

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 214.

Fisheries Regulation.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 214.

Fisheries Regulation.

MADE under the *Fisheries Act*.

1. Interpretation.

In this Regulation, unless the contrary intention appears-

"factory ship licence" means a licence In respect of a boat authorizing the use of the boat for carrying, or for processing and carrying, fish that have not been taken by the use of the boat;

"fishing boat licence 11 means a licence in respect of a boat authorizing the use of the boat for taking fish and for processing and carrying fish that have been taken with the use of the boat.

2. Persons licensed to engage in fishing.

(1) An application for a licence to engage in fishing shall be in Form 1, and shall be accompanied by the prescribed fee which shall be refunded if a licence is refused.

(2) A licence to engage in fishing shall be in Form 2.

3. Fishing boat licences.

(1) An application for a fishing boat licence shall be in Form 3, and shall be accompanied by the prescribed fee which shall be refunded if the licence is refused.

(2) A fishing boat licence shall be in Form 4.

4. Factory ship licences.

(1) An application for a factory ship licence shall be in Form 5, and shall be accompanied by the prescribed fee which shall be refunded if the licence is refused.

(2) A factory ship licence shall be in Form 6.

5. Transfer of licence.

(1) An application for a transfer of a licence shall be made in writing to the Minister, and shall be accompanied by the prescribed fee.

(2) Where the Minister approves an application for the transfer of licence, he shall endorse on the licence a memorandum of the transfer.

6. Lost, destroyed or defaced licence.

(1) Where a licence under Section 6 of the Act has been lost or destroyed, the licensee may make written application to the Minister for the issue to him of a duplicate licence.

(2) Where the Minister 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 may, on payment of the prescribed fee, issue a duplicate licence to the licensee.

(3) Where a licence under Section 6 of the Act has been defaced, the licensee shall, on returning the licence to the Minister and on payment of the prescribed fee, be issued with a duplicate licence.

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

7. Form of register.

A register kept under Section 6 (10) of the Act shall be in Form 7.

8. Fees.

(1) In this section "value" in relation to fish means the value from time to time determined by the Minister.

(2) Subject to Subsections (5) and (6) the fee payable in respect of a fishing boat licence for a foreign boat (other than a foreign boat on charter to a citizen of Papua New Guinea) is-

(a) K30.00 per metre of overall length calculated to the lowest whole metre; and

(b) 5 of the value of the fish caught pursuant to that licence during the period of the licence.

(3) The fee payable in respect of a fishing boat licence for a foreign boat on charter to a citizen of Papua New Guinea is K30.00 per metre of overall length calculated to the lowest whole metre.

(4) The fees respectively specified in Column 2 of Schedule 2 are payable in respect of the several matters specified in Column 1 of that Schedule.

(5) That part of the licence fee specified in Subsection (1) relating to the overall length of the boat is a fee in respect of a licence for a full 12 months' period.

(6) Where a licence is granted in respect of part only of the period referred to in Subsection (5), the licence fee shall be such proportion of K30.00 per metre as the period of the licence bears to a full 12 months' period.

(Replaced by No. 10 of 1978, s. 1.)

9. Requirements for marking of licensed fishing boats.

(1) This section applies to boats in respect of which a fishing boat licence or a factory ship licence has been issued.

(2) A licensed boat shall have displayed on the centre line on the stern and on each side of the bow above the water line-

(a) its name in Roman letters; and

(b) the letters "P.N.G." followed by the licence number in Arabic numerals, painted in letters and numerals-

(c) in black on a white ground or in white on a black ground; and

(d) of a size-

(i) not less than 150mm high; and

(ii) not less than 40mm wide; and

(e) spaced not less than 40mm apart.

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(3) The licence number shall be painted horizontally on the top of the wheelhouse, or where there is no wheelhouse as directed by the Minister, in numerals-

- (a) not less than 1m high; and
- (b) not less than 150mm wide in any part; and
- (c) in black on a yellow ground.

