

**MARINE RESOURCES (LICENSING AND REGULATION OF FISHING VESSELS)  
REGULATIONS 1995**

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Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this ÖÖ.ÖÖÖ.Ö. Day of ÖÖÖÖÖ.Ö. 1995

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE  
IN EXECUTIVE COUNCIL

PURSUANT to Section 60 of the Marine Resources Act 1989, the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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38. Fish processing establishment licence	<b><u>MISCELLANEOUS PROVISIONS</u></b>
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**REGULATIONS**

**1. Title and commencement** – (1) These regulations may be cited as the Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994.

(2) These regulations shall come into force on the 1<sup>st</sup> day of January 1995.

**2. Interpretation** . - (1) The terms and phrases defined in the Marine Resources Act 1989 shall be given the same meaning in these regulations unless the context requires otherwise.

(2) In these regulations, unless the context requires otherwise

"the Act" means the Marine Resources Act, 1989;

"Forum Fisheries Agency" means the South Pacific Forum Fisheries Agency established by the South Pacific Forum Fisheries Agency Convention 1979;

"South Pacific Commission" means the South Pacific Commission based in Noumea, New Caledonia established by Article 1 of the Agreement Establishing the South Pacific Commission, 1947.

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

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

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**PART 1  
LOCAL FISHING**

4. **Local fishing licence application** - Every application for a local fishing licence made under section 9 of the Act shall be in Form A, addressed to the Secretary and accompanied by the fee specified in Part 1 of the Second Schedule.

5. **Local fishing licence form** - Every local fishing licence shall be issued in writing in Form B and shall be produced for inspection upon the request of **an** authorised officer.

6. **Fees** - (1) Subject to sub-paragraph (2), the fee payable for the issuance or renewal of a local fishing licence is such amount as is specified in the Part 2 of the Second Schedule.

(2) No fees shall be payable in respect of any licence issued to a local fishing vessel owned and operated by the Government of the Cook Islands.

7. **Grounds for licence refusal** - In addition to the grounds for licence refusal set out in section 9(3) of the Act, no local fishing licence shall be issued or renewed unless all information requested by the Secretary in respect of the proposed fishing operation or related activities has been provided in the manner required or requested.

8. **General conditions** – Every local fishing licence shall be subject to the following general conditions

- (a) any change in the information set out in the application form shall be notified to the Secretary as soon as practicable and in any case no later than seven (7) days from the date of the change;
- (b) the vessel shall be seaworthy and shall comply with safety standards applicable from time to time under the laws of the Cook Islands concerning shipping;
- (c) the vessel shall display identification markings in accordance with the Third Schedule to these regulations and such additional markings as the Secretary may from time to time require;
- (d) no fishing shall be undertaken except as authorised by the licence;
- (e) no fish may be transhipped from or onto the vessel except with the permission of the Secretary in writing and in accordance with such conditions as the Secretary may specify;
- (f) the master of the vessel shall cause records to be maintained on a daily basis in such form as the Secretary may from time to time require for the purpose of recording the fishing operations or related activities of the vessel;
- (g) any logbook maintained under die preceding paragraph shall be transmitted in its original and unaltered form to the Secretary at such time or times as he may require;
- (h) if the vessel is fishing in waters other than the fishery waters, the operator and each member of the crew shall comply with such written laws relating to fishing, if any, as may be recognised by the Government of the Cook Islands as having force in those waters;

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- (i) whenever required to do so by the Secretary, the vessel shall carry an observer designated by the Secretary, and the master and crew of the vessel shall provide the observer with such facilities and co-operation as may be required to allow him to carry out his duties;
- (j) the operator shall promptly provide the Secretary with such information in respect of the fishing operations as he may require from time to time.

**PART 11  
SPORT FISHING**

**9. Sport fishing vessel licence application** - Every application for a sport fishing vessel licence made under section 10 of the Act shall be in Form C, addressed to the Secretary and accompanied by the fee specified in Part 1 of the Second Schedule.

**10. S12 Sport fishing vessel licence form** - Every sport fishing vessel licence shall be issued in writing in Form D and shall be produced for inspection upon the request of an authorised officer.

**11. Fees** - (1) Subject to sub-paragraph (2), the fee payable for the issuance or renewal of a sport fishing vessel licence is such amount as is specified in the Part 2 of the Second Schedule.

(2) No fees shall be payable in respect of any licence issued to a sport fishing vessel owned and operated by the Government of the Cook Islands.

**12. Grounds for licence refusal** - In addition to the grounds for licence refusal set out in section 10(3) of the Act, no sport fishing vessel licence shall be issued or renewed unless all information requested by the Secretary in respect of the proposed fishing operation or related activities has been provided in the manner required or requested.

**13. General conditions** - Every sport fishing vessel licence shall be subject to the following general conditions -

- (a) any change in the information set out in the application form shall be notified to the Secretary as soon as practicable and in any case no later than seven days from the date of the change;
- (b) the vessel shall be seaworthy and shall comply with safety standards applicable from time to time under the laws of the Cook Islands concerning shipping;
- (c) the vessel shall display identification markings in accordance with the Third Schedule to these regulations and such additional markings as the Secretary may from time to time require;
- (d) no fishing shall be undertaken except as authorised by the licence;
- (e) the operator of the vessel shall cause records to be maintained on a daily basis in such form as the Secretary may from time to time require.

**PART III  
FOREIGN FISHING**

**14. Foreign fishing licence application** - Every application for a foreign fishing licence made pursuant to section 16(4) of the Act shall be in writing in Form E and shall contain such additional

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information as may be required by the Minister or under an applicable bilateral access agreement or multilateral agreement to which the Government of the Cook Islands is a party and shall be accompanied by the fee specified in Part 1 of the Second Schedule.

**15. Foreign fishing licence form - (1)** Every foreign fishing licence shall be issued in writing in Form F, and shall contain such additional information as may be required by the Minister or under an applicable bilateral access agreement or multilateral agreement to which the Government of the Cook Islands is a party.

(2) The licence shall be transmitted to the vessel promptly after issue and carried on board at all times and shall be produced for inspection upon the request of an authorised officer.

(3) Where a licence has been issued but not yet received by the vessel, confirmation of the issue of the licence and information contained therein by telex, telefax or cable and carried on board will constitute sufficient authority.

(4) Where an endorsement has been made on a foreign fishing licence by an authorised officer, and action in accordance with the provisions of the Act or these regulations is required by such endorsement, the operator shall promptly take such action.

**16. Fees -** The fees, royalties and other forms of compensation payable in respect of a foreign fishing licence shall be those established by an applicable bilateral access agreement or multilateral agreement or such other fees, royalties or other forms of compensation as may be determined by the Minister in accordance with the Act.

