



Tonga

**FISHERIES (FISHING VESSELS)
LICENSING REGULATIONS 2020**



FISHERIES (FISHING VESSELS) LICENSING REGULATIONS 2020

Arrangement of Sections

Regulation

PART I – PRELIMINARY		7
1	Short Title	7
2	Interpretation.....	7
3	Fees and forms	8
PART II– LOCALLY BASED FOREIGN FISHING VESSELS		8
4	Application for a locally based foreign fishing vessel licence.....	8
5	Determination of application	8
6	Licence.....	9
PART III – FOREIGN FISHING VESSELS		9
7	Application for a foreign fishing vessel licence.....	9
8	Determination of application	9
9	Licence.....	10
10	Conditions.....	10
11	Agent.....	12
PART IV – HIGH SEAS PERMIT		13
12	Application for a High Seas Permit	13

13	Determination of application.....	13
14	Permit	13
15	Conditions	13

PART V – AUTHORISATIONS **14**

16	Application for authorisation	14
17	Fishery scientific research.....	15
18	Test fishing operations or surveys.....	15
19	Transshipment.....	15

PART VI - MISCELLANEOUS PROVISIONS **16**

20	Notification of changes	16
21	Period of validity of licences and authorisations.....	16
22	Renewal of licences.....	16
23	Transferability	16
24	Information to be true, complete and correct	16
25	General Penalty for breach of regulations.....	17
26	Savings	17

SCHEDULE I **18**

FEES	18
------	----

SCHEDULE 2 **20**

FORM 1- APPLICATION FOR A LOCALLY BASED FOREIGN FISHING VESSEL LICENSE	20
FORM 2 - LOCALLY BASED FOREIGN FISHING VESSEL LICENCE	23
FORM 3 - APPLICATION FOR A FOREIGN FISHING VESSEL LICENSE	25
FORM 4 - FOREIGN FISHING VESSEL LICENCE	29
FORM 5 - APPLICATION FOR A HIGH SEAS FISHING VESSEL PERMIT	31
FORM 6 - HIGH SEAS FISHING VESSEL PERMIT	36
FORM 7 - APPLICATION FOR A FISHERY SCIENTIFIC RESEARCH, TEST FISHING OPERATION, OR SURVEYS AUTHORISATION	38
FORM 8 - AUTHORISATION FOR FISHERY SCIENTIFIC RESEARCH, TEST FISHING OPERATION OR SURVEYS	42

SCHEDULE 3	44
VESEL IDENTIFICATION MARKINGS	44
SCHEDULE 4	46
FISHERY SCIENTIFIC RESEARCH, TEST FISHING OR TEST FISHING OPERATIONS OR SURVEYS	46
GENERAL TERMS AND CONDITIONS	46



FISHERIES (FISHING VESSELS) LICENSING REGULATIONS 2020

FISHERIES MANAGEMENT ACT 2002

IN EXERCISE of the powers conferred by section 101 of the Fisheries Management Act 2002, the Minister makes the following Regulations -

PART I – PRELIMINARY

1 Short Title

This Regulations may be cited as the Fisheries (Fishing Vessels) Licensing Regulations 2020.

2 Interpretation

In these Regulations –

- (a) “Act” means the Fisheries Management Act 2002;

- (b) the terms and phrases defined in the Act shall be given the same meaning in these regulations unless the context requires otherwise.

3 Fees and forms

- (1) The fees set out in Schedule 1, are hereby prescribed for the purposes of the Act and these Regulations.
- (2) The forms set out in Schedule 2, are hereby prescribed for the purposes of the Act and these Regulations.

PART II– LOCALLY BASED FOREIGN FISHING VESSELS

4 Application for a locally based foreign fishing vessel licence

- (1) An application for the issuance or renewal of a locally based foreign fishing vessel licence under section 31 of the Act shall be set out in Form 1 and shall be accompanied by the prescribed fee.
- (2) The operator of the locally based foreign fishing vessel shall present the vessel at a port so designated by the Chief Executive Officer for a full pre-fishing inspection and pre-fishing briefing of the terms and conditions for its fishing license, prior to being issued its license to fish in the fisheries waters.
- (3) As part of the pre-fishing inspection required under sub-regulation (2), the operator shall be required to ensure that the vessel is seaworthy and complies with the safety standards applicable under the Shipping Act.

5 Determination of application

The Chief Executive Officer shall have regard to the following matters in determining whether or not to grant a locally based foreign fishing vessel licence –

- (a) the capacity of Tonga to ensure the effective implementation of international conservation and management measures relevant to that vessel;
- (b) the previous offending history, if any, in relation to fishing or related activity of the vessel, operator and crew; and
- (c) any other matter the Chief Executive Officer considers relevant.

6 Licence

A locally based foreign fishing vessel licence shall be set out in Form 2 and accompanied by the prescribed fee.

PART III – FOREIGN FISHING VESSELS

7 Application for a foreign fishing vessel licence

- (1) An application for the issuance or renewal of a foreign fishing vessel licence under section 38 of the Act shall be set out in Form 3 and accompanied by the prescribed fee.
- (2) Where an application is received under sub-regulation (1), the Ministry shall process the application within 2 months of receiving the application
- (3) The operator of the foreign fishing vessel shall present the vessel at a port so designated by the Chief Executive Officer for a full pre-fishing inspection and pre-fishing briefing of the terms and conditions for its fishing license, prior to being issued its license to fish in the fisheries waters.
- (3) As part of the pre-fishing inspection required under sub-regulation (2), the operator shall be required to ensure that the vessel is seaworthy and complies with the safety standards applicable under the Shipping Act.

8 Determination of application

The Minister shall consider the following matters in determining whether or not to grant a foreign fishing vessel licence-

- (a) the capacity of Tonga to ensure the effective implementation of international conservation and management measures relevant to that vessel;
- (b) the previous offending history, if any, in relation to fishing or related activity of the vessel, operator and crew; and
- (c) any other matter the Minister considers relevant.

