

STATUTORY INSTRUMENT

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THE FISHERIES AND AQUACULTURE REGULATIONS, 2019.

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The Fisheries and Aquaculture Act, 2018 (Act No. 10 of 2018) Short title.

THE FISHERIES AND AQUACULTURE REGULATIONS, 2019.

In exercise of the powers conferred upon him by section 92 of the Fisheries and Aquaculture Act, 2018, the Minister hereby makes the following Regulations .

PART I- PRELIMINARY

Interpretation.

1. In these Regulations, unless the context otherwise requires

"Act" means the Fisheries and Aquaculture Act, 2018 (Act No.10 of 2018);

"agent" means a Sierra Leonean citizen or a naturalised citizen appointed under sub-regulation (5) of Regulation 14, by the owner of a foreign fishing vessel for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master or crew;

"automatic identification system" means the marine VHF radio system used as a navigational system to automatically provide information about a ship, including the ship's identity, type, position, course, speed, navigational status and other safety-related information, to other ships and to coastal authorities;

"automatic location communicator" means a device approved by the Director which is placed on a fishing vessel and is designed to transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing and such other activities of the vessel as may be required and includes a mobile transceiver unit and automatic identification system;

"buy" includes-

- (a) barter or attempt to barter;
- (b) purchase or attempt to purchase;
- (c) receive on account or consignment;
- (d) receive in order to send, forward or deliver for sale;
- (e) broker of a sale;
- (f) purchase or barter for future goods or for any consideration of value; and
- (g) purchase or barter as an agent for another person;

"buyer" has a corresponding meaning;

"by-catch" means fish which are harvested in a fishery which-

- (a) are not the species of fish that are directly targeted;
- (b) belong to a species identified as by-catch in an applicable licence or fisheries management plan;
- (c) include -
 - (i) discards;
 - (ii) fish that is taken or killed by means other than fishing operations, such as collision with vessels, ghost fishing and destruction of corals;
- (d) does not include fish which are released alive under a recreational catch and release programme;

"carrier vessel" means a vessel that does not target fish but are used as fishing vessels at sea-

- (a) with supplies of fuel, provisions, fresh water and other consumable goods;
- (b) that transfer the catch from the vessels, process and preserve the fish;
- (c) that render medical and social services to the crews; or
- (d) that transport and land fish products in port;

"cephalopod trawler" means an industrial fishing vessel targeting cephalopods and meets the requirements set out in the Sixth Schedule;

"demersal trawler" means an industrial fishing vessel for demersal fin fish species that meets the requirements set out in the Sixth Schedule;

"designated port" means a port or an area that has been designated by public notice of the Minister for use by fishing vessels;

"Ghana planked boat or canoe" means a wooden planked undecked semi industrial canoe that is propelled by an inboard engine with a power not exceeding 40 Horsepower; and with a length not more than 20m;

"discards" means fish that have been harvested using a fishing vessel and are returned to the sea during the same fishing trip, but does not include post-harvest waste or apply to recreational fisheries;

"document" means a document in any form whether signed or initialled or otherwise authenticated by its maker or not, and includes-

- (a) any writing, printing or other information contained on any material;
- (b) any information recorded or stored by means of any tape-recorder, computer, or other device including any network or the internet and any material subsequently derived from information so recorded or stored;
- (c) any label, marking, or other writing that identifies or describes anything of which it forms part or which it is attached by any means;
- (d) any book, chart, map, plan, graph or drawing; and
- (e) any photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable with or without the aid of some other equipment of being reproduced;

"fish processing establishment" includes any premises or vessel on or in which fish are processed or stored but does not include a restaurant, eating place, hotel, or place where fish is prepared for immediate consumption;

"fish product" means any fish which has been partly or wholly processed;

"fishing trip" means a period of time commencing with the departure of a fishing vessel from port until such time as all or any of the fish caught since such departure are unloaded from the vessel, either ashore or onto another vessel;

"industrial fishing" means any large-scale fishing or related activities using an industrial fishing vessel;

"industrial fishing vessel" means a decked fishing vessel with an internal engine or engines of not less than 100 horsepower when combined and that is 20 meters in length overall or more;

"inspector" means a person authorised in writing by the Director under section 36 of the Act;

"licensing period" means the period of time during which a licence issued under these Regulations is valid and should not exceed 1 year;

"marine protected area" means a form of marine reserve and includes any area of intertidal or subtidal terrain, together with its overlying waters, subsoil and associated flora, fauna, historical and cultural features, which has been reserved pursuant to the Act and these Regulations to protect part or all of the enclosed environment;

"mid water trawler" means the same as pelagic trawler;

"mobile transceiver unit" means a satellite-based tracking device to monitor the position and movement of vessels for the purpose of effective management of fisheries;

"mothership with canoes" means a larger vessel which carry on board small fishing vessels that are launched and perform fishing operations on fishing grounds; the catch from the smaller fishing vessels is transferred to the mothership for processing and preserving and at the end of the fishing period, the fishing vessels are hauled aboard and the mothership returns to the port;

"mothership for processing" means factory trawlers which are generally large stern trawlers equipped with processing plant including mechanical gutting and filleting equipment with accompanying freezing installation, fish oil, fish meal and sometimes canning plants;

"observer" means any person or category of persons assigned on board fishing vessels (eg. fisheries observers or scientific observers) or port of landing fish (eg. dock observers) in accordance with section 29 of the Act;

"person" means anybody or business enterprise and includes a corporation, partnership, cooperative, association, the Government of Sierra Leone or any of its subdivisions or agencies and any foreign government, its subdivisions or agents;

"pelagic trawler" means an industrial fishing vessel targeting pelagic or mid water fish species and meets the requirements set out in the Sixth Schedule;

"port" means a port or harbour that is used for purposes related to fisheries, including the landing of fish from fishing vessels, transshipment, packaging, processing and the refuelling or re-supplying of fishing vessels or a defined area close to shore or within a commercial port that is used for such purposes;

"port state authority" means any official organisation authorised by the Government of a port State to administer guidelines and enforce standards and regulations relevant to the implementation of national and international port control measures;

"regional fishery management organisation area" means the area within which a regional fishery management organisation has established conservation and management measures;

"sell" includes-

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

"sale" and "sold" have a corresponding meaning;

"semi-industrial fishing" means a fishing or related activities using a semi-industrial fishing vessel, including-

- (a) "decked semi-industrial fishing vessel" with a length overall of less than 20 meters and that is decked, and powered by an inboard engine; and
- (b) "un-decked semi-industrial fishing vessel" with a length overall of not less than 10 meters and not more than 20 meters and powered by outboard engines of at least 40

horsepower and include Ghana type boats and standard 5-10 canoes;

"Sierra Leone fishing vessel" means a fishing vessel registered under section 15 of the Merchant Shipping Act, 2003;

"shrimp trawler" an industrial fishing vessel targeting shrimps and meets the requirements as describes in the Sixth Schedule of these Regulations relating to such vessels;

"Standard 5-10 canoe" means a wooden planked canoe with 5 -10 men working on board and propelled by an inboard engine that does not exceed 40 Horsepower;

"supply vessel" has the same definition as a carrier vessel as defined under these Regulations;

"test fishing" means fishing operations undertaken pursuant to an authorisation over period of one calendar month at a particular area for the purpose of testing the scientific feasibility of commercial fishing operations with a view to the establishment of fishing operations based locally or in the region;

"tuna long liner" means a vessel that target tuna and tuna like species and has a line hauler usually placed on the star-board forward in the rail to haul in the fish;

"tuna purse seiner" means purse seiners targeting tuna and tuna like species and are normally equipped with a skiff located on top of the net at the sloped part of the stern of the vessel; their deck equipment consists of purse-seine winch and a power block, with topping, vang, cork and other specific winches to handle the heavy boom and net; and

"vessel monitoring system" includes a satellite-based tracking device to monitor the position and movement of fishing vessels.

