

Fisheries Regulations 1998

REPUBLIC OF NAURU

FISHERIES ACT 1997

FISHERIES REGULATIONS 1998

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In Exercise of the powers conferred on it by section 42 of the Fisheries Act 1997 the Cabinet has made the following regulations-

PART I - PRELIMINARY

SHORT TITLE

1. These Regulations may be cited as the Fisheries Regulations 1998.

INTERPRETATION

2. In these Regulations, unless the context otherwise requires-

"acceptable safety standards" in relation to a small boat, means any safety standards required from time to time by the Authority;

"the Act" means the Fisheries Act 1997;

"foreign boat licence" means a licence issued in respect of a foreign boat under regulation 24;

"game fishing licence" means a licence issued in respect of a boat used for game fishing under regulation 29;

"national boat licence" means a licence issued in respect of a national boat under regulation 26;

"research permit" means a research permit in respect of a boat used for research issued under regulation 32;

"VMS information" means information obtained from the Regional Vessel Monitoring System, including but not limited to position reports, sighting reports, catch reports, notification of intentions, and analyses of data received by the system;

"VMS registration" means registration on the VMS Register of Foreign Fishing Vessels maintained by the South Pacific Forum Fisheries Agency.

PART II - REGISTRATION OF SMALL BOATS

GRANT OF REGISTRATION

3. (1) A small boat which is used for fishing, including game fishing, in fisheries waters shall be registered in accordance with this Part.

(2) The owner of a small boat may apply in Form 1 of Schedule 1 to register or renew the registration of the boat.

(3) Where he is satisfied that -

(a) the boat the subject of an application under sub-regulation (2) meets acceptable safety standards, and

(b) the registration or renewal will not conflict with any scheme of priorities established for the registration of small boats; and

(c) it is in the national interest to register or renew the registration of the boat,

the Chief Executive Officer may, upon receiving payment of the fee set out in Column 2 of Schedule 2, register the boat and grant a certificate of registration in Form 2 of Schedule 1 to the owner of the boat, or renew the registration and certificate, as the case may be.

(4) The period of registration under this Part is as specified in Column 3 of Schedule 2.

REGISTER OF SMALL BOATS

4. (1) The Chief Executive Officer shall maintain a Register of Small Boats in Form 3 of Schedule 1.

(2) Upon registering a small boat, the Chief Executive Officer shall assign a separate identification mark to the boat and enter each number in the Register of Small Boats.

(3) In any proceedings under the Act or these Regulations, the entry in respect a boat in the Register of Small Boats shall be *prima facie* evidence of the ownership of the boat.

CONDITIONS OF SMALL BOAT REGISTRATION

5. (1) A registered small boat shall have its assigned identification markings displayed at all times while it is being used for fishing.

(2) A registered small boat shall, at all times while it is being used for fishing, carry such safety equipment and signalling devices as the Authority may from time to time require.

(3) The owner of a small boat shall ensure that the registration of the boat is valid at all times that the boat is used for fishing.

TRANSFER OF REGISTRATION

6. (1) The owner of a registered small boat who sells, disposes of or otherwise loses ownership of the boat shall, within 14 days after the sale or disposal -

(a) give written notice to the Chief Executive Officer of the sale, disposal or loss of ownership, and the full name and address of the person who has become the new owner if this is known; and

(b) deposit the certificate of registration of the boat with the Chief Executive Officer.

(2) The person who becomes the new owner of the boat by the operation of sub-regulation (1) shall, within 14 days after acquiring the ownership, apply to the Chief Executive Officer in Form 1 of Schedule 1 to have the certificate of registration transferred to him, and upon receiving -

(a) the certificate of registration under sub-regulation (1); and

(b) payment of the transfer fee,

the Chief Executive Officer shall transfer the registration accordingly.

(3) Where the owner of a registered small boat dies, the person who is entitled y law or by custom to become the owner of the boat shall, within thirty days after becoming entitled, apply to the Chief Executive Officer in Form 1 of Schedule 1 to have the certificate of registration transferred to him, and the Chief Executive Officer shall transfer the registration accordingly.

REFUSAL OR CANCELLATION OF REGISTRATION

7. (1) The Chief Executive Officer may -

- (a) refuse to register or to renew the registration of a small boat; or
- (b) refuse to transfer the registration of a small boat which has been sold or otherwise disposed of; or
- (c) cancel the registration of a small boat,

where-

- (d) he considers that the boat is not fit for fishing or does not meet acceptable safety standards; or
- (e) the registration, renewal, transfer or continued registration, as the case may be, will conflict with any scheme of priorities established for the registration of small boats; or
- (f) he is satisfied that the registration of the boat would not be in the national interest.

(2) The owner of a boat refused registration, renewal or transfer of registration or the registration of which is cancelled under sub-regulation (1) may, within 21 days, appeal in writing to the Board and the Board may -

- (a) confirm; or
- (b) vary,

the refusal of the Chief Executive Officer.

(3) Before making a decision under sub-regulation (2), the Board shall afford the appellant a reasonable opportunity to be heard.

PART III -LICENSING OF FISHING BOATS AND FISHING ACTIVITIES

APPLICATION OF PART III

8. This Part does not apply to -

- (a) fishing, other than game fishing, carried out by use of a registered small boat; or
- (b) fishing carried out under and in accordance with a research permit granted under Part IV; or
- (c) fishing or a fishing activity carried out by or on behalf of the Republic or the Authority.

ACTIVITIES REQUIRING LICENCE

9. (1) Subject to sub-regulation (2) -

- (a) a foreign boat which is used for fishing or a fisheries activity in fisheries waters shall be licensed as a foreign boat under regulation 24; and
- (b) a national boat which is used in any waters for fishing, other than for sport or game fishing in fisheries waters, or a fisheries activity, shall be licensed as a national boat under regulation 26; and
- (c) a boat, including a registered small boat, which is used for reward or hire for the purpose of sport or game fishing in fisheries waters shall be licensed as a game fishing boat under regulation 29.

(2) Sub-regulation (1) does not apply to-

- (a) a support craft; or
- (b) a foreign boat licensed under a Regional Licensing Arrangement.

LICENCE APPLICATIONS

10. (1) In considering an application for a licence under this Part, the Chief Executive Officer shall take into consideration -

- (a) any relevant policy directions or guidelines of the Minister and the Authority; and
- (b) any relevant Fishery Strategy; and
- (c) any relevant declarations of total allowable catch or precautionary limit points; and
- (d) where the proposed operation entails possible adverse environmental effects, any proposals for the management of those effects; and
- (e), the commercial viability of the proposed operation (including where necessary or applicable, an assessment of the financial resources of the applicant and analysis of projected cash flows); and
- (f) the financial and operational history of the applicant and any other person involved in the operation the subject of the application; and
- (g) whether the applicant and any other person involved in the operation the subject of the application have cooperated in and made contributions to the development of the fishing industry, fishery research, the identification of fishing resources, the enforcement of fisheries laws, the provision of catch data and the conservation and management of fishing resources; and
- (h) in relation to a boat the subject of the application, the ownership and registration history of the boat, the nature of any charter agreement, lease, mortgage or other financial arrangement in relation to the boat, the proposed base port of operation of the boat and the history of the good standing of the boat; and
- (i) in relation to a national boat the subject of an application for a national boat licence, details of the ownership of the boat or the use of land-based facilities in Nauru such as may qualify the boat to be classed as a national boat; and
- (j) in relation to an application for a game fishing licence, whether it is proposed that the operation will be associated with any national, sub-regional or regional tag-and-release or other similar conservation or scientific project; and
- (k) any proposals by the applicant and any other person involved in the proposed operation for future expansion or alteration of the nature of the proposed operation; and
- (l) in relation to an enterprise which is not wholly owned and controlled by Nauruan citizens, the level of citizen equity and the degree of control exercisable in law, by agreement or in

practice by citizens in the enterprise, the proposed cost and profit sharing arrangements in the enterprise, and any proposals for variation in any of these; and
(m) any proposed level of training and employment of Nauruan citizens in the proposed operation (including crew members on any boat involved in the proposed operation); and
(n) any other similar matters.

(2) The Chief Executive Officer may refuse to grant a licence -

- (a) where he considers it necessary to do so in order to give effect to any licensing programme or limitation specified in a relevant Fishery Strategy or, in the case of a fishery not subject to a Fishery Strategy, or not previously exploited, where he believes that it would be detrimental to the proper management of the fishery to issue a licence; or
- (b) where the issue of the licence would conflict with any scheme of priorities established for the grant of licences; or
- (c) where he has reason to believe, in view of previous convictions for offences related to fisheries, that the applicant will not comply with the conditions of the licence; or
- (d) in relation to an application in respect of a boat, where the boat does not have a valid seagoing certificate or certificate of seaworthiness where required under the laws governing shipping, or is not in compliance with any prescribed or acceptable safety standards; or
- (e) in relation to an application for a national boat licence where he is not satisfied as to the *bona fides* of the joint venture under which it is proposed the boat will operate or that the boat is sufficiently based in Nauru so to qualify as a national boat; or
- (f) in relation to an application for a foreign boat licence, where the boat does not have good standing, or its good standing is suspended, or it does not have VMS registration; or
- (g) on any other grounds specified by or under the Act or these Regulations.

