



MARINE RESOURCES (LICENSING) REGULATIONS 2012

F. Goodwin KBE
Sir F. Goodwin, KBE
Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this *7th* day of *June* 2012

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to section 92 of the Marine Resources Act 2005, the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

PART I – PRELIMINARY

1. **Title** - These regulations are the Marine Resources (Licensing) Regulations 2012.
2. **Commencement** - These regulations come into force on the day it is assented to by the Queen's Representative.
3. **Interpretation** - (1) The terms and phrases defined in the Marine Resources Act 2005 shall be given the same meaning in these regulations unless the context requires otherwise.
 (2) In these regulations, unless the context requires otherwise –
 - “the Act” means the Marine Resources Act 2005;
 - “fishing trip” means the time a vessel enters the fishery waters to begin fishing until such time as any fish which have been taken are offloaded;
 - “Forum Fisheries Agency” means the Pacific Islands Forum Fisheries Agency established by the South Pacific Forum Fisheries Agency Convention 1979;
 - “Secretariat of the Pacific Community” means the Secretariat of the Pacific Community based in Noumea, New Caledonia established by Article I of the Agreement Establishing the South Pacific Commission, 1947.

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“WCPO” means the Western and Central Pacific Ocean, as defined by the Western and Central Pacific Fisheries Commission Convention Area.

4. Forms and fees - (1) The forms set out in the First Schedule of these regulations, with such modifications as the circumstances require, are hereby prescribed for the purposes of the Act and these regulations.

(2) The fees set out in the Second Schedule of these regulations are hereby prescribed for the purposes of the Act and these regulations.

PART II – LICENSING OF FISHING VESSELS

5. Fishing licence application – (1) Every application for a fishing licence made under section 35 of the Act shall be on Form A and shall contain such additional information as may be required by the Secretary.

(2) In addition to the requirements under sub-regulation (1) above, where the application is made for a foreign fishing vessel, the application shall also contain such information as may be required under an applicable bilateral agreement or multilateral access agreement to which the Government of the Cook Islands is a party.

(3) Applications shall be addressed to the Secretary and accompanied by the relevant fee specified in Part A of the Second Schedule.

PART III – COOK ISLANDS FISHING VESSELS

6. Cook Islands Fishing Licence - Every Cook Islands fishing licence shall be issued in writing on Form B.

7. Fees - The fee payable for the issuance or renewal of a fishing licence is such amount as is specified in Part B of the Second Schedule.

8. Grounds for licence refusal – (1) In addition to the grounds for licence refusal set out in sections 35(3) and (4) of the Act, no fishing licence shall be issued or renewed unless all information requested by the Secretary in respect of the proposed fishing operation or related activities has been provided in the manner required or requested.

(2) Any person aggrieved by a decision made by the Secretary under sub-regulation (1) above may within 14 days of receipt of such decision submit to the Secretary a written appeal to the Minister.

(3) The Secretary shall submit such written appeal under sub-regulation (2) above to the Minister within 7 days.

(4) Where a written appeal is submitted under sub-regulation (3) above, the decision of the Minister shall be final and binding.

9. Reporting - (1) For the purpose of recording catch and effort data, the operator of every Cook Islands fishing vessel licensed to fish in the fishery waters shall use such logsheets as may be specified from time to time by the Secretary.

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(2) In addition to the catch and effort data required to be recorded on the logsheets specified under sub-regulation (1) above, the Secretary may require such additional information to be provided in respect of the fishing operations of a licensed Cook Islands fishing vessel as he may determine is appropriate for fisheries conservation, management and development.

10. Licence conditions – In addition to any requirements provided in the Act, a Cook Islands fishing vessel shall be subject to the following conditions -

- (a) any change in the information set out in the application form shall be notified to the Secretary as soon as practicable and in any case no later than 7 days from the date of the change;
- (b) the vessel shall be seaworthy and shall comply with safety standards applicable from time to time under the laws of the Cook Islands concerning shipping;
- (c) the vessel shall display identification markings in accordance with the Third Schedule to these regulations and such additional markings as the Secretary may from time to time require;
- (d) no fishing shall be undertaken except as authorised by the licence;
- (e) the licence shall not be transferable to any other vessel or owner without the written permission of the Secretary, or except as may otherwise be provided for in any applicable access agreement or fishery plan;
- (f) no fish may be transhipped from or onto the vessel except with the permission of the Minister in writing and in accordance with such conditions as the Secretary may specify;
- (g) the master of the vessel shall cause records to be maintained on a daily basis in such form as the Secretary may from time to time require for the purpose of recording the fishing operations or related activities of the vessel;
- (h) any logbook maintained under sub-regulation (f) shall be transmitted in its original and unaltered form to the Secretary at such time or times as he may require;
- (i) the operator shall promptly provide the Secretary with such information in respect of the fishing operations as he may require from time to time;
- (j) The operator of each fishing vessel licensed to fish pursuant to these regulations shall be required to install, maintain and operate a registered automatic location communicator (ALC) of an approved type at all times while in the fishery waters in accordance with section 60 of the Act;
- (k) whenever required to do so by the Secretary, the vessel shall carry an observer designated by the Secretary, and the Master and crew of the vessel shall provide the observer with such facilities and cooperation as may be required to allow the observer to carry out their duties;
- (l) the operator shall promptly provide the Secretary with such information in respect of the fishing operations as he may require from time to time.

PART IV - FOREIGN FISHING VESSELS

11. Foreign fishing licence - (1) Every foreign fishing licence shall be issued in writing on Form C, and shall contain such additional information as may be required by the Minister or under an applicable bilateral access agreement or multilateral agreement to which the Government of the Cook Islands is a party.

(2) The licence shall be placed on the vessel promptly after issue and shall be displayed in the wheelhouse on board at all times during the licencing period.

(3) Where a licence has been issued but not yet received by the vessel, confirmation of the issue of the licence and information contained therein by fax, email or cable and carried on board will constitute sufficient authority until such time as the original licence is placed on the vessel.

(4) Where an endorsement has been made on a foreign fishing licence by an authorised officer, and action in accordance with the provisions of the Act or these regulations is required by such endorsement, the operator shall promptly take such action.

12. Fees - The fees, royalties and other forms of compensation payable in respect of a foreign fishing licence shall be those set out in Part B of the Second Schedule of these regulations, in addition to those which may be established by an applicable bilateral access agreement or multilateral agreement which may include such other fees, royalties or other forms of compensation as may be determined by the Minister in accordance with the Act.