2. These Regulations shall apply to all -

- (a) areas and persons over which Sierra Leone exercises sovereignty, sovereign rights or jurisdiction under the Maritime Zone Establishment Act, 1996 (Act No.11 of 1996);
- (b) fishing and related activities, utilisation of fish and genetic material derived from fish and any other activity or matter falling within the scope of these Regulations;
- (c) persons, vessels, vehicles, aircraft, fish processing, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of these Regulations;
- (d) persons including non-citizens and fishing vessels other than Sierra Leone fishing vessels in relation to-
 - (i) the fishery waters; and
 - (ii) areas beyond national jurisdiction;
- (e) hot pursuit conducted in accordance with international law; or
- (f) international conservation and management measures, or those permitted by international law or any international agreement or other arrangement or agreement to which Sierra Leone is a party; and

- (g) Sierra Leone fishing vessels and all persons on them or dealing with or having any relevant relationship to them or persons on them in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.

PART II- FISHERIES CONSERVATION AND MANAGEMENT

Shared responsibility for fisheries management.

3. The Director shall encourage, in the spirit of shared responsibility, the participation of stakeholders, including community management associations, in the development of management plans for artisanal fisheries and marine protected areas, in accordance with subsection (4) of section 11 of the Act.

Inshore Exclusion Zone.

4. (1) The Inshore Exclusion Zone referred to in subsection (1) of section 18 of the Act consists of all waters seawards of the low-water line along the coast of Sierra Leone to the line connecting the following coordinates of latitude and longitude as set out in the First Schedule.

(2) An industrial fishing vessel, decked semi-industrial fishing vessel or canoe operating with a canoe support vessel shall not engage in fishing in the inshore exclusion zone.

Marine protected areas.

5. (1) The Minister may, by notice published in the Gazette, declare any area of the fishery waters to be a marine protected area and shall, as part of such declaration, specify the following-

- (a) area;
- (b) boundaries;
- (c) purpose;
- (d) objective;
- (e) management measures;
- (f) decision-making responsibilities;

- (g) procedures for the coordination of stakeholders;
- (h) procedures for conflict resolution;
- (i) procedures for monitoring and review; and
- (j) fines and penalties.

(2) The Minister may delegate to a local area management authority, the power to develop community by-laws specifying management measures for the managing access rights and implementation of conservation measures.

(3) A declaration made by the Minister under sub-regulation (1) and local bye-laws made by a local authority under sub-regulation (2), as the case may be, shall confer the status of a marine protected area to any area of the fishery waters specified in the declaration.

(4) A person who contravenes a management measure in a declaration in respect of a marine protected area under this Regulation commits an offence and is liable on conviction, to such fines and penalties set out in the Fourth Schedule.

6. A person shall not, for the purpose of fishing use, permit to be used or attempt to use-

Prohibited fishing gear and methods.

- (a) fishing gear that has not been authorised by a valid and applicable licence issued under these Regulations;
- (b) the technique of pair trawling;
- (c) monofilament net;
- (d) more than 1 net at a time when fishing with trawl net;
- (e) attachments to any trawl net, except as specified in the Sixth Schedule;

- (f) a gill net, whether drifting or set, in any river of body of water forming part of the riverine system if the mesh of the net is less than 45 millimetres in stretched diagonal length;
- (g) a beach seine net; or
- (h) firearms, lights or other electrical devices or poison, including stunning, disabling, catching or killing fish, or in any way rendering fish to be caught more easily.

Interfering with fishing gear and storage of fishing gear.

7. (1) A person shall not damage or unnecessarily endanger fishing gear that he does not own or use or that is not associated with the fishing vessel from which he engages in fishing, except where the fishing gear impedes the safe movement of the vessel from which he engages in fishing or crew.

(2) Where a vessel becomes entangled with fixed fishing gear or other object and impedes the safe movement of the vessel or crew under sub-regulation (1), the master shall-

- (a) undertake to minimise any damage caused to the gear;
 - (b) where practicable, return the gear to the sea and log the position; and
 - (c) make a full report of the incident and steps taken by him to the Director at the earliest opportunity.
- (3) The owner, operator and master of a -
- (a) fishing vessel in any place in the fishery waters of Sierra Leone; or navigating through the Inshore Exclusion Zone or any area where it does not have any licence or authorisation to fish;

- (b) Sierra Leone fishing vessel -
 - (i) navigating through an area under the jurisdiction of another State where it does not have a licence to fish;
 - (ii) at all times when navigating on the high seas in an area to which international conservation and management measures apply where it has not been authorised under the Fisheries Act or this Regulation to fish on the high seas; or
 - (iii) navigating through the Inshore Exclusion Zone or any area where it does not have any licence or authorisation to fish,

shall ensure that all fishing gear on board is at all times stowed or secured in such a manner that it is not readily available for fishing.

(4) A person who contravenes sub-regulations (1) or (2) shall compensate the owner of a legal fishing gear for any damage caused, in addition to such other fines and penalties set out in the Fourth Schedule.

8. (1) A person shall not-

- (a) dump gear, moorings and other objects in the sea;
- (b) leave unnecessarily or abandon such objects in the sea or on the seabed,

Prohibition on leaving or abandoning objects in the sea.

if they may adversely affect fish or other marine organisms, impede harvesting operations, damage harvesting gear or endanger vessels.

(2) A person who is in contravention of sub-regulation (1) shall, in addition to other fines and penalties set out in the Fourth Schedule, clear up or remove the relevant objects.

Prohibitions regarding sea turtles, rays and sharks.

9. (1) A person shall not engage in fishing for -

- (a) sea turtles;
- (b) immature rays or immature sharks,

and where a sea turtle or immature ray or immature shark is caught as by-catch or in any other circumstances, it shall be immediately released and not be harmed, destroyed, killed or kept for any reason.

(2) The Director may require fishing vessels to install turtle excluder devices in its fishing gear as a condition of licence.

(3) A person shall not in the fishery waters or on a Sierra Leone vessel in any place within or beyond national jurisdiction, remove any part from the body of a shark or a ray, including the fins.

(4) The operator of a fishing vessel that lands or tranships any shark or ray in the fishery waters, or of a Sierra Leone fishing vessel in any place within or beyond the national jurisdiction of Sierra Leone, shall ensure that each shark landed or transhipped is whole and intact, with no part of its body mutilated or removed.

(5) A person who contravenes this Regulation commits an offence and is liable on conviction, to such fines and penalties set out in the Fourth Schedule.

Declaration of endangered species of fish.

10. (1) The Minister may, on the advice of the Scientific, Economic and Technical Committee, by notice published in the Gazette, declare any species of fish to be endangered or threatened with extinction, including those adopted under any international agreement or instrument.

(2) A person who fish, catch, possess, transport, process, buy or sell any species of fish declared endangered or threatened with extinction under sub-regulation (1) commits an offence and is liable on conviction, to such fines and penalties set out in the Fourth Schedule.

PART III- LICENCE AND AUTHORISATION REGISTRATION REQUIREMENTS AND PROCEDURES.

11. (1) A valid and applicable licence issued by the Director under paragraph (c) of subsection (1) of section 5 of the Act shall be required for - Licences and authorisations required.