ALLOCATION OF FISHING BOAT LICENCES

11. (1) Subject to the Act or these Regulations, fishing boat licences for each fishery shall be granted in the following descending order of priority:-

- (a) a national boat wholly owned by Nauruan citizens, the Republic or a statutory corporation of the Republic;
- (b) a national boat owned by or operated under a joint venture;
- (c) any other national boat;
- (d) a foreign boat owned or operated by a Nauruan enterprise which is not a joint venture;
- (e) any other foreign boat,

and in accordance with any priorities established by an international, regional or sub-regional agreement or arrangement to which the Republic is a party.

GRANT OF LICENCE

12. (1) A licence granted under this Part -

- (a) is subject to the conditions specified in it; and

(b) provided the applicable fee has been paid, comes into force on a date specified in it or, if no date is specified, on the date on which it is granted; and

(c) subject to this regulation, remains in force until the day on which it expires in accordance with regulation 13.

(2) A licence issued in contravention of any provision of the Act or these Regulations, any other law or any applicable agreement or arrangement, is void.

PERIOD OF LICENCE

13. The period of a licence issued under this Part is as specified in Column 3 of Schedule 2.

LICENCE FEES

14. (1) This section does not apply to foreign boat licences.

(2) The fees payable in respect of a licence are as specified in Column 2 of Schedule 2.

(3) A licence shall not come into force until and unless the applicable fee has been paid.

(4) There shall be no refund of any fee paid for the issue of a licence.

FOREIGN BOAT LICENCE FEES

15. (1) The fee for a foreign boat licence shall comprise -

(a) an access fee, which shall be paid before the issue of the licence; and

(b) a fishing fee.

(2) An access agreement shall make provision for the levels and method of payment of the access fees and fishing fees payable in respect of the foreign boats licensed under the access agreement.

(3) The fishing fee referred to in sub-regulation (1) may -

(a) be calculated as a percentage of the actual value of catch, and paid as specified in the access agreement; or

(b) be estimated and paid together with the payment of the access fee before the issue of the licence.

TRANSFER OF LICENCE

16. A licence issued under this Part shall not be transferred to another licensee or to be held in respect of another boat, premises or place.

LOST, DESTROYED OR DEFACED LICENCE

17. (1) Where a licence has been lost or destroyed, the licensee may make written application to the Chief Executive Officer for the issue of a duplicate licence.

(2) Where the Chief Executive Officer is satisfied that -

- (a) the licence has been lost or destroyed; and
- (b) no improper use has been made or is being made of the licence,

he shall, on payment of the duplicate licence fee set out in Column 2 of Schedule 2, issue a duplicate licence to the licensee.

(3) Where a licence has been defaced, the licensee shall, on returning the licence to the Chief Executive Officer and on payment of the duplicate fee set out in Column 2 of Schedule 2, be issued with a duplicate licence.

(4) A duplicate licence issued under this regulation has the same force and effect as the licence of which it is a duplicate.

CHANGE IN CIRCUMSTANCES OF OPERATION

18. (1) Where a licensee which is a corporate person proposes a change in its shareholding or beneficial ownership, it shall immediately notify the Chief Executive Officer in writing, giving details of the proposed change.

(2) Where the operator of a national boat proposes a change in the operations of the boat such that it may no longer qualify as a national boat, he shall immediately notify the Chief Executive Officer in writing, giving details of the proposed change.

(3) The Chief Executive Officer shall consider a notification under sub-regulation (1) or (2) and shall decide whether the proposed change is such that the licence should be cancelled or continued.

AUTOMATIC SUSPENSION OF LICENCE

19. (1) A licence which authorises fishing or a fisheries activity in; contravention of a notice under section 11 of the Act is, to the extent that its terms contravene the notice, automatically suspended.

(2) Where the good standing or the VMS registration of a licensed boat is suspended, any licence in respect of the boat is automatically suspended until and unless the good standing or the VMS registration (as the case may be) of the boat is restored.

SUSPENSION OF LICENCE

20. (1) The Chief Executive Officer may suspend a licence, on such terms as he considers appropriate-

- (a) where a material misrepresentation, omission or misstatement of fact has been made in the application for the licence; or

(b) where there has been consistent failure to report as required by these Regulations; or
(c) where he has reasonable grounds to suspect that there has been a contravention of, or a failure to comply with, a term or condition of the licence, not being a ground to which he has previously exercised his powers under this regulation in relation to the licence; or
(d) where any fee, charge or levy required in respect of the licence has not been paid; or
(e) for a specified period, where he is satisfied that the suspension is necessary for the proper management or conduct of a fishery or a fishing activity; or
(f) where the licensee has been charged with an offence involving dishonesty under any law and the charge has not yet been determined; or
(g) in respect of a national boat which the Republic has proposed for licensing under a Regional Licensing Arrangement, where he has reasonable grounds to believe that the boat has been operated contrary to the conditions of the Regional Licensing Arrangement or the laws of any state in whose waters the Regional Licensing Arrangement entitles it to fish; or
(h) on any other ground specified under the Act or these Regulations for the suspension of a licence.

(2) Before a licence is suspended, the Chief Executive Officer shall serve a notice on the licensee specifying the ground for suspension and -

(a) where the licence is being suspended under sub-regulation (1)(b) or (c), allowing the holder not less than 14 days after the date of serving of the notice to remedy the contravention or the failure to comply or pay; or
(b) where the licence is being suspended under sub-regulation (1)(d), (f), (g), (h) or (i), allowing the holder not less than 14 days after the date of service of the notice to make representations as to why the licence should not be suspended.

(3) Unless sooner revoked, the suspension of a licence under sub-regulation (1)-

(a) takes effect on the expiry of the time allowed in the notice under sub-regulation (2); and
(b) continues until the suspension is rescinded by the Chief Executive Officer or the licence expires or is cancelled.

(4) On the request of the licensee, the Chief Executive Officer shall allow him an opportunity to be heard and -

(a) where he is satisfied that the ground for suspension does not apply or is not sufficiently serious as to merit suspension, may rescind the suspension; or
(b) where he is satisfied that the licensee is performing his obligations and complying with the Act and these Regulations, shall rescind the suspension.

(5) The Chief Executive Officer shall rescind a suspension -

(a) under sub-regulation (1)(e), if the suspension is no longer required for the proper management of the fishery; or
(b) under sub-regulation (1)(f), when the charge has been determined in favour of the licensee.

AUTOMATIC TERMINATION OF LICENCE

21. Where-

- (a) any fee, charge or levy required in respect of a licence has not been paid; or
- (b) the flag state registry or the ownership of a boat the subject of a licence changes; or
- (c) the good standing or the VMS registration of a boat the subject of a licence is cancelled; or
- (d) an approval under regulation 18 has not been sought in accordance with that regulation, or approval has not been given or conditions upon which the approval was given have not been complied with, and the change has occurred; or
- (e) an operator of a national boat which the Republic has proposed for licensing under a Regional Licensing Arrangement has been convicted by any court of operating the boat contrary to the conditions of the Regional Licensing Arrangement or the laws of any state in whose waters the Regional Licensing Arrangement entitles it to fish,

the licence shall automatically terminate.

CANCELLATION OF LICENCE

22. (1) The Chief Executive Officer may cancel a licence -

- (a) where he is satisfied that information required to be given or reported under the Act or these Regulations and any applicable access agreement is false, incomplete, incorrect or misleading; or
- (b) where the licensee (or where the licensee is a corporate person, any of the principals of the licensee) is convicted of an offence against the Act or these Regulations, the Marine Resources Act 1978 (*repealed*), any other law concerning fisheries matters; or
- (c) where the licensee (or where the licensee is a corporate person, any of the principals of the licensee) is convicted of an offence involving dishonesty under any law; or
- (d) where the licensee becomes bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (e) where he is satisfied on reasonable grounds that the licensed activity is not being conducted in accordance with the requirements of the Act or these Regulations or any other relevant law, any applicable access agreement or other agreement, or that there has been a change in the circumstances of the licensee sufficient to justify cancellation of the licence; or
- (f) on any ground given under these Regulations for the cancellation of a licence.

(2) For the purposes of sub-regulation (1), "principals" in respect of a corporate person includes the director, manager, secretary or other similar officer or any person purporting to act in such a capacity.

(3) Where the Chief Executive Officer proposes to cancel a licence under this regulation, he shall serve a notice on the licensee -

- (a) advising him of the intention to cancel the licence and of the reasons for the intended cancellation; and

(b) allowing him, within 14 days from the date of service of the notice, to make written or oral representations as to why the licence should not be cancelled.

