

PUBLIC NOTICE

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THE FISHERIES REGULATIONS, 1990 ARRANGEMENT OF REGULATIONS

*Regulation
No.*

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Published 28th December, 1990

**THE FISHERIES MANAGEMENT AND DEVELOPMENT
ACT, 1988**

(Act No. 4 of 1988)

THE FISHERIES REGULATIONS, 1990

Short title.

In exercise of the powers conferred upon him by section 54 of the Fisheries Management and Development Act, 1988, the Minister of Agriculture, Natural Resources and Forestry hereby makes the following regulations:

PART I—PRELIMINARY

1. These regulations shall be deemed to have come into operation on the 24th day of December, 1990. **Commence-
ment.**

2. (1) In these regulations, unless the context otherwise requires—

“Act” means the Fisheries Management and Development Act, 1988;

“authorised officer” has the same meaning as that assigned to it under section 2 of the Act;

“Director” has the same meaning as that assigned to it under section 2 of the Act;

“fish receiving facility” means any premises or vessel to which fish caught in the fisheries waters by vessels holding fishing licences are delivered for processing, storage or transhipment;

“fish processing” means any process that adds value or preserves the fish;

“fisheries waters” means the maritime area within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and any other waters over which fisheries jurisdiction may be claimed from time to time;

“licensee” means the person granted a fishing licence under these regulations;

"aircraft" means fixed and rotary wing aircraft and includes a Hovercraft,

"observer" means any person authorised by the Director to collect fisheries data and perform any other related duties assigned by the Director;

"local fishing vessel" is as defined in section 2 of the Act but a fishing vessel shall be deemed to be directly or indirectly controlled by a non-citizen and therefore not a local fishing vessel, if—

(a) in the case of a vessel wholly owned by any company, association or body of persons, corporate or incorporate established under the laws of Sierra Leone—

(i) less than seventy-five percent of the members are citizens of Sierra Leone resident and domiciled in Sierra Leone;

(ii) in the case of companies having a share capital, less than seventy-five percent of the shares are held by citizens of Sierra Leone, or the head office is not in Sierra Leone, or the dividend income is not remitted to Sierra Leone, or the manager or managers, chairman of the board of directors or the supervisory board and the majority of the members of such boards are not citizens of Sierra Leone resident and domiciled in Sierra Leone.

(b) less than seventy-five percent of the crew, master and officers included, are citizens of Sierra Leone resident and domiciled in Sierra Leone;

"licenced fishing vessel" means a fishing vessel specified in a valid fishing licence;

"transhipment of fish" includes the passing of fish from one vessel to another whether or not the fish has first been taken on board the vessel from which the fish is passed.

PART II—GENERAL PROVISIONS—AREAS AND EXEMPTIONS

Management
areas.

3. The fisheries waters shall be divided into two management areas—

(a) The area of 5 nautical miles being to the landward side of a line drawn between the points indicated in the First Schedule, and

(b) The remainder of the fisheries waters.

4. The Management area in regulation 3(a) shall be reserved for artisanal and recreational fisheries only.

Management area reserved for artisanal and recreational fishing.

5. (1) Pursuant to section 13 of the Act, artisanal fishing vessels shall be exempted from the requirement to be licensed to fish but are required to be registered in the format prescribed in the Sixth Schedule.

Artisanal and recreational fishing vessels, licences and registration.

(2) Recreational fishing vessels shall be licensed in a form as may be prescribed from time to time.

PART III—IDENTIFICATION OF VESSELS, SIGNALS, ETC.

6. (1) Each licensed fishing vessels shall at any times when in the fisheries waters—

Requirement to display identification markings, lights and shapes.

(a) fly the flag of its flag state, and

(b) display identification markings in accordance with the standard specifications set out in the Fifth Schedule.

(2) Every vessel engaged in fishing shall display such lights and shapes for the activity in which the vessel is engaged as are prescribed in the International Regulations for the Prevention of Collisions at Sea, 1972.

(3) All fishing gear which is not physically attached to a licensed fishing vessel shall be marked permanently with the identification markings of the vessel to which it belongs.

(4) Where the fishing gear in sub-regulation (3) is placed in the fisheries waters the position of such fishing gear shall be immediately reported by the Master to the Director.

(5) All static fishing gear left unattended in the fisheries waters shall be adequately marked by bouys, lights or other effective device so as to indicate its presence by day or night.

7. (1) The owner or master of every licensed fishing vessel subject to these regulations shall comply forthwith with instructions issued by an authorised officer in order to facilitate safe boarding and inspection of the vessel, its gear, equipment, log book and

Enforcement of the Act and regulations:

catch for the purpose of enforcing the provisions of the Act and these regulations.

(2) On being approached by a Government vessel or aircraft or other vessel or aircraft authorised to enforce the Act, the master shall be on the alert for signals conveying enforcement instructions.

(3) A fishing vessel intended for inspection will be informed by a Government patrol vessel either by VHF radio (Channel 16); or by International Code signals "Sierra Quebec 3" (You should stop your vessel. I wish to board you); or by "Lima". (Stop your vessel instantly); or sent by flag or in Morse code by signal lamp. In the event of failure to make contact through normal means the patrol vessel will direct a series of flashing white lights towards the vessel indicating that the Master must stop carrying out his intentions and follow the patrol vessel.

(4) " AA AA AA etc." means "call for an unknown station", to which the signalled vessel shall respond by illuminating the vessel identification required by regulation 7.

(5) A Master of a fishing vessel shall comply with any instructions or orders given from any surveillance aircraft.

(6) When wishing to communicate with a fishing vessel by VHF radio (Channel 16), the aircraft will signal by flashing a yellow light or alternatively will switch the navigation lights on and off. If wishing the vessel to stop, it will flash the International Code signal "Lima" in the morse code. In the event of failure of direct communications, the aircraft will be seen to roll from side to side and then settle on a steady course. The Master of the fishing vessel should stop carrying out his intentions and cause his vessel to proceed in the direction taken by the aircraft while at the same time making radio contact with a Government patrol vessel or shore authorities.