9 Licence

A foreign fishing vessel licence shall be set out in Form 4 and accompanied by the prescribed fee.

10 Conditions

In addition to any other applicable conditions that may be imposed from time to time, a locally based foreign fishing vessel licence or a foreign fishing vessel licence shall be subject to the following conditions –

- (a) the vessel shall only be used for such fishing and during such periods and in such areas as are specified in the licence;
- (b) the vessel shall not fish within the territorial waters, special management areas or any other Closed Areas as notified by the Chief Executive Officer;
- (c) no fish may be transhipped except with the written authorisation of the Chief Executive Officer;
- (d) the operator shall ensure that the automatic location communicator is switched on and must be reporting normally, consistently and automatically to the Regional Vessel Monitoring System at all times;
- (e) the vessel shall at all times in the fisheries waters -
 - (i) fly the flag of the State in which it is registered;
 - (ii) display identification markings in accordance with the specifications set out in Schedule 3; and
 - (iii) display lights and shapes for the vessel and activity in which it is engaged in compliance with the requirements of the Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREG 1972) and the International Conference on Revision of the International Regulations for Preventing Collisions at Sea 1990 (1990 Edition);
- (f) maintain logsheets, in writing, in such form as the Chief Executive Officer may require for the purpose of recording the fishing operations or related activities of the vessel, and shall cause entries to be made daily;
- (g) the operator shall cause the logbook maintained under sub-regulation (f) to be transmitted in its original and unaltered form to the Chief Executive Officer or to any other person or organisation designated by him –
 - (i) not later than three days after the completion of the voyage to which the logbook relates; or

-
- (ii) at any other time at the request of the Chief Executive Officer or any authorised officer;
 - (h) the operator shall provide information relating to the position of, catch and observer on board, the vessel, as to be made to the Chief Executive Officer, or such other person or organisation as the Chief Executive Officer may designate in writing, at the following times -
 - (i) every Wednesday or such other day as the Chief Executive Officer may require;
 - (ii) immediately upon departure from port;
 - (iii) at least 24 hours prior to entry into port;
 - (iv) 72 hours prior to entry in Tongan fisheries waters with the intended position of entry and 72 hours prior to exit from the Tongan fisheries waters with the intended position of exit; and
 - (v) such other times as the Chief Executive Officer may specify in writing;
 - (i) the operator shall cause to be maintained on board the vessel, at all times, a ship's log separate from the fishing logbook referred to in sub-regulation (f) and shall enter in that log a record of the date, time and nature of every instruction or direction normally recorded in the ships log and every requirement communicated to the master by the Chief Executive Officer or an authorised officer;
 - (j) the operator and each member of the crew of a vessel shall allow and assist any person identified as an authorised observer under section 78 of the Act to -
 - (i) board the vessel for scientific, compliance, monitoring and other functions as the Chief Executive Officer may require;
 - (ii) embark and disembark at an agreed time and place; and
 - (iii) carry out all duties safely;
 - (k) the operator shall provide the authorised observer, while on board the vessel, at no charge, with food, accommodation and medical facilities equivalent to that provided to officers of the vessel;
 - (l) in addition to the requirements of sub-regulation (j), the operator shall pay in full to the Ministry the following costs of the observer –
 - (i) full travel costs to and from the vessel;

- (ii) the full amount of such salary as may be notified by the Chief Executive Officer;
- (iii) full insurance cover to and from, and on the vessel, including for loss of life, medical expenses or personal injury; and
- (iv) such other costs associated with observers performing his duties as an observer;
- (m) the master and each member of the crew of the vessel shall allow and provide all reasonable assistance in his power to enable an authorised officer or observer to perform his duties in accordance with the Act;
- (n) the operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 kHz (HF), and the international safety and calling frequency 156.8 MHz (channel 16, VHF-FM);
- (o) the master of the vessel shall, while in the fisheries waters not cause damage to any local fishing operations including non-commercial operations;
- (p) the master shall ensure that the latest edition of the "International Code of Signals" published by the International Maritime Organisation Marine Safety Committee is carried on board the vessel and accessible at all times, and ensure that the signals specified in this Code shall be used in every communication by radio, flag or light in the fisheries waters; and
- (q) the operator shall comply with other conditions as may be prescribed or otherwise required by the Chief Executive Officer or the Minister, in order to give effect to any fisheries management agreement or access agreement or arrangement to which Tonga is party.

11 Agent

- (1) No licence shall be issued in respect of a locally based foreign fishing vessel or foreign fishing vessel unless –
 - (a) an agent is appointed and maintained, who is resident in Tonga and is authorised to act on behalf of the owner or master of that vessel and who is able to accept legal responsibility on behalf of the owner or master for any action, juridical or otherwise, taken in respect of that vessel; and
 - (b) the name and address of such agent is notified in the relevant application form.
- (2) Any communication, information, document, direction, request or response to or from that agent shall be deemed to have been sent to or received from the

foreign party to the access agreement or arrangement or the operator or both, as the case may be.

PART IV – HIGH SEAS PERMIT

12 Application for a High Seas Permit

An application for the issuance or renewal of a high seas fishing vessel permit under section 48 of the Act shall be in the form set out in Form 5 and accompanied by the prescribed fee.

13 Determination of application

In addition to the grounds set out in section 49 of the Act, the Chief Executive Officer shall consider the following matters in determining whether or not to grant a high seas fishing vessel permit –

- (a) the capacity of Tonga to ensure the effective implementation of international conservation and management measures relevant to that vessel;
- (b) the previous offending history, if any, in relation to fishing or related activity of the vessel, operator and crew; and
- (c) any other matter the Chief Executive Officer considers relevant.

14 Permit

A high seas fishing vessel permit shall be in the form set out in Form 6 and accompanied by the prescribed fee.