(4) Where the licensee does not make, within 14 days, representations under sub-regulation (3)(b) or a request to be heard under sub-regulation (4), the Chief Executive Officer may cancel the licence.

(5) Where representations have been made under sub-regulation (3)(b), the Chief Executive Officer shall consider them and decide whether or not to cancel the licence.

REPORT TO BOARD

23. (1) The Chief Executive Officer shall, not later than the 14th day of each month, furnish a report to the Board in respect of all licences issued, renewed, refused, suspended and cancelled during the previous month.

(2) A report under sub-regulation (1) shall include reasons for any refusal, suspension or cancellation of a licence included in it.

FOREIGN BOAT LICENCES

24. (1) No licence shall be issued in respect of a foreign boat except under and in accordance with an access agreement.

(2) An application for a foreign boat licence shall be made in Form 4 of Schedule 1 by or on behalf of the operator of the boat.

(3) A foreign boat licence -

(a) shall be in Form 5 of Schedule 1; and

(b) shall be issued for a specified species, sub-species, class or type of fish; and

(c) may be issued for a specified area of fisheries waters; and

(d) shall specify the fishing method permitted under the licence; and

(e) may specify the type of equipment to be used for fishing; and

(f) may specify a port or ports at which the boat may tranship offload, refuel or re-provision; and

(g) may specify such further conditions in relation to any fishing permitted under the licence, including catch limits, as are necessary or desirable; and

(h) may specify a number of Nauruan citizens who are to be employed as crew aboard the boat during the licence period; and

(i) shall require that an approved automatic location communicator be installed on the boat, maintained in good working order and kept operational at all times during the licence period and in accordance with the manufacturer's specifications and operating instructions and the standards laid down by the Regional Vessel Monitoring System; and

(j) shall be endorsed in respect of any support aircraft and support craft.

(4) A foreign boat licence is subject to the conditions in regulation 27 and to such further conditions as are specified in it.

LEGAL REPRESENTATIVE

25. (1) The foreign party to an access agreement or the operator of a licensed foreign boat shall nominate a legal representative who is resident in Nauru and authorise him to act on behalf of the operator of the boat and to accept legal responsibility on behalf of the operator for any action, juridical or otherwise, taken in respect of the boat.

(2) Any communication, information, document, direction, request or response to or from the legal representative shall be deemed to have been sent to, or received from, the foreign party or operator or both, as the case may be.

NATIONAL BOAT LICENCES

26. (1) The operator of a national boat may apply for a national boat licence in Form 6 of Schedule 1.

(2) A national boat licence -

(a) shall be in Form 7 of Schedule 1; and

(b) shall be issued for a specified species, sub-species, class or type of fish; and

(c) may be issued for a specified area of fisheries waters; and

(d) shall specify the fishing method permitted under the licence; and

(e) may specify the type of equipment to be used for fishing; and

(f) may specify a port or ports at which the boat may tranship, offload, refuel or re-provision; and

(g) may specify such further conditions in relation to any fishing permitted under the licence, including catch limits, as are necessary or desirable; and

(h) may specify a number of Nauruan citizens who are to be employed as crew aboard the boat during the licence period; and

(i) may require that an approved automatic location communicator be installed on the boat, maintained in good working order and kept operational at all times during the licence period and in accordance with the manufacturer's specifications and operating instructions and the standards laid down by the Regional Vessel Monitoring System; and

(j) shall be endorsed in respect of any support aircraft and support craft.

(2) A national boat licence is subject to the conditions in regulation 27 and to such further conditions as are specified in it.

CONDITIONS OF FOREIGN AND NATIONAL BOAT LICENCES

27. (1) The operator of a boat licensed under this Part or under a Regional Licensing Arrangement shall recognise and agree to comply with all laws of the Republic, including and in particular the Act and these Regulations.

(2) The boat shall only be used for such fishing or fisheries activities and during such periods and in such places as are specified in the licence.

(3) The boat shall not be used for transshipment at sea except in the case of a small purse seiner which is specifically authorised to undertake observed transshipment by and in accordance with the conditions of its licence and any applicable access agreement.

(4) The boat shall at all times while in fisheries waters -

- (a) fly the flag of the state in which it is registered; and
- (b) display identification markings in accordance with Schedule 3; and
- (c) display lights and shapes for the boat and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea.

(5) The boat shall carry the original of the licence, together with any endorsements, on board the boat at all times during the licence period and produce it to an officer upon request

(6) The boat shall, unless the Chief Executive Officer otherwise directs in writing, carry a person who is able to communicate effectively in English and in the language of the master of the boat and that person may be the master.

(7) The master of a boat which takes fish shall complete daily in the English language, whether within fisheries waters or not, in a form approved by the Chief Executive Officer, a fishing logbook for each day of fishing which shall include the following information:-

- (a) the date and time;
- (b) the fishing effort of the boat;
- (c) the method of fishing used;
- (d) the area and position (to one minute of arc) at which fishing was undertaken;
- (e) the species of fish taken, and the quantity and condition of each species;
- (f) the species of fish taken and discarded, and the quantity and condition of each species;
- (g) any other information required by the Chief Executive Officer or as specified in the licence,

and shall certify by his signature that the information in the fishing logbook is true, complete and accurate.

(8) The operator shall provide to the Chief Executive Officer, in a form and by a means approved by him, information in Schedule 4 -

- (a) each Wednesday while the boat is in fisheries waters; and
- (b) immediately upon entry into and exit from fisheries waters; and
- (c) at least 24 hours before the estimated time of entry into the port of Nauru; and

(d) at least 24 hours before any transshipment, offloading, refuelling or provisioning is proposed.

(9) The operator of a boat which takes fish shall provide to the Chief Executive Officer, in a form and by a means approved by him -

- (a) a trip completion report in accordance with Schedule 4, within 48 hours; and
- (b) a final trip report together with true copies of catch reports, landing slips or dock receipts, within 21 days in the case of a national boat, or 45 days in the case of a foreign boat,

of the completion of a fishing trip.

(10) The master shall maintain on board the boat, at all times whether within fisheries waters or not, a ship's log separate from the fishing logbook referred to in sub-regulation (7) and shall enter in that log a record of the date, time and nature of every instruction or direction normally recorded in a ship's log and every requirement communicated to the master by the Chief Executive Officer or an authorised officer.

(11) The master shall ensure the continuous monitoring of the international distress and calling frequency (HF) as determined from time to time by the International Telecommunications Union, and the international safety and calling frequency (channel 16, VHF FM).

(12) The boat shall carry on board the latest edition of the "International Code of Signals" published by the International Maritime Organization Marine Safety Committee, and the signals specified in that Code shall be used in every communication by radio, flag or light by a licensed boat in fisheries waters.

(13) The master shall adopt all reasonable measures to minimise catch of species other than those specified in the licence, including the use of equipment and techniques shown to be effective in minimising those catches.

(14) The provisions of the Act and these Regulations relating to observers shall be observed at all times and in all waters.

(15) Notwithstanding anything in these Regulations, the Chief Executive Officer may at any time during the licence period, require further and better information from the operator of a licensed boat regarding the operations of the boat.

CONDITIONS RELATING TO AUTOMATIC LOCATION COMMUNICATORS

28. (1) Where a licensed boat is required to carry an approved automatic location communicator on board, the operator shall ensure the following:-

- (a) no person shall tamper or interfere with the approved automatic location communicator and the approved automatic location communicator is not altered, damaged or disabled;
- (b) the approved automatic location communicator shall not be moved from the agreed installed position or removed without the prior permission of the Authority;

- (c) only one approved automatic location communicator at a time may be carried on board the boat;
- (d) the approved automatic location communicator shall be switched on and operational at all times when the boat is within fisheries waters;
- (e) where the boat is outside fisheries waters and proposes to enter fisheries waters, the approved automatic location communicator shall be switched on and operating properly 12 hours before the estimated time of entry into fisheries waters or 50 nautical miles beyond the boundary of fisheries waters, whichever occurs sooner.

(2) Upon notification by the Authority that the boat's approved automatic location communicator has failed to report, reports containing the boat's name, call sign, position (expressed in latitude and longitude to minutes of arc) and date and time of the report shall be communicated to the Authority at intervals of 8 hours or such lesser period as is specified by the Authority, commencing from time of notification of the failure of the approved automatic location communicator, and not ceasing until the Authority has confirmed that the approved automatic location communicator is operational;

(3) Where it is not possible to make any one or more of the further position reports in accordance with sub-regulation (2) or where the Authority so directs, the master of the boat shall immediately stow all fishing gear and take the boat immediately to a port specified by the Authority, and as soon as possible report to the Authority that the boat is being or has been taken to that port with gear stowed,

GAME FISHING LICENCES

29. (1) The operator of a game fishing boat may apply for a game fishing licence in Form 8 of Schedule 1.

