

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

LAW OF THE REPUBLIC OF VANUATU

REVISED EDITION 1988

CHAPTER 158

FISHERIES

Acts 37 of 1982

ARRANGEMENT OF SECTIONS

Section

Part I

Preliminary

1. Interpretation

Part II

Management of Fisheries

2. Fisheries management and development plans
3. Fishery access arrangement
4. Foreign fishing licenses
5. Stowage of fishing gear by foreign vessels
6. Minister's power to enter into agreements or arrangements on harmonisation of licensing and enforcement
7. Regional register of foreign fishing vessels
8. Foreign investment in fisheries
9. Local fishing vessel licenses
10. Minister's power to authorise scientific research operations
11. Applications for fishing licences
12. Minister's power to refuse to issue or renew fishing licences
13. Conditions of fishing licences
14. Fees, royalties and other charges
15. Period of validity of fishing licences
16. Suspension and cancellation of fishing licences
17. Appeals against refusal to issue or renew, suspension and cancellation of fishing licences
18. Fishing for marine mammals prohibited in Vanuatu waters
19. Prohibition of use of explosives and poisons for fishing
20. Marine reserves

LAW OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

21. Licensing of fish export processing establishments

PART III

Powers of Authorised Officers and Legal Proceedings

22. Powers of authorised officers
 23. Sale of perishable goods seized
 24. Immunity of authorised officers
 25. Assaulting or obstructing authorised officers
 26. Master liable for offences committed on board his vessel
 27. Release of vessels etc., on board
 28. Court's power of forfeiture
 29. Presumption
 30. Disposal of vessels etc., forfeited
 31. Certificates by fisheries officers
 32. Jurisdiction of Vanuatu courts
 33. Delegation of Minister's power

PART IV

General

34. Minister's power to make regulations

FISHERIES

To provide for the control, development and management of fisheries and matters incidental thereto.

PART 1

PRELIMINARY

INTERPRETATION

1. In this Act unless the context otherwise requires -
- “authorized officer” means any fisheries officer, any police officer not below the rank of sergeant or any other Government officer designated by the Minister by notice published in the Gazette to be an authorised officer for the purpose of this Act;
- “Director” means the Director of Fisheries;
- “fish” means any aquatic animal, whether piscine or not, and includes any mollusc, crustacean, coral, sponge, holothurian (beche-de-mer), and reptile and their young and eggs and includes coconut crabs;

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

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- “fish aggregating device” means any man-made or partly man made floating device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location;
- “fish export processing establishment” means any premises on which fish are processed or kept in cold storage for sale outside Vanuatu;
- “fisheries officer” means the Director, the Principal Fisheries Officer, any Senior Fisheries Officer, Fisheries Officer or Assistant Fisheries Officer or any other Government officer designated by the Minister by notice published in the Gazette to act as fisheries officer for the purpose of this Act;
- “fishery” means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics;
- “fishing” means fishing for or catching or taking or killing fish by any method or the placing or any fish aggregating device;
- “fishing fence” means any fence, stakes or other fixed construction used for entrapping fish;
- “fishing licence” means any licence issued in respect of a foreign fishing vessel or local fishing vessel under section 4 or 9;
- “fishing vessel” means any vessel used for commercial or related activities and includes game fishing;
- “foreign fishing vessel” means any fishing vessel other than a local fishing vessel;
- “local fishing vessel” means any fishing vessel
- (a) wholly owned by the Government of Vanuatu or by any public corporation established by or under any law of Vanuatu; or
 - (b) wholly owned by one or more persons who are citizens of Vanuatu; or
 - (c) wholly owned by any company, society or other association of persons incorporated or established under the laws of Vanuatu;
- “locally based foreign fishing vessels” means any foreign fishing vessel based in Vanuatu which lands all its catch in Vanuatu;
- “related activities” in relation to fishing means -
- (a) transshipping fish to or from any vessel; or
 - (b) storing, processing or transporting fish taken from Vanuatu waters up to the time it is first landed; or
 - (c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
 - (d) attempting or preparing to do any of the above;
- “test fishing operations” means any fishing operations undertaken over a limited period of time with the approval of the Director for the purpose of testing the feasibility of commercial fishing operations;
- “Vanuatu waters” means waters of the exclusive economic zone, territorial sea, archipelagic waters, and internal waters as defined in the Maritime Zones Act, Cap. 138 and any other waters over which Vanuatu claims fisheries jurisdiction.

LAWS OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

PART II

MANAGEMENT OF FISHERIES

FISHERIES MANAGEMENT AND DEVELOPMENT PLANS

2. (1) The Director shall prepare and keep under review plans for the management and development of fisheries in Vanuatu waters.
- (2) Each plan shall—
 - (a) Identify the fishery and assess the present state of its exploitation;
 - (b) specify
 - (c) specify the management and development measures to be taken; and, in particular
 - (d) specify the licensing programme to be followed for each fishery, the limitation, if any, to be applied to local fishing operations and the amount of fishing, if any, to be allocated to locally based foreign fishing vessel
- (3) In preparation of each fishery management and development plan, the Director shall consult with the local fishermen, local authorities and other persons affected by the plan.
- (4) In preparation of each fishery management and development plan, the Director shall consult with government ministries or departments affected by the plan.
- (5) The Director shall consult wherever practicable with the fisheries management authorities or other states in the region, and in particular with those sharing the same or interrelated stocks, with a view to ensuring the harmonisation of their respective fisheries management and development plans.
- (6) Each fishery management and development plan or review thereof shall be submitted to the Minister for approval.

FISHERY ACCESS AGREEMENTS

3. (1) The Minister, with the approval of the Council of Ministers, may enter into agreements with other states and with associations, representing foreign fishing vessel owners or charters, providing for the allocation of fishing rights to vessels from those states or associations.
- (2) The total fishing rights allocated under agreements entered into under this section shall not exceed the total resources or amount of fishing allowed to appropriate category of foreign fishing vessels under the applicable fishery management and development plan.
- (3) Any agreement entered into under this section shall include a provision establishing the responsibility of the foreign state or association to take all necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in Vanuatu waters.

FOREIGN FISHING LICENSES

4. (1) No foreign fishing vessel shall be used for fishing or related activities in Vanuatu waters except under the authorisation of a valid foreign fishing licence issued by the Minister or an authorisation given under section 10.

LAW OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

-
- (2) Subject to the provisions of this Act, the Minister may issue a foreign fishing licence in respect of any foreign fishing vessel authorising the vessel to be used in Vanuatu waters for such fishing or related activities as may be specified in the licence.
 - (3) Except where a licence is issued in respect of test fishing operations, no fishing licence shall be issued to any foreign fishing vessel other than a locally based foreign fishing vessel unless there is in force with the Government of the flag state of the vessel or an association of which the owner or charterer of the vessel is a member, an agreement entered into under section 3 to which the Government of Vanuatu is a party.
 - (4) Where any foreign fishing vessel is used in contravention of the provision of subsection (1), the master, owner and charterer, if any, of such vessel shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding VT20,000,000.
 - (5) Where any foreign fishing vessel in respect of which a licence has been issued under this section is used in contravention of any condition of the licence, the master, owner and charterer, if any, shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding VT5,000,000.

