



## REPUBLIC OF VANUATU

### FISHERIES ACT [CAP 315]

### FISHERIES REGULATIONS ORDER NO. 2 OF 2009

#### Arrangement of Sections

#### **PART 1 - PRELIMINARY**

1	Interpretation.....	5
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#### **PART 2 - FOREIGN FISHING LICENCES**

2	Application for a foreign fishing licence .....	9
3	Licence form .....	9
4	Fees payable for a foreign fishing licence .....	9

#### **PART 3    LOCALLY BASED FOREIGN FISHING LICENCES**

5	Application for a locally based foreign fishing licence .....	11
6	Licence format .....	11
7	Fees .....	11
8	Licence Conditions .....	11
9	Exemptions .....	11

#### **PART 4    FOREIGN FISHING AND LOCALLY BASED FOREIGN FISHING VESSEL LICENCE CONDITIONS**

10	General licence conditions .....	12
11	Vessel reporting requirements .....	13
12	Observers .....	14
13	Vessel Monitoring System .....	14

14	Requirement of Automatic Location Communicators (mobile transmission units).....	15
15	Conditions governing automatic location communicators (mobile transmission units).....	16
16	Transshipment.....	17
17	Maintenance and Submission of Catch Logs.....	19
18	Enforcement.....	19
19	Vessel identification .....	20
20	Marine pollution .....	21
21	Locally Based Foreign Status .....	21
22	Authorized fishing area.....	22
23	Closed Areas prohibited for fishing for a foreign fishing vessel and locally based foreign fishing vessel.....	22
24	Other prohibited fishing areas.....	22
25	Penalty .....	23

#### **PART 5 LOCAL FISHING LICENCES**

26	Application for local fishing licence.....	24
27	Licence form .....	24
28	Fees .....	24
29	Grounds for refusal of a licence.....	24
30	General conditions .....	25

#### **PART 6 INTERNATIONAL AUTHORISATION TO FISH**

31	Application for an international authorisation to fish certificate.....	27
32	International authorisation to fish licence.....	27
33	Fees .....	27
34	General conditions .....	27
35	Reporting requirements.....	29
36	Grounds for refusal of an international authorization to fish licence .....	30
37	Penalty .....	31

#### **PART 7 TEST FISHING, EXPLORATORY AND RESEARCH FISHING**

38	Application.....	32
39	Authorisation format.....	32
40	Fees .....	32
41	General conditions .....	32
42	Penalty .....	33

#### **PART 8 AQUACULTURE EXPORT PROCESSING ESTABLISHMENT**

43	Application.....	34
44	License form .....	34
45	Fees .....	34
46	License conditions .....	34

#### **PART 9 FISH EXPORT PROCESSING ESTABLISHMENT LICENSE**

47	Application for license to operate fish export processing establishment .....	36
48	License form .....	36
49	Fees .....	36
50	Licence conditions .....	36

## **PART 10 FISHERY MANAGEMENT AND CONSERVATION MEASURES**

### **Division 1 Conservation measures for certain fisheries**

51	Rock lobster .....	38
52	Slipper lobster .....	38
53	Green snail .....	39
54	Trochus .....	39
55	Trumpet shell .....	39
56	Aquarium coral and other invertebrates.....	40
57	Diving for fish.....	41
58	Marine Ornamental products .....	41
59	Marine Turtles.....	41
60	Crustaceans .....	42
61	Beche-De-Mer .....	42
62	Ban of beche-de-mer.....	42

### **Division 2 Conservation measures for coconut crab**

63	Coconut crab .....	43
64	Quota of coconut crabs that may be taken on certain islands.....	43
65	Prohibition to take coconut crabs during closed season .....	43
66	Authorisation to catch or take coconut crab during closed season .....	43
67	Closed season.....	44

### **Division 3 Conservation measures for closed in-shore coastal areas**

68	Interpretation.....	44
69	Identification of areas .....	44
70	Declaration of closed in-shore coastal area .....	45
71	Requirements to open a closed in-shore coastal area .....	45
72	Amendment to closed in-shore coastal area .....	45

### **Division 4 Conservation of closed area at Port Patrick, Aneityum**

73	Interpretation.....	46
74	Fishing prohibited in the closed area .....	46

### **Division 5 – General offence and penalty**

75	Offence and penalty .....	47
----	---------------------------	----

## **PART 11 FISHING EQUIPMENTS**

76	Diving equipment .....	48
77	Fishing nets .....	48
78	Fish fences .....	49

79	Offence and penalty .....	49
<b>PART 12 FISH AGGREGATING DEVICES</b>		
80	Placing of devices .....	50
81	Designated fish aggregating device .....	50
82	Marking of devices .....	50
83	Unauthorized removal of fish aggregating device .....	51
84	Disposal of unauthorized device .....	51
85	Offence and penalty .....	51
<b>PART 13 AQUARIUM TRADE MEASURES</b>		
86	Application and licence .....	52
87	Fishing method .....	52
88	Closed areas .....	53
89	Harvest and export of live corals .....	53
90	Harvest and export of wild giant clams .....	54
91	Collection of food fish .....	54
<b>PART 14 MISCELLANEOUS PROVISIONS</b>		
92	General offence and penalty .....	56
<b>PART 15 REPEAL AND SAVINGS</b>		
93	Interpretation.....	57
94	Repeal .....	57
95	Savings.....	57
96	Commencement .....	58

# REPUBLIC OF VANUATU

## FISHERIES ACT [CAP 315]

### FISHERIES REGULATION ORDER NO. OF 2009

In exercise of the powers conferred on me by section of the Fisheries Act [CAP 315], I, the Honourable HAVO MOLISALE Minister of Agriculture, Livestock and Fisheries, make the following Order.

#### PART 1 - PRELIMINARY

##### 1 Interpretation

(1) In this regulation, unless a contrary intention appears:

**Act** means the Fisheries Act [CAP 315];

**automatic location communicator** means a device approved by the government, recognizing those approved by the Forum Fisheries Agency or relevant Regional Fisheries Management Organizations, and placed on a fishing vessel that transmits, either in conjunction with another device or devices or independently, information concerning the position, fishing activities and other related activities of the vessel;

**authorized agency** means an agency authorized by the Minister to be responsible for the administration of a specified vessel monitoring system;

**authorized fishing area** means the Vanuatu Exclusive Economic Zone and Convention areas;

**authorized inspector** means a designated person as published by an authorized agency;

**CCAMLR** means the Convention on the Conservation of Antarctic Marine Living Resources;

**Convention areas** means areas covered by the following Conventions:

- (a) Convention on the Conservation of Antarctic Marine Living Resource (CCAMLR); and
- (b) Convention for the establishment of an Inter-American Tropical Tuna Commission (IATTC); and
- (c) International Convention for the Conservation of Atlantic Tuna (ICCAT); and
- (d) Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC); and
- (e) Convention on the Conservation and Management of highly migratory fish stocks in the Western and Central Pacific Ocean (WCPFC); and
- (f) any other Conventions that Vanuatu is a signatory to;

**director** means the person holding the office of the Director of Fisheries from time to time;

**exploratory fishing** means any fishing operations undertaken over a limited period of time for the purposes of determining the feasibility and viability of a commercial fishery with a view to establishing fishery operations based in Vanuatu or the region;

**fishing trip** means the period from date of exit of a port to date of entry of the same port, or another port, when a fishing vessel sets out on a trip to carry out any of the following activities:

- (a) to search for, catching, taking or harvesting fish;
- (b) to attempt to search for, catch, take or harvest fish;
- (c) to engage in any activity which can reasonably be expected to result in locating, catching, taking or harvesting fish;
- (d) to place, search for or recover any fish aggregating device or associated equipment, including radio beacons;
- (e) to carry out any operation at sea in support of, or in preparation for, any activity described in this definition;

- (f) to use any aircraft in relation to any activity described in this definition.

**home port** means the operational port of a fishing vessel;

**Minister** means the Minister responsible Fisheries;

**mobile transmission unit** has the same meaning as **automatic location communicator**;

**non-target species** includes both fish and non-fish species;

**other fishing methods** means any methods used that is not included in Schedule 3 and Schedule 5. This includes seasonal sportfishing, trolling, mid-water trawl;

**person** includes any statutory body, company or association or body of persons corporate or unincorporated;

**port** means any designated ports that is authorized by the Director;

**purchase** includes:

- (a) to barter or attempt to barter;
- (b) to buy or attempt to buy;
- (c) to receive on account or consignment;
- (d) to buy or barter for future goods or for any consideration or value;  
or
- (e) to buy or barter as an agent for another person,

and the term "buyer" will have a corresponding meaning;

**registration period** means a 12 month period;

**Regional register** means the register of foreign fishing vessels as administered by the Pacific Islands Forum Fisheries Agency (FFA);

**research fishing** means the use of new fishing techniques not historically used in Vanuatu or true scientific research. Research fishing status does not include standard techniques covered and used by other fishing category definitions.

**sell** includes:

- (a) any method of disposition for consideration, including cash, anything which has value or which can be exchanged for cash, and barter;
- (b) disposition to an agent for sale on consignment;
- (c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale; or
- (d) disposition by way of raffle, lottery, or other game of chance,

and the terms “sale” or “sold” will have a corresponding meaning;

**sport fishing** means any fishing for leisure and with regard to earnings, gain or profit;

**target species** means species as specified in the fishing licence;

**vessel monitoring system** means any system to monitor the position and activities of fishing vessels for the purpose of effective management of fisheries.

- (2) Terms and expressions that are not defined in this Regulation have the same meaning as in the Fisheries Act [CAP 315] and Maritime Zones Act [CAP 138] as provided for by subsection 15(2) of the Interpretation Act [CAP132].



## **PART 2 - FOREIGN FISHING LICENCES**

### **2 Application for a foreign fishing licence**

- (1) Subject to subclause (2), an application for a foreign fishing licence must be:
  - (a) in writing or in the form of a facsimile or email, in either the English or French language; and
  - (b) in the form set out in Schedule 1; and
  - (c) addressed to the Director.
- (2) If an access agreement provides that an application for a foreign fishing vessel be made to an administrator, then that application must be:
  - (a) in writing or in the form of a facsimile or email; and
  - (b) in the form set out in Schedule 1; and
  - (c) addressed to an administrator designated in accordance with an access agreement or any other related agreement..

### **3 Licence form**

A foreign fishing licence must be in the form prescribed in Schedule 2.

### **4 Fees payable for a foreign fishing licence**

- (1) The fee payable for the issuing or renewal of a foreign fishing licence is set out in Schedule 3.
- (2) The operator of a foreign fishing vessel must pay at the end of each fishing trip:
  - (a) up to 5% of the total value of its catch caught within Vanuatu waters, and landed domestically; or
  - (b) 5% of the total value of its catch caught within Vanuatu waters, and landed overseas.
- (3) A foreign fishing vessel that lands:

(a) part of its catch in another country; or

(b) all its catch in another country,

must pay the appropriate amount prescribed in Schedule 3.

## **PART 3    LOCALLY BASED FOREIGN FISHING LICENCES**

### **5        Application for a locally based foreign fishing licence**

An application for a locally based foreign fishing licence must be:

- (a)    in writing or in the form of a facsimile or email, in either the English or French language; and
- (b)    in the form set out in Schedule 1; and
- (c)    addressed to the Director;

### **6        Licence format**

A locally based foreign fishing licence must be in the form set out in Schedule 4.

### **7        Fees**

- (1)    The fee payable for the issuing or renewal of a locally based foreign fishing licence is set out in Schedule 5.
- (2)    A locally based foreign fishing vessel must pay up to 5% of the total value of its catch caught within Vanuatu waters, and landed domestically, at the end of each fishing trip to the Government of Vanuatu through the Department of Fisheries.

### **8        Licence Conditions**

Subject to clause 9, a locally based foreign fishing licence issued under section 10 of the Act is subject to the general conditions of licences and authorizations or any category of licences or authorizations as set out in section 23 of the Act, and under this Part.

### **9        Exemptions**

- (1)    The Director may issue fishing licences for fishing activities for a period not exceeding 12 months.
- (2)    The Director may by notice published in the Gazette, exempt a locally based foreign fishing vessel or a class of locally based foreign fishing vessel from any or all of the requirements for such fishing vessels provided in Part 6 of the Fisheries Act.

**PART 4 FOREIGN FISHING AND LOCALLY BASED  
FOREIGN FISHING VESSEL LICENCE  
CONDITIONS**

**10 General licence conditions**

- (1) The operator of a vessel must comply with:
  - (a) the terms and conditions of his or her licence; and
  - (b) any associated multilateral or bilateral agreements entered into by the Government of Vanuatu.
- (2) The licence (or a copy of the original licence) must be carried on board a vessel at all times while the vessel is in Vanuatu waters and must be produced at the request of an authorized officer.
- (3) The operator of the vessel must ensure that the International Authorization to Fish Certificate is on board at all times, while fishing in Vanuatu waters and outside of Vanuatu waters, and must be produced at the request of an authorized officer.
- (4) The operator must notify the Director of any change in the information set out in the application form referred to in paragraph 2(b) and 5(b) within 30 days from the date of such change.
- (5) The operator of the vessel must adopt all reasonable measures to minimize catches of non-target species, including the use of equipment and techniques shown to be effective in minimizing catches of non-target species.
- (6) If the vessel is in a closed area, all fishing gear of the vessel must be stored in such a manner to avoid any fishing to be carried out in the closed area and the operator of the vessel must comply with the following requirements:
  - (a) all radio beacons and light beacons must be securely stored on the beacon rack; and
  - (b) any longline floats and buoys must be stored in the buoy storage area and covered; and

- (c) the main lines, branch lines, float lines and all other fishing lines and gear must be stored below deck or where the size or configuration of the vessel makes it impractical to stow the gear below deck, and that it must be stored in such a manner as to avoid the possibility for fishing to be carried out in the closed area.
- (7) If the vessel is within Vanuatu waters, the operator of the vessel must upon request of the relevant government authorities, take reasonable steps to assist those authorities in any search and rescue operations at sea.
- (8) The Director may attach additional conditions to a foreign fishing licence or a locally based foreign fishing licence as he or she thinks necessary.
- (9) The Director may refuse a foreign fishing licence or a locally based foreign fishing licence, if the operator fails to comply with a condition of the licence.