(2) A game fishing licence -

- (a) shall be in Form 9; and
- (b) may be issued for a specified type, class or species of fishstock; and
- (c) may be issued for a specified area of fisheries waters; and
- (d) may specify the kind of fishing permitted under the licence.

(3) A game fishing licence is subject to the conditions in regulation 30 and to such further conditions as are specified in it.

CONDITIONS OF GAME FISHING LICENCES

30. (1) The boat the subject of the licence shall be seaworthy and shall comply with any safety standards for shipping which are applicable from time to time under the laws of the Republic.

(2) While being used for reward or hire for game or sport fishing, the boat shall only be used for such fishing and during such periods and in such places as are specified in the licence.

(3) The boat shall at all times while in fisheries waters -

- (a) display identification markings in accordance with Schedule 3; and
- (b) where it is registered under any law, including the law of another state, related to registration of shipping, fly the flag of the state in which it is registered; and
- (c) display lights and shapes for the boat and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea.

(4) The operator shall promptly provide the Chief Executive Officer with any information in respect of the fishing operations of the boat that he may require from time to time.

PART IV - FISHING RESEARCH

RESEARCH PLANS

31. (1) A person who intends to use a boat, including a small boat, in fisheries waters for a research project involving fishing trials, investigations or research, other than a research project carried out by or on behalf of the Republic or the Authority, may propose a research plan to the Board.

(2) A research plan may relate to one or more of the following:-

- (a) proposing proper resource utilisation and management guidelines;
- (b) determining the biological and species composition, abundance, population size and distribution of a fisheries resource, and related matters;
- (c) testing the commercial viability of a new fishing method or a new fisheries resource or fishing in previously unexploited waters;
- (d) establishing the viability or otherwise of a fishery or a fishing method;
- (e) any other marine scientific research conducted for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.

RESEARCH PERMITS

32. (1) Where the Board is satisfied -

- (a) as to the *bona fides* of the research plan and of the proposer of the plan; and
- (b) that the conduct of the research project is in accordance with the objects of the Authority and the provisions of Part X Regulation 3 of the United Nations Convention on the Law of the Sea and will be of [benefit to](#) the Republic,

it may authorise the Chief Executive Officer to issue a research permit in Form 10 of Schedule 1 in respect of the boat, and the Chief Executive Officer shall, upon payment of the fee specified in Column 2 of. Schedule 2, issue a research permit accordingly.

(2) A research permit shall be valid for the period specified in it, but in any case shall not exceed one year, and shall specify -

- (a) the area of fisheries waters in which the boat may operate; and

- (b) the fishing method and sampling strategy to be used; and
- (c) the species of fish targeted for research, the maximum quantities of the fish to be taken and the manner of disposal of any fish taken; and
- (d) the time within which the research project report, including all raw data, shall be presented to the Authority; and
- (e) such further terms and conditions as the Board or the Chief Executive Officer thinks appropriate.

(3) A research permit is not transferable or renewable.

CONDITIONS OF RESEARCH PERMIT

33. A research permit shall be subject to the following conditions:-

- (a) the research project shall be conducted in accordance with the provisions of Part XIII, Regulation 3 of the United Nations Convention on the Law of the Sea;
- (b) scientific observers and any other personnel designated by the Chief Executive Officer shall be allowed on board the boat and shall be allowed to participate fully in the research project both on board the boat and elsewhere;
- (c) copies of all data and information generated by the research project shall be submitted to the Authority at the end or, upon request, during the course of, the research or survey operations;
- (d) all results and conclusions of the research project shall be submitted to the Authority as soon as practicable following the completion of the project and in any case no later than the time specified for the submission of the research project report under regulation 32(2)(d);
- (e) no results of the research or survey operations shall be published or otherwise made internationally available without the prior consent of the Authority.

PART V - EVIDENCE BY CERTIFICATE

EVIDENCE BY CHIEF EXECUTIVE OFFICER

34. (1) For the purposes of section 31 of the Act, the Chief Executive Officer may give a certificate as to one or more of the following matters:-

- (a) a specified boat was or was not on a specified date or dates a national boat or a foreign boat;
- (b) there was or was not on a specified date or dates a licence or certificate of registration issued in respect of a specified boat;
- (c) a specified person was or was not on a specified date or dates the holder of a specified licence, permit, certificate of registration or other authorisation;
- (d) an appended document is a true copy of the licence, permit, certificate of registration or other authorisation in respect of a specified boat, premises or person and that specified conditions were those of a licence, permit, certificate of registration or other authorisation issued in respect of a specified boat, premises or person;
- (e) a call sign, name or number is that of a particular boat or has been allotted under any system of naming, numbering or otherwise identifying boats to a particular boat;

- (f) a particular location or area of water was on a specified date or dates within fisheries waters, or was within a closed, limited, restricted or in any other way controlled area of fisheries waters, or an area of fisheries waters subject to specified conditions;
- (g) an appended chart shows the boundaries on a specified date or dates of fisheries waters, the territorial sea, closed or limited areas or other areas or zones delineated for any specified purpose;
- (h) an appended document is a true copy of a certificate of an access agreement or an international, regional or sub-regional agreement or arrangement;
- (i) an appended statement received from the Director of the South Pacific Forum Fisheries Agency shows that a specified boat does or does not have good standing;
- (j) an appended statement received from the Director of the South Pacific Forum Fisheries Agency shows that a specified boat does or does not have VMS registration;
- (k) a particular position report, catch report or other report, a copy of which is appended, was given in respect of a specified boat.

(2) In proceedings for an offence against section 22 or 25 of the Act, or against regulation 40 or 41, the Chief Executive Officer, or a person authorised by him in writing, may give a certificate as to the cause and manner of death of or injury to any fish.

EVIDENCE REGARDING BOATS

35. (1) For the purposes of section 31 of the Act, an authorised officer or observer may give a certificate that a specified boat was or was not, at a specified date and time or during a specified period of time, in a particular place or area, and in the certificate shall state -

- (a) his name, address, official position, country of appointment and the provision under which he is appointed; and
- (b) the name and, if known, call sign of the boat concerned; and
- (c) the date and time or period of time the boat was in the place or area; and
- (d) the place or area in which it is alleged the boat was located; and
- (e) the instrument or method used to fix the place or area stated in paragraph (d).

(2) Where an instrument used to fix a place or area under sub-regulation (1) is not part of the Regional Vessel Monitoring System, the person giving the certificate under that sub-regulation shall also state -

- (a) the accuracy of the instrument within specified limits; and
- (b) that he checked the instrument a reasonable time before and after it was used to fix the position and it appeared to be working correctly; and
- (c) here the instrument used is not judicially recognised as notoriously accurate, a declaration that he checked the instrument as soon as possible after the time concerned against an instrument which is judicially recognised as notoriously accurate.

(3) Where the position, course, speed or other similar matter concerning a boat under sub-regulation (1) is determined by the use of the Regional Vessel Monitoring System, the authorised officer or observer who is giving the certificate shall also state -

- (a) that he is competent to read, and interpret the printout or visual display unit of the machine used to ascertain information from the Regional Vessel Monitoring System; and
- (b) the date and time the information was obtained or ascertained from the machine; and
- (c) the name and call sign of the boat on which the approved automatic location communicator is or was located as known to him or as ascertained from any official register, record or other document; and
- (d) a declaration that there appeared to be no malfunction in the machine used to obtain or ascertain the information from the Regional Vessel Monitoring System.

(4) All information or data obtained or ascertained by the use of an approved automatic location communicator on board a boat shall be presumed, unless the contrary is proved, to -

- (a) come from the boat identified as the boat on which the approved automatic location communicator is installed; and
- (b) be accurately transmitted or transferred; and
- (c) be given by the operator of the boat;

and evidence may be given of information and data obtained or ascertained from the approved automatic location communicator whether from a printout or visual display unit.

(5) The presumption in sub-regulation (4) shall apply whether or not the information was stored before or after any transmission or transfer.

PHOTOGRAPHIC EVIDENCE

36. (1) Where a photograph is taken of any fishing or fisheries activity and simultaneously the date and time on which and the position from which the photograph is taken are superimposed upon the photograph, then it shall be presumed unless the contrary is proved that the photograph was taken on that date and time and from that position.

(2) The presumption in sub-regulation (1) shall arise only if -

- (a) the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and
- (b) the instruments which provide the date, time and position are judicially recognised as being notoriously accurate or were checked as soon as possible after the taking of the photograph against such instruments.

(3) An authorised officer or observer who takes a photograph of the kind described in sub-regulation (1) may give a certificate, appending the photograph, stating -

- (a) his name, address, official position, country of appointment and provision under which he is appointed; and
- (b) the name and call sign, if known, of any boat appearing in the photograph; and
- (c) the names of the camera, watch or clock or other instruments supplying the date and time and the position fixing instrument and a declaration that he checked those instruments a

reasonable time before, and after the taking of the photograph and necessary, in accordance with sub-regulation (2)(b) and that they all appeared to be working correctly; and
(d) the matters set out in sub-regulation (2)(a); and
(e) the accuracy of the fixing instrument used within specified limits; and
(f) the maximum possible distance and the direction of the subject of the photograph away from the camera at the time the photograph was taken.