15 Conditions

In addition to the requirements under section 50 of the Act, the Chief Executive Officer may attach such other conditions including, but not limited to, the following –

- (a) the operator shall ensure that the automatic location communicator is switched on and must be reporting normally, consistently and automatically to the Regional Vessel Monitoring System at all times;

- (b) Ensure that its vessels comply with the reporting requirements on its catch; and
- (c) the master and each member of the crew of the vessel shall allow or provide all reasonable assistance in his power to enable a high seas fisheries inspector to exercise their duties in accordance with the Act.

PART V – AUTHORISATIONS

16 Application for authorisation

- (1) An application for the issuance or renewal of an authorisation under section 32 of the Act to conduct fishery scientific research, test fishing or surveys shall -
 - (a) be set out in Form 7, accompanied by the prescribed fee and submitted to the Minister;
 - (b) be submitted with a satisfactory scientific research or test fishing operation or survey plan; and
 - (c) contain information or be submitted with such information as may be required under the Act and such other information as the Minister may require.
- (2) The scientific research, test fishing operation or survey plan shall specify –
 - (a) the **objective** of the scientific research or test fishing operation or survey;
 - (b) the **activities** of the scientific research;
 - (c) in respect of a test fishing operation or survey, the fishing gear or **fishing method** that shall be used and the target species for such test fishing operation or survey;
 - (d) the **area proposed** for conducting scientific research or test fishing operation or survey;
 - (e) the **period** of the proposed scientific research or test fishing operation or survey;
 - (f) an **impact assessment** of the scientific research or test fishing operation or survey for which the application is made; and
 - (g) **such other matters** as the Minister may specify.

17 Fishery scientific research

- (1) Every authorisation to conduct fishery scientific research shall be subject to the terms set out in Schedule 4.
- (2) Where data and samples derived from an authorised fishery scientific research or the results of the research are provided by the holder of an authorisation to the Ministry or other authority on behalf of the Kingdom, an assessment of such data or samples or the results of the research shall also be provided with an assessment of such data and the research results.

18 Test fishing operations or surveys

- (1) Every authorisation to conduct test fishing operations or surveys shall be subject to the terms set out in Schedule 4.
- (2) Every authorisation to conduct test fishing operations or surveys shall take into account the potential for commercial fishing activity in such operations.
- (3) Where data and samples derived from an authorised test fishing operation or surveys the results of the research are provided by the holder of an authorisation to the Ministry or other authority on behalf of the Kingdom, an assessment of such data or samples or the results of the research shall also be provided with an assessment of such data and the research results.

19 Transhipment

The operator of a vessel licensed under these Regulations to fish in the fishery waters or a vessel in respect of which a high seas fishing permit has been issued shall -

- (a) not conduct transhipment except with the written authorisation of the Chief Executive Officer;
- (b) only tranship at the time and port authorised by the Chief Executive Officer for transhipment and under such terms and conditions as the Chief Executive Officer so stipulates;
- (c) provide 72 hours' notice of a request to tranship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, position, the catch on board by weight and by species, the time and place where such transhipment is requested to occur and an undertaking to pay all prescribed fees; and

- (d) submit full transshipment reports to the Chief Executive Officer on any forms which may be prescribed or are otherwise required.

PART VI - MISCELLANEOUS PROVISIONS

20 Notification of changes

Any change in the information set out in the application form shall be notified to the Chief Executive Officer no later than 5 working days from the date of the change.

21 Period of validity of licences and authorisations

Unless sooner cancelled or suspended, all licences, permits or authorization issued under these regulations shall remain valid for the periods specified not more than 12 months.

22 Renewal of licences

- (1) Any holder of a license issued under these Regulations may apply to the Minister or Chief Executive Officer to renew the term of the licence.
- (2) Every application for renewal shall be made within 28 days in the relevant forms in Schedule 2, addressed to the Chief Executive Officer and shall contain such information required under the Act or these regulations or such other information as may be requested.
- (3) In considering the renewal of licence, the Minister or Chief Executive Officer shall take into account any grounds set out in these Regulations.

23 Transferability

No licence issued in respect of any fishing vessel under these Regulations shall be transferable to any other vessel except with the written permission of the Chief Executive Officer or, in the case of a foreign fishing licence, the Minister.

24 Information to be true, complete and correct

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

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

25 General Penalty for breach of regulations

A person who contravenes any provision of these regulations or acts in contravention of any licence, permit or authorisation granted pursuant to these regulations commits an offence and, unless otherwise provided in these regulations or in the Act, shall be liable to a fine not exceeding \$250,000.

26 Savings

All licences, permits or authorisations issued under the Act, or regulations before the commencement of these regulations shall, except so far as they are inconsistent with the Act or these regulations, continue to have effect as though made or given pursuant to the Act or these regulations.

Made in Nuku'alofa this 8th day of **June** 2022.

Hon. Samiu Vaipulu
Acting Minister responsible for Fisheries

SCHEDULE I**FEES**

1. Application for the issuance or renewal of a Locally based foreign fishing vessel licence - \$100.00
2. Application for the issuance or renewal of a Foreign fishing vessel licence - \$100.00
3. Application for the issuance or renewal of a High Seas Fishing Vessel Permit - \$100.00
4. Application for issuance of Transshipment licence - \$100.00
5. High Seas Permit - \$3,000.00
6. The following fees apply to the issuance or renewal of licences for any locally Based Foreign Fishing Vessel and Foreign Fishing Vessel:
 - (i) Upfront access fee – US\$15,000 or Tongan equivalent of that amount depending on the current rate
 - (ii) Value of catch charge – 5% of the catch value (for every fishing trip) including transshipment
7. Application for the issuance or renewal of a fishery scientific research, test fishing or surveys – \$100.00
8. The following fees apply to the issuance or renewal of Authorisation for fishery scientific research, test fishing or surveys –
 - (i). Authorisation for all fishery scientific research, test fishing or survey on any marine species conducted by either students, companies or institution as per request or in collaboration with the Ministry- Free of charge
 - (ii). Authorisation for all research or survey on any marine species by students not by request or in collaboration with the Ministry- bond of \$1000.00 which is refundable subject to complete fulfillment of either regulations 17(2) or 18(3) as applicable.
 - (iii). Authorisation for fishery research, test fishing or survey by a company on *tuna and tuna like species* not by request or in collaboration with the Ministry- US\$7000.00 or Tongan equivalent of that amount depending on the current rate
 - (iv). Authorisation for fishery research, test fishing or survey by an institution on *tuna and tuna like species* not by request or in