**17. Local agent -** No licence shall be issued in respect of a foreign fishing vessel unless – an agent is appointed and maintained who is resident in the Cook Islands and is authorised to act on behalf of the owner, master or charterer of that vessel and who is able to accept legal responsibility on behalf of the owner, master or charterer for any action, juridical or otherwise, taken in respect of that vessel; and the name and address of such agent is notified to the Minister in Form G.

(2) Any communication, information, document, direction, request or response to or from that agent shall be deemed to have been sent to or received from the foreign party to the access agreement or the vessel operator or both, as the case may be.

**18. Grounds for licence refusal - (1)** In addition to the requirements in Section 16(6) of the Act, no licence in respect of a foreign fishing vessel may be issued or renewed unless -

at the time of application for the licence the vessel is in good standing on the Regional Register; and all information requested by the Minister in respect of the proposed fishing operation or related activities, or required under an applicable access agreement, has been provided in the manner requested or required.

(2) Unless otherwise required by the terms of an applicable bilateral access agreement or multilateral agreement the Minister shall not be required to inform the applicant of the grounds upon which he has refused to issue a licence under section 16(6) of the Act.

**19. Reporting forms - (1)** For the purpose of recording catch and effort data, the operator of every foreign fishing vessel or locally based foreign fishing vessel licensed to fish in the fishery waters shall use such logsheets as may be specified from time to time by the Secretary.

(2) In addition to the catch and effort data required to be recorded on the logsheets specified under regulation 19(1), the Secretary may require such additional information to be provided in respect of

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the fishing operations of a licensed foreign fishing vessel or locally based foreign fishing vessel as he may determine is appropriate for fisheries conservation, management and development.

**20. General conditions** - In addition to any other applicable conditions, every foreign fishing licence shall be subject to the following general conditions -

- (a) the vessel shall only be used for such fishing and related activities, during such periods and in such places, as are specified in the licence;
- (b) except as may otherwise be provided in any applicable access agreement, the licence shall not be transferable to any other vessel or owner without the written permission of the Minister;
- (c) the licence shall be produced at the request of an authorised officer;
- (d) the vessel shall at all times in the fishery waters -
  - (i) fly the flag of the State in which it is registered;
  - (ii) display identification markings in accordance with the specifications set out in the Third Schedule to these regulations; and
  - (iii) display lights and shapes for the vessel and activity in which it is engaged in compliance with the requirements of the International Regulations for Preventing Collisions at Sea;
- (e) the vessel shall, unless the Minister otherwise directs in writing or unless the master of the vessel is able to communicate effectively in English, carry a person who is able to communicate effectively in English and in the language of the master of the vessel;
- (f) no fish may be landed or transhipped in the Cook Islands or in the fishery waters except as the Minister may authorise in writing in accordance with the Act;
- (g) the master shall cause a fishing logbook to be maintained at all times while the vessel is in the fishery waters in such form as the Minister may from time to time require for the purpose of recording the fishing, operations or related activities of the vessel and shall cause entries to be made daily;
- (h) in particular, but not to limit the generality of paragraph (g), the master shall cause the following information to be entered relating to the activities of the vessel during each day -
  - (i) the fishing effort of the vessel;
  - (ii) the methods of fishing used;
  - (iii) the areas in which fishing was undertaken;
  - (iv) the species of fish taken, and the quantity and condition of each species;
  - (v) the species of fish taken returned to the sea, and the quantity and condition of each species;
  - (vi) such information regarding fishing on the high seas as may be required by the Minister in accordance with standards adopted by the member countries of the Forum Fisheries Agency, including high seas fishing activity on a trip which includes fishing in the fishery waters; and

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- (vii) such other information as the Minister may reasonably require in order to ascertain the fishing or related activities of that vessel in the fishery waters;
- (i) the master shall certify that the information contained in the fishing, logbook is true, complete and correct;
- (j) the master shall cause the fishing logbook to be transmitted in its original and unaltered form to the Minister or to any other person or organisation designated by him -
  - (i) not later than seven days after the completion of the voyage to which the logbook relates; or
  - (ii) at any other time at the request of the Minister or any authorised officer;
- (k) the master shall cause reports to be made to the Minister, or such other person or organisation as the Minister may designate, at the following times -
  - (i) immediately upon entry into the fishery waters;
  - (ii) every Wednesday or such other day as the Minister may specify while the vessel is in the fishery waters;
  - (iii) immediately upon departure from the fishery waters; and
  - (iv) such other times as the Minister may specify;
- (l) each report made under sub-paragraph (k) shall contain the following information -
  - (i) the international radio call sign or the number assigned to the vessel under the Regional Register;
  - (ii) the position of the vessel at the time of reporting;
  - (iii) the total catch by weight by species on board the vessel at the time of reporting; and
  - (iv) such other matters as the Minister may from time to time require;
- (m) the master or owner of the vessel or his local agent shall notify the Minister or such other person or organisation as the Minister may designate of the entry of the vessel into port in the Cook Islands at least 24 hours prior to such entry;
- (n) the master of the vessel shall cause to be maintained on board the vessel, at all time while the vessel is in the fishery waters, a ship's log separate from the fishing log referred to in paragraph (g) and shall enter in that log a record of the date, time and nature of every instruction, direction or requirement communicated to the master by the Minister or an authorised officer;
- (o) the operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 Khz (HF), and the international safety and calling frequency 156.8 MHz (channel 16, VHF-FM);
- (p) the master of the vessel shall, while in the fishery waters, take all reasonable measures and precautions to avoid causing damage to any local fishing operations including non-commercial operations;
- (q) the master shall cause to be carried on the vessel the latest edition of the "International Code of Signals" published by the International Maritime

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Organisation Marine Safety Committee, and the signals specified in the Code shall be used in every communication by radio, flag or light between a licensed fishing vessel in the fishery waters and any Cook Islands authority.

**21. Notifications, records and logbooks to be in English** – The operator of a . foreign vessel shall cause any notification, record, or logbook required to be made Or maintained under the Act or regulations to be made or maintained in English.

**PART IV**

**LOCALLY BASED FOREIGN FISHRNG**

**22. Locally based foreign fishing vessel licence application** - Every application for a locally based foreign fishing vessel licence made under section 17 of the Act shall be in writing in Form H and shall contain such additional information as may be required by the Minister or under an applicable bilateral access agreement or multilateral agreement and shall be accompanied by the fee specified in Part 1 of the Second Schedule.

**23. Locally based foreign fishing vessel licence form** - Every locally based foreign fishing, vessel licence shall be in writing in Form I, shall be carried on board the vessel at all times and shall be produced for inspection upon the request of an authorised officer.

**24. Fees** - The fees, royalties and other forms of compensation payable in respect of the issue or renewal of a locally based foreign fishing vessel licence shall be those established by an applicable bilateral access agreement or multilateral agreement to which the Government of the Cook Islands is a party or such other fees, royalties or other forms of compensation as may be determined by the Minister in accordance with the Act or an applicable bilateral access agreement or multilateral agreement.

