




**REGULATIONS RELATING TO FISHERIES,
FISHING AND RELATED ACTIVITIES
FOR THE MARINE FISHERIES SECTOR
IN THE REPUBLIC OF LIBERIA**



MINISTRY OF AGRICULTURE
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EXTRAORDINARY

The Government of The Republic of Liberia announces that the Ministry of Agriculture, Bureau of Fisheries, Pursuant to its mandate under Section 105 of Chapter 4, Sub-Chapter C of title 24 of the Law of the Republic of Liberia (the Natural Resources Law, 1985), has issued on October 1, 2010, its Regulations hereinunder:

**REGULATIONS RELATING TO FISHERIES,
FISHING AND RELATED ACTIVITIES,
FOR THE MARINE FISHERIES SECTOR
IN THE REPUBLIC OF LIBERIA**

BY ORDER OF THE PRESIDENT

**SYLVESTER M. GRIGSBY
ACTIVING MINISTER**

Ministry Of Foreign Affairs
Monrovia, Liberia
November 22, 2010

Fisheries Regulations 2010

A new regulation for the Marine Fisheries Sector in the Republic of Liberia

MINISTRY OF AGRICULTURE BUREAU OF FISHERIES

REGULATIONS RELATING TO FISHERIES/ FISHING AND RELATED ACTIVITIES

Regulations made by the Minister of Agriculture in the exercise of the powers conferred upon the office by section 105 of Chapter 4, Subchapter C of Title 24 of the Laws of The Republic of Liberia (the Natural Resources Law, 1958) and approved as required by such Law and having effect from this 1st day of October A.D. 2010.

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PART I PRELIMINARY

1. Definitions

“artisanal fishing” means small scale commercial fishing using an artisanal fishing vessel where the owner is directly involved in the day-to-day running of the enterprise;

“artisanal fishing vessel” means any fishing vessel, canoe or un-decked vessel of not more than sixty feet which is motorised or un-motorised, powered by an outboard or inboard engine with a capacity not exceeding 40bhp, sails or paddles, used for artisanal fishing in the “Fisheries Waters”;

“buy” includes:

- (a) barter or attempt to barter;
- (b) purchase or attempt to purchase;
- (c) receive on account or consignment;
- (d) receive in order to send, forward or deliver for sale;
- (e) broker a sale;
- (f) purchase or barter for future goods or for any consideration of value; and
- (g) purchase or barter as an agent for another person, and "buyer" has a corresponding meaning;

“Bureau” means the Bureau of National Fisheries, established in the Ministry of Agriculture of the Government of the Republic of Liberia;

“bycatch” means “fish” harvested in a fishery, but which:

- (a) are not the species of fish directly targeted;
- (b) belong to a species not identified or identified as by-catch in the applicable license;
- (c) includes economic and regulatory discards; and
- (d) does not include fish which are released alive under a recreational catch and release programme;

“Coordinator” means the Coordinator of the Bureau of National Fisheries;

“document” means a document in any form whether signed or initialled or otherwise authenticated by its maker or not, and includes:

- (a) any writing, printing or other information contained on any material;
- (b) any information recorded or stored by means of any tape-recorder, computer, or other device (including any network or the internet), and any material subsequently derived from information so recorded or stored;
- (c) any label, marking, or other writing that identifies or describes anything of which it forms part, or which it is attached by any means;
- (d) any book, chart, map, plan, graph or drawing; and
- (e) any photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced;

“ex vessel value” means the price received by fishers for fish at the first point of landing or transshipment;

“fish” means any marine animal or plant, alive or not, and includes their eggs, spawn, spat and juvenile stages, and any of their parts, and includes all organisms belonging to sedentary species;

“fish aggregating device” means a man-made or partially man-made floating, semi-submerged or submerged device, whether anchored or not, intended to aggregate fish, and includes any natural floating object on which a device has been placed to facilitate its location;

“fish product” means any fish which has been partly or wholly processed;

“fisheries inspector” means any person or category of persons appointed in accordance with section 45 of these Regulations;

“Fisheries Waters” means the waters over which the Republic of Liberia exercises jurisdiction or sovereign rights as declared in relevant national laws

“fishery” or “fisheries” means:

- (a) one or more stocks of fish, or parts thereof, which can be treated as a unit for the purposes of conservation, development and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or
- (b) any fishing for such stocks;

“fishing” means:

- (a) searching for, catching, taking or harvesting fish;
- (b) the attempted searching for, taking or harvesting of fish;
- (c) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;
- (e) any operation at sea in support of or in preparation for any activity in relation to a fishing vessel described in Paragraphs (a), (b), (c) or (d);
- (f) any use of an aircraft which is related to any activity described in Paragraphs (a), (b), (c) or (d), except for flights in emergencies involving the health or safety of a crew member of the safety of a vessel,

but does not include aquaculture or the transportation of fish;

“fishing trip” means a period of time commencing with the departure of a fishing vessel from port until such time as all or any of the fish caught since such departure are unloaded from the vessel, either ashore or onto another vessel;

“fishing vessel” means any vessel used for, equipped to be used for, or of a type that is normally used for, fishing or related activities other than canoes used exclusively for the transportation of items not directly or indirectly related to any activity falling within the scope of these Regulations;

“fishing gear” or “gear” means any equipment, implement or other item that can be used in the act of fishing, including any net, rope, line, float, trap, hook, winch, boat, or craft or aircraft carried on board a vessel, or aircraft or vehicle used in association with the act of fishing;

“foreign fishing vessel” means any fishing vessel other than a Liberian fishing vessel and includes any support vessel, notwithstanding that the vessel may be registered and/or licensed or required to be registered or licensed in Liberia pursuant to these Regulations and/or under the Liberian Maritime Law;

“Government” refers to the Government of the Republic of Liberia;

“high seas” means the waters beyond areas under national jurisdiction of any State including the territorial sea, exclusive economic zone or other zone of extended fisheries jurisdiction, to the extent that such area under national jurisdiction is recognised by the Republic of Liberia;

“industrial fishing” means any large-scale fishing or related activities using an industrial fishing vessel;

“industrial fishing vessel” means a decked fishing vessel with an internal engine with a capacity greater than 100bhp that is greater than ninety feet in length;

“Inshore Exclusion Zone” means the area of the Fisheries Waters up to a distance of six (6) nautical miles from the baseline from which the territorial sea is measured;

“international agreement” includes any treaty or other legally binding instrument to which the Republic of Liberia is Party, including bilateral, multilateral and regional agreements or arrangements;

“international conservation and management measures” means measures in relation to fisheries beyond areas under the national jurisdiction of the Republic of Liberia to conserve or manage fish that are adopted and applied by an organisation or arrangement:

- (a) to which the Government is party, and is required to apply; or
- (b) publicly notified by the Bureau;

“licensing period” means the period of time during which licenses issued in accordance with these Regulations are valid;

“Liberian fishing vessel” means any fishing vessel that is registered and/or licensed or required to be registered or licensed in Liberia pursuant to the Maritime Law, Chapter 21 of Title 23 of the Liberian Code of Laws Revised, or any artisanal fishing vessel required to be registered pursuant to these Regulations;

"master", in relation to a vessel, aircraft or vehicle, means the person in command or charge, or for the time being in charge, or apparently in command or in charge of the vessel, aircraft or vehicle, but does not include a pilot on board a vessel solely for the purpose of navigation;

“Minister” means the Minister responsible for fisheries, and “Ministry” shall have a corresponding meaning;

“mobile transceiver unit” means a device approved by the Coordinator which is placed on a fishing vessel and is designed to transmit/receive, whether independently or in conjunction with another device or devices, information or data concerning position, fishing and such other activities of the vessel as may be required;

“observer” means any person or category of persons appointed as observers in accordance with these Regulations;

"operator" means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;

"owner" means any person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner whether on his own behalf or on behalf of another, and includes a person who is the owner jointly with one or more other persons and any manager, coordinator and secretary of any corporation which is an owner;

“port” means a port or harbour that is used for purposes related to fisheries, including the landing of fish from fishing vessels, transshipment, packaging, processing and the refuelling or re-supplying of fishing vessels, or a defined area within a commercial port that is used for such purposes;

“public notice” means notification to the general public of Liberia through media normally used for public announcements at national or local level, as appropriate, including broadcast and print media with a significant target audience;

“related activities”, in relation to fishing, includes:

- (a) storing, transshipping, processing or transporting fish or fish products up to the time they are first landed;
- (b) on-shore storing, buying, or processing fish or fish products from the time they are first landed;
- (c) refuelling or supplying fishing vessels, selling or supplying fishing equipment or performing other activities in support of fishing operations;
- (d) exporting fish or fish products from the country; and
- (e) attempting or preparing to do any of the above;

“research fishing” means fishing for purposes of scientific research on any aspect of fish, fishing or fisheries in or relating to the Fisheries Waters;

“sell” includes:

- (a) any method of disposition for consideration, including cash, of anything which has value or which can be exchanged for cash, and barter;
 - (b) disposition to an agent for sale on consignment;
 - (c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale; and
 - (d) disposition by way of raffle, lottery, or other game of chance,
- and “sale” and “sold” have a corresponding meaning;

“semi-industrial fishing” means small scale commercial fishing using a semi-industrial fishing vessel;

“semi-industrial fishing vessel” means any fishing vessel, canoe or un-decked vessel in excess of sixty feet but not more than ninety feet or any vessel less ninety feet which is powered by an outboard or inboard engine with a capacity greater than 40bhp but not more than 100bhp, used for semi-industrial fishing

“subsistence fishing” means fishing in the Fisheries Waters by Liberian nationals who:

- (a) personally harvest fish as a source of food or sell fish to meet the basic needs of food security;
- (b) operate individually on or near to the shore or in estuaries;
- (c) live in close proximity to the harvested resource;
- (d) consume or sell the resources locally; and
- (e) use low-technology gear which may be part of a traditional community-based or cultural practice,

and the resources they harvest generate only sufficient returns to meet the basic needs of food security, notwithstanding minimal sporadic buying or selling of excess catch;

"transshipment" means the transfer of fish or fish products to or from any vessel, and includes activities preparatory or ancillary to transshipment, and "tranship" has a corresponding meaning;

“vessel” means any boat, ship, hovercraft or other watergoing craft, and includes fishing vessels; and

“vessel monitoring system” or “VMS” includes a satellite-based tracking device to monitor the position and activities of fishing vessels for the purpose of effective management of fisheries.

2. Application of Regulations

- 1) These Regulations, unless the contrary intention appears, apply to:
 - a. all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights;
 - b. all fishing and related activities, utilisation of fish and genetic material derived from them and any other activity or matter falling within the scope of these Regulations;
 - c. all persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of these Regulations;
 - d. all persons (including non citizens), and all vessels (including foreign vessels) in and in relation to:
 - i. the Fisheries Waters; and
 - ii. areas beyond national jurisdiction:
 1. following hot pursuit initiated in the Fisheries Waters and conducted in accordance with international law; or
 2. as required pursuant to these Regulations or international conservation and management measures, or permitted by international law or any international agreement; and
 - e. all Liberian fishing vessels and all persons on them or dealing with or having any relevant relationship to them or persons on them, in and in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.
- 2) A fishing vessel is deemed not to be a Liberian fishing vessel if it is registered in a country other than Liberia instead of or in addition to being registered in Liberia.
- 3) These Regulations have extraterritorial application according to their provisions and tenor.

PART II FISHERIES CONSERVATION AND MANGEMENT

3. Principles for fisheries management

The Bureau shall evaluate which types of management measures are necessary to ensure sustainable management of fisheries, and shall attach importance to the following principles:

- a. a precautionary approach, in accordance with international agreements and guidelines;
- b. an ecosystem approach that takes into account habitats and biodiversity;
- c. effective control of harvesting and other forms of utilisation of resources;
- d. appropriate allocation of resources, which among other things can help to ensure employment and develop the fisheries sector of the Republic of Liberia;
- e. optimal utilisation of resources, adapted to marine value creation, markets and industries; and
- f. ensuring that harvesting methods and the way gear is used take into account the need to reduce possible negative impacts on living marine resources.