**11 Vessel reporting requirements**

- (1) The following reporting requirements apply to a foreign fishing licence issued under subsection 9(1) of the Act:
  - (a) the operator or the authorized local representative of the vessel must report to the Director or to such other person or organization as the Director may designate of the estimated time of entry of the vessel into any port in Vanuatu, at least 24 hours prior to such entry and at the following times:
    - (i) immediately upon entry into Vanuatu waters;
    - (ii) every Wednesday or such other day as the Director may specify while the vessel is in Vanuatu waters;
    - (iii) immediately upon departure from any Vanuatu port;
    - (iv) immediately upon departure from Vanuatu waters; and
    - (v) such other times as the Director may specify;
  - (b) each report made under paragraph (a) must contain all of the following details:
    - (i) the international radio call sign or the number assigned to the vessel under any regional register;

- (ii) the position of the vessel at the time of reporting;
  - (iii) the total catch by species (target and non-target) on board the vessel at the time of reporting; and
  - (iv) such other matters as the Director may from time to time require.
- (2) Any records, logbooks or notifications required to be maintained or made under this section is to be maintained or made in English.
  - (3) A report must be in a prescribed form approved by the Director from time to time.
  - (4) A report must be sent as soon as possible after it is completed by fax to the following address:

The Director  
Department of Fisheries  
Fax: (678) 23 641

## **12 Observers**

- (1) A locally based foreign fishing vessel must have an observer on board at all times during any fishing trip.
- (2) The operator of a fishing vessel must, 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 must proceed to such port or place as the Director may require to allow an observer to board or disembark from the vessel.

## **13 Vessel Monitoring System**

- (1) The director may suspend or cancel the license of any local, locally based foreign fishing vessel and foreign fishing vessel if the operator of that vessel fails to comply with any of the conditions in clause 15.
- (2) A person who intentionally destroys, damages, renders inoperative or otherwise interferes with any part of the automatic location communicator (mobile transmission unit) is guilty of an offence punishable on conviction by a fine not exceeding VT1,000,000.

- (3) Any information collected from a vessel monitoring system used in Vanuatu waters or any designated authorized fishing area is to be regarded as confidential information.
- (4) A person who discloses information collected from a vessel monitoring system used in Vanuatu waters or any designated Authorized fishing area to any person not authorized to receive such information, is guilty of an offence punishable on conviction by a fine not exceeding VT1,000,000.
- (5) The Director may release information collected from a vessel monitoring system used in Vanuatu waters or any designated authorized fishing area for all or any of the following purposes:
  - (a) to discharge international obligations assumed by the State;
  - (b) to discharge Monitoring, Control and Surveillance obligation with neighbouring states;
  - (c) for the maintenance of law and order;
  - (d) for safety of life;
  - (e) for any other purpose for which the Director is satisfied is in the national interest
- (6) The collection and release of information from vessel monitoring systems must be set out in the guidelines required by the Director.
- (7) Ownership of all information collected from a vessel monitoring system used in Vanuatu waters and authorized fishing areas is by virtue of this regulation vested in the Republic of Vanuatu.

**14 Requirement of Automatic Location Communicators (mobile transmission units)**

- (1) A vessel must participate in the vessel monitoring system and be of good standing on the Regional Register.
- (2) An automatic location communicator (mobile transmission unit) that has been approved by the Pacific Islands Forum Fisheries Agency must be installed on all fishing vessels.
- (3) A locally based foreign fishing vessel or foreign fishing vessel is not allowed to fish in Vanuatu waters and authorized fishing areas unless the

operator of the vessel installs, maintains and operates a FFA Type Approved automatic location communicator and the system is operational at all times.

- (4) A Vanuatu flagged fishing vessel must not be issued with an Authorization to fish certificate to fish in an authorized fishing area unless the operator of the vessel installs, maintains and operates a government Type Approved automatic location communicator and the system is operational at all times.
- (5) A locally based foreign fishing vessel or foreign fishing vessel must not have its license renewed to fish in Vanuatu waters and an authorized fishing area unless the operator of the vessel maintains a valid annual certificate of inspection by an authorized inspector of the automatic location communicator registered to the vessel.
- (6) A Vanuatu flagged fishing vessel must not be issued with an authorization to fish certificate to fish in an authorized fishing area unless the operator of the vessel maintains a valid annual certificate of inspection by an authorized inspector of the automatic location communicator registered to the vessel.

**15 Conditions governing automatic location communicators (mobile transmission units)**

- (1) An operator of the fishing vessel must:
  - (a) apply to the authorized agency for registration of the automatic location communicator for each registration period; and
  - (b) pay all costs of the automatic location communicator (mobile transmission unit) determined by the authorized agency for the registration of the automatic location communicator (mobile transmission unit) and for the costs of all transmissions by that device which originate from the vessel; and
  - (c) ensure that the automatic location communicator (mobile transmission unit) is operational at all times while the vessel is in Vanuatu waters; and
  - (d) ensure that the automatic location communicator (mobile transmission unit) is switched on and is operational at all times when the vessel departs and returns to the vessel's home port; and



- (e) ensure that the automatic location communicator (mobile transmission unit) undergoes annual inspection and issued with a valid certificate of inspection by an authorized inspector of the automatic location communicator (mobile transmission unit) registered to the vessel; and
- (f) not intentionally damage or interfere with any part of the automatic location communicator (mobile transmission unit) so as to cause the automatic location communicator (mobile transmission unit) to breakdown; and
- (g) not move or remove the automatic location communicator from the agreed installed position without prior permission of the Director; and
- (h) notify the Director of any breakdown of the automatic location communicator (mobile transmission unit) as soon as possible after the breakdown occurs; and
- (i) in the event that an automatic location communicator (mobile transmission unit) has been reported to have broken down, the operator of the vessel must submit to the Director reports of the vessel's name, call sign, position (expressed in latitude and longitudes to minutes of arc), and the date and time of the report at intervals of two hours commencing from the time of notification of the breakdown of the automatic location communicator (mobile transmission unit).

## **16 Transshipment**

- (1) An application for a transshipment licence must be:
  - (a) in writing or in the form of a facsimile or email, in either the English or French language; and
  - (b) in the form set out in Schedule 6; and
  - (c) addressed to the Director.
- (2) An authorisation for transshipment is in the form prescribed in Schedule 7.
- (3) The fee payable for the issuing or renewal of a transshipment licence is set out in Schedule 8.

- (4) The fishing trip of a vessel is taken to have ceased at such time as any or all of the fish on board the vessel are removed from the vessel.
- (5) The operator of a vessel must not under any circumstances transship at sea.
- (6) All transshipment is subject to all of the following conditions:
  - (a) that a 72 hours notice must be made to the Director requesting to transship any or all of the fish on board and must provide to the Director all of the following information:
    - (i) the name of the vessel;
    - (ii) the vessel's international radio call sign;
    - (iii) the vessel's position;
    - (iv) the catch on board the vessel, by species;
    - (v) the time and port where such transshipment is requested to occur;
  - (b) only transship at the time and port authorized for transshipment by the Director;
  - (c) submit completed transshipment log sheets using forms as prescribed by the Director from time to time;
  - (d) allow and assist any person identified as an authorized officer to:
    - (i) have full access to a vessel and any place where such fish is being transshipped and the use of facilities and equipment which the officer determines are necessary to assist him or her to carry out his or her duties;
    - (ii) have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish;
    - (iii) collect and remove samples;
    - (iv) have full access to the vessel's records including the vessel's log documentation for the purpose of inspection and copying; and

- (v) gather any other information required to fully monitor the activity without interfering with the lawful operation of the vessel.
- (vi) pay all fees set out in Schedule 7.

## **17 Maintenance and Submission of Catch Logs**

The operator of a vessel must:

- (a) maintain a logbook, in the English language, on a daily basis in such form as the Director may require, from time to time, for the purpose of recording the fishing operations of the vessel; and
- (b) transmit any logbook maintained under paragraph (a) in its original and unaltered form to the Director at such times as he may require; and
- (c) complete in the English language monthly catch reports (log-sheets) in a form specified by the Director which are true, complete and accurate; and
- (d) ensure that these log-sheets are posted, faxed or emailed to the Director not later than 10 days after the end of the fishing trip to the following address:

The Director  
Fisheries Department  
Private Mail Bag 9045  
Port Vila, Vanuatu  
Fax: (678) 23 641

## **18 Enforcement**

- (1) When in Vanuatu waters, or following any hot pursuit commencing in Vanuatu waters, the operator of a vessel and each member of the crew of the vessel, must comply with every instruction and direction given by an authorized officer to :
  - (a) stop, and move the vessel to a specified location; and
  - (b) facilitate safe boarding and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products.
- (2) The operator and each member of the crew are to facilitate and assist in any action by an authorized officer.

- (3) The international distress frequency, 2182 KHz (HF), and 156.8 MHz (Channel 16, VHF-FM) must be monitored continuously from the vessel for the purpose of facilitating communication with the search and rescue, surveillance and enforcement authorities of the Government.
- (4) The operator of the vessel must ensure that a recent and up-to-date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

**19 Vessel identification**

- (1) The operator of a vessel must comply with the 1989 FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
- (2) The international radio call sign of the vessel must be painted in white on a black background or in black on a white background in the following manner:
  - (a) on the vessel's hull or superstructure, with each letter and number being at least one meter high and having a stroke width of 16.7 centimeters, with the background extending to provide a border around the mark of not less than 16.7 centimetres;
  - (b) on the vessel's deck, on the body of any helicopter and on the hull of any skiff, with each letter and number being at least 30 centimeters high, and having a stroke width of 5 centimeters wide with the background extending to provide a border around the mark of not less than 5 centimeters;
  - (c) on all radio beacons and any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 centimeters high and having a stroke width of 1.7 centimeters, with a background extending to provide a border around the mark of not less than 1.7 centimeters.
- (3) At all times a vessel is within Vanuatu waters:
  - (a) all parts of the markings referred to in subclause (2) must be clear, distinct and uncovered; and
  - (b) the vessel must fly the flag of its State.

**20 Marine pollution**

- (1) The operator of a vessel must ensure that there is no dumping or discharging into the sea, whether directly or indirectly, any of the following:
  - (a) any non-biodegradable material or any fuel or oil;
  - (b) any biodegradable material including fish offal or waste within 12 nautical miles of the appropriate archipelagic baseline;
  - (c) any substance in such quantities as would pollute any Vanuatu waters;
  - (d) any fishing gear, except in an emergency or in circumstances involving the safety of a vessel or its crew.
- (2) Subject to sub-clause (1), the operator of the vessel must notify the Director of the location of the discharge of any fishing gear into the sea.
- (3) Reasonable efforts must be made by the operator of a vessel to recover discarded fishing gear.
- (4) All locally based foreign fishing vessels must have an onshore holding tank for purposes of discarding of human excreta, solid and waste water.
- (5) When in port, the fishing vessel must not discard any human excreta, solid and waste water into the harbour. All human excreta, solid and waste water must be discarded into an onshore holding tank.
- (6) All fishing vessels or its authorized local representatives are to be responsible for proper disposal of their holding tank wastes.

**21 Locally Based Foreign Status**

- (1) Vessels that have been licensed in the Locally Based Foreign category must:
  - (a) land all of their catch in Vanuatu; and
  - (b) have 100% observer coverage.
- (2) The crew of a locally based foreign fishing vessel must include at least 3 citizens of Vanuatu.

**22 Authorized fishing area**

- (1) For the purposes of clauses 23 and 24, unless the context otherwise requires:

**Exclusive Economic Zone** means those areas as defined in Section 9 of the Maritime Zones Act [CAP 138].

- (2) A foreign fishing vessel and a locally based foreign fishing vessel may fish within the Exclusive Economic Zone of the Republic of Vanuatu.

**23 Closed Areas prohibited for fishing for a foreign fishing vessel and locally based foreign fishing vessel**

- (1) For the purposes of clause 23:

**Archipelagic baselines** mean the archipelagic baselines set out in the Maritime Zones Act [CAP 138];

**Closed area** means all areas of the sea within a line measured seaward from the archipelagic baselines, every point of which is 12 nautical miles from the nearest point of the appropriate archipelagic baseline.

- (2) A foreign fishing vessel must not fish within a closed area in the Republic of Vanuatu.
- (3) A locally based foreign fishing vessel that is chartered by a company that is not wholly owned by persons who are citizens of the Republic of Vanuatu must not fish within a closed area in the Republic of Vanuatu.
- (4) Locally based foreign fishing vessels such as sportfishing vessels are exempted from subclause (2).

**24 Other prohibited fishing areas**

A foreign fishing vessel and a locally based foreign fishing vessel must not fish within a rectangular closed area defined by the Geodesic lines linking the four points described for each area in the following table:

Area	Point	Latitude (S)	Longitude (E)
1	1	15°59'24.0"	165°59'24.0"
	2	15°59'24.0"	166°11'24.0"
	3	15°50'24.0"	166°11'24.0"
	4	15°50'24.0"	165°59'24.0"

25     Penalty

A person who contravenes a provision of this Part is guilty of an offence punishable on conviction by a fine not exceeding VT50,000,000, unless it is provided for otherwise.

## PART 5 LOCAL FISHING LICENCES

### 26 Application for local fishing licence

An application for a local fishing licence must be:

- (a) in writing in the prescribed form, in either the English, French or Bislama language; and
- (b) in the form set out in Schedule 9; and
- (c) addressed to the Director.

### 27 Licence form

A local fishing licence must be in the form prescribed in Schedule 10.

### 28 Fees

The fee payable for the issue or renewal of a local fishing licence is set out in Schedule 11.

### 29 Grounds for refusal of a licence

- (1) A local fishing licence may only be issued or renewed if:
  - (a) an application has been made in accordance with clause 26 and the particulars provided in the application are not false, incomplete or misleading; and
  - (b) any information, requested by the Director which is relevant to the proposed fishing operation, has been provided in the manner requested; and
  - (c) the vessel holds a valid safety certificate issued by the Ports and Marine Department from time to time dealing with shipping safety; and
  - (d) the fee prescribed in clause 28 has been paid.
- (2) The Director may, from time to time, impose any other grounds for refusal of a licence, as he or she thinks necessary.



30 **General conditions**

- (1) The following general conditions apply to a local fishing licence:
- (a) the operator of a local fishing vessel must notify the Director of any change in the information contained in the application form as soon as practicable and in any case no later than 7 days from the date of such change;
  - (b) a vessel must display such identification markings as required by the Director including the following requirements:
    - (i) the operator of the vessel must comply with the 1989 FAO Standard Specifications for the Marking and Identification of Fishing Vessels,
    - (ii) the radio call sign of the vessel must be painted in white on a black background or in black on a white background on all radio beacons and any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 centimeters high and having a stroke width of 1.7 centimeters, with a background extending to provide a border around the mark of not less than 1.7 centimeters;
  - (c) fishing must not be undertaken except with a valid licence;
  - (d) fish must not be transhipped from or onto a vessel except with the permission of the Director and in accordance with such conditions as he may specify;
  - (e) the master of a vessel must maintain a logbook 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) the master of a vessel complete monthly catch reports (log-sheets) in a form specified by the Director which are true, complete and accurate;
  - (g) any logbook maintained under paragraph (e) is to be transmitted in its original and unaltered form to the Director at such times as he or she may require;
  - (h) a local vessel which is 8 meters or more must have vessel monitoring system which must be operational at all times;

- (i) if a vessel is fishing in waters other than Vanuatu waters, the vessel must 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.
- (2) The Director may attach additional conditions to a local fishing licence as he or she thinks necessary.
- (3) The Director may refuse to issue a local fishing licence, and may suspend or cancel a local fishing licence, if there is failure to comply with a condition of the licence.
- (4) A person who contravenes a condition of the local fishing licence is guilty of an offence and is punishable on conviction by a fine not exceeding:
  - (a) in the case of an individual – VT200,000; or
  - (b) in the case of a company or association or body of persons corporate or incorporate – VT1,000,000.