13. Local agent - (1) An agent who is resident in the Cook Islands may be appointed, maintained and authorised to accept legal responsibility on behalf of the owner, master or charterer for any action, juridical or otherwise, taken in respect of that vessel.

(2) The name and address of such agent is notified to the Minister in Form D.

(3) Any communication, information, document, direction, request or response to or from that agent shall be deemed to have been sent to or received from the vessel operator or the foreign party identified in any applicable access agreement or both, as the case may be.

14. Grounds for licence refusal - (1) In addition to the requirements in sections 35(3) and (4) of the Act, no licence in respect of a foreign fishing vessel may be issued or renewed unless

(a) at the time of application for the licence the vessel is in good standing on the Regional Register; and

(b) all information requested by the Minister in respect of the proposed fishing operation or related activities, or required under an applicable access agreement, has been provided;

(c) provided in the manner requested or required.

(2) Unless otherwise required by the terms of an applicable bilateral agreement or multilateral access agreement, the Minister shall not be required to inform the applicant of the grounds upon which he has refused to issue a licence under section 35 of the Act.

15. Reporting forms - (1) For the purpose of recording catch and effort data, the Master and operator of every foreign fishing vessel licensed to fish in the fishery waters shall use such logsheets as may be specified from time to time by the Secretary.

(2) In addition to the catch and effort data required to be recorded on the logsheets specified under sub-regulation (1), the Secretary may require such additional information to be provided in respect of the fishing operations of a licensed foreign fishing vessel as he may determine is appropriate for fisheries conservation, management and development.

16. Licence conditions - In addition to any other applicable conditions, every foreign fishing licence shall be subject to the following conditions -

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- (a) the vessel shall only be used for such fishing and related activities, during such periods and in such places, as are specified in the licence;
- (b) except as may otherwise be provided in any applicable access agreement or fishery plan, the licence shall not be transferable to any other vessel or owner without the written permission of the Secretary;
- (c) any change in the information set out in the application form shall be notified to the Secretary as soon as practicable and in any case no later than 7 days from the date of the change;
- (d) the vessel shall at all times in the fishery waters -
 - (i) fly the flag of the State in which it is registered;
 - (ii) display identification markings in accordance with the specifications set out in the Third Schedule to these regulations; and
 - (iii) display lights and shapes for the vessel and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea 1972;
- (e) the vessel shall, unless the Minister otherwise directs in writing or unless the master of the vessel is able to communicate effectively in English, carry a person who is able to communicate effectively in English and in the language of the master of the vessel;
- (f) no fish may be landed or transhipped in the Cook Islands or in the fishery waters except as the Minister may authorise in writing in accordance with the Act and applicable regulations;
- (g) the master shall cause a fishing logbook to be maintained at all times while the vessel is in the fishery waters in such form as the Minister may from time to time require for the purpose of recording the fishing operations or related activities of the vessel and shall cause entries to be made daily;
- (h) in particular, but not to limit the generality of sub-regulation (g) above, the master shall cause the following information to be entered relating to the activities of the vessel during each day -
 - (i) the fishing effort of the vessel;
 - (ii) the methods of fishing used;
 - (iii) the areas in which fishing was undertaken;
 - (iv) the species of fish taken, and the quantity and condition of each species;
 - (v) the species of fish returned to the sea, and the quantity and condition of each species; and
 - (vi) such other information as the Minister may reasonably require in order to ascertain the fishing or related activities of that vessel in the fishery waters;
- (i) the master shall provide such information regarding fishing on the high seas as may be required by the Minister. Such information shall cover high seas fishing activity on a fishing trip which includes fishing in the fishery waters;
- (j) the master shall certify that the information contained in the fishing logbook is true, complete and correct;
- (k) the master shall cause the fishing logsheets to be transmitted in its original and unaltered form to the Minister or to any other person or organisation designated by him -
 - (i) not later than 7 days after the completion of the voyage to which the logsheets relates; or
 - (ii) at any other time at the request of the Minister or any authorised officer;

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- (l) the master shall cause reports to be made to the Minister, or such other person or organisation as the Minister may designate, at the following times -
 - (i) immediately upon entry into the fishery waters;
 - (ii) every Wednesday or such other day as the Minister may specify while the vessel is in the fishery waters;
 - (iii) immediately upon departure from the fishery waters; and
 - (iv) such other times as the Minister may specify;
- (m) each report made under sub-regulation (k) shall contain the following information -
 - (i) date and time;
 - (ii) vessel name the international radio call sign and the number assigned to the vessel under the Regional Register;
 - (iii) the position of the vessel at the time of reporting;
 - (iv) the total catch by weight by species on board the vessel at the time of reporting; and
 - (v) such other matters as the Minister may from time to time require;
- (n) the operator of each fishing vessel licensed to fish pursuant to these regulations shall be required to install, maintain and operate a registered automatic location communicator (ALC) of an approved type at all times while in the fishery waters in accordance with section 60 of the Act;
- (o) the master or owner of the vessel or his local agent shall notify the Minister or such other person or organisation as the Minister may designate of the entry of the vessel into port in the Cook Islands at least 24 hours prior to such entry;
- (p) the master of the vessel shall cause to be maintained on board the vessel, at all times while the vessel is in the fishery waters, a ship's log separate from the fishing log referred to in paragraph (g) and shall enter in that log a record of the date, time and nature of every instruction, direction or requirement communicated to the master by the Minister or an authorised officer;
- (q) the operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 Khz (HF), and the international safety and calling frequency 156.8 MHz (channel 16, VHF-FM);
- (r) the master of the vessel shall, while in the fishery waters, take all reasonable measures and precautions to avoid causing damage to any fishing operations including non-commercial operations;
- (s) the master shall ensure that the latest edition of the "International Code of Signals" published by the International Maritime Organisation Marine Safety Committee is on board and accessible at all times, and that the signals specified in the Code shall be used in every communication by radio, flag or light between a licensed fishing vessel in the fishery waters and any Cook Islands authority;
- (t) the operator shall promptly provide the Minister/Secretary with such information in respect of the fishing operations as he may require from time to time.

17. Notifications, records and logbooks to be in English - The operator of a foreign vessel shall cause any notification, record, or logbook required to be made or maintained under the Act or regulations to be made or maintained in English.

