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2) LAWS ON MARINE FISHERIES

- c) Tuna Resources Management (National Seas) Act 1977,
entered into force on 31st March, 1978 (not reproduced)

3) REGULATIONS ON MARINE FISHERIES

- a) Fisheries Regulation No. 19 of 1975

PAPUA NEW GUINEA

STATUTORY INSTRUMENT

No. 19 of 1975.

Fisheries Regulation
1975,

being

A Regulation made by the High Commissioner in Council under
the *Fisheries Act* 1974.

1 - INTERPRETATION.

- (1) In this Regulation, unless the contrary intention
appears -

"allotted licence number" means the licence number
endorsed on a licence under Section 3 (3) or 3 (4)
by the High Commissioner;

"factory ship licence" means a licence in respect
of a boat authorizing the use of the boat for
carrying, or for processing and carrying fish
that have not been taken by the use of that boat;

"fishing boat licence" means a licence in respect
of a boat authorizing the use of the boat for
taking fish and for processing and carrying fish
that have been taken with the use of that boat;

"the Act" means the *Fisheries Act* 1974, as in force
from time to time.

- (2) In this Regulation a reference to a form by number
shall be read as a reference to a form so numbered in Schedule

2 - PERSONS LICENSED TO ENGAGE IN FISHING.

- (1) An application for a licence to engage in fishing
shall be in Form 1, and shall be accompanied by the prescribed
fee, which shall be refunded if a licence is refused.

- (2) A licence to engage in fishing shall be in Form 2.

3 - LICENCES.

- (1) An application for a fishing boat licence shall
be in Form 3 and shall be accompanied by the prescribed fee
which shall be refunded if the licence is refused.

- (2) An application for a factory ship licence shall be
in Form 4 and shall be accompanied by the prescribed fee which
shall be refunded if the licence is refused.

- (3) A fishing boat licence shall be in Form 5.

- (4) A factory ship licence shall be in Form 6.

4. - TRANSFER OF LICENCE.

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(1) An application for a transfer of a licence shall be made in writing to the High Commissioner and shall be accompanied by the prescribed fee.

(2) Where the High Commissioner approves an application for the transfer of licence, he shall endorse on the licence a memorandum of the transfer.

5. - LOST, DESTROYED OR DEFACED LICENCE.

(1) Where a licence granted under Section 7 of the Act has been lost or destroyed, the licensee may make application in writing to the High Commissioner for the issue to him of a duplicate licence.

(2) Where the High Commissioner is satisfied that -

- (a) the licence has been lost or destroyed; and
- (b) no improper use has been made or is being made of that licence,

he may upon payment of the prescribed fee issue to the licensee a duplicate licence.

(3) Where a licence granted under Section 7 of the Act has been defaced, the licensee shall, on returning the licence to the High Commissioner and on payment of the prescribed fee, be issued with a duplicate licence.

(4) A duplicate licence issued under this section has the same force and effect as the licence of which it is a duplicate.

6. - FORM OF REGISTER.

A Register kept under Section 9(11) of the Act shall be in the form in Schedule 2.

7. - LICENCE, ETC., FEES.

(1) Subject to Subsection (4), the fee payable in respect of a fishing boat licence for a foreign boat (other than a foreign boat on charter to a citizen of Papua New Guinea) is -

- (a) K30.00 per metre of overall length calculated to the lowest whole metre; and
- (b) 5% of the value of the fish caught pursuant to that licence during the period of the licence.

(2) The fee payable in respect of a fishing boat licence for a foreign boat on charter to a citizen of Papua New Guinea is K30.00 per metre of overall length calculated to the lowest whole metre.

(3) The fees respectively specified in Column 2 of Schedule 3 are payable in respect of the several matters specified in Column 1 of that Schedule.

(4) That part of the licence fee specified in Subsection (1) relating to the overall length of the boat is a fee in respect of a licence for a full 12 months' period. Where a licence is granted in respect of part only of that period, that part of the licence fee shall be such proportion of K30.00 per metre as the period of the licence bears to a full 12 months' period.

(5) In this section 'value' in relation to fish means the value from time to time determined by the

S.7 Reg.
Ins.by
of 1978

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8. - REQUIREMENTS FOR MARKING OF LICENSED FISHING BOATS.