(7) When a vessel is signalled to stop or heave-to for boarding the master shall--

- (a) stop immediately and lay-to or manoeuvre in such a way as to permit the authorised officer and his party to come aboard;
- (b) provide a safe ladder for the authorised officer and his party;
- (c) when necessary to facilitate boarding, provide a man-rope, safety line and illumination for the ladder; and

- (d) take such other action as may be necessary to ensure the safety of the authorised officer and his party and to facilitate boarding.

PART IV—LICENCES, NETS, MESH-SIZE MEASUREMENTS, ETC.

8. (1) An application for a local fishing licence in respect of a local fishing vessel shall be made to the Director in the form set out in the Second Schedule not less than thirty days before the licence is required to come into effect. **Application for a fishing licence.**

(2) An application for a fishing licence in respect of a foreign fishing vessel shall be made to the Director in the form set out in Schedule 2, not less than thirty days before the licence is required to come into effect.

(3) Every application shall be signed by the owner or charterer of the vessel applying for the licence.

(4) Applications made under sub-regulations (1) and (2) shall be signed and shall contain or be accompanied by all the information including documents required under these regulations and in addition any further information required by the Director and may be made by the applicant or his duly authorised agent.

(5) The Director may, if he considers that an application under this regulation contains insufficient, false or misleading information, refuse to grant a licence to the applicant.

9. No licence in respect of a fishing vessel shall be issued unless— **Conditions of issue of fishing licence.**

(a) An application is made in accordance with regulation 9 and is true and correct in every way;

(b) any information requested by the Director relevant to the proposed fishing operation has been provided in the manner requested;

(c) the fee prescribed under regulation 11 has been paid.

10. (1) Except as provided under section 21 of the Act, a fishing licence shall apply to the one fishing vessel specified therein and shall not be transferable. **Non-transferability of fishing licence.**

(2) A fishing licence issued in respect of a fishing vessel shall be subject to condition relating to species of fish, fishing methods, areas of fishing and such other conditions as may be attached to or endorsed on the licence.

6
Fees and royalties for fishing vessels.

11. All fees for fishing licences issued in respect of fishing vessels and royalties related to the catches of such vessels shall be payable at the rates specified in Part I of the Second Schedule.

Period of validity of fishing licences.

12. The period of validity of a licence issued in respect of a fishing vessel shall be one year unless a period is specified in the licence when it shall be that period.

Form of fishing licence.

13. (1) All local fishing licences required under the Act shall be in the appropriate form set out in the Second Schedule.

(2) All foreign fishing licences required under the Act shall be in the appropriate form set out in Schedule 2.

Fishing licences to be available for inspection.

14. Every vessel holding a licence to fish in the fisheries waters shall carry and make available for inspection by any authorised officer such licence when in the fisheries waters.

Modifications and alterations to fishing vessels to be notified to the Director.

15. Any modification to a fishing vessel, including any alteration in the engine or hull, shall be notified within thirty days to the Director who shall take note of such modification or alteration and may, if he thinks fit, issue a new licence or amend the existing licence and require the payment of a further fee or part thereof.

Restrictions on mesh size.

16. (1) No trawl-net shall be carried or used for fishing unless the meshes forming the cod-end of the net have a minimum size of 60 millimetres unless—

(a) the net is primarily used for catching shellfish and;

(b) has meshes in the cod-end of not less than 42 millimetres.

(2) No purse seine net shall be carried or used with a mesh opening of less than 32 millimetres.

(3) No attachment shall be made to any net except to the underside of the net for the purpose of preventing or reducing damage to the net, provided that such device shall be secured only at its forward and lateral sides.

(4) The following rules shall apply to the measurement of the meshes of fish nets—

- (a) The net shall be wet when measured;
- (b) The opening of the mesh shall be measured by means of a graduated flat wedge-shaped gauge 2 millimetres thick and having a taper of 2 centimetres in 8 centimetres inserted into the mesh. In cases of doubt, a weight of not more than 3 kilograms shall be attached to the gauge.
- (c) The mesh size shall be taken as the average of the measurement of any 20 consecutive meshes along the longitudinal axis of the upper side of the net starting from 10 meshes from the after end, and clear of the selvages, strengthening ropes and lacings.

PART V—NAVIGATIONAL CHARTS AND AIDS

17. Each licensed fishing vessel shall be equipped with radio equipment capable of providing voice communication using maritime frequencies in the High Frequency and Very High Frequency bands in accordance with International Maritime Organisation specifications.

Compulsory
radio equip-
ment.

18. (1) All records, reports or notifications required to be maintained or made under these regulations shall be maintained or made in the English Language.

Use of
English lan-
guage and
International
Code of Sig-
nals.

(2) In any communication by radio, flag or light between any fishing vessel and a Government patrol vessel or authorised officer, the signals specified in the "International Code of Signals" published by the International Maritime Organisation shall be used.

19. Each licensed fishing vessel when in the fisheries waters shall carry appropriate navigational publications, and be fitted with such electronic and other aids to navigation as will enable the Master of such vessel to ascertain its position within the fisheries waters with reasonable accuracy.

Navigational
charts and
aids.

20. The Master of a fishing vessel which is required under these regulations to be equipped with radio shall, when such radio becomes inoperative, make appropriate arrangements for all reports and information required by these regulations to be relayed through the radio of another fishing vessel.

Arrange-
ments to be
made on
radio becom-
ing inopera-
tive.

PART VI—FISHING LOGS, REPORTS AND INSPECTIONS

Keeping of logs.

21. (1) The Master of each licensed fishing vessel shall keep a radio log in English showing dates and times when fishing reports were transmitted.

(2) The Master of each licensed fishing vessel engaged in fishing shall keep a fishing log in a form prescribed by the Director.

(3) The radio log and fishing log shall be readily available for inspection by an authorised officer.