PART VI - MISCELLANEOUS

REGISTERS OF LICENCES

37. The Authority shall keep registers in Form 11 of Schedule 1 of all licences issued or granted under this Act.

OFFENCES REGARDING LICENCES

38. A person who -

- (a) without lawful authority, alters or defaces any licence issued under the Act or these Regulations; or
- (b) falsely represents himself to be a person lawfully licensed under these Regulations,

is guilty of an offence and is liable to a penalty -

- (a) in a case involving a foreign boat licence, not exceeding \$50,000; or
- (b) in a case involving the use of a national boat licence, not exceeding \$10,000; or
- (c) in any other case, not exceeding \$1,000.

INTERFERING WITH EVIDENCE

39. (1) A person who, being on board any boat being pursued, about to be boarded or notified that it will be boarded by an authorised officer, throws overboard or destroys any fish, fishing equipment, explosive, poison, noxious substance, chart, log, document or other thing with intent to avoid its seizure or the detection of an offence against the Act or these Regulations is guilty of an offence.

(2) A person who removes from custody any boat, fish, equipment or other item held in custody under the Act or these Regulations, or does any act or omission by which a boat, fish, equipment or other item held in custody under the Act or these Regulations may be removed from custody, is guilty of an offence.

(3) Sub-regulation (2) applies whether or not the person accused of the offence knew that the boat, fish, equipment or other item was being held in custody.

(4) Where an approved automatic location communicator is required to be fitted to a boat and is so fitted, a person who, whether in Nauru, in fisheries waters or on the high seas -

- (a) intentionally, recklessly or negligently destroys, damages, renders inoperative or otherwise interferes with any part of the automatic location communicator; or
- (b) intentionally feeds or inputs into the automatic location communicator information or data which is not officially required or is meaningless; or
- (c) knowingly switches off the approved automatic location communicator at any time that the boat on which it is installed is at sea; or

is guilty of an offence.

(5) A person who knowingly interferes with or alters any radio or other electronic transmission, including a transmission to or from an automatic location communicator, made or given as required or permitted under the Act or these Regulations is guilty of an offence.

(6) A person who intentionally, recklessly or negligently divulges information obtained from a vessel monitoring system or any other system of reporting or recording required or permitted under the Act or these Regulations; other than in the course of duty and to a person or persons entitled to receive that information in the course of duty, is guilty of an offence.

(7) A person who is guilty of an offence under this regulation is liable to a penalty -

- (a) in a case involving the use of a foreign boat, not exceeding \$50,000; or
- (b) in a case involving the use of a national boat, not exceeding \$10,000; or
- (c) in the case of a crew member of a foreign or a national boat, not exceeding \$5,000; or
- (d) in any other case, not exceeding \$1,000.

ASSOCIATION WITH DRIFTNET FISHING

40. (1) No person shall engage or assist in driftnet fishing in fisheries waters.

(2) No Nauruan citizen shall engage or assist in driftnet fishing in any waters.

(3) A person who contravenes sub-regulation (1) or (2) is guilty of an offence and is liable to a penalty not exceeding \$5,000.

(4) A person who, anywhere in fisheries waters or in the country, tranships, offloads or imports, or permits the transshipment, offloading or import of, any fish or fish product which he knows or reasonably suspects has been taken with the use of a driftnet is guilty of an offence and is liable to a penalty not exceeding \$5,000.

EXPLOSIVES AND POISON

41. (1) A person who -

- (a) permits to be used, uses or attempts to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught; or

(b) carries or has in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention of using the substance for any of the purposes referred to in paragraph (a);

is guilty of an offence and is liable to a penalty not exceeding \$5,000.

(2) Any explosive, poison or other noxious substance found on board any boat shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in sub-regulation (1)(a).

(3) A person who lands, sells, receives or possesses any fish taken by a means which contravenes sub-regulation (1)(a), and who knows or has reasonable cause to believe them to have been so taken, is guilty of an offence and is liable -

(a) where the person proves that the landing, receipt or possession was not for the purpose of sale, trade or profit, to a fine not exceeding \$500 or imprisonment for a term not exceeding one year, or both; or

(b) in any other case, to a fine not exceeding \$1,000 or imprisonment for a term not exceeding two years, or both.

FISH AGGREGATING DEVICES

42. (1) No person shall place a fish aggregating device in fisheries waters except with the permission in writing of the Chief Executive Officer and in accordance with such conditions as he specifies.

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

(3) No person shall use a boat, other than a small boat, to fish within a radius of two nautical miles from a designated fish aggregating device except with the permission of the Chief Executive Officer and in accordance with such conditions as he may specify.

(4) A fish aggregating device placed in fisheries waters otherwise than in accordance with permission given under sub-regulation (1) may be used or disposed of as the Chief Executive Officer directs.

(5) A person who contravenes sub-regulation (1) or (3) is guilty of an offence and is liable to a penalty not exceeding \$500.

IMPORTATION OF LIVE FISH

43. (1) A person who, without the permission in writing of the Chief Executive Officer subject to such conditions as the Chief Executive Officer sees fit -

(a) imports or attempts to import any live fish into Nauru; or

(b) introduces into any part of fisheries waters any live fish which is not indigenous to the fisheries waters of Nauru,

is guilty of an offence and is liable to a penalty not exceeding \$5,000.

(2) Where the Chief Executive Officer is satisfied that there has been a contravention of sub-regulation (1), he may cause the fish to be seized and destroyed or otherwise disposed of, and for this purpose, may require any person in possession of the fish, or any owner or occupant of land where the fish is located, to surrender the fish for destruction or disposal.

(3) A person who fails to comply with any requirement under sub-regulation (2) is guilty of an offence and liable to a penalty not exceeding \$5,000.

SALE OF FISH

44. (1) The Minister may from time to time, by notice in the Gazette, declare -

- (a) the price or range of prices for which; and
- (b) the method, whether by piece, weight or other form of measurement, by which; and
- (c) the place or premises at or in which,

fish or any class, type, species or sub-species of fish may be sold.

(2) Before making a declaration under sub-regulation (1), the Minister-

- (a) shall consult with the Board; and
- (b) may consult with any other person or body whom he considers appropriate.

(3) A person who sells fish in breach of a notice under sub-regulation (1) is guilty of an offence and is liable to a penalty not exceeding \$1,000.

PROVISION OF INFORMATION

45. (1) A person engaged in fishing or a fisheries activity in fisheries waters or in respect of fish taken from fisheries waters shall provide to the Chief Executive Officer such information relating to fishing or the fisheries activity, including information [relating to](#) fishing time and effort, landings, processing, sales, purchases, exports and other related transactions, in such form as the Chief Executive Officer may require, or as is provided under these Regulations.

(2) A person is not excused from providing information under the Act or these Regulations on the ground that the information might tend to incriminate him, but the information is not admissible in evidence against him in any proceedings other than proceedings in respect of -

- (a) providing false information in the return; or
- (b) a refusal or failure to provide information as required by the Act or these Regulations.

(3) Any information required to be recorded, or to be notified, communicated or reported under the Act or these Regulations shall be true, complete and correct.

(4) Any change in circumstances which has the effect of rendering any such information referred to in sub-regulation (1) false, incomplete or misleading shall be notified immediately to the appropriate person, authority or body.

(5) A person who -

(a) knowingly makes a statement that is false or incorrect in any material particular in relation to an application for the purposes of the Act or these Regulations; or

(b) knowingly furnishes a false or incorrect statement in relation to any fish taken, bought, sold, processed, exported or otherwise dealt with by the person or by an agent or employee of the person; or

(c) knowingly makes or causes to be made any entry or writing that is false in any material particular, in any book, log, record, return, declaration or statement required by the Act or these Regulations to be kept, made or given; or

(d) refuses or knowingly fails to provide any information, particulars, report or return required by the Act or these Regulations,

is guilty of an offence and is liable to a penalty not exceeding \$50,000.

SCHEDULES

SCHEDULE 1

FORMS

FORM 1 - Application for Small Boat Registration

FORM 2 - Small Boat Registration Certificate

FORM 3 Register of Small Boat

FORM 4 - Application for Foreign Boat Fishing Licence

FORM 5 - Foreign Boat Fishing Licence

FORM 6 - Application for National Boat Fishing Licence

FORM 7 - National Boat Fishing Licence

FORM 8 - Application for Game Fishing Licence

FORM 9 - Game Fishing Licence

FORM 10 Research Permit

FORM 11 - Register of Licences

FORM 1

REPUBLIC OF NAURU

Fisheries Act 1997

APPLICATION FOR SMALL BOAT REGISTRATION

(Fisheries Regulation 1998 - Regulation 3)

An application for Small Boat Registration must be made by the owner of a small boat (less than 10 metres in length) which is used for fishing in fisheries waters.

