

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 5

JUNE 13,

1995.

KINGDOM OF TONGA

FISHERIES ACT 1989 (Section 59)

THE FISHERIES (LOCAL FISHING) REGULATIONS 1995

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

Citation

1. These Regulations may be cited as the Fisheries (Local Fishing) Regulations, 1995.

Interpretation

2. (1) In these regulations -
- (a) "the Act" means the Fisheries Act 1989;
 - (b) the terms and phrases defined in the Fisheries Act 1989 shall be given the same meaning in these Regulations, unless the context requires otherwise;
 - (c) "operator" means any person who is in charge of, directs or controls any vessel, including the owner, charterer and master.
- (2) A reference in these Regulations to -
- (a) a form is a reference to a form of that number in Schedule 1; and
 - (b) a Schedule is a reference to a Schedule to these Regulations.

Forms and fees

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

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

Part I - Local Fishing Vessels

Registration of Local Fishing Vessels

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

(2) Where the Registrar is satisfied that the vessel in respect of which the application is made is fit for fishing and satisfies such requirements as may be laid down from time to time under Tongan Law regarding safety and hygiene, he shall on the payment of the fee specified in Part 1 of Schedule 2 cause the vessel to be registered and shall issue a certificate of registration in respect of that vessel.

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

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

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

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

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

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

Application for local fishing vessel licence

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

Form

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

Fees

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

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

Grounds for licence refusal

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

- (a) all information requested by the Registrar in respect of the proposed fishing operation or related activities has been provided in the manner required or requested; and
- (b) the vessel is seaworthy.

General conditions

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

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

Application to vary licence

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

PART II - COMMERCIAL SPORT FISHING VESSELS

Commercial sport fishing vessel

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

- (a) the vessel is a registered local fishing vessel or a locally based foreign fishing vessel registered under regulation 12(1); and
- (b) a valid commercial sport fishing vessel licence under section 8 of the Act has been issued in respect of the vessel.

Registration of commercial sport fishing vessels

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

(2) For the purposes of regulation 12(1), section 4 of the Act and regulation 4 shall be applied and read as if the references therein to a local fishing vessel were references to a locally based foreign fishing vessel.

Application for commercial sport fishing vessel licence

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

Form

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

Fees

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

Grounds for licence refusal

16. In addition to the grounds for licence refusal set out in section 8 of the Act, no licence in respect of a commercial sport fishing vessel shall be issued or renewed unless:

- (a) all information requested by the Registrar in respect of the proposed fishing operation or related activities has been provided in the manner required or requested; and

General conditions

17. Every commercial sport fishing vessel licence shall, in addition to any particular conditions endorsed on the licence, be subject to the following general conditions:

- (a) any change in the information set out in the application form shall be notified to the Registrar as soon as practicable and in any case no later than seven days from the date of the change;
- (b) the vessel shall be seaworthy and shall comply with safety standards applicable from time to time under the laws of Tonga concerning shipping;
- (c) the vessel shall display identification markings in accordance with Schedule 3;
- (d) no fishing shall be undertaken except as authorised by the licence;
- (e) the master of the vessel shall cause records to be maintained on a daily basis in such form as the Registrar may from time to time require for the purpose of recording the fishing operations or related activities of the vessel;
- (f) any record maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Registrar at such time or times as he may require;
- (g) whenever required to do so by the Registrar, a vessel shall carry an observer designated by the Registrar, and the master and crew of such vessel shall provide the observer with such facilities and cooperation as may be required to allow him to carry out his duties; and
- (h) the operator shall promptly provide the Registrar with such information in respect of the fishing operations as he may require from time to time.

PART III - FISH PROCESSING ESTABLISHMENT

Application for fish processing establishment licence

18. (1) Every application for a licence to operate a fish processing establishment made under section 24 of the Act shall be in Form 10 and shall be accompanied by the fee specified in Part 1 of Schedule 2.

(2) The Registrar shall submit the application form, together with a report of the consultation and evaluation required under regulation 19, to the Minister within 90 days of receipt of the application.

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

- (a) consultations with all other affected Government departments; and
- (b) an evaluation of all relevant factors, including those relating to fisheries, the environment, health and industry.

Form

20. Every licence to operate a fish processing establishment shall be in Form 11 and unless sooner cancelled or suspended shall be valid for a period of 12 months from the date of issue.