**25. Grounds for licence refusal** - (1) An application for a locally based foreign fishing vessel may be denied on any of the following grounds -

- (a) that it is necessary in the opinion of the Minister to do so in order to give effect to any licensing programme specified in an applicable fisheries plan;
- (b) that the Minister has reason to believe that the applicant will not comply with the conditions of the licence;
- (c) any of the grounds applicable to foreign fishing vessels set out in Section 16(6)(a), (b), (c) and (d) of the Act;
- (d) that, at the time of the application for the licence, the vessel is not in good standing on the Regional Register;
- (e) that the applicant has failed to provide all information requested by the Minister in respect of the proposed fishing operation or related activities;
- (f) that the vessel has, at any time, engaged in any driftnet fishing activities whether in the fishery waters or elsewhere; and
- (g) such other grounds as may be specified in the Act or in any regulations made under the Act.



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(2) Unless otherwise required by the terms of an applicable bilateral access agreement or multilateral agreement the Minister shall not be required to inform the applicant of the grounds upon which he has refused to issue a licence under section 16(6) of the Act.

**26. General Conditions - (1)** Every locally based foreign fishing vessel issued with a licence pursuant to these regulations shall be subject to all the general conditions applicable to foreign fishing licences described in Part III of these regulations.

(2) The provisions of regulations 17, 19, 20 and 21 shall apply, with the necessary changes, to locally based foreign fishing vessels.

**PART V**

**TRANSHIPMENT AND OTHER AUTHORISATIONS**

**27. Transhipment -** Except as may be otherwise permitted under the terms of an applicable bilateral access agreement or multilateral agreement, the operator of a foreign fishing vessel or locally based foreign fishing vessel shall not tranship anywhere in the Cook Islands except under a permit issued by the Minister in accordance with this regulation.

**28. Application for transhipment permit -** An application for a transhipment permit shall be in writing in Form J and shall contain such additional information as may be required by the Minister and shall be accompanied by the fee specified in Part 1 of the Second Schedule.

**29. Transhipment permit -** Every transhipment permit shall be in writing in Form K, shall be carried on board the vessel at all times and shall be produced for inspection upon the request of an authorised officer.

**30. Fees -** The fees payable for the issuance or renewal of a transhipment permit shall be such amounts as specified in Part 2 of the Second Schedule.

**31. Grounds for permit refusal - (1)** An application for a transhipment permit may be denied on any of the following grounds -

- (a) the application is not in accordance with the requirements of the Act or these regulations;
- (b) that it is necessary in the opinion of the Minister to do so in order to give effect to any licensing programme specified in an applicable fisheries plan;
- (c) that the "Minister has reason to believe that the applicant will not comply with the conditions of the permit;
- (d) that the applicant has failed to provide all information requested by the Minister in respect of the proposed transhipment operation or related activities;
- (e) such other grounds as may be specified in the Act or in any regulations made under the Act.

(2) Unless otherwise required by the terms of an applicable bilateral access agreement or multilateral agreement the Minister shall not be required to inform the applicant of the grounds upon

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which he has refused. to issue a transhipment permit.

**32. General conditions** - Every transhipment permit shall be subject to the following general conditions -

- (a) the operator of the vessel shall not tranship at sea under any circumstances except for the transfer of catch by a licensed group seiner to its licensed carrier vessel each of which holds good standing on the Regional Register;
- (b) the operator of the vessel shall provide 72 hours notice to the Ministry of Marine Resources or any other designated authority of a request to tranship any or all of the fish on board and shall provide details of the name of the vessel, its international radio call sign, position, the catch on board by weight by species, the time and place where such transhipment is requested to occur;
- (c) only tranship at the time and place authorised in the transhipment permit for transhipment;
- (d) submit full transhipment reports on any forms which may be prescribed or are otherwise required by the Secretary.

**33. Application for authorisation** - Every application for an authorisation for test fishing or marine scientific research made under section 18 or 19 of the Act shall be in writing, addressed to the Minister and shall contain such information as may be required by the Minister in accordance with the Act.

**34. Fees** - The fees payable for authorisations for test fishing or marine scientific research shall be such amounts as the Minister may determine in accordance with the Act and these regulations.

**35. General conditions** - Vessels which are authorised to undertake specified activity in the fishery waters shall comply with all licence conditions required or prescribed under the Act and these regulations in respect of local, locally based foreign fishing vessels or foreign fishing vessels, as the case may be, and such additional requirements relating to the specified activity as may be prescribed or otherwise required or requested by the Minister.

**36. Marine scientific research** - Every authorisation to conduct marine scientific research shall be subject to such conditions as are in accordance with the provisions of Part XHI, Section 3 of the United Nations Convention on the Law of the Sea, 1982.

**37. Test fishing operations** - Every authorisation to conduct test fishing operations shall take into account the potential for commercial fishing activity in such operations, and conditions and fees as the Minister may determine.

**PART VI**  
**FISH PROCESSING ESTABLISHMENT LICENCES**

**38. Fish processing establishment licences** - (1) Every application for a licence to operate a fish processing establishment made under section 27 of the Act shall be in writing, addressed to the Secretary in Form L, and shall be accompanied by the fee specified in Part 1 of the Second Schedule.

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(2) The Secretary shall submit the application form, together with a report of the consultation and evaluation required under regulation 39 to the Minister within a reasonable time of receipt of the application,

**39. Factors to be considered** - The Minister shall, in considering an application for a licence to operate a fish processing establishment and any conditions to be attached thereto, take into account the results of -

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

**40. Fish processing establishment licence form.** - Every licence to operate a fish processing establishment shall be in Form M and unless sooner cancelled or suspended shall be valid for a period of 12 months from the date of issue.

**41. Fees** - (1) Subject to sub-paragraph (2), the fee payable for the issue or renewal of a licence to operate a fish processing establishment shall be such amount as is specified in the Second Schedule of these regulations.

(2) No fees shall be payable in respect of any licence issued to a fish processing establishment owned and operated by the Government of the Cook Islands.

**42. Grounds for licence denial.** - No licence in respect of a fish processing establishment shall be issued or renewed if the applicant has been convicted in the Cook Islands of any offence under the Act or any other Act relevant to the operation of a fish processing establishment, unless the Minister decides otherwise on cause shown.

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

- (a) the fish processed at such establishment shall not exceed the total quotas provided to that establishment, including those relating to species and quantity;
- (b) such establishment shall be maintained and operated in a clean and sanitary manner;
- (c) accurate records shall be maintained on a daily basis on such forms as may be required by the Minister relating to the operations carried out in such establishment, including records of the origin, dates, quantity, type and quality of fish received, processed, sold and exported, and other information which the Minister may require, and all such records shall be open to inspection at any time by any authorised officer;
- (d) such returns shall promptly be made to the Minister concerning the operations of the establishment as the Minister may from time to time require;
- (e) any change in the information submitted in the application form shall be notified to the Minister as soon as practical and in any case not later than seven (7) days from the date of the change.