4. Conservation and management measures

- 1) In giving effect to its responsibilities for fisheries conservation and management pursuant to these Regulations, the Bureau shall develop, recommend to the Minister, implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fisheries resources in accordance with the principles for fisheries management set out in Section 3 of these Regulations.
- 2) The Minister shall determine the conservation and management measures taking into account the recommendations of the Bureau. Such measures may include the total allowable catch and/or total applied effort to be allocated in any year to any fisheries sub-sector and the means of implementation of such measures, including by:

- a. the granting of fishing rights to artisanal fishers;
 - b. determining quotas in accordance with these Regulations;
 - c. applying such other measures, rules and standards that may be approved by the Minister and published by the Bureau.
- 3) The Minister may require fishing rights to be granted as a prerequisite for license issuance for artisanal fisheries, in accordance with such requirements as may be prescribed, and may determine the use of a particular type of vessel or gear, or area of fishing, to which a right may be subject. The period of a fishing right shall not exceed 15 years, after which it shall automatically terminate and revert back to the State to be reallocated in accordance with relevant Laws and Regulations.
- 4) The Minister may determine national, group and vessel quotas as follows:
- a. national quotas shall be determined for a specific period of time and may consist of the maximum permitted quantities of fish that may be harvested, expressed in terms of weight, volume, number or types of fish that may be harvested, expressed in terms of weight, volume, number of individuals, the number of days harvesting or other terms;
 - b. group quotas shall be determined for a specific period of time and may consist of the maximum permitted harvest for each vessel group, gear group or other defined group;
 - c. quotas for individual vessels may be expressed in terms of weight, volume, number of individuals, the number of days harvesting is permitted, or in other terms.
 - d. quotas for research may be allocated to research institutions.
- 5) Conservation and management measures shall be developed, to the extent possible, taking into account consultations with stakeholders, and may be implemented *inter alia* through Fisheries Management Plans, Regulations, public notice, in writing, or otherwise as provided in these Regulations.

5. Fisheries Management Plans

- 1) The Coordinator may cause to be drawn up Fisheries Management Plans for any fishery or area in the Fisheries Waters and shall ensure consultation with relevant stakeholders in the development of each Plan.
- 2) A Fisheries Management Plan may apply to all persons, all vessels and all fishing and related activities.
- 3) Each Fisheries Management Plan shall be consistent with the principles of these Regulations and shall:
- a. identify the characteristics of the fisheries resource(s) and the area, including as appropriate the
 - ii. current status of the fisheries and the resource;
 - iii. current state of exploitation;
 - iv. relevant traditional artisanal fishing methods and practices;
 - v. boundaries of any relevant area; and
 - vi. relevant regional and international context;
 - b. identify the management objectives and strategy for the fishery;
 - c. as appropriate, identify development strategies for the fishery;

- d. specify the management measures to be applied to the fishery;
 - e. specify arrangements for the monitoring and review of the Fisheries Management Plan; and
 - f. as appropriate, provide for any other matter necessary for the conservation, management and sustainable use of the fishery.
- 4) Each Fisheries Management Plan, and each revision of a Fisheries Management Plan, shall be submitted to the Minister for approval.
 - 5) Upon approval by the Minister and the giving of due public notice by the Bureau, the management measures in each Fisheries Management Plan shall be deemed to have the legal status of Regulations.
 - 6) A Fisheries Management Plan shall have no effect to the extent that it is inconsistent with these Regulations.

6. Inshore Exclusion Zone

- 1) An inshore exclusion zone, the breadth of which shall be six nautical miles seawards of the low-water line along the coast as marked on official large-scale charts, shall be reserved solely for the use of subsistence, artisanal and semi-industrial fishing activities and artisanal fishing vessels.
- 2) No person shall, in the inshore exclusion zone:
 - a. engage in fishing activities other than subsistence, artisanal or semi-industrial fishing;
 - b. carry out fishing activities in such zone in connection with an industrial fishing vessel; or
 - c. carry out fishing activities otherwise than in accordance with these Regulations.

7. Illegal fishing gear and methods

No person shall:

- a. use, permit to be used or attempt to use fishing gear that has not been authorized by a valid and applicable license issued pursuant to these Regulations for the purpose of fishing;
- b. use, permit to be used or attempt to use the method of pair trawling for the purpose of fishing;
- c. use, permit to be used or attempt to use explosives, firearms, lights or other electrical devices or poison for the purpose of fishing, including stunning, disabling, catching or killing fish, or in any way rendering fish to be caught more easily; or
- d. carry on board a vessel, transport or have in her/his possession or control any fishing gear, explosive, firearm, poison or other noxious substance for any purpose referred to in subparagraphs (a), (b) and (c).

8. Interfering with fishing gear

- 1) No person shall damage or unnecessarily endanger the fishing gear that he or she does not own or use or that is not associated with the fishing vessel from which he or she engages in fishing.
- 2) Any person who acts in contravention of subsection (1) shall compensate the owner of the fishing gear for any damage caused, in addition to other fines and penalties described in these Regulations.

9. Prohibition on leaving or abandoning objects in the sea

- 1) It is prohibited to dump gear, moorings and other objects in the sea or leave unnecessarily or abandon such objects in the sea or on the seabed if they may adversely affect fish or other marine organisms, impede harvesting operations, damage harvesting gear or endanger vessels.

- 2) Any person that acts in contravention of subsection (1) shall clear up or remove the relevant objects, in addition to other fines and penalties described in these Regulations.

PART III REQUIREMENTS FOR FISHING AND OPERATING FISHING VESSELS

10. Compliance with these Regulations and applicable license or authorization

No person shall:

- a. use a Liberian fishing vessel, foreign fishing vessel or other vessel; or
- b. engage in any fishing or related activity specified in these Regulations,

except in accordance with these Regulations and the terms and conditions of a valid and applicable license or authorization.

11. Unlicensed activities prohibited

- 1) No person shall, except under the authority of and in accordance with a valid and applicable license or authorization issued pursuant to these Regulations:

- a. on his or her own account or in any other capacity, engage in any activity;
- b. cause or permit a person acting on their behalf to engage in any activity; or
- c. use or permit a vessel to engage in fishing or a related activity,

of a kind or type, or at a time, or in a place or manner, for which a license or authorization is required under these Regulations.

- 2) For the purposes of this section, where a vessel is used in the commission of an offence, the owner, operator, master and charterer shall be deemed to have committed the offence.

12. Stowage of fishing gear

The operator of a:

- a. foreign fishing vessel or Liberian fishing vessel in any place in the Fisheries Waters; or
- b. Liberian fishing vessel:
 - (i) navigating through an area under the jurisdiction of another State where it does not have a license to fish; or
 - (ii) at all times when navigating on the high seas in an area to which international conservation and management measures apply where it has not been authorized under these Regulations to fish on the high seas,

shall ensure that all fishing gear on board is at all times stowed or secured in such a manner that it is not readily available for fishing unless the vessel is authorized to engage in fishing in that area of the Fisheries Waters or high seas in accordance with these Regulations, international agreement, international conservation and management measures or authorization of another State applicable to the relevant area.

13. Fishing vessels entering or exiting the Fisheries Waters

The operator of each fishing vessel entering or exiting the Fisheries Waters shall declare the type and quantity of fish on board by email, High Frequency Radio or facsimile to the Bureau of National Fisheries at least twenty-four (24) hours prior to each entry and exit.

PART IV LICENSES AND AUTHORIZATIONS - REQUIREMENTS AND PROCEDURES

14. Licenses and authorizations required

- 1) A valid and applicable license issued under the authority of the Bureau shall be required for:
 - a. using a fishing vessel for industrial fishing or related activities in the Fisheries Waters;
 - b. using a fishing vessel for semi-industrial fishing or related activities in the Fisheries Waters
 - c. using a vessel for artisanal fishing in the Fisheries Waters;
 - d. using any vessel for research fishing in the Fisheries Waters; and
 - e. such other activities for which a license is required by an applicable Fisheries Management Plan or as may be prescribed from time to time.
- 2) A valid and applicable written authorization issued by the Bureau shall be required for:
 - a. each transshipment to or from a Liberian fishing vessel in the Fisheries Waters or on the high seas;
 - b. each transshipment to or from a foreign fishing vessel in the Fisheries Waters;
 - c. deployment and maintenance of a fish aggregating device; and
 - d. using a foreign fishing vessel to enter a Liberian port.
- 3) For the purposes of this section and notwithstanding any other provision of these Regulations, the Minister may, in a Fisheries Management Plan or by Notice, declare any activity within the scope of these Regulations to be subject to a license or authorization.

15. Grant, renewal and issuance of licenses and authorizations

- 1) The Coordinator may grant or renew licenses or authorizations for any purposes specified in section 14 of these Regulations or which may be required under any applicable Fisheries Management Plan or international agreement.
- 2) The Coordinator shall, in granting or renewing a license under subsection (1), act in accordance with the procedures required pursuant to these Regulations and such other transparent and accountable standards as may be determined and published.
- 3) The Coordinator shall promptly issue such licenses or authorizations when all required conditions under these Regulations have been met.
- 4) Where the Coordinator declines to issue or renew a license or authorization, she/he shall state in writing reasons for the decision, and promptly transmit them to the applicant.

16. Standards for approval or renewal of licenses and authorizations

- 1) In approving or renewing licenses and authorizations pursuant to these Regulations, and in setting the level of any performance bond required under section 17(1), the Coordinator shall take into account the extent to which the relevant vessel, including its operator or other relevant person, as appropriate, has:

- a. the ability to comply with or has complied with these Regulations, relevant laws of the Republic of Liberia and any applicable licensing terms and conditions, Fisheries Management Plan or international agreement, and such other standards as may be required in writing by the Coordinator;
 - b. the ability to comply with or has complied with other applicable regional and international obligations;
 - c. complied with all applicable vessel registration requirements;
 - d. provided all required data and information;
 - e. in the case of an operator or person, complied with applicable laws of other States and international conservation and management measures; and
 - f. complied with the requirements of the Maritime Law, Title 21 of the Laws of the Republic of Liberia.
- 2) In approving or renewing licenses and authorizations in respect of any foreign fishing vessel pursuant to these Regulations, and in setting the level of any performance bond required under section 17(1), the Coordinator shall take into account the ability of the relevant flag State to ensure compliance by its fishing vessels with the laws of coastal States and international conservation and management measures.

17. Preconditions for license issuance to foreign fishing vessels

- 1) The Coordinator may require as a precondition of issuing a license to any foreign fishing vessel that a performance bond be provided by the applicant in accordance with section 1 of Schedule 1 as a financial guarantee for the fulfilment of all obligations arising out of the license and these Regulations, including potential costs relating to rescue, other cost recovery and fines, penalties or compensation for violations against these Regulations. Such performance bonds shall be drawn upon in accordance with section 2 of Schedule 1.
- 2) A fishing license shall not be issued to a foreign fishing vessel unless an agent has been appointed for that vessel in accordance with subsection (3) for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master and/or crew.
- 3) An agent appointed pursuant to subsection (2) shall be a Liberian citizen or a non-citizen who has resided continuously within Liberia for a period not less than five (5) years immediately prior to the appointment and who does not have a criminal record.

18. Preconditions for license issuance to semi-industrial and industrial fishing vessels

A semi-industrial or industrial fishing license may be approved but shall not be issued or have legal force or effect unless the relevant vessel submits to a pre-fishing inspection at the port of Monrovia and it is established in writing by a fisheries inspector that all required license conditions have been met, including that all gear on board is authorized pursuant to the approved license.

