

# TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 8

JUNE 19

1992.

## FISHERIES ACT 1989

(Section 59)

### THE FISHERIES REGULATIONS 1992

IN EXERCISE of the powers contained in section 59 of the Fisheries Act, 1989, the Minister of Fisheries makes the following Regulation:

#### CITATION

1. These Regulations may be cited as the Fisheries Regulations, 1992.

#### INTERPRETATION

2. (1) In these regulations -

- (a) "the Act" means the Fisheries Act 1989, and "Order" means an Order in Council made under the Act;
- (b) The terms and phrases defined in the Fisheries Act, 1989, shall be given the same meaning in these Regulations, unless the context requires otherwise;
- (c) "operator" means any person who is in charge of, directs or controls any vessel, including the owner, charterer and master.

- (2) A reference in these regulations to -

- (a) a Form is a reference to a form of that number in the Schedule 1; and
- (b) a Schedule is a reference to a Schedule to these regulations.

#### FORMS AND FEES

3. (1) The forms set out in Schedule 1 with such modifications as the circumstances require, are hereby prescribed for the purposes of the Act and these Regulations.

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

### PART 1 - LOCAL FISHING

#### REGISTRATION

4. (1) An application to register a local fishing vessel under section 4 of the Act shall be in Form 1 and shall be accompanied by the fees specified in Part 1 of Schedule 2.

(2) Where the Registrar is satisfied that the vessel in respect of which the application is made is fit for fishing and satisfies such requirements as

may be laid down from time to time under Tongan law regarding safety and hygiene, he shall on the payment of the fee specified in Part 1 of Schedule 2 cause the vessel to be registered and shall issue a certificate of registration in respect of that vessel.

(3) A certificate of registration for a local fishing vessel shall be in Form 2.

(4) A notification of any change in ownership of a registered local fishing vessel shall be in Form 3 and be accompanied by the certificate of registration and the fee specified in Part 1 of Schedule 2.

(5) The Registrar may at any time require a vessel registered under this Regulation to be inspected, and if he considers that the vessel is not fit for fishing or does not satisfy the laws concerning safety and hygiene he shall cancel the certificate of registration.

(6) A notification of any addition or modification to a registered local fishing vessel shall be in Form 4 and be accompanied by the certificate of registration and the fee specified in Part 1 of Schedule 2.

(7) Upon any notification under Regulation 4(6) the Registrar shall -

- (a) cause the vessel to be inspected; and
- (b) if satisfied that the vessel as modified is fit for fishing and satisfies such requirements as may be laid down from time to time under Tongan law regarding safety and hygiene, endorse and return the certificate of registration; or
- (c) if not so satisfied, withdraw the registration of the vessel and cancel the certificate of registration.

#### LOCAL FISHING VESSEL LICENCE APPLICATION

5. An application for a local fishing vessel licence made under Section 5 of the Act shall be in Form 5, addressed to the Registrar and be accompanied by the certificate of registration of the vessel and the fee specified in Part 1 of Schedule 2.

#### LOCAL FISHING VESSEL LICENCE FORM

6. A local fishing vessel licence shall be in Form 6 and, unless sooner cancelled or suspended, shall be valid for a period of 12 months from the date of issue.

#### FEES

7. (1) Subject to sub-regulation (2), the fee payable for the issuance or renewal of a local fishing vessel licence is such amount as is specified in Part 2 of Schedule 2.

(2) Notwithstanding any provision of the Act, no fees shall be payable in respect of any licence issued to a fishing vessel owned and operated by the Government of the Kingdom of Tonga.

## GROUND FOR LICENCE REFUSAL

8. (1) In addition to the grounds for licence refusal set out in Section 5(4) of the Act, no licence in respect of a local fishing vessel shall be issued or renewed unless:

- (a) all information requested by the Registrar in respect of the proposed fishing operation or related activities has been provided in the manner required or requested; and
- (b) where appropriate a valid safety certificate has been issued in respect of the vessel by the Ministry of Marine in accordance with relevant laws.

## GENERAL CONDITIONS

9. Every local fishing vessel licence shall be subject to the following general conditions:

- (a) Any change in the information set out in the application form shall be notified to the Registrar as soon as practicable and in any case no later than seven days from the date of the change;
- (b) The vessel shall comply with safety standards applicable from time to time under the laws of Tonga concerning shipping;
- (c) The vessel shall display identification markings in accordance with Schedule 3 to these Regulations and as the Registrar may from time to time require.
- (d) No fishing shall be undertaken except as authorised by the licence.
- (e) No fish may be transhipped from or onto the vessel except with the permission of the Registrar in writing and in accordance with such conditions as the Registrar may specify.
- (f) The master of the vessel shall cause records to be maintained on a daily basis in such form as the Registrar may from time to time require for the purpose of recording the fishing operations or related activities of the vessel.
- (g) Any logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Registrar at such time or times as he may require.
- (h) If the vessel is fishing in waters other than Tonga waters, the operator and each member of the crew shall comply with such written laws relating to fishing, if any, as may be recognised by the Kingdom of Tonga as having force in those waters.
- (i) Whenever required to do so by the Registrar, a vessel shall carry an observer designated by the Registrar, and the master and crew of such vessel shall provide the observer with such facilities and cooperation as may be required to allow him to carry out his duties.

- (j) The operator shall promptly provide the Registrar with such information in respect of the fishing operations as he may require from time to time.

#### **APPLICATION TO VARY LICENCE**

10. An application to vary a local fishing vessel licence as to the authorised areas or species shall be in Form 7 and be accompanied by the licence and the fee specified in Part 1 of Schedule 2.

#### **PART 2 - COMMERCIAL SPORT FISHING**

11. No vessel may be used for commercial sport fishing unless -

- (a) the vessel is a registered local fishing vessel or a locally based foreign fishing vessel registered under regulation 4; and
- (b) a valid commercial sport fishing vessel licence under s.8 of the Act has been issued in respect of the vessel.

#### **REGISTRATION**

12. (1) A locally based foreign fishing vessel intended to be used for commercial sport fishing may be registered by the Registrar in the same manner as a local fishing vessel.

(2) For the purposes of regulation 2(1) section 4 of the Act and regulation 4 shall be applied and read as if the references therein to a local fishing vessel were references to a locally based foreign fishing vessel.

#### **COMMERCIAL SPORT FISHING VESSEL LICENCE APPLICATION**

13. An application for a commercial sport fishing vessel licence under s.8 of the Act shall be in Form 8 and be accompanied by the certificate of registration of the vessel and the fee specified in Part 1 of Schedule 2.

#### **COMMERCIAL SPORT FISHING VESSEL LICENCE FORM**

14. A commercial sport fishing vessel licence shall be in Form 9 and unless sooner cancelled or suspended, shall be valid for a period of 12 months from the date of issue.

#### **FEEs**

15. The fee payable for the issuance or renewal of a commercial sport fishing vessel licence is such amount as is specified in Part 2 of Schedule 2.

#### **GROUNDS FOR LICENCE REFUSAL**

16. (1) In addition to the grounds for licence refusal set out in Section 5 of the Act, no licence in respect of a commercial sport fishing vessel shall be issued or renewed unless:

- (a) all information requested by the Registrar in respect of the proposed fishing operation or related activities has been provided in the manner required or requested; and
- (b) where appropriate a valid safety certificate has been issued in respect of the vessel by the Department of Marine in accordance with relevant laws.

## GENERAL CONDITIONS

17. Every commercial sport fishing vessel licence shall, in addition to -

- (a) any particular conditions endorsed on the licence; and
- (b) any general conditions prescribed by Order.

be subject to the following general conditions:

- (a) any change in the information set out in the application form shall be notified to the Registrar as soon as practicable and in any case no later than seven days from the date of the change;
- (b) the vessel shall comply with safety standards applicable from time to time under the laws of Tonga concerning shipping;
- (c) No fishing shall be undertaken except as authorised by the licence.
- (d) The master of the vessel shall cause records to be maintained on a daily basis in such form as the Registrar may from time to time require for the purpose of recording the fishing operators or related activities of the vessel.
- (e) Any logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Registrar at such time or times as he may require.

## PART 3 - FOREIGN FISHING

### FOREIGN FISHING VESSEL LICENCE APPLICATIONS

18. Every application for a foreign fishing vessel licence made under Section 11(2) of the Act shall be in writing in Form 10, and shall contain such additional information as may be required by the Minister or the Registrar or under an applicable access agreement or multilateral agreement, and shall be accompanied by the fee specified in Part 1 of Schedule 2.

### FOREIGN FISHING VESSEL LICENCE FORM

19. (1) Every foreign fishing vessel licence shall be issued in writing in Form 11, and shall contain such additional information as may be required by the Minister or Registrar or under an applicable access agreement or multilateral agreement.

(2) Subject to subsection (3), such licence form shall be transmitted to the vessel promptly after issuance and carried on board at all times and shall be produced for inspection upon the request of an authorised officer.

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

(4) Where a licence has been issued but not yet received by the vessel, a confirmation of the licence and information contained therein by telex, telefax or cable and carried on board will constitute sufficient authority.

**FEES**

20. The fees, royalties and other forms of compensation payable in respect of a foreign fishing vessel licence shall be those established by an applicable access agreement or multilateral agreement and any other fees, royalties or other forms of compensation consistent with the Act and an applicable access agreement or multilateral agreement which may be specified in the licence.

**LOCAL AGENT**

21. (1) No licence shall be issued in respect of 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, master or charterer of that vessel and who is able to accept legal responsibility on behalf of the owner, master or charterer for any action, juridical or otherwise, taken in respect of that vessel; and
- (b) the name and address of such agent is notified to the Registrar in Form 12.

(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 the vessel operator or both, as the case may be.

**GROUND FOR LICENCE REFUSAL**

22. In addition to the requirements in Section 11 of the Act, no licence in respect of a foreign fishing vessel may be issued unless -

- (a) the vessel is listed in good standing on the regional register maintained by the South Pacific Forum Fisheries Agency; and
- (b) all information requested by the Minister or Registrar in respect of the proposed fishing operation or related activities, or required under an applicable access agreement, has been provided in the manner requested or required; and
- (c) safety requirements under relevant shipping laws of Tonga are met.

**REPORTING FORMS**

23. (1) Such forms shall be used for reporting and such data and other information required as may be adopted from time to time by member countries of the Forum Fisheries Agency or the South Pacific Commission or in any related agreement.

(2) The logsheet form appearing in Schedule 4 shall be required, as amended from time to time by member countries of the Forum Fisheries Agency or the South Pacific Commission or in any related agreement.

