REGULATIONS ON MARINE FISHERIES 3)

Fisheries Regulations 1983 a)

THE FISHERIES REGULATIONS

ORDER NO. 49 OF 1983

To provide for the conservation and regulation of fisheries in Vanuatu waters and the issue of licences.

IN EXERCISE of the powers contained in section 34 of the Fisheries Act 1982, I hereby make the following Regulations: -

PART 1

FOREIGN FISHING LICENCES

Applications

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Subject to sub-regulation (2), every application 1. (1) for a foreign fishing licence shall be substantially in the form set out in Part A of Schedule 1 to these regulations.

(2)On or following the operative date of any Order made under section 7 of the Act, it shall be sufficient for any application for a foreign fishing licence to be in the form set out in Part B of Schedule 1 to these regulations.

(3) Every application for a foreign fishing licence shall be addressed to the Minister and be in writing or in the form of a telex or cable, in English or in French.

Licence

2. Every foreign fishing licence shall be in writing or in the form of a telex or a cable and substantially in the form set out in Schedule 2 to these regulations.

3. (1) The fee payable for the issue of a licence in respect of a foreign fishing vessel is the amount set out for vessels of that kind in Schedule 3 to these regulations.

(2)No foreign fishing licence may be issued unless the Minister is satisfied that any fees payable in respect of that licence have been paid and that adequate arrangements have been made for the payment of any royalties and other charges payable under section 14 of the Act.

General conditions

Subject to regulation 5, every foreign fishing 4. (1) licence issued under section 4 of the Act shall be subject to the following general conditions: -

(a) The vessel shall at all times while in Vanuatu waters:

form

Fees

- (i) fly the flag of its flag state; and
- (ii) display in a place clearly visible both from the sea and from the air, in letters and numbers at least one metre high on a contrasting background, its international radi call sign.
- (b) Any change in the information set out in the application form shall be notified to the Director as soon as practicable and, in any case, no later than 7 days from the date of the change;
- (c) No fishing shall be undertaken in Vanuatu waters except as authorized by the licence;
- (d) No fish may be transshiped from or onto the vessel while in Vanuatu waters except with the permission of the Director and in accordance with such conditions as he may specify;
- (e) The master of the vessel shall cause a logbook to be maintained on a daily basis in such form as the Director may from time to time require for the purpose of recording the fishing operations of the vessel while within Vanuatu waters;
- (f) The logbook maintained under paragraph (e) shall be transmitted in its original and unaltered form to the Director or to any other person or organization designated by him,
 - (i) not later than 45 day s after the completion of the voyage to which the log book relates, or
 - (ii) at any other time at the request of the Director or of any authorized officer.
- (g) The master of the vessel shall cause reports to be made to the Director or to such other person or organization as the Director may designate containing the information set out in paragraph (h) at the following times: -
 - (i) immediately upon entry into Vanuatu waters;
 - (ii) every Wednesday or such other day that the Director may specify while the vessel is in Vanuatu waters;
 - (iii) immediately upon departure from Vanuatu
 waters; and
 - (iv) such other times as the Director may specify.

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- (h) Each report made under paragraph (g) shall contain details of: -
 - (i) the international radio call sign or the number assigned to the vessel under any regional register referred to in an Order made under section 7 of the Act;
 - (ii) the position of the vessel at the time of reporting;
 - (iii) the total catch by species on board the vessel at the time of reporting;
 - (iv) such other matters as the Director may from time to time require.
- (i) The master or owner of the vessel or his authorized local representative shall notify the Director or such other person or organization as the Director may designate of the estimated time of entry of the vessel into any Vanuatu port at least 24 hours prior to such entry.
- (j) The master of the vessel shall, while in Vanuatu waters, allow any fisheries officer or other person designated in writing by the Director to board and remain on board the vessel as an observer and shall: -
 - (i) proceed to such port or place as the Director may require to allow an observer to board or disembark from the vessel;
 - (ii) allow the observer full access to all equipment, including navigation and communications equipment, records and documents and to any fish on board the vessel;
 - (iii) allow the observer to make such tests, observations and records and to take and remove such samples as he may reasonably require in connection with the vessel's activities in Vanuatu waters; and

- (iv) provide without charge food, accommodation and medical treatment at least equivalent to that provided for officers of the vessel.
- (k) The master of the vessel shall, while in Vanuatu waters, take all reasonable measures and precautions to avoid causing damage to any local fishing operations including non-commercial operations.