- collaboration with the Ministry- US\$3500.00 or Tongan equivalent of that amount depending on the current rate
- (v). Authorisation for fishery research, test fishing or survey by a company on any snapper species not by request or in collaboration with the Ministry- \$1000.00
 - (vi). Authorisation for fishery research, test fishing or survey by an institution on any snapper species not by request or in collaboration with the Ministry- \$500.00
 - (vii). Authorisation for fishery research, test fishing or survey by a company on new fisheries resources not by request or in collaboration with the Ministry- \$10,000.00
 - (viii). Authorisation for fishery research, test fishing or survey by an institution on new fisheries resources not by request or in collaboration with the Ministry- \$5,000.00

SCHEDULE 2

FORM 1- APPLICATION FOR A LOCALLY BASED FOREIGN FISHING VESSEL LICENSE

KINGDOM OF TONGA



The Fisheries Management Act 2002

- INSTRUCTIONS:**
- * Underline surname or family name
 - * Address means complete mailing address
 - * Clearly mark the boxes **X** where appropriate
 - * All units Metric; Please specify if other units used
 - * Affix a recent 6 x 8 inch colour side photo of the vessel to this application

<p>Name of Vessel</p> <p>International Radio Call Sign:</p> <p>Flag State Registration Number:</p> <p>Fishing Vessel Registration Number:</p> <p><i>If this vessel was licensed in Tonga before, please specify:</i></p> <p>Number of last licence/Permit held:</p> <p>Vessel Owner</p> <p>Name:</p> <p>Address:</p> <p>.....</p> <p>..</p>	<p>Previous name (s) of vessel:</p> <p>.....</p> <p>Previous flag (s):</p> <p>.....</p> <p>Previous flag (s) Registration Number:</p> <p>.....</p> <p>Vessel Operator</p> <p>Name:</p> <p>Address:</p> <p>.....</p>
---	---

<p>Vessel Master/Captain</p> <p>Name:</p> <p>Address:</p> <p>.....</p>	<p>Vessel Agent</p> <p>Name:.....</p> <p>Address:.....</p> <p>.....</p>												
<p>Vessel Type:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Single Purse Seiner</td> <td><input type="checkbox"/> Longliner</td> <td><input type="checkbox"/> Bunker</td> </tr> <tr> <td><input type="checkbox"/> Group Purse Seiner</td> <td><input type="checkbox"/> Pole and Line</td> <td><input type="checkbox"/> Fish Carrier / Reefer</td> </tr> <tr> <td><input type="checkbox"/> Mothership</td> <td><input type="checkbox"/> Trap Boat</td> <td><input type="checkbox"/> Other (Please specify)</td> </tr> <tr> <td><input type="checkbox"/> Net Boat</td> <td><input type="checkbox"/> Troller</td> <td></td> </tr> </table>		<input type="checkbox"/> Single Purse Seiner	<input type="checkbox"/> Longliner	<input type="checkbox"/> Bunker	<input type="checkbox"/> Group Purse Seiner	<input type="checkbox"/> Pole and Line	<input type="checkbox"/> Fish Carrier / Reefer	<input type="checkbox"/> Mothership	<input type="checkbox"/> Trap Boat	<input type="checkbox"/> Other (Please specify)	<input type="checkbox"/> Net Boat	<input type="checkbox"/> Troller	
<input type="checkbox"/> Single Purse Seiner	<input type="checkbox"/> Longliner	<input type="checkbox"/> Bunker											
<input type="checkbox"/> Group Purse Seiner	<input type="checkbox"/> Pole and Line	<input type="checkbox"/> Fish Carrier / Reefer											
<input type="checkbox"/> Mothership	<input type="checkbox"/> Trap Boat	<input type="checkbox"/> Other (Please specify)											
<input type="checkbox"/> Net Boat	<input type="checkbox"/> Troller												
<p>Hull Material:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Steel</td> <td><input type="checkbox"/> Fibreglass</td> <td><input type="checkbox"/> Other (Please specify)</td> </tr> <tr> <td><input type="checkbox"/> Wood</td> <td><input type="checkbox"/> Aluminium</td> <td></td> </tr> </table>		<input type="checkbox"/> Steel	<input type="checkbox"/> Fibreglass	<input type="checkbox"/> Other (Please specify)	<input type="checkbox"/> Wood	<input type="checkbox"/> Aluminium							
<input type="checkbox"/> Steel	<input type="checkbox"/> Fibreglass	<input type="checkbox"/> Other (Please specify)											
<input type="checkbox"/> Wood	<input type="checkbox"/> Aluminium												
<p>Gross Tonnage (metric tons)</p>	<p>Length Overall(metres)</p>												
<p>Country Built</p>	<p>Rated Speed(knots)</p>												
<p>Year Built</p>	<p>Number of Crew</p>												
<p>Total Engine Power(specify units)</p>	<p>Beam</p>												
<p>Total Fuel Carrying Capacity:(kilolitres)</p>	<p>Navigation/Position Fixing equipment:</p> <p>.....</p> <p>.....</p>												
<p>Moulded Depth:</p>	<p>.....</p>												

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

Additional Information

1 Has the owner complied with the safety standards applicable under the shipping laws of Tonga? If “yes”, please give details and attach the certificate of survey of vessels issued by the Ministry responsible for shipping Yes No

- 2** Is the owner the subject of proceedings under the bankruptcy laws of any jurisdiction? If "yes", please give details. (attach a separate sheet if necessary) **Yes**
 No
- 3** Has the vessel ever been used in an offence against the Fisheries Management Act 2002? If "yes", please give details. (attach a separate sheet if necessary) **Yes**
 No
- 4** If the vessel has previously held a high seas fishing permit or equivalent authorisation by a participating state or a party to the Compliance Agreement, has such permit or authorisation been suspended or revoked during the 3 years immediately preceding the date of this application? If "yes", please give details. (attach a separate sheet if necessary) **Yes**
 No
- 5** Does the vessel hold current fishing licences, permits or authorisations elsewhere in the region? If "yes" please specify the licensing/ permitting or authorising country(y) (ies) and licence/permits/authorisation number(s). **Yes**
 No
- 6** Provide details of any joint ventures or other contractual arrangements with the Government of Tonga or any person in connection with the proposed fishing operations.