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18. Stowage of fishing gear - All fishing gear aboard a fishing vessel in the exclusive economic zone shall be stowed in such a manner that it is not readily available for use in fishing, except when such fishing vessel is in an area in which it is authorized to fish in accordance with the Act and these Regulations.

PART V – HIGH SEAS AUTHORISATION

19. Application for High Seas Authorisation – (1) Every application for a High Seas Authorisation made under section 35 of the Act shall be on Form E and shall contain such additional information as may be required by the Secretary.

(2) Applications shall be addressed to the Secretary and accompanied by the relevant fee specified in Part A of the Second Schedule.

20. High Seas Authorisation - Every High Seas fishing authorisation shall be issued in writing on Form F.

21. Fees - The fee payable for the issuance or renewal of a high seas fishing authorisation shall be such amount as is specified in Part C of the Second Schedule.

22. Grounds for licence refusal – (1) In addition to the grounds for licence refusal set out in sections 35(3) and (4) of the Act, no High Seas authorisation shall be issued or renewed unless all information requested by the Secretary in respect of the proposed fishing operation or related activities has been provided in the manner required or requested.

(2) Any person aggrieved by a decision made by the Secretary under sub-regulation (1) may within 14 days of receipt of such decision submit to the Secretary a written appeal to the Minister.

(3) The Secretary shall submit such written appeal under sub-regulation (2) above to the Minister within 7 days.

(4) Where a written appeal is submitted under sub-regulation (3) above, the decision of the Minister shall be final and binding.

23. Reporting forms - (1) For the purpose of recording catch and effort data, the operator of every Cook Islands fishing vessel authorised to fish in the High Seas shall use such logsheets as may be specified from time to time by the Secretary.

(2) In addition to the catch and effort data required to be recorded on the logsheets specified under sub-regulation (1), the Secretary may require such additional information to be provided in respect of the fishing operations of a Cook Islands fishing vessel as he may determine is appropriate for fisheries conservation, management and development.

24. Authorisation conditions – In addition to the licensing conditions in regulation 9 of these Regulations and any requirements provided in the Act, a Cook Islands fishing vessel fishing on the high seas shall be subject to the following conditions -

- (a) the vessel shall at all times in the high seas -
 - (i) fly the Cook Islands flag;
 - (ii) display identification markings in accordance with the specifications set out in the Third Schedule to these regulations; and

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- (iii) display lights and shapes for the vessel and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea 1972;
- (b) the master shall provide such information regarding fishing on the high seas as may be required by the Secretary. Such information shall cover high seas fishing activity on a fishing trip which includes fishing in the fishery waters;
- (c) the master shall certify that the information contained in the fishing logbook is true, complete and correct;
- (d) the master shall cause the fishing logsheets to be transmitted in its original and unaltered form to the Secretary or to any other person or organisation designated by him -
 - (i) not later than 7 days after the completion of the voyage to which the logsheets relates; or
 - (ii) at any other time at the request of the Secretary or any authorised officer;
- (e) each report made under sub-regulation (d) above shall contain the following information -
 - (i) date and time;
 - (ii) vessel name the international radio call sign and the number assigned to the vessel under the Regional Register;
 - (iii) the position of the vessel at the time of reporting;
 - (iv) the total catch by weight by species on board the vessel at the time of reporting; and
 - (v) such other matters as the Secretary may from time to time require;
- (f) the master of the vessel shall cause to be maintained on board the vessel, at all times while the vessel is in the high seas, a ship's log separate from the vessels' fishing log and shall enter in that log a record of the date, time and nature of every instruction, direction or requirement communicated to the master by the Secretary or an authorised officer;
- (g) The operator of each fishing vessel licensed to fish pursuant to these regulations shall be required to install, maintain and operate a registered automatic location communicator (ALC) of an approved type at all times while in the fishery waters in accordance with section 60 of the Act;
- (h) the master shall ensure the continuous monitoring of the international distress and calling frequency 2182 Khz (HF), and the international safety and calling frequency 156.8 MHz (channel 16, VHF-FM);
- (i) the master of the vessel shall, while in the high seas, take all reasonable measures and precautions to avoid causing damage to any fishing operations including non-commercial operations;
- (j) the master shall ensure that the latest edition of the "International Code of Signals" published by the International Maritime Organisation Marine Safety Committee is on board and accessible at all times, and that the signals specified in the Code shall be used in every communication by radio, flag or light between a licensed fishing vessel in the fishery waters and any Cook Islands authority.

PART VI – AUTHORISATION TO FISH IN THE WATERS OF ANOTHER STATE

25. Application for authorisation to fish in the waters of another state – (1) Every application for an authorisation to fish in the waters of another state made under section 35 of the Act shall be on Form G and shall contain such additional information as may be required by the Secretary.

(2) Applications shall be addressed to the Secretary and accompanied by the relevant fee specified in Part A of the Second Schedule.

26. Authorisation to fish in the waters of another state - Every authorisation to fish in areas beyond Cook Islands jurisdiction shall be issued in writing on Form H.

27. Fees - The fee payable for the issuance or renewal of a fishing authorisation is such amount as is specified in Part C of the Second Schedule.

28. Grounds for authorisation refusal – (1) In addition to the grounds for authorisation refusal set out in sections 35(3) and (4) of the Act, no authorisation shall be granted or renewed unless all information requested by the Secretary in respect of the proposed fishing operation or related activities has been provided in the manner required or requested.

(2) Any person aggrieved by a decision made by the Secretary under sub-regulation (1) above may within 14 days of receipt of such decision submit to the Secretary a written appeal to the Minister.

(3) The Secretary shall submit such written appeal under sub-regulation (2) above to the Minister within 7 days.

(4) Where a written appeal is submitted under sub-regulation (3) above, the decision of the Minister shall be binding and final.

29. Reporting forms - (1) For the purpose of recording catch and effort data, the operator of every fishing vessel authorised to fish shall use such logsheets as may be specified from time to time by the Secretary.

(2) In addition to the catch and effort data required to be recorded on the logsheets specified under sub-regulation (1) above, the Secretary may require such additional information to be provided in respect of the fishing operations of a authorised fishing vessel as he or she may determine is appropriate for fisheries conservation, management and development.

30. Authorisation conditions – In addition to any requirements provided in the Act, a Cook Islands fishing vessel shall be subject to the same conditions as prescribed in regulation 10 and regulation 24 of these Regulations.