## PART 6 INTERNATIONAL AUTHORISATION TO FISH

### 31 Application for an international authorisation to fish certificate

An application for an international authorisation to fish certificate must be:

- (a) in writing or in the form of a facsimile or email, in either the English or French language; and
- (b) in the form set out in Schedule 12; and
- (c) addressed to the Director.

### 32 International authorisation to fish licence

An international authorisation to fish licence must be in the prescribed form as set out in Schedule 13.

### 33 Fees

- (1) The operator of a Vanuatu flagged fishing vessel must pay an annual fee, as set out in Schedule 14, for the area in which it will carry out any fishing activity.
- (2) The fee payable for the issue or renewal of an international authorization to fish licence is set out in Schedule 14.
- (3) The operator of a flagged vessel must pay an additional fee prescribed in Schedule 14 if it wishes to fish in more than 1 area.
- (4) The operator of a Vanuatu flagged fishing vessel must pay up to 5% of its catch value at the end of each fishing period.

### 34 General conditions

- (1) The operator of the flagged vessel must comply with all applicable laws of Vanuatu.
- (2) The operator of the flagged vessel must comply with the applicable national laws of each coastal state party in whose jurisdiction it enters.
- (3) The operator must comply with any procedure and conservation measures that are established by the Regional Tuna Fisheries Management

Organization responsible for the fishing area that the flagged vessel is fishing in.

- (4) A Vanuatu flagged fishing vessel must not be issued with an authorization to fish certificate to fish in an authorized fishing area unless the operator of the vessel:
  - (a) installs, maintains, and operates a government type approved automatic location communicator (mobile transmission unit) and the system is operational at all times; and
  - (b) maintains a valid annual certificate of inspection by an authorized inspector of the automatic location communicator (mobile transmission unit) registered to the vessel.
- (5) The following documents must be carried on board at all times and produced at the request of an authorized enforcement official:
  - (a) the original authorization to fish certificate and any licence issued by the state party or the responsible Regional Tuna Fisheries Management Organization; or
  - (b) a duly certified copy (including facsimile or telex communication) of the original certificate.
- (6) The operator must ensure continuous monitoring of the international distress and calling frequency or the international safety and calling frequency to facilitate communication with the fisheries management, surveillance and enforcement authorities.
- (7) The operator must ensure that a recent and up-to-date copy of INTERCO is on board and accessible at all times.
- (8) All fishing activity within the various authorized fishing areas must be reported in the manner prescribed by the Director.
- (9) Any violations of provisions of a responsible Regional Tuna Fisheries Management Organization measure must be investigated by the Vanuatu authorities.
- (10) The Director may detain a flagged vessel and institute proceedings if he or she is satisfied that there is sufficient evidence concerning an alleged violation.

- (11) Any flagged vessels that are found to have committed serious violations of responsible Regional Tuna Fisheries Management Organization's Convention measures must cease to operate until all outstanding sanctions have been complied with.
- (12) The operator of a flagged vessel must notify the Director of any change of status of the flagged vessel.
- (13) A notification under subclause (12) must be sent to the following address:

Director of Fisheries  
Department of Fisheries  
VMB 9045  
Port Vila, Vanuatu  
Fax: (678) 23 641
- (14) The Director may attach additional conditions to an authorization to fish certificate as he or she thinks necessary.

### **35 Reporting requirements**

- (1) The operator or the authorized local representative of a vessel must provide to the Director or to such person or organization as the Director may designate, a report:
  - (a) on the estimated time of entry into any port, at least 24 hours prior to such entry;
  - (a) immediately upon entry into the waters of the country port;
  - (b) immediately upon departure from the country port;
  - (c) upon such other times as the Director may specify;
- (2) A report under subclause (1) must contain the following details:
  - (a) the international radio call sign or the number assigned to the vessel under any regional register; and
  - (b) the position of the vessel at the time of reporting; and
  - (c) the total catch by species (target and non-target) on board the vessel at the time of reporting; and

- (d) such other matters as the Director may require from time to time.
- (3) Any records, logbooks or notifications required to be maintained or made under this clause is to be maintained or made in English.
- (4) A report must be in the prescribed form approved by the Director from time to time.
- (5) A report must be sent as soon as possible after it is completed by fax to the following address:

The Director  
Department of Fisheries  
Port Vila, Vanuatu  
Fax: (678) 23 641

**36 Grounds for refusal of an international authorization to fish licence**

Subject to section 26 of the Act, the Director may refuse to issue or renew an international authorization to fish certificate on any of the following grounds:

- (a) the particulars in the application made in clause 31 are false, incomplete or misleading; or
- (b) any information provided by the owner or operator of a vessel upon the request of the Director, is irrelevant to the proposed fishing operation and was not provided in the manner requested; or
- (c) the operator of the vessel and the vessel is on the list of Illegal, Unregulated and Unreported fishing of any Regional Tuna Fisheries Management Organizations; or
- (d) the vessel has been found to have committed serious violations of:
  - (i) the national laws of the State party; or
  - (ii) the conservation and management measures established by responsible Regional Tuna Fisheries Management Organisations; or
- (e) the vessel has failed to comply with a condition or conditions of the international authorization to fish certificate, or
- (f) the fee prescribed in clause 33 has not been paid.

**37 Penalty**

A person who contravenes any provision of this Part is guilty of an offence punishable on conviction to a fine not exceeding VT100,000,000.

## PART 7 TEST FISHING, EXPLORATORY AND RESEARCH FISHING

### 38 Application

An application for a test fishing, exploratory or research fishing must be:

- (a) in writing or in the form of a facsimile or email, in either the English or French language; and
- (b) in the form set out in Schedule 15; and
- (c) addressed to the Director.

### 39 Authorisation format

A test fishing, exploratory or research fishing must be in writing or in the form of a facsimile or email and be in the form set out in Schedule 16.

### 40 Fees

The fee payable for the issuing or renewal of a test fishing, exploratory or research fishing is set out in Schedule 17.

### 41 General conditions

- (1) The general conditions outlined in Part 4, apply to all test fishing, exploratory or research fishing licensed vessels.
- (2) The operator of the fishing vessel must not fish within the territorial waters.
- (3) All test fishing, exploratory or research fishing must have 100% observer coverage.
- (4) All observer costs must be covered by the vessels company or the authorized local representative.
- (5) All fish caught during the period given for research fishing must not be sold in Vanuatu.
- (6) The operator of a fishing vessel must submit a complete report to the Director of Fisheries at the end of the authorized licence period.



(7) The operator must ensure that fishing is carried out on authorized target species only, as specified in the licence.

(8) The Director may do any or all of the following:

(a) vary a condition;

(b) impose additional conditions;

during the period of authorization if he or she is satisfied that the variation or imposition is necessary to achieve compliance with any obligation or requirement.

#### **42 Penalty**

Any person who contravenes a section in this Part is guilty of an offence punishable on conviction to a fine not exceeding VT50,000,000.

## PART 8 AQUACULTURE EXPORT PROCESSING ESTABLISHMENT

### 43 Application

An application for an aquaculture export processing establishment licence must be:

- (a) in writing or in the form of a facsimile or email, in either the English or French language; and
- (b) in the form set out in Schedule 18; and
- (c) addressed to the Director.

### 44 License form

A licence to operate an aquaculture export processing establishment must be in writing and be in the form set out in Schedule 19.

### 45 Fees

The fee payable for the issue or renewal of a licence to operate an aquaculture export processing establishment is VT100,000.

### 46 License conditions

- (1) In addition to any conditions which may be imposed by the Director on a licence, the following conditions may apply:
  - (a) the establishment must be maintained and operated in a clean and sanitary manner, in accordance with relevant national requirements, provisions of the respective fishery management plans and international requirements;
  - (b) the establishment must undergo an independent environmental impact assessment study as required under the Environmental Conservation and Management Act;
  - (c) the license holder must maintain and provide monthly reports to the Director concerning the processing and export of aquaculture products in the form prescribed by the Director from time to time;

- (d) the license holder must ensure that the handling and processing of aquaculture products are carried out with minimal loss to the natural stock and environmental degradation;
  - (e) the license holder must only process the type of fish specified in the licence;
  - (f) the license holder must take all appropriate measures to ensure that all waste and effluent emitted from the processing facility is adequately treated, disposed of and provide a minimal risk to the surrounding environment;
  - (g) the license holder must allow access to any authorized officer to assess the processing facility at any time;
  - (h) if the collection of wild stock is required for purpose of culturing, the license holder must ensure that collection is undertaken in areas where valid agreements and contracts have been established between all parties concerned and must ensure that the best collection and handling practices are maintained at all times;
  - (i) the license holder must ensure that all consignment for export has an export permit;
- (2) The Director may refuse to renew or grant a license if any of the conditions in subclause (1) are not complied with.

## **PART 9 FISH EXPORT PROCESSING ESTABLISHMENT LICENSE**

### **47 Application for license to operate fish export processing establishment**

An application for a license to operate a fish export processing establishment must be:

- (a) in writing or in the form of a facsimile or email, in either the English or French language; and
- (b) in the form set out in Schedule 20; and
- (c) addressed to the Director.

### **48 License form**

A fish export processing establishment license must be in the form set out in Schedule 21.

### **49 Fees**

The fee payable for the issue or renewal of a license to operate a fish export processing establishment is VT100,000.

### **50 Licence conditions**

In addition to any conditions which may be imposed by the Director on the license, the following conditions apply:

- (a) the establishment must be maintained and operated in a clean and sanitary manner, in accordance with relevant national requirements, provisions of the respective fishery management plans and international requirements; and
- (b) the establishment must undergo an independent environmental impact assessment study and in accordance with the Environmental Management and Conservation Act; and
- (c) the license holder must maintain and provide monthly reports to the Director; and
- (d) the license holder must ensure that all consignment for export have export permits; and

- (e) the license holder must maintain accurate records of the quantity, type and quality of fish received, processed, sold or exported, and all such records must be made available for inspection by an authorized officer; and
- (f) the Director must be notified of any change in the information set out in the application form as soon as practical and in any case not later than 7 days from the date of the change; and
- (g) the Director may refuse to renew or grant a license if any of the above conditions are not complied with.

## PART 10 FISHERY MANAGEMENT AND CONSERVATION MEASURES

### Division 1 Conservation measures for certain fisheries

#### 51 Rock lobster

- (1) For the purposes of this clause, rock lobster means a crustacean of the genus *Panulirus*.
- (2) A person must not take, harm, have in his or her possession, sell or purchase:
  - (a) any rock lobster carrying eggs; or
  - (b) any rock lobster:
    - (i) 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
    - (ii) 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 22.
- (3) A person must not harm, capture or attempt to kill any rock lobster by using spears or any sharp objects.
- (4) A person must not remove the eggs from a rock lobster or have in his or her possession, sell or purchase a rock lobster from which the eggs have been removed.

#### 52 Slipper lobster

- (1) For the purposes of this clause, slipper lobster means a crustacean of the species *Parribacus caledonicus*.
- (2) A person must not, take, harm, have in his or her 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 23.
- (3) A person must not harm, capture or attempt to kill any rock lobster by using spears or any sharp objects.
- (4) A person must not remove the eggs from a slipper lobster or have in his or her possession, sell or purchase a slipper lobster from which the eggs have been removed.

**53 Green snail**

- (1) For the purposes of this clause **green snail** means a mollusc of the species *Turbo marmaratus*.
- (2) A person must not take, harm, have in his or her possession, sell or purchase any green snail during the period starting on 1 October 2005 and ending on 1 October 2020.
- (3) Despite subclause (2), the Director may authorize a person to take or have in his or her possession a green snail for the purpose of carrying out a scientific research.

**54 Trochus**

- (1) For the purposes of this clause **trochus** means a mollusc of the species *Trochus niloticus*.
- (2) A person must not take, harm, have in his or her possession, sell or purchase a trochus shell that is less than 9 centimetres or more than 13 centimetres in length, as illustrated in Schedule 24.
- (3) A person must not export trochus except with an export permit issued by the Director, and in accordance with such conditions as the Director may specify.
- (4) The maximum quantity of trochus that can be harvested within Vanuatu in a year is 550 tonnes.

**55 Trumpet shell**

- (1) For the purpose of this clause **trumpet shell** means a mollusc of the species *Charonia tritonis*.

- (2) A person must not take, harm, have in his or her possession, sell or purchase any trumpet shell:
- (a) that is less than 20 centimetres in length when measured along the outside of the shell from one end to the other, as illustrated in Schedule 25; and
  - (b) during the period starting on 1 January 2009 to 1 January 2019.
- (3) A person must not take, harm, have in his or her possession, sell or purchase any trumpet shell taken from a marine reserve designated by the Minister under the Act.

**56 Aquarium coral and other invertebrates**

- (1) A person must not dive for or collect a living coral or an invertebrate from a marine reserve designated by the Minister under the Act.
- (2) Despite subclause (1), the Minister may authorize a person in writing on such conditions as he or she may specify to dive for or collect a living coral or invertebrate from a marine reserve for the purpose of carrying out a research or for breeding the species.
- (3) Without limiting subclause (2), the Minister may specify conditions in relation to all or any of the following:
- (a) a location to dive for or collect a living coral or invertebrate;
  - (b) the period permitted to dive for or collect a living coral or invertebrate;
  - (c) the measures to conserve and protect the environment where the living coral or invertebrate is to be collected;
  - (d) the amount of the living coral or invertebrate that can be collected;
  - (e) any fees and royalties for such activity.
- (4) A person must not export aquarium coral or other invertebrates except with an export permit issued by the Director, and in accordance with such conditions as the Director may specify.



**57 Diving for fish**

- (1) A person must not capture or dive for fish in a marine reserve area as designated by the Minister under the Act.
- (2) Despite subclause (1), the Minister may in writing authorize a person on such conditions as he or she may specify to capture or dive for fish from a marine reserve for the purpose of carrying out a research or for breeding the species.

**58 Marine Ornamental products**

- (1) For the purposes of this clause, marine ornamental product includes fish, invertebrates, live rock, live coral, giant clam and any other organisms or products used for the purposes of marine aquarium trade.
- (2) The annual total allowable catch for the flame angel (*Centropyge loriculus*) that can be exported from Efate, and the surrounding islands, is 12,250 pieces.
- (3) A person must not export any marine ornamental products except with an export permit issued by the Director, and in accordance with such conditions as the Director may specify.