(4) Every fishing log maintained under this regulation shall be retained on board the vessel on which it is maintained for a period of at least one year and be made available, on demand, for inspection by an authorised officer.

Notification of entry into fisheries waters.

22. (1) The Master of a licensed fishing vessel intending to fish in the fisheries waters shall notify the Director of his intention to enter the fisheries waters not more than 48 hours and not less than 12 hours before entry with his estimated time of arrival in Freetown for inspection prior to commencing fishing operations.

(2) Such notification shall include—

(a) the vessel's name, radio call sign and fishing licence number;

(b) full details of any catch on board the vessel;

(c) the intended date and time of commencement of fishing operations of the fishing vessel, and;

(d) the location where he intends to commence fishing.

Report to be made by Masters of licensed fishing vessels.

23. The Master of a licensed fishing vessel fishing within the fisheries waters shall at a time and in such a manner as may be notified to him by the Director give a report of his vessel's position and details of catch on board.

Reports to be made prior to transhipment or completion of fishing

24. Prior to a transhipment or to departure from the fisheries waters, the Master of a licensed fishing vessel shall make a report to the Director giving in respect of his fishing vessel—

(a) the total quantity of each species of catch taken within the fisheries waters;

(b) if intending to tranship, the total quantity of each species of catch to be transhipped; and

- (c) If leaving, the proposed date of departure and the expected date and time of arrival of his vessel for inspection prior to departure from the fisheries waters.

25. (1) The Master of a licensed fishing vessel who intends to leave the fisheries waters shall bring the vessel to Freetown or such other port or harbour as the Director shall stipulate for the purpose of a post-fishing inspection of the vessel by an authorised officer.

Post-fishing inspection and hand-over of fishing log.

(2) The Master shall deliver to the Director prior to departure from the fisheries waters, the fishing log referred to in regulation 21.

PART VII—CO-OPERATION WITH GOVERNMENT AUTHORITIES AND PATROL UNITS

26. (1) The Master of each licensed fishing vessel shall keep a continuous listening watch on VHF Channel 16 or 10 and 2182 Khz, and whilst in the fisheries waters 4066.1 Khz.

Radio listening watch.

(2) The Master of a licensed fishing vessel shall be deemed to know the contents of a broadcast made pursuant to sub-regulation 26(1) and held liable for acts or omissions which such broadcast may have prohibited or required.

(3) The Master shall maintain a listening watch for calls from any Government fishery patrol vessel or aircraft on a designated frequency.

27. (1) The Master of a fishing vessel shall, when in the fisheries waters and when requested to do so by the Director, permit and assist observers to go on board and remain on board the vessel for the purpose of recording data and observations and shall permit them to retain and remove any samples and records they have taken.

Accommodation of observers and authorised officers and provision of other facilities.

(2) Where such an observer is on board a fishing vessel and remains on board a vessel for a period of more than four hours, the Master of the vessel shall provide the observer with suitable food and accommodation at no cost to the observer or Government of Sierra Leone.

(3) The Master shall also provide facilities similar to those provided in sub-regulation (2) for any authorised officer forced by circumstances to stay on board his vessel for a prolonged period.

(4) The Master shall—

- (a) at the request of an authorised officer or observer, allow that officer or observer to send or receive messages by means of the vessel's communication equipment;
- (b) at the request of an authorised officer or observer, proceed to the nearest and most convenient place for the purpose of disembarking the officer or observer; and
- (c) provide all other reasonable assistance in his power to enable an authorised officer or observer to carry out his duties and functions.

(5) No person shall forcibly remove, assault, oppose, impede, intimidate or interfere with an authorised officer or observer lawfully placed aboard a fishing vessel.

Compliance with instructions from patrol vessels.

28. (1) The Master of a fishing vessel shall comply with any instruction or order given by a Government patrol vessel.

PART VIII—GEAR-STOWAGE, FIXED GEAR AVOIDANCE AND REPORT TO DIRECTOR

Stowage of fishing gear by fishing vessel.

29. At any time when a licensed fishing vessel is in any area of the fisheries waters and either—

- (a) it is not permitted to fish in the area; or
- (b) it is permitted by fishing licence to fish only for certain species of fish or with certain types of fishing gear;

then the fishing gear, or so much of the gear as is not required for permitted fishing, shall be stowed in such a manner that it is not readily available for use for fishing.

Avoidance of damages to fixed gear and traditional devices.

30. (1) The Master of any vessel in the fisheries waters shall take all reasonable measures to avoid causing damage to fixed fishing gear marked in accordance with regulation 6, pot marks, floating gear, fish aggregating devices, marks and other traditional fishing devices.

(2) No fishing vessel may fish within half a nautical mile of fixed gear position.

(3) In the event that a vessel becomes entangled with or damages any of the gear referred to in sub-regulation (1), the Master shall-

- (a) attempt to restore the gear;

- (b) where practicable return the gear to the sea and log the position;
- (c) make a full report of the incident and steps taken by him in accordance with paragraphs (a) and (b) to the Director at the earliest opportunity.

PART IX—TRANSFER OF CATCHES AND TRANSHIPMENT

31. (1) The Master of any vessel, intending to enter the fisheries waters for the purpose of taking on board any fish by tranship or any other means, shall notify the Director of his intention to enter the waters not more than 48 hours and not less than 12 hours before entry.

Notification of entry and departure of fish trans-
porters,
loading
licences,
checking or
loading.

(2) Such notification shall include—

- (a) the vessel's name, radio call sign and fishing licence number where applicable;
- (b) full details of any catch on board the vessel;
- (c) the intended date and arrival time in Freetown for inspection before commencement of transhipment or loading operations.

(3) Prior to transhipment, the Master shall apply to the Director for a transhipment/loading licence in the form set out in the Third Schedule, and prior to such licence being issued shall pay the transhipment/loading fee.

(4) The transhipment/loading licence shall stipulate where loading or transhipment shall take place and shall be subject to such other conditions as the Director shall endorse thereon.

(5) The Master of a vessel with a transhipment/loading licence shall not commence to tranship or take on board fish unless authorised.