STOWAGE OF FISHING GEAR BY FOREIGN FISHING

5. (1) All fishing gear on board a foreign fishing vessel that is in an area of Vanuatu waters shall be stowed in such a manner that it is not readily available for use for fishing.
- (2) Subsection (1) shall not apply to a foreign fishing vessel that is in an area of Vanuatu waters in which it is authorised to fish under section 10 or under a licence issued under section 4.
- (3) Where any foreign fishing vessel contravenes the provisions of subsection (1), the master, owner and charterer, if any, of such vessel shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding VT5,000,000.

MINISTER'S POWER TO ENTER INTO AGREEMENTS OR ARRANGEMENTS ON HARMONISATION OF LICENCING AND ENFORCEMENT.

6. (1) The Minister may enter into agreement or arrangements with other states in the region or with any competent regional fisheries agency providing for—
 - (a) the harmonisation of licensing procedures and conditions in respect of foreign fishing vessels and the establishment and maintenance of a regional register of fishing vessels;
 - (b) the issuance of fishing licences in respect of foreign fishing vessels by a competent regional fisheries agency on behalf of the Minister or the recognition of regional licenses issued by such agency subject to such conditions as may be specified in the agreement or arrangement;
 - (c) the taking of joint or harmonized enforcement measures in respect of foreign fishing vessels contravening fisheries laws in the region
- (2) For the purpose of giving effect to any agreement or arrangement entered into under this section, the Minister may, by Order—
 - (a) exempt from the requirements of section 4 any foreign fishing vessel or class of foreign fishing vessels holding valid regional fishing licences issued by a

LAWS OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

- competent regional fisheries agency designated in the Order;
- (b) prescribe the conditions to be observed by such foreign fishing vessels while fishing or navigating in Vanuatu waters; and
- (c) authorise any competent regional fisheries agency designated in the Order to issue fishing licences in respect of foreign fishing vessels on behalf of the Minister, within the limits set out in the applicable fishery management and development plan and subject to such conditions as he may specify in the Order.

REGIONAL REGISTER OF FOREIGN FISHING VESSELS

7. The Minister may by Order require that no license shall be issued in respect of a foreign fishing vessel unless that foreign fishing vessel is listed in good standing in a register maintained by a competent regional fisheries agency designated in the Order.

FOREIGN INVESTMENT IN FISHERIES

8. (1) Where any person who is not a citizen of Vanuatu intends to make an investment in fisheries in Vanuatu, he shall first obtain the approval of the Minister for such investment and the fishing, fish processing and other operations to be undertaken.
- (2) Where any person makes an investment in fisheries under this section without the approval of the Minister for such investment and the fishing, fish processing and other operations to be undertaken, the Minister may refuse to issue any fishing or fish export processing establishment licence in respect of any vessel or establishment operated by or on behalf of any company through which the investment is made.

LOCAL FISHING VESSEL LICENCES

9. (1) No local fishing vessel the length of which is 10 metres or more shall be used for fishing or related activities in Vanuatu waters, except under the authority of a valid licence issued under this section, or an authorisation given under this section 10.
- (2) Subject to the provisions of this Act, the Minister may issue a licence in respect of any local fishing vessel.
- (3) Where any local fishing vessel is used in contravention of the provisions of subsection (1), the master, owner and charterer, if any of such vessel shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding VT10,000,000.
- (4) Where any local fishing vessel in respect of which a licence has been issued under this section is used in contravention of any condition of the licence, the master, owner, and charterer, if any, of such vessel shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding VT5,000,000.

MINISTER'S POWER TO AUTHORISE SCIENTIFIC RESEARCH OPERATIONS

10. The Minister may, in writing, authorise any fishing vessel to fish in Vanuatu waters for the purpose of scientific research, subject to such conditions as he may specify, and

LAW OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

may in granting such authorisation exempt such vessel from the requirements of any fisheries management and conservation measures that may be prescribed .

APPLICATIONS FOR FISHING LICENCES

11. Applications for fishing licenses shall be made in prescribed form and manner.

MINISTER'S POWER TO REFUSE TO ISSUE OR RENEW FISHING LICENCES

- 12.** (1) The Minister may refuse to issue or renew a licence in respect of a local fishing vessel
- (a) where necessary to give effect to any licensing programme specified in the applicable fishery management and development plan; or
 - (b) where he is satisfied that the applicant will not comply with the conditions of the licence; or
 - (c) for such other reasons as are specified in the Act or as are prescribed.
- (2) Decisions regarding the issuance of licences in respect of foreign fishing vessels shall be at the discretion of the Minister.

CONDITIONS OF FISHING LICENCES

- 13.** (1) Every fishing licence shall be in the prescribed form and shall be subject—
- (a) to such general conditions as may be prescribed under section 34;
 - (b) to such general conditions as may be specified under subsection (2); and
 - (c) to such special conditions as may be specified under subsection (3).
- (2) The Minister may, by notice published in the *Gazette*, specify general conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject, including conditions relating to open and closed seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.
- (3) The Minister may attach to any fishing licence such special conditions as he may think fit, including conditions relating to—
- (a) the type and method of fishing or related activity which are authorised;
 - (b) the areas within which such fishing or related activities are authorised; and
 - (c) the target species and amount of fish which are authorised to be taken including any restriction on by-catch
- (4) The Minister may from time to time where he is satisfied that it is expedient for the proper management of fisheries in Vanuatu waters, vary any special conditions attached to any fishing licence.
- (5) Where the Minister varies any special condition attached to any fishing licence, he shall notify the licence holder of such variation as soon as practicable.

FEES, ROYALTIES AND OTHER CHARGES

14. There shall be payable in respect of every fishing licence such fees as may be prescribed and such royalties or other charges as the Minister, after consulting with the Minister responsible for finance, may determine.

LAW OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

PERIOD OF VALIDITY OF FISHING LICENCES

- 15.** (1) Subject to subsection (2) any licences issued under this Act shall, unless previously suspended or cancelled under section 16 or unless otherwise stated in the licence or prescribed under this section, be valid for a period of 1 year.
- (2) The Minister may issue licences in respect of local fishing vessels or locally based foreign fishing vessels or both such categories of fishing vessels which shall be valid for such period not exceeding 5 years as may be specified in the licence.
- (3) Where any fishing vessel ceases at any time to be a local fishing vessel any local fishing licence issued in respect of such vessel shall cease to be valid forthwith
- (4) Except as may be otherwise prescribed in connection with any scheme for limiting effort in any fishery, no fishing licence issued in respect of any vessel under this Act shall be transferable to any other vessel except with the written permission of the Minister.