- (a) fishing or related activities in the fishery waters, including -
 - (i) using an industrial fishing vessel;
 - (ii) using a semi-industrial fishing vessel;
 - (iii) using an artisanal fishing vessel;
 - (iv) using any vessel for recreational fishing or related activities;
 - (v) using any vessel for marine scientific research or test fishing;
 - (vi) operating a fish processing or storage establishment;
 - (vii) such other activities for which a licence is required by an applicable fisheries management plan, international agreement or as prescribed by law;
- (b) using a Sierra Leone fishing vessel for fishing or related activities in areas beyond the national jurisdiction of Sierra Leone, including fishing on the high seas or in waters under the jurisdiction of another State;

- (c) transshipment to or from a Sierra Leonean fishing vessel in the fishery waters or in the high seas or to a shore based facility for the purpose of export;
- (d) transshipment to or from a foreign fishing vessel in the fishery waters;
- (e) using any foreign fishing vessel to enter a port of Sierra Leone;
- (f) deployment and maintenance of a fish aggregating device in the fishery waters; and
- (g) introduction into the fishery waters, of any genetically modified, alien or exotic fish.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on conviction, to pay such fines and penalties set out in the Fourth schedule.

(3) The Minister may, in a fisheries management plan or by notice, declare any activity within the scope of the Act and these Regulations to be subject to a licence or authorisation.

12. (1) The Director may grant or renew a licence or authorisation for any purpose specified in Regulation 12 and each licence shall be granted or renewed, provided that such grant or renewal is based on the advice provided by the Scientific, Economic and Technical Committee under paragraph (c) of subsection (1) of section 5 and subsection (1) of section 7 of the Act.

(2) The Director shall, in granting or renewing a licence under sub-regulations (1), act in accordance with the procedures required by these Regulations.

Grant or
renewal of
licences and
authorisations.

(3) The Director on receiving advice from the Scientific, Economic and Technical committee shall promptly issue such licences or authorisations when all required conditions under these Regulations have been met.

(4) Where the Director declines to grant or renew a licence or authorisation, he shall state in writing, reasons for the decision, which will be made public and promptly transmitted to the applicant, who will have the right to appeal within 15 days from the receipt of the decision in accordance with Regulation 23.

13. (1) In granting or renewing a licence and authorisation under Regulation 12 and in setting the level of any performance bond required under sub-regulation (4) of Regulation 14 the Director shall take into account the extent to which the relevant fishing vessel, including its operator or other relevant person, has complied and has the ability to comply with -

Standards for
granting and
renewal of
licences and
authorisations.

- (a) these regulations, relevant laws of Sierra Leone and any applicable licensing terms and conditions, fisheries management plan and such other standards as may be required in writing by the Director;
- (b) other applicable regional and international obligations of Sierra Leone;
- (c) all applicable vessel registration requirements;
- (d) precicensing inspections and related procedures;
- (e) provision of required data and information;
- (f) applicable laws of other States and international conservation and management measures; and

- (g) the requirements of the Merchant Shipping Act, 2003 and Regulations made thereunder.

(2) In granting or renewing a licence or authorisation in respect of any fishing vessel other than a Sierra Leone fishing vessel and in setting the level of any performance bond required under sub-regulation (4) of Regulation 14, the Director shall take into account the ability of the relevant flag State to ensure compliance by its fishing vessels with -

- (a) the laws of Sierra Leone; and
- (b) the laws of coastal States and international conservation and management measures.

Precondition for granting foreign fishing vessel licence.

14. (1) In the event of surplus of the allowable catch specified by a fisheries management plan, the Minister may, based on the advice of the Scientific, Economic and Technical Committee authorise a foreign fishing vessel to access this surplus, subject to issuance of a fishing vessel licence by the Director.

(2) Prior to the issuance of a foreign fishing vessel licence under sub-regulation (1), the Director shall verify the information provided by the applicant and undertake a full review of the record of compliance ensuring that the foreign fishing vessel and its beneficial owner has never been involved in illegal, unreported and unregulated fishing activities, or that the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial of financial interest in, or control of the vessel.

(3) The Director shall also ensure that the flag State's competent authority has authorised the foreign fishing vessel to fish and to operate beyond the flag State fishery waters.

(4) The Director shall require, prior to the issuing of a foreign fishing vessel licence, a performance bond set out in the Third Schedule as a financial guarantee for the fulfilment of all obligations arising out of the licence and these Regulations, including potential costs relating to rescue, other cost recovery and fines, penalties or compensation for violations against these Regulations, is provided by the applicant.

(5) A foreign fishing vessel licence shall not be issued unless an agent within Sierra Leone has been appointed for that vessel for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master or crew.

(6) An agent appointed under sub-regulation (5) shall -

- (a) be a Sierra Leonean citizen or a naturalised citizen who has resided continuously in Sierra Leone for a period of not less than 8 years immediately prior to the appointment;
- (b) not have a criminal record;
- (c) have a company or enterprise with valid business registration, a valid tax clearance certificate issued by the National Revenue Authority;
- (d) be actively operating at least 2 industrial or decked semi-industrial fishing vessel or a processing establishment with access to onshore cold room or fish storage facility;
- (e) have an onshore account valued up to US\$ 10,000 or asset valued more than US\$ 10,000;
- (f) pay an annual agency registration fee of US\$ 1,000; and

Refusal of
licence and
authorisation.

15. (1) A licence or authorisation shall not be granted or issued where -
- (g) be a registered member of the Sierra Leone Industrial Fishing Company Association.
 - (a) the vessel for which a licence or authorisation is required -
 - (i) is not intended for use as a fishing vessel;
 - (ii) does not hold a valid and applicable registration or holds more than one registration;
 - (iii) is not a Sierra Leone vessel and does not have a valid and applicable authorisation or licence from its flag State to fish or carry out fishing related activities in areas beyond its national jurisdiction;
 - (iv) has been included on a list of illegal, unreported and unregulated fishing vessels established and maintained by a competent regional fishery body in accordance with its rules and procedures;
 - (v) has been engaged in the trafficking of persons, firearms, drugs or there is evidence that the crew or observers on board have been treated in a cruel or inhumane manner.
 - (b) the issuance of a licence would be contrary to any applicable fisheries management plan;

- (c) within the previous 6 years, the applicant, or a vessel or person associated with the applicant, has been convicted of a very serious offence under these Regulations or any international agreement;
 - (d) the applicant, vessel, or associated person has been charged with any serious offence under these Regulations more than 3 times and has-
 - (i) not submitted to judicial or administrative procedures; or,
 - (ii) submitted to judicial or administrative procedures but has not fully complied with the final decision or determination;
 - (e) the issuance of the licence or authorisation would be inconsistent with an international agreement;
 - (f) the fishing vessel has not provided a performance bond if so required under sub-regulation (4) of Regulation 14;
 - (g) the activity may threaten the sustainability of a fishery resource;
 - (h) in the case of a foreign fishing vessel, an agent has not been appointed as required under sub-regulation (5) of Regulation 14;
- (2) A licence or authorisation shall not be granted, issued to or renewed for any fishing vessel if that vessel was previously licensed or authorised by a foreign State for fishing within or beyond areas of national jurisdiction and was convicted of any serious violation under national law or undermined the effectiveness of international conservation and management measures and, as a consequence the foreign State -

- (a) suspended such licence or authorisation because of illegal, unreported or unregulated fishing activities by the vessel, and the suspension has not expired; or
- (b) within the last 3 years preceding the application for a licence under this Regulation, withdrew such licence or authorisation for illegal, unreported or unregulated fishing activities.

(3) The restrictions in sub-regulation (2) shall not apply if the ownership of the vessel has changed since the vessel undermined international conservation and management measures and the new owner has provided sufficient evidence to the Director demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

(4) For the purpose of paragraph (e) of sub-regulations (1) the term 'associated' shall include situations where the same legal or beneficial owner or agent is shared.

