special conditions, if applicable

Signature:

NINTH SCHEDULE Regulation 31 (7)
Sierra Leone
TRANSHIPMENT DECLARATION

Carrier Vessels	Fishing Vessels
Name of the Vessel: Radio Call Sign: Flag: Flag State License Number: Date of issue: Date of expiry: National Register Number, if available: Last two ports visited: Next port of call: ICCAT/IOTC Register Number, if available:	Name of the Vessel: Radio Call Sign: Flag: Flag State License Number: Date of issue: Date of expiry: National Register Number, if available: ICCAT/IOTC Register Number, if available: External Identification:

Day Month Hour Year |_|_|_|_|

Agent

Vessel Master

Carrier Master

Departure |_|_|_|_|_|_|_| from |_____|

Name

Name

Return |_|_|_|_|_|_|_| to |_____|

Transshipment |_|_|_|_|_|_|_| |_____|

Signature

Signature

Signature

LOCATION OF TRANSHIPMENT _____

TIME OF TRANSHIPMENT _____

TENTH SCHEDULE Regulation 36 (2)

INFORMATION TO BE PROVIDED IN ADVANCE BY VESSELS REQUESTING PORT ENTRY

1. Intended port of call											
2. Port State											
3. Estimated date and time of arrival											
4. Purpose(s)											
5. Port and date of last port call											
6. Name of the vessel											
7. Flag State											
8. Type of vessel											
9. International Radio Call Sign											
10. Vessel contact information											
11. Vessel owner(s)											
12. Certificate of registry ID											
13. IMO ship ID, if available											
14. External ID, if available											
15. RFMO ID, if applicable											
16. VMS		No			Yes: National			Yes: RFMO(s)		Type:	
17. Vessel dimensions			Length		Beam		Draft				
18. Vessel master name and nationality											
19. Relevant fishing authorization(s)											
Identifier	Issued by		Validity		Fishing area(s)		Species		Gear		
20. Relevant transshipment authorization(s)											
Identifier	Issued by		Validity								
Identifier	Issued by		Validity								
21. Transshipment information concerning donor vessels											
Date	Location	Name	Flag State	ID	Species	Product	Catch	Quantity			

				number		form	area	

22. Total catch onboard				23. Catch to be offloaded			
Species	Product form	Catch area	Quantity	Quantity			

ELEVENTH SCHEDULE Regulation 38 (2)

PROCEDURES FOR INSPECTION OF FISHING VESSELS IN PORT

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, International Radio Call Sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided prior to entry;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant regional fisheries management organizations. Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;

- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.

TWELTH SCHEDULE Regulation 38 (3)

REPORT OF THE RESULTS OF THE INSPECTION AT PORT

1. Inspection report no				2. Port State			
3. Inspecting Director							
4. Name of Principal Inspector				ID			
5. Port of inspection							
6. Commencement of inspection		YYYY		MM		DD	
7. Completion of inspection		YYYY		MM		DD	
8. Advanced notification received				Yes		No	
9. Purpose(s)		LAN	TRX	PRO		OTH (specify)	
10. Port and State and date of last port call				YYYY		MM	DD
11. Vessel name							
12. Flag State							
13. Type of vessel							
14. International Radio Call Sign							
15. Certificate of registry ID							
16. IMO ship ID, if available							
17. External ID , if available							
18. Port of registry							
19. Vessel owner(s)							
20. Vessel beneficial owner(s), if known and different from vessel owner							
21. Vessel operator(s), if different from vessel owner							
22. Vessel master name and nationality							
23. Fishing master name and nationality							
24. Vessel agent							
25. VMS		No	Yes: National		Yes: RFMOs		Type:
26. Status in RFMO areas where fishing or fishing related activities have been undertaken,							

including any IUU vessel listing						
Vessel identifier	RFMO	Flag State status	Vessel on authorised vessel list		Vessel on IUU vessel list	
27. Relevant fishing authorization(s)						
Identifier	Issued by	Validity	Fishing area(s)	Species	Gear	
28. Relevant transshipment authorization(s)						
Identifier		Issued by		Validity		
Identifier		Issued by		Validity		
29. Transshipment information concerning donor vessels						
Name	Flag State	ID no.	Species	Product form	Catch area(s)	Quantity
30. Evaluation of of floated catch (quantity)						
Species	Product form	Catch area(s)	Quantity declared	Quantity offloaded	Difference between quantity declared and quantity determined, if any	
31. Catch retained onboard (quantity)						
Species	Product form	Catch area(s)	Quantity declared	Quantity retained	Difference between quantity declared and quantity determined, if any	
32. Examination of logbook(s) and other documentation				Yes	No	Comments