SUSPENSION AND CANCELLATION OF FISHING LICENCES

- 16.** (1) The Minister may suspend or cancel any fishing licence—
- (a) where necessary in order to give effect to any licensing programme specified in the applicable fishery management and development plan; or
- (b) where he is satisfied that the fishing vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Act or of any Order made hereunder or of any condition attached to the licence or of any agreement entered into under section 3; or
- (c) where required or authorised to do so in accordance with the provisions of any agreement or arrangement entered into under section 6
- (2) Where any fishing licence is suspended or cancelled on the ground specified in paragraph (a) of subsection (1) such proportion of the fee, royalties and other charges paid for such licence as represents the unexpired portion of the period for which the licence was issued shall be reimbursed to the holder of licence on his request.

APPEALS AGAINST REFUSAL TO ISSUE OR RENEW, SUSPENSION AND CANCELLATION OF FISHING LICENCES

- 17.** Any person aggrieved by—
- (a) the refusal of the Director to issue or renew a licence in respect of a local fishing vessel; or
- (b) the suspension or cancellation of a licence issued in respect of a local fishing vessel or a foreign fishing vessel,

may, within 30 days of the notification of refusal, cancellation or suspension, appeal therefrom to the Minister, whose decision shall be final.

FISHING FOR MARINE MAMMALS PROHIBITED IN VANUATU WATERS

- 18.** (1) No person shall fish for any marine mammal in Vanuatu waters.
- (2) Any marine mammal caught accidentally shall be released forthwith and returned to the waters from which it was taken with the least possible injury.
- (3) Any person who contravenes the provisions of subsection (1) and (2) shall be guilty

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

of an offence and shall be liable on conviction to a fine not exceeding VT10,000,000

PROHIBITION OF USE OF EXPLOSIVES AND POISONS FOR FISHING

- 19.** (1) Any person who—
- (a) uses or permits to be used any explosive or poison for the purpose of killing, stunning or disabling fish or in any way rendering far more easily caught; or
 - (b) carries or has in his possession or control any explosive or poison in circumstances which raise a reasonable presumption that such explosive or poison is intended to be used for any of the purposes specified in the preceding paragraph.
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT1,000,000.
- (2) Any person who, knowing or having reasonable cause to believe that any fish has been taken in contravention of the provisions of this section, without lawful excuse, receives or is found in possession of any such fish shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT1,000,000.

MAIN RESERVES

- 20.** (1) The Minister may, after consultation with owners of adjoining land and with the appropriate local government council declare any area of Vanuatu waters and the seabed underlying such waters to be a marine reserve.
- (2) Any person who, except with the written permission of the Minister, within any marine reserve—
- (a) fishes;
 - (b) takes or destroys any coral;
 - (c) dredges or takes any sand or gravel;
 - (d) otherwise destroys or distributes the natural habitat;
 - (e) takes or destroys any wreck or part of the wreck;
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT1,000,000.

LICENSING OF FISH EXPORT PROCESSING ESTABLISHMENTS

- 21.** (1) The Minister, after consulting with the Minister responsible for industry, may on application thereof in the prescribed form on payment for the prescribed fee, issue to any person a licence in the prescribed form to operate a fish export processing establishment.
- (2) Any licence issued under this section shall be subject to such conditions as may be prescribed and to such further conditions as may be endorsed on the licence.
- (3) Any person who operates, or being the owner allows to be operated, a fish export processing establishment, except under a valid licence issued under this section in accordance with the conditions of that licence, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT1,000,000.

LAWS OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

PART III

POWERS OF AUTHORISED OFFICERS AND LEGAL PROCEEDINGS

POWERS OF AUTHORISED OFFICERS

- 22.** (1) For the purposes of enforcing this Act, any authorised officer may, without a warrant—
- (a) stop, board and search any fishing vessel in Vanuatu waters and stop and search any vehicle;
 - (b) require to be produced, examine and take copies of any licence or other document required under this Act;
 - (c) require to be produced and examine any fishing net or other fishing gear whether at sea or on land.
- (2) Any authorized officer, where he has reasonable grounds to believe that an offence has been committed under this Act may, without a warrant—
- (a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that the offence has been committed or .where he has reason to believe that fish illegally taken is being stored;
 - (b) take samples of any fish found in any vessel or premises searched under this section;
 - (c) seize any vessel (together with its gear, stores and cargo), vehicle, fishing gear, net or other fishing appliance which he has not reason to believe has been used in the commission of the offence or in respect of which the offence has been committed;
 - (d) seize any fish which he has reason to believe has been caught in the commission of the offence, or is being possessed in contravention of this Act;
 - (e) seize any explosive or poison which he has reason to believe has been used or is being possessed in contravention of this Act
- (3) Any vessel seized under subsection (2) and the crew thereof shall be taken to the nearest or most convenient port and the vessel may be detained pending the outcome of any legal proceeding under this Act or its release on bond or other form of security in accordance with the provisions of section 27.

SALE OF PERISHABLE GOODS SEIZED

- 23.** Any fish or other articles of a perishable nature seized under this Act may, at the direction of the Director, be sold and the proceeds of sale shall be held and dealt with in accordance with the provisions of this Act.

IMMUNITY OF AUTHORIZED OFFICERS

- 24.** No action shall be brought against any authorised officer in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his powers and duties under this Act.

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

ASSULTING OR OBSTRUCTING AUTHORISED OFFICERS

25. Any person who assaults, obstructs or threatens with violence any authorised officer in the exercise of any of the powers conferred on him under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT1,000,000 or to imprisonment for a term not exceeding 2 years or to both.

MASTER LIABLE FOR OFFENCES COMMITTED ON BOARD HIS VESSEL

26. Where an offence against this Act has been committed by any person on board or employed on a fishing vessel, the master of such vessel shall also be guilty of the offence.

RELEASE OF VESSELS ETC. ON BOND

27. The court may, on application therefor, order the release of any fishing vessel (together with its gear, stores and cargo), vehicle, fish, fishing gear, net or other fishing appliance seized under this Act on receipt of a satisfactory bond or other security from the owner or other person claiming such property.

COURT'S POWERS OF FORFEITURE

28. Where any person is convicted of an offence against this Act, the court, in addition to any other penalty imposed—
- (a) may order that any fishing vessel (together with its gear, stores and cargo), and any vehicle, fishing gear, net or other fishing appliance used in the commission of the offence be forfeited;
 - (b) shall order that any fish caught in the commission of such offence or the proceeds of sale of such fish and any explosive or poison used in the commission of such offence be forfeited.

PRESUMPTION

29. Until the contrary is proved, all fish found on board any fishing vessel which has been used in the commission of an offence against this Act shall be presumed to have been caught in the commission of that offence.