(1) This section applies to all boats in respect of which a fishing boat licence or a factory ship licence has been issued.

(2) Every licensed boat shall have displayed on the centre line on the stern and on each side of the bow above the water line -

- (a) its name in Roman letters; and
- (b) the letters "P.N.G." followed by the licence number in Arabic numerals,

Painted -

- (c) in black upon a white ground or in white upon a black ground; and
- (d) of a size -
 - (i) not less than 150 mm high; and
 - (ii) not less than 40 mm wide; and
 - (iii) spaced not less than 40 mm apart.

(3) The licence number of a licensed boat shall be painted horizontally upon the top of the wheelhouse, or, where there is no wheelhouse, as directed by the High Commissioner, in figures -

- (a) not less than 1 m high; and,
- (b) not less than 150 mm wide in any part; and
- (c) in black upon a yellow ground.

(4) A small boat or tender carried on or used by a licensed boat shall have the licence number allotted to that licensed boat painted on the centre line on the stern above the water line in accordance with Subsection (2)(c) and (d).

(5) Letters and numbers prescribed in Subsections (2) and (3) shall be -

- (a) displayed at all times during the currency of the licence; and
- (b) maintained in a legible condition.

(6) The licensee and the person in charge of a boat which is not marked in accordance with the requirements of this section are each guilty of an offence.

Penalty: \$200.00.

Sec. 2(1)

SCHEDULE 1.

Form 1.

PAPUA NEW GUINEA.

Fisheries Act 1974, as amended to date.

APPLICATION FOR LICENCE TO ENGAGE IN FISHING.

To The Minister for Natural Resources (Forests and Fisheries):

I, _____ of _____ hereby apply for a licence to engage in fishing in the following areas of Papua New Guinea waters:-

Previous licence No: _____ issued on _____
Fee: \$1.00

(Signature of Applicant)

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For office use only.

Licence No. issued by at

on , 19 .

Valid until 31 December 19 .

Fee paid: \$1.00.

Sec. 2 (2).

PAPUA NEW GUINEA.

Form 2.

Fisheries Act 1974, as amended to date.

LICENCE TO ENGAGE IN FISHING.

Issued at

Licence No.

Date:

(Name and address of applicant)

is licensed to engage in fishing in the
area subject to the following conditions: -

1. The licensee shall comply with the provisions of the *Fisheries Act 1974, as in force from time to time.*
2. The licensee shall not interfere with traditional fishing as defined in Section 2 of the Act.
3. Special Conditions: -

This licence remains in force until 31 December 19 , unless
sooner cancelled or suspended under Section 8 of the Act.
Fee paid: \$1.00

High Commissioner.

Sec. 3 (1).

PAPUA NEW GUINEA.

Form 3.

Fisheries Act 1974, as amended to date.

APPLICATION FOR FISHING BOAT LICENCE.

To: The High Commissioner:

I, *(insert name and address of applicant)*
hereby apply for a licence to use a boat for fishing in the
following areas of Papua New Guinea waters: -

Particulars of Boat;

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Name: _____ Type: _____
 Length overall: _____ Gross tonnage: _____
 Built of: _____ at _____
 Based at: _____
 Owner (state name and address of owner and whether resident of,
 or company incorporated in Papua New Guinea):

Port of Registry:
 No. of Tender boats:
 Type of fishing:
 Other operations:

Note: Is vessel to be engaged in processing or transporting
 fish taken in other vessels:

Fee:

(Signature of Applicant)

(Date)

For Office use only.

Licence No. _____ issued by _____
 at _____ on _____, 19____
 Fee paid: \$ _____

Sec. 3 (2). PAPUA NEW GUINEA. Form 4.

Fisheries Act 1974, as amended to date.

APPLICATION FOR FACTORY SHIP LICENCE.

To: The High Commissioner:

I,
 hereby apply for a licence to use a boat as a factory ship in
 the following areas of Papua New Guinea waters: -

Particulars of Boat:

Name: _____ Type: _____
 Length overall: _____ Gross tonnage: _____
 Built of: _____ at _____
 Based at: _____

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Owner (state name and address of Owner and whether resident of, or company incorporated in Papua New Guinea):

Port of Registry:

No. of Tender boats:

Type of Fishing:

Other operations:

(Signature of Applicant)

(Date)

Fee:

For office use only.