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**PART VII  
FISH AGGREGATING DEVICES**

**44. Placing of fish aggregating devices - (1)** No person shall place a fish aggregating device in the fishery waters except with the permission in writing of the Secretary and in accordance with such conditions as he may specify or as are otherwise specified in this Part.

(2) In granting permission under sub-regulation (1), conditions which the Secretary may specify include, but are not limited to, the following -

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

(3) The permission of the Secretary under this regulation shall be in writing and may be in the form of a telex or cable whether as a condition of licence or otherwise.

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

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

**45. Designated fish aggregating device - (1)** The Secretary may, by notice published in the Cook Islands 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 Secretary and in accordance with such conditions as he may specify.

(3) The Secretary may, by notice published in the Cook Islands Gazette, declare that any class of persons who are permanent residents of Cook Islands may fish within a radius of one nautical mile of a designated fish aggregating device or a class of designated fish aggregating devices.

**46. Marking of fish aggregating devices - (1)** Any fish aggregating device placed in the fishery waters shall -

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

**47. Compliance with applicable conservation or management measures** Permission to use a fish aggregating device does not affect any obligation to observe applicable conservation or management measures for fisheries unless the Secretary specifies in writing that a particular measure does not apply with respect to fish caught within one nautical mile of that device.

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**48. Disposal of unauthorised devices** - Any fish aggregating device placed in the fishery waters otherwise than in accordance with permission given under this Part or found in Cook Islands waters without a marking or piece of equipment required by these regulations may be used or disposed of in such manner as the Secretary may decide.

**49. Offences** - Any person who contravenes any provision in this Part commits an offence and shall be liable on conviction to a fine not exceeding \$1,000.

**PART VIII  
MISCELLANEOUS PROVISIONS**

**50. Aquarium fish** - No person shall engage in fishing for any aquarium fish except with the written permission of the Minister and in accordance with such conditions as he may specify.

**51. Period of validity of fishing licences** - Unless sooner cancelled or suspended, all fishing licences issued under these regulations shall remain valid for the periods specified in section 22 of the Act.

**52. Renewal of licences** - (1) Any holder of a license issued under these Regulations may apply to the Secretary or Minister, as the case may be, to renew the term of the licence.

(2) Every application for renewal must be in writing, addressed to the Secretary or the Minister as the case may be and shall contain such information required under the Act or these regulations or such other information as maybe requested or required.

**53. Information to be** - (1) Any information required to be recorded, notified, communicated or reported pursuant to any requirement of these regulations shall be true, complete and correct.

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

(3) Any person who contravenes sub-regulations (1) or (2) commits an offence and shall be liable to a fine not exceeding \$10,000.

**54. General Penalty for breach of regulations** - Any person who contravenes any provision of these regulations or acts in contravention of any licence, permit or authorisation granted pursuant to these regulations commits an offence and, unless otherwise provided in these regulations or in the Act, shall be liable to a fine not exceeding \$ 1 0, 000, and where the offence is a continuing one, a further fine not exceeding \$500 for every day that the offence has continued.

**55. Savings** - All licences, permits, authorisations and agreements issued under the Act or pursuant to the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1979 before the commencement of these regulations shall, except so far as they are inconsistent with the Act or these regulations, continue to have effect as though made or given pursuant to the Act or these regulations.

**Clerk of the Executive Council**

These Regulations are administered by the Ministry of Marine Resources

**Marine Resources (Licensing and Regulation of Fishing Vessels)  
Regulations 1995**

**BY AUTHORITY:**  
Cook Islands Government - 1995

**FIRST SCHEDULE**

**FORMS**

FORM	A	Application for a Local Fishing Licence
FORM	B	Local Fishing Licence
FORM	C	Application for a Sport Fishing, Licence
FORM	D	Sport Fishing Licence
FORM	E	Application for Foreign Fishing Licence
FORM	F	Foreign Fishing Licence
FORM	G	Appointment of an Agent
FORM	H	Application for a locally based foreign fishing licence
FORM	I	Locally based foreign fishing licence
FORM	J	Application for a transhipment permit
FORM	K	Transhipment permit
FORM	L	Application for a fish processing establishment
FORM	M	Fish processing establishment licence

**SECOND SCHEDULE**

**FEES**

**Part 1 – Fees upon application for licence**

1.	Application for a local fishing licence	NZ\$ 50.00
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**Marine Resources (Licensing and Regulation of Fishing Vessels)  
Regulations 1995**

2.	Application for a sport fishing vessel licence	NZ\$ 50.00
3.	Application for a foreign fishing licence	NZ\$ 50.00
4.	Application for a locally based foreign fishing licence	NZ\$ 50.00
5.	Application for a transhipment permit	NZ\$ 50.00
6.	Application for a fish processing establishment licence	NZ\$ 50.00

Part 2 - Licence fees

1.	Local fishing licence	NZ\$2,500.00
2.	Sport fishing vessel licence	NZ\$100.00
3.	Fish processing establishment licence	NZ\$100.00
4.	Transhipment permit	NZ\$50.00

**THIRD SCHEDULE**  
**VESSEL IDENTIFICATION MARKINGS**

(Regulation 8(c), 13(c), 20(d)(ii), 26)

1. All vessels licensed or authorised under the Act shall be marked with their International Telecommunications Union (ITU) Radio Call Signs (IRCS).
2. Vessels not provided with an IRCS shall be marked with the characters allocated by the ITU to the flag State and followed by the licence or registration number assigned by the flag State. In such cases a hyphen shall separate the ITU characters and the assigned number.
3. Apart from the vessel's name or identification and port of registry, the marking system specified above shall be the only other vessel identification mark consisting of letters and numbers painted on the hull or superstructure.
4. The markings shall be prominently displayed at all times:
  - (a) on the vessel's side or superstructure, port and starboard;
  - (b) on a deck, but should an awning or other temporary cover obscure the mark, the awning, or cover shall also be marked. Deck marks shall be placed athwartships with the top of the numbers or letters towards the bow.
5. Marks shall be placed as high as possible above the water line. The flare of the bow and the stern should be avoided.
6. The marks shall be:
  - (a) placed so they are not obscured by the fishing gear whether stowed or in use;

**Marine Resources (Licensing and Regulation of Fishing Vessels)  
Regulations 1995**

- (b) be clear of the flow from scuppers and overboard discharges including areas which might be damaged or discoloured from the catch of certain species; and
  - (c) not extend below the waterline.
7. Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.
8. Block lettering and numbering shall be used throughout.
9. The height (h) of the letters and numbers shall be in proportion to the size of the vessel in accordance with the following:
- (a) for marks placed on the superstructure, (in metres):