Fees

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

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

Grounds for licence refusal

22. No licence in respect of a fish processing establishment shall be issued, under the provisions of section 24 of the Act if the applicant has been convicted in Tonga of any offence under the Act or any other Act relevant to the operation of a fish processing establishment, unless the Minister decides otherwise on cause shown.

Licence conditions

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

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

PART IV - FISH MARKETING

Fish marketing centres

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

(2) The conditions which the Secretary may specify include, but are not limited to the following -

- (a) the hours during which marketing shall be permitted;
- (b) the persons who may sell fish;
- (c) conditions necessary in the interests of public health and hygiene.

Buying and selling of fish

25. (1) The Minister may by Order published in the Gazette prescribe that in relation to any particular geographical area no buying, selling, bartering, exchanging or offering for sale of fish shall take place otherwise than at an authorised fish marketing centre.

(2) Where an Order has been made under Regulation 25(1) any person who buys, sells, barter, exchanges or offers for sale any fish otherwise than in accordance with the Order of the Minister commits an offence and shall be liable to a fine not exceeding \$500.

PART V. - MISCELLANEOUS PROVISIONS

Renewal of licence

26. Where any licence issued under these Regulations is renewed within 30 days before its expiry it shall not be necessary to make a fresh application in the prescribed form or to pay an application fee.

Information to be true, complete and correct

27. Any information required to be recorded, notified, communicated or reported pursuant to any requirement of these Regulations shall be true, complete and correct.

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

(3) Any person who contravenes sub-regulations (1) or (2) commits an offence and shall be liable to a fine not exceeding \$5,000.

Made this 31st day of May 1995.

Schedule I**Forms**

1. Application for Registration of a Local Fishing Vessel.
2. Certificate of Registration of a Local Fishing Vessel.
3. Notice of Change of Ownership of a Local Fishing Vessel.
4. Notification of Addition or Modification to a Local Fishing Vessel.
5. Application Form for a Local Fishing Vessel Licence.
6. Local Fishing Vessel Licence.
7. Application to vary a Local Fishing Vessel Licence.
8. Application for a Commercial Sport Fishing Vessel Licence.
9. Commercial Sport Fishing Vessel Licence.
10. Application for a Fish Processing Establishment Licence.
11. Fish Processing Establishment Licence.

**FORM 1
KINGDOM OF TONGA**



The Fisheries Act 1989

**APPLICATION FOR REGISTRATION OF A LOCAL FISHING VESSEL
(Fisheries (Local Fishing) Regulations 1995-- Regulation 4(1))**

**EVERY LOCAL FISHING VESSEL MUST BE REGISTERED
UNDER S.4 OF THE FISHERIES ACT 1989 UNLESS THE
VESSEL IS USED SOLELY FOR SUBSISTENCE FISHING OR
RECREATIONAL SPORT FISHING OR IS A
NON-MOTORIZED CANOE.**

Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer.

DETAILS OF VESSEL

Name of vessel:

Make and type of vessel:

Port of registry Shipping registry number:

Size of vessel: GRT LOA Radio call sign (if any)

Hull material: Wood Where built:

GRP Year built:

Steel Radio (HF/VHF/SSB/No)

Other Radar (Yes/No)

Engine Inboard: HP Type and make

Outboard: HP Make

DETAILS OF FISHING CAPACITY

Complete as appropriate

(a) Drop line (deep bottom fishing) number of reels:

(b) Trolling number of lines:

(c) Long-lining

(d) Gillnetting

(e) Other fishing methods (specify)

Does the vessel have fish storage capacity belows decks? Yes No

If yes:

Chilled capacity kg Blast freezer capacity kg

Freezer holds capacity kg Ice machine production kg

If no:

How much fish can be carried on deck in insulated boxes? kg

DETAILS OF OWNERSHIP

Name of owner (if owner is a registered company, give name and address and registered number):

Address:

Fax:

Telephone:

Name of charterer (if applicable):

Address:

Fax:

Telephone:

Name of master:

DECLARATION BY APPLICANT

1. I hereby apply to register the vessel described above as a local fishing vessel. I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Registrar any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

2. I declare that the vessel described above is wholly owned by (mark 'x' beside a, b, or c):

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

Applicant

Date

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

The Registrar
 Ministry of Fisheries
 P.O. Box 871
 Nuku'alofa

Telephone: (676) 21399
 Telex: 66369 PRIMO TS

**FORM 2
KINGDOM OF TONGA**



The Fisheries Act 1989

**CERTIFICATE OF REGISTRATION OF A LOCAL FISHING VESSEL
(Fisheries (Local Fishing) Regulations 1995 - Regulation 4(3))**

Certificate Number: Date of issue

In accordance with the provisions of section 4(6) of the Fisheries Act 1989, I hereby certify that the local fishing vessel described below is fit for fishing and satisfies the requirements of Tongan law relating to safety and hygiene and has been duly registered as a local fishing vessel.