Application for the grant or renewal of licences or authorisations.

16. (1) Except where otherwise prescribed, an application for a licence or authorisation under these Regulations shall-

- (a) contain such information as may be specified in these Regulations or in writing by the Director;
- (b) be in such form as set out in the Second Schedule or such other form as may be approved by the Director;
- (c) in the case of industrial fishing vessels, be accompanied by an International Tonnage Certificate showing the gross tonnage issued under the International Tonnage Rules and a

fishing plan which shall specify for each month of the full period of validity of a licence or authorisation -

- (i) fishing gear to be used;
- (ii) species to be targeted for fishing, and expected quantity;
- (iii) species that will constitute by-catch and expected quantity; and
- (iv) area in which fishing or related activities will take place; and

- (d) be made in accordance with such procedures and other requirements as may be approved by the Director.

(2) A non-refundable application fee as set out in the Fisheries (Fees) Regulations shall be payable and shall accompany every application for a licence or authorisation required under these Regulations or the renewal of such licence or authorisation.

(3) Where-

- (a) the Director considers that an application has been made for an inappropriate class of licence;
- (b) there is insufficient evidence or information accompanying the application upon which to make a recommendation regarding the application;
- (c) the information accompanying the application appears to be false, misleading or inaccurate; or

- (d) upon such other grounds as may be approved by the Minister,

the Director shall return the application to the applicant stating reasons for returning the application and the applicant may submit a revised application with such additional evidence or information as may be appropriate.

(4) Where the information on an application is found to be false, misleading or inaccurate, the Director may decline to grant the licence or authorisation or if such information is discovered to be false, misleading or inaccurate after the grant of the licence or authorisation, the Director may suspend or cancel the licence or authorisation.

(5) A person who submits false, misleading or inaccurate information for purpose of obtaining a licence or authorisation commits an offence and shall upon conviction be liable to pay such fines and penalties as set out in the Fourth Schedule.

Terms and conditions of licences and authorisations.

17. (1) A licence or authorisation granted under these Regulations-

- (a) shall be subject to the terms and conditions, specified in these Regulations or as the Director may by notice in writing prescribe;
- (b) subject to sub-regulation (2), enters into force on the date specified in the licence or authorisation; and
- (c) shall, unless sooner revoked or suspended in accordance with these Regulations, remains in force until the date on which it expires.

(2) A licence or authorisation shall not be issued unless-

- (a) the approved fee and other required charges have been paid at the required time; and

(b) where applicable-

- (i) a performance bond has been issued and notified to the Director; and
- (ii) any access fee or other charges payable under any relevant access agreement have been paid.

(3) The holder of a licence or authorisation issued under these Regulations shall-

- (a) comply with these Regulations, the laws of Sierra Leone, any applicable access agreement, fisheries management plan, and
- (b) comply with national, regional, international conservation and management measures;
- (c) comply with all relevant national laws relating to navigational standards and the safety of lives and vessels at sea; and
- (d) not engage in fishing or related activities except as stated in the licence or authorisation.

(4) The holder of a licence or authorisation in respect of a fishing vessel shall ensure that the licence or authorisation or a certified copy thereof is carried on board the vessel at all times during the period of validity and the master shall upon request, produce it to a fisheries inspector or other person authorised under these Regulations to inspect it; provided that the Director may authorise a true copy of a licence to be temporarily carried in circumstances where it has not been reasonably practical for the original to be placed on board a vessel.

(5) The holder of a licence or authorisation for any activity licensed under these Regulations other than for fishing vessels, shall display the licence or authorisation or a certified copy thereof in the registered business office and produce it to a fisheries inspector or other person authorised under these Regulations to inspect it upon request.

(6) A licence issued in accordance with these Regulations or any associated regulation is not transferable except as may be otherwise provided in the fisheries management plan.

Period of validity of licences and authorisations.

18. A licence or authorisation issued under these Regulations shall, unless otherwise provided in these Regulations, be valid for a maximum period of one year and may be renewable, subject to the terms and conditions set out in the licence.

Fees, charges or levies.

19. (1) A licence or authorisation granted under these Regulations shall be subject to the payment of-

- (a) the licence fee for that class of licence as prescribed in these regulations or the Fisheries (Fees) Regulations; and
- (b) such other fees, charges or levies as may be prescribed in these Regulations.

(2) The Director may charge licence holders for the costs of services, including monetary control and surveillance services, and at such levels as the Minister may by public notice prescribe.

Suspension or cancellation of licence or authorisation.

20. (1) The Director may, by written notice to the holder of a licence or authorisation or that person's agent, suspend or cancel any licence or authorisation issued under these Regulations for any of the following reasons -

- (a) a contravention of the terms and conditions of the licence or authorisation, these Regulations;

- (b) a contravention of any applicable law or international agreement which provides for such suspension or cancellation;
- (c) failure to submit to the legal or administrative process or comply with the requirements of an a fine, penalty or other determination; or
- (d) the Director, having regard to the nature and seriousness of a contravention and on the advise of the Scientific Economic and Technical Committee considers it appropriate to suspend or cancel the licence or authorisation;
- (e) the occurrence of a material change of circumstances affecting the eligibility criteria for the licence or authorisation, including -
 - (i) registration of a company or a vessel;
 - (ii) ownership or beneficial ownership or control of a company or vessel since the time of licence approval; or
 - (iii) characteristics, identification markings, or gear of any licensed industrial fishing vessel;
- (f) where information furnished by the licence or authorisation holder in connection with the licence application is untrue, incomplete or misleading;
- (g) where a licence or authorisation is transferred, without the written approval of the Director;
- (h) where the Scientific Economic and Technical Committee considers it appropriate to suspend or cancel the licence or authorisation to implement conservation and management measures under these Regulations; or

- (i) for such other reasons as may be prescribed by law.

(2) The Director shall, on the advice of the Scientific, Economic and Technical Committee suspend or cancel a licence or authorisation in accordance with such procedures as may be prescribed in these Regulations, a fisheries management plan or any international agreement.

(3) Where a licence or authorisation has been suspended or cancelled in accordance with sub-regulation (2), the Director shall notify the applicant of the reasons for the suspension or cancellation.

(4) There shall be no refund of fees paid in respect of a licence or authorisation suspended or cancelled under this Regulation.

(5) A person shall not engage in any activity for which the relevant licence or authorisation was issued after a notice of suspension or cancellation under sub-regulation (3) is received by the holder or after the licence or authorisation has been terminated under Regulation 21.

Termination of licences and authorisations.

21. (1) A licence or authorisation issued under these Regulations shall automatically terminate-

- (a) upon the expiration of the period for which it was valid;
- (b) where the vessel changes the country of registration, becomes registered in more than one country or is de-registered; or
- (c) where the master, owner or charterer of the fishing vessel to which the licence or authorisation relates is convicted of an offence under these Regulations and a decision to terminate the licence or authorisation has been taken in accordance with these Regulations.

(2) There shall be no refund for a licence or authorisation terminated under this Regulation.

22. (1) A licence or authorisation issued under these Regulations shall-

Transfer of licences and authorisations.

- (a) be issued to a specific fishing vessel or activity; and
- (b) be personal to the holder of that licence.

(2) Notwithstanding sub-regulation (1), a licence issued to an industrial fishing vessel may be transferred to another industrial fishing vessel with the same characteristics and under the same agency with written authorisation by the Director and endorsement by the Minister.

23. (1) Subject to these Regulations, a person whose application for a licence or authorisation has been refused by the Director or whose licence has been suspended, cancelled or terminated may appeal the decision to the Licence Appeals Committee under sub-regulation (2).