Length of vessel overall

Minimum height of letters and numbers

25 m and over 1.0 m

20 m but less than 25 m 0.8 m

15 m but less than 20 m 0.6 m

12 m but less than 15 m 0.4 m

5 m but less than 12 m 0.3 m

under 5 m 0.1 m

- (b) for marks placed on deck, the height shall be not less than 0.3 m for all classes of vessels of 5 m and over.
10. The length of the hyphen shall be half the height of the letters and numbers.
11. The width of the stroke for all letters, numbers and the hyphen shall be  $h/6$ .
12. The space between letters and/or numbers shall not exceed  $h/4$  nor be less than  $h/6$ .
13. The space between adjacent letters having sloping sides shall not exceed  $h/8$  nor be less than  $h/10$ , for example A V.
14. The marks shall be:
- (a) white on a black background; or
  - (b) black on a white background.
15. The background shall extend to provided a border around the mark- of not less than  $h/6$ .
16. The marks and background shall be maintained in good condition at all times.



## FORM A

## GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**APPLICATION FOR A LOCAL FISHING LICENCE**

(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 4)

AN APPLICATION FOR A LOCAL FISHING VESSEL LICENCE I-TAS TO BE COMPLETED BY ANYONE USING A VESSEL OVER 10 METRES IN LENGTH FOR FISHING UNLESS THE VESSEL IS USED SOLELY FOR SUBSISTENCE FISHING.

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

**DETAILS OF VESSEL**Name of vessel: Make and type of vessel: 

Certificate of registration number:	<input type="text"/>	Date issued	<input type="text"/>
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**DETAILS OF PROPOSED FISHING METHODS***Complete as appropriate*

(a) Drop line (deep bottom fishing)

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

number of reels:

<input type="text"/>
<input type="text"/>

(b) Trolling

number of lines:

(c) Long-lining

(d) Gillnetting

(e) Other fishing methods (specify)

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

**DETAILS OF ANY SPECIAL CONDITIONS REQUESTED**

## DETAILS OF APPLICANT

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

State whether owner, charterer or master \_\_\_\_\_

Address:

\_\_\_\_\_  
 \_\_\_\_\_

Fax:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

Name of charterer (if applicable):

\_\_\_\_\_

Address:

\_\_\_\_\_  
 \_\_\_\_\_

Fax:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

Name of master:

\_\_\_\_\_

**DECLARATION BY APPLICANT**

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

Applicant

Date

*This application is to be forwarded to the Secretary, Ministry of marine Resources at the address shown below and is to be accompanied by the prescribed fee and a certified copy of the certificate of registration*

The Secretary  
 Ministry of Marine Resources  
 P .O. Box 85  
 Avarua  
 Cook Islands

Telephone: (682) 28722  
 Telex: 772 62006  
 Fax: (682) 29721

## FORM B

## GOVERNMENT OF THE COOK ISLANDS

**The Marine Resources Act 1989**

## LOCAL FISHING LICENCE

(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 5)

Local Fishing Licence Number: \_\_\_\_\_ Date of issue 

The vessel described in this licence is hereby licensed in accordance with section 9 of the Marine Resources Act 1989 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 1989 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel: Size of vessel:  GRT  LOA International radio call sign Tonga registration number:  Regional Register number: **SPECIAL CONDITIONS**

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

*Other special conditions..*

Permitted transshipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

**PERIOD OF VALIDITY**

Subject to the Marine Resources Act 1989 and Regulations made thereunder, this licence is valid from the \_\_\_\_\_ day of \_\_\_\_\_ 19 to the \_\_\_\_\_ day of \_\_\_\_\_ 19 (inclusive)

Secretary of Marine Resources

Date

**THIS LICENCE IS NOT TRANSFERABLE**

## FORM C

## GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**APPLICATION FOR A SPORT FISHING VESSEL LICENCE**

(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 9)

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

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

**DETAILS OF VESSEL**

Name of vessel:			
Make and type of vessel:			
Drop line (deep bottom fishing):		<input type="text"/>	number of reels: <input type="text"/>
Trolling:		<input type="text"/>	number of rods/lines: <input type="text"/>
Number of crew:			
Number of fishermen:			

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

**DETAILS OF APPLICANT**

Name of applicant ( <i>if owner is a registered company, give name and address and registered number</i> ):			
State whether owner, charterer or skipper		_____	
Address:		_____	
		_____	
Fax::		_____	
Telephone:		_____	
Name of charterer (if applicable):		_____	
Address:		_____	
		_____	

Fax: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name of skipper: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Fax: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

### DECLARATION BY APPLICANT

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

\_\_\_\_\_

Applicant

\_\_\_\_\_

Date

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

---

The Secretary  
 Ministry of Marine Resources  
 P. O. Box 85  
 Avarua  
 Cook Islands

Telephone: (682) 28722  
 Telex: 772 62006  
 Fax: (682) 29721

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## FORM D

## GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**SPORT FISHING VESSEL LICENCE**

(Marine Resources (-Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 10)

Sport Fishing Vessel  
Licence Number: \_\_\_\_\_

Date of issue

The vessel described in this licence is hereby licensed in accordance with section 10 of the Marine Resources Act 1989 to engage in commercial sport fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 1989 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel: | \_\_\_\_\_ |

Name of master

Size of vessel:

GRT

LOA

International radio call sign

**SPECIAL CONDITIONS**

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Authorised fishing gear (type **and** quantity):

Restrictions on by-catch:

Permitted use of fish aggregating devices (where applicable):

*Other special conditions:***PERIOD OF VALIDITY**

Subject to the Marine Resources Act 1989 and Regulations made thereunder, this licence is valid from the day of \_\_\_\_\_ 19 to the day of \_\_\_\_\_ 19 (inclusive)

Secretary of Marine Resources

Date

**THIS LICENCE IS NOT TRANSFERABLE**

FORM E  
GOVERNMENT OF THE COOK ISLANDS

The Fisheries Act 1989  
APPLICATION FOR A FOREIGN FISHING LICENCE

(Marine Resources(Licensing and Regulations of Fishing Vessels) Regulations 1994 - Regulation 14)

- INSTRUCTIONS:** \* Underline surname or family name  
 \* Address means complete mailing address  
 \* Clearly mark the boxes **X** where appropriate  
 \* All units Metric; Please specify if other units used  
 \* Affix a recent 6 x 8 inch colour side photo of the vessel to this application

Name of Vessel    ÖÖÖÖÖÖ.ÖÖÖÖÖÖ International Radio Call Sign    ÖÖÖÖÖÖÖ.

Country and Port of Registration (Flag)    .....    .ÖÖÖÖÖÖÖÖÖ.