DISPOSAL OF VESSELS ETC. FORFEITED

30. Any vessel (together with its gear, stores and cargo), and any vehicle, fishing gear net or other fishing appliance, explosive or poison ordered to be forfeited under this Act shall be disposed of in such manner as the Minister may direct.

CERTIFICATES BY FISHERIES OFFICERS

31. Where in any case the cause of death, stunning, disabling or other injury of any fish is in question, a certificate signed by a fisheries officer shall be *prima facie* evidence in any court of the cause of such death, stunning, disabling or other injury.

LAW OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

JURISDICTION OF VANUATU COURTS

- 32.** Any offence against this Act committed in Vanuatu waters shall be triable in any court of Vanuatu as if such offence had been committed within the local limits of the jurisdiction of such court in Vanuatu.

DELEGATION OF MINISTER'S POWERS

- 33.** The Minister may by instrument in writing delegate to the Director the powers conferred on him by this Act in respect of—
- (a) licences, under sections 9, 12, 13(2), (3), (4) and (5), 15 and 16; (b) marine reserves, under section 20 (2);
 - (b) sale of perishable goods seized, under section 23; and (d) disposal of vessels etc., forfeited, under section 30.

PART IV**GENERAL****MINISTER'S POWER TO MAKE REGULATIONS**

- 34.** (1) The Minister may make regulations not inconsistent with this Act for the implementation of its purpose and provisions, and may prescribe anything that may be prescribed.
- (2) Without derogating from the generality of subsection (1), the Minister in such regulations may provide for—
- (a) extending the licensing requirements of section 9 to vessel which are less than 10 metres in length;
 - (b) prescribing the manner in which fishing gear is to be stowed by foreign fishing vessels not authorised to fish in Vanuatu waters;
 - (c) prescribing the form, manner and required content of applications for foreign fishing licences;
 - (d) prescribing the 'form of foreign fishing licences, which may take the form of a written licence or a telexed or cabled authorisation;
 - (e) prescribing the fees payable for a foreign fishing licence and the general conditions of such licence
 - (f) providing for the implementation of any agreement or arrangement entered into under section 6.
 - (g) for the purpose of giving effect to any agreement or arrangement entered into under section 6, exempting from the requirements of section 4 any foreign fishing vessels holding valid regional fishing licences issued by a competent regional agency or organisation pursuant to such agreement or arrangement and prescribing the conditions to be observed by such foreign fishing vessels while fishing or navigating in Vanuatu waters;
 - (h) providing for the licensing of local fishing vessels and for the registration of fishermen;
 - (i) prescribing fisheries management and conservation measures including minimum mesh sizes, minimum species sizes, closed seasons and closed areas and schemes for limiting entry into all or any specified fisheries;
 - (k) prescribing the form of a licence to operate a fish export processing

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

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- establishment, the form of application and fees payable therefor, and the conditions of such licences;
- (l) providing for the licensing and control of fish aggregating devices and for rights to fish aggregated by such devices;
- (m) regulating—
- (i) the taking of coral;
 - (ii) the setting of fishing fences;
 - (iii) the taking of aquarium fish;
 - (iv) aquaculture development;
- (n) conservation measures for the protection of turtles;
- (o) prescribing the form of a bond or other security for the release by the court of a vessel seized under this Act;
- (p) providing that the contravention of or failure to comply with any regulation made under this section shall be an offence and providing for a penalty of a fine not exceeding; VT1,000,000 for such offence;
- (q) prescribing any other matter which is required or authorised to be prescribed.
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LAW OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

[Subsidiary]

SUBSIDIARY LEGISLATION

FISHERIES REGULATIONS

Order 49 of 1983
Order 30 of 1986

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

Foreign Fishing Licences

1. Applications
2. Licence form
3. Fees
4. General conditions
5. Exemption

PART II

Local Fishing Licences

6. Form of licence and application
7. Fees
8. Grounds for refusal of a licences
9. General conditions

PART III

Fish Export Processing Establishment Licenses

10. Applications
11. Fees
12. Licence conditions

PART IV

Fishery Conservation Measures

13. Rock lobster
14. Slipper lobster
15. Coconut crab
16. Green snail
17. Trochus
18. Trumpet shell
19. Coral
20. Aquarium fish
21. Turtles

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

[Subsidiary]

-
- 22. Crustaceans
 - 23. Beche-de-mer
 - 24. Offences

PART V

Fish Aggregating Devices

- 25. Placing of devices
- 26. Designated fish aggregating device
- 28. Marking of devices
- 28. Disposal of unauthorized device

PARTIV

Miscellaneous Provisions

- 29. Offences and penalties
 - SCHEDULE 1: Application forms for foreign fishing licences
 - SCHEDULE 2: Foreign fishing licence
 - SCHEDULE 3: Fees for foreign fishing licences
 - SCHEDULE 4: Local fishing vessel licence
 - SCHEDULE 5: Fees for local fishing vessel licences
 - SCHEDULE 6: Fish export processing establishment licences
 - SCHEDULE 7: Minimum legal size for rock lobster
 - SCHEDULE 8: Minimum legal size for slipper lobster
 - SCHEDULE 9: Minimum legal size for coconut crab
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SUBSIDIARY LEGISLATION

FISHERIES REGULATIONS

To provide for the conservation and regulation of fisheries in Vanuatu waters and the issue of licences.

PART I

FOREIGNFISHING LICENCES

APPLICATIONS

- 1. (1) Subject to subregulation (2) every application for a foreign fishing licence shall be substantially in the form set out in Part A of Schedule 1 to these regulations.
- (2) On or following the operative date of any Order made under section 7 of the Act, it shall be sufficient for any application for a foreign fishing licence to be substantially

LAW OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

[Subsidiary]

in the form set out in Part B of Schedule 1 to these regulations.

- (3) Every application for a foreign fishing licence shall be addressed to the Minister and be in writing or in the form of a telex or cable, in English or in French.

LICENCE FORM

2. Every foreign fishing licence shall be in writing or in the form of a telex or a cable and substantially in the form set out in Schedule 2 to these regulations.

FEES

3. (1) The fee payable for the issue or renewal of a licence in respect of a foreign fishing vessel shall be set in accordance with the calculation described under Schedule 3 of these regulations.
- (2) No foreign fishing licence shall be issued unless the Minister is satisfied that any fee payable in respect of that licence has been paid and that adequate arrangements have been made for the payment of any royalties and other charges payable under section 14 of the Act.