Appeal.

(2) The Licence Appeals Committee shall consist of the Permanent Secretary, who shall be Chairman, the Director, one representative of the Scientific, Economic and Technical Committee who is not a member of the Ministry, a legal adviser to the Ministry and the head of the compliance directorate or unit.

(3) An appeal under sub-regulation (1) may be made to the Licence Appeals Committee in writing within 15 working days of the notification to the applicant or licence holder of the Director's decision and the Licence Appeals Committee shall, upon receipt of an appeal prepare a written report relating to the appeal within 7 days.

(4) The Licence Appeals Committee shall make a decision on the appeal within 15 working days of receiving the appeal and shall take into account the information in the report, such independent information that may be submitted regarding the appeal and other such information it may deem relevant.

(5) The Director shall notify the appellant of the decision of the Licence Appeals Committee within 7 days.

National
register of
Licences and
Authorisations.

24. (1) The Director shall, in accordance with subsection (5) of section 13 of the Act, establish and maintain a National Register of Licences and Authorisations.

(2) The register established under sub-regulation (1) shall be in such form as the Minister may require and shall contain -

- (a) information on applications for licences and authorisations;
- (b) information on each licence and authorisation granted, renewed, suspended or cancelled;
- (c) information on vessels, facilities and licensed or authorised activity;
- (d) information relating to fishing vessels licensed or authorised for fishing or related activities-
 - (i) within areas under national jurisdiction; and
 - (ii) beyond areas of national jurisdiction;
- (e) record of incidences of non-compliance with a licence or authorisation including any penalty or sanction invoked;

(f) record of action taken as a result of non-compliance;

(g) the requirements of any relevant international conservation and management measures of an organization in which Sierra Leone is member or cooperating non-member; and

(i) such other information that may be required by the Director.

(2) The Director shall, subject to any applicable laws of Sierra Leone regarding the confidentiality or release of such information, provide access to information contained in the national register of licences and authorisations, on request, by government ministries, departments and agencies, regional fisheries management organisations, international organisations and foreign States or entities.

(3) The Director shall ensure that the information on each licence and authorisation in the database is sufficient for the purpose of fisheries management and monitoring, control and surveillance and to implement the international and regional agreements to which Sierra Leone is a party or cooperating non-party.

(4) The Director shall also ensure that, as appropriate, information is released from the database and communicated to other States and regional and international organisations in a timely manner to ensure the discharge of the regional and international obligations of Sierra Leone including as a flag State, port state and as a member of regional fisheries management organisations.

(5) A person may, upon payment of the prescribed administrative fee, access any non-confidential information in the national register.

PART IV- CONDITIONS AND REQUIREMENTS FOR FISHING,
TRANSHIPMENT, USE OF PORTS AND FISHAGGREGATING
DEVICES.

Conditions
for industrial,
semi-
industrial and
artisanal
fishing
vessels.

25. A Fishing licence issued for industrial, semi-industrial or artisanal fishing vessels shall be subject to the following conditions-

- (a) a fishing vessel shall clearly display at all times, such markings specified in the Fifth Schedule and shall not change such markings without the written permission of the Director;
- (b) a fishing vessel shall at all times fly a flag of a flag State or entity;
- (c) the operator shall hold a valid registration in respect of the fishing vessel as may be required by the flag State or entity for that type of vessel and issued by such flag State or entity;
- (d) an operator shall hold only one valid registration in respect of a fishing vessel and shall not at the same time hold more than one registration;
- (e) an operator shall comply, at all times, with the requirements for trawling gear as specified in the Sixth Schedule;
- (f) an operator shall not carry on board a fishing vessel, any fishing gear that has not been approved for fishing activities on the fishing licence;

- (g) the fishing gear on board a fishing vessel shall comply with the fishing gear specifications in the Sixth Schedule and any other specifications that may be required by the Director and such specifications shall not be changed without the written permission of the Director.
- (h) an operator shall ensure that at least 45% of the crew members on board a fishing vessel are citizens of Sierra Leone;
- (i) an operator shall comply with all relevant national law relating to navigational standards and the safety of lives and vessels at sea; and
- (j) an operator shall comply with any direction given by the Director for inspection of the vessel prior to departing from the fishery waters of Sierra Leone.

26. (1) Notwithstanding the conditions for licensing of vessels under Regulation 25, a licence issued to a fishing vessel for fishing or related activities shall be subject to the following conditions-

Additional
conditions
for industrial
fishing
vessels.

- (a) a noperator of an industrial fishing vessel shall, at all times, maintain a fishing and navigational logbook in the English language with such information and in such form as may be prescribed;
- (b) an operator of an industrial fishing vessel shall report the vessel's position, catch, by-catch and such other information that may be required by these Regulations to the

Director by High Frequency Radio every 24 hours while in the fishery waters of Sierra Leone;

- (c) an operator of an industrial fishing vessel shall continually monitor the international distress call frequency and the international safety call frequency;
- (d) an operator of an industrial fishing vessel shall ensure that a recent and up-to-date copy of the International Code of Signals be carried on board and accessible at all times;
- (e) an operator of an industrial fishing vessel shall ensure that a recent and up-to-date set of charts showing the Sierra Leone fishery waters be carried on board at all times;
- (f) an operator of an industrial fishing vessel shall install, maintain and operate, in accordance with the requirements of these Regulations, an automatic location communicator or such other equipment integral to a vessel monitoring system as the Director may require;
- (g) an operator of an industrial fishing vessel shall carry on board an observer designated by the Director and comply with all requirements relating to observers set out in the Act and these Regulations;
- (h) an operator of an industrial fishing vessel shall not, except for purposes of steaming directly into port with all gear stowed, cause or allow the fishing vessel to enter, be present

in, engage in fishing for or take or carry on board or possess fish taken from the inshore exclusion zone;

- (i) an operator of an industrial fishing vessel shall not cause or allow the fishing vessel to engage in fishing for or take or carry on board or possess fish taken from a closed area or any marine protected area or inshore exclusion zone;
- (j) an operator of an industrial fishing vessel shall retain no more than 30% of by-catch and the remaining portion shall be landed as required under paragraph (k);
- (k) an operator of an industrial fishing vessel shall, except where transshipment has been authorised, land for sale in the local market or at such places as may be designated in the licence or directed in writing by the Director, all catch or such portion as may be prescribed or required by the Director, including the following landing obligations for each designated class of vessel in respect of the total fish catch for each fishing trip-
 - (i) finfish trawlers - 40% of total fish catch;
 - (ii) shrimp trawler - 70% of the bycatch and 15 % of the shrimps;
 - (iii) cephalopods trawlers -70% of the bycatch and 10 % of the cephalopods;
 - (iv) tuna purse seiner- 30% of the bycatch.

(2) A person shall not use a Sierra Leone fishing vessel, being an industrial fishing vessel -

- (a) except with a valid and applicable authorisation issued pursuant to an application made under the Second Schedule, for fishing or related activities-
 - (i) on the high seas;
 - (ii) in areas under the national jurisdiction of any other State except in accordance with the laws of that State; or
 - (iii) that do not comply with an applicable international agreement or undermine the effectiveness of international conservation and management measures.
- (3) during the period of validity of the licence-
 - (i) for fishing or related activities on the high seas or related activities in areas subject to international conservation and management measures unless the licence or authorisation has been endorsed to authorise such fishing;
 - (ii) in areas of national jurisdiction of other States except in accordance with a licence or authorisation and the laws of that State; or
 - (iii) to engage in any activity on the high seas or in areas of national jurisdiction of other States which does not comply with an applicable international agreement or undermines the effectiveness of international

conservation and management measures in an area to which such measures apply;

- (iv) unless the Director otherwise directs in writing or unless the master of the fishing vessel is able to communicate effectively in English, the operator shall ensure that the fishing vessel has on board at all times while in the fishery waters of Sierra Leone a person who is able to communicate effectively in English and in the language of the master; and
- (v) such other conditions that may be required by Public Notice by the Minister or prescribed in accordance with these Regulations.

