

LEGAL NOTICE NO 39/1998

THE NATIONAL FISHING VESSEL REGULATIONS

PART I PRELIMINARY

Art. 1. Short Title

These Regulations may be cited as "the National Fishing Vessel Regulations-Legal Notice No. 39/1998".

Art. 2. Definitions

- 1) For the purpose of these Regulations, unless the context otherwise requires:
 - (a) "Department" means the Resource Management Department of the Ministry of Fisheries;
 - (b) "Director" means the head of the Department;
 - (c) "the Proclamation" means the Fisheries Proclamation No. 104/1998;
 - (d) "Support vessel" means any fishing or other vessel used for related activities as defined in Articles 3 of the Proclamation.
- 2) Where these Regulations required any document, thing or action to be approved by the Minister, it shall be deemed to be approved if it conforms to the current guidelines or requirement issued by the Ministry for the purposes of these Regulations.

PART II

NATIONAL FISHING VESSEL LICENCES

Art. 3. Exemptions

The following national fishing vessels shall be exempt from licensing but not from registration where they are:

- (a) not motorized;
- (b) motorized and do not exceed four meters overall length; or
- (c) used exclusively for recreation fishing.

Art. 4. Applications

Every applications for a national fishing vessel license shall be made in writing to the Director and shall contain the information set in the first schedule to these Regulations.

Art. 5. Form of Licenses

Every national fishing vessel license shall be in writing in the form set out in the second schedule to these Regulations.

Art. 6. Fees

- 1) The fees payable in respect of a national fishing vessel license, other than a license to which sub-Article (2) hereof applies, shall be determined by the Director and published in a circular distributed to all current licenses and other interested parties.
- 2) The fees payable in respect of a vessel determined by the Minister to be a national vessel pursuant to Article 14(2) of the Proclamation shall be determined in writing by the Director taking into consideration the proportion of foreign ownership of the business organization owning or chartering the vessel, but shall be no less than the fee payable under sub-Article (1) hereof.

Art. 7. License Conditions

Every national fishing vessel license shall be subject to the following general conditions;

- (a) the vessel shall only be used for such fishing and related activities, during such times and in such place as are specified in the license;
- (b) all provisions of these Regulations shall be complied with;

- (c) any change in the information set out in the application shall be notified to a licensing officer within seven days;
- (d) the master of the vessel and each member of the crew shall comply with any directions given to them by an authorized officer and, in particular, shall on request of the officer;
 - i. stop the vessel;
 - ii. permit boarding and inspection of the vessel;
 - iii. bring the vessel into port;
- (e) the vessel shall display the identification marks assigned to it by the licensing officers in accordance with the specifications set out in the third schedule to the Foreign Fishing Vessel Regulations Legal Notice No. 38/1998;
- (f) no fish may be transhipped from or on to the vessel while in Eritrea waters except with the permission of the Department and in accordance with such conditions as it may specify.

PART III OTHER LICENCES

Art. 8. Support Vessels

No person may operate or use a support vessel in relation to fishing activities carried out by a national fishing vessel without the prior written authority of the Director and in accordance with such term and conditions as the Director may prescribe.

Art. 9. Recreational Fishing Vessel Catches

No aquatic organisms caught from a recreational fishing vessel may be exported or sold in Eritrea without the prior written authority of the Director and in accordance with such terms and conditions as the Director may prescribe.

PART IV MANAGEMENT MEASURES

Art. 10. Spear Guns

No person shall use a spear gun for fishing except with the written permission of the Department and in accordance with such conditions as it may specify.

PART V PROTECTED SPECIES

Art. 11. Turtles

All species of marine turtles are protected species for the purposes of Article 12 of the Proclamation and accordingly fishing for marine turtles in Eritrean waters is prohibited.

PART VI OFFENCES AND PENALTIES

Art. 12. Offences

- 1) The operator(s) and master of a national fishing vessel each commit an offence where the vessel;
 - (a) transships fish or other aquatic organisms to or from it;
 - i without a valid transshipment license; or
 - ii. in contravention of any term or condition of the license;
 - (b) does not display the identification marks assigned to it by the licensing officer in accordance with the specifications set out in the Third schedule to the Foreign Fishing Vessel Regulations Legal Notice No. 39/1998.

- 2) It is an offence for any person;

- (a) to operate a support vessel in relation to the fishing activities carried out by a national fishing vessel;

- i. without a valid transshipment license; or
 - ii. in contravention of the terms and conditions of such authority;
- (b) to use a spear gun in contravention of Article 10 hereof.

Art. 13. Penalties

A person who is convicted to an offence:

- (a) referred to in Article 12 (1) (a) (i), Article 12 (1) (b) or Article 12 (2) (a) (i) hereof is liable to a fine not exceeding 50,000 Nakfa;
- (b) referred to in Article 12 (1) (a) (ii) or Article 12 (2) (a) (ii) hereof is liable to a fine not exceeding 20,000 Nakfa;
- (c) referred to in Article 12 (2) (b) hereof is liable to a fine not exceeding 10,000 Nakfa.

Art. 14. Entry into Force

These Regulations shall enter into force as of the date of their publication in Gazette of Eritrean Laws.

Done at Asmara, this 25th day of May, 1998
Petros Solomon,
Minister of Fisheries.

FIRST SCHEDULE
(Article 4).

APPLICATION FOR NATIONAL FISHING VESSEL LICENCE

INSTRUCTIONS- Underline surnames.
For "address" provide complete mailing and physical address.
If not applicable, write NA-leave no blanks.
Specify units of measurement, if not metric.

ADDRESS TO - Ministry of Fisheries (local office)

I hereby apply for a national fishing vessel license for the vessel described below:

1. Name of Vessel:
2. Registration No:
3. International radio call sign (if any):
4. Name and address of owner:
5. Name and address of charterer:
6. Name and address of any other person having an interest in the vessel:
.....
7. Name and address of master:
8. Vessel Characteristics:

Year of construction		Overall length (meters)	
Place of construction		Length at waterline (meters)	
Hull material		Overall beam (meter)	
Gross Registered Tonnage		Overall draft (meter)	
Net Registered Tonnage		Main engine type	
		Horsepower (BPH)	
Convention used for measurement of G. R. T.		Fuel capacity (liters) (specify units)	

9. Number of crew expected:
10. Nature of the fishing operation to be undertaken (X as appropriate):

Trolling		Gillnetting	
Trapping/potting		Trawling	
Longlining		Handling	
Purse Seining		Any other (specify)	

11. Fish Storage capacity

Method	Ice Maker	Ice Holds	Freezers	Other Methods
Number				
Daily/Total Capacity (tones)				
Freezing tem. (Centigrade)				
Storage temp. (Centigrade)				

12. Operational base

13. Fishing area

I declare that the vessel described above:

Qualifies as national fishing vessel under the provision of Article 14(1) (a) or (b) of the Fisheries Proclamation No. 104/1998; and /or

is in part owned by or chartered from the foreign persons but has been determined to be a national fishing vessel by the Minister acting under Article 14(2) of the Fisheries Proclamation No. 104/1998 by

letter of (delete as applicable)

I understand that I am required to report any changes in the information contained in this form to the Ministry of Fisheries within 7 days of the change.

Dated this _____ Day of _____ 199

Signature of Applicant

_____ Owner/charterer/agent (delete as applicable)

Applicant's Name (print)

NOTE: Any license issued on the basis of this application is liable to cancellation if any of the information given in this application form is incorrect.