(2) Any records, logbooks or notifications required to be maintained or made under this regulation shall be maintained or made in English or in French.

Exemption

5. The Director may, by notice published in the Gazette, exempt any locally based foreign fishing vessel or any class of locally based foreign fishing vessel from any or all of the requirements of paragraphs (g), (h), (i) and (of regulation 4(1).

PART 2

LOCAL FISHING LICENCES

Form of licence and application the appropriae form set out in Schedule 4 to these regulations.

Fees

7. (1) Subject to sub-regulation (2), the fee payable for the issue or renewal of a licence in respect of a local fishing vessel is the amount set out for vessels of that kind in Schedule 5 to these regulations.

(2) Where a licence is issued for a part of a year only the fee payable is the amount payable under sub-regulation
(1) for a complete year less one twelth of that amount for each complete month that the licence will not have had effect.

Grounds for refusal of a licence

- 8. No licence in respect of a local fishing vessel may be issued or renewed unless: -
 - (a) an application has been made in accordance with regulation 6 and is true and correct in every way;
 - (b) any information requested by the Minister or the Director and relevant to the proposed fishing operation has been provided in the manner requester
 - (c) there is held in respect of the vessel a valid safety certificate issued by the Ports and Marine Department under the law from time to time dealing with shipping safety; and
 - (d) the fee prescribed under regulation 7 has been paid

General conditions

- 9. Every licence in respect of a local fishing vessel shall ' subject to the following general conditions: -
 - (a) Any change in the information set out in the application form shall be notified to the Director as soon as practicable and in any case no later that 7 days from the date of the change.

- (b) The vessel shall display the identification markings as the Director may from time to time require.
- (c) No fishing shall be undertaken except as authorized by the licence.
- (d) No fish may be transshipped from or onto the vessel except with the permission of the Director and in accordance with such conditions as he may specify.
- (e) The master of the vessel shall, if so required by the Director, cause a logbook to be maintained on a daily basis in such form as the Director may from time to time require for the purpose of recording the fishing operations of the vessel.
- (f) Any logbook maintained under the preceding paragraph shall be transmitted in its orginal and unaltered form to the Director at such times as he may require.
- (g) If the vessel is fishing in waters other than Vanuatu waters, the vessel shall comply with such written laws relating to fishing of any other country, if any, as may be recognized by the Republic of Vanuatu as having force in those waters.

all such records shall be open to inspection by any

PART 3

FISH EXPORT PROCESSING ESTABLISHMENT LICENCES

Applica- tions	10.	Every licence to operate a fish export processing establishment and every application for such a licence shall be in writing in the form set out in Schedule 6 to these regulations.			
Fees	11.	There shall be payable for the issue or renewal of a licence to operate a fish export processing establishment fee of VT 10,000.			
Licence conditions	12.	Every licence to operate a fish export processing establishment shall be subject to the following conditions in addition to any conditions endorsed on the licence: -			
		(a) The establishment shall be maintained and operated in a clean and sanitary manner.			
	·	(b) Accurate records shall be maintained relating to the operations carried out in the establishment, including records of the quantity, type and quality of fish received, processed, sold or exported, and			

authorized officer.

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(c) Such returns shall be made to the Director concerning the operations of the establishment as the Director may from time to time require.

(d) Any change in the information set out in the application form shall be notified to the Director as soon as practical and in any case not later than 7 days from the date of the change.

PART 4

FISHERY CONSERVATION MEASURES

Rock

13. (1) In this Regulation "rock lobster" means a rock lobster of the genus Panulirus.

(2)No person shall harm, take, have in his possession, sell or purchase -

- (a) any rock lobster carrying eggs; or
- (b) any rock lobster which is less than 22 centimetres in length when laid flat and measured from immediately behind the rostral horns to the rear edge of the telson or whose carapace is less than 7.5 centimetres when measured along the mid-line from immediately behind the rostral horns to the rear edge as illustrated in Schedule 7 to these regulations.