19. Requirements for denial of licenses or authorizations

- 1) A license or authorization shall not be issued where:
 - a. the relevant vessel is not intended for use as a fishing vessel;
 - b. the relevant vessel does not hold a valid and applicable registration, or holds more than one registration;
 - c. the relevant vessel is a foreign vessel and does not have a valid and applicable authorization or license to fish in areas beyond national jurisdiction;
 - d. the issuance of a license would be contrary to any applicable Fisheries Management Plan;

- e. within the previous six (6) years, the applicant, or a vessel or person associated with the applicant, has been convicted of an offence pursuant to these Regulations or any international agreement;
 - f. the applicant, vessel, or associated person has been charged with an offence pursuant to these Regulations more than three times and has:
 - i. not submitted to judicial or administrative procedures; or,
 - ii. has submitted to judicial or administrative procedures but has not fully complied with the final decision or determination;
 - g. the issuance of the license would be inconsistent with an international agreement;
 - h. the fishing vessel is a foreign fishing vessel and has not met requirements for provision of a performance bond or appointment of an agent required under section 17(1);
 - i. the activity is likely to threaten the sustainability of a fishery resource;
 - j. in the case of a foreign fishing vessel, an agent has not been appointed; or
 - k. a vessel has been included on a list of illegal, unreported and unregulated fishing vessels established and maintained by a competent regional fishery body in accordance with its rules and procedures.
- 2) A license or authorization shall not be issued to or renewed for any fishing vessel if that vessel was previously licensed or authorized by a foreign State for fishing within or beyond areas of national jurisdiction and was convicted of a violation under national law or undermined the effectiveness of international conservation and management measures, and, as a consequence:
- a. the foreign State suspended such license or authorization, and the suspension has not expired; or
 - b. the foreign State, within the last three years preceding the application for a license under this Section, withdrew such license or authorization.
- 3) The restriction in subsection (2) does not apply if the ownership of the vessel has changed since the vessel undermined international conservation and management measures, and the new owner has provided sufficient evidence to the Bureau demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.
- 4) For the purpose of subsection (1)(e) the term ‘associated’ shall include situations where the same legal or beneficial owner, or agent is shared.

20. Application for the grant or renewal of licenses or authorizations

- 1) Except where otherwise prescribed, an application for a license or authorization under these Regulations shall:
- a. contain such information as may be required in these Regulations or in writing by the Coordinator or as may be prescribed by regulations;
 - b. be in the relevant form set out in Schedule 2 or such other form as may be approved by the Minister;
 - c. in the case of an industrial fishing vessel, be accompanied by a fishing plan which shall specify for each month of the full period of validity of a licence or authorization, a fishing plan including the:
 - i. fishing gear to be used;
 - ii. species to be targeted for fishing, and expected quantity;
 - iii. species that will constitute by catch and expected quantity; and
 - iv. area in which fishing or related activities will take place;
 - d. be accompanied by such application fee as may be prescribed or required by the Bureau in writing by public notice; and

- e. be made in accordance with such procedures and other requirements as may be approved by the Coordinator.
- 2) A non-refundable application fee shall be payable and shall accompany every application for a license or authorization required pursuant to these Regulations or the renewal of such license or authorization.
- 3) Where:
- a. the Coordinator considers that an application has been made for an inappropriate class of license;
 - b. there is insufficient evidence or information accompanying the application upon which to make a recommendation regarding the application;
 - c. the information accompanying the application appears to be false, misleading or inaccurate; or
 - d. upon such other grounds as may be approved by the Minister,

the Coordinator shall return the application to the applicant with details of her/his reasons for returning the application, and the applicant may submit a revised application with such additional evidence or information as may be appropriate.

- 4) If the information on an application is found to be false, misleading or inaccurate the Coordinator may decline to grant the license or authorization, or if such information is discovered to be false, misleading or inaccurate after the grant of the license or authorization, the Coordinator may suspend or cancel the license or authorization.

21. Terms and conditions of licenses and authorizations

- 1) A license granted under these Regulations:
- a. shall be subject to the terms and conditions, requirements and endorsements as are provided in these Regulations or as may be otherwise prescribed or required by the Coordinator from time to time;
 - b. subject to subsection (2), enters into force on the date specified in it;
 - c. unless sooner revoked or suspended in accordance with these Regulations, remains in force until the date on which it expires in accordance with the period approved by the Coordinator from time to time for the class of license or authorization to which it belongs; and
 - d. may be subject to a performance bond issued in accordance with section 17(1).
- 2) No license or authorization shall be issued unless:
- a. the approved fee and other required charges have been paid at the required time; and
 - b. where applicable:
 - ii. a performance bond has been issued and notified to the Coordinator; and
 - iii. any access fee and/or other charges payable under any relevant access agreement have been paid.
- 3) The holder of a license or authorization issued under these Regulations shall:
- a. comply with these Regulations, the laws of the Republic of Liberia, any applicable access agreement, Fisheries Management Plan, and international conservation and management measures;
 - b. comply with all relevant provisions of national law relating to navigational standards and the safety of vessels at sea; and
 - c. not engage in fishing or related activities except as stated in the license or authorization.

- 4) The holder of a license or authorization shall ensure that the license or authorization, or a certified copy thereof is carried on board any relevant vessel at all times during the period of validity and the master shall upon request, produce it to a fisheries inspector or other person authorised under these Regulations to inspect it; provided that the Coordinator may authorise a true copy of a license to be temporarily carried in circumstances where it has not been reasonably practical for the original to be placed on board a vessel.
- 5) The holder of a license or authorization for any activity licensed in accordance with these Regulations other than for fishing vessels, shall display the license or authorization or a certified copy thereof in the registered business office, and produce it to a fisheries inspector or other person authorised under these Regulations to inspect it upon request.
- 6) A license issued in accordance with these Regulations or any associated regulation is not transferable except as may be otherwise provided in any Fisheries Management Plan.

22. Period of validity

A license issued pursuant to these Regulations shall be valid for a maximum of one year, and may be renewable, subject to fisheries management decisions taken in accordance with these Regulations and the terms and conditions set out in the license.

23. Fees, charges or levies

- 1) A license or authorization granted under these Regulations shall be subject to payment of:
 - a. the license fee prescribed for that class of license as shown in Schedule 3; and
 - b. such other fees, charges or levies as are set out in these Regulations, or as may be required by the Minister by public notice.
- 2) The Coordinator may charge license holders for the costs of services, including inspection services, in accordance with such policy as the Minister may establish.

24. Suspension or cancellation of license or authorization

- 1) The Coordinator may, by written notice to the holder of a license or authorization or that person's agent, suspend or cancel any license or authorization issued pursuant to these Regulations for any of the following reasons:
 - a. there has been a contravention of the license or authorization, these Regulations, an applicable international agreement and/or international conservation and management measures in respect of which the license or authorization was given, and:
 - i. any applicable law or international agreement provides for such suspension or cancellation;
 - ii. the relevant person or persons involved in such contravention has/have not submitted to the legal or administrative process, or complied with the requirements of an applicable fine, penalty or other determination; or
 - iii. the Coordinator, having regard to the nature and seriousness of the contravention, considers it appropriate to suspend or cancel the license or authorization;
 - b. there has been a failure to maintain or comply with, or there has been any material change or change in circumstances affecting the eligibility criteria for the license or authorization, in the:

- i. registration of a company or a vessel;
 - ii. ownership or beneficial ownership or control of a company or vessel since the time of license approval; or
 - iii. characteristics, identification markings, or gear of the licensed industrial fishing vessel.
 - c. the license or authorization holder has furnished information which is untrue, incomplete or misleading in connection with the license application;
 - d. a license or authorization has been transferred without the written approval of the Coordinator;
 - e. it is necessary to do so to implement conservation and management measures under these Regulations, in accordance with its objective and principles; or
 - f. such other reasons as may be prescribed in relevant Laws or Regulations of the Republic of Liberia.
- 2) The Coordinator shall suspend or cancel a license or authorization in accordance with such procedures as may be prescribed, where:
- a. these Regulations, a Fisheries Management Plan or any international agreement so requires; or
 - b. the Coordinator decides it is necessary to do so in order to ensure the sustainable use of any fisheries resource or to implement any conservation and management measures determined in accordance with these Regulations.
- 3) Where a license or authorization has been suspended or cancelled in accordance with subsection (2), the Coordinator shall notify the applicant of the reasons.
- 4) There shall be no refund of fees paid in respect of a license or authorization suspended or cancelled under _____ this _____ section.
- 5) No person shall engage in any activity for which the relevant license or authorization was issued after a notice of suspension or cancellation under subsection (3) is received by the holder or after the license or authorization has terminated pursuant to section 25(1).

25. Termination of licenses and authorizations

- 1) A license or authorization issued pursuant to these Regulations shall automatically terminate:
- a. upon the expiration of the period for which it was valid;
 - b. where the vessel changes the country of registration, becomes registered in more than one country or is de-registered; or
 - c. where the master, owner or charterer of the fishing vessel to which the license relates is convicted of an offence under these Regulations and a decision to terminate the license has been taken by the relevant judicial or administrative proceedings in accordance with these Regulations.
- 2) There shall be no refund for a license or authorization terminated pursuant to this section.

26. Appeal

- 1) A person whose application for a license or authorization has been refused by the Coordinator, or whose license has been suspended, cancelled or terminated except as a result of judicial or administrative proceedings or for reasons of fisheries conservation and management, may appeal the decision to the License Appeals Committee.
- 2) The License Appeals Committee shall consist of a Deputy Minister of Agriculture, who shall be the Chair, one senior officer appointed by the Minister from within the Ministry and a lawyer from the Ministry of Justice.
- 3) An appeal may be made to the License Appeals Committee in writing within fifteen (15) days of the notification to the applicant or license holder of the Coordinator's decision. Upon receipt of an appeal under subsection (1), the Minister shall require the Coordinator to prepare a written report relating to the appeal within seven (7) days.
- 4) The License Appeals Committee shall make a decision on the appeal within fifteen (15) days of receiving the Coordinator's report, and shall take into account the information in the report, such independent information that may be submitted to it regarding the appeal and other such information it may deem relevant.
- 5) The License Appeals Committee shall consider the appeal, with the view to arriving at a recommendation for the Minister's action.
- 6) The decision of the License Appeals Committee shall be final, but subject to judicial review.
- 7) The Coordinator shall notify the appellant of the decision within seven (7) days.

27. Register of licenses

- 1) The Coordinator shall establish and maintain a national register of licenses under these Regulations, in accordance with such requirements as may be prescribed or required by the Minister.
- 2) The register established under subsection (1) shall include:
 - a. information on applications for licenses under these Regulations;
 - b. information on each license issued, renewed, suspended and/or cancelled under these Regulations;
 - c. information on each licensee;
 - d. information on the relevant vessel, facility, and or licensed activity;
 - e. the requirements of any international agreement to which the Republic of Liberia is party;
 - f. the requirements of any relevant international conservation and management measures of an organization in which the Republic of Liberia is member or cooperating non-member; and
 - g. such other information that may be required by the Coordinator.
- 3) The register established under subsection (1) shall contain information relating to fishing vessels licensed or authorized for fishing or related activities:
 - a. within areas under national jurisdiction; and
 - b. beyond areas of national jurisdiction.
- 4) The Coordinator shall, in respect of information contained in the register in accordance with subsection (2), provide:

- a. access to such information on request by directly interested foreign States, taking into account any applicable laws of the Republic of Liberia regarding the confidentiality or release of such information; and
 - b. such information as may be required by a regional fishery body for purposes of international conservation and management measures.
- 5) Registration of a license in the national registry shall not be considered a license for the purposes of these Regulations.

PART V CONDITIONS AND REQUIREMENTS FOR FISHING, TRANSSHIPMENT AND THE USE OF PORTS

28. Conditions for fishing

Fishing licenses issued for industrial or artisanal fishing shall be subject to the following conditions:

- a. the fishing vessel shall display the markings required in Schedule 4 and shall not change such markings without written permission from the Coordinator;
- b. the fishing vessel shall at all times fly its national flag;
- c. the operator shall hold a valid registration in respect of the fishing vessel as may be required by the flag State or entity for that type of vessel and issued by such flag State or entity;
- d. the operator shall hold only one valid registration in respect of the fishing vessel and shall not at the same time hold more than one such registration;
- e. the fishing gear on board the fishing vessel shall display the markings required in Schedule 5 and any other markings that may be required by the Coordinator, and such markings shall not be changed without the written permission from the Coordinator;
- f. the operator shall comply at all times with the requirements for trawling gear in Schedule 6;
- g. the operator shall not carry on board the fishing vessel any fishing gear that has not been approved for fishing activities pursuant to the fishing license;
- h. the operator shall comply with all relevant provisions of national law relating to navigational standards and the safety of vessels at sea; and
- i. the operator shall, comply with any direction given by the Coordinator for inspection of the vessel prior to departing from the Fisheries Waters.