**59 Marine Turtles**

- (1) A person must not:
  - (a) take, kill, have in his or her possession, export, sell or purchase any or all of the following turtle of the species:
    - (i) *Dermochelys coriacea* known as leatherback turtle, illustrated in Schedule 26;
    - (ii) *Eretmochelys imbricate*, known as the hawksbill turtle, illustrated in Schedule 26;
    - (iii) *Chelonia mydas*, known as the green turtle, illustrated in Schedule 26; or
  - (b) take, have in his or her possession, sell, purchase or export any shell of the turtle species referred to in paragraph (a); or
  - (c) interfere with or disturb in any way a turtle nest or any turtle that is in the process of preparing to nest or laying eggs; or

- (f) take, have in his or her possession, consume, export, sell or purchase any turtle egg; or
  - (g) harm, capture, kill, consume, sell, purchase, export or destroy any turtle species (hatchlings, juveniles or adults) including by use of any weapon; or
  - (h) have in his or her possession any marine turtles that is held in captivity in any way.
- (2) Despite subclause (1), a person may apply in writing to the Director for an exemption from all or any of the provisions under subclause (1) for the purposes of carrying out customary practices educational and/or research purposes.

**60 Crustaceans**

- (1) A person must not export any crustacean without the written authorisation of the Director.
- (2) A person must comply with such conditions as may be specified by the Director in relation to the export of any crustacean.

**61 Beche-De-Mer**

- (1) The annual quota allocation of beche-de-mer that can be exported from Vanuatu in a year is 26 tonnes.
- (2) Beche-de-mer referred to in subclause (1) is dry tonne.
- (3) A person must not export any beche-de-mer unless the beche-de-mer is of the required size specified under Schedule 27.
- (4) A person must not export any beche-de-mer except with an export permit issued by the Director, and in accordance with such conditions as he or she may specify, for the purpose of carrying out a research or for breeding the species.

**62 Ban of beche-de-mer**

- (1) A person must not take, harm, have in his or her possession, sell or purchase any beche-de-mer from the period beginning 1 January 2008 to 1 January 2013.

- (2) The period in subclause 58B(2) may be extended by the Director depending on the status of stock.

## **Division 2 Conservation measures for coconut crab**

### **63 Coconut crab**

- (1) For the purposes of this clause, **coconut crab** means a crustacean of the species *Birgus latro*.
- (2) A person must not, take, harm, have in his or her possession, sell or purchase:
- (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 28.
- (3) A person must not remove the eggs from a coconut crab or have in his or her possession, sell or purchase any coconut crab from which the eggs have been removed.

### **64 Quota of coconut crabs that may be taken on certain islands**

- (1) A person must not take or catch, in each year coconut crabs in excess of the quota specified in column 2 of Schedule 28 on the islands specified in column 1 of Schedule 29.
- (2) The Minister may, after consultation with the Director and each Provincial Council, by notice in writing published in the Gazette, subdivide the quota further in respect of islands in each region.

### **65 Prohibition to take coconut crabs during closed season**

A person must not kill, injure, or take, any coconut crab during the closed season.

### **66 Authorisation to catch or take coconut crab during closed season**

A person may take or catch coconut crabs during the closed season provided that he or she has obtained an authorization from the Director for the purpose of scientific research, is to be made in writing to the Director as provided under section 44 of the Act.

**67 Closed season**

- (1) In relation to the Torba Province, **closed season** means the period beginning on 30 August to 1 November of any year.
- (2) In relation to the Sanma Province, **closed season** means the period beginning on 1 May 2004 to 31 March 2012.
- (3) In relation to the island of Maewo, **closed season** means the period beginning on 1 November to 30 April of any year.
- (4) In relation to the island of Erromango, **closed season** means the period beginning on 1 September to 31 March of any year.

**Division 3 Conservation measures for closed in-shore coastal areas**

**68 Interpretation**

For the purposes of this Division:

**Closed in-shore coastal area** means an area declared by the Minister as closed for a period of time, for the purposes of management and conservation.

**69 Identification of areas**

- (1) The Director must consult and negotiate with custom land owners for the protection of any in-shore coastal area where he or she is satisfied that there is a need to:
  - (a) preserve the marine biodiversity; or
  - (b) maintain a reference site for monitoring human impacts; or
  - (c) preserve a site used for tourism, recreational or educational activities; or
  - (d) protect a cultural site and traditional works of art; or
  - (e) protect a site that contains a habitat for a rare or particularly fragile marine species; or
  - (f) protect a site that is significant to marine life, such as a spawning ground or nursery.

- (2) The Director must consult with local village chiefs, Council of Chiefs, and other appropriate individuals or groups to confirm that the custom land owners consulted or negotiated with have undisputed customary rights or interests to the area to be closed.

**70 Declaration of closed in-shore coastal area**

- (1) The Minister may declare any coastal in-shore area closed.
- (2) The boundaries of a closed in-shore coastal area must be clearly defined.
- (3) A declaration of a coastal in-shore area must be published by notice in the Gazette.
- (4) A declaration made under this Part may either be made for a specific period or for a permanent period.
- (5) A declaration made under subclause (1) must be made in writing by the Minister.

**71 Requirements to open a closed in-shore coastal area**

- (1) A fisheries officer must carry out a stock assessment survey within the in-shore coastal area prior to a declaration to open a closed in-shore coastal area.
- (2) A stock assessment survey is to determine the nature of the stock of a particular species and status of the habitat and ecosystem associated with the species, in order to assist in deciding whether or not fishing should take place.
- (3) Any fishing that takes place must be made in accordance to the amount (expressed in kilograms, tonnage or number of individuals) as determined by the stock assessment survey.

**72 Amendment to closed in-shore coastal area**

- (1) A landowner may, at any time apply in writing to the Minister to do all or any of the following:
  - (a) repeal a declaration of a closed in-shore coastal area;
  - (b) amend a declared area.

- (2) A landowner may only apply for an amendment to the declaration of the closed in-shore coastal area that is closed for a specific period.
- (3) The Minister must, after receiving an application under subclause (1), request the Director to consult the landowner and other interested parties before determining an application.
- (4) The Minister on the advice of the Director, may amend or repeal a declaration after determining an application and be published by notice in the Gazette.
- (5) Before advising the Minister on any amendment or repeal to a declaration under subclause (4), the Director must ensure that::
  - (a) the boundaries of a closed in-shore coastal area is clearly defined; and
  - (b) an agreement is obtained from all persons having rights and interests in any land situated in the closed in-shore coastal area.

#### **Division 4 Conservation of closed area at Port Patrick, Aneityum**

##### **73 Interpretation**

For the purposes of this Division:

**closed area** means the area of waters, reefs and seabed of the southern coast of Aneityum Island locally known as Aneitcho, bounded by Aname in the east and Anaia in the west, extending outward to the outer edge of the reef slop including Anawamet Bay and Anmovan Bay, commonly known as Port Patrick. The area is clearly specified in Schedule 30.

##### **74 Fishing prohibited in the closed area**

- (1) A person must not fish for any trochus, green snail or lobster (both rock and slipper) in the closed area.
- (2) The prohibition may be extended by the Minister where written advice to that effect is obtained from the custom owners.
- (3) Despite subclauses (1) and (2), a custom owner or any person directed by a custom owner may fish for trochus, green snail or lobster in the prohibited period, provided that the custom owner or any person directed by the

custom owner obtains a written authorization from the Director, on such conditions as the Director may deem appropriate.

- (4) An application for an authorisation to fish during the closed season for the purposes of test fishing operations or marine scientific research is to be made in writing to the Director as provided under section 44 of the Fisheries Act [CAP 315].

## **Division 5 – General offence and penalty**

### **75 Offence and penalty**

- (1) A person who contravenes any provision of this Part is guilty of an offence and is punishable on conviction by a fine not exceeding:
  - (a) in the case of an individual - VT 200,000; or
  - (b) in the case of a company or association or body of persons corporate or incorporate - VT 1,000,000.

## PART 11 FISHING EQUIPMENTS

### 76 Diving equipment

- (1) Subject to subclause (2), a person must not use for the purpose of fishing:
  - (a) a self-contained breathing apparatus; or
  - (b) any diving equipment that utilizes compressed gas or surface supplied air.
- (2) The Director may in writing authorize a person to use a breathing apparatus referred to in paragraph 1(a) or diving equipment mentioned in paragraph 1(b) if the Director is satisfied that the person is a certified diver who possesses a scuba or hookah diving certificate.
- (3) A person must apply in writing to the Director to use:
  - (a) a self-contained breathing apparatus; or
  - (b) any diving equipment that utilizes compressed gas or surface supplied air.
- (4) A breathing apparatus licence must be in the form set out in Schedule 31.
- (5) The fee payable for the issuing or renewal of a breathing apparatus licence is VT10,000 per year for each company.
- (6) A person authorized under subclause (2) must keep a dive log and must submit the dive log to the Director every month for inspection.
- (7) An authorization is subject to such other conditions as the Director may specify in writing.

### 77 Fishing nets

- (1) A person must not use for fishing:
  - (a) a drag net or a beach seine net that has a mesh size of less than 50 millimeters when fully stretched; or



- (b) any cast net that has a mesh size of less than 20 millimeters when fully stretched or a radius that exceeds 2 meters in diameter.
- (2) Despite subclause (1), a person may obtain a written authorization from the Director to use, for the purpose of carrying out a research:
- (a) a net referred to in paragraph (1)(a) that has a mesh size of less than 50 millimeters when fully stretched; or
  - (b) a net mentioned in paragraph 1(b) that has a mesh size of less than 20 millimeters when fully stretched, or a radius of which does not exceed 2 meters in diameter.

**78 Fish fences**

- (1) A person must not use for fishing, a fish fence unless he or she applies in writing to the Director.
- (2) The Director may authorize a person in writing to use a fish fence subject to such conditions as may be specified by the Director.

**79 Offence and penalty**

A person who contravenes any provision of this Part is guilty of an offence and is punishable on conviction by a fine not exceeding:

- (a) in the case of an individual - VT500,000;
- (b) in the case of a company, association, or body of persons corporate or incorporate - VT1,000,000.

## **PART 12 FISH AGGREGATING DEVICES**

### **80 Placing of devices**

- (1) A person must not place a fish aggregating device in Vanuatu waters except with the permission of the Director, in consultation with relevant authorities, and in accordance with such conditions as the Director may specify or as are otherwise specified in this Part.
- (2) The permission of the Director under this clause may be given in the form of a facsimile or email or in writing whether as a condition of the licence or otherwise.
- (3) Permission to place a fish aggregating device does not confer any exclusive right to fish in the vicinity of the device.
- (4) The master of any vessel placing a fish aggregating device must notify the Director within 24 hours of the nature and location of the device.

### **81 Designated fish aggregating device**

- (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 Part.
- (2) A person must not use any designated fish aggregating devices for mooring purposes, unless there is a written approval by the Director.

### **82 Marking of devices**

- (1) All anchored fish aggregating devices placed in Vanuatu waters must:
  - (a) bear a radar reflector and such lights as must be clearly visible at night from a distance of 1 nautical mile; and
  - (b) have such other equipment or markings as the Director may from time to time require.
- (2) All floating fish aggregating devices must clearly show the radio call signs of fishing vessels that issue the fish aggregating devices.

**83 Unauthorized removal of fish aggregating device**

A person must not remove or destroy a fish aggregating device without the authorization of the Director.

**84 Disposal of unauthorized device**

A fish aggregating device that is placed in Vanuatu waters otherwise than in accordance with a permission given under clause 75 or found in Vanuatu waters without a marking or piece of equipment required by clause 77, may be used or disposed of in such manner as the Director may direct.

**85 Offence and penalty**

A person who contravenes any provisions of this Part is guilty of an offence and is punishable on conviction by a fine not exceeding:

- (a) in the case of an individual – VT200,000;
- (b) in the case of a company, association, or body of persons corporate or incorporate- VT1,000,000.

## PART 13 AQUARIUM TRADE MEASURES

### 86 Application and licence

A person must apply in writing to the Director for the following:

- (a) application for a local fishing vessel licence as set out in Schedule 8;
- (b) local fishing licence as set out in Schedule 9;
- (c) application for a fish export processing establishment licence as set out in Schedule 19;
- (d) local collection permit, as set out in Schedule 32; and
- (e) underwater breathing apparatus licence as set out in Schedule 33.

### 87 Fishing method

- (1) A person may only use any or all of the following fishing methods for collecting ornamental products for aquarium trade purposes:
  - (a) snorkelling;
  - (b) trapping;
  - (c) hand netting;
  - (d) barrier netting;
  - (e) scuba or hand collecting;
  - (f) hookah fishing method.
- (2) Despite paragraph (1)(e), a person must not use the rebreather apparatus for collecting ornamental products for aquarium trade purposes.
- (3) A person who contravenes subclause (1) and (2) is guilty of an offence and is liable on conviction to a fine not exceeding VT10,000,000.

**88 Closed areas**

- (1) A person must not fish for ornamental products, or related activities within 1 Kilometre of a closed area.
- (2) A closed area referred to in subclause (1) includes any of the following:
  - (a) a known tourist diving spot;
  - (b) a declared taboo area;
  - (c) a declared closed in-shore coastal area;
  - (d) a marine reserve or a park;
  - (e) a marine sanctuary;
  - (f) a community protected area.
- (3) A person who contravenes this clause is guilty of an offence and is liable on conviction:
  - (a) if the person is an individual – by a fine not exceeding VT10,000,000; or
  - (b) if the person is a body corporate – by a fine not exceeding VT50,000,000.

**89 Harvest and export of live corals**

- (1) For the purposes of this Part:

**live corals** means any living hard coral.
- (2) Subject to the provisions of this clause, a person may not export harvested live corals.
- (3) A person may only harvest live coral for the purposes of coral farming.
- (4) A person may only export harvested farmed specimens of live corals upon obtaining written permission from the Director.

- (5) A person who contravenes this clause is guilty of an offence and is liable on conviction:
- (a) if the person is an individual – by a fine not exceeding VT 200,000; or
  - (b) if the person is a body corporate – by a fine not exceeding VT 1,000,000.

**90 Harvest and export of wild giant clams**

- (1) For the purposes of this Part:

**giant clam** means a mollusc of the genus *Tridacna* and *Hippopus*.

- (2) Subject to this clause, a person must not harvest wild giant clams for export.
- (3) A person may only harvest wild giant clams for the purposes of giant clam farming for cultured specimens.
- (4) A person may only harvest and export cultured specimens of wild giant clams.
- (5) A cultured specimen of wild giant clams that is harvested for export must come from known sources.
- (6) A person who contravenes this clause is guilty of an offence and is liable on conviction:
  - (a) if the person is an individual – by a fine not exceeding VT 200,000; or
  - (b) if the person is a body corporate – by a fine not exceeding VT 1,000,000.