(3) Such additional information shall be provided in respect of the fishing operations or related activities as the Minister or Registrar may determine is appropriate for fisheries conservation, management and

## GENERAL CONDITIONS

24. Every foreign fishing vessel licence shall be subject to the following conditions in addition to relevant provisions of the Act, including Sections 11, 13, 15, 23 and 38;

- (a) the vessel shall only be used for such fishing and related activities, during such periods and in such places as are specified in the licence;
- (b) except as may otherwise be provided in any applicable access agreement, the licence shall not be transferable to any other vessel or owner without the written permission of the Minister;
- (c) the licence shall be produced at the request of an authorised officer, in accordance with Regulation 19(2);
- (d) the vessel shall at all times in the fishery waters:
  - (i) fly the flag of the State in which it is registered;
  - (ii) display identification markings in accordance with the specification set out in Schedule 3 to these Regulations; and
  - (iii) display lights and shapes for the vessel and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea;
- (e) the vessel shall not be used for fishing within one nautical mile of a fish aggregating device except in accordance with this Act or with the written permission of the person who was responsible for placing the device.
- (f) the vessel shall, unless the Registrar otherwise directs in writing or unless the master of the vessel is able to communicate effectively in English, carry a person who is able to communicate effectively in English and in the language of the master of the vessel;
- (g) no fish may be landed or transhipped in Tonga or in the fishery waters except as the Minister may authorise in writing in accordance with the Act;
- (h) the master shall cause a fishing logbook to be maintained at all times while the vessel is in the fishery waters and on a prescribed form, and up-to-date entries to be made daily and in such form as the Registrar may from time to time require for the purpose of recording the fishing operations or related activities of the vessel;
- (i) in particular, but not to limit the generality of paragraph (h), the master shall cause the following information to be entered relating to the activities of the vessel during that day

- (i) the fishing effort of the vessel;
  - (ii) the methods of fishing used;
  - (iii) the areas in which fishing was undertaken;
  - (iv) the species of fish taken and the quantity and condition of each species;
  - (v) the species of fish taken returned to the sea, and the quantity and condition of each species;
  - (vi) such information regarding fishing on the high seas as any be required by the Registrar in accordance with standards adopted by the member countries of the Forum Fisheries Agency, including high seas fishing activity on a trip which includes fishing the fishery waters; and
  - (vii) such other information as the Minister or Registrar may reasonably require in order to ascertain the fishing or related activities of that vessel in the fishery waters;
- (j) the master shall certify that the information contained in the logbook under paragraph (h) is true, complete and correct.
- (k) the operator shall cause the logbook maintained under paragraph (h) to be transmitted in its original and unaltered form to the Registrar or to any other person or organisation designated by him:
- (i) not later than seven days after the completion of the voyage to which the logbook relates; or
  - (ii) at any other time at the request of the Registrar or any authorised officer;
- (l) the master shall cause reports containing information referred to in paragraph (m) to be made to the Registrar, or such other person or organisation as the Registrar may designate, at the following times -
- (i) immediately upon entry into the fishery waters;
  - (ii) every Wednesday or such other day as the Registrar may specify while the vessel is in the fishery waters;
  - (iii) immediately upon departure from the fishery waters; and
  - (iv) such other times as the Registrar may specify;
- (m) each report made under paragraph (l) shall contain the following information -
- (i) the international radio call sign or the number assigned to the vessel under the Regional Register maintained by the South Pacific Forum Fisheries Agency;
  - (ii) the position of the vessel at the time of reporting;

- (iii) the total catch by weight by species on board the vessel at the time of reporting; and
  - (iv) such other matters as the Registrar may from time to time require;
- (n) the master or owner of the vessel or his local agent shall notify the Registrar or such other person or organisation as the Registrar may designate of the entry of the vessel into any port in the Kingdom of Tonga at least 24 hours prior to such entry;
- (o) the master of the vessel shall cause to be maintained on board the vessel, at all times while the vessel is in the fishery waters, a ship's log separate from the fishery log referred to in paragraph (h) and shall enter in that log a record of the date, time and nature of every instruction, direction or requirement communicated to the master by the Minister, the Registrar or an authorised officer;
- (p) the operator, master and each member of the crew of a vessel shall allow and assist any person identified as an observer under S.38 of the Act to:
- (i) board the vessel for scientific, compliance, monitoring and other functions as the Registrar may require;
  - (ii) embark at a time and place agreed upon;
  - (iii) disembark at an agreed time and place;
  - (iv) carry out all duties safely;
- (q) the operator shall provide the observer, while on board the vessel, at no expense, with food, accommodation and medical facilities equivalent to that provided to officers;
- (r) in addition to the requirements of sub-regulation (q), the operator shall pay in full the following costs of the observer -
- (i) full travel costs from Tonga to and from the vessel;
  - (ii) such salary as may be notified by the Registrar, being the full amount of such salary;
  - (iii) full insurance coverage;
- (s) the master and each member of the crew of the vessel shall provide all reasonable assistance in his power to enable an authorised officer or observer to perform his duties in accordance with Section 38 of the Act, and in particular, but without restricting the generality of the foregoing, shall-
- (i) provide him with full access to the bridge, fish on board, fishing gear and areas which may be used to hold, process, weigh and store fish;

- (ii) provide him with full access to the vessel's records including its logs and documentation for the purposes of records inspection and copying;
  - (iii) provide him with a suitable work area including a table and sufficient lighting to carry out his work;
  - (iv) provide him, on request, with the accurate position of the vessel in latitude and longitude and full access to navigation equipment and charts;
  - (v) promptly send and receive messages on his behalf by means of the communications equipment on board the vessel; and
  - (vi) provide him with suitable storage facilities for any samples taken;
- (i) 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);
  - (u) the master of the vessel shall, while in the fishery waters, take all reasonable measures and precautions to avoid causing damage to any local fishing operations including non-commercial operations;
  - (v) the master shall cause to be carried on the vessel the latest edition of the "International Code of Signals" published by the International Maritime Organisation Marine Safety Committee, and the signals specified in the Code shall be used in every communication by radio, flag or light between a licensed vessel in the fisheries waters and a Tonga authority.

#### NOTIFICATIONS, RECORDS AND LOGBOOKS IN ENGLISH

25. The operator shall cause any notification, record, or logbook required to be made or maintained under the Act or Regulations to be made or maintained in English.

#### TRANSHIPMENT

26. (a) the operator of a foreign vessel shall -
- (i) not tranship at sea under any circumstances except for the transfer of catch by a licensed group seiner to its licensed carrier vessel each of which holds good standing on the Regional Register;
  - (ii) provide 72 hours notice to a licensing country 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 species, the time and place where such transhipment is requested to occur and an undertaking to pay all fees as required under the laws of the Kingdom of Tonga;

- (iii) only tranship at the time and place authorised for transshipment;
  - (iv) submit full transshipment reports on any forms which may be prescribed or are otherwise required;
  - (v) in particular, but not to limit the applicability of all required conditions, comply with the conditions described in Regulation 24.
- (b) For the purposes of reporting under this Regulation, a fishing trip is deemed to have ended at such time as any or all of the fish on board the vessel are removed from the vessel, either ashore or onto another vessel except for the transfer of catch by a group seiner to its carrier vessel provided that a valid licence in respect of the fishery waters is held by each vessel.

#### **PART 4 - LOCALLY BASED FOREIGN FISHING**

##### **LOCALLY BASED FOREIGN FISHING VESSEL LICENCE**

###### **APPLICATIONS**

27. Every application for a locally based foreign fishing vessel licence made under Section 11 of the Act shall be in writing in Form 13, and shall contain such additional information as may be required by the Minister or Registrar, and shall be accompanied by the fee specified in Part 1 of Schedule 2.

###### **LOCALLY BASED FOREIGN FISHING VESSEL LICENCE FORM**

28. (1) Every locally based foreign fishing vessel licence shall be in writing in Form 14, and shall contain such additional information as may be required by the Minister or Registrar.

(2) Such licence form shall be transmitted to the vessel promptly after issuance and carried on board at all times and shall be produced for inspection upon the request of an authorised officer.

(3) Where a licence has been issued but not yet received by the vessel, a confirmation of the licence and information contained therein by text, telefax or cable and carried on board will constitute sufficient authority.

###### **FEEES**

29. The fees, royalties and other forms of compensation payable in respect of the issuance or renewal of a locally based foreign fishing vessel licence is such amount as the Minister, after consulting with the Director, may determine.

###### **REPORTING FORMS**

30. Every licensed locally based foreign fishing vessel shall be subject to the requirements in relation to reporting applicable to foreign fishing vessels described in Regulations 23 and 24.

###### **GENERAL CONDITIONS**

31. Every locally based foreign fishing vessel shall be subject to the general conditions applicable to foreign fishing vessel licences described in Regulation 24.

## PART 5 - AUTHORISATIONS

### APPLICATIONS FOR AUTHORISATIONS

32. Every application for an authorisation made under Section 14 of the Act shall be in writing, and addressed to the Minister and shall contain information which may be required under the Act and such other information as he may from time to time request.

### AUTHORISATION FORMS

33. Each authorisation shall be in writing, and on any form which may be prescribed.

### FEEES

34. The fees payable for authorisations shall be such amounts as the Minister may determine in accordance with the Act.

### GROUNDSS FOR REFUSAL OF AUTHORIZATION

35. Authorisations shall or may be refused on any grounds specified in the Act.

### GENERAL CONDITIONS

36. Vessels which are authorised to undertake specified activity in the fishery waters shall comply with all licence conditions required or prescribed under this Act in respect of local or foreign fishing vessels, as the case may be, including those described in Regulations 9 and 26 respectively, and additional requirements relating to the specified activity as may be prescribed or otherwise required or requested by the Minister or Director.

37. Every authorisation to conduct marine scientific research shall be subject to such conditions as are in accordance with the provisions of Part XIII, Section 3 of the United Nations Convention on the Law of the Sea, 1982.

38. Every authorisation to conduct test fishing operations shall take into account the potential for commercial fishing activity in such operations, and conditions and fees shall be set accordingly.

## PART 6 - FISH PROCESSING ESTABLISHMENT LICENCES

### FISH PROCESSING ESTABLISHMENT LICENCE APPLICATIONS

39. (1) Every application for a licence to operate a fish processing establishment made under Section 24 of the Act shall be in writing, addressed to the Registrar in form 15, and shall be accompanied by the fee specified in Part 1 of Schedule 2.

(2) The Registrar shall submit the application form, together with a report of the consultation and evaluation required under Regulation 40, to the Minister within a reasonable time of receipt of the application.

40. The Minister shall, in considering an application for a licence under Section 24 of the Act and any conditions to be attached thereto, take into account the results of:

- (a) consultations with all other affected Government departments;
- and

- (b) an evaluation of all relevant factors, including those relating to fisheries, the environment, health and industry.

### FISH PROCESSING ESTABLISHMENT LICENCE FORMS

41. Every licence to operate a fish processing establishment shall be in Form 15 and, unless sooner cancelled or suspended shall be valid for a period of 12 months from the date of issue.