PART VII – TRANSHIPMENT AND OTHER AUTHORISATIONS

31. Transshipment – Subject to this Part, and except as may be otherwise permitted under the terms of any applicable regulation, licence, permit, bilateral or multilateral access agreement, the operator of a licensed fishing vessel shall not tranship anywhere in the Cook Islands.

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32. Application for transshipment permit - An application for a transshipment permit shall be in writing in Form I and shall contain such additional information as may be required by the Minister and shall be accompanied by the fee specified in Part A of the Second Schedule.

33. Transshipment permit - Every transshipment permit shall be in writing in Form J and shall be carried on board the vessel at all times.

34. Fees - The fee payable for the issuance or renewal of a transshipment permit shall be such amounts as specified in Part D of the Second Schedule.

35. Grounds for permit refusal - (1) An application for a transshipment permit may be denied on any of the following grounds -

- (a) the application is not in accordance with the requirements of the Act or these regulations;
- (b) that it is necessary in the opinion of the Minister to do so in order to give effect to any licensing programme specified in an applicable fisheries plan;
- (c) that the Minister has reason to believe that the applicant will not comply with the conditions of the permit;
- (d) that the applicant has failed to provide all information requested by the Minister in respect of the proposed transshipment operation or related activities;
- (e) such other grounds as may be specified in the Act or in any regulations made under the Act.

(2) Unless otherwise required by the terms of an applicable bilateral agreement or multilateral access agreement, the Minister shall not be required to inform the applicant of the grounds upon which he has refused to issue a transshipment permit.

36. Conditions of transshipment - Every transshipment permit shall be subject to the following general conditions -

- (a) the licensed/authorised fishing vessel shall not land at any port or place in the Cook Islands (except for the island of Rarotonga), or in areas beyond national jurisdiction including areas of high seas, without the express permission in writing, of the Minister;
- (b) no fish may be transhipped in the Cook Islands (except for the island of Rarotonga) or in the fishery waters or in areas beyond the fishery waters, including areas of High Seas except as the Minister may authorise in writing in accordance with the Act;
- (c) catches may be transhipped at sea with the permission of the Minister in accordance with such conditions as the Secretary or Minister may apply;
- (d) the operator of the vessel shall provide 72 hours notice to the Ministry of Marine Resources or any other designated authority of a request to tranship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by weight by species, the time and place where such transshipment is requested to occur;
- (e) the Company shall provide to the Secretary, all information relating to the catch offloaded in form as may be prescribed by the Secretary. Such information shall include details of the catch offloaded by weight, species, rejected catch, and final destination of the catch offloaded;

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(f) only tranship at the time and place authorised in the transshipment permit.

37. Application for scientific research authorisation - Every application for a scientific research authorisation made under section 36 of the Act shall be in writing, addressed to the Minister and shall contain such information as may be required by the Minister in accordance with the Act.

38. Fees - The fee payable for a scientific research authorisation shall be such amount as the Minister may determine in accordance with the Act and these regulations.

39. Conditions of scientific research operations - Vessels which are authorised to undertake scientific research operations in the fishery waters shall -

- (a) comply with all licence conditions required or prescribed under the Act and these regulations in respect of Cook Islands fishing vessels or foreign fishing vessels, as the case may be; and
- (b) such additional requirements as may be prescribed or otherwise required or requested by the Minister;
- (c) be subject to such conditions as are in accordance with the provisions of Part XIII, Section 3 of the United Nations Convention on the Law of the Sea, 1982.

PART VIII - FISH AGGREGATING DEVICES

40. Placing of fish aggregating devices - (1) No person shall place a fish aggregating device in the fishery waters except with the permission in writing of the Secretary and in accordance with such conditions as he may specify or as are otherwise specified in this Part.

(2) In granting permission under sub-regulation (1) above, conditions which the Secretary may specify include, but are not limited to, the following -

- (a) the method of use;
- (b) the location;
- (c) the times during which the device may be used; and
- (d) the markings or colourings to be adopted; and
- (e) that the device does not constitute a hazard to navigation.

(3) Permission to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

41. Designated fish aggregating device - (1) The Secretary may, by notice published in the Cook Islands Gazette, declare any fixed fish aggregating device to be a designated fish aggregating device for the purposes of this Regulation.

(2) The management and use of such designated fish aggregating devices shall be declared by notice in Gazette and/or any applicable management plan.

42. Marking of fish aggregating devices - (1) Any fish aggregating device placed in the fishery waters shall -

- (a) be clearly marked with the name of the owner and of the vessel from which such device was placed;
- (b) be equipped with a radar reflector and such lights as shall be clearly visible at night from a distance of one nautical mile; and

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- (c) have such other equipment or markings as the Secretary may from time to time require by notice published in the Cook Islands Gazette.

43. Compliance with applicable conservation or management measures - Permission to use a fish aggregating device does not affect any obligation to observe applicable conservation or management measures for fisheries unless the Secretary specifies in writing that a particular measure does not apply with respect to fish caught within one nautical mile of that device.

44. Disposal of unauthorised devices - Any fish aggregating device placed in the fishery waters otherwise than in accordance with permission given under this Part and without a marking or piece of equipment required by these regulations may be used or disposed of in such manner as the Secretary may decide.

45. Offences - Any person who contravenes any provision in this Part commits an offence and shall be liable on conviction to a fine not exceeding \$10,000.

PART IX - MISCELLANEOUS PROVISIONS

46. Renewal of licences, permits or authorisations - (1) Any holder of a licence, permit or authorisation issued under these Regulations may apply to the Secretary or Minister, as the case may be, for renewal.

(2) Every application for renewal must be in writing, addressed to the Secretary or the Minister as the case may be, and shall contain such information required under the Act or these regulations or such other information as may be requested or required.

47. Information to be true, complete and correct - (1) Any information required to be recorded, notified, communicated or reported pursuant to any requirement of these regulations shall be true, complete and correct.

(2) Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified immediately to the appropriate person, authority or body.

48. General penalty for breach of regulations - Any person who contravenes any provision of these Regulations or acts in contravention of any licence, permit or authorisation granted pursuant to these Regulations commits an offence and, unless otherwise provided in these Regulations or in the Act, shall be liable to a fine not exceeding \$250,000, and where the offence is a continuing one, a further fine not exceeding \$5,000 for every day that the offence has continued.