I hereby apply for a locally based foreign fishing vessel license described above. I declare that the above information is true and complete. I understand I am required to notify the Chief Executive Officer immediately of any material changes to the above information and that failure to do so may render me liable to prosecution.

Applicant

Name of Applicant: Tel No:

Address: Fax No:

..... Telex No:

Signature: Date:

This application is to be forwarded to the Chief Executive Officer, Ministry of Fisheries at the address shown below and is to be accompanied by the prescribed fee.

The Chief Executive Officer	Telephone: (676) 21399
Ministry of Fisheries	Telex: 66369 PRIMO TS
P.O. Box 871	Fax: (676) 23891
Nuku'alofa, Kingdom of Tonga	

FORM 2 - LOCALLY BASED FOREIGN FISHING VESSEL LICENCE

KINGDOM OF TONGA



The Fisheries Management Act 2002

LOCALLY BASED FOREIGN FISHING VESSEL LICENCE

**LOCALLY BASED FOREIGN FISHING VESSEL
LICENCE NO:**

1. This licence is issued pursuant to section 31 of the Fisheries Management Act 2002. The locally based foreign fishing vessel described hereunder is hereby licensed to be used for fishing in the area specified in paragraph 3 of this licence, for the methods of fishing specified in paragraph 4 of this licence, for the associated activities specified in paragraph 5 of this licence, for the period specified in paragraph 6 of this licence, and in accordance with the particular conditions set out in the schedule to this licence and subject to the general conditions set out in the Fisheries (Fishing Vessels) Licensing Regulations 2020 and such general conditions as may be prescribed by order made under the Fisheries Management Act.

2. DESCRIPTION OF VESSELS

	Name of vessel:		Size of vessel:
	_____		_____ GRT (Other _____)
	Country Registration		International Radio Call Sign
	_____		_____
	Regional Register Number		

DETAILS OF OWNERSHIP

	Name of registered owner:
	(if registered company include registered number)
	Address: _____
3	Authorised Fishing Areas:
4	Authorised Fishing Method(s):
	Authorised Target Species:

	Authorised Quota (where applicable):
	Other Conditions:
5.	Permission is granted for:
	Transshipment activities (conditions as specified herein)
	Use of fish aggregation devices (conditions as specified herein)
	Other activities (as specified)
6.	Subject to the Fisheries Management Act 2002 and Regulations made thereunder, this licence is valid from the day of 20... to the day of 20...
7.	This licence is not transferable

(Please refer attached licence terms and conditions)

**CHIEF EXECUTIVE OFFICER for
Fisheries**

Date

FORM 3 - APPLICATION FOR A FOREIGN FISHING VESSEL LICENSE

KINGDOM OF TONGA



The Fisheries Management Act 2002

APPLICATION FOR A FOREIGN FISHING VESSEL LICENSE

- INSTRUCTIONS:**
- * Underline surname or family name
 - * Address means complete mailing address
 - * Clearly mark the boxes **X** where appropriate
 - * All units Metric; Please specify if other units used
 - * Affix a recent 6 x 8 inch colour side photo of the vessel to this application

Name of Vessel	Previous name (s) of vessel:
International Radio Call Sign: (note only a local fishing vessel or a Tongan ship, which are the only vessels entitled to fly a Tongan flag, can be issued with a high seas fishing vessel permit by Tonga as the flag State; hence, this deletion. See section 49(3) of the Act)	Previous flag (s):
Flag State Registration Number:	Previous flag (s) Registration Number:
Fishing Vessel Registration Number:
<i>If this vessel was licensed in Tonga before, please specify:</i>	
Number of last licence/Permit held:	
Vessel Owner Name:	Vessel Operator Name:

Address:		Address:												
Vessel Master/Captain Name: Address:	Vessel Agent Name:..... Address:.....													
Vessel Agent Name:	Phone No.: Address:													
Vessel Type: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Single Purse Seiner</td> <td style="width: 33%;"><input type="checkbox"/> Longliner</td> <td style="width: 33%;"><input type="checkbox"/> Bunker</td> </tr> <tr> <td><input type="checkbox"/> Group Purse Seiner</td> <td><input type="checkbox"/> Pole and Line</td> <td><input type="checkbox"/> Fish Carrier / Reefer</td> </tr> <tr> <td><input type="checkbox"/> Mothership</td> <td><input type="checkbox"/> Trap Boat</td> <td><input type="checkbox"/> Other (Please specify)</td> </tr> <tr> <td><input type="checkbox"/> Net Boat</td> <td><input type="checkbox"/> Troller</td> <td></td> </tr> </table>			<input type="checkbox"/> Single Purse Seiner	<input type="checkbox"/> Longliner	<input type="checkbox"/> Bunker	<input type="checkbox"/> Group Purse Seiner	<input type="checkbox"/> Pole and Line	<input type="checkbox"/> Fish Carrier / Reefer	<input type="checkbox"/> Mothership	<input type="checkbox"/> Trap Boat	<input type="checkbox"/> Other (Please specify)	<input type="checkbox"/> Net Boat	<input type="checkbox"/> Troller	
<input type="checkbox"/> Single Purse Seiner	<input type="checkbox"/> Longliner	<input type="checkbox"/> Bunker												
<input type="checkbox"/> Group Purse Seiner	<input type="checkbox"/> Pole and Line	<input type="checkbox"/> Fish Carrier / Reefer												
<input type="checkbox"/> Mothership	<input type="checkbox"/> Trap Boat	<input type="checkbox"/> Other (Please specify)												
<input type="checkbox"/> Net Boat	<input type="checkbox"/> Troller													
Hull Material: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Steel</td> <td style="width: 33%;"><input type="checkbox"/> Fibreglass</td> <td style="width: 33%;"><input type="checkbox"/> Other (Please specify)</td> </tr> <tr> <td><input type="checkbox"/> Wood</td> <td><input type="checkbox"/> Aluminium</td> <td></td> </tr> </table>			<input type="checkbox"/> Steel	<input type="checkbox"/> Fibreglass	<input type="checkbox"/> Other (Please specify)	<input type="checkbox"/> Wood	<input type="checkbox"/> Aluminium							
<input type="checkbox"/> Steel	<input type="checkbox"/> Fibreglass	<input type="checkbox"/> Other (Please specify)												
<input type="checkbox"/> Wood	<input type="checkbox"/> Aluminium													
Gross Tonnage (metric tons)	Length Overall(metres)													
Country Built	Rated Speed(knots)													
Year Built	Number of Crew													
Total Engine Power(specify units)	Beam													
Total Fuel Carrying Capacity:(kilolitres)	Navigation/Position Fixing equipment:													
Moulded Depth:														