(4) A small boat or tender carried on or used by a licensed boat shall have the licence number of the licensed boat painted on the centre line on the stern above the water line in accordance with Subsection (2)(c), (d) and (e).

- (5) Letters and numerals prescribed in Subsections (2) and (3) shall be
 - (a) displayed at all times during the currency of the licence; and
 - (b) maintained in a legible condition.

(6) The licensee, and the person in charge of a boat that is not marked in accordance with this section are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

SCHEDULE 1.

PAPUA NEW GUINEA.

Fisheries Act.

Reg., Sec. 2(1).

Form 1.

APPLICATION FOR LICENCE TO ENGAGE IN FISHING.

To: The Minister for

1, of

apply for a licence to engage in fishing in the following areas of Papua New Guinea waters :-

Previous licence No: issued on

Fee: KI.00.

(Signature of Applicant.)

Dated 19

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PAPUA NEW GUINEA.

Fisheries Act.

Reg., Sec. 2(2).

Form 2.

LICENCE TO ENGAGE IN FISHING.

Issued at

Licence No.

Date:

(*Name and address of applicant*) is licensed to engage in fishing in the area subject to the following conditions :-

1. The licensee shall comply with the provisions of the *Fisheries Act*.
2. The licensee shall not interfere with traditional fishing as defined in Section 1 of the Act.
3. Special conditions :-

This licence remains in force until 19 , unless sooner cancelled or suspended under Section 8 of the Act.

Date 19

Minister for

 PAPUA NEW GUINEA.
Fisheries Act.

Reg., Sec. 3(1).

Form 3.

APPLICATION FOR FISHING BOAT LICENCE.

To: The Minister for

1, (*name and address of applicant*)

apply for a licence to use a boat for fishing in the following areas of Papua New Guinea waters :-

Particulars of Boat

Name:

Type:

Length overall: Gross tonnage:

Built of:

at

Based at:

Owner (*name and address of owner and whether resident of, or company incorporated in, Papua New Guinea*):

Port of registry:

No. of tender boats:

Type of fishing:

Other operations:

Note Is vessel to be engaged in processing or transporting fish taken in other vessels:

Fee:

(Signature of Applicant.)

Dated

19

 Prepared for inclusion as at 1/1/1980.

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Fisheries Act.

Reg., Sec. 3(2).

Form 4.

LICENCE TO USE A BOAT FOR FISHING.

Licence No.

Issued at _____ on _____ 19 .

(Name and address of licensee) is licensed to use *(name of boat)*

particulars of which are as follows:

Particulars of Boat

Name: _____ Type: _____

Length overall: _____ Gross tonnage: _____

Port of registry: _____

No. of tender boats: _____

Type of fishing: _____

Other operations: _____

for fishing in Papua New Guinea waters subject to the following conditions :-

1. The licensee shall comply with the provisions of the *Fisheries Act*
2. The licensee shall not interfere with traditional fishing as defined in Section 1 of the Act.
3. Fish taken on board the boat shall not be delivered or transhipped to any other boat without prior written permission from the licensing authority.
4. Transporting, preserving, cutting up, dismembering, cleaning, sorting, packing or storing of fish that have been taken by another boat shall not be undertaken by the boat.
5. Special conditions:

This licence remains in force until _____ 19 , unless sooner cancelled or suspended under Section 8 of the Act.

Fee paid: _____

Dated 19 _____

Minister for _____

PAPUA NEW GUINEA.

Fisheries Act.

Reg., Sec. 4(1).

Form 5.

APPLICATION FOR FACTORY SHIP LICENCE.

To: The Minister for

1, *(name and address of applicant)*

apply for a licence to use a boat as a factory ship in the following areas of Papua New Guinea waters ..-

Particulars of Boat.