(6) The Master shall cause the fish being loaded to be accurately weighed and recorded by species on board the vessel.

(7) The Master shall during the loading operation give every assistance to the authorised officer in the checking of the weight and species being loaded and shall furnish to the Director on a daily basis copies of the weighing records referred to in sub-regulation (6).

(8) Prior to departure from the fisheries waters, the Master of a vessel with a transhipment/loading licence shall notify the Director in such form as the Director shall stipulate of—

- (a) the total amounts by weight of each species of fish or fish products taken on board since the issue of the licence;
- (b) the identity of vessels from which fish or fish products have been transhipped;
- (c) the amounts by weight of each fish species or fish products loaded from each vessel referred to in paragraph (b).

PART X—FISH RECEIVING PROCESSING AND MARKETING

Requirement of fish processing licence.

32. No fish processing establishment or processing vessel shall operate without a licence from the Director.

Applications for fish processing licences.

33. An application for a licence to operate a fish processing establishment shall be made to the Director in the form set out in the Fourth Schedule to these regulations.

Conditions of issue of fish processing licences.

34. No licence to operate a fish processing establishment shall be issued unless—

- (a) an application has been made in accordance with regulation 33 and is true and correct in every way;
- (b) Any information requested by the Director and relevant to the proposed fish processing operation has been provided in the manner requested;
- (c) the fee prescribed under regulation 35 has been paid;
- (d) the Director is satisfied that the fish processing establishment complies with all such safety and sanitary standards as the Act or Regulations or the Director by Notice in the *Gazette* shall require.

Fees for fish processing licences.

35. Fees for licences to operate fish processing establishments shall be payable at the rates specified in Part I of the Fourth Schedule.

Period of validity of fish processing licences.

36. Every licence issued under this Part shall be subject to regulation 38 and be valid for such period, being not less than 2 years as shall be stipulated in the licence.

37. Every licence issued under this Part shall be subject to the following conditions:

Conditions applicable to fish processing licence.

- (a) the establishment shall be maintained and operated in a safe, clean and sanitary manner;
- (b) accurate records shall be maintained relating to the operations of the establishment, including records of quantity of fish received and processed. Such records shall be open for inspection by authorised officers;
- (c) such returns concerning the operations of the establishment shall be made to the Director as he may from time to time require;
- (d) such other conditions as may be attached to or endorsed on the licence.

38. The Director may cancel a licence given under this Part if he is satisfied that any of the conditions to which it is subject are not complied with.

Cancellation of fish processing licences.

39. Any person aggrieved by the refusal of the Director to issue a licence under this Part or by the cancellation of a licence may appeal against such refusal or cancellation to the Minister within 30 days. The Minister's decision, which may not be delegated, shall be final.

Appeals refusal or cancellation of licences.

40. Any person who is operating a fish processing establishment on the coming into force of these regulations shall be deemed to have been issued a licence under this Part for two years subject to the conditions provided for in paragraphs (a), (b) and (c) of Regulation 37.

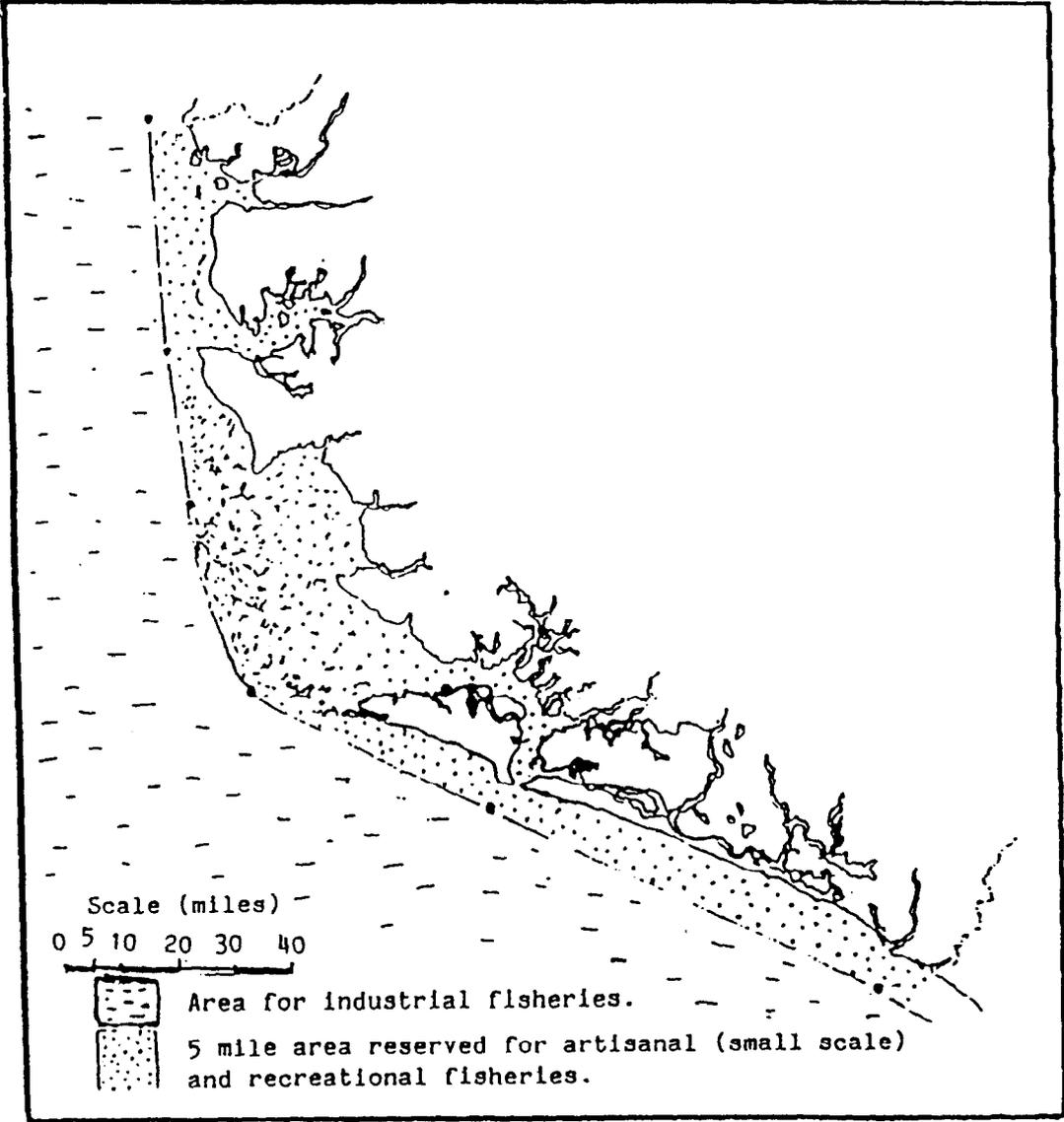
Traditional fish processing licences.