(3) No person shall spear or attempt to spear a rock lobster.

(4) No person shall remove the eggs from a rock lobster or have in his possession, sell or purchase a rock lobster from which the eggs have been removed.

Slipper lobster

In this regulation slipper lobster means a 14.(1)crustacean of the species Parribacus caledonicus.

No person shall harm, take, have in his possession, (2)sell or purchase -

- (a)any slipper lobster carrying eggs; or
- (b) any slipper lobster which is less than 15 centimetres in length when laid flat and measured from the front edge of the carapace to the rear edge of the telson as illustrated in Schedule 8 to these regulations.

(3) No person shall spear or attempt to spear a slipper lobster.

lobster

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(4) No person shall remove the eggs from a slipper lobster or have in his possession, sell or purchase a slipper lobster from which the eggs have been removed.

15. (1) This regulation shall come into operation immediately upon the repeal of the Coconut Crabs (Protection) Act 1981.

(2) In this regulation -

"coconut crab" means a crab of the species <u>Birgus latro;</u> and

(3) No person shall harm, take, have in his possession, sell or purchase -

(a) any coconut crab carrying eggs; or

(b) any coconut crab which is less than 9 centimetres in length when measured along the carapace from immediately behind the rostral horn to the rear edge of the carapace in the mid-line, as illustrated in Schedule 9 to these regulations.

(4) No person shall remove the eggs from a coconut crab or have in his possession, sell or purchase any coconut crab from which the eggs have been removed.

16. (1) This regulation shall come into operation immediately upon the repeal of Joint Regulation No. 11 of 1957.

(2) In this regulation "green snail" means a mollusc of the species Turbo marmoratus.

(3) No person shall harm, take, have in his possession, sell or purchase any green snail which is less than 15 centimetres in length when measured in its longest dimension.

(4) No person shall export green snail except with written permission of the Minister and in accordance with such conditions as he may specify.

 This regulation shall come into operation immediately upon the repeal of Joint Regulation No. 11 of 1957.

(2) In this regulation "trochus" means a mollusc of the species Trochus niloticus.

(3) No person shall harm, take, have in his possession, sell or purchase any trochus which is less than 9 centimetres in diameter when measured across the base.

Green

snail

:oconut

rabs

Trochus

No person shall export trochus except with the (4) permission of the Minister and in accordance with such conditions as he may specify.

Trumpet shells

18.(1)In this regulation -

"trumpet shell" means a mollusc of the species Charonia tritonis.

No person shall harm, take, have in his possessi (2) sell or purchase any trumpet shell which is less than 2 centimetres in length when measured along the outside o. the shell from one end to the other.

Coral

19. No person shall take more than 3 pieces of living coral any period of 24 hours except with the permission of th Director and in accordance with such conditions as he m specify.

No person shall export any coral except with the (2)written permission of the Minister and in accordance wi such conditions as he may specify.

Aquarium fish

No person shall export any marine aquarium fish. 20.(1)except with the written permission of the Minister and accordance with such conditions as he may specify.

A permission granted under this regulation shall (2)affect any obligation to reach agreement with custom le owners regarding the use of land and waters for the catching of aquarium fish.

Turtles

- No person shall -21.(1)
 - disturb, take, have in his possession, sel (i) purchase any turtle eggs;
 - interfere with any turtle nest; or (ii)
 - sell, purchase or export or any turtle or (iii) shell thereof of the species Eretmochelys imbricata, known as the hawksbill turtle.

Crustaceans

This regulation shall come into operation 22. (1) immediately upon the repeal of the Joint Export of (Crustaceous) Shellfish Regulation No. 32 of 1973.

No person shall export any crustacean except wi (2)the written permission of the Minister and in accordan with such conditions as he may specify.

Bêche-de-Mer

23. No person shall export beche-de-mer except with the w permission of the Minister and in accordance with such conditions as he may specify.

Offences

24. Any person who contravenes any of the provisions of this Part shall be guilty of an offence and liable to a maximum fine of VT 100,000.