DETAILS OF VESSEL

Name of vessel:

Size of vessel: GRT LOA International radio call sign

Hull material: Wood Where built:
Main engine-

GRP make and type:

Steel Horsepower/rating

Tonga registration number: Regional Register number:

DETAILS OF OWNERSHIP

Name of registered owner:

Address: _____

Telephone: _____

Registrar

Date

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

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa

Telephone: (676) 21:99
Telex: 66369 PRIMO TS

**FORM 3
KINGDOM OF TONGA**



The Fisheries Act 1989

NOTICE OF CHANGE OF OWNERSHIP OF A LOCAL FISHING VESSEL
(Fisheries (Local Fishing) Regulations 1995 - Regulation 7)

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa
Kingdom of Tonga

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

I, *(insert full name of new owner)* _____ hereby notify the Registrar of a change of ownership of the registered local fishing vessel the full particulars of which are described below.

A: DESCRIPTION OF VESSEL

Name of vessel:

Certificate of registration number: Date issued:

B: DETAILS OF REGISTERED OWNERSHIP

Name of previous owner:

Address: _____ Tel: _____

_____ Fax: _____

Name of new owner:

Address: _____ Tel: _____

_____ Fax: _____

C: DECLARATION BY NEW OWNER

1. I declare that the above information is true, complete and correct. I understand I am required to report within 7 days to the Registrar any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

2. I declare that the vessel described above is wholly owned by *(mark 'x' beside a, b, c)*:

- a. _____ the Government of Tonga or by any Statutory Body established by _____ or under any law of Tonga;
- b. _____ one or more natural persons who are Tongan subjects or permanent residents of Tonga.
- c. _____ a company, society or other association of persons incorporated or established under the laws of Tonga of which at least 51% of the _____ are owned by Tongan subjects;

**FORM 4
KINGDOM OF TONGA**



The Fisheries Act 1989

NOTICE OF ADDITION OR MODIFICATION TO A LOCAL FISHING VESSEL
(Fisheries (Local Fishing) Regulations 1995 - Regulation 4(6))

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa
Kingdom of Tonga

Telephone: (676) 21399
Telex: 66369 PRIMO T;
Fax: (676) 23891

I, (insert full name of new owner) _____ notify the Registrar of Fisheries of the following addition(s) and/or modification(s) to the registered local fishing vessel the full particulars of which are described below.

A: DESCRIPTION OF VESSEL

Name of vessel:

Certificate of registration number: Date issued:

B: DETAILS OF OWNERSHIP

Name of previous owner:

Address: _____ Tel: _____

_____ Fax: _____

C: DETAILS OF ADDITION(S) / MODIFICATION(S)

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

D: DECLARATION

I declare that the above information is true, complete and correct. I understand I am required to report within 7 days to the Registrar any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

**FORM 5
KINGDOM OF TONGA**



The Fisheries Act 1989

**APPLICATION FORM FOR A LOCAL FISHING VESSEL LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 5)**

**APPLICATION FOR A LOCAL FISHING VESSEL LICENCE HAS
TO BE COMPLETED BY ANYONE USING A VESSEL OVER 6
METRES IN LENGTH FOR FISHING UNLESS THE VESSEL IS
USED SOLELY FOR SUBSISTENCE FISHING**

Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer.

DETAILS OF VESSEL

Name of vessel:

Make and type of vessel:

Certificate of registration number: Date issued:

DETAILS OF PROPOSED FISHING METHODS

Complete as appropriate

- (a) Drop line (deep bottom fishing) number of reels:
- (b) Trolling number of lines:
- (c) Long-lining
- (d) Gillnetting
- (e) Other fishing methods (specify)

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

DETAILS OF ANY SPECIAL CONDITIONS REQUESTED

DETAILS OF APPLICANT

Name of applicant (if owner is a registered company, give name and address and registered number):

State whether owner, charter or master

Address:

Fax:

Telephone:

Name of charterer (if applicable):

Address:

Fax:

Telephone:

Name of master:

DECLARATION BY APPLICANT

I apply for a local fishing vessel licence in respect of the local fishing vessel described above. I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Registrar any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

Applicant

Date

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

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa
Kingdom of Tonga

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

FORM 6
KINGDOM OF TONGA



The Fisheries Act 1989

LOCAL FISHING VESSEL LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 6)

Local Fishing Vessel Licence Number: _____ Date of issue

The vessel described in this licence is hereby licensed in accordance with section 6 of the Fisheries Act 1989 to engage in fishing in such parts of the fisheries waters of Tonga as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Fisheries Act 1989 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Size of vessel: GRT LOA International radio call sign

Tonga registration number: Regional Register number:

SPECIAL CONDITIONS

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

Other special conditions:

Permitted transshipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

PERIOD OF VALIDITY

Subject to the Fisheries Act 1989 and Regulations made thereunder, this licence is valid from the _____ day of 19____ to the _____ day of 19____ (inclusive)

Registrar of Fisheries

Date

**FORM 7
KINGDOM OF TONGA**



The Fisheries Act 1989

**APPLICATION TO VARY A LOCAL FISHING VESSEL LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 10)**

Local Fishing Vessel Licence Number: Date of issue

I (insert name of applicant)..... apply to the Registrar of Fisheries to vary the conditions of the above-mentioned local fishing vessel licence in respect of the authorised areas and species as described below.

Name of vessel:

Size of vessel: GRT LOA International radio call sign

Tonga registration number: Regional Register number:

DETAILS OF VARIATIONS SOUGHT

Authorised fishing areas:

Species of Fish to be taken:

Applicant

Date

This application is to be forwarded to the Registrar, Ministry of Fisheries at the address shown below and is to be accompanied by the original licence and the prescribed fee.

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa
Kingdom of Tonga

Telephone: (676) 21399
Telex: 66369 PRIM(T) TS
Fax: (676) 21891

**FORM 8
KINGDOM OF TONGA**



The Fisheries Act 1989

**APPLICATION FOR A COMMERCIAL SPORT FISHING VESSEL LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 11)**

**AN APPLICATION FOR A COMMERCIAL SPORT FISHING
VESSEL LICENCE HAS TO BE COMPLETED BY ANYONE
USING A VESSEL FOR HIRE OR REWARD FOR THE PURPOSES
OF SPORT FISHING IN THE FISHERIES WATERS.**

Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer.

DETAILS OF VESSEL

Name of vessel:

Make and type of vessel:

Drop line (deep bottom fishing)

number of reels:

Trolling:

number of lines:

Number of crew:

Number of fishermen:

*Other fishing methods (attach details
on a separate sheet, with a sketch of
the gear to be employed)*

DETAILS OF APPLICANT

Name of applicant (if owner is a
registered company, give name and
address and registered number):

State whether owner, charterer or skipper

Address:

Fax:

Telephone:

Name of charterer (if applicable): _____

Address: _____

Fax: _____

Telephone: _____

Name of skipper: _____

Address: _____

Fax: _____

Telephone: _____

DECLARATION BY APPLICANT

I apply for a commercial sport fishing vessel licence in respect of the vessel described above. I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Registrar any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

I declare that the vessel described above is registered in Tonga as *(tick as appropriate)*

- a. _____ a local fishing vessel;
- b. _____ a locally based foreign fishing vessel intended to be used for sport fishing;

Certificate of registration number: Date issued:

Applicant

Date

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

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa

Telephone: (t '6) 21399
Telex: 66369 PALMO TS

FORM 9
KINGDOM OF TONGA



The Fisheries Act 1989

COMMERCIAL SPORT FISHING VESSEL LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 14)

Commercial Sport Fishing Vessel _____ Date of issue
Licence Number _____

The vessel described in this licence is hereby licensed in accordance with section 8 of the Fisheries Act 1989 to engage in commercial sport fishing in such parts of the fisheries waters of Tonga as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Fisheries Act 1989 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Name of master:

Size of vessel: GRT LTA International radio call sign

SPECIAL CONDITIONS

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quotas:

Authorised fishing gear (type and quantity):

Restrictions on by-catch:

Permitted use of fish aggregating devices (where applicable):

Other special conditions:

PERIOD OF VALIDITY

Subject to the Fisheries Act 1989 and Regulations made thereunder, this licence is valid from the _____ day of 19____ to the _____ day of 19____ (inclusive)

Registrar of Fisheries

Date

FORM 10
KINGDOM OF TONGA



The Fisheries Act 1989

APPLICATION FOR A FISH PROCESSING ESTABLISHMENT LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 18)

Answer all the questions on this form either by filling in the spaces provided or checking the appropriate answer.