PART XII—REVOCATION

41. The Fisheries Regulations, 1988 are hereby revoked.

Revocation of P. N. No. 10 of 1988.

FIRST SCHEDULE
DEPARTMENT OF FISHERIES
FREETOWN, SIERRA LEONE
FISHERIES MANAGEMENT AREAS



SECOND SCHEDULE (Regulations 8, 11 & 12)
DEPARTMENT OF FISHERIES
FREETOWN, SIERRA LEONE
FISHING LICENCES

PART I

LICENCE FEES AND ROYALTY CHARGES

1. FOREIGN FISHING VESSELS

- (1) Skrimp Trawlers, Demersal Trawlers, Cephaloped Trawlers.
Annual Licence: US Dollars 200 per Gross Registered Tonne
Royalty: 12% of first sale value.
- (2) Pursue Seize Vessels, Pelagic Trawlers (excluding those primarily engaged in tuna fishing).
Annual Licence: US Dollars 50 per Gross Registered Tonne.
6 Monthly Licence: US Dollars 30 per Gross Registered Tonne
Royalty: 15% of first sale value.
- (3) Tuna Vessels (6 monthly Licences)
Purse Seiners: Licence: US Dollars 180 per Cubic metre of fish hold capacity per 6 months.
Royalty: 10% of first sale value
Longliners: Licence: US Dollars 60 per Cubic metre of fish hold capacity per 6 months.
Royalty: 10% of first sale value.
Pole and Line: Licence: US Dollars 60 per Cubic metre of fish hold capacity per 6 months.
Royalty: 10% of first sale value.

2. LOCAL FISHING VESSELS

All Trawlers over 250 Gross Registered Tonnes—

Annual Licence: Leones 3,000,000.00
Royalty: 15% of first sale value payable in currency of sale or kind as prescribed by the Director.

All Trawlers up to 250 Gross Registered Tonnes—

Annual Licence: Leones 1,000,000.00
Royalty: 15% of first sale value payable in currency of sale or kind as prescribed by the Director.

Note: First sale value of export product shall be the over the side value of the catch based on the current INFOPECHE globefish Bulletin and verified by Special Services International, which price shall be final and binding. First sale value for locally sold product is the value decided by the Department of Fisheries based on current prices in Freetown.

PART 2

APPLICATION FOR FISHING LICENCES

1. CONDITIONS

(1) All applications shall be delivered to the office of the licensing officer in Freetown unless otherwise specified.

(2) All applications for a licence shall be lodged twenty-eight days before the commencement date required in the application.

(3) The licensing officer may at the discretion accept an application made less than twenty eight days before the requested commencement date of the licence.

(4) Every application under this regulation shall be in writing and shall contain all the information required under these regulations. In addition any information required in any form approved by the licensing officer shall be supplied either by the applicant or his duly authorised agent via delivery of the application or by sending it by telegram, telex or facsimile information.

(5) An application under this regulation shall be accompanied by—

(a) An International Tonnage Certificate as to the gross tonnage issued under the International Tonnage Rules of each vessel in respect of which the application is made;

(b) An engine manufacture certificate indicating engine power;

(c) A remittance for the prescribed application fee; and

(d) Any deposit required under paragraph 8 of the application condition.

(6) In the event any vessel is not registered under the flag of a country which is party to the International Maritime Organisation Convention on Tonnage Management of Ships 1962 the licensing officer, in his discretion, may accept such evidence as he thinks fit of the gross tonnage of that vessel and using such method of calculation as he thinks fit, convert that tonnage into gross tonnage of that vessel for the purposes of the International Tonnage Rules and gross tonnage for the purposes of licence fee calculation.

(7) The licensing officer may require that the application:

(a) be lodged by a date specified; and

(b) be accompanied (in addition to the application fee) by a deposit of not more than one-tenth of the licence fee that would be payable if a licence were granted to the applicant.

(8) Sums required to be paid under paragraphs 6 and 8 of these conditions shall be paid in such a manner as licensing officer shall direct.

(9) An application fee (whether or not the licence is granted) shall not be refunded unless the licensing officer otherwise direct. But if a licence is granted it shall be applied towards payment of the fee for the licence.

(10) A deposit shall be refunded to the applicant if the licence is not granted, but shall otherwise be applied towards payment of the fee for the licence.

(11) A licensee or his authorised agent in Sierra Leone shall, if required by the licensing officer before or after the issue of the licence, either execute and maintain a bond in an amount and form satisfactory to the licensing officer to guarantee compliance with the Act, these regulations and conditions of the licence or provide such other financial or other security as the licensing officer may approve.

2.

APPLICATION FORM

No.....

SIERRA LEONE FISHING LICENCE

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 1982

- 1. NAME OF VESSEL.....
- PORT OF REGISTRATION
- REGISTERED GROSS TONNAGE.....
- ENGINE POWER (state in KW or HP).....
- LENGTH (in feet).....
- FISHING METHOD.....
- IF PAIR TRAWLER STATE NAME OF PARTNER

PERIOD AND COMMENCEMENT DATE

AREA

TRANSHIPMENT/EXPORT (if both please state)

TO CATCH AND RETAIN THESE SPECIES OF FISH

2. Name (s) and address (es) of owner (s) to whom the licence (s) is/are to be granted.

3. Name and address of the owner/authorised agent in Sierra Leone to whom the licence and/or notices of variation, suspension or invocation are to be sent if different from paragraph 2 above.