GENERAL CONDITIONS

4. (1) Subject to regulation 5, every foreign fishing licence issued under section 4 of the Act shall be subject to the following general conditions-
- (a) the vessel shall at all times while in Vanuatu waters—
- (i) fly the flag of its flag state; and
- (ii) display in a place clearly visible both from the sea and from the air, in letters and numbers at least 1 metre high on a contrasting background its international radio call sign;
- (b) any change in the information set out in the application form shall be notified to the Director as soon as practicable and, in any case, no later than 7 days from the date of the change;
- (c) no fishing shall be undertaken in Vanuatu waters except as authorized by the licence;
- (d) no fish may be transhipped from or onto the vessel while in Vanuatu waters except with the permission of the Director and in accordance with such conditions as he may specify;
- (e) the master of the vessel shall cause a logbook to be maintained on a daily basis in such form as the Director may from time to time require for the purpose of recording the fishing operations of the vessel while within Vanuatu waters;
- (f) the logbook maintained under paragraph (e) shall be transmitted in its original and unaltered form to the Director or to any other person or organization designated by him—
- (i) not later than 7 days after the completion of the voyage to which the log book relates; or
- (ii) at any other time at the request of the Director or of any authorized officer;
- (g) the master of the vessel shall cause reports to be made to the Director or to such other person or organization as the Director may designate containing the information set out in paragraph (h) at the following times-
- (i) immediately upon entry into Vanuatu waters;
- (ii) every Wednesday 'or such other day as the Director may specify

LAW OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP.158.]

[Subsidiary]

- while the vessel is in Vanuatu waters;
- (iii) immediately upon departure from Vanuatu waters; and
 - (iv) such other times as the Director may specify.
- (h) each report made under paragraph (g) shall contain details of
- (i) the international radio call sign or the number assigned to the vessel under any regional register referred to in an Order made under section 7 of the Act;
 - (ii) the position of the vessel at the time of reporting;
 - (iii) the total catch by species on board the vessel at the time of reporting;
 - (iv) such other matters as the Director may from time to time require.
- (i) the master or owner of the vessel or his authorized local representative shall notify the Director or such other person or organization as the Director may designate of the estimated time of entry of the vessel into any Vanuatu port at least 24 hours prior to such entry.
- (j) the master of the vessel shall, while in Vanuatu waters, allow any fisheries officer or other person designated in writing by the Director to board and remain on board the vessel as an observer and shall-
- (i) proceed to such port or place as the Director may require to allow an observer to board or disembark from the vessel;
 - (ii) allow the observer full access to all equipment, including navigation and communications equipment, records and documents and to any fish on board the vessel;
 - (iii) allow the observer to make such bests, observations and records and to take and remove such samples as he may reasonably require in connection with the vessel's activities in Vanuatu waters; and
 - (iv) provide without charge food, accommodation and medical treatment at least equivalent to that provided for officers of the vessel.
- (k) the master of the vessel shall, while in Vanuatu waters, take all reasonable measures and precautions to avoid causing damage to any local fishing operations including non-commercial operations.
- (2) Any records, logbooks or notifications required to be maintained or made under this regulation shall be maintained or made in English or in French.

EXEMPTION

5. The Director may, by notice published in the Gazette, exempt any locally based foreign fishing vessel or any class of locally based foreign fishing vessel from any or all of the requirements of paragraphs (g), (h), (i) and (j) of regulation 4(l).

PART II

LOCAL FISHING LICENCES

FORM OF LICENCE AND APPLICATION

6. Every licence in respect of a local fishing vessel and every application for such a licence shall be in writing in the appropriate form set out in Schedule 4 to these regulations.

FEES

7. (1) Subject to subregulation (2), the fee payable for the issue or renewal of a licence in respect of a local fishing vessel shall be the amount set out for vessels of that kind in Schedule 5 to these regulations.
- (2) Where a licence is issued for a part of a year only, the fee payable shall be the amount

LAW OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

[Subsidiary]

payable under subregulation (1) for a complete year less one twelfth of that amount for each complete month that the licence will not have had effect.

GROUND FOR REFUSAL OF LICENCE

8. No licence in respect of a local fishing vessel may be issued or renewed unless-
- (a) an application has been made in accordance with regulation 6 and is true and correct in every way;
 - (b) any information requested by the Minister or the Director and relevant to the proposed fishing operation has been provided in the manner requested;
 - (c) there is held in respect of the vessel a valid safety certificate issued by the Ports and Marine Department under the law from time to time dealing with shipping safety; and
- (d) the fee prescribed in regulation 7 has been paid.

GENERAL CONDITIONS

9. Every licence in respect of a local fishing vessel 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 Director as soon as practicable and in any case no later than 7 days from the date of the change;
- (b) the vessel shall display such identification markings as the Director may from time to time require;
- (c) no fishing shall be undertaken except as authorized by the licence;
 - (d) no fish may be transhipped from or onto the vessel except with the permission of the Director and in accordance with such conditions as he may specify;
 - (e) the master of the vessel shall, if so required by the Director, cause a logbook to be maintained on a daily basis in such form as the Director may from time to time require for the purpose of recording the fishing operations of the vessel;
 - (f) any logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Director at such times as he may require;
 - (g) if the vessel is fishing in waters other than Vanuatu waters, the vessel shall comply with such written laws relating to fishing of any other country, if any, as may be recognized by the Republic of Vanuatu as having force in those waters.

PART III**FISH EXPORT PROCESSING ESTABLISHMENT LICENCES****APPLICATIONS**

10. Every licence to operate a fish export processing establishment and every application for such a licence shall be in writing in the form set out in Schedule 6 to these regulations.

FEES

11. There shall be payable for the issue or renewal of a licence to operate a fish export processing establishment a fee of VT10,000.

LAW OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP. 158.]

[Subsidiary]

LICENCE CONDITIONS

12. Every licence to operate a fish export processing establishment shall be subject to the following conditions in addition to any conditions endorsed on the licence-
- (a) the establishment shall be maintained and operated in a clean and sanitary manner;
 - (b) accurate records shall be maintained relating to the operations carried out in the establishment, including records of the quantity, type and quality of fish received, processed, sold or exported, and all such records shall be open to inspection by any authorized officer;
 - (c) such returns shall be made to the Director concerning the operations of the establishment as the Director may from time to time require;
 - (d) any change in the information set out in the application form shall be notified to the Director as soon as practical and in any case not later than 7 days from the date of the change.

PART IV**FISHERY CONSERVATION MEASURES****ROCKLOBSTER**

13. (1) In this regulation "rock lobster" means a crustacean of genus *Panulirus*.
- (2) No person shall harm, take, have in his possession, sell or purchase-
- (a) any rock lobster carrying eggs; or
 - (b) any rock lobster which is less than 22 centimetres in length when laid flat and measured from immediately behind the rostral horns to the rear edge of the telson or whose carapace is less than 7.5 centimetres when measured along the mid-line from immediately behind the rostral horns to the rear edge as illustrated in Schedule 7 to these regulations.
- (3) No person shall spear or attempt to spear a rock lobster.
- (4) No person shall remove the eggs from a rock lobster or have in his possession, sell or purchase a rock lobster from which the eggs have been removed.

