

PUBLIC NOTICES

Supplement to the Sierra Leone Gazette Vol. CXVII, No. 8

dated 30th January, 1986

PUBLIC NOTICE NO. 1 OF 1986

Published 30th January, 1986

THE FISHERIES ACT
(Cap. 195)

THE FISHERIES (OPERATION OF FOREIGN MOTOR FISHING VESSELS) Short title.
REGULATIONS, 1985

In exercise of the powers conferred on him by section 13 of the Fisheries Act (Cap. 195), the President, acting in accordance with the advice of the Cabinet, hereby makes the following Regulations—

PART I—PRELIMINARY

1. These Regulations shall be deemed to have come into operation on the 1st day of January, 1985. Date of commencement.

2. In these Regulations, unless a contrary intention appears, "competent authority" means the Fisheries Division of the Ministry or any other body authorised by the Minister to perform any or all of the functions conferred or imposed by these Regulations; Interpretation.

"foreign motor fishing vessel" means any motor fishing vessel other than a local motor fishing vessel notwithstanding that that vessel may be registered under the Registration of Shipping Act, 1963 (Act No. 26 of 1963);

"local motor fishing vessel" means any motor fishing vessel—

(a) wholly owned by citizens of Sierra Leone; or

(b) wholly owned by any company, association or body of persons, corporate or unincorporate, established under the laws of Sierra Leone;

(i) in which more than half the members are citizens of Sierra Leone; or

(ii) in the case of companies having share capital, in which at least fifty per centum of the shares are held

but does not include a vessel that satisfies the ownership requirements of paragraph (a) or (b) of this definition but which is in fact directly or indirectly owned or controlled in any way whatsoever by a non-citizen of Sierra Leone;

“Minister” means the Minister for the time being charged with responsibility for matters relating to fisheries;

“Ministry” means the Ministry for the time being charged with responsibility for matters relating to fisheries.

PART II—GENERAL PROVISIONS

Maximum number of foreign motor fishing vessels to operate in the territorial waters.

3. Apart from vessels which fish by virtue of a bilateral agreement concluded between the Government of Sierra Leone and the Government of a foreign country in which there is fixed the number and type of vessels of that country entitled to fish in the territorial waters of Sierra Leone, the Minister may, after taking into consideration all available scientific information on the state of the stock, fix the type and maximum number of foreign motor fishing vessels that may be licensed to operate within the territorial waters of Sierra Leone for any year or particular period of the year.

Allocation of licences to be on merit.

4. The Minister may, for any year or particular period in the year, allocate fishing licences to citizens, companies or enterprises of Sierra Leone operating or sponsoring foreign motor fishing vessels for the purpose of fishing within the territorial waters of Sierra Leone:

Provided that in the case of renewal of fishing licences, the performance in the previous year of the person, company or enterprise applying for renewal of licence shall be taken into consideration in deciding whether or not the licence should be renewed.

Foreign motor fishing vessels to call at port for examination.

5. No foreign motor fishing vessel shall be licensed or have its licence renewed until it has called at the Port of Freetown and been examined by the competent authority as to type of vessel, gear, seaworthiness and compliance with international safety regulations and has passed such examination.

Permit to discharge, export or tranship fish from foreign fishing vessels.

6. (1) No fish or shell fish or both shall be discharged, exported or transhipped from any foreign fishing vessel except under a permit issued by the Chief Fisheries Officer of the Ministry.

(2) An application for such permit shall be in writing and shall state the quantity, type by species and size of fish or shell fish or both, to be discharged, exported or transhipped.

7. (1) Each licensed foreign motor fishing vessel shall carry on board an Inspector of the Fisheries Division of the Ministry during its operations in the territorial waters of Sierra Leone.

Each vessel to have on board an Inspector from Fisheries Division.

(2) The captain of that vessel, its owners and agents shall be jointly and severally responsible for the safety and welfare of the Inspector during his stay on board the vessel.

8. (1) Except as otherwise agreed under any bilateral agreement referred to in regulation 3 of these Regulations, a foreign motor fishing vessel which is licensed to fish in the territorial waters of Sierra Leone shall discharge for sale in Sierra Leone at least twenty-five percentum of its total annual production of fin fish.

25 percent of fish to be discharged for sale in Sierra Leone.

(2) Where from an examination of the performance in the previous year of a fishing company which applies for a licence, the Minister has cause to believe that a motor fishing vessel which fished under a licence granted to that company the previous year did not comply with the provisions of sub-regulation (1) of this regulation, the Minister may require that company or the owner of the vessel to pay all royalty fees in United States dollars at the rate of United States \$90 (ninety United States dollars) per ton per annum on the gross registered tonnage for every vessel for which the company or the owner has applied for a licence in the current year.

9. The royalty fee to be paid in respect of any foreign motor fishing vessel used for fishing for shell fish in the territorial waters of Sierra Leone which has no shore-based facilities for processing and export from Sierra Leone of the shell fish shall be at the rate of US\$250 (two hundred and fifty United States dollars) per ton per annum on the gross registered tonnage.

Special royalty fees for certain foreign vessels taking shell fish.

10. No foreign motor fishing vessel which exceeds two hundred gross registered tonnage shall fish for shell fish in the territorial waters of Sierra Leone.

Certain foreign vessels not to take shell fish in territorial waters.

Export of
fish by
letter of
credit.

11. No fish, whether fin fish or shell fish, shall be exported from Sierra Leone except payment therefor is covered by an irrevocable letter of credit through a bank in Sierra Leone.

Made this 20th day of May, 1985

Issued under my hand

ABASS C. BUNDU (DR.),
Minister of Agriculture and Natural Resources.