	DETAILS OF APPLICANT
Name of owner:	
Address:	

BOAT DETAILS

Make	
Hull type (e.g. aluminium, wooden, etc)	
Colour and other distinguishing marks	
Horsepower and make of engine	
Length overall	
Main use	
Previously registered ? (check (√) one)	Yes No

If yes, whereabouts of last Registration Certificate	
--	--

DECLARATION BY APPLICANT

I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority any changes to the information given on this form and any change of ownership of the boat and I further understand that failure to do so may render me liable to prosecution.

Applicant's signature Date

Print full name

This application is to be forwarded to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority at the address below and is to be accompanied by the prescribed fee.

Chief Executive Officer Telephone: (674) 444 3733
Nauru Fisheries & Marine Resources Authority (674) 444 3339
Aiwo District Fax: (674) 444 3812
Republic of Nauru

FORM 2

REPUBLIC OF NAURU

Fisheries Act 1997

SMALL BOAT REGISTRATION CERTIFICATE (Fisheries Regulations 1998 - Regulation 3)

Registration number:		Date of issue:	
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This small boat is registered to fish in the fisheries waters of the Republic of Nauru in accordance with the Fisheries Act 1997 and the terms and conditions set out below.

BOAT DETAILS

Make:	
Hull type:	
Colour and other distinguishing marks:	
Horsepower and make of engine:	
Length overall:	
Safety equipment to be carried:	

PARTICULARS OF OWNER

Name:	
Address:	

PERIOD OF VALIDITY

From		to		Inclusive.
------	--	----	--	------------

Chief Executive Officer Date
NAURU FISHERIES & MARINE RESOURCES

TRANSFER OF OWNERSHIP

To: The Chief Executive Officer
Nauru Fisheries and Marine Resources Authority

I declare that on the day of 19 , I transferred ownership of this boat to

(name of new owner).....

FORM 4

REPUBLIC OF NAURU

Fisheries Act 1997

APPLICATION FOR A FOREIGN BOAT FISHING LICENCE

(Fisheries Regulations 1998 - Regulation 24)

An application for a Foreign Boat Licence must be made by or on behalf of the operator of a foreign boat which is used for fishing or a fisheries activity in the fisheries waters of the Republic of Nauru.

Name of Applicant		Current Licence Number (if any)			
Address					
		Tel:			
		Fax:		Vessel Type	
		Telex:		Year Built	

Name of Vessel

Size of Vessel (specify

GRT (Other _____)

Country Registration Number

International Radio Call Sign

Number of Citizen Crew

Regional Registration Number

Fishing Methods

Area of Operation

VMS Registration Number

Target Species

ALC* Inmarsat C Mobil No. (IMN)

Desired Effective date

*ALC must be of a type approved under Nauru Fisheries & Marine Resources Authority Regulations.

Alternate Vessel Contact Details

Inmarsat A No.	
Inmarsat B No.	
Inmarsat M No.	
Mobile Phone No.	
Telex No.	

(Provide as attachment to this application documentary evidence regarding the above information which may assist the Authority in determining whether to grant a licence, such as boat survey certificates, gear specifications, past involvement with the development and management of Nauru's fishing resources etc.)

.....see over

Form 5

REPUBLIC OF NAURU

The Fisheries Act 1997

FOREIGN BOAT FISHING LICENCE
(Fisheries Regulations 1998 - Regulation 24)

Name of Licence Holder			Licence Number	
Address				
			Vessel Type	
			Year Built	

Licence Expiry date (dd/mm/yyyy) / /

The Licence Holder and the Vessel named below are hereby licensed in accordance with the Fisheries Act 1998 to fish in accordance with the terms and conditions set out in this licence and prescribed from time to time in the Fisheries Regulations 1998.

Name of Vessel

Size of Vessel (*specify*)

GRT (Other _____)

County Registration
Number

International Radio Call
Sign

Regional Register
Number

Authorised Fishing
Methods

VMS Registration
Number

Authorised Target
Species

Registration number and make of helicopter if any to be carried on vessel:

Registration Number		Make	
------------------------	--	------	--

Registration number, make and name and address of operator of any aircraft used in association with fishing activities:

Registration Number		Make	
Name			
Address			
		For and on behalf of the Licensing Country	

Chief Executive Officer
Nauru Fisheries & Marine Resources Authority

Date

SELECTED CONDITIONS OF NATIONAL BOAT FISHING LICENCE

The operator of the boat shall recognise and agree to comply with all laws of the Republic, including and in particular the Fisheries Act 1997 and Regulations made under it.

The boat shall only be used for such fishing or fisheries activities and during such periods and in such places as are specified in the licence.

The boat shall not be used for transshipment at sea.

The boat shall carry the original of the licence on board the boat at all times during the licence period and produce it to an officer upon request.

The boat shall, unless the Chief Executive Officer otherwise directs in writing, carry a person who is able to communicate effectively in English and in the language of the master of the boat and that person may be the master.

The master of a boat which takes fish shall complete daily in the English language, whether within fisheries waters or not, in a form approved by the Chief Executive Officer, a fishing logbook for each day of fishing which shall include the following information:-

- (a) the date and time;
- (b) the fishing effort of the boat;
- (c) the method of fishing used;
- (d) the area and position (to one minute of arc) at which fishing was undertaken;
- (e) the species of fish taken, and the quantity and condition of each species;
- (f) the species of fish taken and discarded, and the quantity and condition of each species;
- (g) any other information required by the Chief Executive Officer or as specified in the licence,

and shall certify by his signature that the information in the fishing logbook is true, complete and accurate. The operator of a national boat which takes fish shall provide to the Chief Executive Officer, in a form and by a means approved by him -

- (a) a preliminary trip report, in accordance with Schedule 4 within 48 hours; and
- (b) a final trip report, together with true copies of catch reports, landing slips or dock receipts, within 21 days,

of the completion of a fishing trip.

The operator shall provide to the Chief Executive Officer, in a form and by a means approved by him, information in Schedule 4 of the Fisheries Regulations 1998-

- (a) each Wednesday while the boat is in fisheries waters; and
- (b) within a reasonable time of entry into and exit from fisheries waters; and
- (c) within a reasonable time before the estimated time of entry into the port of Nauru; and
- (d) within a reasonable time before any transhipment, offloading, refuelling or provisioning is proposed.

The master shall maintain on board the boat, at all times whether within fisheries waters or not, a ship's log separate from the fishing logbook referred to above and shall enter in that log a record of the date, time and nature of every instruction or direction normally recorded in a ship's log and every requirement communicated to the master by the Chief Executive Officer or an authorised officer.

The master shall adopt all reasonable measures to minimise catch of species other than those specified in the licence, including the use of equipment and techniques shown to be effective in minimising those catches.

The Provisions of the Fisheries Act 1997 and Regulations made under it relating to observers shall be observed at all times and in all waters.

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE FISHERIES ACT 1997 AND REGULATIONS MADE UNDER IT, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

THIS LICENCE IS NOT TRANSFERABLE

FORM 6

REPUBLIC OF NAURU

Fisheries Act 1997

APPLICATION FOR A NATIONAL BOAT FISHING LICENCE
(Fisheries Regulations 1998 - Regulation 26)

An application for a National Boat Licence must be made by or on behalf of the operator of a national boat which is used for fishing or a fisheries activity in the fisheries waters of the Republic of Nauru.

Name of Applicant		Current Licence Number (<i>if any</i>)	
Address			
		Tel:	
		Fax:	Vessel Type
		Telex	Year Built

Name of Vessel

Size of Vessel (*specify*)

GRT (Other _____)

Country Registration Number

International Radio Call Sign

Number of Citizen Crew

Regional Register Number

Fishing Methods

Area of Operation

VMS Registration
Number

Target Species

ALC*Inmarsat C Mobile No.
(IMN)

Desired Effective Date

*ALC must be of a type approved under Nauru Fisheries & Marine Resources Authority Regulation.

Alternate Vessel Contact Details

Inmarsat A No.	
Inmarsat B No.	
Inmarsat M No.	
Mobil Phone No.	
Telex No.	

PARTICULARS OF OPERATORS AND BOAT OPERATION

Registered Owner:		Address:	
Charterer:		Address:	
Master:		Address:	
Home port of boat:			
Particulars of joint venture: <i>(where applicable)</i>			
Use of Nauruan Land-based facilities: <i>(If any)</i>			
Details of handling and destination of catch:			

(Provide as attachment to this application documentary evidence regarding the above information which may assist the Authority in determining whether the boat is a national boat and whether to grant a licence, such as boat survey certificates, gear specifications, marketing

arrangements, cash flow projections, further details regarding boat ownership and operations, etc.)