27. An operator of an industrial fishing vessel shall make such reports as may be prescribed or required by the Director as a condition of his licence or authorisation, which shall include-

Reporting requirements for industrial fishing vessels.

- (a) maintaining a fishing log for each fishing trip in the area to which the relevant licence applies, in the English language or other language approved by the Director, which shall include-
 - (i) the gear type used;
 - (ii) the noon position of the vessel and, where applicable, the set position of the fishing gear and soak time or the number of hooks and the sea surface temperature;

- (iii) the total number of hauls per day, aggregate time for each haul and total number of days fished per fishing trip;
 - (iv) the species of fish taken and the size and quantity of each species by weight or number as may be specified in the relevant reporting form;
 - (v) species types and estimated quantities of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number; and
 - (vi) such other information as may be prescribed or as the Director may require-
- (b) reporting information in a format approved by the Director, including, high frequency radio, email or facsimile relating to the position of, and the catch on board the vessel and such other information that may be required under these Regulations or the Director at the following times-
- (i) at least 24 hours prior to the estimated time of entry into and departure from the fishery waters;
 - (ii) each day while the vessel is in the fishery waters;
 - (iii) at least 24 hours prior to the estimated time of entry or departure from port; and
 - (iv) upon entry into or departure from a closed area or marine protected area.

- (c) information or data which may be required to be transmitted by radio communication, a transponder, automatic location communicator or other component of a vessel monitoring system is transmitted continuously, accurately and effectively to the designated receiver;
- (d) daily information in such form as the Director may require to give effect to obligations under international law; and
- (e) certifying that information provided under paragraphs (a), (b), (c) and (d) is true.

28. Notwithstanding the requirements specified in the Second Schedule, licences issued to semi-industrial fishing vessels for fishing or related activities shall be subject to the following conditions-

Additional conditions for semi-industrial fishing vessels.

- (a) a semi-industrial fishing vessel shall not be used -
 - (i) for fishing or related activities in areas under the national jurisdiction of any other State unless the licence or authorisation has been endorsed to authorise such fishing or related activities; or
 - (ii) in areas of national jurisdiction of any other State except in accordance with laws of that State;
- (b) a semi-industrial fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Director-

- (c) on receipt of an application for registration of a semi-industrial fishing vessel made under these Regulations, the Director shall, as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Director shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration;
- (d) the Director may-
 - (i) determine on advice from the Scientific Economic and Technical Committee from time to time the total number of semi-industrial fishing vessels to be licensed and may refuse to license additional semi-industrial fishing vessels once this number has been met; and
 - (ii) specify conditions of licensing for a semi-industrial vessel relating to the species, total allowable catch or area in which it is permitted to fish, the season, the type and use of its fishing gear, and such other conditions that he may require;
- (e) except where transshipment has been authorised, all catch, or such portion as may be prescribed or required by the Director, shall be landed for sale in the local market at such places as may be designated in the

licence or directed in writing by the Director, and shall include the following landing obligations for each designated class of vessel in respect of the total fish catch for each fishing trip-

- (i) undecked semi-industrial fishing vessels: 100% of total catch and
- (ii) decked semi-industrial fishing vessels: 50% of total catch.
- (f) an undecked semi-industrial fishing vessel known as a Ghana boat or a Standard 5-10 boat shall not carry gear that exceeds the dimensions set out in the Seventh Schedule.

29. An operator of a semi-industrial fishing vessel shall make such reports as prescribed or required by the Director, monthly or at such earlier time as may be required by the Director, as a condition of licence or authorisation, which shall include-

Reporting requirements for semi-industrial fishing vessels.

- (a) maintaining a fishing log for each fishing trip in the area to which the licence applies, in the English language or other language approved by the Director, which shall include-
 - (i) the date of fishing;
 - (ii) the gear type used;
 - (iii) the species of fish taken and the size and quantity of each species by weight or number as may be prescribed or the Director may require; and

- (iv) the species of fish returned from the vessel to the sea, the reason for the discards, the quantity of each species by weight or number;
- (b) the place of landing or transshipment;
- (c) such other information as may be prescribed or as the Director may require; and
- (d) certifying that information provided under paragraphs (a), (b) and (c) is true and correct.

Conditions for artisanal fishing vessels.

30. (1) An artisanal fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Director.

(2) On receipt of an application for registration of an artisanal fishing vessel made under these Regulations, the Director shall as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Director shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.

(3) The Director may-

- (a) determine, following the advice of the Scientific Economic and Technical Committee, the total number of artisanal fishing vessels to be licensed under each Fisheries Management Plan and may refuse to license additional artisanal fishing vessels once this number has been met; and
- (b) specify conditions of licensing for an artisanal vessel relating to the area in which it is permitted to fish and the use of its fishing gear.

31. (1) An operator of a fishing vessel intending to take on board any fish by transshipment or any other means, including loading and landing for local consumption shall-

Transshipment, loading and landing requirements.

(a) only tranship-

- (i) at the port of Freetown or such other port or area in Sierra Leone that may be designated by the Director;
- (ii) at the time and date authorised for transshipment; and
- (iii) pursuant to a valid and applicable authorisation issued under these Regulations and on such terms and conditions that may be required by the Director; and

(b) notify the Director of such intention not less than 72 hours prior to the intended transshipment.

(2) Notification given under paragraph (b) of sub-regulation (1) shall include-

- (a) the vessel's name, radio call sign and fishing licence number where applicable;
- (b) full details of any catch on board the vessel;
- (c) the intended place, date and time of the transshipment;
- (d) the intended species and quantity of fish to be transhipped; and
- (e) the intended date and arrival time in the port of Freetown or any designated port in Sierra Leone.

(3) An operator of a fishing vessel shall not less than 72 hours prior to transshipment, apply to the Director for a transshipment, loading or local landing authorisation in accordance with the conditions and in the form specified in the Eighth Schedule and prior to the issuance of such authorisation shall pay the required fee.

(4) A transshipment, loading or local landing authorisation shall specify when and where transshipment, loading or local landing shall take place and shall be subject to such conditions as the Director may endorse.

(5) An operator of a fishing vessel shall-

- (a) not tranship at sea under any circumstances unless authorised by the Director;
- (b) only tranship at the time and port or other place authorised by the Director;
- (c) cause the fish being loaded or locally landed to be accurately weighed and recorded by species on board the vessel and furnish the Director daily, with copies of these records;
- (d) during transshipment operation give every assistance to any authorised officer, inspector or other person designated by the Ministry in the performance of his duties, including verification of the species and weight of the fish and determining when the transshipment operation has been completed.

(6) An operator of a fishing vessel shall during transshipment in the fisheries waters comply with all applicable laws of Sierra Leone relating to protection of the marine environment.

(7) An operator of a fishing vessel shall upon completion of the transshipment operation, submit to the Director within 72 hours

of the transshipment or before departing the fishery waters, whichever is earlier, a full transshipment report on each transshipment completed in the fishery waters in the form set out in the Ninth Schedule and such other form or information which may be prescribed or otherwise required by the Director.

32. (1) A person shall not deploy or maintain a fish aggregating device in the fishery waters except with the authorisation of the Director and in accordance with such conditions as he may specify or as are otherwise specified in these Regulations. Deployment and maintenance of fish aggregating device.