DETAILS OF APPLICANT AND PREMISES

Name of applicant (if applicant is a registered company, give name and address and registered number):

Address:

Fax:

Telephone:

Name of premises:

State whether applicant is owner or lessee of premises:

Address:

Fax:

Telephone:

Name of landlord (if applicable):

Address:

Fax:

Telephone:

Provide details of any joint ventures or contractual arrangements with or in Tonga in connection with the proposed operations:

DETAILS OF FISH PROCESSING OPERATIONS

Species of fish to be processed: _____

Sources of supply: _____

Nature of processing operation: _____

Number of persons to be employed by the operation: _____

Products: _____

Please attach a full description of the premises, including a plan of the premises, a description of the construction and maintenance standards and sanitation facilities.

DECLARATION BY APPLICANT

I apply for a fish processing establishment licence in respect of the premises described above. I declare that the above information is true, complete and correct. I understand I am required to report within 7 days to the Registrar any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

Applicant

Date

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

The Registrar
Ministry of Fisheries
P.O. Box 871
Nuku'alofa
Kingdom of Tonga

Telephone: (676) 21399
Telex: 66369 PRIMO TS
Fax: (676) 23801

**FORM 11
KINGDOM OF TONGA**



The Fisheries Act 1989

FISH PROCESSING ESTABLISHMENT LICENCE
(Fisheries (Local Fishing) Regulations 1995 - Regulation 20)

Fish Processing Establishment Licence Number _____ Date of issue

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

Name of licence-holder:

Address of premises: _____ Tel: _____
 _____ Fax: _____

Authorised processing methods:
 Species of fish to be processed:
 Quotas/quantities of fish to be processed:
 Source of supply:

SPECIAL CONDITIONS

PERIOD OF VALIDITY

Subject to the Fisheries Act 1989 and Regulations made thereunder, this licence is valid from the _____ day of 19____ to the _____ day of 19____ (inclusive)

Minister

Date

**SCHEDULE 2
FEES**

Part 1 - Fees upon application for Licences and Registration

1. Application to register and registration of a local fishing vessel:
 - (a) the length of which is 6 metres - \$5.00.
 - (b) the length of which exceeds 6 metres, the fee used in 1(a) shall be used as a base then an amount of \$2.00 for every additional metre shall be added.
2. Notice and registration of change in ownership of a local fishing vessel - \$10.00.
3. Notice and registration of modification to a local fishing vessel - \$10.00
4. Application for a local fishing vessel licence:
 - (a) the length of which is 6 metres - \$5.00.
 - (b) the length of which exceeds 6 metres, the fee used in 4(a) shall be used as a base then an amount of \$2.00 for every additional metre shall be added.
5. Application to vary a local fishing vessel licence - \$5.00.
6. Application for a commercial sport fishing vessel licence:
 - (a) the length of which is 6 metres - \$10.00.
 - (b) the length of which exceeds 6 metres, the fee used in 6(a) shall be used as a base then an amount of \$5.00 for every additional metre shall be added.
7. Application for a licence to operate a fish processing establishment - \$50.00.

Part 2 - Licence fees

1. Local fishing vessel licence
 - (a) the length of which is 6 metres - \$50.00.
 - (b) the length of which exceeds 6 metres the fee used in 1(a) shall be used as a base then an amount of \$5.00 for every additional metre shall be added.
2. Commercial sport fishing vessel licence.
 - (a) the length of which is 6 metres - \$100.00.
 - (b) the length of which exceeds 6 metres the fee used in 2(a) shall be used as a base then an amount of \$5.00 for every additional metre shall be added.
3. Licence to operate a fish processing establishment - \$500.00.

SCHEDULE 3
(Regulations 9(c), 17(c))

VESSEL IDENTIFICATION MARKINGS

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

Length of vessel overall	Minimum height of letters and numbers
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m

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

10. The length of the hyphen shall be half the height of the letters and numbers.
11. The width of the stroke for all letters, numbers and the hyphen shall be $h/6$.
12. The space between letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$.
13. The space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$, for example A V.
14. The marks shall be -
 - (a) white on a black background; or
 - (b) black on a white background.
15. The background shall extend to provide a border around the mark of not less than $h/6$.
16. The marks and background shall be maintained in good condition at all times.