29. Conditions for industrial fishing

Industrial fishing licenses issued for fishing or related activities shall be subject to the following conditions:

- a. the operator shall maintain fishing and navigational logbooks at all times in the English language with such information and in the format as may be prescribed or required by the Coordinator;
- b. the operator shall report the vessel's position to the Coordinator by High Frequency Radio every twenty-four (24) hours while in the Fisheries Waters as required by the Coordinator;
- c. the operator shall continually monitor the international distress and call frequency and the international safety and calling frequency;
- d. the operator shall ensure that a recent and up-to-date copy of the International Code of Signals be carried on board and accessible at all times;
- e. the operator shall ensure that a recent and up-to-date set of charts showing the Fisheries Waters be carried on board at all times;
- f. the operator shall not at any time cause or allow the fishing vessel to enter, be present in, engage in fishing for or take or carry on board or possess fish taken from the inshore exclusion zone;
- g. no person shall use a Liberian fishing vessel during the period of validity of the license:

- (i) for fishing or related activities on the high seas or related activities in areas subject to international conservation and management measures unless the license or authorization has been endorsed to authorize such fishing;
 - (ii) in areas of national jurisdiction of other States except in accordance with a license or authorization and the laws of that State; or
 - (iii) to engage in any activity on the high seas or in areas of national jurisdiction of other States which does not comply with an applicable international agreement or undermines the effectiveness of international conservation and management measures in an area to which such measures apply; and
- h. such other conditions that may be required by the Coordinator or prescribed in accordance with these Regulations.

30. Reporting requirements for industrial fishing vessels

The operator of each industrial fishing vessel shall make such reports as may be prescribed or required by the Coordinator as a condition of license or authorization, which shall include:

- a. maintaining a fishing log for each fishing trip in the area to which the relevant license applies, the English language or other language approved by the Coordinator, which shall include; :
 - (i) the gear type used;
 - (ii) the noon position of the vessel and, where applicable, the set position of the fishing gear and soak time or the number of hooks and the sea surface temperature;
 - (iii) the species of fish taken and the size and quantity of each species by weight or number as may be specified in the form;
 - (iv) the species of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number as may be prescribed or the Coordinator may require;
 - (v) the total number of hauls per day, aggregate time for each haul and total number of days fished per fishing trip; and
 - (vi) such other information as may be prescribed or as the Coordinator may require.
- b. reporting information in a format approved by the Coordinator, by email, High Frequency Radio or facsimile relating to the position of, and the catch on board, the vessel and such other information that may be required by these Regulations or the Coordinator at the following times:
 - (i) at least twenty-four (24) hours prior to the estimated time of entry into and departure from the Fisheries Waters;
 - (ii) each day while the vessel is in the Fisheries Waters;
 - (iii) at least twenty-four (24) hours prior to the estimated time of entry or departure from port; and
 - (iv) upon entry into or departure from a closed area.
- c. ensuring that any information or data which may be required to be transmitted by a transponder, mobile transceiver unit or other component of a vessel monitoring system is transmitted continuously, accurately and effectively to the designated receiver;
- d. providing such daily information as and in the form the Coordinator may require to give effect to its duty under international agreements and law; and

- e. certifying that information provided pursuant to sub-paragraphs (a), (b), (c) and (d) are true.

31. Conditions for semi-industrial fishing

- 1) Semi-industrial fishing licenses issued for fishing or related activities shall be subject to the following conditions:
 - a. no person shall use a Liberian fishing vessel during the period of validity of the license:
 - (i) for fishing or related activities in areas under the national jurisdiction of other States such fishing or related activities unless the license or authorization has been endorsed to authorize such fishing or related activities; or
 - (ii) in areas of national jurisdiction of any other State except in accordance with laws of that State; and
 - b. such other conditions that may be prescribed or required by the Coordinator.
- 2) Every semi-industrial fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Coordinator.
- 3) On receipt of an application for registration of a semi-industrial fishing vessel made under these Regulations, the Coordinator shall, as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Coordinator shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.
- 4) The Coordinator may:
 - a. determine from time to time the total number semi-industrial fishing vessels to be licensed and may refuse to license additional semi-industrial fishing vessels once this number has been met; and
 - b. specify conditions of licensing for a semi-industrial vessel relating to the species, total allowable catch or area in which it is permitted to fish, the season, the type and use of its fishing gear, and such other conditions that he or she may require.
- 5) Semi-industrial fishing vessels, except in cases where transshipment has been authorized in accordance with section 35, shall land all catch at such places as shall be designated in the license or directed in writing by the Coordinator.

32. Reporting requirements for semi-industrial fishing vessels

The operator of each semi-industrial fishing vessel shall make such reports as may be prescribed or required by the Coordinator as a condition of license which shall include:

- a. maintaining a fishing log for each fishing trip in the area to which the relevant license applies, the English language or other language approved by the Coordinator, which shall include;
 - (i) the date of fishing;
 - (ii) the gear type used;
 - (iii) the species of fish taken and the size and quantity of each species by weight or number as may be prescribed or the Coordinator may require;

- (iii) the species of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number;
- b. the place of landing or transshipment;
- c. such other information as may be prescribed or as the Coordinator may require; and
- d. certifying that information provided pursuant to sub-paragraphs (a), (b) and (c) are true.

33. Transfer of Semi-industrial and Industrial Fishing Licenses

A semi-industrial or industrial fishing license shall:

- a. be issued to a specific fishing vessel;
- b. be personal to the holder of that license; and
- c. not be transferred to another person or vessel except with the written approval of the Coordinator, and subject to the conditions determined by the Coordinator, including the payment of such fees as may be prescribed or required in writing by the Coordinator.

34. Conditions for artisanal fishing vessels

- 1) Every artisanal fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Coordinator.
- 2) On receipt of an application for registration of an artisanal fishing vessel made under these Regulations, the Coordinator, shall as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Coordinator shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.
- 3) The Coordinator may:
 - a. determine from time to time the total number artisanal fishing vessels to be licensed and may refuse to license additional artisanal fishing vessels once this number has been met; and
 - b. specify conditions of licensing for an artisanal vessel relating to the area in which it is permitted to fish and the use of its fishing gear.

35. Requirements for transshipment

- 1) The operator of a fishing vessel intending to engage in, or engaging in transshipment shall:
 - a. only tranship:
 - (i) at the port of Monrovia or such other port or prescribed area in the Republic of Liberia that may be designated by the Coordinator;
 - (ii) at the time authorized for transshipment; and
 - (iii) pursuant to a valid and applicable authorization issued pursuant to these Regulations and on such terms and conditions that may be required by the Coordinator;
 - b. provide seventy-two (72) hours prior notice, or such other prior notice as may be prescribed or the Coordinator may require, to the Coordinator of a request to tranship any or all of the fish or fish products on board and provide the name of the vessel, its international radio call sign, its

position, the catch on board by species, the time and such other information that may be prescribed or required by the Coordinator;

- c. fulfil the revenue and finance laws of general applicability in the Republic of Liberia; and
 - d. submit full reports on transshipments on forms that may be prescribed or required by Coordinator in accordance with these Regulations.
- 2) The operator of a fishing vessel engaging in transshipment shall comply with such procedures as may be required by the Coordinator, including placement of a fisheries inspector or observer on board, to:
- a. obtain and verify data, including on the quantity and species transshipped; and
 - b. determine when transshipment has been completed,
- and such other procedures as may be prescribed or otherwise required by the Coordinator, or in the case of a Liberian fishing vessel outside areas of national jurisdiction, an applicable international agreement.
- 3) During transshipment in the Fisheries Waters the operator of each vessel shall comply with all applicable laws relating to protection of the marine environment.
- 4) Transshipments shall be subject to such further conditions as may be prescribed or otherwise required by the Coordinator or required in any applicable Fisheries Management Plan.

36. Deployment and maintenance of a fish aggregating device

- 1) No person shall deploy or maintain a fish aggregating device in the Fisheries Waters without receiving prior written authorization by the Coordinator.
- 2) The Coordinator shall issue authorizations for deployment and maintenance of a fish aggregating device in accordance with the principles for fisheries management in section 3 of these Regulations, and may decline to issue an authorization on that basis or attach such conditions as he thinks fit.

37. Prior information and authorization required for use of a port by a foreign fishing vessel

- 1) The operator of a foreign fishing vessel shall provide the Bureau with the information in Schedule 7 no later than twenty-four (24) hours before the estimated time of entry into any port in the Republic of Liberia.
- 2) After receiving the information required pursuant to subsection (1), as well as such other information the Coordinator may require to determine whether the vessel requesting entry into port has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of illegal, unreported and unregulated fishing, the Coordinator shall decide whether to authorize or deny the entry of the foreign fishing vessel into its port and shall communicate this decision to the vessel or to its representative.
- 3) The operator of a foreign fishing vessel shall not use a port in the Republic of Liberia for landing, transshipping, packaging or processing of fish or for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking, unless a written authorization for the use of such port has been issued by the Coordinator.

- 4) In the case of authorization of entry, the master of the vessel or the vessel's representative shall present the authorization for entry into the port to the competent authorities of the Party upon the vessel's arrival at port.

38. Denial of the use of port to a foreign fishing vessel

- 1) When a foreign vessel has entered one of its ports, the Coordinator shall deny that vessel the use of the port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, *inter alia*, refueling and resupplying, maintenance and drydocking, if:
 - a. the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
 - b. the vessel has not been granted a valid and applicable license to engage in fishing or fishing related activities required by the Republic of Liberia in respect of its Fisheries Waters;
 - c. there is clear evidence that the fish on board was taken in contravention of applicable requirements of any coastal State in respect of areas under the national jurisdiction of that coastal State;
 - d. the flag State of the foreign fishing vessel does not confirm within a reasonable period of time on the request of the Coordinator that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization; or
 - e. there are reasonable grounds to believe that the vessel was otherwise engaged in illegal, unreported or unregulated fishing or fishing related activities in support of illegal, unreported or unregulated fishing, unless the vessel can establish:
 - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not at the time of provisioning a vessel referred to in subparagraph (e).
- 2) Notwithstanding subsection (1), a vessel shall not be denied the use of port services essential to the safety and health of the crew and the safety of the vessel, provided these needs are duly proven, or, where appropriate, for the scrapping of the vessel.

39. Inspection of foreign fishing vessels in port

- 1) In carrying out inspections of foreign fishing vessels in port, inspectors shall follow the procedures in Schedule 8 to the extent possible, and:
 - a. present to the master of the vessel an identification document prior to an inspection;
 - b. in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;
 - c. not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State; and

- d. make all possible efforts to:
 - i) avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
 - ii) facilitate communication with the master or senior crew members of the vessel; and
 - iii) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel.
- 2) A report of the inspection shall promptly be provided to the Coordinator in the form in Schedule 9.
- 3) The master of the vessel subject to inspection pursuant to this section shall give inspectors all necessary assistance and information, and present relevant material and documents as may be required, or certified copies thereof.

PART VI INFORMATION, RECORDS, RETURNS, REGISTERS

40. Information given under these Regulations

- 1) No person shall:
 - a. fail to keep, or provide any accounts or records; or
 - b. neglect or refuse to provide any records, returns, or information when lawfully requested or required to do so under these Regulations; or
 - c. make any false or misleading statement, or omits any material information in any communication, application, record or return prescribed by or in accordance with these Regulations, or as required for its administration.
- 2) Any information given, furnished or maintained or required to be given, furnished or maintained under these Regulations shall be true, complete and accurate and no such information shall be false, misleading or inaccurate.

41. Ownership of information

Ownership of all information required to be reported, notified or otherwise given to the Government and all information generated by automatic location communicators or similar device that is part of a vessel monitoring system under these Regulations is vested in the Government.

42. Records, Returns and Other Information

- 1) The Coordinator or his designee may, for the purposes of these Regulations, require any person to maintain and furnish in such manner and form as she/he may specify:
 - a. relevant fisheries data and information, including data and information relating to fishing, landing, storage, food safety, processing, buying, selling, exports and other related transactions; and
 - b. accounts, records, returns, documents and other additional information specified under these Regulations.
- 2) The following persons shall keep such accounts and records and furnish such returns and information as required under these Regulations or such information as may be required by the Coordinator to

ensure that any person that harvests, receives, transports, stores or processes fish or places them on the market documents the information needed to make it possible at all times to trace fish and other resources back to a catch registered on a landing or sales note:

- a. holders of licenses, permits, endorsements or other authorities or approvals issued or granted under these Regulations;
- b. owners, operators, representatives, agents, and masters of fishing vessels licensed under these Regulations;
- c. owners or operators of any fishing vessel required to be registered pursuant to these Regulations;
- d. owners and persons in charge of any premises where fish or fish products are received, bought, sold, stored, transported, processed or otherwise disposed of; and
- e. any other person who is carrying out activities under the scope of these Regulations.