SLIPPER LOBSTER

14. (1) In this regulation "slipper lobster" means a crustacean of species *Parribacus caledonicus*.
- (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 8 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.

COCONUT CRAB

15. (1) In this regulation "coconut crab" means a crustacean of species *Birgus latro*.
- (2) No person shall harm, take, have in his possession, sell or purchase-

LAWS OF THE REPUBLIC OF VANUATU

CAP.158.]

FISHERIES

[Subsidiary]

- (a) any coconut crab carrying eggs; or
 - (b) any coconut crab which is less than 9 centimetres in length when measured along the carapace from immediately behind the rostral horn to the rear edge of the carapace in the mid-line, as illustrated in Schedule 9 to these regulations.
- (3) No person shall remove the eggs from a coconut crab or have in his possession, sell or purchase any coconut crab from which the eggs have been removed.

GREEN SNAIL

- 16.** (1) In this regulation "green snail" means a mollusc of the species *Turbo marmoratus*.
- (2) No person shall harm, take, have in his possession, sell or purchase any green snail which is less than 15 centimetres in length when measured in its longest dimension.
- (3) No person shall export green snails except with the written permission of the Minister and in accordance with such conditions as he may specify.

TROCHUS

- 17.** (1) In this regulation "trochus" means a mollusc of the species *Trochus niloticus*.
- (2) No person shall harm, take, have in his possession, sell or purchase any trochus which is less than 9 centimetres in diameter when measured across the base.
- (3) No person shall export trochus except with the written permission of the Minister and in accordance with such conditions as he may specify.

TRUMPET SHELL

- 18.** (1) In this regulation "trumpet shell" means a mollusc of the species *Charonia tritonis*.
- (2) No person shall harm, take, have in his possession, sell or purchase any trumpet shell which is less than 20 centimetres in length when measured along the outside of the shell from one end to the other.

CORAL

- 19.** (1) No person shall take more than 3 pieces of living coral in any period of 24 hours except with the permission of the Director and in accordance with such conditions as he may Specify.
- (2) No person shall export any coral except with the written permission of the Minister and in accordance with such conditions as he may specify.

AQUARIUM FISH

- 20.** (1) No person shall export marine aquarium fish except with the written permission of the Minister and in accordance with such conditions as he may specify.
- (2) A permission granted under this regulation shall not affect any obligation to reach agreement with custom land owners regarding the use of land and waters for the catching of aquarium fish.

TURTLES

- 21.** (1) No person shall-
- (i) disturb, take, have in his possession, sell or purchase any turtle eggs;
 - (ii) interfere with any turtle nest; or

LAW OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP. 158.]

[Subsidiary]

- (iii) sell, purchase or export any turtle or the shell thereof of the species *Eretmochelys imbricata*, known as the hawksbill turtle.

CRUSTACEANS

22. No person shall export any crustacean except with the written permission of the Minister and in accordance with such conditions as he may specify.

BECHE-DE-MER

23. No person shall export any beche-de-mer except with the written permission of the Minister and in accordance with such conditions as he may specify.

OFFENCES

24. Any person who contravenes any of the provisions of this Part shall be guilty of an offence and liable on conviction to a fine not exceeding VT100,000.

PART V**FISH AGGREGATING DEVICES****PLACING OF DEVICES**

25. (1) No person shall place a fish aggregating device in Vanuatu waters except with the permission of the Director and in accordance with such conditions as he may specify or as are otherwise specified in this Part.
- (2) The permission of the Director under this regulation may be given in the form of a telex or cable or in writing whether as a condition of the licence or otherwise.
- (3) Permission to place a fish aggregating device shall not confer 'any exclusive right to fish in the vicinity of the device.
- (4) The master of any vessel placing a fish aggregating device shall notify the Director within 24 hours of the nature and location of the device.
- (5) Any person who contravenes the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT100,000.

DESIGNATED FISH AGGREGATING DEVICE

26. (1) The Director 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 subregulation (3), no person shall fish within a radius of 1 nautical mile from a designated fish aggregating device except with the permission of the Director and in accordance with such conditions as he may specify.
- (3) The Director may, by notice published in the Gazette declare that any class of persons who are Vanuatu citizens may fish within a radius of 1 nautical mile of a designated fish aggregating device or a class of designated fish aggregating devices.
- (4) Any person who contravenes the provision of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT1,000,000

MARKING OF DEVICES

27. (1) Any fish aggregating device placed in Vanuatu waters shall-
- (a) be clearly marked with the name of the owner and of the vessel from which the device was placed;

LAWS OF THE REPUBLIC OF VANUATU

CAP. 158.]

FISHERIES

[Subsidiary]

- (b) bear a radar reflector and such lights as shall be clearly visible at night from a distance of 1 nautical mile; and
- (c) have such other equipment or markings as the Director may from time to time require.
- (2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT50,000.

DISPOSAL OF UNAUTHORIZED DEVICE

- 28.** Any fish aggregating device placed in Vanuatu waters otherwise than in accordance with a permission given under regulation 25 or found in Vanuatu waters without a marking or piece of equipment required by regulation 27 may be used or disposed of in such manner as the Minister may direct.

PART VI

MISCELLANEOUS PROVISIONS

OFFENCES AND PENALTIES

- 29.** Any person contravening any of the provisions of these regulations shall be guilty of an offence and shall be liable on conviction where no specific fine is provided therefor to a fine not exceeding VT100,000.

SCHEDULE 1

(Regulation 1)

APPLICATION FORMS FOR FOREIGN FISHING LICENCES

PART A—FULL APPLICATION FORM**REPUBLIC OF VANUATU****FISHERIES REGULATIONS**

Application Form for a Foreign Fishing Licence

INSTRUCTIONS:

- Underline surnames
- Address means complete mailing address
- Mark **X** where appropriate
- If not applicable mark **NA**
- Type or print clearly
- All units metric, specify units if other system used

LAWS OF THE REPUBLIC OF VANUATU

CAP. 158.]

FISHERIES

[Subsidiary]

SCHEDULE 1 (cont'd)

24. Daily freezing capacity (more than 1, if appropriate)
- | Method
(X where appropriate) | | Capacity
metric tons/day | Temperature
C |
|---------------------------------|----|-----------------------------|------------------|
| Brine (NaCl) | BR | _____ | _____ |
| Brine (CaCl) | CB | _____ | _____ |
| Air (Blast) | BF | _____ | _____ |
| Air (Coils) | RC | _____ | _____ |
| Other (Specify) _____ | | _____ | _____ |
25. Storage capacity (more than 1, if appropriate)
- | Method
(X where appropriate) | | Capacity
cubic metres | Temperature
C |
|---------------------------------|----|--------------------------|------------------|
| Ice IC | | | |
| Refrigerated | | | |
| Sea Water | RW | _____ | _____ |
| Brine (NaCl) | BR | _____ | _____ |
| Brine (CaCl) | CB | _____ | _____ |
| Air (Coils) | BC | _____ | _____ |
| Other (Specify) _____ | | _____ | _____ |

Complete either A, B, or C below as appropriate.