DECLARATION

I/we confirm that the applicant named in paragraph 2 is now the owner of the vessel named..... that, I/we surrender all previous licences for Sierra Leone waters.

Signature

Name in block letters

Dated.....

3. SIERRA LEONE FISHING LICENCE LICENCE NO.....
THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 1988

(1) Licence is hereby granted to.....
In respect of the fishing boat.....
Radio call sign.....
Name of master at time of issue.....
to fish in such part of the waters of Sierra Leone as are not excluded by para-
graph 2 of this part subject to the general conditions contained in Part IV of
The Fisheries Management and Development Act, 1988 and such special condi-
tions as may be specified in part of this licence.

THIS LICENCE IS NOT TRANSFERABLE

- (2) Excluded from this licence are the coastal waters (5 nautical miles)
- (3) LICENCE CATEGORY.....
- (4) THIS LICENCE RELATES TO.....
- (5) METHOD OF FISHING PERMITTED.....
- (6) SPECIES OF FISH WHICH MAY BE CAUGHT AND RETAINED ON BOARD—
.....
.....

(7) THE LICENCE IS VALID FOR THE PERIOD.....to.....

(8) DATE OF ISSUE.....

Licence fee of.....
Received.....

for Licensing Officer.

Signature of issuing Authority.....

Stamp of Issuing Authority

THIS LICENCE REVOKES ANY PREVIOUS LICENCE TO FISH IN THE
WATERS OF SIERRA LEONE.

PART 3

FISHING LICENCE—CONDITIONS

1. GENERAL CONDITIONS

- (1) The licence shall only be valid for only activities, for such period
and for such areas as are specified in the Licence.
- (2) The licence shall not extend to the 5 nautical miles conservation
belt.
- (3) Only such species of fish shall be fished for in such quantities
using such methods of fishing. And such fishing gear as are autho-
rised by the licence.

- (4) All relevant laws and regulations for the conservation and management of fisheries resources in Sierra Leone and the conduct of fishing operations shall be complied with.
- (5) The master shall cause written records to be maintained on a daily basis of the fishing effort and the catch of the vessel in a form set out in the schedule attached to this licence or in such form as directed by the licensing officer.
- (6) Any transhipment of fish shall be undertaken in Freetown or such other place as the licencing officer may approve.
- (7) The master shall, bring the fishing vessel into Freetown or other port or harbour notified to him by the licensing officer for an inspection at any time required to do so by this Authority.
- (8) The master shall, at all times when in the fishing waters comply with instructions given to him by any authorised Officer and co-operate with such officer in any inspection carried out by him and, in particular, shall bring the fishing vessel to a stop when requested to do so, shall permit and facilitate any authorised officer or official observer to board and disembark from the vessel in safety and in accordance with ordinary practices of seamen shall manoeuvre his vessel to make a lee and shall provide an approved and safely secured pilot ladder.
- (9) The master shall make position reports every 24 hours using latitude and longitude or the grid shown on the illustrative chart attached to the licence.
- (10) It is a condition of this licence that it is to be carried on board the vessel to which it relates at all times and be produced on demand to any authorised Officer.

2. SPECIAL CONDITIONS

(1) The licensing officer reserves the right at any time to revoke or cancel this licence or to alter or amend the area of fishing permitted under paragraph 4 Part 1 if, in his absolute discretion, he considers such action as desirable in the interests of the conservation of fish stocks in the fisheries waters of Sierra Leone.

(2) When it is necessary to revoke, suspend or vary a licence, the owner of the vessel or his authorised agent—

- (a) shall receive written notification to that effect, and any such notice shall come into operation on the expiry of a period of 48 hours from the time of its receipt by him unless otherwise stated.
- (b) by public announcement in such a manner as the Minister revoking, suspending or varying the licence shall decide.

(3) In any case where he takes action under sub-paragraph 1, the licensing officer will use his best endeavours (subject to considerations of fish stock conservation and management) and if just and equitable to do so, to assign an alternative or reduced fishing area to the licensee.

(4) The licensing officer shall not be liable to pay compensation to the licensee as a result of action taken by him under sub-paragraph 1, but will give favourable consideration to a refund of the whole or part of the licence fee if that, in all the circumstances, is just and equitable.

THIRD SCHEDULE (Regulation 31) FISH LOADING AND TRANSHIPMENT LICENCES

PART 1

FEES

1. Vessels receiving fish from fishing vessels, whether fish was caught in Sierra Leone waters or otherwise, for the purposes of export from Sierra Leone shall carry out the transshipment operation within the jurisdiction of the Freetown harbour authorities.

2. Each Transshipment operation shall be the subject of a separate Licence.

3. Transshipment Licence Fee—

2% of first sale value, payable in US Dollars.

PART 2

APPLICATION FOR FISH LOADING-TRANSHIPMENT LICENCE

1. CONDITIONS

(1) All applications shall be delivered to the office of the Licensing Officer in Freetown, unless otherwise specified.

(2) An application for a licence shall be lodged twenty-eight days before the start date requested in the application.

(3) The licensing officer may at his discretion accept an application made less than twenty-eight days before the requested commencement date of the licence.

(4) Every application under this regulation shall be in writing and shall contain all the information required under these regulations. In addition any information required in any form approved by the licensing officer shall be supplied either by the applicant or his duly authorised agent either by delivery of the application or by sending it by telegram, telex or facsimile transmission.

(5) Every application under this regulation shall specify whether or not the licence shall also operate as transshipment or export licence.