43. Registers to be maintained by the Bureau

- 1) The Bureau shall maintain registers which shall record details of:
 - a. each license issued pursuant to these Regulations;
 - b. each authorization issued pursuant to these Regulations;
 - c. each fishing vessel registered pursuant to these Regulations; and
 - d. such other matters as may be prescribed or required by the Coordinator.
- 2) The Bureau shall permit members of the public to inspect the register required to be maintained pursuant to subsection (1) during office hours. The Bureau may charge a reasonable fee for copies of the register.

**PART VII
MONITORING, CONTROL, SURVEILLANCE AND COMPLIANCE**

44. Monitoring, control and surveillance responsibility and functions

- 1) The Bureau shall have primary responsibility for the monitoring, control and surveillance of all activities falling within the scope of these Regulations and international agreements, and its functions shall include, *inter alia*, to:
 - a. monitor activities that fall within the scope of these Regulations, including the provision of information and data;
 - b. carry out surveillance over activities falling within the scope of these Regulations; and
 - c. ensure compliance with these Regulations.
- 2) In discharging the functions and responsibilities of the Bureau, the Coordinator shall coordinate and collaborate with relevant Government Ministries and agencies, including:
 - a. the Liberian Coast Guard, pursuant to its mandate in section 4.3 of the *National Defense Act of 2008* to render assistance with the protection of marine resources, including fisheries;
 - b. the Bureau of Maritime Affairs;
 - c. the Liberian National Police;
 - d. the Ministry of Justice; and
 - e. Bureau of Immigrations and Naturalization (BIN).

45. Fisheries inspectors – authority and functions

- 1) Fisheries inspectors shall exercise monitoring, control, surveillance and compliance functions pursuant to these Regulations:
 - a. within areas under national jurisdiction; and
 - b. in relation to such other laws and international conservation and management measures beyond areas of national jurisdiction in accordance with any international agreement.
- 2) Where fisheries inspectors exercise functions pursuant to subsection (1)(b), the provisions of these Regulations are applicable as if the duties were performed in areas under national jurisdiction.
- 3) The following persons are deemed to be fisheries inspectors for the purposes of these Regulations:
 - a. the Coordinator;
 - b. public officers employed by the Bureau who are appointed in writing by the Coordinator as fisheries inspectors;
 - c. officers of the Bureau of Immigration and officers of the Liberian National Police of the rank of sergeant or above, with the approval of the Minister of Justice;
 - d. members of the Liberian Coast Guard, with the approval of the Minister of Defence.
- 4) The Coordinator, in consultation with the Minister may, in writing, based on such criteria as may be prescribed, authorise experienced foreign fisheries inspectors who have taken an oath to enforce these Regulations to exercise the rights and responsibilities of a fisheries inspector:
 - a. in the Fisheries Waters; or
 - b. on behalf of Liberian fisheries inspectors in areas beyond national jurisdiction,

in accordance with these Regulations and any applicable international agreement, and such inspectors shall have full legal status under these Regulations and the jurisdiction of the Republic of Liberia for the purposes of these Regulations.

46. Appointment of fisheries inspectors

- 1) In addition to Section 46(3) the Coordinator may, in writing, appoint any other trained and qualified person or category of persons as fisheries inspectors for the purposes of these Regulations, and such personnel shall exercise all powers and privileges accorded by these Regulations and as may be conferred on national police officers and members of the Liberian Coast Guard.
- 2) The Coordinator may limit the exercise of any powers and functions of a fisheries inspector to a specific area or period of time.

47. Powers of fisheries inspectors

- 1) The application of this section extends to all activities falling within the scope of these Regulations.
- 2) A fisheries inspector may, for purposes of monitoring, control, surveillance, enforcement and/or administration of these Regulations and activities that fall within its scope, without a warrant:
 - a. stop, board, enter, search and stay on board for purposes of exercising his or her powers under these Regulations:
 - i. any vessel in the Fisheries Waters which she/he has reason to believe has been used, is being used or is intended to be used for fishing or a related activity;
 - ii. any Liberian vessel outside the Fisheries Waters; or

- iii. any other vessel to which these Regulations and any international law or agreement applies,

and such search may include the breaking open of any hold or compartment, container or other receptacle upon a boarded vessel that the fisheries inspector has reasonable grounds to believe may contain evidence of an offence under these Regulations;

- b. enter and search any premises or place, other than premises used exclusively as a dwelling house, including premises that are part of or attached to a dwelling house which she/he reasonably suspects are used for activities falling within the scope of these Regulations:
 - i. in or on which she/he has reason to suspect that evidence of an offence against these Regulations may be found; or
 - ii. that it is necessary or expedient to enter or search to ascertain whether these Regulations is being or has been complied with;
- c. inspect and take samples, logbooks, documents, records, copies of logbooks, documents and records, and other documentation and information from any vessel, premises, facilities, or other place, other than premises used exclusively as a dwelling house but including premises that are part of or attached to a dwelling house used for activities falling within the scope of these Regulations;
- d. monitor landing and transshipment operations;
- e. require any person associated or apparently associated with a vessel, premises, facilities, or other place or activity falling within the scope of these Regulations, to provide such information as may be reasonably required for the enforcement of these Regulations;
- f. examine any gear, equipment, record or other document that is found in or on any vessel, premises or place, being equipment or a document that she/he has reason to believe has been used, is being used or is intended to be used for or in relation to fishing, a related activity or other activity requiring a license under these Regulations;
- g. examine and/or test or cause to be examined and/or tested any electronic equipment required to be on board any vessel;
- h. seize, take, detain, remove and secure:
 - i. any vessel, vehicle, aircraft, gear, implement, appliance, material, container, goods, equipment, explosive or noxious substance or item that she/he has reason to believe has been taken or used, is being used or is intended to be used in or in relation to the commission of an offence in contravention of these Regulations;
 - ii. any fish which the fisheries inspector believes on reasonable grounds are being, or have been taken, killed, transported, bought, sold or found in the possession of any person in contravention of these Regulations, and any fish with which such fish have been intermixed;
 - iii. any logs, charts or other documents required to be maintained under these Regulations or the terms of any license or which she/he has reason to believe show, or tend to show, the commission of an offence against these Regulations, including any license issued under these Regulations in which case a receipt shall be given to the license holder; and
 - iv. any article, record or item which she/he has reason to believe might be used is evidence in any administrative or legal proceeding under these Regulations;

- i. arrest, in accordance with the Revised Penal Code of 1976, a person whom she/he has reason to believe has committed an offence in contravention of these Regulations, or who assaults him or her or any other Fisheries inspector, observer or port sampler while exercising his or her powers or duties under these Regulations, or who offers a bribe to a fisheries inspector or observer;
- j. where she/he has reason to believe that a vessel has been used, is being used or is intended to be used to commit, or in relation to the commission of, a fisheries offence, or where a vessel has been seized under these Regulations:
 - i. bring the vessel, or require the master to bring the vessel as he directs, to any place in Liberia; and
 - ii. remain in control of the vessel pending the taking and determination of proceedings for the offence, or require the master to remain in control of the vessel at that place until a fisheries inspector permits him to depart from that place;
- k. where a vessel has been brought to a place in the country in accordance with subparagraph (j), remove any part or parts of the vessel, or otherwise secure the vessel, for the purpose of immobilizing the vessel;
- l. require any person in charge or control or apparent charge or control of any activity in respect of which a license is required under these Regulations or an applicable international agreement, including the master of a vessel, to:
 - i. produce the registration, license, authorization or endorsement for or in relation to the activity;
 - ii. produce any other documents in relation to the vessel;
 - iii. give information concerning the vessel and her crew and any person on board the vessel,

and the fisheries inspector may take copies of, or extracts from, any document.
- m. require a person:
 - i. who is engaged in, or apparently engaged in any activity for which a license, authorization or endorsement is required under these Regulations; or
 - ii. whom she/he has reason to believe has committed or is intending to commit an offence under these Regulations, to state his or her name, date of birth and place of abode;
- n. require a person engaged or apparently engaged in any activity for which a license, authorization or endorsement is required under these Regulations or an applicable international agreement to:
 - i. give information about the relevant activity;
 - ii. state whether she/he holds a license, endorsement or other authorization under these Regulations and, if so, to produce the license, endorsement or other authorization;
- o. make an entry dated and signed by her/him in a vessel's log, and require the master to sign the entry, or to indicate on a chart or other document the position of the vessel at that time and initial such chart or other document accordingly;
- p. auction, in conjunction with the Ministry of Finance, any fish seized by the inspector under these Regulations, with the prior written approval of the Coordinator;

- q. exercise any other powers given to her/him under any other law;
 - r. following hot pursuit outside the Fisheries Waters in accordance with international law and commenced within the Fisheries Waters, stop board and search outside the Fisheries Waters any vessel which she/he has reasonable grounds to believe has been used in the commission of an offence under these Regulations or international agreement, exercise any powers conferred by these Regulations and bring such vessel and all persons and things aboard back into the Fisheries Waters;
 - s. seize and retain any passport and seaman's book of the master and crew of a vessel for a reasonable time for the purpose of investigation of an offence against these Regulations until:
 - i. the completion of such investigation; or
 - ii. a court order regarding the retention of passports is obtained, whichever occurs first; and
 - t. exercise such other powers as may be prescribed to give effect to these Regulations, and any international agreement or international conservation and management measures, whether within or beyond areas of national jurisdiction.
- 3) A fisheries inspector may, where the master of a fishing vessel does not stop that vessel within a reasonable period of time following a request made pursuant to subsection (2)(a), use any reasonable means consistent with international law to stop the vessel, such as firing a warning shot and using a device to impede use of the system for propelling the vessel. An inspector may not fire at or into a fishing vessel unless fired upon or is in imminent threat of serious bodily harm or death.
 - 4) A fisheries inspector, when arresting a person in accordance with subsection (2)(i) may use such force as is reasonably necessary in the circumstances to effect the arrest, and shall, wherever possible, use minimal force.
 - 5) Any person arrested without a warrant under this section shall be detained and dealt with in accordance with law and any applicable international agreement or international conservation and management measures.
 - 6) A fisheries inspector bringing a vessel to a place in Liberia in accordance with subsection (2)(j), or in other circumstances where the need for assistance in enforcing these Regulations is immediate and overwhelming, may require any person to assist him or her, and that person shall be deemed to be a fisheries inspector for the purposes and time during which, she/he is required to assist.
 - 7) Where a vessel is being brought to a place in the country in accordance with subsection (2)(j) no claim may be made against any fisheries inspector, observer or the Bureau in respect of any death, injury, loss or damage occurring while the vessel is being so brought, other than a claim in respect of the death of or injury to a fisheries inspector, and where the master is required to remain in control she/he shall be responsible for the safety of the vessel and each person on board the vessel until the vessel arrives at the designated port.
 - 8) A written receipt shall be given to the owner, apparent owner or agent for any article or item seized in accordance with this section and the grounds for such seizure shall be stated in the receipt.
 - 9) Where any part or parts of a vessel have been removed in accordance with subsection (2)(k):
 - i) the part or parts shall be kept safely and returned to the vessel immediately upon its lawful release from custody;

- ii) no person shall possess or arrange to obtain such part or parts or make any replacement or substitute part or parts.
- 10) A fisheries inspector may, in respect of premises used exclusively as a dwelling house, conduct searches and seizures in accordance with this section with a warrant, and the provisions of this section shall apply *mutatis mutandis*.
 - 11) A fisheries inspector may, without a warrant, erect a temporary barrier across a public road for the purpose of implementing any relevant authority in subsection 2.
 - 12) The Coordinator may approve the confiscation of the passports and seamen's books of the master and crew of a vessel for up to one week during an investigation of an offence against these Regulations by such master and crew if it is apparent that the passport and seamen's books would facilitate travel outside the country prior to the conclusion of the investigation. The inspector must turn over all documents confiscated under this section to the Bureau of Immigration for safe keeping.