(2) The Director may, in authorising a person to deploy or maintain a fish aggregating device in the fishery waters under regulation (1) consider the following-

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

(3) A fish aggregating device shall not be placed in such a way as to hinder or block marine traffic.

(4) An authorisation of the Director under these Regulations shall be in writing and may be in electronic form whether as a condition or licence or otherwise.

(5) An authorisation to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

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

Designated fish aggregating devices.

33. (1) The Director may, by notice published in the Gazette, declare a fish aggregating device to be a designated fish aggregating device for the purposes of these Regulations.

(2) Subject to sub-regulation (3), a person shall not fish within a radius of one nautical mile from a designated fish aggregating device except with the authorisation of the Director and in accordance with such conditions as he may specify.

(3) The Minister may, by public notice, declare that any class of persons who are Sierra Leone nationals may fish within a specified radius of a designated fish aggregating device or a class of designated fish aggregating devices.

Marking of fish aggregating devices.

34. An operator of a fishing vessel or any other person in apparent control of a fish aggregating device shall not deploy a fish aggregating device unless it-

- (a) is clearly marked with the name of the owner and of the vessel from which such a device was placed;
- (b) is equipped with a radar reflector and such lights as shall be clearly visible at night from a distance of one nautical mile; and
- (c) has such other equipment or markings as the Director may from time to time require.

Disposal of unauthorised fish aggregating devices.

35. A person shall not use or dispose of a fish aggregating device in a manner other than in accordance with these Regulations or as may be required by the Director.

36. (1) An operator of a fishing vessel or the vessel's representative other than a Sierra Leone fishing vessel shall not use a port in Sierra Leone for landing, transshipping, packaging or processing of fish or for any other port services including refuelling, resupplying, maintenance and dry-docking, unless by a written authorisation issued by the Director.

Prior information and authorisation required for use of a port by a fishing vessel other than a Sierra Leone fishing vessel.

(2) The operator of a fishing vessel or the vessel's representative other than a Sierra Leone fishing vessel shall provide the Director with the information set out in the Tenth Schedule within 72 hours before the estimated time of entry into any port in Sierra Leone.

(3) Upon receipt of information under sub-regulation (2), the Director may -

- (a) enquire whether the vessel requesting entry into a port in Sierra Leone has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of illegal, unreported and unregulated fishing; and
- (b) decide whether to authorise or deny the entry of the vessel requesting entry into a port in Sierra Leone and communicate his decision to the operator of a fishing vessel or his representative.

(4) The Director shall not grant authorisation to a vessel requesting entry into a port in Sierra Leone if he is satisfied that the vessel -

- (a) has engaged in illegal, unreported and unregulated fishing or fishing related activities or in support of such activities; or
- (b) is an illegal, unreported and unregulated listed vessel.

(5) Notwithstanding sub-regulation (4), the Director may grant authorisation to a vessel to enter a port in Sierra Leone exclusively for the purpose of force majeure or for inspecting it and taking other appropriate action in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating illegal, unreported and unregulated fishing and fishing related activities in support of such activities.

(6) An operator of a fishing vessel or the vessel's representative shall in the case of authorisation of entry, present the authorisation for entry into a port in Sierra Leone to the competent authorities upon the vessel's arrival at port.

Denial of the use of port to a fishing vessel other than a Sierra Leone.

37. (1) When a vessel other than a Sierra Leone fishing vessel has entered one of Sierra Leone's ports, the Director shall deny that vessel the use of the port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including refuelling and resupplying, maintenance and dry docking, where-

- (a) the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its flag State;
- (b) the vessel has not been granted a valid and applicable licence to engage in fishing or fishing related activities required by Sierra Leone in respect of its fishery waters;
- (c) there is clear evidence that the fish on board was taken in contravention of applicable requirements of any coastal State in respect of areas under the national jurisdiction of that coastal State;
- (d) the flag State of such fishing vessel does not confirm within a reasonable period of time on the request of the Director that the fish on

board was taken in accordance with applicable requirements of a relevant regional fisheries management organisation; or

- (e) the fishing vessel does not have appropriate authorisation from the coastal state where the fish was caught;
- (f) there are reasonable grounds to believe that the vessel was otherwise engaged in illegal, unreported or unregulated fishing or fishing related activities in support of illegal, unreported or unregulated fishing, unless the operator of the vessel or the vessel's representative can establish-
 - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not at the time of provisioning a vessel referred to in paragraph (e).

(2) Notwithstanding sub-regulation (1), a vessel shall not be denied the use of port services-

- (a) essential to the safety and health of the crew and the safety of the vessel, provided these needs are duly proven; or
- (b) where appropriate, for the scrapping of the vessel.

(3) Where the Director has denied the use of a port in Sierra Leone to a fishing vessel under sub-regulation (1), the operator of the vessel shall not use or attempt to use the port for any of the purposes specified in subsection (1).

Inspection of fishing vessels other than Sierra Leone fishing vessels in port.

38. (1) An inspector shall inspect fishing vessels other than Sierra Leone fishing vessels in port in Sierra Leone.

(2) An inspector shall, in conducting an inspection of fishing vessels under sub-regulation (1), follow the procedures set out in the Eleventh Schedule and shall-

- (a) present to the master of the vessel an identification document prior to an inspection;
- (b) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;
- (c) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State; and
- (d) make all possible efforts to-
 - (i) avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board;
 - (ii) avoid action that would adversely affect the quality of the fish on board;
 - (iii) facilitate communication with the master or senior crew members of the vessel; and

(iv) ensure that inspections are conducted in a fair, transparent and non discriminatory manner that would not constitute harassment of any vessel.

(3) An inspector shall submit the report of the inspection conducted under sub-regulation (1) to the Director in the form set out in the Twelfth Schedule.

(4) An operator of the fishing vessel shall give an inspector all necessary assistance and information and present relevant material and documents as may be required or certified copies thereof.

PART V- INFORMATION, RECORDS, RETURNS, ILLEGAL, UNREPORTED AND UNREGULATED REGISTER.

39. (1) A person shall not-

- (a) fail to keep or provide accounts or records;
- (b) neglect or refuse to provide records, returns or information when lawfully requested or required to do so under these Regulations; or
- (c) make false or misleading statement or omits material information in any communication, application, record or return prescribed by or in accordance with these Regulations or as required for its administration.

(2) Information required to be provided under these Regulations shall be true, complete and accurate and no such information shall be false, misleading or inaccurate.

Information given under Regulations.

Ownership of information.

40. Ownership of all information required to be provided under these Regulations and all information generated by automatic location communicators or similar devices that is part of a vessel monitoring system under these Regulations is vested in the Government.

Records, returns and other information.

41. (1) The Director may, for the purposes of these Regulations, require any person to provide and maintain in such manner and form as he may specify-

- (a) relevant fisheries data and information, including data and information relating to fishing, landing, storage, food safety, processing, buying, selling, exports and other related transactions; and
- (b) accounts, records, returns, documents and other additional information specified under these Regulations.

(2) The following persons shall keep such accounts and records and furnish such returns and information that would make it possible at all times to trace fish and other resources harvested, received, transported, stored or processed or placed on the market, back to a catch registered on a landing or sales note -

- (a) holders of licences, permits, endorsements or other authorities or approvals issued or granted under these Regulations;
- (b) owners, operators, representatives, agents, and masters of fishing vessels licensed under these Regulations;
- (c) owners or operators of any fishing vessel required to be registered pursuant to these Regulations;

(d) owners and persons in charge of any premises or landing sites where fish or fish products are received, bought, sold, stored, transported, processed or otherwise disposed of; and

(e) any other person who is carrying out activities under the scope of these Regulations.