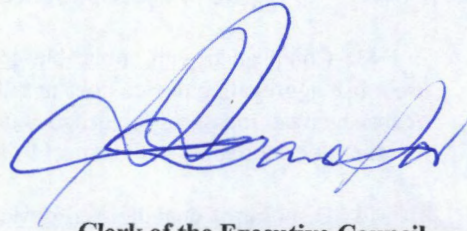
49. Non-application of these regulations - Schedule 1 and Schedule 2 do not apply to vessels to be used for exploratory fishing or recreational fishing.

50. Repeal and Savings - (1) The Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1995 are hereby revoked.

(2) Notwithstanding such revocation from and after the date of coming into force of these Regulations, any licence, permit or authorisation issued under the Marine Resources Act 2005 or the Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations

Marine Resources (Licensing) Regulations 2012

1995 shall continue to be valid on such terms and conditions of approval for the period stipulated therein.



Clerk of the Executive Council

These regulations are administered by the Ministry of Marine Resources

BY AUTHORITY:
Cook Islands Government 2012

SCHEDULES

FIRST SCHEDULE - FORMS

FORM A	Application for a Fishing Licence
FORM B	Licence for a Cook Islands Fishing Vessel
FORM C	Licence for a Foreign Fishing Vessel
FORM D	Appointment of an Agent
FORM E	Application for High Seas Authorisation
FORM F	High Seas Authorisation
FORM G	Application for Authorisation to fish in the waters of another state
FORM H	Authorisation to fish in the waters of another state
FORM I	Application for a transhipment permit
FORM J	Transhipment permit

FORM A
GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

APPLICATION FOR A FISHING VESSEL LICENSE

(Marine Resources (Licensing) Regulations 2012 - Regulation 4)

- INSTRUCTIONS:
- * Clearly mark the boxes where appropriate
 - * Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer
 - * Underline surname or family name
 - * Address means complete mailing address
 - * All units Metric; Please specify if other units used

COOK ISLANDS FISHING VESSEL LICENCE (or 'Local/Cook Islands Owned' Fishing Vessel License) IGN FISHING VESSEL LICENSE (or Charter Fishing Vessel License)

VESSEL DETAILS

Name of Vessel: Country of Registration (Flag):
International Radio Call Sign: Flag State Registration Number:

PREVIOUS VESSEL DETAILS (IF APPLICABLE)

Previous Name of Vessel: Last Country of Registration (Flag):
Last Radio Call Sign: Last Flag State Registration Number:
Year Change Occurred:

VESSEL SPECIFICATIONS

Gross Registered Tonnage (GRT): Length Overall:
Country Built: Year Built:

Hull Material:

Aluminium Fibreglass Steel Wood
 Other - specify

Engine Make/Model: Total Engine Power:
Total Fuel Carrying Capacity: Rated Speed (knots):
Total Storage Capacity: Normal Crew Compliment:

Marine Resources (Licensing) Regulations 2012

Storage Methods:

Brine
 Freezer/Air Coils
 Ice
 Refrigerated Sea Water

WARNING: It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. A license will not be issued, or a license issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

VESSEL TYPE

<input type="checkbox"/> Single Purse Seiner	<input type="checkbox"/> Longliner	<input type="checkbox"/> Fish Carrier
Group Purse Seiner:	<input type="checkbox"/> Pole and Line	<input type="checkbox"/> Other – specify:
<input type="checkbox"/> Mothership	<input type="checkbox"/> Trawler	
<input type="checkbox"/> Net Boat	<input type="checkbox"/> Troller	
<input type="checkbox"/> Search Boat	<input type="checkbox"/> Bottom/Deep Sea Fishing	

VESSEL CHARTERER/OPERATOR/OWNER/MASTER/CAPTAIN

Charterer/Operator:

Name	
Address	

Owner:

Name	
Address	

Master/Captain:

Name	
Address	

Fishing Master:

Name	
Address	

1 Is the owner or charterer the subject of proceedings under the bankruptcy laws of any jurisdiction? If "Yes", please give details (attach details on a separate sheet).

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

2 Has the vessel ever been used in an offence against the Marine Resources Act? If "Yes", please give details (attach details on a separate sheet).

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

3 Does the vessel hold current fishing licenses elsewhere in the region? If "Yes", please specify the licensing countr(y)(ies) and license number(s).

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Country _____

License No. _____

4 Provide details of any joint ventures or other contractual arrangements with Government of the Cook Islands or any Cook Islands Nationals in connection with the proposed fishing operations such that;

a) the Companies shall supply a statement, setting out full details of the joint venture between the Companies, jointly or severally, relating to the Company's vessels (attach details);

b) the Companies shall supply the Minister for Marine Resources with a business plan, showing full details of the proposed fishing, export and marketing operations of the Companies including projected costs and financial statements (attach details).

5 Is there currently in force an access agreement between the Government of the Cook Islands and the Government of the Flag State of the vessel in respect of which this application is made or with an association representing foreign fishing vessel owners or charterers of which the owner or charterer of the vessel is a member? Yes No

VESSEL INMARSAT ALC DETAILS

Is there a FFA VMS type approved ALC installed on the vessel? If "Yes", give details below. Yes No

Inmarsat mobile unit number:	<input type="text"/>	Name of Installer:	<input type="text"/>
Inmarsat unit serial number:	<input type="text"/>	Contact Details:	<input type="text"/>
Make/Model:	<input type="text"/>		<input type="text"/>
Software Version:	<input type="text"/>		<input type="text"/>

WARNING: It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. A license will not be issued, or a license issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

APPLICANT DETAILS

Name :	<input type="text"/>	Tick as appropriate: Authorised Agent	<input type="checkbox"/>
Address:	<input type="text"/>	Charterer/Operator	<input type="checkbox"/>
	<input type="text"/>		

Owner Phone: Fax: E-mail: **APPLICANT DECLARATION**

I hereby apply for a fishing vessel licence in respect of the
(Cook Islands Fishing Vessel / Foreign Fishing Vessel) described above. I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Secretary of Marine Resources any changes to the information given on this form within seven (7) days and further understand that failure to do so may render me liable to prosecution.

Applicant**Date****ATTACHMENTS CHECKLIST**

Attach the following documentation to your application:

- Cook Islands Shipping Registration Certificate
- FFA Certificate of Registration
- Demise Charter Agreement / Fishing Charter Agreement
- Recent Photograph of the vessel and markings and identification (*port and starboard shots of the whole vessel and a stern shot – not older than six months*)
- Certified Schematic and Stowage Plans (*a.k.a. General Arrangements Plan*)
- Crew list and details
- Copies of any other fishing license/permit currently valid in another zone

This application is to be forwarded to the Secretary, Ministry of Marine Resources at the address shown below and is to be accompanied by the prescribed application fee.