REMITTANCE OF LICENCE FEE

Amount of Licence Fee	
Name of Bank:	
Address of Bank	
Remittance Reference No.	

I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority any changes to the information given on this form and I further understand that failure to do so may render me liable to prosecution.

Application's Signature
(Operator or applicant on his behalf)

Date

This application is to be forwarded to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority, at the address shown below

Chief Executive Officer		Telephone: (674) 444 3733
Nauru Fisheries & Marine Resources Authority		(674) 444 3739
Aiwo District		Fax: (674) 444 3812
Republic of Nauru		

FORM 7

REPUBLIC OF NAURU

The Fisheries Act 1997

NATIONAL BOAT FISHING LICENCE
(Fisheries Regulations 1998 - Regulation 26)

Name of Licence			Licence	
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			For and on behalf of the Licensing Country
Vessels ALC* Inmarsat C Mobile Number (IMN)			

Chief Executive Officer Date

NAURU FISHERIES & MARINE RESOURCES AUTHORITY

.....see over

SELECTED CONDITIONS OF NATIONAL BOAT FISHING LICENCE

The operator of the boat shall recognise and agree to comply with all laws of the Republic, including and in particular the Fisheries Act 1997 and Regulations made under it.

The boat shall only be used for such fishing or fisheries activities and during such periods and in such places as are specified in the licence.

The boat shall not be used for transshipment at sea.

The boat shall carry the original of the licence on board the boat at all times during the licence period and produce it to an officer upon request.

The boat shall, unless the Chief Executive Officer otherwise directs in writing, carry a person who is able to -communicate effectively in English and in the language of the master of the boat and that person may be the master.

The master of a boat which takes fish shall complete daily in the English language, whether within fisheries waters or not, in a form approved by the Chief Executive Officer, a fishing logbook for each day of fishing which shall include the following information:

- (a) the date and time;
- (b) the fishing effort of the boat;
- (c) the method of fishing used;
- (d) the area and position (to one minute of arc) at which fishing was undertaken;
- (e) the species of fish taken, and the quantity and condition of each species;
- (f) the species of fish taken and discarded, and the quantity and condition of each species;
- (g) any other information required by the Chief Executive Officer or as specified in the licence,

and shall certify by his signature that the information in the fishing logbook is true, complete and accurate. The operator of a national boat which takes fish shall provide to the Chief Executive Officer, in a form and by a means approved by him -

- (a) a preliminary trip report, in accordance with Schedule 4 within 48 hours; and
- (b) a final trip report, together with true copies of catch reports, landing slips or dock receipts, within 21 days.

The operator shall provide to the Chief Executive Officer, in a form and by a means approved by him, information in Schedule 4 of the Fisheries Regulations 1998-

- (a) each Wednesday while the boat is in fisheries waters; and
- (b) within a reasonable time of entry into and exit from fisheries waters; and
- (c) within a reasonable time before the estimated time of entry into the port of Nauru; and
- (d) within a reasonable time before any transshipment, offloading, refuelling or provisioning is proposed.

The master shall maintain on board the boat, at all times whether within fisheries waters or not, a ship's log separate from the fishing logbook referred to above and shall enter in that log a record of the date, time and nature of every instruction or direction normally recorded in a ship's log and every requirement communicated to the master by the Chief Executive Officer or an authorised officer.

The master shall adopt all reasonable measures to minimise catch of species other than those specified in the licence, including the use of equipment and techniques shown to be effective in minimising those catches.

The provisions of the Fisheries Act 1997 and Regulations made under it relating to observers shall be observed at all times and in all waters.

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

THIS LICENCE IS NOT TRANSFERABLE

FORM 8

REPUBLIC OF NAURU

Fisheries Act 1997

APPLICATION FOR A GAME FISHING LICENCE
(Fisheries Regulations 1998-Regulation 29)

An application for a Game Fishing Licence must be made in respect of a boat (including a Small Boat) which is used for reward or hire for game or sport fishing in the fisheries waters of the Republic of Nauru.

PARTICULARS OF BOAT

Name:		Type:		Built of:	
Length (LOA):		Gross tonnage (or engine power of Small Boat):			
Port of Registry: <i>(if registered)</i>		International Radio Call Sign: <i>(if any):</i>			
Country or Small Boat Registration No.:		Regional Register No.: <i>(if applicable)</i>			

PARTICULARS OF OWNER AND OPERATOR

Registered Owner.		Address:	
Operation <i>(if different from Owner):</i>		Address:	

PARTICULARS OF OPERATION

Specified Fishstock(s):		Area of operation	
Fishing Method: <i>(give details)</i>			

(Provide as attachment to this application documentary evidence regarding the above information which may assist the Authority in determining whether to grant a licence, such as boat survey certificates, gear specifications, participation in resource conservation projects, etc.)

.....see over

REMMITTANCE OF LICENCE FEE

Amount of Licence Fee:	
------------------------	--

Name of Bank:	
Address of Bank	
Remittance Reference No.	

I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority any changes to the information given on this form and I further understand that failure to do so may render me liable to prosecution.

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Applicant's Signature Date
(Operator or application on his behalf)

This application is to be forwarded to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority, at the address shown below

Chief Executive Officer		Telephone: (674) 444 3733
Nauru Fisheries & Marine Resources Authority		(674) 444 3739
Aiwo District		Fax: (674) 444 3812
Republic of Nauru		

Application Fee: \$.....

I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority any changes to the information given on this form and I further understand that failure to do so may render me liable to prosecution.

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Applicant's Signature Date
(Operator or application on his behalf)

Name:		Tel:	
Address:		Fax:	

		Telex:	
--	--	--------	--

This application is to be forwarded to the Chief Executive Officer, Nauru Fisheries & Marine Resources Authority, at the address shown below

Chief Executive Officer		Telephone: (674) 444 3733
Nauru Fisheries & Marine Resource Authority		(674) 444 3739
Aiwo District		Fax: (674) 444 3812
Republic of Nauru		

FORM 9

REPUBLIC OF NAURU

The Fisheries Act 1997

GAME FISHING LICENCE (Fisheries Regulations 1998 - Regulation 29)

Licence Number		Date of issue	
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This boat is licensed as shown to be used for game or sport fishing for reward or hire in the fisheries waters of the Republic of Nauru in accordance with the Fisheries Act 1997 and the terms and conditions set out below.

PARTICULARS OF BOAT

Name:		Type:	
Length (LOA):		Gross tonnage (or engine power of Small Boat):	
Port or Place of Registry		International Radio Call Sign (<i>if any</i>):	
Country or Small Boat Registration No:		Regional Register No. (<i>if applicable</i>)	

PARTICULARS OF OWNER AND OPERATOR

Registered Owner:		Address:	
Operator (<i>if</i>		Address:	

<i>different from Owner):</i>			
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PARTICULARS OF OPERATION

Specified Fishstock(s):		Area of operation:	
Fishing method:			

PERIOD OF VALIDITY

From		to		Inclusive.

Chief Executive Officer Date

NAURU FISHERIES & MARINE RESOURCES AUTHORITY

SELECTED CONDITIONS OF GAME FISHING LICENCE

The operator of the boat shall recognise and agree to comply with all laws of the Republic, including and in particular the Fisheries Act 1997 and Regulations made under it.

The boat the subject of the licence shall be seaworthy and shall comply with any safety standards for shipping which are applicable from time to time under the laws of the Republic.

While being used for reward or hire for game or sport fishing, the boat shall only be used for such fishing and during such periods and in such places as are specified in the licence.

The boat shall at all times while in fisheries waters-

- (a) display identification markings in accordance with Schedule 3; and
- (b) where it is registered under any law, including the law of another state, related to registration of shipping, fly the flag of the state in which it is registered; and
- (c) display lights and shapes for the boat and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea.

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE FISHERIES ACT 1997 AND REGULATIONS MADE UNDER IT MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

THIS LICENCE IS NOT TRANSFERABLE

FORM 10

REPUBLIC OF NAURU

Fisheries Act 1997

RESEARCH PERMIT

(Fisheries Regulations 1998 - Regulation 32)

The holder of this Research Permit may engage in research activities in the fisheries waters of the Republic of Nauru in accordance with the Fisheries Act 1997 and the terms and conditions set out below.

PARTICULARS OF PERMIT HOLDER

Name:	
Address:	

PARTICULARS OF BOAT

Name:		Type:	
Length (LOA):		Gross tonnage:	
Port of Registry		International radio call sign:	
Country Registration No:		Regional Register No.	
Support craft: <i>(number, type, function,)</i>		Support aircraft <i>(Make & Registration No.)</i>	
	REGISTERED OWNER		MASTER
Name:		Name:	
Address:		Address:	

PERIOD OF VALIDITY

From _____ to _____ Inclusive.