48. Observers – functions and authority

- 1) Observers shall exercise scientific, monitoring and compliance functions pursuant to these Regulations:
 - a. within areas under national jurisdiction; and
 - b. beyond areas of national jurisdiction in accordance with these Regulations and pursuant to any international agreement, or such authority as may be prescribed or as the Coordinator may direct.
- 2) Where observers exercise functions pursuant to subsection (1)(b), the provisions of these Regulations are applicable as if the duties were performed in areas under national jurisdiction.

49. Appointment of observers

- 1) The Coordinator may appoint a person in writing to be an observer for the purposes of these Regulations.
- 2) Observers may be deployed as may be directed by the Coordinator in accordance with these Regulations and any applicable international agreement or international conservation and management measures on any vessel used for fishing, transshipment, transportation or landing of fish and such other uses as may fall within the scope of these Regulations.
- 3) An observer may be employed by the Bureau on a contractual basis and shall be supplied with an identity card.

50. Duties of observers

- 1) The duties of an observer shall include collecting and reporting reliable and accurate information for scientific, management, and compliance purposes including:
 - a. the species, quantity, size, age, and condition of fish taken;
 - b. the methods by which, the areas in which, and the depths at which, fish are taken;
 - c. the effects of fishing methods on fish, and the environment;
 - d. all aspects of the operation of any vessel;
 - e. processing, transportation, transshipment, storage, or disposal of any fish;
 - f. monitoring the implementation of management measures and applicable international conservation and management measures; and

- g. any other matter that may assist the Coordinator to obtain, analyse, or verify information for fisheries scientific, management, and compliance purposes.

51. Financial responsibility of licensees for observers

- 1) The holder of a license for a vessel on which an observer is to be placed shall, in addition to any other fees or charges required under these Regulations, provide to the Bureau for such observer, and in advance of her/his deployment, for the duration of her/his duties for such vessel:
 - a. insurance coverage;
 - b. allowances;
 - c. all travel and associated expenses to and from the vessel; and
 - d. other costs associated with the observer, at a level to be approved by the Minister on the advice of the Coordinator.
- 2) If payment required pursuant to subsection (1) is not made, the fishing license shall be deemed to be suspended and without legal force or effect until payment in full has been made and acknowledged in writing by the Bureau.

52. Notice of intention to place observers

- 1) Before placing any observer on a fishing vessel, the Coordinator shall notify the holder of the license or authorization or her/his agent of the requirement to take an observer on board at a specified time and place and to remain on board for a specified period of time.
- 2) Upon receipt of a notice given under subsection (1), no person shall:
 - a. cause or allow the vessel to which the notice relates to put to sea without taking on board the observer(s) at the time and place specified in such notice; or
 - b. otherwise refuse to take on board such observer(s).

53. Duties of licensee, etc. to observers

The license or authorization holder and the owner, operator, charterer, master and every crew member of a fishing vessel, and such other person as the Coordinator may require, shall, in respect of any observer or observers she/he may designate:

- a. carry the observer(s) on board the fishing vessel at all times at the direction of the Coordinator;
- b. allow the observer(s) to board the vessel to which the license relates at such time and place as the Coordinator may require;
- c. facilitate the activities of the observer(s) on board the vessel;
- d. ensure that the observer(s) has/have full access to and the use of facilities, gear and equipment on board the vessel which the observer may determine is necessary to carry out his duties, including:
 - i. any fish on board the vessel which may be used to hold, process, weigh and store fish;
 - ii. the bridge and the communications and navigation equipment of the vessel;
 - iii. the documents and records, including all logbooks of the vessel, whether required to be carried and maintained under these Regulations or otherwise for purposes of record inspection and copying;
- e. permit the observer(s) at all times to:
 - i. receive and transmit messages and communicate with the shore and other vessels by means of the vessel's communications equipment;

- ii. take, measure, remove from the vessel and retain samples or whole specimens of any fish;
- iii. store samples and whole specimens on the vessel, including samples and whole specimens held in the vessel's freezing facilities;
- iv. take photographs of the fishing activities, including fish, gear, equipment, documents, charts and records, and remove from the vessel such photographs or film as she/he may have taken or used on board the vessel;
- f. allow the observer(s) to disembark at such time and place as the Coordinator may require;
- g. provide, free of charge, reasonable food and accommodation for the observer, including access to washing and toilet facilities, of a quality at least as good as that supplied to officers on the fishing vessel; and
- h. ensure the safety of the observer(s) at all times.

54. Duties of master, crew, to fisheries inspectors and observers

- 1) The master and each member of the crew of any fishing vessel and the driver of any vehicle shall immediately comply with any lawful instruction given or request made by a fisheries inspector and shall facilitate safe boarding, entry and inspection of the vessel or vehicle and any gear, equipment, register, document, fish and fish product.
- 2) The master and each member of the crew of any fishing vessel and the driver of any vehicle shall take all measures to ensure the safety of a fisheries inspector in the performance of her/his duties.
- 3) No person shall:
 - a. assault, obstruct, resist, delay, refuse the boarding of, intimidate or fail to take all reasonable measures to ensure the safety of, or otherwise interfere with a fisheries inspector or observer in the performance of her/his duties;
 - b. incite or encourage any other person to assault, resist or obstruct any fisheries inspector while exercising or performing her/his powers or duties, or any other person lawfully acting under the orders of the fisheries inspector in her/his aid;
 - c. use threatening language or behave in a threatening or insulting manner or use abusive language or insulting gestures towards any fisheries inspector or observer while exercising or performing her/his powers or duties, or towards any other person lawfully acting under the orders of a fisheries inspector in her/his aid;
 - d. fail to comply with the lawful requirements of any fisheries inspector or observer;
 - e. furnish to any fisheries inspector any particulars which are false or misleading;
 - f. impersonate or falsely represent himself or herself as a fisheries inspector;
 - g. falsely represent himself or herself as a person lawfully acting under a fisheries inspector's orders or in her/his aid; or
 - h. give, cause to be given, or promise to give a bribe to a fisheries inspector or officer.

55. Vessel Monitoring System

- 1) The Coordinator may establish and operate vessel monitoring systems for purposes of monitoring, control and surveillance, and managing the operations of fishing vessels under these Regulations.

- 2) The Coordinator may require the operator of any fishing vessel, as a condition of license, to install, maintain and operate in accordance with such conditions as may be prescribed or required by the Coordinator, an Mobile Transceiver Unit (MTU) or other device or equipment that is an integral component of a vessel monitoring system at all times while the fishing vessel is in the Fisheries Waters or, in respect of a Liberian fishing vessel, in areas beyond national jurisdiction, or such other area as may be prescribed or agreed in an international agreement or international conservation and management measures.
- 3) The operator of each fishing vessel required to install, maintain and operate equipment pursuant to subsection (2) shall do so at her/his own expense.
- 4) The operator of each fishing vessel licensed pursuant to these Regulations shall comply with all license conditions and shall immediately:
 - a. notify the Coordinator when the MTU or other device ceases to operate in accordance with such requirements; and
 - b. cause the vessel to cease fishing except as otherwise authorized by the Coordinator.
- 5) Where the MTU or other device ceases to operate as required, the operator shall immediately:
 - a. give notice to the Coordinator in accordance with subsection (4) and submit to the Coordinator a report of the vessel's name, call sign, position (expressed in latitude and longitudes to the minutes of arc) and the date and time of the report at intervals of four hours or such other period as the Coordinator may notify the operator; or
 - b. cause the vessel to immediately return to the port of Monrovia in the Republic of Liberia.
- 6) No person shall:
 - a. without lawful excuse render inoperative or otherwise interfere with an MTU or other device installed pursuant to this section so that it does not operate accurately or in accordance with any prescribed conditions;
 - b. whether within or beyond areas under national jurisdiction, intentionally, recklessly or negligently destroy, damage, render inoperative or otherwise interfere with any part of an automatic location communicator or vessel monitoring system aboard a vessel licensed pursuant to these Regulations, or intentionally feed or input into that system information or data which is not officially required or is meaningless; or
 - c. intentionally, recklessly or negligently divulge information or data obtained from a vessel monitoring system or a system of reporting or recording required or permitted under these Regulations, other than in the course of duty and to a person or persons entitled to receive that information or data in the course of duty.
- 7) The operator shall comply with such other conditions that may be prescribed or required by the Coordinator, including:
 - a. the type of vessel monitoring system equipment to be used;
 - b. installation procedures;
 - c. operational requirements;
 - d. information requirements;

- e. confidentiality; and
- f. declaration reports.

56. Abandoned vessel, gear, fish or fish products

- 1) Where a fisheries inspector has reason to believe that any fishing gear, vessel, fish or fish product has been abandoned for the purpose of avoiding prosecution, she/he shall apply to the Court of applicable jurisdiction for an order to dispose of the gear vessel, fish or fish product.
- 2) Where a fishing vessel or fishing gear or fish product is abandoned, and the fisheries inspector believes that any person is liable to be investigated, searched or arrested in connection with a commission of an offence under the Law, or that person has absconded to any place within or outside the Republic of Liberia, or has concealed himself or herself so that she/he cannot be searched, arrested or otherwise investigated, the fisheries inspector may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or under control of the suspect.

57. Immunity of fisheries inspectors and observers

Except for acts of gross recklessness, no action shall be brought against a fisheries inspector or observer for anything she/he does or fails to do in good faith in the execution or purported execution of her/his powers and duties under these Regulations.

**PART VIII
CIVIL OFFENCES AND PENALTIES**

58. Offences and penalties

- 1) Any person who contravenes section 9(1), 9(2), 13, 21(4), 21(5), 30, 32, 36(1), 39(3), 40(1), 40(2), or any part of such section of these Regulations commits an offence and upon finding by a court of competent jurisdiction shall be liable for a fine not exceeding ten thousand (10,000) United States dollars.
- 2) Any person who contravenes section 6(2), 8(1), 8(2), 21(3), 33(c), 35(2), 35(3), 54(1), 54(2), 54(3) or any part of such section of these Regulations commits an offence and upon finding by a court of competent jurisdiction shall be liable for a fine not exceeding fifty thousand (50,000) United States dollars
- 3) Any person who contravenes section 7(A), 10, 12, 37(3), 52(2), 53, 55(4), 55(5), 55(7) or any part of such section of these Regulations commits an offence and upon finding by a court of competent jurisdiction shall be liable for a fine not exceeding two hundred and fifty thousand (250,000) United States dollars.
- 4) Any person who contravenes section 35(1), 55(6) or any part of such section of these Regulations commits an offence and upon finding by a court of competent jurisdiction shall be liable for a fine not exceeding five hundred thousand (500,000) United States dollars.
- 5) Any person who contravenes section 23(1) or any part of such section of these Regulations commits an offence and upon finding by a court of competent jurisdiction shall be liable for a fine not exceeding five hundred thousand (500,000) United States dollars.

- 6) Any person who contravenes section 11(1), 24(5), of these Regulations commits an offence and upon finding by a court of competent jurisdiction shall be liable for a fine not exceeding one million (1,000,000) United States dollars.
- 7) In addition to the fines described in this section, the court may order:
 - a. in respect of offences described under subsections (3), (4) and (6), forfeiture of the fishing vessel, fish on board and/or fishing gear;
 - b. in respect of offences described under subsections (2), (3), (4) and (6), cancellation or suspension of the relevant license or authorization;
 - c. in respect of section 8(1), compensation is to be paid to the owner of the relevant fishing gear;
 - d. in respect of section 9(1), compensation for the cost of clearing or removing the relevant objects.
- 8) These penalties in Section 58(1) – (7) are in addition to any criminal sanctions under the existing Penal Code.
- 9) The fines may be accepted in such currency equivalent to United States dollars as the court determines.

59. Arrest or detention and release of foreign fishing vessels, crew members

- 1) In cases of arrest or detention of foreign fishing vessels the Bureau shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.
- 2) Any foreign fishing vessel and its crew arrested pursuant to these Regulations shall be promptly released upon the posting of reasonable bond or other security.
- 3) Notwithstanding the provisions of section 58, in the absence of any agreement to the contrary with the State of which the vessel or its crew are nationals, penalties for violations of these Regulations in such exclusive economic zone as may be declared by the Republic of Liberia shall not include imprisonment or any other form of corporal punishment.