Name: _____ Type: _____

Length overall: _____ Gross tonnage: _____

Built of: _____ at _____

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Based at:

Owner (*name and address of owner and whether resident of, or company incorporated in Papua New Guinea*):

Port of registry:

No. of tender boats:

Type of fishing:

Other operations:

(Signature of Applicant.)

Dated 19

 PAPUA NEW GUINEA.
Fisheries Act.

Reg., Sec. 4(2).

Form 6.

LICENCE TO USE A BOAT AS A FACTORY SHIP.

Licence No.

Issued at on 19 .

(Name and address of licensee) is licensed to use *(name of boat)*

particulars of which are as follows :-

Particulars of Boat.

Name: Type:

Length overall. Gross tonnage:

Port of registry:

No. of tender boats:

Type of operations:

as a factory ship in Papua New Guinea waters subject to the following conditions :-

1. The licensee shall comply with the provisions of the *Fisheries Act*.
2. The licensee shall not interfere with traditional fishing as defined in Section 1 of the Act.
3. Fish carried on board the boat shall not be delivered or transhipped to any other boat without prior written permission from the licensing authority.
4. Special conditions:

This licence remains in force until 19 , unless sooner cancelled or suspended under Section 8 of the Act.

Fee paid:

Dated 19

Minister for

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Fisheries Act.

Reg., Sec. 7. Form 7.

REGISTER OF LICENCES.

Date of issue	Licence No.	licence to engage in fishing.		Fishing boat or factory ship licence.		Transfer of licence.	Date of cancellation or suspension.
		Name	Name licensee	Name of boat	Name of transferee	Date of transfer	

SCHEDULE 2.

SCALE OF FEES.

Reg., Sec. 8

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1.	Grant of fishing licence	1.00
2.	Grant of fishing boat licence for PNG boat where-	
(a)	overall length does not exceed 6m	2.00
(b)	overall length exceeds 6m but does not exceed 15m	10.00
(c)	overall length exceeds 15m	20.00
	to the lower whole metre.	
3.	Grant of factory ship licence for P.N.G. boat where-	
(a)	overall length does not exceed 6m	2.00
(b)	overall length exceeds 6m but does not exceed 15m	10.00
(c)	overall length exceeds 15m	20.00
	to the lower whole metre.	
4.	<i>(Repealed by No. 10 of 1978, s. 3.)</i>	
5.	Grant of factory ship licence for foreign boat-per metre of overall length to the lower whole metre	10.00
6.	Issue of duplicate licence	1.00
7.	Transfer	1.00

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APPENDIXES.

APPENDIX 1.

SOURCE OF THE FISHERIES ACT.

Part A.-Previous Legislation.

Fisheries Act 1974 (No. 31 of 1974)

as amended by-

Fisheries (Declared Fishing Zone) Act 1977 (No. 6 of 1977).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	2
2	3
3	4
4	5
5	6
5A	6A
6	7
7	8
8	9
9	10
9A	10A
10	13
11	14
12	15
13	19
14	20
15	16
16	17
17	18
18	21
19	11
20	12
20A	12A
21	22

¹Unless otherwise indicated, references are to the Act set out in Part A.**Prepared for inclusion as at 1/1/1980.**

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APPENDIX 2.

SOURCE OF THE FISHERIES REGULATION.

Part A.-Previous Legislation.

Fisheries Regulation 1975 (Statutory Instrument No. 19 of 1975)

as amended by-

Fisheries (Amendment) Regulation 1978 (Statutory Instrument No. 10 of 1978).

Part B.-Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	1
2	2
3	3(1),(3)
4	3(2),(4)
5	4
6	5
7	6
8	7
9	8
Schedule 1—	Schedule 1—
Form 1	Form 1
Form 2	Form 2
Form 3	Form 3
Form 4	Form 4
Form 5	Form 5
Form 6	Form 6
Form 7	Schedule 2
Schedule 2	Schedule 3

¹Unless otherwise indicated, references are to the regulation set out in Part A.