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

- | | | |
|--|---------------------------------|--------------------------------|
| 1 Has the owner complied with the safety standards applicable under the shipping laws of Tonga? If "yes", please give details and attach the certificate of survey of vessels issued by the Ministry responsible for shipping | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 2 Is the owner the subject of proceedings under the bankruptcy laws of any jurisdiction? If "yes", please give details. (attach a separate sheet if necessary) | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 3 Has the vessel ever been used in an offence against the Fisheries Management Act 2002? If "yes", please give details. (attach a separate sheet if necessary) | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 4 If the vessel has previously held a high seas fishing permit or equivalent authorisation by a participating state or a party to the Compliance Agreement, has such permit or authorisation been suspended or revoked during the 3 years immediately preceding the date of this application? If "yes", please give details. (attach a separate sheet if necessary) | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 5 Does the vessel hold current fishing licences, permits or authorisations elsewhere in the region? If "yes" please specify the licensing/ permitting or authorising country(y) (ies) and licence/permits/authorisation number(s). | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 6 Provide details of any joint ventures or other contractual arrangements with the Government of Tonga or any person in connection with the proposed fishing operations. | | |

I hereby apply for a foreign fishing vessel license described above. I declare that the above information is true and complete. I understand I am required to notify the Chief Executive Officer immediately of any material changes to the above information and that failure to do so may render me liable to prosecution.

Applicant

.....
Name of Applicant:

Address:
.....
.....

Tel No:

Fax No:

Telex No:
.....

Signature:

Date:

This application is to be forwarded to the Chief Executive Officer , Ministry of

Fisheries at the address shown below and is to be accompanied by the prescribed fee.

The Chief Executive Officer
Ministry of Fisheries
P.O. Box 871
Nuku'alofa, Kingdom of Tonga

Telephone: (676) 21399
Telex: 66369 PRIMO TS
Fax: (676) 23891

FORM 4 - FOREIGN FISHING VESSEL LICENCE

KINGDOM OF TONGA



The Fisheries Management Act 2002
FOREIGN FISHING VESSEL LICENCE

FOREIGN FISHING VESSEL LICENCE NO:

This licence is issued pursuant to section 38 of the Fisheries Management Act 2002. The foreign fishing vessel described hereunder is hereby licensed to be used for fishing in the area specified in paragraph 3 of this licence, for the methods of fishing specified in paragraph 4 of this licence, for the associated activities specified in paragraph 5 of this licence, for the period specified in paragraph 6 of this licence, and in accordance with the particular conditions set out in the schedule to this licence and subject to the general conditions set out in the Fisheries (Fishing Vessels) Licensing Regulations 2020 and such general conditions as may be prescribed by order made under the Fisheries Management Act.

DESCRIPTION OF VESSELS

	Name of vessel: _____		Size of vessel: _____ GRT (Other _____)
	Country Registration		International Radio Call Sign
	Regional Register Number _____		

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 and Address of Aircraft Operator: _____	

DETAILS OF OWNERSHIP

FORM 5 - APPLICATION FOR A HIGH SEAS FISHING VESSEL PERMIT

KINGDOM OF TONGA



The Fisheries Management Act 2002

APPLICATION FOR A HIGH SEAS FISHING VESSEL PERMIT

- INSTRUCTIONS:**
- * Underline surname or family name
 - * Address means complete mailing address
 - * Clearly mark the boxes **X** where appropriate
 - * All units Metric; Please specify if other units used
 - * Affix a recent 6 x 8 inch colour size photo of the vessel to this application

Name of Vessel	Previous name (s) of vessel:
International Radio Call Sign:	Previous flag (s):
Flag State Registration Number:	Previous flag (s) Registration Number:
Fishing Vessel Registration Number:

If this vessel was licensed in Tonga before, please specify:

Number of last licence/Permit held:

.....

Vessel Owner

Name

.....

Address:

.....

.....

.....

.....

Vessel Operator

Name

.....

Address:

.....

.....

.....

.....

Vessel Master/Captain

Name

.....

Address

.....

.....

.....

Fishing Master

Name

.....

Address

.....

.....

.....

.....

.....