60. Continuing offence

Each day of a continuing offence shall be considered a separate offence.

61. Costs incurred by state

The owner or charterer shall bear any cost or expenditure incurred by the State, as determined by the court in accordance with law upon conviction and by application of the State, in connection with:

- a. the seizure of a foreign vessel for an offence against these Regulations;
- b. the prosecution for an offence in accordance with these Regulations; and
- c. the repatriation of the master or crew of any vessel seized under these Regulations.

62. Banning order

- 1) In addition to any other fine or penalty provided under these Regulations, the court may order any natural person to be banned from fishing in the Fisheries Waters for a period up to five years if that person has committed:
 - a. an offence against section 11(1), 23(1) or 24(5); or
 - b. multiple offences against these Regulations,

and shall order a natural person to be banned from fishing in the Fisheries Waters if that person has been found by a court to have committed any offence or offences against these Regulations on three separate occasions.

- 2) The operator or master of a fishing vessel who knowingly permits a person banned under subsection (1) to go or remain on board a fishing vessel under his command, commits an offence and shall upon conviction be liable to a fine provided under section 58(3) of these Regulations.

63. Default for non-payment

In addition to any fine or penalty determined under these Regulations, the court may order a default penalty for non-payment of fines, not to exceed one percent (1%) per day of the total amount of the fine or determination.

64. Liability for non-payment of pecuniary penalties

All pecuniary penalties not specifically designated as fines and all forfeitures incurred under or imposed pursuant to these Regulations, and the liability to forfeiture of any article seized under the authority thereof, and all rents, charges, expenses and duties and all other sums of money payable under these Regulations may be sued for, determined, enforced and recovered by suit or other appropriate civil proceedings in a court of competent jurisdiction in the name of the Coordinator as the nominal plaintiff; and all such proceedings shall be deemed to be civil proceedings.

65. Liability for loss or damage

- 1) A person who commits an offence against these Regulations may, upon conviction, be liable for any loss or damage caused by the offence and the amount of the loss of such damage may be awarded by the court as restitution in addition to, and recovered in the same manner as a fine.
- 2) The loss or any damage caused by the offence referred to in subsection (1) shall include, as maybe applicable;

SCHEDULE 1

Section 17(1)

REQUIREMENTS FOR PERFORMANCE BONDS

1. Performance bonds

- 1) A performance bond shall—
 - a. be in the form approved by the Coordinator, which may include a cash deposit, letter credit or other form of guarantee;
 - b. be lodged with a bank approved by the Coordinator; and
 - c. subject to Subsection (2), authorize the Bureau to draw directly on the bond in the event of non-compliance with any term, condition or requirement of the licence or of any provision of these Regulations.
- 2) The Minister, on the recommendation of the Coordinator, may from time to time define the types or categories or the class or classes of licence, for which a performance bond is required, and the amount or scale of amounts of bonds.
- 3) The Bureau may draw directly on a bond only—
 - a. in accordance with procedures under this Regulation; and
 - b. to the extent of the approved scale of deductions for specified breaches of terms, conditions or requirements.

- 4) Where the Bureau has drawn on a bond in accordance with this Schedule, the holder of the licence shall, within 30 days of being so notified by the Bureau, deposit a sum equivalent to the amount drawn in the account from which the amount was drawn.
- 5) A performance bond:
 - a. shall be lodged in respect of each and every foreign vessel in a sum specified in the access agreement under and in accordance with which each vessel is licensed; and
 - b. may be lodged in respect of any other vessel in a sum as determined under the terms of the licence or by the Coordinator.
- 6) A performance bond required by this Regulation or the terms of a licence shall be lodged within one week of the issuance of the licence, or within such further time as the Minister on the recommendation of the Coordinator may allow.
- 7) Where a performance bond is not lodged in accordance with the requirements of this section, the licence may be suspended by the Minister on the recommendation of the Coordinator, until such time as the requirements of this section are fulfilled.
- 8) A performance bond under this section shall not be considered as a payment of security into any Court, and shall not be used for any such purpose.
- 9) A performance bond lodged under this section shall not be considered as part of the funds of the Bureau, except in circumstances where the Bureau has been authorized in terms of section 2 of this Schedule to draw on the performance bond.

2. Drawing on performance bonds

- 1) The Bureau may draw on a performance bond for non-compliance in accordance with a term, condition or requirement of the licence or this Regulation.
- 2) Where the Bureau draws on a performance bond in accordance with subsection (1), it shall, subject to subsection (6), give written notice in accordance with subsection (3) to the licensee or, in the case of a foreign vessel, to the legal representative of the vessel.
- 3) A notice under Subsection (2) shall:
 - a. contain a description of the non-compliance alleged and a statement of the amount which it is proposed to draw; and
 - b. state that the bond will be drawn upon if no objection is received by the Bureau within 14 days from the date of the notice.
- 4) Unless the terms of the licence permit otherwise, the amount that may be drawn on the performance bond under Subsection (3)(a) shall not exceed 100% of the maximum fine prescribed for the offence created by the non-compliance.
- 5) Where no objection is received by the Bureau within 14 days from the date of a notice under this section, the Bureau may draw directly on the performance bond.
- 6) Notwithstanding any other provision of this Part, where a person who has been duly served a summons to answer a charge of a contravention of, or failure to comply with, a term or condition of a licence, fails to appear in answer to the summons, the Bureau may, without notice, draw directly on any performance bond lodged in respect of the licence to an amount not exceeding 100% of the maximum fine prescribed for the offence created by the non-compliance.

- 7) A performance bond in the form of a cash deposit shall be returned at the end of the period of validity of the licence, subject to the provisions of this Schedule.

SCHEDULE 2

Section 20(1)

LICENSE APPLICATION FORM

1. Full name of the fishing vessel
2. Previous names of the fishing vessel, if known
3. Registration number
4. Port of registry
5. Has the vessel identified above flown the flag of another State or States within the last three years? YES_____. NO_____

If yes, provide the following information for each period during which the vessel operated under such other flag or flags.

- a. Period: Beginning mm-dd-yyyy; End mm-dd-yyyy
 - b. Vessel Name
 - c. Flag
 - d. International Radio Call Sign
 - e. Homeport
 - f. Owner Name, Address, Phone, Fax
 - g. Operator Name, Address, Phone, Fax (If necessary provide additional information on a separate sheet of paper)
6. International radio call sign
 7. Vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number, fax)
 8. Identifying code letters and/or numbers used for identification during radio transmission
 9. Type of Vessel Monitoring System installed. (Model and serial numbers)
 10. Navigation and position fixing aids
 11. Name and address of the owner(s) of the vessel
 - a. Name and mailing address of owner, date and place of birth, phone, fax
 - b. if company is owner, name and registered address of company, date and place of incorporation, phone fax

12. Full name, address and nationality of each person who is an operator of the vessel, state whether owner, charterer, master or other (if other, please state details)
13. Normal crew complement
14. Vessel type
15. Vessel specifications
 - a. material of construction
 - b. date and location of build
 - c. length (Please indicate type: LOA, length between perpendiculars, registered length, etc.)
 - d. gross registered tonnage
 - e. power of main engine or engines
 - f. hold capacity
 - g. moulded depth and beam
 - h. carrying capacity
 - i. freezer type, capacity and number
 - ii. fish hold capacity
16. Fishing gear description
 - a. types (as defined by the International Standard Statistical Classification of Fishing Gears)
 - b. gear specifications
 - c. quantity
17. Authorization or license granted by the flag State
 - a. Form and number
 - b. Period of validity
 - c. Specific area(s), species and time periods for which it is valid
18. Full name and address of insurer
19. Registration number and make of helicopter, if any, to be carried on the vessel
20. Registration number, make and name and address of any operator of any aircraft to be used in association with fishing activities

21. State whether the owner or charterer is insolvent or in any bankruptcy proceeding under the laws of any State
22. State whether the owner, operator or vessel has been involved in a violation of any law of the Republic of Liberia
23. Has the vessel identified above, under its current name/flag, or any previous names/flags, had any permit or license suspended or revoked within the past three years? YES_____ NO_____

If yes, list and attach on a separate sheet of paper the circumstances surrounding each such instance and include an explanation of the current status of the suspension or revocation.

24. Attach a photograph of the vessel showing all required markings

SCHEDULE 3

Section 23(1)

FEE SCHEDULE FOR INDUSTRIAL FISHING VESSELS

The fee for each fishing licence for an industrial fishing vessel shall be established in accordance with the following requirements.

- a. The vessel operator shall provide in writing the estimated vessel value of the expected quantity of target species and bycatch in accordance with the fishing plan submitted pursuant to section 20(1)(c)(ii) and (iii).
- b. The Coordinator shall, in consultation with Deputy Minister for Revenue of the Ministry of Finance and such regional or international authorities in commercial fish trade as she or he may designate, using relevant values published at regional or international level including by the United Nations Food and Agriculture Organization publication Globefish, determine the vessel value of the expected catch and bycatch.
- c. The license fee shall constitute 10% of the vessel value of the catch and bycatch taken during the entire licensing period.
- d. The vessel operator shall be required to pay one-half of the amount shown in subparagraph (c) prior to the issuance of the license, based on the expected quantity of target species and bycatch submitted in the fishing plan.
- e. The operator shall comply with all requirements of the Bureau to facilitate estimates of the value of the species landed on a monthly basis.
- f. The vessel operator shall, before departing the Fisheries Waters or the expiration of the licensing period, whichever is first, pay such remaining fees as are required by the Coordinator in consultation with the Deputy Minister for Revenue of the Ministry of Finance, based on the monthly estimates by the Bureau and such other relevant information it has received which shall be made publicly available in a transparent manner. Such fees shall be fully paid prior to the expiration of the licensing period.

SCHEDULE 4

Section 28(a)

MARKING OF FISHING VESSELS

PART 1. GENERAL PROVISIONS

1. Definitions

For the purpose of this Schedule:

- a. the word "vessel" refers to any vessel intending to fish or engaged in fishing or ancillary activities, operating, or likely to operate, in the Fisheries Waters and includes a boat, skiff or craft (excluding aircraft) carried on board another vessel and required for fishing operations;
- b. a deck is any surface lying in the horizontal plane, including the top of the wheelhouse;
- c. a radio station is one that is assigned an International Telecommunication Union Radio Call Sign.

PART 2. BASIC SYSTEM AND APPLICATION

2. Basic System

1. These standard specifications are based on:
 - a. the International Telecommunication Union's system for the allocation of call signs to countries for ship stations; and
 - b. generally accepted design standards for lettering and numbering.
2. Vessels shall be marked with their International Telecommunication Union Radio Call Signs (IRCS).
3. Vessels to which an IRCS has not been assigned shall be marked with the characters allocated by the International Telecommunication Union (ITU) to the flag State followed by the license or registration number assigned by the flag State. In such cases, a hyphen shall be placed between the nationality identification characters and the license or registration number identifying the vessel.
4. In order to avoid confusion with the letters **I** and **O**, it is recommended that the numbers **1** and **0**, which are specifically excluded from the ITU call signs, be avoided by national authorities when allocating license or registration numbers.
5. Apart from the vessel's name or identification mark and the port of registry as required by international practice or national legislation, the marking system as specified shall be the only other vessel identification mark consisting of letters and numbers to be painted on the hull or superstructure.

3. Application

1. The markings shall be prominently displayed at all times:
 - a. on the vessel's side or superstructure, port and starboard; fixtures inclined at an angle to the vessel's side or superstructure would be considered as suitable provided that the angle of inclination does not prevent sighting of the sign from another vessel or from the air; and
 - b. on a deck, except as provided for in paragraph 2.2.4 below. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartships with the top of the numbers or letters towards the bow.
2. Marks should be placed as high as possible above the waterline on both sides. The bow and the stern of the hull shall be avoided.
3. The marks shall:
 - a. be so placed that they are not obscured by the fishing gear whether it is stowed or in use;
 - b. be clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discoloration from the catch of certain types of species; and
 - c. not extend below the waterline.
4. Undecked vessels shall not be required to display the markings on a horizontal surface. However, owners should be encouraged, where practical, to fit a board on which the markings may be clearly seen from the air.
5. Vessels fitted with sails may display the markings on the sail in addition to the hull.
6. Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same mark as the vessel concerned.