### FEES

42. (1) Subject to sub-regulation (2), the fee payable for the issuance or renewal of a licence to operate a fish processing establishment shall be such amount as is specified in Part 2 of Schedule 2.

(2) Notwithstanding any provision of the Act, no fees shall be payable in respect of any licence issued to a fish processing establishment owned and operated by the Government of the Kingdom of Tonga.

### GROUNDS FOR LICENCE DENIAL

43. No licence in respect of a fish processing establishment shall be issued, in addition to the provisions of Section 24 of the Act, if the applicant has been convicted in Tonga of any offence under the Act or any other Act relevant to the operation of a fish processing establishment, and the requirements of the judgment have not been fully met.

### LICENCE CONDITIONS

44. Every licence to operate a fish processing establishment shall be subject to the following general conditions in addition to any other conditions required under the Act -

- (a) the fish processed at such establishment shall not exceed the total quotas provided to that establishment, including those relating to species and quantity;
- (b) such establishment shall be maintained and operated in a clean and sanitary manner;
- (c) accurate records shall be maintained on a daily basis on such forms as may be required by the Registrar relating to the operations carried out in such establishment, including records of the origin, dates, quantity, type and quality of fish received, processed, sold and exported, and other information which the Registrar may require, and all such records shall be open to inspection at any time by any authorised officer or inspector;
- (d) such returns shall promptly be made to the Registrar concerning the operations of the establishment as the Registrar may from time to time require;
- (e) any change in the information submitted in the application form shall be notified to the Registrar as soon as practical and in any case not later than seven (7) days from the date of the change.

## PART 7 - FISH MARKETING

45. A. The Director may designate any place as an authorised fish marketing centre, and, without prejudice to the powers and duties of any other Government authority in relation thereto, may specify such conditions relating to the operation of such a designated centre as he may see fit.

B. The conditions which the Director may specify include, but are not limited to the following:

1. the hours during which marketing shall be permitted;
2. the persons who may sell fish;
3. conditions necessary in the interests of public health and hygiene;

46. A. The Minister may by order published in the Gazette prescribe that in relation to any particular geographical area no buying, selling, bartering, exchanging or offering for sale of fish take place other than at a designated fish marketing centre.

B. Where an order has been made under paragraph A hereof any person who buys, sells, barter, exchanges or offers for sale any fish otherwise than in accordance with the order of the Minister commits an offence and shall be liable to a fine not exceeding \$500.

## PART 8 - PROHIBITED FISHING METHODS

### MARINE MAMMALS

47. (1) Subject to sub-regulation (3), no person shall fish for marine mammals in the fishery waters.

(2) any marine mammal caught incidentally shall be released immediately and returned to the waters from which it was taken with the least possible injury.

(3) The Minister may give written authorisation to fish for marine mammals in a limited manner and only in exceptional circumstances involving international scientific research which is intended to result in significant benefit for marine mammals, and will not cause harm or injury to the species.

(4) Any person who contravenes the provisions of sub-regulation (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### DIVING EQUIPMENT

48. No person shall use self-contained underwater breathing apparatus, or any diving equipment that utilises compressed gas for the purpose of fishing, except with the written authorisation of the Registrar and any diving equipment used in the commission of an offence against this Regulation may be forfeited on the order of the court.

### NETS

49. (1) The mesh when fully stretched of any dragnet or seine net used for fishing shall not be less than 38 millimetres.

(2) The master, owner and charterer of any fishing vessel using a net which does not comply with regulation 49(1) each commits an offence and shall each be liable to a fine not exceeding \$10,000.

(3) Any person who uses a cast net for fishing which has -

(a) when fully stretched a mesh of less than 12 millimetres; or

(b) a radius exceeding 2 metres,

commits an offence and is liable to a fine not exceeding \$1,000.

## PART 9 - GENERAL CONSERVATION AND MANAGEMENT MEASURES

### GENERAL

50. (1) The Minister may establish annual production and export quotas by species, area and form for any of the commercial fisheries for purposes of fisheries conservation and management.

(2) No person shall exceed the annual production and export quotas set by the Minister in accordance with this Regulation.

### EXPORT OF FISH OR FISH PRODUCTS

51. (1) No person shall export any beche de mer, winged pearl oyster, the meat or adductor muscle of any clam, or part or product thereof, whether processed or not, except with the written authorisation of the Minister and in compliance with any other applicable law of the Kingdom of Tonga.

(2) No person shall export any fish or fish product, whether processed or not, other than those specified in sub-regulation (1) except with the written authorisation of the Registrar, and in accordance with such conditions as he may specify.

(3) For the purposes of this section, "export" means to take or cause to be taken out of the Kingdom of Tonga for commercial or potentially commercial purposes, any item described, and includes providing samples and home consumption.

(4) There shall be payable in respect of the written authorisation of the Minister described in sub-regulation (1) the fee specified in Part 2 of Schedule 2.

(5) There shall be payable in respect of the written authorisations of the Registrar described in sub-regulation (2) the fee specified in Part 2 of Schedule 2.

### INSPECTORS

52. (1) The Minister may appoint in writing any person or category of persons as inspector to promote conservation and management of fisheries and monitor compliance with the Act or these Regulations on behalf of the Registrar.

(2) The inspector may request such information and shall keep such records as authorised under the Act or these Regulations or by the Registrar, consistent with the Act.

(3) Information requested and records kept by an inspector may include the following particulars, inter alia:

- (a) name of the seller;
- (b) name of the island;
- (c) name of the village the seller is from;
- (d) number of fish being sold;
- (e) destination of the shipment;
- (f) name of the buyer;
- (g) date of sale;
- (h) date of shipment;
- (i) total weight of species being sold;
- (j) price per kilogram;
- (k) total price of shipment;
- (l) name of ship/plane;
- (m) number of flight/voyage.

(4) Each person shall promptly furnish such information to an inspector appointed under this Regulation as he is authorised to request.

#### RETURNS

53. (1) For purposes of fishery conservation and management, the Registrar may require returns from the sellers or purchasers of such species as he may designate during such time period as he may specify.

(2) Such returns may include information relating to the following, inter alia:

- (a) quantity sold/purchased;
- (b) name of the buyer/seller; and
- (c) island of origin of species.

(3) Each person shall promptly furnish such information which may be required under this Regulation.

#### OFFENCES

54. Any person who contravenes any provision of this Part commits an offence and is liable on conviction to a fine not exceeding \$10,000.

### PART 10 - SPECIES CONSERVATION AND MANAGEMENT

#### LOBSTER ('UO)

55. (1) In this Regulation "lobster" or "'uo" means a crustacean of genus *Panulirus*.

- (2) No person shall harm, take, have in his possession, sell or purchase -
  - (a) any lobster carrying eggs;
  - (b) any lobster the carapace of which is less than 7 centimetres when measured along the mid line from immediately behind

the rostral horns to the rear edge as illustrated in Schedule 5 to these Regulations;

(c) any lobster the tail of which is less than 4.5 centimetres in width when measured between the lateral notches of the first tail segment with vernier calipers from the ventral side of the tail, as illustrated in Schedule 5 to these Regulations.

(3) No person shall spear or attempt to spear a lobster.

(4) No person shall remove the eggs from a lobster or take, have in his possession, sell or purchase a lobster from which the eggs have been removed.

### SLIPPER LOBSTER

56. (1) In this Regulation "slipper lobster" means a crustacean of the genus *Parribacus*.

(2) No person shall harm, take, have in his possession, sell or purchase:

(a) any slipper lobster carrying eggs; or

(b) any slipper lobster which is less than 15 centimetres in length when laid flat and measured from the front edge of the carapace to the rear edge of the telson as illustrated in Schedule 6 to these Regulations.

(3) No person shall spear or attempt to spear a slipper lobster.

(4) No person shall remove the eggs from a slipper lobster or have in his possession, sell or purchase a slipper lobster from which the eggs have been removed.

### WINGED PEARL OYSTER (TOFE)

57. (1) In this Regulation "winged pearl oyster" or "tofe" means any mollusc of the species *Pteria penguin*.

(2) No person shall harm, take, have in his possession, sell or purchase any winged pearl oyster which is less than 20 centimetres in dorso-ventral length.

### TRITON SHELL (KELE'A)

58. (1) In this Regulation "triton shell" or "kele'a" means a mollusc of the species *Charonia tritonis*.

(2) No person shall harm, take, have in his possession, sell or purchase any triton shell which is less than 20 centimetres in length when measured along the outside of the shell from one end to the other.

### CORAL

59. (1) No person shall remove or take any living coral from within the fishery waters except with the written permission of the Minister.

(2) The Minister may impose such conditions as he may specify, including, but not limited to, conditions relating to:

- (a) the quantities that may be removed or taken;
- (b) the location or locations from which it may be removed or taken;
- (c) the duration of any permission granted;
- (d) the method of removal or taking;
- (e) measures necessary or desirable to conserve and protect the marine environment;
- (f) the fees, royalties or compensation to be paid in respect of the permitted operations.

#### AQUARIUM FISH

60. No person shall engage in fishing for any marine aquarium fish except with the written permission of the Minister and in accordance with such conditions as he may specify.

#### TURTLES (FONU)

61. No person shall -

- (a) disturb, take, have in his possession, sell or purchase any turtle eggs;
- (b) interfere with or disturb in any way any turtle nest;
- (c) sell, purchase or export any turtle or the shell thereof of the species *Eretmochelys imbricata*, known as the hawksbill turtle.

62. No person shall -

- (a) use a spear or spear gun for the purpose of capturing, destroying or taking any species of turtle; or
- (b) capture, destroy or take any of the species of turtle specified in Schedule 7 during the period specified in Schedule 7.

#### MULLET (KANAHE or FUA)

63. (1) In this Regulation "mullet" or "kanahe" or "fua" means any species of fish of the family Mugilidae.

(2) No person shall engage in fishing for mullet in the areas specified during the period specified in Schedule 7.

#### MILKFISH (AVA'I ANO)

64. (1) In this Regulation "milkfish" or "ava'i ano" means a fish of the species *Chanos chanos*.

(2) No person shall engage in fishing for milkfish during the period specified in Schedule 7.

#### GIANT CLAMS (VASUVA)

65. (1) In this Regulation "giant clam" or "vasuva" means any animal of the family Tridacnidae.

(2) No person shall take, retain, sell or expose for sale, buy or have in his possession any giant clam the maximum shell length of which is less than the length specified opposite the particular species indicated in Schedule 8.

(3) No person shall remove the mantle or adductor muscle from any giant clam the maximum shell length of which is less than the length specified opposite the particular species indicated in Schedule 8.

#### **BECHE DE MER (MOKOHUNU)**

66. (1) In this Regulation "beche de mer" or "mokohunu" means any animal of the class Holothuroidea.