Vessel Type:

Single Purse Seiner

Longliner

Bunker

Group Purse Seiner

Pole and Line

Fish Carrier / Reefer

Mothership

Trap Boat

Other

Net Boat

Troller

(Please specify)

Hull Material:		
<input type="checkbox"/> Steel	<input type="checkbox"/> Fibreglass	<input type="checkbox"/> Other (Please specify)
<input type="checkbox"/> Wood	<input type="checkbox"/> Aluminium	
Gross Tonnage	(metric tons)	Length Overall(metres)
Country Built		Rated Speed(knots)
Year Built		Number of Crew
Total Engine Power	(specify units)	Beam
Total Fuel Carrying Capacity:(kilolitres)		Navigation/Position Fixing equipment:
Moulded Depth:

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

- | | | |
|--|--------------------------|--------------------------|
| | Yes | No |
| 1 Is the owner the subject of proceedings under the bankruptcy laws of any jurisdiction? If "yes", please give details. (attach a separate sheet if necessary) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Yes | No |
| 2 Has the vessel ever been used in an offence against the Fisheries Management Act 2002?
If "yes", please give details. (attach a separate sheet if necessary) | <input type="checkbox"/> | <input type="checkbox"/> |

3 If the vessel has previously held a high seas fishing permit or equivalent authorisation by a participating state or a party to the Compliance Agreement, has such permit or authorisation been suspended or revoked during the 3 years immediately preceding the date of this application? Yes No

If "yes", please give details. (attach a separate sheet if necessary)

4 Does the vessel hold current fishing licences, permits or authorisations elsewhere in the region? Yes No

If "yes" please specify the licensing/ permitting or authorising country(y) (is) and licence/permits/authorisation number(s).

5 Provide details of any joint ventures or other contractual arrangements with the Government of Tonga or any person in connection with the proposed fishing operations.

I hereby apply for a high seas fishing vessel permit described above. I declare that the above information is true and complete. I understand I am required to notify the Chief Executive Officer immediately of any material changes to the above information and that failure to do so may render me liable to prosecution.

Applicant

Name of Applicant:	Tel No
.....
Address:	..
.....	Fax No
.....
.....	..
.....	Telex No
.....
	..

Signature	Date

This application is to be forwarded to the Chief Executive Officer, Ministry of Fisheries at the address shown below and is to be accompanied by the prescribed fee.

The *Chief Executive Officer*
Ministry of Fisheries
P.O. Box 871
Nuku'alofa
Kingdom of Tonga

Telephone: (676) 21399
Telex: 66369 PRIMO TS
Fax: (676) 23891

FORM 6 - HIGH SEAS FISHING VESSEL PERMIT

KINGDOM OF TONGA



The Fisheries Management Act 2002

HIGH SEAS FISHING VESSEL PERMIT

**High Seas Fishing Vessel Permit
Number:** _____

Date of issue

The vessel described in this Permit is hereby authorised in accordance with section 48 of the Fisheries Management Act 2002 to engage in fishing on the high seas or such parts of the high seas as are described below, for the period described in this Permit and in accordance with the terms and conditions set out in the Fisheries Management Act 2002 and Regulations made thereunder and the special conditions set out in this Permit.

Name of vessel:

Size of vessel:

GT

LOA

International radio call
sign

Flag State registration number:

Fishing Vessel
Registration number:

Special Conditions

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

Other special conditions:

Permitted transshipment operations (where applicable):
Permitted use of fish aggregating devices (where applicable):

PERIOD OF VALIDITY

Subject to the Fisheries Management Act 2002 and Regulations made thereunder, this licence is valid from the day of 20.. to the day of 20.. (inclusive)

Chief Executive Officer for Fisheries

Date

THIS PERMIT IS NOT TRANSFERABLE

FORM 7 - APPLICATION FOR A FISHERY SCIENTIFIC RESEARCH, TEST FISHING OPERATION, OR SURVEYS AUTHORISATION

KINGDOM OF TONGA



APPLICATION FOR A FISHERY SCIENTIFIC RESEARCH, TEST FISHING OPERATION, or SURVEYS AUTHORISATION

INSTRUCTIONS:

* Affix a recent 6 x 8 inch colour size photo of the vessel to this application

To the Honourable Minister for Fisheries.

Please find below an application under section 32(1) of the Fisheries Management Act 2002 for a: (tick relevant box)

Fishery Scientific Authorisation:

Test Fishing Operation Authorisation:

Survey Authorisation:

Others:

Applicant(s) details:

Surname of Applicant(s) or Company Name	
Given names of owner	
Previous names applicant(s) has been known by	
Date of birth	
Place of birth	
Current address and contact details Name of all persons involved and their specific titles, nationalities and roles Fisheries conviction(s) of vessel, owner, company, and the above persons in any jurisdiction (date, jurisdiction, offence and penalty)	
Period requested under this application	

Name of vessel:

Size of vessel: GT LOA International radio call sign

Flag State registration number: Fishing Vessel Registration number:

ADDRESS OF APPLICANT(S)

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

DESCRIPTION OF MARINE/ AQUARIUM RESOURCES

1. Species

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

2. DESCRIPTION OF FISHING METHODS AND GEARS THAT WOULD BE USED FOR THE OPERATIONS

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

PROPOSED SITE(S) FOR RESEARCH, TEST FISHING or SURVEY:

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

INTENDED USE OF CATCH OR BY-CATCH

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

BENEFITS & INTENDED USE OF RESEARCH/TEST FISHING or SURVEY OUTCOMES

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

POSSIBLE IMPACTS OF THE ABOVE OPERATIONS

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

BRIEF SUMMARY OF RESEARCH/TEST FISHING or SURVEY TO BE CONDUCTED (ALSO ATTACHED THE FULL RESEARCH PROPOSAL)

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

The Fisheries Management Act 2002 provides penalties for persons who provide false information. I certify that the information supplied in this application is a true, correct and complete statement.

.....
.....

Signature of applicant/s

.....
Date of application

Company Seal (if applicable)

FORM 8 - AUTHORISATION FOR FISHERY SCIENTIFIC RESEARCH, TEST FISHING OPERATION OR SURVEYS

KINGDOM OF TONGA



The Fisheries Management Act 2002

AUTHORISATION FOR FISHERY SCIENTIFIC RESEARCH, TEST FISHING OPERATION OR SURVEYS

Test Fishing Vessel Permit Number:

Date of issue:

The vessel described in this Permit is hereby authorised in accordance with section 32 of the Fisheries Management Act 2002 to engage in fishery scientific research, test fishing or survey for the period described in this Authorisation and in accordance with the terms and conditions set out in the Fisheries Management Act 2002 and Policy/Regulations made thereunder and the special conditions set out in this Authorisation.

