



## REPUBLIC OF VANUATU

### FISHERIES ACT [CAP 315]

#### Implementation of access or related Agreements (Transitional Arrangements)

Order No. 38 of 2010

In exercise of the powers conferred on me by section 79 of the Fisheries Act [CAP 315] with particular reference to subsection 79 (2)(u) of the same Act, I, **STEVEN KALSAKAU**, Minister for Agriculture, Quarantine, Forestry & Fisheries, hereby make the following order:

#### 1. Interpretation

“access agreement” means a treaty, agreement or arrangement to which section 7 of the Act applies and also means any agreements applying under the repealed Act and having application under the Act;

“Act” means Fisheries Act [CAP 315] and any regulation or other subordinate legislation made under that Act;

“Director” means the person holding the office of Director of Fisheries from time to time;

“Minister” means the Minister responsible for fisheries;

“the repealed Act” means the Fisheries Act [Cap. 158] which was in force immediately before its repeal by the Fisheries Act [CAP 315];

#### 2. Continuation of Application of Access Agreements under the repealed Act

- (1) Any access or related agreement entered into by the Minister of Fisheries acting within its powers and duties under the repealed Act continues to have effect and application under the Act.
- (2) Any access or related agreement entered into by the Minister of Fisheries acting within its powers and duties under the repealed Act continues to be binding on the parties which have executed that agreement.
- (3) This order is been made pursuant to section 82 (6) of the Act and ensures that any access or related agreement made under the repealed Act has continuous application even after the coming into force of the Act and any approvals, permits, arrangements or directives made pursuant to those access or related agreements are saved under the Act pursuant to section 82 (6) of the Act.

### 3. Continuation of Terms and Conditions of Access Agreements

- (1) The terms and conditions of any access or related agreement, mentioned in section 2 of this Order, shall continue to have application and effect over any fisheries related activities being carried out to date by virtue of that access or related agreement.
- (2) Any fisheries related activities being carried out pursuant to the terms and conditions of any access or related agreement, mentioned in section 2 of this Order, shall be maintained by the parties in the agreement unless otherwise varied by the parties within the terms of the access or related agreement.
- (3) Specific terms and conditions of any access or related agreement, mentioned in section 2 of this Order, relating to Fees and Charges payable to the Government shall be maintained by the parties in the agreement unless otherwise varied by the parties within the terms of the access or related agreement.

### 4. Amendments to this Order

- (1) This Order may be amended, revoked or varied by the Minister for Fisheries, after proper consultations with the persons named as parties in the access or related agreement, mentioned in section 2 of this Order, and having obtained a written consent from those persons.
- (2) The Minister in amending, revoking or varying this Order, must also consult with the Director.

### 5. Commencement

This Order commences on the date upon which it is made.

Made at Port Vila, this 11<sup>th</sup> day of May, 2010.



  
HONOURABLE STEVEN KALSKAU

Minister for Agriculture, Quarantine, Forestry & Fisheries