(2) No person shall take, retain, sell or expose for sale, buy, export or have in his possession any beche de mer the maximum length of which is less than 12 centimetres when dried.

#### **OFFENCES**

67. Any person who contravenes any provision of this Part commits an offence and is liable on conviction to a fine not exceeding \$1,000.

#### **PART 11 - FISH FENCES**

68. (1) No person shall erect or use a fish fence without a licence issued by the Registrar under this Part.

(2) In these Regulations, a "fish fence" means any fence, stable or other fixed construction used for entrapping fish.

#### **FISH FENCE LICENCE APPLICATION**

69. An application for a licence to erect a fish fence shall be in Form 17 and shall be accompanied by the fee specified in Part 1 of Schedule 2.

#### **FISH FENCE LICENCE FORM**

70. A licence to erect a fish fence shall be in Form 18 and, unless sooner cancelled or suspended, shall be valid for a period of 12 months from the date of issue.

#### **FEEs**

71. The fee payable for the issuance or renewal of a licence to erect a fish fence is such amount as is specified in Part 2 of Schedule 2.

#### **GROUNDs FOR LICENCE REFUSAL**

72. The Registrar shall not issue a licence to erect a fish fence -

- (a) within 200 metres of another fish fence;
- (b) within one kilometre of any Government wharf;
- (c) in any place where it may be a hazard or obstruction to navigation; or
- (d) where to do so would be inconsistent with the objectives set out in any fisheries plan issued under section 3(1) of the Act.

Provided further that the Registrar may refuse to issue a licence to any person who has been convicted of any offence against the Act or any Regulations made thereunder.

### OFFENCES AND PROHIBITIONS

73. No person shall erect or use a fish fence

- (a) the mesh of which when fully stretched is less than 38 millimetres;
- (b) the width of which at its widest point exceeds 140 metres;
- (c) the total installed perimeter of which exceeds 140 metres; or
- (d) at a distance seawards from the beach exceeding that specified in the licence.

74. Any person who fails to comply with Regulation 70 or the conditions of any licence issued under this Part commits an offence and shall be liable to a fine not exceeding \$500.

### PART 12 - FISH AGGREGATING DEVICES

#### PLACING OF DEVICES (PRIVATE)

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

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

- (a) the method of use;
- (b) the location;
- (c) the times during which it may be used; and
- (d) the markings or colourings to be adopted.

(3) The permission of the Registrar under this Regulation shall be in writing and may be in the form of a telex or table whether as a condition of licence or otherwise.

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

(5) The master of any vessel placing a fish aggregating device shall notify the Registrar within 24 hours of such placement of the nature and location of the device.

#### DESIGNATED FISH AGGREGATING DEVICE (PUBLIC)

76. (1) The Registrar may, by notice published in the Gazette, declare any fish aggregating device to be a designated fish aggregating device for the purposes of this Regulation.

(2) Subject to sub-regulation (3), no person shall fish within a radius of one nautical mile from a designated fish aggregating device except with

the permission of the Registrar and in accordance with such conditions as he may specify.

(3) The Registrar may, by notice published in the Gazette, declare that any class of persons who are Tonga citizens may fish within a radius of one nautical mile of a designated fish aggregating device or a class of designated fish aggregating devices.

#### **MARKING OF FISH AGGREGATING DEVICES**

77. (1) Any fish aggregating device placed in the fishery waters shall –
- (a) be clearly marked with the name of the owner and of the vessel from which such device was placed;
  - (b) be equipped with a radar reflector and such lights as shall be clearly visible at night from a distance of one nautical mile; and
  - (c) have such other equipment or markings as the Registrar may from time to time require.

#### **COMPLIANCE WITH APPLICABLE CONSERVATION OR MANAGEMENT MEASURES**

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

#### **DISPOSAL OF UNAUTHORISED DEVICES**

79. Any fish aggregating device placed in the fishery waters otherwise than in accordance with permission given under Regulation 74 or found in Tonga waters without a marking or piece of equipment required by Regulation 76 may be used or disposed of in such manner as the Registrar may decide.

#### **OFFENCES**

80. Any person who contravenes any provision in this Part commits an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **PART 13 – MISCELLANEOUS PROVISIONS**

#### **RENEWAL OF LICENCE**

81. Where any licence, except a foreign fishing vessel licence under Part 3 hereof and a locally based foreign fishing vessel licence under Part 4 hereof, issued under these regulations is renewed within 30 days of its expiry it shall not be necessary to make a fresh application in the prescribed form or pay an application fee.

#### **INFORMATION TO BE TRUE, COMPLETE AND CORRECT**

82. (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.

(3) Any person who contravenes sub-regulations (1) or (2) commits an offence and shall be liable to a fine not exceeding \$10,000.

#### **OFFENCES AND PENALTIES**

83. Any person who contravenes any provision of these Regulations commits an offence and, unless otherwise provided in these Regulations, shall be liable to a fine not exceeding \$10,000, and where the offence is a continuing one, a further fine not exceeding \$500 for every day that the offence has continued.

#### **COMMENCEMENT**

84. Except as otherwise provided, these Regulations shall enter into force on the 1 July, 1992.

Made this 19th day of June, 1992.

**BARON VAEA**  
Minister of Fisheries

## SCHEDULE 1

## FORMS

1. Application to Register a Local Fishing Vessel
2. Certificate of Registration of a Local Fishing Vessel
3. Notification of Change of Ownership of a Local Fishing Vessel
4. Notification of Addition or Modification to a Local Fishing Vessel
5. Application for a Local Fishing Vessel Licence
6. Local Fishing Vessel Licence
7. Application to vary a Local Fishing Vessel Licence
8. Application for a Commercial Sport Fishing Vessel Licence
9. Commercial Sport Fishing Vessel Licence
10. Application for a Foreign Fishing Vessel Licence
11. Foreign Fishing Vessel Licence
12. Appointment of Agent
13. Application for a Locally Based Foreign Fishing Vessel Licence
14. Locally Based Foreign Fishing Vessel Licence
15. Application for a Licence for a Fish Processing Establishment
16. Licence for a Fish Processing Establishment
17. Application to Erect a Fish Fence
18. Licence to Erect a Fish Fence

**SCHEDULE 2****FEES****Part 1 – Fees upon Registration and Application for Licences**

1. Application to register a local fishing vessel	\$50.00
2. Notice of change of ownership of a local fishing vessel	\$50.00
3. Notice of modification to a local fishing vessel	\$50.00
4. Application for local fishing vessel licence	\$50.00
5. Application to vary a local fishing vessel licence	\$50.00
6. Application for a commercial sport fishing vessel licence	\$500.00
7. Application for a foreign fishing vessel licence	\$1,500.00
8. Application for a locally based foreign fishing vessel licence	\$500.00
9. Application for a licence to operate a fish processing establishment	\$500.00
10. Application for a licence to erect a fish fence	\$30.00

**Part 2 - Licence Fees**

1. Local fishing vessel licence	\$300.00
2. Commercial sport fishing vessel licence	\$500.00
3. Licence to operate a fish processing establishment	\$1,000.00
4. Authorisation to export fish or fish products (Regulation 51(1))	\$300.00
5. Authorisation to export fish or fish products (Regulation 51(2))	\$300.00
6. Licence to erect a fish fence	\$50.00

**SCHEDULE 3**  
**(Regulations 9(c), 24.(d)(ii))**

**VESSEL IDENTIFICATION MARKINGS**

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

Length of vessel overall	Minimum height of letters and numbers
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

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

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

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

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

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

14. The marks shall be -

(a) white on a black background; or

(b) black on a white background.

15. The background shall extend to provided a border around the mark or not less than  $h/6$ .

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

LOG SHEET FORM

SCHEMATA 4  
(REGULATION 25 (2))

YEAR \_\_\_\_\_ MONTH \_\_\_\_\_

22-AND-LINE VESSEL

vessel name \_\_\_\_\_ License/Permit Number \_\_\_\_\_  
 country of registration \_\_\_\_\_ Name of Captain \_\_\_\_\_  
 registration number \_\_\_\_\_ License/Permit \_\_\_\_\_  
 gross Registered Tonnage \_\_\_\_\_ Skipper's Signature \_\_\_\_\_  
 number of Automatic Poles \_\_\_\_\_ Name of Fishing Master \_\_\_\_\_  
 number of Crew \_\_\_\_\_ Major Belt Species 1) \_\_\_\_\_ 2) \_\_\_\_\_

DATE

DEPARTURE	PORT NAME	DATE						
		TY	MM	DD				
UNLOADING								
ARRIVAL								

DAY	COORD POSITION				Activity (code)	Hours for Search	Hours Searching	Amount of Belt on (kg)	Amount of Belt Returned (kg)	No Schools Observed	No positive Responses	SKIP/JACK		YELLOWTIP		BIGEYE		OTHER SPECIES		
	LATITUDE DO MM	LONGITUDE DO MM	Lat	Size Range (kg)								CATCH (mt)	Size Range (kg)	CATCH (mt)	Size Range (kg)	CATCH (mt)	Size Range (kg)	Species (code)	CATCH (mt)	
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				
11																				
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22																				
23																				
24																				
25																				
26																				
27																				
28																				
29																				
30																				
31																				

TOTAL CATCH  
(metric tonnes)

**SPECIES CODES :**

- 00 - Mackerel tuna, Kingman
- 01 - Frigate, Bullfinch tuna
- 02 - Skipjack
- 03 - Yellowfin
- 04 - Shark
- 05 - Polynesian Mahi-mahi
- 06 - Other species

**ACTIVITY CODES**

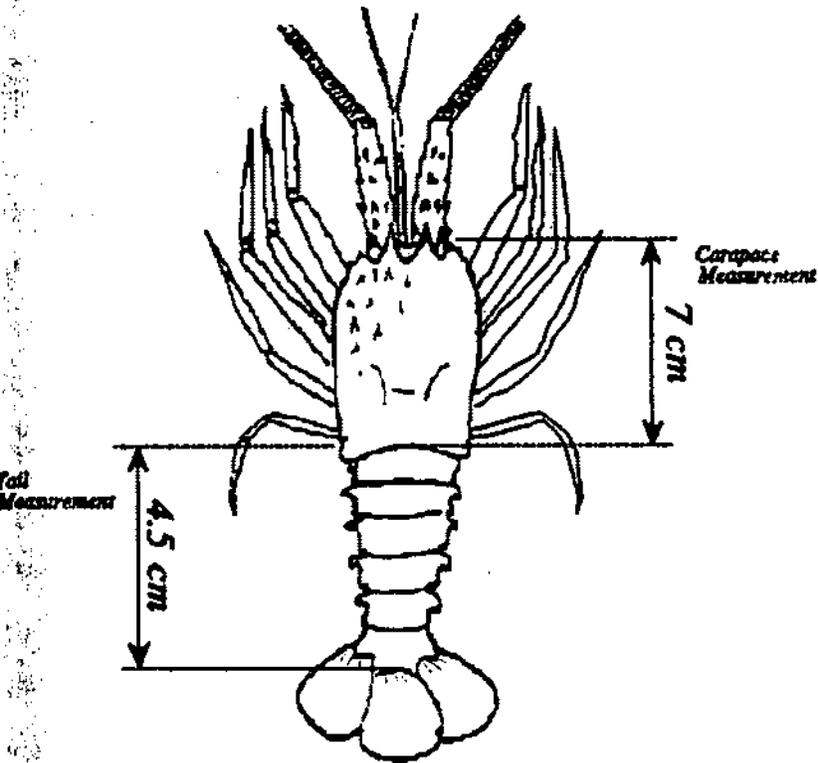
- 1 - A day fishing
- 2 - A full transit between fishing grounds or to fishing grounds.
- 3 - A full day not fishing due to a breakdown.
- 4 - A full day of fishing for fish with
- 5 - Partial day searching but no fish caught
- 6 - Any other reason for no catch. Please state