Name of vessel:

Size of vessel:

GT

LOA

International radio call sign

Flag State registration number:

Fishing Vessel Registration number:

SPECIAL CONDITIONS

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Authorised fishing methods & gears:
Permitted transshipment operations (where applicable):
Restrictions on by-catch:
Other special conditions:

PERIOD OF VALIDITY

Subject to the Fisheries Management Act 2002 and Regulations made thereunder, this
Authorisation is valid from the..... day of..... to the..... day of.....
(inclusive)

Minister responsible for Fisheries

Date

THIS AUTHORISATION IS NOT TRANSFERABLE

SCHEDULE 3**VESSEL IDENTIFICATION MARKINGS****SUMMARY OF THE FAO STANDARD SPECIFICATIONS FOR THE MARKING AND IDENTIFICATION OF FISHING VESSELS****Introduction**

The specifications below were endorsed by the Eighteenth Session of the FAO Committee on Fisheries, Rome April 1989, for adoption by States as a standard system to identify fishing vessels operating, or likely to operate in waters of States other than those of the flag State.

1. Basic System

1.1 Vessels shall be marked with their International Telecommunications Union (ITU) Radio Call Signs (IRCS).

1.2 Vessels not provided with an IRCS shall be marked with the characters allocated by the ITU to the flag State and followed by the license or registration number assigned by the flag State. In such cases a hyphen shall separate the ITU characters and the assigned number.

1.3 Apart from the vessel's name or identification and port of registry the marking system specified shall be the only other vessel identification mark consisting of letters and numbers painted on the hull or superstructure.

2. Application

2.1 The markings shall be prominently displayed at all times:

- (i) on the vessel's side or superstructure, port and starboard;
- (ii) on a deck; Should an awning or other temporary cover obscure the mark, the awning or cover shall also be marked. Deck marks shall be placed athwart ships with the top of the numbers or letters towards the bow.

2.2 Marks shall be placed as high as possible above the water line. The flare of the bow and the stern shall be avoided.

2.3 The marks shall:

- (i) be placed so that they are not obscured by the fishing gear whether stowed or in use;
- (ii) be clear of the flow from scuppers and overboard discharges including areas which might be damaged or discoloured from the catch of certain species;
- (iii) not extend below the waterline.

2.4 Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.

3. Technical Specifications

3.1 Block lettering and numbering shall be used throughout.

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

(i) for marks placed on the hull or superstructure:

<u>Length of vessel overall (LOA) in meters</u> <u>(m)</u>	<u>Height of letters and numbers in meters (m)</u>
25m and over	1.0m
20m but not less than 25m	0.8m
15m but less than 20m	0.6m
12m but less than 15m	0.4m
5m but less than 12m	0.3m
Under 5m	0.1m

(ii) for marks placed on deck: the height shall be not less than 0.3m for all classes of vessels of 5m and over.

3.3 The length of the hyphen shall be half the height of the letters and numbers.

3.4 The width of the stroke for all letters, numbers and the hyphen shall be h/6.

3.5 The space between letters and/or numbers shall not exceed h/4 nor be less than h/6

3.6 The space between adjacent letters having sloping sides shall not exceed h/8 nor be less than h/10, for example A V.

3.7 The marks shall be:

(i) white on a black background; or

(ii) black on a white background.

3.8 The background shall extend to provide a boarder around the mark of not less than h/6.

3.9 The marks and background shall be maintained in good condition at all times.

SCHEDULE 4**(Regulation 17(1) and 18(1))****FISHERY SCIENTIFIC RESEARCH, TEST FISHING OR TEST FISHING OPERATIONS OR SURVEYS****GENERAL TERMS AND CONDITIONS**

1. Any approved scientific research, test fishing operation or surveys will be subject to such conditions as may be set by and included in the authorisation issued by the Minister, and shall be in accordance with the approved Tuna Management and Development Plan and the relevant sections of these regulations, including any exemption to the application of conservation and management measures in the fishery;
2. An authorised observer shall be carried for all fishery scientific research, test fishing operation or surveys, except where expressly exempted by the Chief Executive Officer in writing;
3. The Ministry shall consider supporting activities to enhance the domestic tuna fishery, maximise the benefits to Tonga, collect and analyse the results, and make these available to the fishing industry, such initiatives to include the use of fish aggregating devices, and development of a bait fishery;
4. The Ministry shall, as part of its regional and international scientific cooperation programme, provide all data on the tuna fishery in its raw form as appropriate, and in confidence, to the Oceanic Fisheries Programme of the South Pacific Community or other recognised scientific body to which Tonga is associated, including data from commercial fishing, test fishing and observer, dockside monitoring, or port sampling programmes;
5. Logbook data and catch and effort forms shall be completed by all licensed tuna fishing vessels: local fishing vessels; locally based foreign fishing vessels; commercial sport fishing vessels; foreign fishing vessels and any vessel that has been granted authorisation to conduct fishery scientific research, test fishing or survey in accordance with Tonga's laws and regulations, in the forms and format as determined by the Chief Executive Officer, said forms being in the regional format wherever possible to facilitate regional and national data processing;

6. Logbook data and catch and effort forms from all licensed tuna fishing vessels shall be submitted to the Ministry of Fisheries in the format and according to the time schedules as required by the license, and if not stated therein, not more than 45 days from the completion of each fishing trip;
7. Catch and effort data from all licensed tuna fishing vessels shall be reported while at sea to the Ministry of Fisheries in the format and time schedules as required by the license in verbal or written form;
8. Failure to submit the reports and data required in these regulations in accordance with the designated format and schedules required by law shall be guilty of an offence under Section 69 (1) and (2) of the Fisheries Management Act 2002; and
9. Failure to submit true, complete and accurate information in accordance with the requirements by law shall be guilty of an offence under Section 99 (1), (2), and (3) of the Fisheries Management Act 2002.