

[Legal Notice No. 84]

FISHERIES ACT
(No. 13 of 1983)

THE FISHERIES (FOREIGN FISHING VESSELS)(AMEND-
MENT) REGULATIONS 1983

BY virtue of section 20 of the Fisheries Act (No. 13 of 1972) I make regulations, which amend the Fisheries (Foreign Fishing Vessels) Regulations 1981 (hereinafter referred to as the Principal Regulations), as follows:

1. Section 2 of the Principal Regulations is amended by adding the following definitions:

“good standing” means the original status granted to vessels applying for inclusion on the regional register.

“observer” means any person authorised by the Principal Licensing Officer to observe, record and report any or all aspects of fishing operations or to carry out related duties that the Principal Licensing Officer may require from time to time.

“permit activation period” means the period during which the Principal Licensing Officer has authorised fishing activities.

“regional fisheries agency” means the South Pacific Forum Fisheries Agency, or the South Pacific Commission or any other agency which the Principal Licensing Officer may designate to receive information on behalf of the Government.

“regional register” means the South Pacific Forum Fisheries Agency Regional Fishing Vessel Register maintained at Honiara, Solomon Islands according to procedures established by its member governments.

2. Section 4 of the Principal Regulations is deleted and replaced by the following:

“4. (1) The issuance of a permit shall be conditional upon the vessel having good standing on the regional register.

(2) A permit shall be valid from the date of issue for the period endorsed on the permit by the Principal Licensing Officer, such date not to exceed one year.

(3) A permit shall remain valid only while the vessel retains good standing on the regional register.”

3. Section 6 of the Principal Regulations is deleted and replaced by the following:

“6. (1) Permit activation shall be conditional upon the following:

(a) Payment of the required fee, or guarantee of such payment acceptable to the Principal Licensing Officer, shall be made before a permit is activated.

(b) No refund of any fee paid in respect of the issuance or the activation of a permit shall be made.

(c) No permit shall be transferable.

- (2) The Permit activation period may be either -
 - (a) for the period of the permit; or
 - (b) for such period or periods as the Principal Licensing Officer may from time to time specify in writing.
4. Section 7 of the Principal Regulations is deleted and replaced by the following:

“7. It shall be a condition of each permit that the master of the foreign vessel in respect of which the permit was issued shall:

 - (1) comply with the Fisheries Act of 1972 and any Regulations made thereunder;
 - (2) comply with the lawful instructions of an authorised officer;
 - (3) permit an authorised officer to inspect the vessel, its catch, its gear and its navigational and catch records;
 - (4) carry the permit on board and, on demand of an authorised officer, produce the permit or, where the permit has not been received, the number of the current permit issued in respect of the vessel;
 - (5) carry on board an observer who shall be permitted to board or leave the vessel -
 - (a) at such times and places within the fishery limits as may be required by the Principal Licensing Officer;
 - (b) at such times and places outside the fishery limits (including, where appropriate, the port of voyage commencement or the port or place of unloading) as the Principal Licensing Officer, in consultation with the owner or charterer of the vessel, may require;

- (6) provide maintenance for such observer including food, accommodation and medical care of a standard equivalent to that provided for officers of the vessel;
 - (7) allow such observer to observe and record any or all aspects of the fishing operations and allow him access -
 - (a) to the catch on board and at unloading in order to obtain management related or biological information and samples;
 - (b) to the daily catch records;
 - (c) to charts and navigational records;
 - (d) to communication channels with the Principal Licensing Officer for the purpose of his duties; and
 - (e) to such other facilities and equipment as may reasonably be required to enable the observer to carry out his duties."
5. Section 8 of the Principal Regulations is amended by deleting paragraphs (5), (6) and (7) and adding -
- "(5) report weekly to the Principal Licensing Officer, in such manner and form as he may require, vessel position, a summary of the catch on board by weight of species and such other information as he may require;
 - (6) provide the Principal Licensing Officer, in such manner and form as he may require, a daily record of bait fishing and other fishing operations, or on the approval of the Principal Licensing Officer, a summary total thereof, or in the event the vessel does not operate within the fishery limits during a period of a permit activation, a statement of no operations -
 - (a) not more than 14 days after the completion of each voyage: and

- (b) at such other times as the Principal Licensing Officer may require;
 - (7) remove all foreign fishing registration marks from the vessel and legibly paint -
 - (a) the identifying mark shown on the permit at the turn of the bow, on both sides of the bridge superstructure, and on such other part of the vessel as may be required by the Principal Licensing Officer, in black on white, white on black or similar contrasting colours, clear and distinct, with letters and figures of not less than one metre high;
 - (b) the name of the vessel in English in large letters at the bow and stern of the vessel;
 - (8) clearly exhibit the identifying mark shown on the permit on all bait fishing boats and fixed fishing gear;
 - (9) not fish on any submerged reef outside the limits described in Section 8 (i) above without prior written permission pursuant to an agreement of terms and conditions of access including payments (if any), with the customary owners, Area Councils and Provincial Governments under whose ownership or jurisdiction such reef falls."
6. Section 9 of the Principal Regulations is deleted and replaced by the following -
- "9. It shall be an additional condition of each permit issued to the master of a foreign fishing vessel other than a vessel mentioned in Regulation 8 that the master shall -
- (1) Report to the Principal Licensing Officer, or such regional fisheries agency as he may require, and in a form approved by the Principal Licensing Officer, the following information:
 - (a) Expected vessel position, date and time of entry and catch on board at least 24 hours before entry to the Fishery Limits.

- (b) vessel position, date and time of entry to and exit from the Fishery Limits together with weight of each species on board at those times.
 - (c) Vessel position and weight of each species on board at such regular intervals as he may require.
- (2) Maintain a current daily catch and effort record on board such vessel in a form approved by the Principal Licensing Officer, while operating within the Fishery Limits;
- (3) dispatch the completed catch and effort record, referred to in 9(2) above, to the Principal Licensing Officer, or such regional fisheries agency as he may require, not more than seven (7) days after the completion of a voyage, or such other time as the Principal Licensing Officer may require;
- (4) dispatch a statement of no operations in a form specified by the Principal Licensing Officer to him within seven (7) days after the completion of a voyage if such vessel has not operated within the Fishery Limits during a voyage when such vessel has been so authorised;
- (5) not fish in the waters contained within the outermost limits of the territorial seas of Solomon Islands or outside the limits endorsed on the permit or in any manner not authorised by the permit;
- (6) legibly paint -
 - (a) the identifying mark (international Radio Call Sign) shown on the permit on the hull amidships on both sides and on such other part of the vessel as may be required by the Principal Licensing Officer in black on white or white on black or in contrasting colours, clear and distinct, with letters and figures not less than one metre high, and

- (b) the name of the vessel in English in large letters on the bows and stern of the vessel.”

Made at Honiara this fifteenth day of July 1983.

M. EVO

Minister of Lands, Energy and Natural Resources.