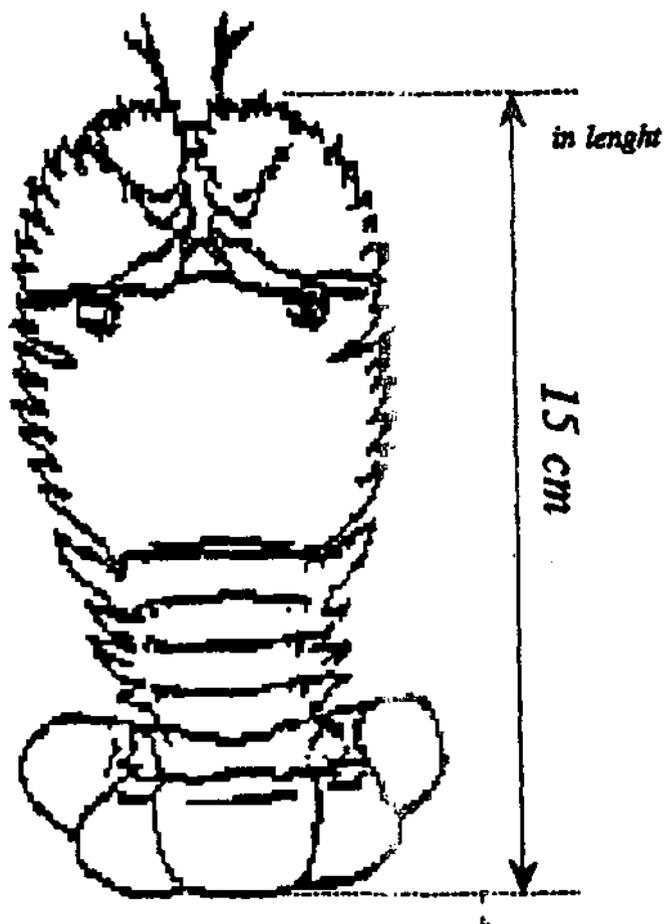


# SCHEDULE 5

(Regulation 55)



**SCHEDULE 6**  
**(Regulation 56)**



**SCHEDULE 7**  
**CLOSED SEASONS**  
 (Regulations 62, 63, 65)

Local Name	English Name	Scientific Name	Closed Season
Ava'i Ano	Milkfish	Chanos chanos	1 January to 31 December
Fonu (except the species known as leatherback turtle)	Turtle	Chelonia mydas	1 November to 31 January
Fonu	Leatherback Turtle	Dermochelys coriacea	1 January to 31 December
Kanahe or Fua	Mullet	Mugilidae	1 June to 31 July (in Fanga'uta Lagoon only)

**SCHEDULE 8**  
 (Regulation 65)

**MINIMUM SIZES FOR GIANT CLAMS**

Local Name	<u>Latin Name</u>	<u>Minimum Size</u>
Tokanoa molemole	<u>Tridacna derasa</u>	260 mm
Matahele	<u>Tridacna squamosa</u>	180 mm
Kukukuku	<u>Tridacna maxima</u>	155 mm

**FORM 1**  
**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
**(Regulation 4(1))**  
**APPLICATION FOR REGISTRATION OF A**  
**LOCAL FISHING VESSEL**

Every local fishing vessel must be registered under s.4 of the Fisheries Act 1989 unless the vessel is used solely for subsistence fishing or recreational sport fishing or is a non-motorized canoe.

To: The Registrar  
 Ministry of Fisheries  
 Nuku'alofa  
 Kingdom of Tonga

Answer all the questions either by filling in the spaces or circling the appropriate answer. If there is no answer, write "N/A" in the space.

I hereby apply to register the local fishing vessel described below:

1. Name and address of Applicant

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Tel \_\_\_\_\_

2. Name and Address of Owner(s)

-If answer is same as (1),  
 please indicate

-If Owner is a company,  
 give name and address  
 and registered number

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Tel \_\_\_\_\_

3. Name and address of charterer  
 (if applicable)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Tel \_\_\_\_\_

4. Name and address of master

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Tel \_\_\_\_\_

**VESSEL DETAILS**

5. Name of Vessel

\_\_\_\_\_

6. Make of Vessel

\_\_\_\_\_

7. Length Overall (LOA) \_\_\_\_\_ metres
8. Gross Tonnage \_\_\_\_\_
9. Main Engine: Make \_\_\_\_\_  
 Inboard/Outboard/Stern Drive \_\_\_\_\_  
 Horsepower \_\_\_\_\_  
 Number \_\_\_\_\_
10. Hull: Wood/Aluminium/Steel/G.I.P \_\_\_\_\_  
 Colour \_\_\_\_\_  
 Where Built \_\_\_\_\_
11. Port of Registry: \_\_\_\_\_
12. Shipping Registry Number: \_\_\_\_\_
13. Equipment: \_\_\_\_\_  
 Radio: Yes/No If Yes: HF/VHF/SSB \_\_\_\_\_  
 International Call Sign: \_\_\_\_\_  
 Radar: Yes/No Model: \_\_\_\_\_  
 Fishfinder/Depthsounder: Yes/No Model: \_\_\_\_\_
14. Fish Storage Capacity: Does the vessel have fish storage capacity below decks? Yes/No
- If Yes: Chilled Capacity: \_\_\_\_\_ kg  
 Freezer Holds Capacity: \_\_\_\_\_ kg  
 Blast Freezer Capacity: \_\_\_\_\_ kg/24hr  
 Ice Machine Production: \_\_\_\_\_ kg/24hr
- If No: How much fish can be carried on deck in insulated boxes: \_\_\_\_\_ kg

#### FISHING DETAILS

15. (a) Drop Line (Deep Bottom) Yes/No Number of Reels \_\_\_\_\_  
 (b) Trolling Yes/No Number of Lines \_\_\_\_\_  
 (c) Longlining Yes/No \_\_\_\_\_  
 (d) gillnetting Yes/No \_\_\_\_\_  
 (e) other Yes/No \_\_\_\_\_

For (c), (d) or (e) attach details on a separate sheet, with a sketch of the gear to be employed.

#### STATEMENT BY APPLICANT

I confirm that the details given above are true, complete and correct in every respect.

I will inform the Registrar of any changes to the information given on this form within 7 days of the change.

I confirm that the vessel described above is wholly owned by (mark "X" beside a, b, or c):

- a. \_\_\_\_\_ the Government of Tonga
- b. \_\_\_\_\_ a company, society or other association of persons incorporated or established under the laws of Tonga of which at least 51% of the voting shares are owned by Tongan subjects.
- c. \_\_\_\_\_ one or more natural persons who are Tongan subjects or permanent residents of Tonga.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**Warning:** It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**

(Regulation 4(3))

**CERTIFICATE OF REGISTRATION OF LOCAL FISHING VESSEL**  
**CERTIFICATE NO.**

In accordance with the provisions of section 4(6) of the Fisheries Act (No. 18 of 1989) I hereby certify that the local fishing vessel described below is fit for fishing and satisfies the requirements of Tongan law relating to safety and hygiene.

**DESCRIPTION OF VESSEL**

Name of Vessel \_\_\_\_\_

Make of Vessel \_\_\_\_\_

Length Overall (LOA) \_\_\_\_\_ metres

Gross Tonnage \_\_\_\_\_

Main Engine: Make \_\_\_\_\_

Inboard/Outboard/Stern Drive

Horsepower \_\_\_\_\_

Number \_\_\_\_\_

Hull: Wood/Aluminium/Steel/GRP

Colour \_\_\_\_\_

Where Built \_\_\_\_\_

Port of Registry: \_\_\_\_\_

Shipping Registry number: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of registered owner: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

Registrar \_\_\_\_\_

Fee paid: \_\_\_\_\_

Receipt number: \_\_\_\_\_

Any change of ownership of, or addition to, any registered vessel must be notified to the Registrar by the new owner or the owner as the case may be within 30 days of the change of ownership or addition or modification.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**

(Regulation 4(4))

**NOTIFICATION OF CHANGE OF OWNERSHIP OF A LOCAL  
FISHING VESSEL**

To: The Registrar  
Ministry of Fisheries  
Nuku'alofa  
Kingdom of Tonga

In accordance with the provisions of s.4(7) of the Fisheries Act (No. 18 of 1989) I, (here insert full name of new owner) hereby notify the Registrar of a change of ownership of the registered local fishing vessel the particulars of which are described below:

**DESCRIPTION OF VESSEL**

Name of vessel: \_\_\_\_\_

Certificate of Registration Number: \_\_\_\_\_

Date issued: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of previous registered owner: \_\_\_\_\_

Address: \_\_\_\_\_

Name of new owner: \_\_\_\_\_

(if a registered company include registered number)

Address: \_\_\_\_\_

**STATEMENT BY NEW OWNER**

I confirm that the details given above are true, complete and correct in every respect.

I will inform the Registrar of any change to the information given on this form within 7 days of the change.

I confirm that the vessel described above is wholly owned by (mark "X" beside a, b, or c):

- a. \_\_\_\_\_ the Government of Tonga
- b. \_\_\_\_\_ a company, society or other association of persons incorporated or established under the laws of Tonga of which at least 51% of the voting shares are owned by Tongan subjects.
- c. \_\_\_\_\_ one or more natural persons who are Tongan subjects or permanent residents of Tonga.