.....see over

CONDITIONS OF RESEARCH

Targeted fishstock		Area of operation	
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Maximum quality		Fishing method	
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Manner of disposal		Sampling strategy	
Other conditions:			

Research Project Report to be submitted to the Nauru Fisheries & Marine Resources Authority by:

Chief Executive Officer Date

NAURU FISHERIES & MARINE RESOURCES AUTHORITY

CONDITIONS OF RESEARCH PERMIT

- (a) The research project shall be conducted in accordance with the provisions of Part XIII. Regulation 3 of the United Nations Convention on the Law of the Sea;
- (b) Scientific observers and any other personnel designated by the Chief Executive Officer shall be allowed on board the boat and shall be allowed to participate fully in the research project both on board the boat and elsewhere;
- (c) Copies of all data and information generated by the research project shall be submitted to the Nauru Fisheries and Marine Resources Authority at the end or, upon request, during the course of the research or survey operations;
- (d) The results and conclusions of the research project shall be submitted to the Authority as soon as practicable following the completion of the project and in any case no later than the time specified above for the submission of the exploratory report;
- (e) No results of the research or survey operations shall be published or otherwise made internationally available without the prior consent of the Authority.

THIS RESEARCH PERMIT IS NOT TRANSFERABLE OR RENEWABLE

FORM 11

REPUBLIC OF NAURU

Fisheries Act 1997

REGISTER OF LICENCES

(Fisheries Regulations 1998 - Regulation 37)

Foreign Boat Fishing Licence	National Boat Fishing Licence	Game Fishing Licence	Research Permit	Date of issue	Date of Expiry	Licence Number

Name of Licensee	Name of Boat	Name of Licensee	Name of Boat	Name of Licensee	Name of Boat	Name of Licensee	Name of Boat			

SCHEDULE 2

PERIOD AND FEES OF LICENCES

Regulation 3, 13, 14, 32

Class of Licence, etc	Fee	Period of Licence or Permit
1. Small boat registration	(a) canoe or boat, non-powered- \$25 (b) canoe or boat, power - \$50	one year
2. Transfer of registration certificate	\$10	
3. Foreign boat fishing licence:	(a) access fee according to access agreement (b) fishing fee according to access agreement	according to access agreement
4. National boat fishing licence	(a) where overall length does not exceed 15m. -	one year

	\$250 (b) where overall length exceeds 15m - \$500	
5. Game fishing licence	\$300	One year
6. Research Permit	\$200	As specified, but not exceeding one year
7. Issue of duplicate licence, permit or certificate	\$20	

SCHEDULE 3

Regulation 27

MARKINGS OF FISHING BOATS.

(1) A licensed boat, other than a registered small boat, shall have displayed -

- (a) its name or identification and port of registry in Roman letters; and
- (b) its markings, which shall be its International Telecommunications Union Radio Call Sign, or, where the boat does not have such a sign, the characters allocated by the International Telecommunications Union to the flag state of the boat, followed by a hyphen, followed by the licence or registration number assigned by the flag state to the boat.

-

(2) The markings referred to in sub-regulation (1) shall be displayed -

- (a) on the boat's side or superstructure, port and starboard, as high as possible above the waterline and in no case extending below the waterline, avoiding the flare of the bow and stem, and clear of any flow from scuppers or overboard discharges; and
- (b) athwartships on the deck with the tops of the numbers and letters towards the bow; and

(c) where the markings on the deck are obscured by an awning or other temporary cover, on that awning or cover; and

(d) so that they are not obscured by fishing equipment, whether stowed or in use.

(4) The markings referred to in sub-regulation (1) shall be -

- (a) painted directly onto the hull, superstructure or deck, as the case may be; and
- (b) white on a black background or black on a white background; and
- (c) in block letters and numbers throughout; and
- (d) maintained in good condition at all times.

(5) The-sizes of boat markings referred to in sub-regulation (1) shall be as follows:-

(a) for marks on the hull or superstructure, according to the following table:-

<u>Length of Vessel Overall (in Metres)</u>	<u>Height of Letters and Numbers (in Metres)</u>
25 and over	1.0
20 but less than 25	0.8
15 but less than 20	0.6
12 but less than 15	0.4
5 but less than 12	0.3
Less than 5	0.1;

(b) for marks on the deck, not less than one metre for all boats of overall length of five metres or more;

(c) the length of the hyphen shall be half the height of the letters and numbers;

(d) the width of the stroke for all letters and numbers, and the hyphen, shall be one-sixth of the height;

(e) the space between all letters and numbers shall be not less than one-sixth or greater than one-quarter the height;

(f) the space between adjacent letters having sloping sides shall be not less than one-tenth or greater than one-eighth the height;

(g) the background shall extend to provide a border around the markings of not less than one-sixth the height of the letters and numbers.

SCHEDULE 4

Regulation 27

REPORT FORMS.

(1) Weekly Reports

(a) report type (WEEK)

(b) trip begin date

(c) date and time (GMT)

(d) international call sign

(e) licence number

(f) vessel name

- (g) Regional Register number
- (h) position (to one minute of arc)
- (i) catch on board by weight by type
- (j) intended action

as: WEEK / TED / ddmmyy / TIME. / CALL SIGN / LICNO / VESSEL NAME /

R.REGNO / LA 1111 / LO 11111 / SJ www YF xxx BE yyy OTH zzz / INTENDED ACTION

(2) Zone Entry and Exit

- (a) report type (ZENT for entry and ZEXT for exit)

- (b) trip begin date

- (c) date and time (GMT)
- (d) international call sign
- (e) licence number
- (f) vessel name
- (g) Regional Register number
- (h) position (to one minute of arc)
- (i) catch on board by weight by type
- (j) intended action

as: ZENT (or ZEXT) / TBD / ddmmyy / TIME / CALL SIGN / LICNO / VESSEL NAME /

R.REGNO / LA 1111 / LO 11111 / SJ www YF xxx BE yyy OTH zzz / INTENDED ACTION

(3) Closed Area Entry and Exit

- (a) report type (CAENT for entry and CAEXT for exit)

- (b) trip begin date

- (c) date and time (GMT)
- (d) international call sign
- (e) licence number
- (f) vessel name
- (g) Regional Register number
- (h) position (to one minute of arc)

(i) catch on board by weight by type

(j) intended action

as: CAENT (or CAEXT) / TBD / ddmmyy / TIME / CALL SIGN / LICNO / VESSEL
NAME / R.REGNO / LA 1111 / LO 1111 / SJ www YF xxx BE yyy OTH zzz / INTENDED
ACTION

(4) Notice of Intended Transshipment at Sea

(a) report type (SEATRANS)

(b) trip begin date

(c) date and time (GMT)

(d) international call sign

(e) licence number

(f) vessel name

(g) Regional Register number

(h) position (to one minute of arc)

(i) catch on board by weight by type

(j) estimated point of transshipment

(k) estimated time of arrival at rendezvous for transshipment (GMT)

(l) name of boats involved in transshipment

as: SEATRANS / TBD / ddmmyy / TIME / CALL SIGN / LICNO / VESSEL NAME /
R.REGNO / LA 1111 / LO 1111 / SJ www YF xxx BE yyy OTH zzz / LA LO / ETA /
NAMES

(5) Notice of Port Entry or Transshipment/Offloading or Refuelling/Provisioning

(a) report type (PENT)

(b) trip begin date

(c) date and time (GMT)

(d) international call sign

(e) licence number

(f) vessel name

(g) Regional Register number

(h) position (to one minute of arc)

(i) catch on board by weight by type

(j) estimated time of entry into port *or* arrival at rendezvous for transshipment (other than
transshipment by foreign boat) (GMT)

(k) port name *or* boat to which transhipping (for transhipment other than transhipment by foreign boat)

(l) intended action

as: PENT / TBD / ddmmyy / TIME / CALL SIGN / LICNO / VESSEL NAME / R.REGNO / LA 1111 / LO 11111 / SJ www YF xxx BE yyy OTH zzz / ETA / PORT NAME / INTENDED ACTION

(6) Transhipment Report

(a) report type (TRANS)

(b) trip begin date

(c) date and time (GMT)

(d) international call sign

(e) licence number

(f) vessel name

(g) Regional Register number

(h) position (to one minute of arc)

(i) catch transferred by weight by type

(j) name of carrier/shore establishment

(k) destination of catch

as: TRANS / TBD / ddmmyy / TIME / CALL SIGN / LICNO / VESSEL NAME / R.REGNO / LA 1111 / LO 11111 / SJ www YF xxx BE yyy OTH zzz / CARRIER NAME / DESTINATION OF CATCH

7 Trip Completion Report

(a) report type (COMP)

(b) trip begin date

(c) date and time (GMT)

(d) international call sign

(e) licence number

(f) vessel name

(g) Regional Register number

(h) trip completion date

(i) place of discharge of catch

(j) catch discharged by weight by type

as: COMP / TBD / ddmmyy / TIME / CALL SIGN / LICNO / VESSEL NAME / R.REGNO / TCD / PORT NAME / SJ www YF xxx BE yyy OTH zzz