Flag State Registration Number    ÖÖÖÖÖÖÖÖÖÖÖÖ

*If this vessel was licensed in Cook Island before, please specify:*

**Number of last licence held**    ÖÖÖÖÖÖÖÖÖÖ.

**Vessel Owner**

Name    .....ÖÖÖÖÖÖ.  
 Address    ÖÖÖÖÖÖÖÖÖ  
               ÖÖÖÖÖÖÖÖÖ  
               ÖÖÖÖÖÖÖÖÖ

**Vessel Charterer / Operator**

Name    ÖÖÖÖÖÖÖÖÖÖÖÖÖ  
 Address    ÖÖÖÖÖÖÖÖÖÖÖÖÖ  
               ÖÖÖÖÖÖÖÖÖÖÖÖÖ  
               ÖÖÖÖÖÖÖÖÖÖÖÖÖ

**Vessel Master/Captain**

Name    .....  
 Address    ÖÖÖÖÖ.....  
               ÖÖÖÖÖÖÖÖÖÖÖ..  
               ÖÖÖÖÖÖÖÖÖÖÖ..

**Fishing Master**

Name    ÖÖÖÖÖÖÖÖ.ÖÖ  
 Address.    ÖÖÖÖÖÖÖÖÖ  
               ÖÖÖÖÖÖÖÖÖ  
               ÖÖÖÖÖÖÖÖÖ

Vessel Type:     Single Purse Seiner  
                      *Group Purse Seiner*  
                      Mothership  
                      Net Boat  
                      Search Boat  
**Hull Material:**     Steel  
                            Wood

Longliner  
 Pole and Line  
 Troller  
  
 Fibreglass  
 Aluminium

Fish Carrier / Reefer  
 Bunker  
 Other ÖÖÖÖ..  
                                   (Please specify)  
  
 Other ÖÖÖÖ..  
                                   (Please specify)

Gross Tonnage    ÖÖÖÖÖÖÖÖÖÖÖÖ..(metric tons)

Length Overall    ÖÖÖ(metres)

Country Built    ÖÖÖÖÖÖÖÖÖÖ

Rated Speed    .ÖÖ.... (knots)

Year Built    ÖÖÖÖÖÖÖÖÖÖ

Number of Crew    ÖÖÖÖÖ

Total Engine Power    ÖÖÖÖÖÖÖÖ.. (specify Units)

Total Fuel Carrying Capacity    ÖÖÖÖÖ (kilolitres)

**WARNING:** It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

1 Is the owner or charterer the subject of proceedings under the bankruptcy laws of any jurisdiction? If "yes", please give details. (attach a separate sheet if necessary) Yes  No

2 Has the vessel ever been used in an offence against the Marine Resources Act? If "yes", please give details. (attach a separate sheet if necessary,) Yes  No

3 Does the vessel hold current fishing licences elsewhere in the region? If "yes" please specify the licensing country(ies) and licence number(s)  
 Country    ÖÖÖÖ. ÖÖÖÖ.. ÖÖÖÖ. ÖÖÖÖ ÖÖÖÖÖ.  
 Licence No1 ÖÖÖÖ. ÖÖÖÖ.. ÖÖÖÖ. ÖÖÖÖ ÖÖÖÖÖ.

4 Provide details of any joint ventures or other contractual arrangements with the Government of Cook Islands or any Cook Islands nationals in connection with the proposed fishing operations,

5 Is there currently in force an access agreement between the Government of Cook Islands and the Government of the flag State of the vessel in respect of which this application is made or with an association representing foreign fishing vessel owners or charterers of which the owner or charterer of the vessel is a member? Yes  No

*I hereby apply for a licence for the foreign fishing vessel described above. I declare that the above information is true and complete I understand I am required to notify the Secretary immediately ,of any material changes to the above information and that failure to do so may render me liable to prosecution.*

**Applicant**

State whether owner, charterer or duly authorised agent ÖÖÖÖÖÖÖÖÖÖÖÖ..

Name of Applicant	ÖÖÖÖÖÖÖÖÖÖÖÖ..	Tel. No.	ÖÖÖÖÖÖ..
Address	ÖÖÖÖÖÖÖÖÖÖÖÖ..	Fax No.	ÖÖÖÖÖÖ..
	ÖÖÖÖÖÖÖÖÖÖÖÖ..	Telex	ÖÖÖÖÖÖ..
	ÖÖÖÖÖÖÖÖÖÖÖÖ..		

Signature    ÖÖÖÖÖÖÖÖÖÖÖÖ    Date ÖÖÖÖÖÖÖÖÖÖ

*This application is to be forwarded to the Secretary, Ministry of Marine Resources at the address shown below and is to be accompanied by the prescribed fee.*

The Secretary Ministry of Marine Resources P O Box 85 Avarua Cook Islands	Telephone: (682) 28722 Telex: 772 62006 Fax: (682) 29721
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FORM F  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**FOREIGN FISHING LICENCE**

(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 15)

**Foreign Fishing Licence Number:** \_\_\_\_\_ | Date of issue | \_\_\_\_\_ |

The vessel described in this licence is hereby licensed in accordance with section 16 of the Marine Resources Act 1989 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 1989 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Size of vessel:  GRT  LOA International radio call sign

Flag State registration number:  Regional Register number:

**SPECIAL CONDITIONS**

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

*Other special conditions:*

Permitted transshipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

**PERIOD OF VALIDITY**

Subject to the Marine Resources Act 1989 and Regulations made thereunder, this licence is valid from the day of \_\_\_\_\_ 19 to the day of \_\_\_\_\_ 19 (inclusive)

Minister of Marine Resources

Date

**THIS LICENCE IS NOT TRANSFERABLE**

### **SUMMARY OF SELECTED LICENCE TERMS AND CONDITIONS**

1. The Master shall keep this licence on board at all times and shall produce the licence for inspection upon the request of an authorised officer.
2. Fishing is not permitted in any part of the fisheries waters except as authorised by this licence. Foreign fishing vessels must not fish within 1 nautical mile of a fish aggregating device except with the specific written permission of the Secretary for Marine Resources.
3. The fishing gear of every foreign fishing vessel must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a part Of the fisheries waters in which it is not authorised to fish.
4. The vessel shall clearly, display, on both sides and the deck, its international radio call sign or the country (flag state) registration number. Markings shall be displaced in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
5. The Master shall report by radio, telex or facsimile to the Secretary, Ministry of Marine Resources at the following times -
  - (i) immediately upon entry to the fisheries waters;
  - (ii) every Wednesday while within the fisheries waters;
  - (iii) immediately upon departure from the fisheries waters;
  - (iv) at least 24 hours prior to entry into any port in Cook Islands.
6. Each such report shall contain the following information -
  - (i) international radio call sign;
  - (ii) regional register number;
  - (iii) licence number;
  - (iv) position at time of reporting;
  - (v) total catch on board by weight by species,
7. The Master shall complete daily catch reports (logsheets) in the form approved by the Secretary, Ministry of Marine Resources and shall submit them to the Secretary in their original and unaltered form not later than 14 days after the completion of the fishing trip to which the logsheet relates.
8. The Master shall provide 72 hours notice of a request to tranship fish or re-provision the vessel. The vessel may only tranship in an approved port and at a time and under such conditions as are specified by the Secretary, Ministry, of Marine Resources
9. The Master shall allow any authorised and identified officer to board the vessel in the fisheries waters for the purpose of inspection and examination.

**FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE MARINE RESOURCES ACT 1989 AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.**

FORM G  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**NOTICE OF APPOINTMENT OF AN AGENT FOR A FOREIGN FISHING VESSEL**  
(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 17)

The Secretary  
Ministry of Marine Resources  
P O Box 85  
Avarua  
Cook Islands

Telephone: (682) 28722  
Telex: 772 62006  
Fax: (682) 29721

In accordance with the provisions of the Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994, I hereby notify the Secretary for Marine Resources that the person named below has been appointed as agent for the vessel described below and that the said agent has full authority to act and assume legal responsibility, on behalf of the owner, charterer, master or operator of the vessel.

**A: NAME AND ADDRESS OF AGENT**

Name:   
Address: \_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

**B: DESCRIPTION OF VESSEL**

Name of vessel:   
Size of vessel:  GRT  LOA International radio call sign   
Cook Islands licence number:  Regional Register number:

**C: DECLARATION**

I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Secretary for Marine Resources any changes to the above mentioned information and further understand that failure to do so may render me liable to prosecution.

Name of person on whose behalf this notification is filed. \_\_\_\_\_

State whether owner, charterer or master of the vessel described above: \_\_\_\_\_

Name:   
Address: \_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_

Signature of owner, charterer or master :  Signature of agent:

Date:  Date:

FORM H  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989  
**APPLICATION FOR A LOCALLY BASED FOREIGN FISHING VESSEL LICENCE**  
(Marine Resources(Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 23)

- INSTRUCTIONS:**
- \* Underline surname or family name
  - \* Address means complete mailing address
  - \* Clearly mark the boxes x where appropriate
  - \* All units Metric; Please specify if other units used
  - \* Affix a recent 6 x 8 inch colour side photo of the vessel to this application

Name of Vessel ..... International Radio Call Sign .....

Country and Port of Registration (Flag)    ÖÖÖÖÖÖÖÖ..Ö            Ö.ÖÖÖÖÖÖÖ

Flag State Registration Number            ÖÖÖÖÖÖÖÖÖÖ

*If this vessel was licensed in Cook Islands before, please specify,*

**Name of last licence held**    ÖÖÖÖÖÖÖÖÖÖÖÖ.

**Vessel Owner**

Name    ÖÖÖÖÖÖÖÖÖÖÖÖ  
Address ÖÖÖÖÖÖÖÖÖÖÖÖ.  
          ÖÖÖÖÖÖÖÖÖÖÖÖ  
          ÖÖÖÖÖÖÖÖÖÖÖÖ

**Vessel Charterer / Operator**

Name    ÖÖÖÖÖÖÖÖÖÖÖÖ  
Address ÖÖÖÖÖÖÖÖÖÖÖÖ.  
          ÖÖÖÖÖÖÖÖÖÖÖÖ  
          ÖÖÖÖÖÖÖÖÖÖÖÖ

**Vessel Master**

Name    ÖÖÖÖÖÖÖÖÖÖÖÖ..  
Address ÖÖÖÖÖÖÖÖÖÖÖÖ..  
          ÖÖÖÖÖÖÖÖÖÖÖÖ..  
          ÖÖÖÖÖÖÖÖÖÖÖÖ..

**Fishing Master**

Name    ÖÖÖÖÖÖÖÖÖÖÖÖ  
Address ÖÖÖÖÖÖÖÖÖÖÖÖ..  
          ÖÖÖÖÖÖÖÖÖÖÖÖ..  
          ÖÖÖÖÖÖÖÖÖÖÖÖ..

**Vessel Type:**  Single Purse seiner

*Group Purse Seiner*

- Mothership
- Net Boat
- Search Boat

**Hull Material**

- Steel
- Wood

Longliner

Pole and Longline

Troller

Fibreglass

Aluminium

Fish Carrier / Reefer

Bunker

Other ÖÖÖÖÖ.

(Please specify)

Other ÖÖÖÖÖ.

(Please specify)

**Gross Tonnage** ÖÖÖÖÖÖÖÖ. (metric tons)    **Length Overall** ÖÖÖÖÖ. (metres)

**Country Built** ÖÖÖÖÖÖÖÖÖÖÖÖ.. **Rated Speed** ÖÖÖÖÖ. (knots)

**Year Built** ÖÖÖÖÖÖÖÖÖÖÖÖ.. **Number of Crew** ÖÖÖÖÖ.

**Total Engine Power** ÖÖÖÖÖ..    ÖÖÖÖÖ..(specify units)

**Total Fuel Carrying Capacity** ÖÖÖÖÖÖÖÖÖÖÖÖ.. (kilolitres)

**WARNING:** It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. A licence will not be issued, or a licence issued on the basis of this application is liable to cancellation, if any of the information given is false, incomplete or misleading.

- 1 Is the owner or charterer the subject of proceedings under the bankruptcy laws of any jurisdiction? If "yes", please give details. (attach a separate sheet if necessary) Yes  No
- 2 Has the vessel ever been used in an offence against the Marine Resources Act? If "yes", please give details. (attach a separate sheet if necessary) Yes  No
- 3 Does the vessel hold current fishing licences elsewhere in the region? If "yes" please specify the licensing country(ies) and licence number(s). Yes  No
- Country .....  
 Licence No .....
- 4 Provide details of any joint ventures or other contractual arrangements with the Government of Cook Islands or any Cook Islands nationals in connection with the proposed fishing operations.
- 5 Is there currently in force an access agreement between the Government of Cook Islands and the Government of the flag State of the vessel in respect of which this application is made or with an association representing foreign fishing vessel owners or charterers of which the owner or charterer of the vessel is a member? Yes  No

*I here by apply, for a licence for the foreign fishing vessel described above. I declare the above information is true and complete. I understand I am required to notify the Secretary immediately of any material changes to the above information and that failure to do so may render me liable to prosecution.*

**Applicant**

State whether owner, charterer or duly authorised agent .....

Name of Applicant .....  
 Address .....  
 .....  
 .....

Tel. No. ....  
 Fax No. ....  
 Telex No. ....

Signature ..... Date .....