Date: \_\_\_\_\_

---

Signature of new owner

Warning: It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATION 1992**

(Regulation 4(6))

**NOTIFICATION OF ADDITION/MODIFICATION TO A LOCAL  
FISHING VESSEL**

To: The Registrar  
Ministry of Fisheries  
Nuku'alofa  
Kingdom of Tonga

In accordance with the provisions of s.4(7) of the Fisheries Act (No. 18 of 1989) I, (here insert full name of registered owner) hereby notify the Registrar of the following addition(s) and/or modification(s) to the registered local fishing vessel the full particulars of which are described below:

**DESCRIPTION OF VESSEL**

Name of vessel: \_\_\_\_\_  
Certificate of Registration Number: \_\_\_\_\_  
Date issued: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of registered owner: \_\_\_\_\_  
(if a registered company include registered number)  
Address: \_\_\_\_\_

**ADDITION(S)/ MODIFICATION(S)**

(Please give a full description of all additions and/or modifications made to the vessel since the date of registration. Attach a separate numbered sheet if necessary).

I declare that the foregoing particulars are true, complete and correct in every respect.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

Warning: It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement.

**STATEMENT BY APPLICANT**

I declare that the foregoing particulars are true, complete and correct in every respect.

I will inform the Registrar of any changes to the information given on this form within 7 days of the change.

I confirm that the vessel described above is wholly owned by (mark "X" beside a, b, or c):

- a. \_\_\_\_\_ the Government of Tonga
- b. \_\_\_\_\_ a company, society or other association of persons incorporated or established under the laws of Tonga of which at least 51% of the voting shares are owned by Tongan subjects.
- c. \_\_\_\_\_ one or more natural persons who are Tongan subjects or permanent residents of Tonga.

Certificate of Registration number: \_\_\_\_\_

I will comply with all the conditions of the licence.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

Warnings: (1) It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement.

- (2) A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading

This application is to be forwarded to the Registrar, Ministry of Fisheries and is to be accompanied by a certified copy of the original certificate of registration and the prescribed fee.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**

(Regulation 5)

**APPLICATION FORM FOR A LOCAL FISHING VESSEL LICENCE**

An application for a local fishing vessel licence has to be completed by anyone using a vessel over 6 metres in length for fishing unless the vessel is used solely for subsistence fishing.

To: The Registrar  
Ministry of Fisheries  
Nuku'alofa  
Kingdom of Tonga

Answer all the questions either by filling in the spaces or circling the appropriate answer. If there is no answer, write "N/A" in the space.

I hereby apply for a local fishing vessel licence in respect of the local fishing vessel described below:

1. Name and address of Applicant \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Tel \_\_\_\_\_
2. Name and Address of Owner(s) \_\_\_\_\_  
-If answer is same as (1),  
please indicate \_\_\_\_\_  
-If Owner is a company,  
give name and address \_\_\_\_\_  
and registered number \_\_\_\_\_ Te \_\_\_\_\_
4. Name and address of charterer  
(if applicable) \_\_\_\_\_  
\_\_\_\_\_ Tel \_\_\_\_\_
5. Name and address of master \_\_\_\_\_  
\_\_\_\_\_ Tel \_\_\_\_\_

**VESSEL DETAILS**

6. Name of Vessel \_\_\_\_\_
7. Make of Vessel \_\_\_\_\_
8. Length Overall (LOA) \_\_\_\_\_ metres
9. Gross Tonnage \_\_\_\_\_
10. Main Engine: Make \_\_\_\_\_  
Inboard / Outboard / Stern Drive

- Horsepower \_\_\_\_\_  
 Number \_\_\_\_\_  
 11. Hull: Wood / Aluminium / Steel / GRP  
 Colour \_\_\_\_\_  
 Where Built \_\_\_\_\_
12. Port of Registry: \_\_\_\_\_
13. Shipping Registry Number: \_\_\_\_\_
14. Equipment:
- Radio: Yes / No If Yes: HF/VHF/SSB  
 International Call Sign: \_\_\_\_\_  
 Radar: Yes / No Model: \_\_\_\_\_  
 Fishfinder/Depthsounder: Yes / No Model: \_\_\_\_\_
15. Fish Storage Capacity: Does the vessel have fish storage capacity below decks? Yes / No.
- If Yes: Chilled Capacity: \_\_\_\_\_ kg  
 Freezer Holds Capacity: \_\_\_\_\_ kg  
 Blast Freezer Capacity: \_\_\_\_\_ kg/24hr  
 Ice Machine Production: \_\_\_\_\_ kg/24hr
- If No: How much fish can be carried on deck in insulated boxes: \_\_\_\_\_  
 kg

### FISHING DETAILS

16. (a) Drop Line (Deep Bottom) Yes/No Number of Reels \_\_\_\_\_  
 (b) Trolling Yes/No Number of Lines \_\_\_\_\_  
 (c) Longlining Yes/No  
 (d) gillnetting Yes/No  
 (e) other Yes/No

For (c), (d) or (e) attach details on a separate sheet, with a sketch of the gear to be employed.

17. Proposed fishing area(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
18. Place(s) where fish primarily unloaded: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
19. Any other information relevant to this application:

### STATEMENT BY APPLICANT

I declare that the foregoing particulars are true, complete and correct in every respect

I will inform the Registrar of any changes to the information given on this form within 7 days of the change.

I confirm that the vessel described above is wholly owned by (mark "X" beside a, b, or c):

- a. \_\_\_\_\_ the Government of Tonga
- b. \_\_\_\_\_ a company, society or other association of persons incorporated or established under the laws of Tonga of which at least 51% of the voting shares are owned by Tongan subjects.
- c. \_\_\_\_\_ one or more natural persons who are Tongan subjects or permanent residents of Tonga.

Certificate of Registration number: \_\_\_\_\_

I will comply with all the conditions of the licence.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

- Warnings: (1) It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement.
- (2) A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

This application is to be forwarded to the Registrar, Ministry of Fisheries and is to be accompanied by a certified copy of the original certificate of registration and the prescribed fee.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**

(Regulation 6)

**LOCAL FISHING VESSEL LICENCE**

**LOCAL FISHING VESSEL LICENCE NO.**

1. This licence is issued pursuant to section 5(3) of the Fisheries Act (No. 18 of 1989).
2. The local 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 type and quantity of fishing gear 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 Regulations 1991 and such general conditions as may be prescribed by order made under the Fisheries Act.

**DESCRIPTION OF VESSEL**

Name of vessel: \_\_\_\_\_

Certificate of Registration Number: \_\_\_\_\_

Date issued: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of registered owner: \_\_\_\_\_

Address: \_\_\_\_\_

3. The vessel may be used for fishing in the following areas:

**LOCAL FISHING VESSEL LICENCE NO.** \_\_\_\_\_

4. The vessel may be used for the following method or methods of fishing:

5. The vessel may be used with the following type of fishing gear:

Gear type: \_\_\_\_\_

6. Subject to the Fisheries Act and regulations made thereunder, this licence is valid from the

\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to the

\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (inclusive)

7. This licence is not transferable

**SCHEDULE**

Date: \_\_\_\_\_

Registrar \_\_\_\_\_

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**

(Regulation 10)

**APPLICATION TO VARY A LOCAL FISHING VESSEL LICENCE**

I, (insert full name of applicant) \_\_\_\_\_ the holder  
of local fishing vessel licence no (insert licence number) \_\_\_\_\_  
issued on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

in respect of the vessel described hereunder apply to vary the conditions  
of the abovementioned local fishing vessel licence in respect of the authorised  
areas or species.

**DESCRIPTION OF VESSEL**

Name of vessel: \_\_\_\_\_

Certificate of Registration Number: \_\_\_\_\_

Date issued: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of registered owner: \_\_\_\_\_

Address: \_\_\_\_\_

The variations sought in this application are as follows:

Areas to be fished:

Species of fish to be taken:

Note: You must give full particulars of the variation(s) sought and the reasons  
therefor. Attach a separate numbered sheet if necessary.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

This application is to be forwarded to the Registrar, Ministry of Fisheries  
and is to be accompanied by a certified copy of the original licence and  
the prescribed fee.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**

(Regulation 13)

**APPLICATION FORM FOR A COMMERCIAL SPORT FISHING  
VESSEL LICENCE**

Application for a commercial sport fishing vessel licence has to be completed by anyone using a vessel for hire or reward for the purpose of fishing in the fisheries waters of Tonga.

The Registrar  
Ministry of Fisheries  
Nuku'alofa  
Kingdom of Tonga

Answer all the questions either by filling in the spaces or circling the appropriate answer. If there is no answer, write "N/A" in the space.

Apply for a commercial sport fishing vessel licence in respect of vessel described below:

Name and address of Applicant \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Tel \_\_\_\_\_

Name and Address of Owner(s) \_\_\_\_\_  
-If answer is same as (1),  
please indicate \_\_\_\_\_  
-If Owner is a company,  
give name and address \_\_\_\_\_  
and registered number \_\_\_\_\_ Tel \_\_\_\_\_

Name and address of charterer  
(if applicable) \_\_\_\_\_  
\_\_\_\_\_ Tel \_\_\_\_\_

Name and address of skipper \_\_\_\_\_  
\_\_\_\_\_ Tel \_\_\_\_\_

**VESSEL DETAILS**

Name of Vessel \_\_\_\_\_  
Make of Vessel \_\_\_\_\_  
Length Overall (LOA) \_\_\_\_\_ metres  
Main Engine: Make \_\_\_\_\_

Inboard / Outboard / Stern Drive

Horsepower \_\_\_\_\_

Number \_\_\_\_\_

9. Hull:

Wood / Aluminium / Steel / GRP

Colour \_\_\_\_\_

Where Built \_\_\_\_\_

10. Equipment:

Radio: Yes / No If Yes HF/VHF/SSB

International Call Sign: \_\_\_\_\_

Radar: Yes / No Model: \_\_\_\_\_

Fishfinder/Depthsounder: Yes / No Model: \_\_\_\_\_

**FISHING DETAILS**

11. Port or place where the vessel is based: \_\_\_\_\_

12. Proposed fishing area(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Place(s) where fish primarily unloaded \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Any other information relevant to this application:

**STATEMENT BY APPLICANT**

I declare that the foregoing particulars are true, complete and correct in every respect.

I will inform the Registrar of any changes to the information given on this form within 7 days of the change.

I confirm that the vessel described above is registered in Tonga as (delete where not applicable)

a local fishing vessel

a locally based foreign fishing vessel intended to be used for sport fishing

Certificate of registration number:

I will comply with all the conditions of the licence

Date: \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

- Warnings:
- (1) It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement
  - (2) a licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading

This applicant is to be forwarded to the Registrar, Ministry of Fisheries and to be accompanied by a certified copy of the original certificate of registration and the prescribed fee.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
 (Regulation 3)

**COMMERCIAL SPORT FISHING VESSEL LICENCE**

COMMERCIAL SPORT FISHING VESSEL LICENCE NO. \_\_\_\_\_

1. This licence is issued pursuant to section 8 of the Fisheries Act (No. 18 of 1989)
2. The local 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 type and quantity of fishing gear 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 Regulations 1991 and such general conditions as may be prescribed by order made under the Fisheries Act.