A. For Purse Seiners

26. Net length _____ metres
27. Net depth _____ metres
28. Support vessels
- | | |
|------------|------------|
| Name _____ | Type _____ |

B. For Pole and Line Vessels

29. Bait storage, (more than 1, if appropriate)
- | Circulation method
(X where appropriate) | Capacity
cubic metres |
|---|--------------------------|
| Natural NN | _____ |
| Circulation CR | _____ |
| Refrigerated RC | _____ |

C. For Support Vessels

30. Activities (X more than 1, if appropriate)
- Refrigerated carrier
 - Scouting boat
 - Anchor boat
 - Supply/Mothership
 - Other (Specify)

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP. 158.]

[Subsidiary]

SCHEDULE 1 (cont'd)

31. Fishing vessel(s) supported _____

I understand I am required to:

- i. report any changes in items 1 to 13 within 60 days, and
- ii. annually notify any other changes in the information contained in this application to the Director of Fisheries, Port Vila, Vanuatu.

Signature of applicant _____

Owner

Charterer

Duly authorised agent

Address of applicant _____

PART B-SHORT APPLICATION FORM

I hereby apply for a licence to fish in Vanuatu waters.

1. Name of vessel
2. Regional register number
3. Nature of fishing operations to be undertaken (including use of aggregating devices)
4. Proposed fishing areas
5. Period of validity of licence requested
6. Proposed date of commencement of fishing operation

Signed

Date

Specify whether owner, charterer or agent

Name and address of applicant

LAWS OF THE REPUBLIC OF VANUATU

CAP. 158.]

FISHERIES

[Subsidiary]

SCHEDULE 2

(Regulation 2)

FOREIGN FISHING LICENCE

Licence
Number

REPUBLIC OF VANUATU

FISHERIES REGULATIONS

FOREIGN FISHING LICENCE

The person named as the licence holder below is hereby licensed in accordance with section 4(2) of the Fisheries Act, Cap. 158 to use the vessel described below for fishing in Vanuatu waters and in accordance with the terms and conditions set out in this licence and the conditions prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Name of vessel

Radio call sign

Regional register number

Authorized fishing areas

Authorized fishing period

Authorized fishing operation

Authorized target species and quota (where applicable)

Other special conditions

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

Permitted transshipment operations (where applicable)

Permitted use of fish aggregating devices (where applicable)

.....

Minister of Lands, Minerals and Fisheries

.....

Date



LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP. 158.]

[Subsidiary]

SCHEDULE 3

(Regulation 3)

FEES FOR FOREIGN FISHING LICENCES

A foreign fishing vessel licence fee shall be equal to the catch allocation multiplied by the landed catch value and again, multiplied by a percentage of the catch value.

SCHEDULE 4

(Regulation 6)

LOCAL FISHING VESSEL LICENCE

REPUBLIC OF VANUATU**FISHERUB REGULATIONS**

Application Form for a Local Fishing Vessel Licence

INSTRUCTIONS:

- Underline surnames
- For "address" provide as much detail as possible
- Leave no question blank
- If not applicable, write **N/A**
- Specify units of measurement

ADDRESS TO: Director of Fisheries, Fisheries Department, Port Vila

I hereby apply for a fishing licence for the vessel described below.

1. Name of vessel
2. Name and address of charterer (if applicable)
3. International radio call sign (if applicable)
4. Name and address of master
5. Nature of fishing operation to be undertaken (attach full description)
6. Nature of vessel (attach full description, including hull construction, main engine type and power, where and when built, history of use)
7. Number of crew expected
8. Fish storage capacity, for each storage method

LAWS OF THE REPUBLIC OF VANUATU

CAP. 158.]

FISHERIES

[Subsidiary]

SCHEDULE 4 (cont'd)

I declare that the vessel described above is wholly owned by: (tick (a), (b), (c), or (d))—

- (a) the Government of Vanuatu
- (b) a public corporation established by or under a law of Vanuatu
- (c) one or more persons who are citizens of Vanuatu
- (d) a company, society or other association of persons incorporated or established under the laws of Vanuatu,

and that the full name and address or names and addresses of the owner or of all the owners are:

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

I understand that I am required to report any changes in the information contained in this form to the Director of Fisheries, Port Vila, within 7 days of the change.

Signature of applicant

Date

Specify whether owner or charterer

Name and address of applicant



Licence form

Licence
Number

REPUBLIC OF VANUATU
FISHERIES REGULATIONS
LOCAL FISHING VESSEL LICENCE

The person named as the licence holder below is hereby licensed in accordance with section 9(2) of the Fisheries Act, Cap. 158 to use the vessel described below for fishing in accordance with the terms and conditions set out in this licence and the conditions prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Name of vessel Radio call sign (if applicable)

Period of licence

Special conditions

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

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP. 158.]

[Subsidiary]

SCHEDULE 4 (cont'd)

Permitted transshipment operations (where applicable)

Permitted use of fish aggregating devices (where applicable)

.....
Director of Fisheries.....
Date**SCHEDULE 5**

(Regulation 7)

FEES FOR LOCAL FISHING VESSEL LICENCES

Size of vessel in gross registered tonnes	Fee payable
Less than 100 tonnes	VT5,000
100 tonnes or more, up to 1,000 tonnes	VT5,000 and, in addition,
	VT25 per tonne in excess of 100
1,000 tonnes or more	VT27,500

SCHEDULE 6

(Regulation 10)

FISH EXPORT PROCESSING ESTABLISHMENT LICENCES

REPUBLIC OF VANUATU**FISHERIES REGULATIONS**

Application Form for a Fish Export Processing Establishment Licence

INSTRUCTIONS:

Underline surnames

For "address" provide as much detail as possible

Leave no question blank

If not applicable, write **N/A**

Specify units of measurement

LAWS OF THE REPUBLIC OF VANUATU

CAP. 158.]**FISHERIES**

(Subsidiary)

ADDRESS TO: Director of Fisheries, Fisheries Department, Port Vila

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

1. Address of establishment
2. Name and address of owner of establishment
3. Name and address of lessee (if leased)
4. Products to be processed, including sources of supply (attach full description)
5. Nature of processing operation (attach full description)
6. Cleanliness and sanitation (attach full description of construction and maintenance standards)

I understand that I am required to report any changes in the information contained in this form to the Director of Fisheries, Port Vila within 7 days of the change.