42. True copies of all agreements setting out the terms of partnership association or other contractual obligations of agents to vessel owners shall be deposited in their full and unabridged form with the Ministry upon the application in respect of a fishing vessel other than a Sierra Leone fishing vessel for any licence or authorisation under these Regulations.

Information in partnership agreements between vessel agents and vessel owners.

43. The Director shall maintain and make publicly available a record of the outcome of any legal or administrative action taken in respect of any violation against the Act, including these Regulations that result in a judgment or administrative determination.

Information on legal and administrative action taken in respect of violations of the Act.

44. (1) The Director shall establish and maintain a register of vessels presumed to have carried out illegal, unreported, and unregulated fishing activities in the regional fishery management organisations areas, third country economic exclusive zones and the high seas.

Illegal, unreported, unregulated fishing vessels register.

(2) The Director shall ensure that the illegal, unreported and unregulated vessel register established under sub-regulation (1), is in accordance with international commitments to prevent registration of such vessels under the Sierra Leone flag and to prevent transactions with such vessels in the high seas.

(3) The Minister may, by statutory instrument make further regulations prescribing vessel licence conditions to prevent any transactions with such vessels within ports of Sierra Leone,

fishery waters, regional fishery management organisations' jurisdictions and the high seas.

PART VI-FISHPROCESSING ANDMARKETING

Application for fish processing licences.

45. (1) An application for a licence to operate a fish processing establishment under paragraph (c) of subsection (1) of section 13 of the Act shall be in writing addressed to the Director and in the form specified in the Fourteenth Schedule.

(2) An application to process fish on a fishing vessel in the fishery waters shall be made in writing, addressed to the Director and in such form as he may require.

(3) A licence to engage in fish processing operations shall be displayed in a conspicuous location and produced for inspection at the request of an authorised officer or inspector.

Grounds for denial of fish processing licence.

46. A licence in respect of fish processing shall not be issued unless-

- (a) an application has been made in accordance with the Act and these Regulations;
- (b) information requested by the Director and relevant to the proposed fish processing operations has been provided in the manner requested;
- (c) the prescribed fees has been paid;
- (d) the Director is satisfied that the fish processing establishment or other operation complies with all such safety and sanitary standards as required by law or the Director by notice in the Gazette have been complied with; and

- (e) where the applicant has been convicted of any offence under the Act or any other law relevant to the operation of a fish processing operation, the requirements of the judgement has been fully met.

47. A licence to operate a fish processing establishment shall be subject to the following conditions-

Conditions for fish processing licence.

- (a) the fish processed shall not exceed the total permitted for that operation, including such limits on species and quantity as the Director may specify; and
- (b) any change in the information submitted in the application form shall be notified to the Director as soon as practicable and in any case not later than 3 working days from the date of change.

48. The period of validity of a fish processing licence shall not exceed 10 years and shall be subject to renewal on an annual basis.

Validity, renewal, additional conditions, suspension of fish processing licence.

(2) A fish processing licence-

- (a) may not be renewed where grounds for denial of a fish processing licence under Regulation 46 exists;
- (b) and shall not be renewed where the applicant has been convicted of an offence under the Act or any other law relevant to the operation of a fish processing establishment and the requirements of the judgement have been fully met.

(3) Additional fees, terms and conditions may be imposed or added during the period of validity.

(4) A fish processing licence may be suspended or terminated where there has been non-compliance with the Act, these Regulations, conditions of licence or any other laws and the cause of such non-compliance has not been rectified and any fine, penalty, damages or determination made have not been duly paid.

Inspectors to request information and keep records.

49. (1) An inspector shall request information and keep records in relation to fish processing operations as authorised under the Act or as may be required by the Director.

(2) An information requested and records kept by an inspector in relation to fish marketing may include the following-

- (a) name of the seller;
- (b) name of the District or Province;
- (c) name of the village the seller is from;
- (d) species of fish being sold;
- (e) number of fish being sold;
- (f) type of product being sold;
- (g) destination of the shipment;
- (h) name of the buyer;
- (i) date of sale;
- (j) date of shipment;
- (k) total weight of species being sold;
- (l) price per kilogram;
- (m) price of shipment;

- (n) means of transportation;
- (o) name of ship or plane; and
- (p) flight or voyage number.

(3) A person to whom a request for information is made by an inspector shall promptly furnish such information.

50. (1) For purposes of fishery conservation and management, the Director may require data returns from a seller or buyer of such species as he may specify, including information relating to the- Returns.

- (a) quantity of fish bought or sold;
- (b) name of the buyer or seller; and
- (c) origin of species sold or bought.

(2) A person to whom a request for data returns is made by the Director under sub-regulation (1), shall promptly furnish such information.

PART VII - OFFENCES AND PENALTIES

51. (1) A person who contravenes any of the provisions of the Act or these Regulations commits an offence and shall be liable upon conviction to pay a fine specified in the Fourth Schedule. Offences, fines and penalties.

(2) In addition to the fines specified in the Fourth Schedule, the court may order-

- (a) a term of imprisonment not exceeding 12 months, and where a fine is not paid into court on the terms required, he may order such term of imprisonment in lieu of payment of the fine;
- (b) forfeiture of a fishing vessel, fish on board or fishing gear;
- (c) cancellation or suspension of a licence or authorisation;

- (d) compensation to be paid to the owner of any property damaged or destroyed as a direct result of an offence; and
- (e) compensation for the cost of clearing any pollution of the fishery waters that may have been caused as a direct result of an offence or removing any objects that continue to cause such pollution.

(3) The fines may be levied in such currency equivalent to United States dollars as the court may determine.

Arrest, detention and release of fishing vessels, crew members other than Sierra Leone fishing vessel, and nationals.

52. (1) The Director shall, in cases of arrest or detention of a fishing vessel other than a Sierra Leone fishing vessel notify the concerned flagState, through appropriate channels, of the action taken and of any penalties crew members subsequently imposed.

(2) A fishing vessel other than a Sierra Leone fishing vessel and its crew arrested under these Regulations shall be promptly released upon the posting of a reasonable bond or other security.

(3) Penalties for violations of these Regulations in the exclusive economic zone by a fishing vessel other than a Sierra Leone fishing vessel or crew member other than a Sierra Leone national shall not include imprisonment, in the absence of an agreement to the contrary with the foreign State concerned, or any other form of corporal punishment.

Continuing offence.

53. Each day of a continuing offence shall be considered a separate offence

Costs incurred by State.

54. The owner or charterer shall bear any cost or expenditure incurred by a State, as determined by the court upon conviction, in connection with-

- (a) the seizure of a fishing vessel other than a Sierra Leone fishing vessel for an offence against these Regulations;

- (b) the prosecution for an offence in accordance with these Regulations;
- (c) costs of imprisonment, taking into account the duty to promptly release crew members under sub-regulation (2) of Regulation 53; and
- (d) the repatriation of the master and crew of any vessel seized under these Regulations.

55. In addition to a fine or penalty determined under these Regulations, the court may order a default penalty for non-payment of fines or determinations, not to exceed one percent per day of the total amount of the fine or determination. Default for non-payment.

56. (1) A person who commits an offence under these Regulations may, upon conviction, be liable for any loss or damage caused by the offence and the amount of the loss of such damage may be awarded by the court as restitution in addition and recovered in the same manner as a fine. Liability for loss or damage.

(2) A loss or damage caused by an offence under sub-regulation (1) shall include, any costs incurred in-

- (a) detecting, apprehending, investigating or prosecuting the offence; and
- (b) detaining or seizing any property, fish, article or thing in respect of that offence.

57. The Fisheries Regulations, 1995 is hereby repealed. Repeal.