**91 Collection of food fish**

- (1) A person must not collect any type of food fish when collecting for aquarium purposes, whether juvenile or adult, for either all or any the following purposes:
  - (a) aquarium;

(b) other fisheries purposes;

(c) personal consumption.

(2) A person who contravenes this clause is guilty of an offence and is liable on conviction:

(a) if the person is an individual – by a fine not exceeding VT 200,000; or

(b) if the person is a body corporate – by a fine not exceeding VT 1,000,000.

## PART 14 MISCELLANEOUS PROVISIONS

### 92 General offence and penalty

Any person(s) who contravenes the provisions of this Regulation where no specific fine or penalty is provided, is guilty of an offence punishable on conviction to a fine not exceeding VT100,000.



## PART 15 REPEAL AND SAVINGS

### 93 Interpretation

In this Part, unless the context otherwise requires:

**Fisheries Regulations** means all regulations made under the Fisheries Act [CAP 315], Coconut Crabs Regulation No.13 of 1991, Management & Conservation measures regulations No. 35 of 1993, General Conditions of Foreign Fishing Vessels and Locally Based Foreign Fishing Vessels, and Amendment Regulations Order No.52 of 2005.

### 94 Repeal

The Fisheries Regulations is repealed.

### 95 Savings

- (1) Unless inconsistent with this Regulation, all orders and notices made or given under the Fisheries Regulations repealed by clause 94 remain in force as if they were made or given under this Regulation.
- (2) Licences, authorizations and permits that were referred to by Fisheries Regulations but not in this Regulation remain in force for the remainder of their term as if they were issued under this Regulation. Those licences, authorizations and permits may be varied, suspended or cancelled in accordance with this Regulation.
- (3) If the Director is of the opinion that any licence, authorization or permit issued under the repealed Fisheries Regulations is inconsistent with this Regulation or should be made subject to amended or additional conditions, the Director may:
  - (a) notify the holder of the licence, authorization or permit of any amended or additional conditions and those conditions apply from the date of notification; or
  - (b) notify the holder of a licence, authorization or permit of his intention to cancel the licence, authorization or permit and require the holder to apply for the appropriate licence, authorization or permit under this Regulation.

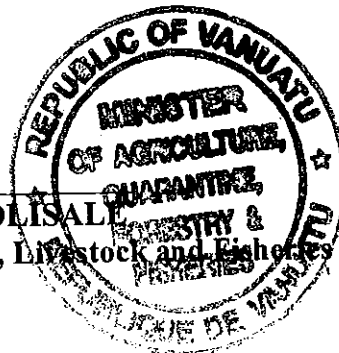
- (4) If the Director gives notification under subclause (3)(b), the licence, authorization or permit issued under the repealed Fisheries Regulations to which it relates ceases to be valid if:
- (a) no application is made under subclause (3)(b), at the expiration of 30 days from the date of notification; and
  - (b) an application is made under subclause (3)(b) and:
    - (i) the application is rejected in accordance with this Regulation, on notification of that rejection; or
    - (ii) a licence, authorization or permit is issued under this Regulation, at the time of that issue.
- (5) All agreements applying under the repealed Fisheries Regulations apply under this Regulation until they terminate in accordance with their terms.
- (6) All declaration of marine reserves, and other declarations and determinations made under the repealed Fisheries Regulations continue in force as if they were made under this Regulation.

#### 96 Commencement

This Regulation commences on the day on which it is made.

Made at Port Vila this 20<sup>th</sup> day of March, 2009.

  
Honourable HAVO MOLISALI  
Minister of Agriculture, Livestock and Fisheries



# SCHEDULE 1

(Regulation 2(1)(b), (2)(b), 5(b))

## APPLICATION FORM FOR A FOREIGN FISHING OR LOCALLY BASED FOREIGN FISHING LICENCE

Please select appropriate type of fishing vessel below:

<input type="checkbox"/>	Foreign Fishing Vessel
<input type="checkbox"/>	Locally Based Foreign Fishing Vessel

### INSTRUCTIONS:

- *Underline surnames*
- *Address means complete mailing address*
- *Mark X where appropriate*
- *If not applicable mark N/A*
- *Type or print clearly*
- *All units metric, specify units if other system used*
- *Include a recent photograph of vessel*
- *Copy of International Authorization to fish Certificate from flag state*
- *Copy of annual ALC inspection certificate*

To: Director of Fisheries  
Fisheries Department  
Private Mail Bag 9045  
Port Vila  
Vanuatu

I hereby apply for a foreign fishing licence.

<b>1</b>	<b>Name of vessel</b>	
<b>2</b>	<b>Name of owner</b>	
<b>3</b>	<b>Contact details of the owner</b>	
<b>4</b>	<b>Name of charterer</b>	
<b>5</b>	<b>Country of registration</b>	
<b>6</b>	<b>Country registration number</b>	
<b>7</b>	<b>Previous registration details</b>	
<b>8</b>	<b>Radio call sign</b>	

9	Operational base(s)	Port		Country		
		Port		Country		
10	Name of vessel master					
11	Contact details of vessel master					
12	Name of fishing master					
13	Contact details of fishing master					
14	Type of vessel [select appropriate]	Single purse seiner		Group purse seiner		
		Longliner		Purse seiner carrier		
		Pole and liner				
		Other (specify):				
15	FFA type approved mobile transmitting unit (MTU) details	MTU Inmarsat mobile number (IMN)				
		MTU Serial number (ISN)				
		MTU Make (MTU model)				
		FFA Security seal numbers		(1)		
				(2)		
		(3)				
FFA DNID Member number						
16	Normal total number of crew					
17	Flag state authorised fishing areas					
18	Hull materials	Steel	Wood	FRP		
		Other (specify)				
19	Year built					
20	Place of construction					
21	Gross tonnage					
22	Overall length (in metres)					
23	Main engine(s) power (specify units)					
24	Fuel carrying capacity (kilolitres)					
25	Daily freezing capacity (more than 1, if appropriate)	Method (X appropriate)		Capacity (metric tons/day)	Temperature (°C)	
		Brine (NaCl) BR				
		Brine (CaCl) CB				
		Air (blast) BF				
		Air (coils) RC				
Other (specify)						

			.....		
26	Storage capacity (more than 1, if appropriate)	<b>Method</b> (X appropriate)		<b>Capacity</b> (m <sup>3</sup> )	<b>Temperature</b> (°C)
		Ice IC			
		Refrigerated			
		Sea water RW			
		Brine (NaCl) BR			
		Brine (CaCl) CB			
		Air (coils) BC			
Other (specify)					
<b>COMPLETE EITHER A, B OR C BELOW AS APPROPRIATE</b>					
<b>A. FOR PURSE SEINERS</b>					
27	Helicopter details	<b>Make</b>			
		<b>Model</b>			
		<b>Registration number</b>			
		<b>Effective range (Km)</b>			
		<b>Colour</b>			
28	Safety equipments on board				
29	Net mesh	<b>Size in different strips</b>			
		<b>Number of strips</b>			
30	Net length (m)				
31	Net depth (m)				
32	Support vessels	Name		Type	
		Name		Type	
		Name		Type	
<b>B. FOR POLE AND LINE VESSELS</b>					
33	Bait storage (more than 1, if appropriate)	<b>Circulation method</b> (X appropriate)		<b>Capacity</b> (m <sup>3</sup> )	
		Natural NN			
		Circulation CR			
		Refrigerated RC			
<b>C. FOR SUPPORT VESSELS</b>					
34	Activities (X more than 1, if appropriate)	Refrigerated carrier			
		Scouting boat			
		Anchor boat			
		Supply/mothership			
		Other (specify)			
35	Fishing vessel(s) supported				

I understand I am required to:

- i. report any changes in items 1 to 16 within 30 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:**

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## SCHEDULE 2

(Regulation 3)

### FOREIGN FISHING LICENCE

Licence Number \_\_\_\_\_

The person named as the licence holder below is hereby licensed in accordance with Part 4, subsection 9(1) of the Fisheries Act [CAP315] 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.

<b>Vessel details</b>	
<b>Name of licence holder:</b>	
<b>Name of vessel:</b>	
<b>Name of vessel master:</b>	
<b>Radio call sign:</b>	
<b>Regional register number:</b>	
<b>Authorized fishing areas:</b>	
<b>Operation port:</b>	
<b>Authorized fishing period:</b>	
<b>Authorized fishing operation:</b>	
<b>Authorized target species and quota: (where applicable)</b>	
<b>ALC/MTU Details</b>	
<b>Inmarsat mobile number (IMN):</b>	
<b>Manufacturer:</b>	
<b>Make:</b>	
<b>Model:</b>	
<b>Serial number:</b>	
<b>FFA security seal numbers:</b>	
<b>Other special conditions</b>	

.....  
Director of Fisheries

.....  
Date

## SCHEDULE 3

(Regulation 4(3))

### FEES FOR FOREIGN FISHING LICENCES

Fishing category	Size of vessel in gross registered tons (GRT)	Fee payable (50% domestic landing) US\$	Fees payable Fees payable (100% landing overseas) overseas US\$
Tuna Longline	Less than(or equal to) 100 GRT	15,000	18,000
	More than 100 GRT but less than 400 GRT	16,000	20,000
	More than 400 GRT	20,000	24,000
Purse seine	Less than (or equal to) 400 GRT	30,000	35,000
	More than 400 GRT	60,000	100,000
Pole and line		8,000	12,000
Other methods		8,000	12,000
Research fishing		8,000	
Exploratory and Test fishing		8,000	12,000



## SCHEDULE 4

(Regulation 6)

### LOCALLY BASED FOREIGN FISHING LICENCE

Licence Number \_\_\_\_\_

The person named as the licence holder below is hereby licensed in accordance with Part 4, subsection 10(1) of the Fisheries Act [[CAP 315] 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.

<b>Vessel details</b>	
<b>Name of licence holder:</b>	
<b>Name of vessel:</b>	
<b>Radio call sign:</b>	
<b>Regional register number:</b>	
<b>Authorized fishing areas:</b>	
<b>Authorized fishing period:</b>	
<b>Authorized fishing operation:</b>	
<b>Authorized fishing port:</b>	
<b>Authorized target species and quota: (where applicable)</b>	
<b>ALC/MTU details</b>	
<b>Inmarsat mobile number (IMN):</b>	
<b>Manufacturer:</b>	
<b>Make:</b>	
<b>Model:</b>	
<b>Serial number:</b>	
<b>FFA security seal numbers:</b>	
<b>Other special conditions</b>	

.....  
Director of Fisheries

.....  
Date

## SCHEDULE 5

(Regulation 7(1))

### FEES FOR LOCALLY BASED FOREIGN FISHING VESSEL LICENCES

Fishing category	Size of Vessel in Gross Registered Tons (GRT)	Vessel category (Meters in length)	Fee payable (US\$)
Tuna Longline	Less than (or equal to) 100 GRT		9,000
	More than 100 GRT but less than 400 GRT		11,000
	More than 400 GRT		20,000
Purse seine	Less than (or equal to) 400 GRT		20,000
	More than 400 GRT		40,000
Pole and line			4,500
Other fishing methods		Less than (or equal to) 8 meters	4,500
		More than 8 meters	4,500 plus an additional \$100 per meter of length
Research fishing			5,000
Exploratory and Test fishing			5,000
Seasonal Sportfishing		3 months	5,000

## SCHEDULE 6

(Regulation 16(1)(b))

### APPLICATION FORM FOR TRANSSHIPMENT LICENCE

**INSTRUCTIONS:**

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

To: Director of Fisheries  
 Fisheries Department  
 Private Mail Bag 9045  
 Port Vila  
 Vanuatu

I hereby apply for a Transshipment licence.

<b>1</b>	<b>Name of vessel</b>		
<b>2</b>	<b>Name of owner</b>		
<b>3</b>	<b>Contact details of the owner</b>		
<b>4</b>	<b>Name of charterer</b>		
<b>5</b>	<b>Country of registration</b>		
<b>6</b>	<b>Country registration number</b>		
<b>7</b>	<b>Previous registration details</b>		
<b>8</b>	<b>FFA Regional Registration number</b>		
<b>10</b>	<b>Radio call sign</b>		
<b>11</b>	<b>Name of vessel master</b>		
<b>11</b>	<b>Contact details of vessel master</b>		
<b>9</b>	<b>Requested</b>	<b>Start date</b>	

	<b>transshipment date</b>	End date		
	<b>Requested transshipment port</b>			
15	<b>FFA type approved mobile transmitting unit (MTU) details</b>	<b>MTU Inmarsat mobile number (IMN)</b>		
		<b>MTU Serial number (ISN)</b>		
		<b>MTU Make (MTU model)</b>		
		<b>FFA Security seal numbers</b>		(1)
				(2)
			(3)	
	<b>FFA DNID Member number</b>			
16	<b>Normal total number of crew</b>			
17	<b>Flag state authorised fishing areas</b>			
18	<b>Hull materials</b>	Steel	Wood	FRP
		<b>Other (specify)</b>		
19	<b>Year built</b>			
20	<b>Place of construction</b>			
21	<b>Gross tonnage</b>			
22	<b>Overall length (in metres)</b>			
23	<b>Main engine(s) power (specify units)</b>			
24	<b>Fuel carrying capacity (kilolitres)</b>			
25	<b>Daily freezing capacity (more than 1, if appropriate)</b>	<b>Method (X appropriate)</b>	<b>Capacity (metric tons/day)</b>	<b>Temperature (°C)</b>
		Brine (NaCl) BR		
		Brine (CaCl) CB		
		Air (blast) BF		
		Air (coils) RC		
		Other (specify)		
26	<b>Storage capacity (more than 1, if appropriate)</b>	<b>Method (X appropriate)</b>	<b>Capacity (m³)</b>	<b>Temperature (°C)</b>
		Ice IC		
		Refrigerated		
		Sea water RW		
		Brine (NaCl) BR		
		Brine (CaCl) CB		
		Air (coils) BC		
		Other (specify)		
<b>TRANSHIPMENT DECLARATION – Each Transshipping vessels must provide the following details</b>				
<b>Name of vessel</b>		<b>IRCS</b>		

<b>Country of Registration</b>		<b>Registration number</b>	
<b>Name of owner</b>		<b>GRT</b>	
<b>Contact details of the owner</b>		<b>Length</b>	
<b>FFA number</b>		<b>Fishing license number</b>	
<b>Estimated Date of Arrival into port</b>			
<b>Catch details by species to be unloaded</b>			

I understand I am required to:

- i. report any changes in items 1 to 16 within 30 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:**

**Address of applicant:**

.....  
 Owner Charterer Duly authorised agent

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## SCHEDULE 7

Subsection 45(2) and Regulation 16(2)

### AUTHORISATION FOR TRANSHIPMENT

Authorisation Number : \_\_\_\_\_

The person named as the licence holder below is hereby licensed in accordance with subsection 45(2) of the Fisheries Act [CAP 315] to use the vessel described below to undertake transshipment of fish in Vanuatu waters and in accordance with the terms and conditions set out in this authorisation and the conditions prescribed from time to time in the Fisheries Regulations.