The Secretary
 Ministry of Marine Resources
 P.O. Box 85
 Avarua
 Cook Islands

Telephone: (682) 28721

Fax: (682) 29721

WARNING: It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. A license will not be issued, or a license issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

FORM B

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

COOK ISLANDS FISHING LICENCE

(Marine Resources (Licensing) Regulations 2012 - Regulation 5)

Cook Islands Fishing Licence Number:

Date of issue:

The vessel described in this licence is hereby licensed in accordance with section 35 of the Marine Resources Act 2005 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 2005 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Size of vessel:

GRT

LOA

International Radio Call Sign:

Cook Is Registration Number:

Regional Register Number:

SPECIAL CONDITIONS

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

Other special conditions:

Permitted transshipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

PERIOD OF VALIDITY

Subject to the Marine Resources Act 2005 and Regulations made thereunder, this licence is valid from the _____ day of _____ 20____ to the _____ day of _____ 20____ (inclusive).

Secretary of Marine Resources

Date

THIS LICENCE IS NOT TRANSFERABLE

SUMMARY OF SELECTED LICENCE TERMS AND CONDITIONS

1. The Master shall keep this licence on board at all times and shall produce the licence for inspection upon the request of an authorised officer.
2. Fishing is not permitted in any part of the fisheries waters except as authorised by this licence. Foreign fishing vessels must not fish within 1 nautical mile of a fish aggregating device except with the specific written permission of the Secretary for Marine Resources.
3. The fishing gear of every foreign fishing vessel must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a part of the fisheries waters in which it is not authorised to fish.
4. The vessel shall clearly display, on both sides and the deck, its international radio call sign or the country (flag state) registration number. Markings shall be displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
5. The Master shall report by radio, telex or facsimile to the Secretary, Ministry of Marine Resources at the following times -
 - (i) immediately upon entry to the fisheries waters;
 - (ii) Daily while within the fisheries waters;
 - (iii) immediately upon departure from the fisheries waters;
 - (iv) at least 24 hours prior to entry into any port in Cook Islands.
6. Each such report shall contain the following information -
 - (i) international radio call sign;
 - (ii) regional register number;
 - (iii) licence number;
 - (iv) position at time of reporting;
 - (v) total catch on board by weight by species.
7. The Master shall complete daily catch reports (logsheets) in the form approved by the Secretary, Ministry of Marine Resources and shall submit them to the Secretary in their original and unaltered form not later than 14 days after the completion of the fishing trip to which the logsheet relates.
8. The Master shall provide 72 hours notice of a request to tranship fish or re-provision the vessel. The vessel may only tranship in an approved port and at a time and under such conditions as are specified by the Secretary, Ministry of Marine Resources.
9. The Master shall allow any authorised and identified officer to board the vessel in the fisheries waters for the purpose of inspection and examination.

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE MARINE RESOURCES ACT 2005 AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY

FORM C

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

FOREIGN FISHING LICENCE
(Marine Resources (Licensing) Regulations 2012 - Regulation 10)

Foreign Fishing Licence Number: _____ Date of issue

The vessel described in this licence is hereby licensed in accordance with section 35 of the Marine Resources Act 2005 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 2005 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Size of vessel: GRT LOA International radio call sign

Flag State registration number: Regional Register number:

SPECIAL CONDITIONS

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

Other special conditions:

Permitted transshipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

PERIOD OF VALIDITY

Subject to the Marine Resources Act 2005 and Regulations made thereunder, this licence is valid from the _____ day of _____ 20____, to the _____ day of _____ 20____ (inclusive)

Minister of Marine Resources

Date

THIS LICENCE IS NOT TRANSFERABLE

FORM D

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

NOTICE OF APPOINTMENT OF AN AGENT FOR A FOREIGN FISHING VESSEL
(Marine Resources (Licensing) Regulations 2012 - Regulation 12)

The Secretary
28721
Ministry of Marine Resources
29721
P O Box 85
Avarua
Cook Islands

Telephone: (682)
Fax: (682)

In accordance with the provisions of the Marine Resources (Licensing) Regulations 2007, I hereby notify the Minister for Marine Resources that the person named below has been appointed as agent for the vessel described below and that the said agent has full authority to act and assume legal responsibility, on behalf of the owner, charterer, master or operator of the vessel.

A: NAME AND ADDRESS OF AGENT

Name: _____
Address: _____
Tel: _____
Fax: _____

B: DESCRIPTION OF VESSEL

Name of vessel: _____
Size of vessel: _____ GRT _____ LOA International radio call sign: _____
Cook Islands licence number: _____ Regional Register number: _____

C: DECLARATION

I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Secretary for Marine Resources any changes to the above mentioned information and further understand that failure to do so may render me liable to prosecution.

Name of person on whose behalf this notification is filed. _____

State whether owner, charterer or master of the vessel described above: _____

Name: _____ Tel: _____

Address: _____ Fax: _____

Signature of owner/ charterer /master: _____ Signature of Agent: _____

Date: _____

Date: _____

FORM E

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

APPLICATION FOR HIGH SEAS AUTHORISATION

(Marine Resources (Licensing) Regulations 2012 - Regulation 18)

- INSTRUCTIONS:
- * Clearly mark the boxes where appropriate
 - * Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer
 - * Underline surname or family name
 - * Address means complete mailing address
 - * All units Metric; Please specify if other units used

1. Full Legal Name:

2. Details of the Vessel:

Vessel Name:	Vessel Registration Number:	ALC Number:

3. Type of Highs Seas Fishing Activity:

FAO Area Name ¹ :	Fish Species:	Method:

4. Fishing History:

Has the vessel concerned been used to undermine the effectiveness of international conservation and management measures used for fishing on the High Seas while previously registered in the territory of another State?

Yes No

Has the authorisation for such fishing vessel to be used for fishing on the high seas been suspended by another State?

Yes No

If so, has this suspension period expired?

Yes No

Has the authorisation for such fishing vessel to be used for fishing on the high seas been withdrawn within the last three years?

Yes No

If you answered yes to the above, has there been any changes in the ownership since the suspension or withdrawal referred to?