PART 5

FISH AGGREGATING DEVICES

Placing of devices

25. (1) No person shall place a fish aggregating device in Vanuatu waters except with the permission of the Director and in accordance with such conditions as he may specify or as are otherwise specified in this Part.

(2) The permission of the Director under this regulation may be given in the form of a telex or cable or in writing whether as a condition of the licence or otherwise.

(3) Permission to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

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

(5) Any person who contravenes the provisions of this Regulation shall be guilty of an offence and be liable to a maximum fine of VT 100,000.

Designated 2 fish aggregating device

Sugar Come

26. (1) The Director may, by notice published in the Gazette, declare any fish aggregating device to be a designated fish aggregating device for the purposes of this regulation.

(2) Subject to sub-regulation (3), no person shall fish within a radius of one nautical mile from a designated fish aggregating device except with the permission of the Director and in accordance with such conditions as he may specify. (3) The Director may, by notice published in the Gazette, declare that any class of persons who are Vanuatu citizens may fish within a radius of one nautical mile of a designated fish aggregating device or a class of designated fish aggregating devices.

(4) Any person who contravenes the provision of this regulation shall commit an offence and be liable to a maximum fine of VT 1,000,000.

Marking of 27. (1) Any fish aggregating device placed in Vanuatu waters devices shall -

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(i) be clearly marked with the name of the owner and of the vessel from which the device was placed;

2.3

- (ii) bear a radar reflector and such lights as shall be clearly visible at night from a distance of one nautical mile; and
- have such other equipment or markings as the (iii) Director may from time to time require.

(2)Any person who contravenes the provisions of this regulation shall commit an offence and be liable to a maximum fine of VT 50,000.

Disposal of 28. Any fish aggregating device placed in Vanuatu waters otherwise than in accordance with a permission given under regulation 25 or found in Vanuatu waters without a marking or piece of equipment required by regulation 27 may be used or disposed of in such manner as the Minister may direct.

PART 6

MISCELLANEOUS PROVISIONS

29. Any person contravening any of the provisions of these Offences regulations shall be guilty of an offence and shall be and liable where no specific fine is provided therefor to a penalties fine not exceeding VT 100,000.

30. Except as otherwise provided, these regulations shall come Commencement into operation on the first day of September, 1983.

MADE this 23rd day of August 1983.

S.J. REGENVANU Minister of Land and Natural Resource

unauthorized devices

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SCHEDULE 1

APPLICATION FORMS FOR FOREIGN FISHING LICENCES (Regulation 1)

ART A - FULL APPLICATION FORM

REPUBLIC OF VANUATU

FISHERIES REGULATIONS

Application Form for a Foreign Fishing Licence

NSTRUCTIONS:

Underline surnames

Address means complete mailing address

Mark X where appropriate

If not applicable mark NA

Type or print clearly

All units metric, specify units if other system used

: Minister of Land and Natural Resources

hereby apply for a foreign fishing licence.

Name of Vessel

Name of Owner

Address of Owner

Name of Charterer Address of Charterer Country of Registration Contry Registration Number Radio Call Sign

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SCHEDULE 1 (Continued)

9. Operational Base (s)	
Port Port	Country
10. Name of Vessel Master	· · · · · · · · · · · · · · · · · · ·
11. Address of Vessel Master	· · · · · · · · · · · · · · · · · · ·
12. Name of Fishing Master	
13. Address of Fishing Master	
14. Type of Vessel	
Single Purse Seiner Longliner Pole and Liner Other (Specify)	Group Purse Seiner Purse Seine Carrier
15. Normal Total Number of Crew	
16. Flag State Authorized Fishing Areas	
17. Hull Materials	
Steel Wood FRP Other	(Specify)
18. Year Built 19	
19. Place of Construction	
20. Gross Tonnage	
21. Overall Length Met	res
22. Main Engine(s) Power	(Specify Units)
23. Fuel Carrying Capacity Kil	olitres
24. Daily Freezing Capacity	Kilolitres
Method Capacity (X where appropriate) Metric tons/da	Temperature
Brine (NaCl) BR Brine (CACl) CB Air (Blast) BF Air (Coils) RC Other (Specify)	<u> </u>