<b>Vessel details</b>	
<b>Name of vessel:</b>	
<b>Vanuatu fishing licence number:</b>	
<b>Name of licence holder:</b>	
<b>Address of licence Holder:</b>	
<b>Name of vessel master:</b>	
<b>Radio call sign:</b>	
<b>Regional register number:</b>	
<b>Authorized transshipment port:</b>	
<b>Authorized transshipment period:</b>	
<b>Quantities of fish to be transshipped:</b>	<i>See attachment</i>
<b>Authorised vessels to tranship:</b>	<i>See attachment</i>
<b>Other special conditions</b>	

\_\_\_\_\_  
Director of Fisheries

\_\_\_\_\_  
Date

## SCHEDULE 8

(Regulation 16(3))

### FEEES FOR TRANSSHIPMENT LICENCES

Item	Fee (\$ USD)
Reefer/Carrier License (valid 12 months)	\$700
Transshipment fee: Sashimi grade tuna	\$12.50 per Metric Tonne
Transshipment fee: Cannery grade tuna	\$2.00 per Metric Tonne

# SCHEDULE 9

(Regulation 26(b))

## APPLICATION FORM FOR A LOCAL FISHING VESSEL LICENCE

### Application Form

**INSTRUCTIONS:**

- *Underline surnames*
- *For "address" provide as much detail as possible*
- *Leave no question blank*
- *If not applicable, write N/A*
- *Attach a recent photograph of fishing vessel*
- *Submit copies of Provincial approval*
- *Submit copies of community agreements (if relevant)*
- *Specify units of measurement*

ADDRESS TO:        Director of Fisheries  
                          Fisheries Department  
                          PMB 9045  
                          Port Vila

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

<b>1</b>	<b>Select appropriate</b>		Artisanal
			Sportfishing/charter
			Other[specify] .....
<b>2</b>	<b>Name of vessel</b>		
<b>3</b>	<b>Name and address of vessel operator</b>		
<b>4</b>	<b>Contact details</b>	<b>Telephone</b>	
		<b>Fax</b>	
		<b>Email</b>	
<b>5</b>	<b>International radio call sign/Provincial code</b>		
<b>6</b>	<b>Area of operation</b>		
<b>7</b>	<b>Name and address of master</b>		
<b>8</b>	<b>Nature of fishing operation to be undertaken</b>	[Attach full description]	



<b>9</b>	<b>Nature of vessel</b>	
	<b>a) Year built</b>	
	<b>b) Place of construction</b>	
	<b>c) Overall length (in metres)</b>	
	<b>d) Main engine(s) power (specify units)</b>	
	<b>e) Fuel carrying capacity (in kilolitres)</b>	
<b>10</b>	<b>Number of crew expected</b>	
<b>11</b>	<b>Fish storage capacity, for each storage method</b>	

I declare that the vessel described above is wholly owned by:  
(select one of the following)

<input type="checkbox"/>	a) the Government of Vanuatu
<input type="checkbox"/>	b) a public corporation established by or under a law of Vanuatu
<input type="checkbox"/>	c) one or more persons who are citizens of Vanuatu
<input type="checkbox"/>	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:

<b>Name(s) of owner(s)</b>		
<b>Full address(es) of owner(s)</b>		
<b>Contact details</b>	<b>Telephone</b>	
	<b>Facsimile</b>	
	<b>Email</b>	
<b>Full address #2</b>		
<b>Contact details</b>	<b>Telephone</b>	
	<b>Facsimile</b>	
	<b>Email</b>	

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

.....  
Signature of applicant

.....  
Date

<b>Name of applicant</b>		
<b>Address of applicant</b>		
<b>Status of applicant (select appropriate)</b>	<input type="checkbox"/>	Owner
	<input type="checkbox"/>	Charterer

# SCHEDULE 10

(Regulation 27)

## LOCAL FISHING VESSEL LICENCE

Licence form:.....

Licence number:.....

The person named as the licence holder below is hereby licensed in accordance with section 5(2) of the Fisheries Act [CAP 315] 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.

<b>Name of licence holder:</b>	
<b>Name of vessel:</b>	
<b>Radio call sign: (if applicable)</b>	
<b>Authorized fishing period:</b>	
<b>Special conditions:</b>          	
<b>Permitted transshipment operations: (where applicable)</b>	
<b>Permitted use of fish aggregating devices: (where applicable)</b>	

.....  
Director of Fisheries

.....  
Date

# SCHEDULE 11

(Regulation 28)

## FEES FOR LOCAL FISHING VESSEL LICENCES

(All fishing methods)

Fishing area	Vessel category	Fee payable
Efate and Luganville	Less than(or equal to) 8 meters	VT20,000
	More than 8 meters	VT20,000 plus VT5,000 for every meter over 8 meters
	Sportfishing	VT50,000
Other islands	Less than(or equal to) 8 meters	VT10,000
	More than 8 meters	VT10,000 plus VT2,500 for every meter over 8 meters
	Sportfishing	VT30,000

## SCHEDULE 12

(Regulation 31(b))

### APPLICATION FORM FOR INTERNATIONAL AUTHORISATION TO FISH

**INSTRUCTIONS:**

- *Underline surnames*
- *Address means complete mailing address*
- *Mark X or circle where appropriate*
- *If not applicable, mark N/A*
- *Type or handwrite clearly*
- *Attach a recent vessel photograph*
- *All units are in metric system (specify units if other system is used)*

ADDRESS TO:                      Director of Fisheries  
    Department of Fisheries  
    PMB 9045  
    Port Vila  
    Vanuatu

I hereby apply for an International Authorisation to Fish certificate.

<b>1</b>	<b>Name of vessel</b>		
<b>2</b>	<b>Name of owner</b>		
<b>3</b>	<b>Address of owner</b>		
<b>4</b>	<b>Name of charterer</b>		
<b>5</b>	<b>Address of charterer</b>		
<b>6</b>	<b>Country of registration</b>		
<b>7</b>	<b>Country registration number</b>		
<b>8</b>	<b>Radio call sign</b>		
<b>9</b>	<b>Operational base(s)</b>	<b>Port</b>	<b>Country</b>

10	Name of vessel master				
11	Address of vessel master				
12	Name of fishing master				
13	Address of fishing master				
14	Type of vessel (circle where appropriate)	Single purse seiner	Group purse seiner	Purse carrier seiner	Longliner
		Pole and line	Other (please specify) ..... .....		
15	Normal total number of crew				
16	Authorised fishing areas				
17	Hull materials (circle where appropriate)	Steel	Wood	FRP	
		Other (please specify) ..... .....			
18	Year built				
19	Place of construction				
20a.	Gross tonnage		20b. Net tonnage		
21	Overall length (in meters)				
22	Main engine(s) power (specify in units)				
23	Fuel carrying capacity (in kilolitres)				
24	Daily freezing capacity (mark X where appropriate)	Method	Capacity (metric tons/day)	Temperature (Degrees Celsius)	
		Brine (NaCl) BR			
		Brine (CaCl) CB			
		Air (Blast) BF			
		Air (Coils) RC			

		Other (please specify) ..... .....		
25	Type approved mobile transmitting unit (MTU) details	MTU Inmarsat mobile number (IMN)		
		MTU Serial number (ISN)		
		MTU Make (MTU model)		
		Security seal numbers	(1)	
			(2)	
		(3)		
		DNID Member number		

COMPLETE EITHER A OR B (BELOW) AS APPROPRIATE

**A. Purse Seiners**

26	Net length (in meters)		
27	Net depth (in meters)		
28	Support vessels	Name	Type
		Name	Type
		Name	Type

**B. Pole and Line vessels**

29	Bait storage (mark X where appropriate)	Circulation method		Capacity (cubic meters)	
30	Activities (circle where appropriate)	Refrigerator	Scouting boat	Anchor boat	Supply/Mothers
		Other (please specify) ..... .....			
31	Fishing vessels supported				

I understand I am required to:

- i. Report any changes in items 1 to 16 within 60 days; and

- ii. Annually notify any other changes in the information contained in this application to the Director of Fisheries in Port Vila, Vanuatu.

<b>Signature of applicant</b> (circle appropriate title)	.....		
	<b>Owner</b>	<b>Charterer</b>	<b>Duly authorised agent</b>
<b>Address of applicant</b>			

## SCHEDULE 13

(Regulation 32)

### INTERNATIONAL AUTHORISATION TO FISH FORM

The person certified below is authorised in accordance with subsection 14(3) of the Fisheries Act [CAP315] to use the vessel described below for fishing outside Vanuatu waters in accordance with the terms and conditions set out in this authorisation and the conditions prescribed from time to time in the Fisheries Regulation.

<b>Authorisation Number</b>	
<b>Name of vessel</b>	
<b>Fishing zone</b>	
<b>Name of owner</b>	
<b>Official number</b>	
<b>Call sign</b>	
<b>Authorized fishing period</b>	
<b>Year built</b>	
<b>Name of builder</b>	
<b>State</b>	
<b>Gross tonnage</b>	
<b>Net tonnage</b>	
<b>Length</b>	
<b>Breadth</b>	
<b>Depth</b>	
<b>Material</b>	
<b>Citizenship</b>	
<b>Home Port</b>	
<b>Authorised management authority</b>	
<b>ALC/MTU Details</b>	
<b>Inmarsat mobile number (IMN):</b>	
<b>Manufacturer:</b>	
<b>Make:</b>	
<b>Model:</b>	
<b>Serial number:</b>	
<b>Security seal numbers:</b>	
<b>Security seal numbers:</b>	
<b>Terms and conditions:</b>	
<b>Issue date</b>	<b>Expiry</b>

.....  
**Director of Fisheries**  
**Fisheries Department**  
**Republic of Vanuatu**



## SCHEDULE 14

(Regulation 33(1), (2), (3))

### FEEES FOR INTERNATIONAL AUTHORISATION TO FISH

Regional Agreement	Authorisation fee \$USD
IATTC	5,000
WCPFC	5,000
CCSBT	5,000
IOTC	5,000
ICCAT	5,000
CCAMLR	5,000

## SCHEDULE 15

(Regulation 38(b))

### APPLICATION FOR TEST FISHING, EXPLORATORY & RESEARCH FISHING

**INSTRUCTIONS:**

- *Underline surnames*
- *For 'address' provide as much detail as possible*
- *Include a recent photograph of fishing vessel*
- *Leave no question blank*
- *If not applicable, write N/A*
- *Specify units of measurement*

**ADDRESS TO:**

Director of Fisheries  
Department of Fisheries  
PMB 9045  
Port Vila  
Vanuatu

I hereby apply for a licence to undertake scientific research, exploratory and/or test fishing at the place and in the manner described below.

<b>PRELIMINARY MATTERS</b>		
<b>1</b>	<b>Name of vessel</b>	
<b>2</b>	<b>Name and address of owner</b>	
<b>3</b>	<b>Name and address of charterer</b>	
<b>4</b>	<b>Reasons for application and economic benefits for Vanuatu</b>	<i>Please attach a separate piece of paper to state your reasons and the economic benefits for Vanuatu.</i>
<b>5</b>	<b>Method of fishing</b>	<i>Please attach a separate piece of paper to state the method of fishing, and other associated fishing activities, including a full description of gear, deck machinery and technique to be used.</i>
<b>6</b>	<b>Area to be fished</b>	
<b>7</b>	<b>Proposed dates and duration of fishing</b>	

8	Target species				
<b>VESSEL DETAILS</b>					
9	Country of registration				
10	Country registration number				
11	Radio call sign				
12	Operational base(s)	Port: .....	Country: .....		
		Port: .....	Country: .....		
13	Name and address of vessel master				
14	Name and address of fishing master				
15	Type of vessel (circle)	Single purse seiner	Group purse seiner		
		Longliner	Purse seiner carrier		
		Pole and liner	Other (specify): .....		
16	FFA type approved mobile transmitting unit (MTU) details	MTU Inmarsat mobile number (IMN)			
		MTU Serial number (ISN)			
		MTU Make (MTU model)			
		FFA Security seal numbers	(1)		
			(2)		
(3)					
FFA DNID Member number					
17	Normal total number of crew				
18	Flag state authorized fishing areas				
19	Hull materials (circle appropriate)	Steel	Wood	FRP	
		Other (specify): .....			

20	Year built			
21	Place of construction			
22	Gross tonnage			
23	Overall length (in metres)			
24	Main engine(s) power (specify units)			
25	Fuel carrying capacity (kilolitres)			
26	Daily freezing capacity (circle 1 or more if appropriate)	<b>Method</b> (circle appropriate)	<b>Capacity</b> (metric tons/day)	<b>Temperature</b> (°C)
		Brine (NaCl) BR		
		Brine (CaCl) CB		
		Air (blast) BF		
		Air (coils) RC		
		Other (specify) .....		
27	Storage capacity (circle 1 or more if appropriate)	<b>Method</b> (circle appropriate)	<b>Capacity</b> (m <sup>3</sup> )	<b>Temperature</b> (°C)
		Ice IC		
		<b>Refrigerated</b>		
		Sea water RW		
		Brine (NaCl) BR		
		Brine (CaCl) CB		
		Air (coils) BC		
		Other (specify): .....		
<b>Complete A, B or C below as appropriate</b>				
A	Purse Seiners			
28	Helicopter details	<b>Make</b>		
		<b>Model</b>		
		<b>Registration number</b>		

		<b>Effective range (Km)</b>	
		<b>Colour</b>	
<b>29</b>	<b>Safety equipments on board</b>		
<b>30</b>	<b>Net mesh</b>	<b>Size in different strips</b>	
		<b>Number of strips</b>	
<b>31</b>	<b>Net length (metres)</b>		
<b>32</b>	<b>Net depth (metres)</b>		
<b>33</b>	<b>Support vessels</b>	Name:	Type:
		Name:	Type:
		Name:	Type:
<b>B</b>	<b>Pole and line vessels</b>		
<b>34</b>	<b>Bait storage</b>	<b>Circulation method</b> (circle 1 or more if appropriate)	<b>Capacity</b> (m <sup>3</sup> )
		Natural NN	
		Circulation CR	
		Refrigerated RC	
<b>C</b>	<b>Support vessels</b>		
<b>35</b>	<b>Activities (circle 1 or more if appropriate)</b>	Refrigerated carrier	Scouting boat
		Anchor boat	Supply/mothership
		Other (specify): .....	
<b>36</b>	<b>Fishing vessel(s) supported</b>		

I understand I am required to:

- i. report any changes in items 1 to 17 within 30 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

.....  
Date

**Owner / lessee (circle appropriate)**

**Name of applicant:**

.....