**DESCRIPTION OF VESSEL**

Name of Vessel: \_\_\_\_\_

Certificate of Registration Number: \_\_\_\_\_

Date issued: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of registered owner: \_\_\_\_\_

Address: \_\_\_\_\_

3. The vessel may be used for fishing in the following areas:

COMMERCIAL SPORT FISHING VESSEL LICENCE NO. \_\_\_\_\_

4. The vessel may be used for the following method or methods of fishing:

5. The vessel may be used with the following type of fishing gear:

Gear type: \_\_\_\_\_

6. Subject to the Fisheries Act and regulations made thereunder, this licence is valid from the

\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to the

\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (inclusive)

7. This licence is not transferable

**SCHEDULE**

Date: \_\_\_\_\_

\_\_\_\_\_  
 Registrar

## KINGDOM OF TONGA

## THE FISHERIES REGULATIONS 1992

(Regulation 18)

## APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

- INSTRUCTIONS**
- \* Underline surnames.
  - \* For "Address", provide complete mailing address.
  - \* If not applicable, write "NA".
  - \* Type or print clearly.
  - \* All units metric; if other system used, specify unit.

I hereby apply for a foreign fishing vessel licence in respect of the foreign fishing vessel described below.

## DESCRIPTION OF VESSEL

1. Name of Vessel \_\_\_\_\_
2. Country and Port of Registration \_\_\_\_\_
3. Country Registration Number \_\_\_\_\_
4. Details of Radio: \_\_\_\_\_ Frequency: \_\_\_\_\_  
Radio Call Sign: \_\_\_\_\_ Number of Channels: \_\_\_\_\_
5. Operational Base(s) Port \_\_\_\_\_ Country \_\_\_\_\_  
Port \_\_\_\_\_ Country \_\_\_\_\_
6. Name of Vessel Master \_\_\_\_\_
7. Address of Vessel Master \_\_\_\_\_
8. Name of Fishing Master \_\_\_\_\_
9. Address of Fishing Master \_\_\_\_\_
10. Type of Vessel Single Purse Seine \_\_\_\_\_ Longline \_\_\_\_\_  
Group Purse Seiner \_\_\_\_\_ Pole and Line \_\_\_\_\_  
Purse Seine Carrier \_\_\_\_\_ Other (Specify) \_\_\_\_\_
11. Normal total number of crew \_\_\_\_\_
12. Hull Materials Steel \_\_\_\_\_ Wood \_\_\_\_\_  
FRP \_\_\_\_\_ Other (Specify) \_\_\_\_\_
13. Year Built \_\_\_\_\_
14. Place of Construction \_\_\_\_\_
15. Gross Tonnage \_\_\_\_\_

16. Overall Length (Metres) \_\_\_\_\_
17. Main Engine(s) Power (Specify Units) \_\_\_\_\_
18. Fuel Carrying Capacity (Kilolitres) \_\_\_\_\_

#### DETAILS OF OWNERSHIP

19. Name of Owner \_\_\_\_\_
20. Address of Owner \_\_\_\_\_
21. Name of Charterer \_\_\_\_\_
22. Address of Charterer \_\_\_\_\_
23. Name and address of registered local agent \_\_\_\_\_
24. State whether the owner or charterer is the subject of proceedings under the bankruptcy laws of any jurisdiction. If "yes" please give details \_\_\_\_\_

#### DETAILS OF FISHING OPERATION

25. Type of Fishing Gear Carried \_\_\_\_\_  
To be Used \_\_\_\_\_

26. Type of Fishing Operations \_\_\_\_\_
27. Proposed Fishing Areas \_\_\_\_\_
28. Proposed Commencement Date of Fishing Operations \_\_\_\_\_
29. Period of Licence Requested \_\_\_\_\_

30. Daily Freezing Capacity  
(Mark "X": more than one, if appropriate)

Method	Capacity Metric Tonnes/day	Temperature °C
Brine (NaCl) BR	_____	_____
Brine (CaCl) CB	_____	_____
Air (Blast) BF	_____	_____
Air (Coils) RD	_____	_____
Other (Specify)	_____	_____

31. Storage Capacity  
(Mark "X": more than one, if appropriate)

Method	Capacity Cubic Metres	Temperature °C
Ice IC	_____	_____
Refrigerated		
Sea Water RW	_____	_____
Brine (NaCl) BR	_____	_____

Brine (CaCl) CB \_\_\_\_\_

Air (Coils) \_\_\_\_\_

Other (Specify) \_\_\_\_\_

**COMPLETE A, B, OR C.**

**A. PURSE SEINERS**

32. Net Length \_\_\_\_\_ Metres

33. Net Depth \_\_\_\_\_ Metres

34. Support Vessels

Name \_\_\_\_\_ Type \_\_\_\_\_

Name \_\_\_\_\_ Type \_\_\_\_\_

Name \_\_\_\_\_ Type \_\_\_\_\_

**B. POLE AND LINE VESSELS**

35. Bait Storage (Mark "X": more than one, if appropriate)

Circulation Method	Capacity Cubic Metres
Natural NN	_____
Circulation CR	_____
Refrigerated RC	_____

**C. SUPPORT VESSELS**

36. Activities (Mark "X": more than one, if appropriate)

Refrigerated Carrier \_\_\_\_\_

Scouting Boat \_\_\_\_\_

Anchor Boat \_\_\_\_\_

Supply/Mothership \_\_\_\_\_

Other (Specify) \_\_\_\_\_

37. Fishing Vessel(s) Supported \_\_\_\_\_

**FURTHER INFORMATION**

38. If previously licensed under the Fisheries Act:

(a) Specify the Number of the last licence held \_\_\_\_\_

(b) Specify any changes to information previously provided  
\_\_\_\_\_  
\_\_\_\_\_

(c) State whether the vessel has been used in an offence against the Fisheries Act. If so, please provide details.

39. State whether the vessel holds current fishing licences elsewhere in the region, including in member countries of the South Pacific Forum Fisheries Agency. \_\_\_\_\_

If "yes", please state the licensing country/countries and licence number/numbers.

40. Describe any joint ventures or other contractual arrangements with or in Tonga in connection with the operations.
41. Specify whether there is currently in force an access agreement between the Government of Tonga and the Government of the flag state of the vessel in respect of which this application is made or with an association representing foreign fishing vessel owners or charterers of which the owner or charterer of this vessel is a member:
42. Fishing Areas authorised by Flag State: \_\_\_\_\_
43. Has this vessel been used for driftnet fishing activities? If "yes", please describe.

#### DECLARATION BY APPLICANT

I declare that the vessel in respect of which this application is made is in good standing on the regional register of foreign fishing vessels maintained by the South Pacific Forum Fisheries Agency.

I further declare that the information given above is true, complete and correct. I agree to comply with the provisions of the Fisheries Act 1989, the regulations made under it and the conditions of any licence issued to me.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature Applicant

\_\_\_\_\_  
Print Name of Applicant

\_\_\_\_\_  
State whether Owner, Charterer or Agent

\_\_\_\_\_  
Address of Applicant

- Warnings: (1) It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement.
- (2) a licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

This application is to be forwarded to the Registrar, Ministry of Fisheries and is to be accompanied by prescribed fee, and a recent side-on colour photograph of the vessel.

**THE FISHERIES REGULATIONS 1992  
(Regulation 19)**

**FOREIGN FISHING VESSEL LICENCE**

FOREIGN FISHING VESSEL LICENCE NO. \_\_\_\_\_

1. This licence is issued pursuant to section 15 of the Fisheries Act (No. 18 of 1989)
2. 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 Regulations 1991 and such general conditions as may be prescribed by order made under the Fisheries Act.

**DESCRIPTION OF VESSEL**

Name of Vessel	Size of Vessel (specify)
_____	_____ GRT (Other _____)
Country Registration Number	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**

Name of registered owner: \_\_\_\_\_  
(if a registered company include registered number)

Address: \_\_\_\_\_

Name of appointed agent: \_\_\_\_\_  
(if a registered company include registered number)

Address: \_\_\_\_\_

3. The vessel may be used for fishing in the following areas:

4. The vessel may be used for the following method or methods of fishing and related activities:
- Authorised Target Species
  - Authorised Quota (where applicable)
  - Authorised Fishing Areas
  - Authorised Fishing Methods
  - Other conditions:
5. Permission is granted for:
- Transshipment Activities (conditions as specified herein)
  - Use of fish aggregating devices (conditions as specified herein)
  - Other activities (as specified)
6. Subject to the Fisheries Act and regulations made thereunder, this licence is valid from the
- \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to the
- \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (inclusive)
7. This licence is not transferable

### SCHEDULE

Date: \_\_\_\_\_

\_\_\_\_\_  
Minister

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
**(Regulation 21)**

**APPOINTMENT OF AGENT FOR A FOREIGN FISHING VESSEL**

To: The Registrar  
 Ministry of Fisheries  
 Nuku'alofa  
 Kingdom of Tonga

In accordance with the provisions of Regulation 21 of the Fisheries Regulations 1992 I, (here insert full name of owner or charterer of vessel in respect of which this appointment is made) hereby notify the Registrar that the person named below has been appointed as agent for the vessel described below and that the said agent has full authority to act and assume legal responsibility on behalf of the master and owner or charterer of the vessel.

**NAME AND ADDRESS OF AGENT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**DESCRIPTION OF VESSEL**

Name of Vessel \_\_\_\_\_

Country and Port of Registration \_\_\_\_\_

Country Registration Number \_\_\_\_\_

Details of Radio: \_\_\_\_\_ Frequency: \_\_\_\_\_

Radio Call Sign: \_\_\_\_\_ Number of Channels: \_\_\_\_\_

Type of vessel: \_\_\_\_\_

**DETAILS OF OWNERSHIP**

Name of owner: \_\_\_\_\_

(if a registered company include registered number)

Address: \_\_\_\_\_

I declare the the foregoing particulars are true, complete and correct

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Applicant

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Agent

Warning: It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
 (Regulation 27)

**APPLICATION FOR A LOCALLY BASED FOREIGN FISHING  
 VESSEL LICENCE**

- INSTRUCTIONS**
- \* Underline surnames.
  - \* For "Address", provide complete mailing address.
  - \* If not applicable, write "NA".
  - \* Type or print clearly.
  - \* All units metric; if other system used, specify unit.

I hereby apply for a locally based foreign fishing vessel licence in respect of the locally based foreign fishing vessel described below.