(6) An application under this regulation shall be accompanied by—

- (a) the date, time and position of entry into the fisheries waters,
- (b) an International Tonnage Certificate as the gross tonnage, issued under the International Tonnage Rules of each vessel in respect of which the application is made;
- (c) documentation showing the cubic capacity of each hold, between-deck and other space used for the carriage of cargo;
- (d) a remittance for the prescribed application fee; and
- (e) any deposit required under paragraph 8 of the application conditions.

(7) In the event any vessel is not registered under the flag of a country which is party to the International Maritime Organisation Convention on Tonnage Management of Ships, 1969 the licensing officer in his discretion, may accept such evidence as he thinks fit of the gross tonnage of that vessel and using such method of calculation as he sees fit, convert that tonnage into gross tonnage of that vessel for the purposes of the International Tonnage Rules and the gross tonnage for the purposes of licence fee calculation.

- (8) The licensing officer may require that the application—
- (a) be lodged by a date specified; and
 - (b) be accompanied (in addition to the application fee) by a deposit of not more than one-tenth of the licence fee that would be payable if a licence were granted to the applicant.

(9) Sums required to be paid under paragraphs 6 and 8 of these conditions shall be paid in such a manner as the licensing officer shall direct.

(10) An application fee (whether or not the licence is granted) shall not be refunded unless the licensing officer otherwise directs, and if a licence is granted it shall be applied towards payment of the fee for the licence.

(11) A deposit shall be refunded to the applicant if the licence is not granted, but shall otherwise be applied towards payment of the fee for the licence.

(12) A licensee or his authorised agent in Sierra Leone shall, if required by the licensing officer before or after the issue of the licence either execute and maintain a bond in an amount and form satisfactory to the licensing officer to guarantee compliance with the Act, these regulations and conditions of the licence or provide such other financial or other security as the licensing officer may approve.

APPLICATION FORM NO.....
SIERRA LEONE FISH LOADING/TRANSHIPMENT LICENCE
THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 1988

1. Name of Vessel.....
 Port of Registration.....
 Registered Gross Tonnage.....

Length (state in feet)
PORT (for transshipment/loading operations) FREETOWN
DATE OF ARRIVAL.....

PERIOD..... TO

TRANSHIPMENT/EXPORT
(If both please state).....

FISH SPECIES TO BE TRANSHIPPED.....

.....
.....

2. Name(s) and address(es) of owner(s) charterer(s) to whom the licence(s) is/are to be granted.

.....
.....

3. Name and address of the owner/authorised agent in Sierra Leone to whom the licence and/or notices of variation, suspension or revocation are to be sent if different from paragraph 2 above.

.....
.....

4. DECLARATION

I/We confirm that the applicant named in paragraph 2 is now the owner/charterer of the vessel named.

That I/we surrender all previous licences for Sierra Leone waters.

.....
Signature *Name in BLOCK LETTERS*

Dated.....
.....

OFFICIAL USE ONLY

Date Received.....
Licence Number.....
Date of Issue.....

5. FISH LOADING/TRANSHIPMENT LICENCE LICENCE NO.....
THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 1988

NAME OF VESSEL.....

PORT AND COUNTRY OF REGISTRATION.....

REGISTERED NUMBER/OFFICIAL NO.....

REGISTERED LENGTH.....

GROSS AND NET TONNAGE.....

NAME AND NATIONALITY OF MASTER.....

.....
NAME AND NATIONALITY OF OWNER OR CHARTERER.....

1. Subject to the conditions set out in the following provisions of this licence there is hereby authorised the receiving by.....
at the port of Freetown, the following species of sea fish:

.....
.....
.....
.....

2. Subject to any variation or revocation and provided that the name of the owner or charterer remain the same as specified above this licence is valid from..... until.....

3. Date of issue.....
Licence fee of.....

Received.....

The Licensing Officer.

Signature of Issuing Authority.....

Stamp of Issuing Authority

THIS LICENCE REVOKES ANY PREVIOUS LICENCE TO LOAD OR TRANSHIP FISH IN THE WATERS OF SIERRA LEONE.

DECLARATION OF QUANTITIES OF PELAGIC SPECIES ON BOARD
ON DEPARTURE

Note: This form must be completed and delivered to the office of the Licensing Officer before your vessel departs from the port of Freetown or other port or harbour in Sierra Leone.

Species	How Processed	Tonnes on Board in Processed Form

Name of Vessel..... Name of Master (*Capitals*)

Nationality.....

Date of Departure..... Signature of Master/Agent

Date of Declaration.....

DECLARATION OF QUANTITIES OF FISH (BY SPECIES) ON BOARD
ON ARRIVAL.

Note: This form must be completed and delivered to the office of the licensing officer within 24 hours of arrival and before any sea fish is received from any fishing vessel or other commercial vessel.

Species	How Processed	Tonnes on Board in Processed form

Name of Vessel..... Name of Master.....
 Nationality.....
 Position of Berth..... Signature of Master or Agent.....
 Date and time of Arrival.....
 Date of Declaration.....

DECLARATION OF SPECIES TRANSFERRED TO OTHER VESSELS
OR OTHERWISE DISPOSED OF

Note: This form must be completed and delivered to the office of the licensing officer 24 hours prior to such transfer or disposal.

Species	Tonnes Live Weight	Tonnes Processed	Method of Processing	Name of Vessel to which Fish was transferred

Note: For methods of disposal other than transfer to another vessel:
Please supply details on reverse of this form.

Name of Vessel..... Name of Master (Capital)
Nationality..... Signature of Master/Agent.....
Date of Declaration.....

FOURTH SCHEDULE (Regulations 33 & 35)
FISH PROCESSING LICENCES

PART 1
FISH PROCESSING LICENCE FEES

- 1. Licence: Fees payable shall be 2% of sales price of product processed annually.