Details of ownership:

If you have answered "Yes" to any of the questions in this section, it does not necessarily mean that you will not be issued a high seas fishing permit. The Secretary or Minister of Marine Resources will take any additional information you provide below relating to the withdrawal or suspension of a high seas fishing authorisation into account when deciding whether to issue a high seas fishing permit

Provide full details of withdrawal or suspension of High Seas Fishing Permit, including date, location and circumstances:

continue on separate sheet if necessary

5. Declaration

Name of Person(s) making this declaration

--

- I declare that the information I have given on this application is true and correct.
- I am aware that it is an offence to provide false or misleading information or omit any material information
- I understand that I am required to notify the Ministry of Marine Resources if there are any changes in the particulars I have provided in this application form.

--	--

Signature

Date

FAO Area Names¹

Arctic Sea	Indian Ocean, Eastern
Atlantic, Northwest	Indian Ocean, Antarctic
Atlantic, Northeast	Pacific, Northwest
Atlantic, Western Central	Pacific, Northeast
Atlantic, Eastern Central	Pacific, Western Central
Mediterranean and Black Sea	Pacific, Eastern Central
Atlantic, Southwest	Pacific, Southwest
Atlantic, Southeast	Pacific, Southeast
Atlantic, Antarctic	Pacific, Antarctic
Indian Ocean, Western	

FORM F

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

HIGH SEAS AUTHORISATION

(Marine Resources (Licensing) Regulations 2012 - Regulation 19)

High Sea Authorisation Number: _____ Date of issue

The vessel described in this licence is hereby licensed in accordance with section 35 of the Marine Resources Act 2005 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 2005 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:
Size of vessel: GRT LOA International radio call sign
Flag State registration number: Regional Register number:

SPECIAL CONDITIONS

Authorised fishing areas:
Authorised fishing operation:
Authorised target species and quota:
Restrictions on by-catch:
Other special conditions:
Permitted transshipment operations (where applicable):
Permitted use of fish aggregating devices (where applicable):

PERIOD OF VALIDITY

Subject to the Marine Resources Act 2005 and Regulations made thereunder, this licence is valid from the ___ day of _____ 20___, to the ___ day of _____ 20___ (inclusive)

Minister of Marine Resources

Date

THIS LICENCE IS NOT TRANSFERABLE

SUMMARY OF SELECTED LICENCE TERMS AND CONDITIONS

1. The Master shall keep this licence on board at all times and shall produce the licence for inspection upon the request of an authorised officer.
2. Fishing is not permitted in any part of the fisheries waters except as authorised by this licence. No fishing vessels must not fish within 1 nautical mile of a fish aggregating device except with the specific written permission of the Secretary for Marine Resources.
3. The fishing gear of every fishing vessel must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a part of the fisheries waters in which it is not licensed to fish.
4. The vessel shall clearly display, on both sides and the deck, its international radio call sign or the country (flag state) registration number. Markings shall be displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
5. The Master shall report by radio, telex or facsimile to the Secretary, Ministry of Marine Resources at the following times -
 - (i) immediately upon entry to the fisheries waters;
 - (ii) Daily while within the fisheries waters;
 - (iii) immediately upon departure from the fisheries waters;
 - (iv) at least 24 hours prior to entry into any port in Cook Islands.
6. Each such report shall contain the following information -
 - (i) international radio call sign;
 - (ii) regional register number;
 - (iii) licence number;
 - (iv) position at time of reporting;
 - (v) total catch on board by weight by species.
7. The Master shall complete daily catch reports (logsheets) in the form approved by the Secretary, Ministry of Marine Resources and shall submit them to the Secretary in their original and unaltered form not later than 14 days after the completion of the fishing trip to which the logsheet relates.
8. The Master shall provide 72 hours notice of a request to tranship fish or re-provision the vessel. The vessel may only tranship in an approved port and at a time and under such conditions as are specified by the Secretary, Ministry of Marine Resources.
9. The Master shall allow any authorised and identified officer to board the vessel in the fisheries waters for the purpose of inspection and examination.

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE MARINE RESOURCES ACT 2005 AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY

FORM G

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

APPLICATION FOR AUTHORISATION TO FISH IN THE WATERS OF ANOTHER STATE
(Marine Resources (Licensing) Regulations 2012 - Regulation 24)

- INSTRUCTIONS:
- * Clearly mark the boxes where appropriate
 - * Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer
 - * Underline surname or family name
 - * Address means complete mailing address
 - * All units Metric; Please specify if other units used

1. Full Legal Name:

2. Details of the Vessel:

Vessel Name:	Vessel Registration Number:	ALC Number:

3. Country in whose waters where fishing activity will take place:

--

4. Provide details of license / authorisation permitting the vessel to fish in waters of another Country:
(Please attached a Certified Copy of the Licence / Authorisation)

Country	License Number	Date of Issue	Date of Expiry

5. Fishing History:

Has the vessel concerned been used to undermine the effectiveness of international conservation and management measures used for fishing in areas under the national jurisdiction of a foreign country while previously registered in the territory of another State?

Yes No

Has the authorisation for such fishing vessel to be used for fishing in areas under the national jurisdiction of a foreign country been suspended by another State?

Yes No

If so, has this suspension period expired?

Yes No

Has the authorisation for such fishing vessel to be used for fishing in areas under the national jurisdiction of a foreign country been withdrawn within the last three years?

Yes No

If you answered yes to the above, has there been any changes in the ownership since the suspension or withdrawal referred to?

Details of ownership:

If you have answered "Yes" to any of the questions in this section, it does not necessarily mean that you will not be issued an authorisation to fish in areas under the national jurisdiction of a foreign country. The Secretary or Minister of Marine Resources will take any additional information you provide below relating to the withdrawal or suspension of any authorisation into account when deciding whether to issue a high seas fishing permit

Provide full details of withdrawal or suspension of any Fishing Permit, including date, location and circumstances:

continue on separate sheet if necessary

6. Declaration

Name of Person(s) making this declaration

--

- I declare that the information I have given on this application is true and correct.
- I am aware that it is an offense to provide false or misleading information or omit any material information
- I understand that I am required to notify the Ministry of Marine Resources if there are any changes in the particulars I have provided in this application form.