			<u>.</u>	
•.	. · ·	SCHEDULE 1 (Continued	4)	
5. Storage Ca	pacity (More (than one, if appropria	ate)	
Method		Capacity	Temperature	
	ppropriate)	Cubic Metres	C	
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	NaCl) BR			
	CaCl) CB			
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9. Bait Stora Circulatio (X Where A Natural Circulatio	Name Name nd Line Vesse ge, (more that n Method ppropriate) NN on CR	1s	Type Type) Capacity	-
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9. Bait Stora Circulatio (X Where A Natural Circulatio Refrigerat	Name Name nd Line Vesse nge, (more that n Method .ppropriate) NN on CR ed RC	1s	Type Type) Capacity	
9. Bait Stora Circulatio (X Where A Natural Circulatio Refrigerat . For Suppor	Name Name Name nd Line Vesse ge, (more that n Method ppropriate) NN on CR ed RC t Vessels	1s	Type Type) Capacity Cubic Metres	-
9. Bait Stora Circulatio (X Where A Natural Circulatio Refrigerat . For Suppor	Name Name Name nd Line Vesse ge, (more that n Method ppropriate) NN on CR ed RC t Vessels (X more than	ls n one, if appropriate one if appropriate)	Type Type) Capacity Cubic Metres	-
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9. Bait Stora Circulatio (X Where A Natural Circulatio Refrigerat . For Suppor	Name Name Name nd Line Vesse ge, (more that n Method ppropriate) NN on CR ed RC t Vessels (X more than Refrig Scouti	ls n one, if appropriate one if appropriate) erated Carrier ng Boat	Type Type) Capacity Cubic Metres	-
9. Bait Stora Circulatio (X Where A Natural Circulatio Refrigerat . For Suppor	Name Name Name nd Line Vesse ge, (more that n Method ppropriate) NN on CR ed RC t Vessels (X more than Refrig Scouti Anchor	ls n one, if appropriate one if appropriate) erated Carrier ng Boat Boat	Type Type) Capacity Cubic Metres	
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9. Bait Stora Circulatio (X Where A Natural Circulatio Refrigerat . For Suppor 0. Activíties	Name Name Name Name Name Name Name Name	ls n one, if appropriate one if appropriate) erated Carrier ng Boat Boat /Mothership (Specify)	Type Type) Capacity Cubic Metres	

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SCHEDULE 1 (Continued)

I understand that I am required to

- report any changes in items 1 to 13 within 60 days, and i.
- ii.
- Annually notify any other changes in the information contained i this application to the Director of Fisheries, Port Vila, Vanuati

Signature of Applicant

owner charterer

Duly authorized Age:

Address of Applicant

PART B - SHORT APPLICATION FORM

I hereby apply for a licence to fish in Vanuatu waters.

Name of vessel 1.

2. Regional Register Number

Nature of Fishing Operations to be Undertaken (including use of 3. aggregating devices)

4. **Proposed Fishing Areas**

Period of Validity of Licence Requested 5.

Proposed Date of Commencement of Fishing Operation 6.

Signed

Date

Specify whether owner, charterer or agent

Name and address of applicant

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SCHEDULE 2

FOREIGN FISHING LICENCE (Regulation 2)

LICENCE NUMBER ...

REPUBLIC OF VANUATU

FISHERIES ACT 1982

FOREIGN FISHING LICENCE

The person named as the licence holder below is hereby licensed in accordance with subsection 4(2) of the Fisheries Act 1982 to use the vessel described below for fishing in Vanuatu waters and in accordance with the terms and conditions set out in this licence and the conditions prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Name of vessel

Radio call sign

Regional register number

Authorized fishing areas

Authorized fishing periods

Authorized fishing operations

Authorized target species and quota (where applicable)

Other special condtions

Permitted transshipment operations (where applicable)

Permitted use of aggregating devices (where applicable)

Minister of Lands and Natural Resources

SCHEDULE 3

FEES FOR FOREIGN FISHING LICENCES (Regulation 3)

Size of vessel, in gross registered tonnes	Fee payable
Less than 100 tonnes	VT 10,000
100 tonnes or more, up to 1,000 tonnes	VT 10,000 and, in addition, VT 50 per tonne in excess of 100
1 000 toppes or more	VT 55 000