*This application is to be forwarded to the Secretary, Ministry of Marine Resources at the address shown below and is to be accompanied by the prescribed fee.*

The Secretary Ministry of Marine Resources P O Box 85 Avarua Cook Islands	Telephone: (682) 28722 Telcx:772 62006 Fax: (682) 29721
---	---

FORM I  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**LOCALLY BASED FOREIGN FISHING VESSEL LICENCE**

(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 24)

Locally Based Foreign Fishing Vessel

Date of issue

Licence Number: \_\_\_\_\_

The vessel described in this licence is hereby licensed in accordance with section 17 of the Marine Resources Act 1989 to engage in fishing in such parts of the fisheries waters of Cook Islands as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Marine Resources Act 1989 and Regulations made thereunder and the special conditions set out in this licence.

Name of vessel:

Size of vessel:

GRT

LOA

International radio call sign

Flag State registration number: |

| Regional Register number: |

**SPECIAL CONDITIONS**

Authorised fishing areas:

Authorised fishing operation:

Authorised target species and quota:

Restrictions on by-catch:

*Other special conditions:*

Permitted transshipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

**PERIOD OF VALIDITY**

Subject to the Marine Resources Act 1989 and Regulations made thereunder, this licence is valid from the day of \_\_\_\_\_ 19 to the day of \_\_\_\_\_ 19 (inclusive)

Minister of Marine Resources

Date

**THIS LICENCE IS NOT TRANSFERABLE**

### **SUMMARY OF SELECTED LICENCE TERMS AND CONDITIONS**

1. The Master shall keep this licence on board at all times and shall produce the licence for inspection upon the request of an authorised officer.
2. Fishing is not permitted in any part of the fisheries waters except as authorised by this licence. Foreign fishing vessels must not fish within 1 nautical mile of a fish aggregating device except with the specific written permission of the Secretary for Marine Resources.
3. The fishing gear of every locally based foreign fishing vessel must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a part of the fisheries waters in which it is not authorised to fish.
4. The vessel shall clearly display, on both sides and the deck, its international radio call sign or the country (flag state) registration number. Markings shall be displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
5. The Master shall report by radio, telex or facsimile to the Secretary for Marine Resources, Ministry of Marine Resources at the following times -
  - (i) immediately upon entry to the fisheries waters;
  - (ii) every Wednesday while within the fisheries waters;
  - (iii) immediately upon departure from the fisheries waters;
  - (iv) at least 24 hours prior to entry into any port in Cook Islands.
6. Each such report shall contain the following information -
  - (i) international radio call sign;
  - (ii) regional register number;
  - (iii) licence number;
  - (iv) position at time of reporting;
  - (v) total catch on board by weight by species.
7. The Master shall complete daily catch reports (logsheets) in the form approved by the Secretary for Marine Resources, Ministry of Marine Resources and shall submit them to the Secretary for Marine Resources in their original and unaltered form not later than 14 days after the completion of the fishing trip to which the logsheet relates.
8. The Master shall provide 72 hours notice of a request to tranship fish or re-provision the vessel. The vessel may only tranship in an approved port and at a time and under such conditions as are specified by the Secretary for Marine Resources.
9. The Master shall allow any authorised and identified officer to board the vessel in the fisheries waters for the purpose of inspection and examination.

**FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE MARINE RESOURCES ACT 1989 AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.**

FORM J  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

APPLICATION FOR A TRANSHIPMENT PERMIT  
(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 28)

**DETAILS OF APPLICANT**

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

Address:

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Fax:

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Telephone:

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**DETAILS OF TRANSHIPMENT OPERATIONS**

Place where transhipment to be carried out:

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Vessel(s) authorised to tranship:

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Number of persons to be employed, by the operation:

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

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## DECLARATION BY APPLICANT

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

Applicant

Date

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

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The Secretary  
 Ministry of Marine Resources  
 P O Box 85  
 Avarua  
 Cook Islands

Telephone: (682) 28722  
 Telex: 772 62006  
 Fax: (682) 29721

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FORM K  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**TRANSHIPMENT PERMIT**

(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 29)

**Transhipment Permit Number:** \_\_\_\_\_ | **Date of issue**

The person named as the permit-holder below is authorised in accordance with section 19 of the Marine Resources Act 1989 to tranship fish in the Cook Islands in accordance with the terms and conditions set out in this permit and the conditions in the Act and as prescribed from time to time in the regulations.

Name of permit-holder:   
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Tel. \_\_\_\_\_  
 Fax \_\_\_\_\_

Authorised place for transhipment:

Quotas/quantities of fish to be transhipped:

Source of supply:

SPECIAL CONDITIONS

PERIOD OF VALIDITY

Subject to the Marine Resources Act 1989 and Regulations made thereunder, this licence is valid from the day of \_\_\_\_\_ 19 \_\_\_\_\_ to the day of \_\_\_\_\_ 19 \_\_\_\_\_ (inclusive)

Minister of Marine Resources

Date

**THIS LICENCE IS NOT TRANSFERABLE**

FORM L  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

**APPLICATION FOR A FISH PROCESSING ESTABLISHMENT LICENCE**  
(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 38)

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

**DETAILS OF APPLICANT AND PREMISES**

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

Address:

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Fax:

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Telephone:

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Name of premises:

State whether applicant is owner or less of premises:

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Address:

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Fax:

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Telephone:

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Name of landlord (if applicable):

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Address:

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Fax:

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Telephone:

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

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DETAILS OF FISH PROCESSING OPERATIONS

Species of fish to be processed: \_\_\_\_\_  
 \_\_\_\_\_

Sources of supply: \_\_\_\_\_  
 \_\_\_\_\_

Nature of processing operation: \_\_\_\_\_  
 \_\_\_\_\_

Number of persons to be employed by the operation: \_\_\_\_\_  
 \_\_\_\_\_

Products: \_\_\_\_\_  
 \_\_\_\_\_

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

**DECLARATION BY APPLICANT**

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

\_\_\_\_\_

Applicant

\_\_\_\_\_

Date

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

The Secretary  
 Ministry of Marine Resources  
 P O Box 85  
 Avarua  
 Cook Islands

Telephone: (682) 28722  
 Telex: 772 62006  
 Fax: (682) 29721

FORM M  
GOVERNMENT OF THE COOK ISLANDS

The Marine Resources Act 1989

FISH PROCESSING ESTABLISHMENT LICENCE  
(Marine Resources (Licensing and Regulation of Fishing Vessels) Regulations 1994 - Regulation 40)

Fish Processing Establishment Licence  
Number: \_\_\_\_\_

Date of issue

The person named as the licence-holder below is licensed in accordance with section 27 of the Marine Resources Act 1989 to use the premises described below as a fish processing establishment in accordance with the terms and conditions set out in this licence and the conditions in the Act and as prescribed from time to time in the regulations.

**THIS LICENCE IS NOT TRANSFERABLE**