33. Compliance with applicable catch documentation scheme(s)	Yes	No	Comments
34. Compliance with applicable trade information scheme(s)	Yes	No	Comments
35. Type of gear used			
36. Gear examined in accordance with paragraph e) of Eleventh Schedule	Yes	No	Comments
37. Findings by inspector(s)			
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)			
39. Comments by the master			
40. Action taken			
41. Master signature			
42. Inspector's signature			

THIRTEENTH SCHEDULE

Section 23 (1) (a) of the Act

**BOARDING OF FISHING VESSEL
TRANSHIPMENT AND GENERAL BOARDING TEAM**

Name of fishing vessel

.....

Call sign of vessel

.....

Name of Fishing company

.....

Date

.....

This is to certify that the personnel of the following institutions were present and conducted relevant inspection on the fishing vessel:

	INSTITUTION	NAME OF PERSONNEL	SIGNATURE
1.	Ministry of Fisheries and Marine Resources		
2.	Maritime Naval		
3.	Competent Authority (MOHS)		

4.	Sierra Leone Maritime Administration		
5.	Immigration Office		
6.	Labour (MELSS)		
7.	Sierra Leone Port Authority		

FOURTEENTH SCHEDULE Regulation 45 (1)

Section 14 (1) (c) of the Act

APPLICATION FORM FOR FISH PROCESSING ESTABLISHMENT LICENCE

Instructions:

- Fill in one form for each establishment to be licensed.
 - Type or print clearly
 - Where boxes are provided, tick off the box next to the appropriate option.
 - When providing names, underline surnames.
-

Application for a licence to operate a fish export processing establishment at the place and in the manner described below

A. GENERAL

1. Applicant				
Name	Position	Address/City	Country	Telephone, Fax and Email
	Owner Lessee Agent			
Incorporation Number				
Date of incorporation				
2. Owner(s) of establishment (if different from applicant)				
Name	Address/ City/Country Country	Nationality	Telephone, Fax and Email	
Respective Owner Shares				
3. Establishment				
Company	Managing Director	Address/ City	Description of establishment	Registered Owner (if different from licence)
Kind of Occupancy Agreement (attach copy)				
4. Licence Period				

(The period for the requested licence must be a minimum of two years and cannot exceed a period of ten years)	
Number of years	
5. Proposed commencement date of licence period/of transshipment	
...../...../...../ Day/Month/Year	

B. OPERATIONAL DETAILS

6. Fish species to be processed	
7. Type of fish products to be processed	
8. Source of supply (supplying arrangements) - (Attach full description if space is inadequate)	
9. Raw fish purchase	
10. Activity (Attach full description if space is inadequate)	
Method of processing (attach flow chart)	
Minimum daily processing capacity	
Method of packaging	
Other related activity	
11. Cleanliness and sanitation (Attach full description of construction and maintenance standards)	

STATEMENT BY APPLICANT

I understand:

- I am required to report any changes in any information contained in this application to the Director as soon as practicable, but no later than seven (7) days after such change.
- A will not be issued, or an authorization issued on the basis of this application is liable to cancellation if any of the information given is false, incorrect, or misleading.
- I hereby declare that the premises specified above is construed, equipped and operated in an efficient and hygienic manner in accordance with all relevant laws of Sierra Leone.
- Please attach documentary evidence regarding this information, such as an excerpt from the register of companies or similar evidence. Also provide supportive information of the activity in areas such as occupancy arrangements, marketing and technology.
- The fees required in the Fisheries (Fees) Regulations must be paid in full before any authorization is issued.

.....

Place &Date

.....

Signature of Applicant

For official use only:

Date received:	.../...../.....	Signature:	.....
Date of Issue:	.../...../.....	Licence number:	.....
Date of Expiry:	.../...../.....	Licence Fee Amount:	.....
		Receipt Number:	.....

Date Rejected: .../.../...
.....

Reason for Rejection:

Special conditions, if applicable

Signature:

MADE this day of , 2019

Emma Kawa Jalloh
Minister of Fisheries and Aquaculture

Freetown,
SIERRA LEONE.