<b>Attach:</b>	<b>Submit a full research proposal that must contain:</b>	
	<b>(i) Reasons for application and economic benefits for Vanuatu</b>	
	<b>(ii) Method of fishing</b>	

## SCHEDULE 16

(Regulation 39)

### TEST FISHING, EXPLORATORY OR RESEARCH FISHING LICENCE

Licence Number \_\_\_\_\_

The person named as the licence holder below is hereby licensed in accordance with subsection 44(1) of the Fisheries Act [CAP315] and regulation 39 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.

<b>Name of licence holder:</b>	
<b>Name of vessel:</b>	
<b>Radio call sign:</b>	
<b>Regional register number:</b>	
<b>Authorized fishing areas:</b>	
<b>Authorized fishing period:</b>	
<b>Authorized fishing operation:</b>	
<b>Authorized target species and quota: (where applicable)</b>	
<b>ALCMHU DASH</b>	
<b>Inmarsat mobile number (IMN):</b>	
<b>Manufacturer:</b>	
<b>Make:</b>	
<b>Model:</b>	
<b>Serial number:</b>	
<b>FFA Security seal numbers:</b>	
<b>Other special conditions:</b>	
<b>Permitted transshipment operations: (where applicable)</b>	
<b>Permitted use of fish aggregating devices: (where applicable)</b>	

.....  
Director of Fisheries

.....  
Date

## SCHEDULE 17

(Regulation 40)

### FEES FOR TEST FISHING, EXPLORATORY OR RESEARCH FISHING TUNA AND TUNA-LIKE PELAGIC SPECIES

Fishing Category	GRT	Foreign (US\$)	Locally based foreign (US\$)
Research Fishing		5,000	5,000
Exploratory and Test Fishing		8,000	5,000

#### OTHER SPECIES

	Foreign Agencies/Institutions/Individuals (US\$)	Local (VT)
Research Fishing	10,000	200,000
Exploratory and Test Fishing	10,000	200,000



## SCHEDULE 18

(Regulation 43(b))

### APPLICATION FORM FOR AQUACULTURE EXPORT PROCESSING ESTABLISHMENT LICENSE

**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*
- *Recent photograph of the establishment/location*
- *Copies of lease agreements*

**ADDRESS TO**

The Director  
Department of Fisheries  
PMB 9045  
Port Vila

I hereby apply for a license to operate an Aquaculture Export Processing Establishment at the place and in the manner described below.

1.	Address of Establishment	
2.	Name & address of owner of Establishment	
2a.	Contact details of owner of Establishment	
3.	Name & address of lessee (if leased)	
3a.	Contact details of lessee of Establishment	
4.	Products to be processed (include sources of supply - attach full description)	
5.	Nature of processing	

	<b>operation (attach full description)</b>	
6.	<b>Cleanliness &amp; sanitation (attach full description)</b>	

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

.....  
 Signature of applicant Date  
 Owner / lessee (circle appropriate)

Name of applicant:  
 .....

<b>Attach:</b>	(i) Full description of products to be processed and sources of supply	
	(ii) Nature of processing operation	
	(iii) Description of cleanliness and sanitation	

# SCHEDULE 19

(Regulation 44)

## AQUACULTURE LICENCE

License No: .....

THE PERSON NAMED AS LICENCE HOLDER BELOW IS HEREBY LICENSED IN ACCORDANCE WITH SECTION 79(1) OF THE FISHERIES ACT, [CAP315], TO USE THE PREMISES DESCRIBED BELOW AS AN AQUACULTURE PRODUCTS EXPORT PROCESSING ESTABLISHMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET OUT IN THIS LICENSE AND THE CONDITIONS PRESCRIBED FROM TIME TO TIME IN THE FISHERIES REGULATIONS.

<b>NAME OF LICENSE HOLDER:</b>	
<b>ADDRESS OF PREMISES:</b>	
<b>KINDS OF PRODUCTS TO BE PROCESSED:</b>	
<b>KINDS OF PROCESSING AUTHORIZED TO BE CARRIED OUT:</b>	
<b>LICENSE PERIOD:</b>	
<b>FURTHER CONDITIONS:</b>	

.....  
**DIRECTOR OF FISHERIES**

.....  
**DATE**

## SCHEDULE 20

(Regulation 47(b))

### APPLICATION FORM FOR A FISH EXPORT PROCESSING ESTABLISHMENT LICENSE

**INSTRUCTIONS:**

- *Underline surnames*
- *For "address" provide as much detail as possible*
- *Leave no question blank*
- *If not applicable, write N/A*
- *Recent photograph of the establishment/location*
- *copies of lease agreements*
- *Specify units of measurement*

ADDRESS TO                      The Director  
    Department of Fisheries  
    PMB 9045  
    Port Vila

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

<b>1</b>	<b>Address of establishment</b>	
<b>2</b>	<b>Name and address of owner of Establishment</b>	
<b>2a</b>	<b>Contact details of owner of Establishment</b>	
<b>3</b>	<b>Name and address of lessee (if leased)</b>	
<b>3a</b>	<b>Contact details of lessee</b>	
<b>4</b>	<b>Products to be processed, including sources of supply</b>	[Attach full description on a separate piece of paper and label it "Attachment 1"]
<b>5</b>	<b>Nature of processing operation</b>	[Attach full description on a separate piece of paper and label it "Attachment 2"]
<b>6</b>	<b>Cleanliness and</b>	[Attach full description of construction and

	<b>sanitation</b>	maintenance standards on a separate piece of paper and label it "Attachment 3"
--	-------------------	--

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**  
**Owner / Lessee (circle appropriate)**

.....  
**Date**

**Name of applicant**

.....

# SCHEDULE 21

(Regulation 48)

## FISH EXPORT PROCESSING ESTABLISHMENT LICENSE

License No: .....

The person named as the licence holder below is hereby licensed in accordance with subsection 47(1) of the Fisheries Act [CAP315] to use the premises described below as a fish export processing establishment in accordance with the terms and conditions set out in this license and the conditions prescribed from time to time in the Fisheries Regulations.

<b>Name of licence holder:</b>	
<b>Address of premises:</b>	
<b>Contact details:</b>	
<b>Target fish products authorized to be processed:</b>	
<b>Types of processing authorized to be carried out:</b>	
<b>Authorized license period</b>	
<b>Further conditions:</b>	

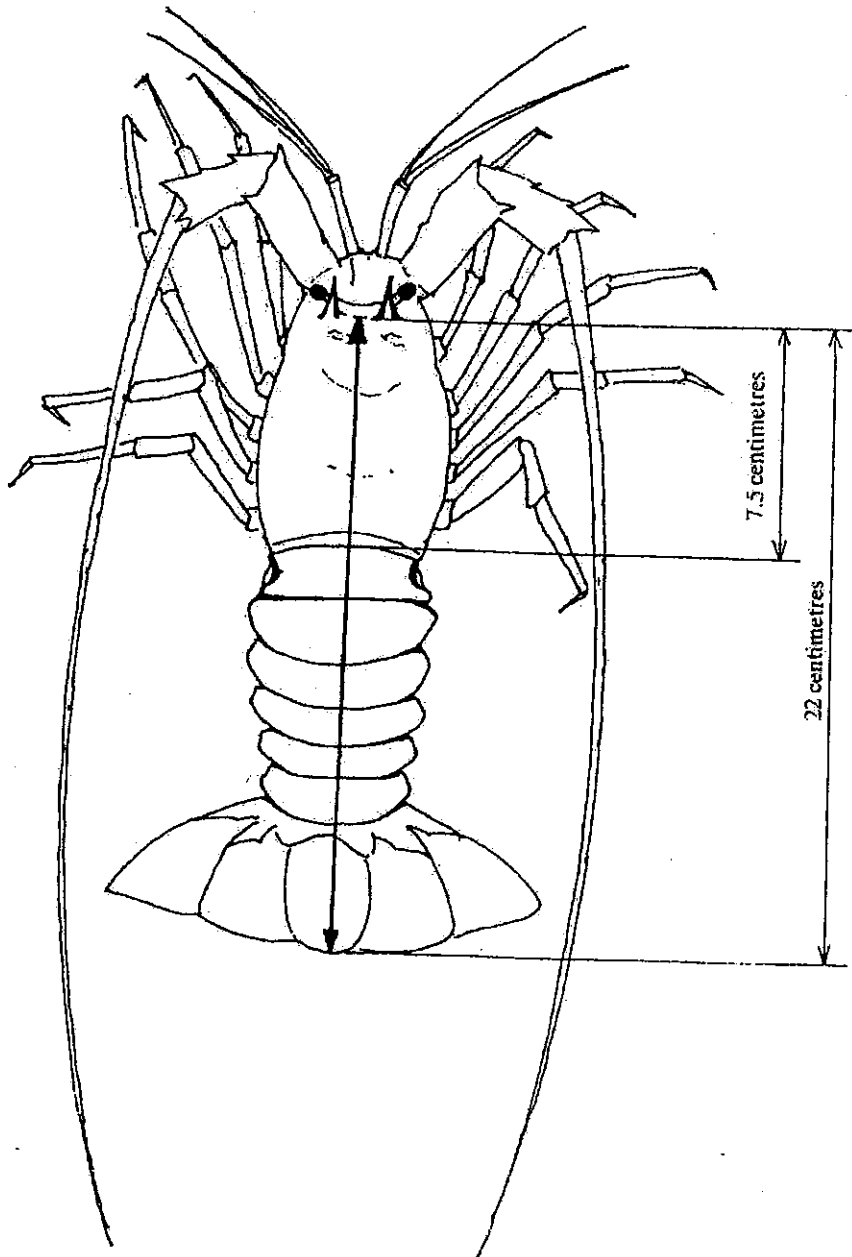
.....  
Director of Fisheries

.....  
Date

## SCHEDULE 22

(Regulation 51(2)(b)(ii))

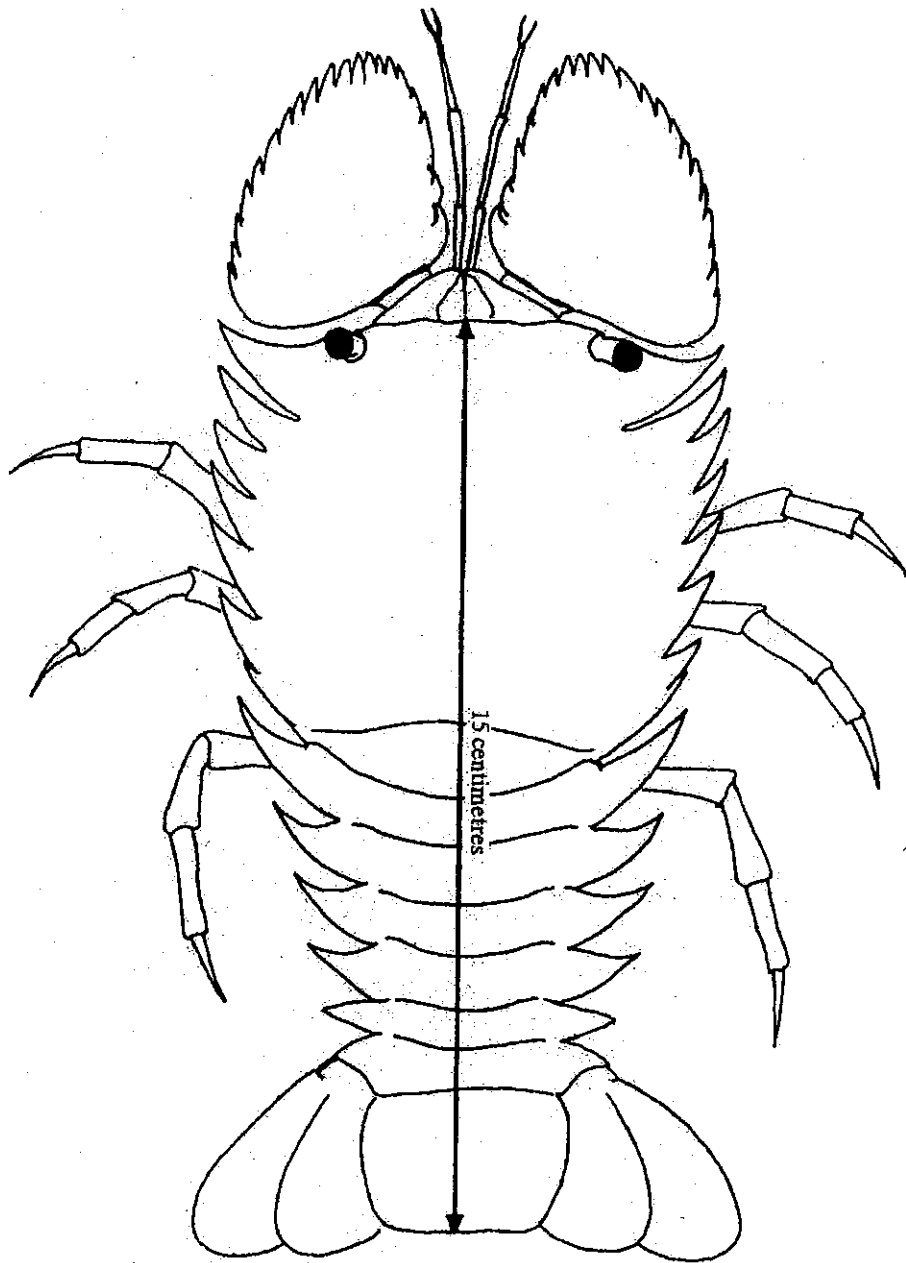
### MINIMUM LEGAL SIZE FOR ROCK LOBSTER



**SCHEDULE 23**

(Regulation 52(2)(b))