PART 3 TECHNICAL SPECIFICATIONS

4. Specifications of letters and numbers

1. Block lettering and numbering shall be used throughout.
2. The width of the letters and numbers shall be in proportion to the height.
3. 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 to be placed on the hull, superstructure and/or inclined surfaces:

Length of vessel overall (LO in meters (m)) Height of letters and numbers in meters (m) to be not less than

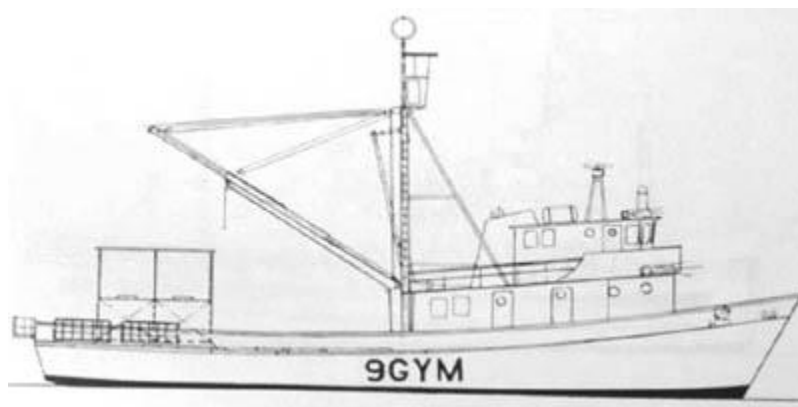
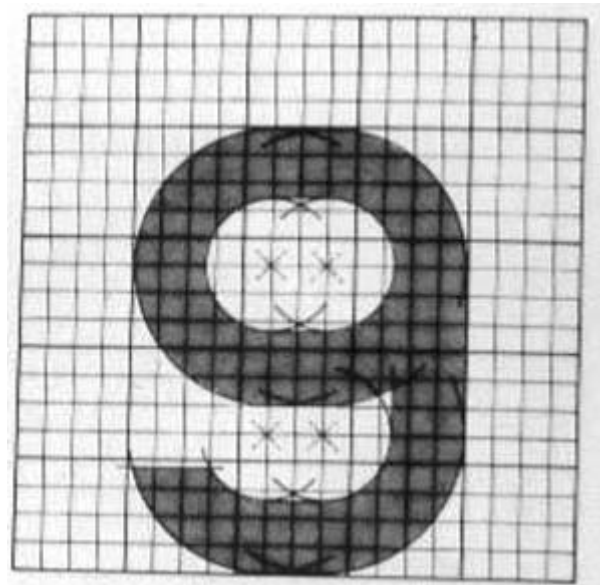
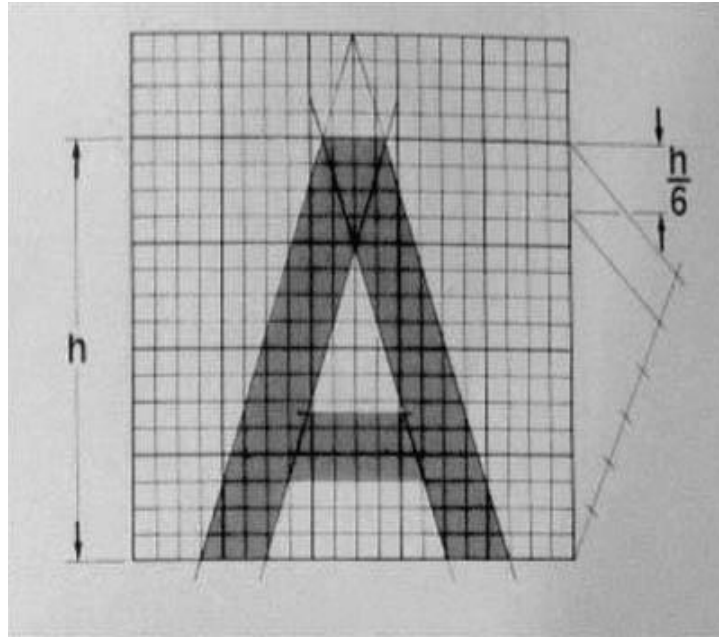
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

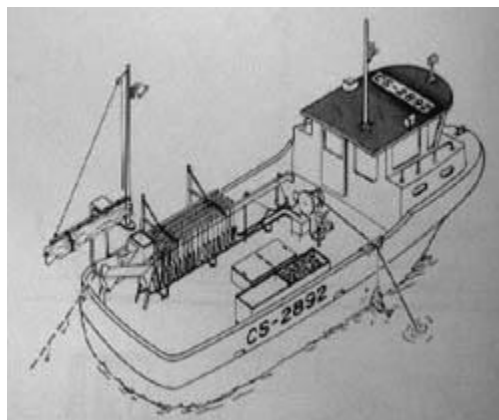
- b. for marks to be placed on deck: the height shall not be less than 0.3 m for all classes of vessels of 5 m and over.
- 4 The length of the hyphen shall be half the height of the letters and numbers.
- 5 The width of the stroke for all letters, numbers and the hyphen shall be $h/6$.
- 6 Spacing:
 - a. the space between letters and/or numbers shall not exceed $h/4$ nor be less than $h/6$;
 - b. the space between adjacent letters having sloping sides shall not exceed $h/8$ nor be less than $h/10$, for example A V.

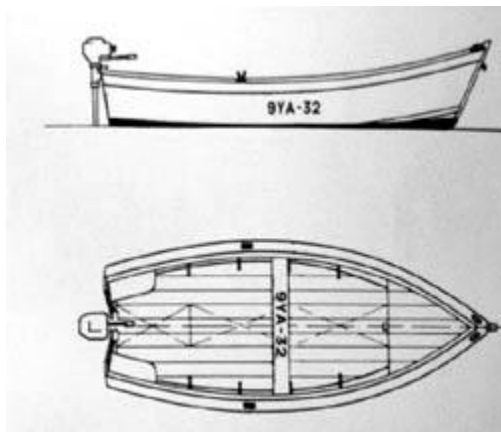
5. **Painting**

- 1. The marks shall be:
 - a. white on a black background; or
 - b. black on a white background.
- 2. The background shall extend to provide a border around the mark of not less than $h/6$.
- 3. Good quality marine paints to be used throughout.
- 4. The use of retro-reflective or heat generating substances shall be accepted, provided that the mark meets the requirements of these Standard Specifications.
- 5. The marks and the background shall be maintained in good condition at all times.

SAMPLES







SCHEDULE 5

Section 28(e)

MARKING OF FISHING GEAR

Fishing gear set in the water and not attached to a fishing vessel shall be marked as follows:

1) Gill nets, set nets, drift nets, longlines, drifting longlines:

- a. each and every buoy used for setting any such gear shall be marked with the license number assigned to the vessel using the gear;
- b. the identification mark must be in block lettering and numbering throughout;
- c. letters and numbers shall be as large as the surface of the buoy permits;
- d. the identification marks shall be in either white or black, whichever colour gives the higher contrast to the colour of the buoy;
- e. good quality paints must be used for applying the identification marks; and
- f. the identification marks and the surrounding background shall be maintained in good condition at all times.

2) Traps:

Each trap used in either rock lobster or crab fishing must have firmly clipped onto it a non-removable tag of a minimum size of 30 by 60 mm made of non-corrodible material into which either the name or an abbreviation of the name of the person or company using the trap has been stamped.

SCHEDULE 6

Section 28(f)

REQUIREMENTS FOR TRAWLING GEAR

All fishing gear used for trawling shall meet the following specifications:

- a. the total length of the net (the length of head line between the first and last hanging) shall not exceed 11 meters;
- b. the total length of either net, when towed as twin gear, shall not exceed 7.5 meters;
- c. the mesh of the body of the net, or that portion of the net not capable of being used as a cod end, shall not be less than 40 millimeters (mm) nor more than 60 mm;
- d. the mesh of the cod end of the net, or portion of the net capable of being used as cod end, shall be not less than 27 mm nor more than 40 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter and hung on the bar so that the meshes are square shaped;
- e. the length of a square mesh cod end shall not be less than 1 meter nor more than 3 meters and the circumference shall not exceed 3.2 meters;
- f. except where the use of a V-bridle is permitted, sweeps shall be secured to the head line and the otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 meters or the distance from the trawl gallows to the stern of the boat, whichever is the greater.

SCHEDULE 7

Section 37(1)

INFORMATION TO BE PROVIDED IN ADVANCE BY VESSELS REQUESTING PORT ENTRY

1. Intended port of call										
2. Port State										
3. Estimated date and time of arrival										
4. Purpose(s)										
5. Port and date of last port call										
6. Name of the vessel										
7. Flag State										
8. Type of vessel										
9. International Radio Call Sign										
10. Vessel contact information										
11 Vessel owner(s)										
12. Certificate of registry ID										
13. IMO ship ID, if available										
14. External ID, if available										
15. RFMO ID, if applicable										
16 VMS		No			Yes: National		Yes: RFMO(s)		Type:	
17 Vessel dimensions			Length		Beam		Draft			
18. Vessel master name and nationality										
19. Relevant fishing authorization(s)										
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>			<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>			
20. Relevant transshipment authorization(s)										
<i>Identifier</i>		<i>Issued by</i>			<i>Validity</i>					
<i>Identifier</i>		<i>Issued by</i>			<i>Validity</i>					
21. Transshipment information concerning donor vessels										
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>		
22. Total catch onboard							23. Catch to be offloaded			
<i>Species</i>		<i>Product form</i>		<i>Catch area</i>		<i>Quantity</i>		<i>Quantity</i>		

SCHEDULE 8

Section 39(1)

PROCEDURES FOR INSPECTION OF FISHING VESSELS IN PORT

Inspectors shall:

- a. verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b. verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c. verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex A;
- d. review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant regional fisheries management organizations. Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e. examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f. determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g. examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h. evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i. provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the

inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and

- j. arrange, where necessary and possible, for translation of relevant documentation.

SCHEDULE 9

Section 39(2)

REPORT OF THE RESULTS OF THE INSPECTION AT PORT

1. Inspection report no		2. Port State				
3. Inspecting Bureau						
4. Name of Principal Inspector				ID		
5. Port of inspection						
6. Commencement of inspection		YYYY	MM	DD	HH	
7. Completion of inspection		YYYY	MM	DD	HH	
8. Advanced notification received			Yes		No	
9. Purpose(s)	LAN	TRX	PRO	OTH (specify)		
10. Port and State and date of last port call				YYYY	MM DD	
11. Vessel name						
12. Flag State						
13. Type of vessel						
14. International Radio Call Sign						
15. Certificate of registry ID						
16. IMO ship ID, if available						
17. External ID , if available						
18. Port of registry						
19. Vessel owner(s)						
20. Vessel beneficial owner(s), if known and different from vessel owner						
21. Vessel operator(s), if different from vessel owner						
22. Vessel master name and nationality						
23. Fishing master name and nationality						
24. Vessel agent						
25. VMS	No	Yes: National	Yes: RFMOs	Type:		
26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing						
Vessel identifier	RFMO	Flag State status	Vessel on authorized vessel list	Vessel on IUU vessel list		
27. Relevant fishing authorization(s)						
Identifier	Issued by	Validity	Fishing area(s)	Species	Gear	
28. Relevant Transshipment authorization(s)						
Identifier		Issued by		Validity		
Identifier		Issued by		Validity		
29. Transshipment information concerning donor vessels						
Name	Flag State	ID no.	Species	Product form	Catch area(s)	Quantity

30. Evaluation of offloaded catch (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
31. Catch retained onboard (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
32. Examination of logbook(s) and other documentation				<i>Yes</i>	<i>No</i>	<i>Comments</i>
33. Compliance with applicable catch documentation scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
34. Compliance with applicable trade information scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
35. Type of gear used						
36. Gear examined in accordance with paragraph e) of Annex B			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)						
39. Comments by the master						
40. Action taken						
41. Master signature						
42. Inspector signature						