**DESCRIPTION OF VESSEL**

1. Name of Vessel \_\_\_\_\_
2. Country and Port of Registration \_\_\_\_\_
3. Country Registration Number \_\_\_\_\_
4. Details of Radio: \_\_\_\_\_ Frequency: \_\_\_\_\_  
 Radio Call Sign: \_\_\_\_\_ Number of Channels: \_\_\_\_\_
5. Name of Vessel Master \_\_\_\_\_
6. Address of Vessel Master \_\_\_\_\_  
 \_\_\_\_\_
7. Name of Fishing Master \_\_\_\_\_
8. Address of Fishing Master \_\_\_\_\_  
 \_\_\_\_\_
9. Type of Vessel    Single Purse Seine \_\_\_\_\_ Longline \_\_\_\_\_  
                           Group Purse Sciner \_\_\_\_\_ Pole and Line \_\_\_\_\_  
                           Purse Seine Carrier \_\_\_\_\_ Other (Specify) \_\_\_\_\_
10. Normal total number of crew \_\_\_\_\_
11. Hull Materials    Steel \_\_\_\_\_ Wood \_\_\_\_\_  
                           FRP \_\_\_\_\_ Other (Specify) \_\_\_\_\_
12. Year Built \_\_\_\_\_
13. Place of Construction \_\_\_\_\_
14. Gross Tonnage \_\_\_\_\_

15. Overall Length (Metres) \_\_\_\_\_
16. Main Engine(s) Power \_\_\_\_\_ (Specify Units) \_\_\_\_\_
17. Fuel Carrying Capacity \_\_\_\_\_ (Kilolitres) \_\_\_\_\_

#### DETAILS OF OWNERSHIP

18. Name of Owner \_\_\_\_\_
19. Address of Owner \_\_\_\_\_
20. Name of Charterer \_\_\_\_\_
21. Address of Charterer \_\_\_\_\_
22. State whether the owner or charterer is the subject of proceedings under the bankruptcy laws of any jurisdiction. If 'yes' please give details.

#### DETAILS OF FISHING OPERATION

23. Type of Fishing Gear Carried \_\_\_\_\_  
To be Used \_\_\_\_\_
24. Type of Fishing Operations \_\_\_\_\_
25. Proposed Fishing Areas \_\_\_\_\_
26. Proposed Commencement Date \_\_\_\_\_  
of Fishing Operations
27. Period of Licence Requested \_\_\_\_\_
28. Daily Freezing Capacity  
(Mark "X": more than one, if appropriate)

Method	Capacity Metric Tonnes/day	Temperature °C
Brine (NaCl) FR	_____	_____
Brine (CaCl) CB	_____	_____
Air (Blast) BF	_____	_____
Air (Coils) RC	_____	_____
Other (Specify)	_____	_____

29. Storage Capacity  
(Mark "X": more than one, if appropriate)

Method	Capacity Cubic Metres	Temperature °C
Ice IC	_____	_____
Refrigerated		
Sea Water RW	_____	_____
Brine (NaCl) BR	_____	_____

Brine (CaCl) CB \_\_\_\_\_

Air (Coils) \_\_\_\_\_

Other (Specify) \_\_\_\_\_

**COMPLETE A, B, OR C.**

**A. PURSE SEINERS**

30. Net Length \_\_\_\_\_ Metres

31. Net Depth \_\_\_\_\_ Metres

32. Support Vessels

Name \_\_\_\_\_ Type \_\_\_\_\_

Name \_\_\_\_\_ Type \_\_\_\_\_

Name \_\_\_\_\_ Type \_\_\_\_\_

**B. POLE AND LINE VESSELS**

33. Bait Storage (Mark "X": more than one, if appropriate)

Circulation Method	Capacity Cubic Metres
Natural NN _____	_____
Circulation CR _____	_____
Refrigerated RC _____	_____

**C. SUPPORT VESSELS**

34. Activities (Mark "X": more than one, if appropriate)

Refrigerated Carrier \_\_\_\_\_

Scouting Boat \_\_\_\_\_

Anchor Boat \_\_\_\_\_

Supply/Mothership \_\_\_\_\_

Other (Specify) \_\_\_\_\_

35. Fishing Vessel(s) Supported \_\_\_\_\_

**FURTHER INFORMATION**

36. If previously licensed under the Fisheries Act:

(a) Specify the Number of the last licence held \_\_\_\_\_

(b) Specify any changes to information previously provided

\_\_\_\_\_

\_\_\_\_\_

(c) State whether the vessel has been used in an offence against the Fisheries Act. If so, please provide details.

\_\_\_\_\_

37. Describe any joint ventures or other contractual arrangements with or in Tonga in connection with the operations.
38. Has this vessel been used for drifnet fishing activities? If "yes", please describe.

#### DECLARATION BY APPLICANT

I declare that the vessel in respect of which this application is made is in good standing on the regional register of foreign fishing vessels maintained by the South Pacific Forum Fisheries Agency.

I further declare that the information given above is true, complete and correct. I agree to comply with the provisions of the Fisheries Act 1989, the regulations made under it and the conditions of any licence issued to me.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

Print Name of Applicant \_\_\_\_\_

State whether Owner, Charterer or Agent \_\_\_\_\_

Address of Applicant \_\_\_\_\_

- Warnings: (1) It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement
- (2) A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

This application is to be forwarded to the Registrar, Ministry of Fisheries and is to be accompanied by prescribed fee, and a recent side-on colour photograph of the vessel.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
**(Regulation 28)**

**LOCALLY BASED FOREIGN FISHING VESSEL LICENCE**

LOCALLY BASED FOREIGN FISHING VESSEL LICENCE NO. \_\_\_\_\_

1. This licence is issued pursuant to section 15 of the Fisheries Act (No. 18 of 1989).
2. 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 Regulations 1992 and such general conditions as may be prescribed by order made under the Fisheries Act.

**DESCRIPTION OF VESSEL**

Name of Vessel	Size of Vessel (specify)
_____	_____ GRT (Other _____)
Country Registration Number	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**

Name of registered owner: \_\_\_\_\_  
 (if a registered company include registered number)

Address: \_\_\_\_\_

3. The vessel may be used for fishing in the following areas:
4. The vessel may be used for the following method or methods of fishing and related activities:

Authorised Target Species

Authorised Quota (where applicable)

Authorised Fishing Areas

Authorised Fishing Methods

Other conditions:

5. Permission is granted for:

Transshipment Activities (conditions as specified herein)

Use of fish aggregating devices (conditions as specified herein)

Other activities (as specified)

6. Subject to the Fisheries Act and regulations made thereunder, this licence is valid from the

\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to the

\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (inclusive)

7. This licence is not transferable

### SCHEDULE

Date: \_\_\_\_\_

\_\_\_\_\_  
Minister

**KINGDOM OF TONGA**  
**FISHERIES REGULATION 1992**  
**(Regulation 39)**  
**APPLICATION FOR FISH PROCESSING**  
**ESTABLISHMENT LICENCE**

- INSTRUCTIONS:**
- \* Underline surname
  - \* For "Address", provide complete mailing address
  - \* If not applicable, write "NA".
  - \* Type or print clearly
  - \* All units metric; if other system used, specify unit.

To: The Registrar  
 Ministry of Fisheries  
 Nuku'alofa  
 Tonga

I hereby apply for a licence to operate a fish processing establishment at the place and in the manner described below

1. Name of Applicant
2. Address of Applicant
3. Specify whether Owner or Lessee
4. Name and address of Owner/Lessee if not provided above
5. Describe any joint ventures or other contractual arrangements with or in Tonga in connection with the proposed operations.
6. Name of Establishment
7. Address of Establishment
8. Fish Species to be Processed
9. Sources of Supply (attach full description if space inadequate)
10. Products
11. Nature of Processing Operation (attach full description if space inadequate)
12. Cleanliness and Sanitation (attach full description of construction and maintenance standards)

**STATEMENT BY APPLICANT**

I declare that the foregoing particulars are true, complete and correct in every respect.

I will inform the Registrar of any changes to the information given in this form within 7 days of the change.

I will comply with all the conditions of the licence.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

- Warnings:
- (1) It is an offence punishable by a fine of \$10,000 to make a false, incomplete or misleading statement
  - (2) A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

This application is to be forwarded to the Registrar, Ministry of Fisheries and is to be accompanied by the prescribed fee.

**KINGDOM OF TONGA**  
**FISHERIES REGULATIONS 1992**  
**(Regulation 41)**  
**FISH PROCESSING ESTABLISHMENT LICENCE**

LICENCE NUMBER \_\_\_\_\_

The person named as the licence holder below is licenced in accordance with Section 24 of the Fisheries Act 1989 to use the premises described below as a fish export processing establishment in accordance with the terms and conditions set out in this Licence and the conditions in the Act and prescribed from time to time in the Regulations.

Name of Licence Holder

Address of Premises

Species of fish Authorised to be Processed

Quotas/Quantities (specify) Fish to be Processed

Source of Supply

Authorised Processing Methods

**OTHER CONDITIONS**

Date: \_\_\_\_\_

\_\_\_\_\_  
 Minister

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
**(Regulation 69)**  
**APPLICATION TO ERECT A FISH FENCE**

I/We, (insert full name of applicant(s) \_\_\_\_\_) apply for licence to erect a fish fence the full particulars of which are described below:

Address of Applicant(s): \_\_\_\_\_

**DESCRIPTION OF FISH FENCE**

Attach a separate numbered sheet of paper if necessary

1. Design of the proposed fish fence: (attach diagram on a separate numbered sheet of paper)
2. Size: (specify overall capture area)
3. Materials to be used:
4. Specify mesh size:
5. Specify if there will be any lead or guide fence(s), if so, how many:

**PROPOSED SITE OF THE FISH FENCE**

NOTE: No fish fence may be erected within two hundred (200) metres of another fish fence or within one (1) kilometre of any government wharf.

6. Specify:

**INTENDED USE OF CATCH**

7. Specify:

I/We declare that the foregoing particulars are true, complete and correct

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Applicant(s)

This application is to be forwarded to the Registrar, Ministry of Fisheries and is to be accompanied by the prescribed fee.

**KINGDOM OF TONGA**  
**THE FISHERIES REGULATIONS 1992**  
**(Regulation 70)**  
**LICENCE TO ERECT A FISH FENCE**

LICENCE NO. \_\_\_\_\_

1. This licence is issued pursuant to section 59(2)(e) of the Fisheries Act (No. 18 of 1989).
2. The holder of this licence is permitted to erect a fish fence in the area specified in paragraph 4 of this licence, for the period specified in paragraph 5 of this licence, and in accordance with the particular conditions set out in the Schedule to this licence and subject to the general conditions in the Fisheries Regulations 1992 and such general conditions as may be prescribed under order made under the Fisheries Act.
3. Issued to: \_\_\_\_\_  
 Address: \_\_\_\_\_
4. A fish fence may be erected in the following area:
5. Subject to the Fisheries Act and regulations made thereunder, this licence is valid from the  
 \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to the  
 \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (inclusive)
6. This licence is not transferable

**SCHEDULE**

Date: \_\_\_\_\_

\_\_\_\_\_  
 Registrar