**MINIMUM LEGAL SIZE FOR SLIPPER LOBSTER**



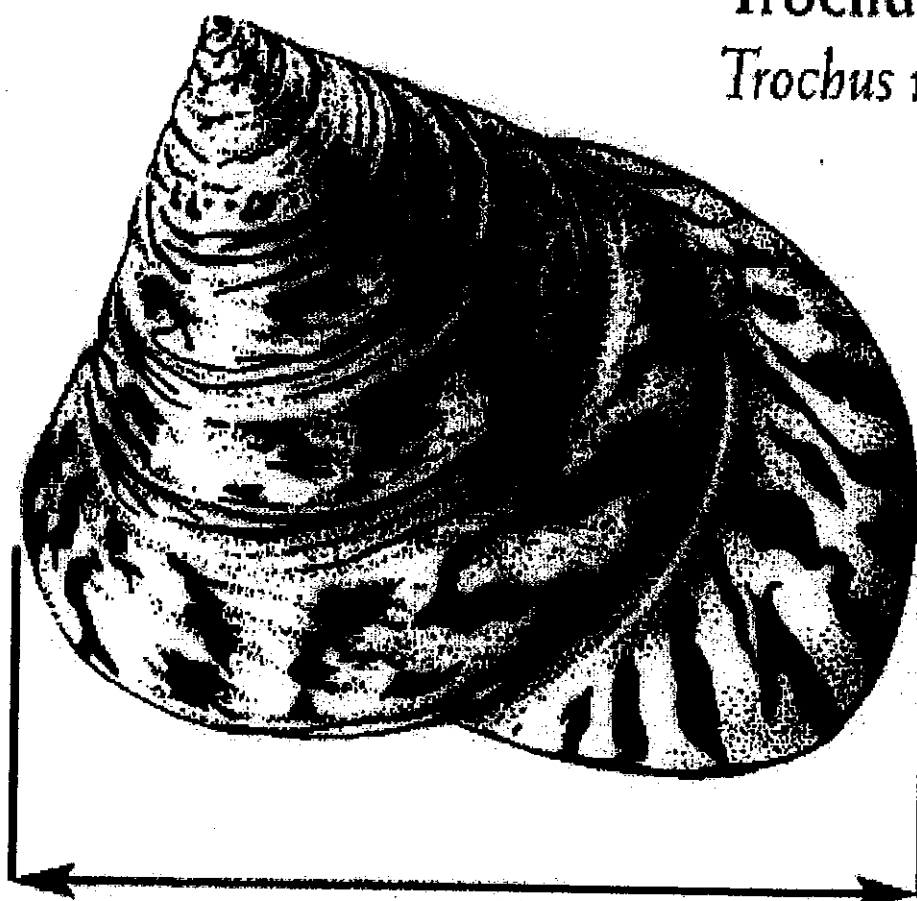


**SCHEDULE 24**

(Regulation 54(2))

**MINIMUM AND MAXIMUM LEGAL SIZE FOR  
TROCHUS**

**Trochus**  
*Trochus niloticus*



**9 centimeters**

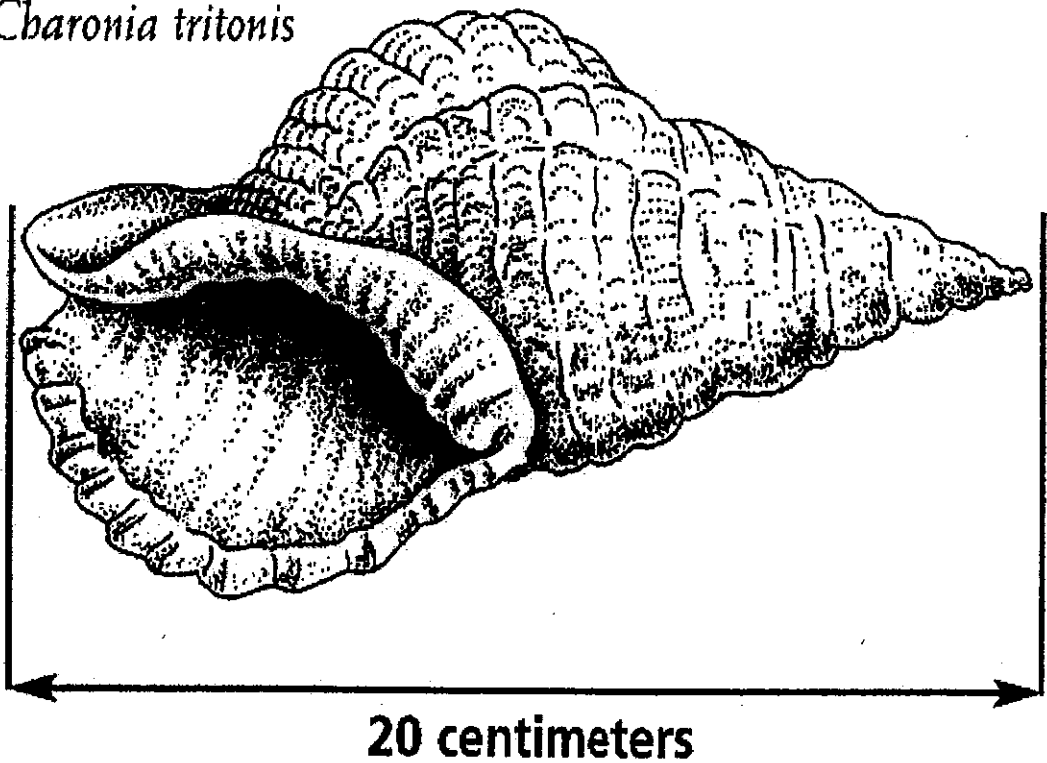
[Need to change to 8cm]

**SCHEDULE 25**

(Regulation 55(2)(a))

**MINIMUM LEGAL SIZE FOR TRUMPET SHELL**

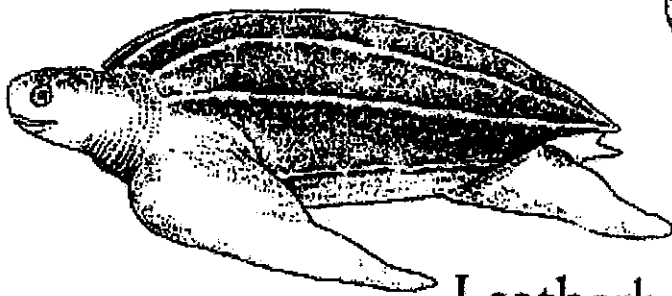
**Trumpet shell**  
*Charonia tritonis*



**SCHEDULE 26**

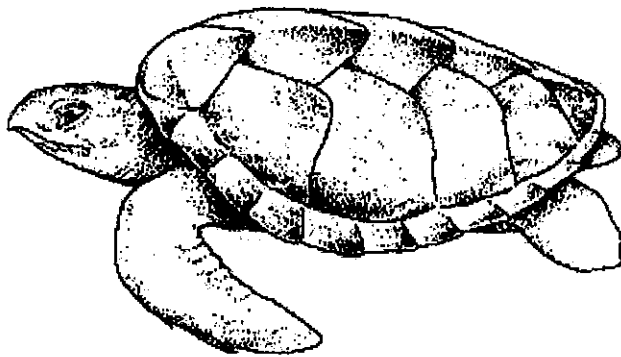
(Regulation 59(1)(a)(i), (ii), (iii))

**MARINE TURTLES**

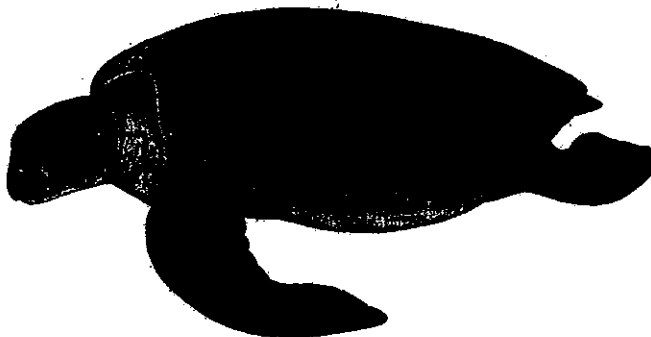


G<sub>1</sub>  
Cb

Leatherback turtle  
*Dermochelys coriacea*



Hawksbill turtle  
*Eretmochelys imbricata*



Green turtle *Chelonia mydas*

## SCHEDULE 27

(Regulation)

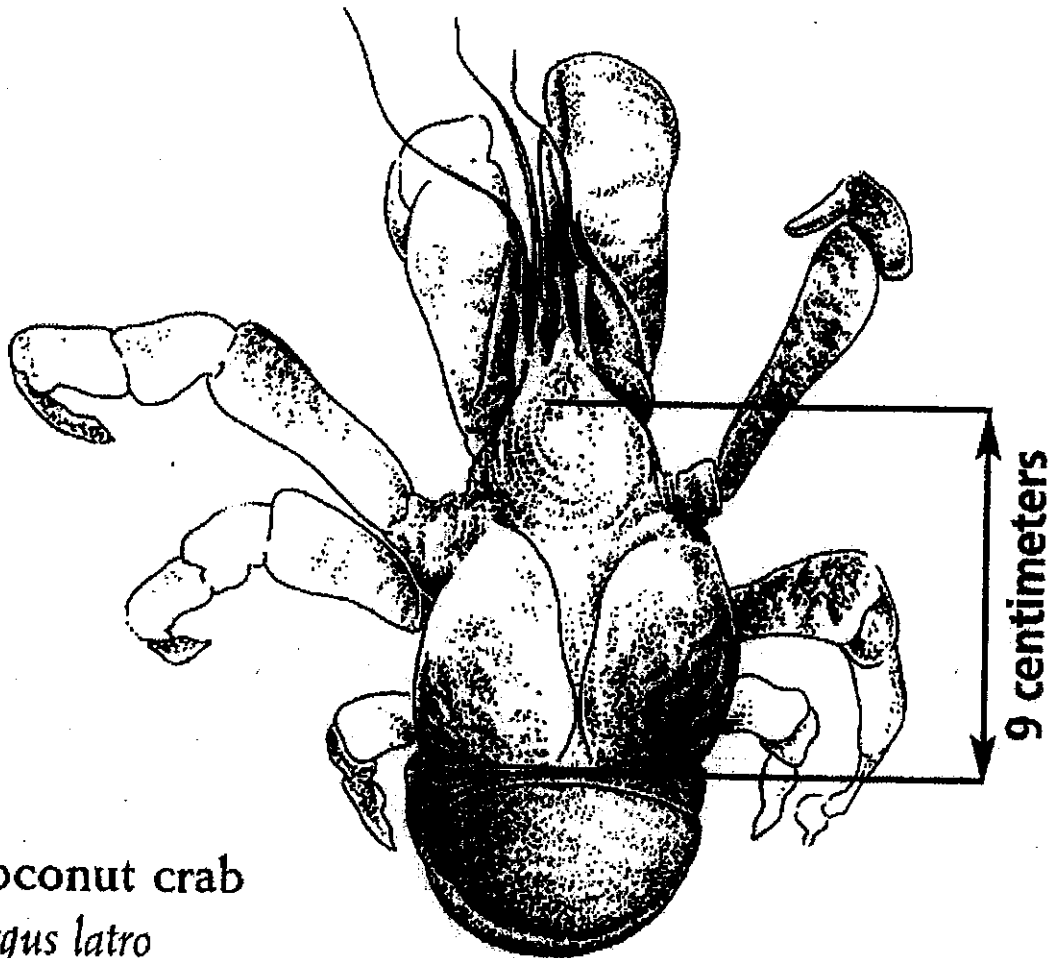
### MINIMUM SIZES OF BECHE-DE-MER FOR EXPORT

Column 1	Column 2	Column 3	Column 4
Common name	Scientific name	Minimum Length in centimeters (cm) (Wet)	Minimum Length in centimeters (cm) (Dry)
Black teatfish	<i>Holothuria nobilis</i>	22.00cm	10.00cm
Curry fish	<i>Stigopus variegates</i>	25.00cm	10.00cm
Greenfish	<i>Stichopus chloronotus</i>	20.00cm	10.00cm
Prickley redfish	<i>Thelenota ananas</i>	32.00cm	15.00cm
Sandfish	<i>Holothuris scabra</i>	22.00cm	10.00cm
Surf redfish	<i>Actinopyga mauritiana</i>	20.00cm	9.00cm
White teatfish	<i>Holothuria fuscogilva</i>	35.00cm	15.00cm
Brown sandfish	<i>Bohadschia vitiensis</i>	20.00cm	10.00cm
Deep-water redfish	<i>Actinopyga echinites</i>	25.00cm	15.00cm
Elephant trunkfish	<i>Holothuria fuscopunctata</i>	32.00cm	15.00cm
Lolly fish	<i>Holothuria atra</i>	30.00cm	15.00cm
Pinkfish	<i>Holothuria edulis</i>	25.00cm	10.00cm
Tigerfish	<i>Bohadschia argus</i>	20.00cm	10.00cm

## SCHEDULE 28

(Regulation 63(2)(b))

### MINIMUM LEGAL SIZE FOR COCONUT CRAB



Coconut crab  
*Birgus latro*

## SCHEDULE 29

(Regulation 64(1))

### QUOTA

Island/Province	Quota allocated per year
Torba Province	5,000
Sanma Province	2,000
Maewo island	1,500
Erromango island	2,000

## SCHEDULE 30

(Regulation 73)

### COORDINATES OF CLOSED AREA AT PORT PATRICK, ANEITYUM

Area	Point	Latitude (S)	Longitude (E)
Port Patrick	1	20°07'55.44"	169°48'53.38"
	2	20°08'39.49"	169°51'33.99"

## SCHEDULE 31

Regulation 76(4)

### REPUBLIC OF VANUATU UNDERWATER BREATHING APPARATUS (UBA) FISHING LICENSE FORM

License Number: \_\_\_\_\_

In exercise of the powers under Section 3(2)(d) of the Fisheries Act [CAP315], I hereby grant the following Company as described below:

<b>Name of License holder</b>	
<b>Address</b>	
<b>License Duration</b>	

(In accordance with Clause 7.8(a) of the Vanuatu National Marine Aquarium Trade Management Plan)

\_\_\_\_\_  
Director of Fisheries

\_\_\_\_\_  
Date



# SCHEDULE 32

(Regulation 86(d))

## LOCAL COLLECTION PERMIT

**Permit Number** : \_\_\_\_\_

In exercise of the powers under Section 3(2)(d) of the Fisheries Act [CAP315], I hereby permit the following Company/Individual as described below:

**Name of Company:** .....

**Address/Contact details:** .....

.....

.....

.....

**Description:** Please tick ✓ :

**Collection Permit  
Owner  
(Company)**

**Collection Permit  
Holder  
(Middleman)**

**Collection Site:** .....

.....

.....

This permit is in accordance with clause 7.3(c) of the National Aquarium Trade Management Plan 2006 of the Department of Fisheries in Vanuatu.

**ENDORSEMENT:**

.....

**Date:** .....

## SCHEDULE 33

(Regulation 86(e))

### UNDERWATER BREATING APPARATUS (UBA) FISHING LICENSE

(In accordance with Clause 7.8(a) of the National Aquarium Trade Management Plan 2007)

- 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  
VMB 045  
**PORT VILA**

I hereby apply for an **Underwater Breathing Apparatus (UBA)** licence for the purposes of marine aquarium product collection. The aquarium products include marine aquarium fish, live rock, various invertebrates' species, farmed corals and cultured giant clam.

Company Name Address Telephone: Fax: Email	
Company Owner Address Telephone Fax Email	

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	
NAME OF OWNER	