SCHEDULE 4

LOCAL FISHING VESSEL LICENCE (Regulation 6)

Application form

REPUBLIC OF VANUATU

FISHERIES REGULATIONS

Application Form for a Local Fishing Vessel Licence

INSTRUCTIONS - Underline surnames

For "address" provide as much detail as possible Leave no question blank If not applicable, write N/A Specify units of measurement

ADDRESS TO: Director of Fisheries, Fisheries Department, Port Vila I hereby apply for a fishing licence for the vessel described below.

1. Name of vessel

2. Name and address of charterer (if applicable)

3. International radio call sign (if applicable)

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SCREEFE & (Continued)

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- 833 -

4. Name and address of master

5. Nature of fishing operation to be undertaken (attach full description)

6. Nature of vessel (attach full description, including hull construction, main engine type and power, where and when built, history of use).

7. Number of crew expected

8. Fish storage capacity, for each storage method

I declare that the vessel described above is wholly owned by: (tick (a), (b), (c), or (d):

(a) the Government of Vanuatu

(b) a public corporation established by or under a law of Vanuatu

(c) one or more persons who are citizens of Vanuatu

(d) a company, whiety or other association of persons incorporated or established under the laws of Vanuatu

and that the full same and address or names and addresses of the owner or of the all the owners are:

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

Signature of avi-tint

Date

Specify whether amer or charterer

Name and address of applicate

Licence form

Licence Number....

REFERENCE OF VANUATU

FISZERIES ACT 1982

THE FISHING VESSEL LICENCE

The person name: a the little colder below is hereby licensed in accordance with section 9(2, of the Fisheries Act 1982 to use the vessel described below for fishing in accordance with the terms and conditions set out in this licence and the conditions prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Name of vessel

Radio call sign (if applicable)

Period of Licence

Special conditions

Permitted transshipment operations (where applicable) Permitted use of aggregating devices (where applicable)

Director of Fisheries

Date

SCHEDULE 5

FEES FOR LOCAL FISHING VESSEL LICENCES (Regulation 7)

Size of vessel in gross registered tonnes	Fee payable	
Less than 100 tonnes	VT 5,000	
100 tonnes or more, up to 1,000 tonnes	VT 5,000 and, addition, VT per tonne in excess of 10(

1,000 tonnes or more

VT 27,500

SCHEDULE 6

FISH EXPORT PROCESSING ESTABLISHMENT LICENCES (Regulation 10)

Application form

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REPUBLIC OF VANUATU

FISHERIES REGULATIONS

Application form for a fish export processing establishment licence

INSTRUCTIONS - Underline surnames

For "address" provide as much detail as possible Leave no question blank If not applicable, write N/A Specify units of measurement

ADDRESS TO: Director of Fisheries, Fisheries Department, Port Vila

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

- 1. Address of establishment
- 2. Name and address of owner of establishment
- 3. Name and address of lessee (if leased)
- 4. Kinds of fish to be processed, including sources of supply (attach full description)
- 5. Nature of processing operation (attach full description)
- 6. Cleanliness and sanitation standards (attach full description of construction and maintenance standards)

Signature of applicant

Date

Specify whether owner or lessee

Name of applicant

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Licence Form

LICENCE NUMBER

REPUBLIC OF VANUATU

FISHERIES ACT 1982

FISH EXPORT PROCESSING ESTABLISHMENT LICENCE

The person named as the licence holder below is hereby licensed in accordance with section 21(1) of the Fisheries Act 1982 to use the premises described below as a fish export processing establishment in accordance with the terms and conditions set out in this licence and the conditions prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Address of premises

Kinds of fish authorized to be processed

Kinds of processing authorized to be carried out

Further conditions

Signature of Minister of Lands and Natural Resources

Date

SCHEDULE 8

ILLUSTRATION OF MEASUREMENT FOR ROCK LOBSTER

(Illustration omitted)

SCHEDULE 9

ILLUSTRATION OF MEASUREMENT FOR COCONUT CRAB

(Illustration omitted)