Licence No. issued by at
on , 19

Fee paid: \$

Sec. 3 (3).

PAPUA NEW GUINEA.

Form 5.

Fisheries Act 1974, as amended to date.

LICENCE TO USE A BOAT FOR FISHING.

Issued at on , 19 No.

(Name and address of licensee)

is licensed to use (name of boat)

(hereinafter referred to as the "licensed boat") the particulars of which are as follows:

Particulars of licensed boat.

Name:

Type:

Length overall:

Gross tonnage:

Port of Registry:

No. of tender boats:

Type of fishing:

Other operations:

For fishing in Papua New Guinea waters subject to the following conditions: -

1. The licensee shall comply with the provisions of the Fisheries Act 1974, as in force from time to time.
2. The licensee shall not interfere with traditional fishing as defined in Section 2 of the Act.

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Fish taken on board the licensed boat shall not be delivered or transhipped to any other boat without prior permission in writing from the licensing authority.

Transporting, preserving, cutting up, dismembering, cleaning, sorting, packing or storing of fish that have been taken by another boat shall not be undertaken by the licensed boat.

Special conditions:

This licence remains in force until (insert date), unless sooner cancelled or suspended under Section 9 of the Act.

Sch.1 item 5
Amd. by No.10
of 1978,s,2

Fee paid:

HIGH COMMISSIONER.

Part 3 (4).

PAPUA NEW GUINEA

Form 6.

Fisheries Act 1974, as amended to date.

LICENCE TO USE A BOAT AS A FACTORY SHIP.

No.

, 19

Issued at _____ on _____
(Name and address of licensee)
to licensed to use (name of boat)
hereinafter referred to as the "licensed boat")
Particulars of which are as follows: -

Particulars of licensed boat:

Name _____ Type: _____
Length overall: _____ Gross tonnage: _____
Port of Registry: _____
No. of tender boats: _____
Type of operations: _____

This factory ship in Papua New Guinea waters subject to the following conditions: -

The licensee shall comply with the provisions of the Fisheries Act 1974, as in force from time to time.

The licensee shall not interfere with traditional fishing as defined in Section 2 of the Act.

Fish carried on board the licensed boat shall not be delivered or transhipped to any other boat without prior permission in writing from the licensing authority.

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1.

4. Special conditions:

This licence remains in force until 31 December 19... less sooner cancelled or suspended under Section 9 of the Act.

Fee paid:

HIGH COMMISSIONER.

Sec. 6.

SCHEDULE 2.

Fisheries Act 1974, as in force from time to time.

REGISTER OF LICENCES.

| Date of Issue | Licence No. | Licence to engage in Fishing | Fishing Boat or Factory Ship Licence. | | Transfer of Licence | | Date Cancellation or Suspension |
|---------------|-------------|------------------------------|---------------------------------------|--------------|---------------------|-------------------|---------------------------------|
| | | Name | Name of Licensee | Name of Boat | Name of Transferee | Date of Transfer. | |
| | | | | | | | |

Sec. 7.

SCHEDULE 3.

SCALE OF FEES.

Column 1.

Column 2.

| | | |
|----|---|--------|
| 1. | Grant of fishing licence | \$1.00 |
| 2. | Grant of fishing boat licence for P.N.G. boat where - | |

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- (a) overall length does not exceed 6 m 2.00
- (b) overall length exceeds 6 m but does not exceed 15 m 10.00
- (c) overall length exceeds 15 m 20.00

to the lowest whole metre

Grant of factory ship licence for P.N.G. boat where -

- (a) overall length does not exceed 6 m 2.00
- (b) overall length exceeds 6 m but does not exceed 15 m 10.00
- (c) overall length exceeds 15 m 20.00

to the lowest whole metre

Grant of fishing boat licence for foreign boat -

Sch. 3 Amc
by No. 10
of 1978
s. 3

per m of overall length to the lowest whole metre

30.00,

Grant of factory ship licence for foreign boat - per m of overall length to the lowest whole metre 10.00

Issue of duplicate licence 1.00

Transfer 1.00

Signed this 17th day of April 1975.

T.K. CRITCHLEY,
HIGH COMMISSIONER.