PART 2
APPLICATION FORM No.....
SIERRA LEONE FISH PROCESSING LICENCE
THE FISHERIES REGULATION, 1990

- 1. COMPANY DETAILS:
Name of Company.....
Registered Address.....
.....
Name of Company Directors
.....
Address of Processing/Manufacturing Plant
.....
- 2. PRODUCTS:
Name and Type of Fish Species to be Processed
.....
- 3. PROCESS:
Type of Processes to be carried out
.....
- 4. Name(s) and address(es) of owner(s) to whom the licence(s) is/are to be granted.
.....

5. DECLARATION

I/We confirm that the applicant in name in paragraph 4 is the Director of the company named

.....
and that we surrender all previous licences to process fish within the territory of Sierra Leone and its fisheries waters.

.....
Signature *Name in BLOCK LETTERS*
Dated.....

OFFICIAL USE ONLY

Date Received.....
Licence Number.....
Date of Issue.....

PART 3
CONDITIONS

Details on General and Special conditions of Fish Processing Licences will be available from the office of the Licensing Officer in Freetown or the Department of Fisheries.

FIFTH SCHEDULE (Regulation 6)

STANDARD SPECIFICATIONS FOR THE IDENTIFICATIONS AND MARKING OF FISHING VESSELS

1. Basic System

- (1) Vessels shall be marked with their International Telecommunication Union Radio Call Signs (IRCS).
- (2) Except as provided for in paragraph 2(6), vessels to which an IRCS has not been assigned shall be marked with the characters allocated by the International Telecommunications Union (ITU) to the flag State see Appendix (1) and followed by, where appropriate, the licence or registration number assigned by the flag state. In such cases, a hyphen shall be placed between the nationality identification characters and the licence or registration number identifying the vessel.
- (3) In order to avoid confusion with the letters I and O, it is recommended that the numbers 1 and 0, which are specifically excluded from the ITU call signs be avoided by national authorities when allocating licence or registration numbers.
- (4) Apart from the vessel's name or identification mark and the port of registry as required by international practice or national legislation, the marking

system as specified shall, in order to avoid confusion, be the only other vessel identification mark consisting of letters and numbers to be painted on the hull or superstructure.

2. Application

- (1) The marking shall be prominently displayed at all times--
 - (a) on the vessel's side or superstructure, port and starboard: fixtures inclined at an angle to the vessel's side of superstructure would be considered as suitable provided that the angle of inclination shall not prevent sighting of the sign from another vessel or from the air;
 - (b) on a deck, except as provided for in paragraph 2 (4) below, should an awning or other temporary cover be placed so as to obscure the mark on deck, the awning or cover shall also be marked. These marks shall be placed athwartships with the top of the numbers towards the bow.
- (2) Marks shall be placed as high as possible above the water-line on both sides. Such parts of the hull as the flare of the bow and the stern, shall be avoided.
- (3) The marks shall--
 - (a) be so placed that they are not obscured by the fishing gear whether it is stowed or in use;
 - (b) be clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discolouration from the catch of certain types of species;
 - (c) not extend below the water-line; and
 - (d) be clear of any working lights.
- (4) Undecked vessels shall not be required to display markings on all horizontal surface. Owners shall where practicable, fit a board on which the markings may be clearly seen from the air.
- (5) Vessels fitted with sails may display the markings on the sail in addition to the hull.
- (6) Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.

3. Specifications of Letters and Numbers.

- (1) Block lettering and numbering shall be used throughout.

(2) The width (w) of the letters and numbers shall be in proportion to the size of the height as set out in Appendix II.

(3) The height (h) of the letters and numbers shall be in proportion to the size of the vessel in accordance with the following:

(a) Formarks to be placed on the hull, superstructure and/or inclined surfaces—

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

(b) for the marks to be placed on deck—

The height shall be not less than 0.3 m for all classes of vessels of 5 m and over.

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

(5) The width of the stroke for all letters, numbers and the hyphen, shall be $h/6$.

(6) Spacing—

(a) the space between the letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$.

(b) the space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$, e.g. A V.

(7) Painting:

The marks shall be—

(a) white on a black background, or

(b) black on a white background.

(8) The background shall extend to provide a border around the mark of not less than $h/6$.

(9) Good quality paints shall be used throughout.

(10) The use of retro-reflective or heat generating substances may be used, provided that the mark meets the requirements of these Standard Specifications.

(11) The marks and the background shall be maintained in good condition at all times.

SIXTH SCHEDULE (Regulation 5)
REGISTRATION OF ARTISANAL VESSELS

**PART I
 FEES**

There shall be no fee for registration.

**PART 2
 APPLICATION FOR REGISTRATION
 ARTISANAL VESSELS**

1. Name of Vessel.....
 Home Port.....
 Length Overall.....
 Beam.....
 Draft.....
 Engine Power (*state in KW or HP*) if any.....
 Fishing Method.....
2. Name(s) and address(es) of owner(s) to whom Registration(s) is/are to be granted.....

Declaration:

I/ We confirm that the applicant named in paragraph 2 is/are now the owner(s) of the vessel named.....

.....
Signature *Name (in Block Letters)*

Date.....

**PART 3
 REGISTRATION DOCUMENT
 ARTISANAL VESSELS**

1. Name of Vessel.....
2. Name of Master at time of issue.....
3. Fishing Method.....
4. The Registration Document is valid for the period.....

5. Signature of Issuing Authority
6. Stamp of Issuing Authority

MADE this 27th day of December, 1990.

Issued under my hand,

MOHAMMED O. BASHI-TAQI,
*Minister of Agriculture, Natural Resources
 and Forestry.*

EXPLANATORY NOTE

(This note is not part of these regulations but is intended to indicate their general purport.)

The object of these regulations is to establish an effective control programme for the Marine Fisheries of Sierra Leone. The aim of the programme is to enable Government to properly and effectively control the country's Marine Fisheries Resources, and to obtain Revenue from Licences fees and royalties, whilst preserving and protecting the Marine Fisheries Resource, Maritime Protection Services (Sierra Leone) Ltd. has been appointed by Government to undertake this service.

These Regulations are meant to replace the Regulations published in Gazette No. 70 of 27th November, 1990 as P.N. No. 9 of 1990.

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