Signature of applicant

Date

Specify whether owner or lessee

Name of applicant

Licence form

Licence
Number

REPUBLIC OF VANUATU**FISHERIES REGULATIONS****FISH EXPORT PROCESSING ESTABLISHMENT LICENCE**

The person named as the licence holder below is hereby licensed in accordance with section 21(1) of the Fisheries Act, Cap. 158 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 prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Address of premises

Kinds of fish authorized to be processed

LAWS OF THE REPUBLIC OF VANUATU

FISHERIES

[CAP. 158.
[Subsidiary]]

SCHEDULE 6 (cont'd)

Kinds of processing authorized to be carried out

Further conditions

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

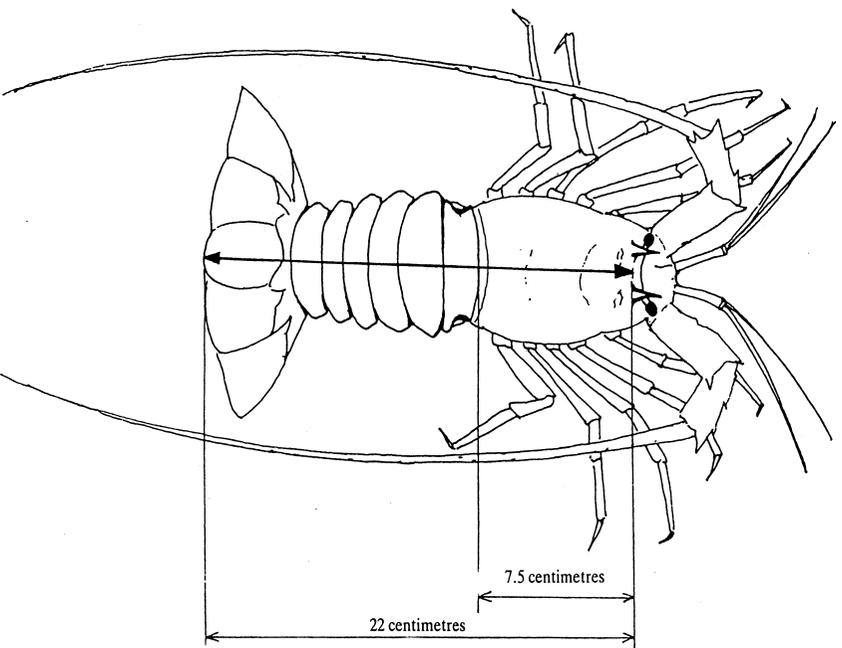
..... Date

Minister of Lands, Minerals and Fisheries

SCHEDULE 7

MINIMUM LEGAL SIZE FOR ROCK LOBSTER

(Regulation 13)



LAWS OF THE REPUBLIC OF VANUATU

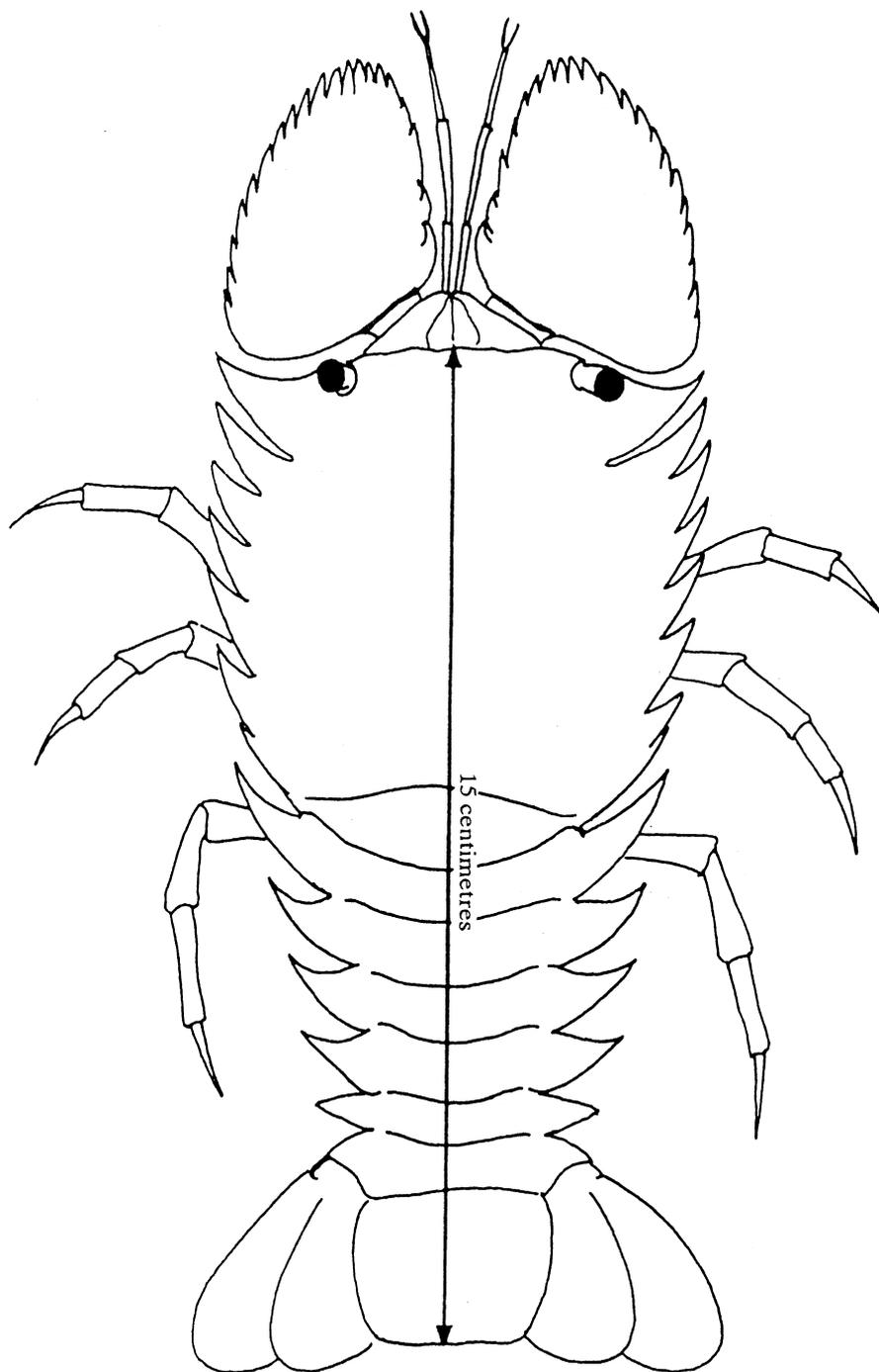
CAP. 158.]
(Subsidiary)

FISHERIES

SCHEDULE 8

(Regulation 14)

MINIMUM LEGAL SIZE FOR SLIPPER LOBSTER



SCHEDULE 9

(Regulation 15)

MINIMUM LEGAL SIZE FOR COCONUT CRAB