--	--

Signature

Date

FORM H

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

APPLICATION FOR AUTHORISATION TO FISH IN THE WATERS OF ANOTHER STATE
(Marine Resources (Licensing) Regulations 2012 - Regulation 25)

Authorisation Number: _____ Date of issue

The vessel described in this licence is hereby licensed in accordance with section 35 of the Marine Resources Act 2005 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 2005 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Size of vessel: GRT LOA International radio call sign

Flag State registration number: Regional Register number:

SPECIAL CONDITIONS

Authorised fishing areas:

Authorised fishing operation:

Other special conditions:

PERIOD OF VALIDITY

Subject to the Marine Resources Act 2005 and Regulations made thereunder, this licence is valid from the _____ day of _____ 20____, to the _____ day of _____ 20____ (inclusive)

Minister of Marine Resources Date

THIS LICENCE IS NOT TRANSFERABLE

FORM I
GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

APPLICATION FOR A TRANSHIPMENT PERMIT
(Marine Resources (Licensing) Regulations 2012 - Regulation 31)

DETAILS OF APPLICANT

Name of applicant (*if applicant is a registered company, give name and address and registered number*):

Address:

Fax:

Telephone:

DETAILS OF TRANSHIPMENT OPERATIONS

Place where transhipment to be carried out:

Vessel(s) authorized to tranship:

Number of persons to be employed by the operation:

Provide details of any joint ventures or contractual arrangements with or in Cook Islands in connection with the proposed transhipment operations:

DECLARATION BY APPLICANT

I apply for a fish processing establishment licence in respect of the premises described above. I declare that the above information is true, complete and correct. I understand I am required to report within 7 days to the Secretary for Marine Resources any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

Applicant

Date

This application is to be forwarded to the Secretary, Ministry of Marine Resources at the address shown below and is to be accompanied by the prescribed fee and a certified copy of the certificate of registration.

The Secretary
Ministry of Marine Resources
P.O. Box 85
Avarua
Cook Islands

Telephone: (682) 28721
Fax: (682) 29721

FORM J

GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

TRANSHIPMENT PERMIT
(Marine Resources (Licensing) Regulations 2012 - Regulation 32)

Transhipment Permit Number: _____ Date of issue

The person named as the permit-holder below is authorised in accordance with section 37 of the Marine Resources Act 2005 to tranship fish in the Cook Islands in accordance with the terms and conditions set out in this permit and the conditions in the Act and as prescribed from time to time in the regulations.

Name of permit-holder:
Address: _____ Tel: _____
_____ Fax: _____

Authorised place for transhipment:

Quotas/quantities of fish to be transhipped:

Source of supply:

SPECIAL CONDITIONS

PERIOD OF VALIDITY

Subject to the Marine Resources Act 2005 and Regulations made thereunder, this licence is valid from the day of _____ 20 to the day of _____ 20 (inclusive)

Minister of Marine Resources

Date

THIS LICENCE IS NOT TRANSFERABLE

SECOND SCHEDULE - FEES

(NZS)

Part A – Application Fees

- | | |
|---|------|
| 1. Application for a fishing licence | \$50 |
| 2. Application for High Seas Authorisation | \$50 |
| 3. Application for Authorisation to fish in the waters of another State | \$50 |
| 4. Application for a transhipment permit | \$50 |

Part B – Fishing within Fishery Waters

3. Fishing licence for Cook Islands Fishing Vessels -

	Locally-Based	Not Locally-Based
Under 20 metres	\$2,000	
20-40 metres	\$5,000	\$40,000
Over 40 metres	\$7,500	\$60,000

The requirements for a vessel to be considered as locally-based are -

- a) the vessel is fully operated from a Cook Islands port;
- b) the vessel fishes mainly in Cook Islands waters; and
- c) the vessel lands all or the majority of its catch in Cook Islands.

6. Annual fishing licence for Foreign Fishing Vessels -

Under 40 metres L.O.A	Over 40 metres L.O.A
\$50,000	\$75,000

- | | |
|---|----------|
| 7. Unloading incentive for fishing vessels (applicable upon renewal) | \$20,000 |
| 8. Annual fishery development fee: payable by all vessels not locally-based | \$10,000 |

Part C – Fishing exclusively outside Fishery Waters

9. High Seas Fishing Authorisation -

Within WCPO	Outside WCPO area
\$5,000	\$10,000

- | | |
|--|-------|
| 10. Authorisation to fish in the waters of another State | \$500 |
|--|-------|

Part D – Transhipment

- | | |
|-------------------------|--------|
| 11. Transhipment Permit | \$5000 |
|-------------------------|--------|

THIRD SCHEDULE - VESSEL IDENTIFICATION MARKINGS

(Regulation 10(c), 19(d)(ii), 23 (a) (ii))

1. All vessels licensed or authorised under the Act shall be marked with their International Telecommunications Union (ITU) Radio Call Signs (IRCS).
2. Vessels not provided with an IRCS shall be marked with the characters allocated by the ITU to the flag State and followed by the licence or registration number assigned by the flag State. In such cases a hyphen shall separate the ITU characters and the assigned number.
3. Apart from the vessel's name or identification and port of registry, the marking system specified above shall be the only other vessel identification mark consisting of letters and numbers painted on the hull or superstructure.
4. The markings shall be prominently displayed at all times:
 - (a) on the vessel's side or superstructure, port and starboard;
 - (b) on a deck, but should an awning or other temporary cover obscure the mark, the awning or cover shall also be marked. Deck marks shall be placed athwartships with the top of the numbers or letters towards the bow.
5. Marks shall be placed as high as possible above the water line. The flare of the bow and the stern shall be avoided.
6. The marks shall:
 - (a) be placed so that they are not obscured by the fishing gear whether stowed or in use;
 - (b) be clear of the flow from scuppers and overboard discharges including areas which might be damaged or discoloured from the catch of certain species; and
 - (c) not extend below the waterline.
7. Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.
8. Block lettering and numbering shall be used throughout.
9. 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 placed on the superstructure (in metres):

<i>Length of vessel overall</i>	<i>Minimum height of letters and numbers</i>
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 placed on deck, the height shall be not less than 0.3 m for all classes of vessels of 5 m and over.

10. The length of the hyphen shall be half the height of the letters and numbers.
 11. The width of the stroke for all letters, numbers and the hyphen shall be $h/6$.
 12. The space between letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$.
 13. The space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$, for example A V.
 14. The marks shall be:
 - (a) white on a black background; or
 - (b) black on a white background.
 15. The background shall extend to provide a border around the mark of not less than $h/6$.
 16. The marks and background shall be maintained in good condition at all times.
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