

THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 2005

LICENCE PART 3

GENERAL CONDITIONS - JIGGERS

Introductory

1. The licence is only valid for such activities, for such periods and for such areas as are specified in the licence. All Masters fishing in the Falkland Islands waters must have undergone a pre-license inspection briefing before commencing fishing for any license they will be using during the validity of that license.
2. The licence does not extend to the territorial sea or internal waters of the Falkland Islands unless the licence otherwise states.
3. Only such species of fish shall be fished for in such quantities, using methods of fishing and such fishing gear, as are authorised by the licence.
4. All relevant laws and regulations regarding the conservation and management of fisheries resources in the Falkland Islands and the conduct of fishing operations must be complied with.

Records

5. The master must cause records to be maintained on a daily basis of the fishing effort and catch of the vessel in such form as the Director of Natural Resources may approve. (The records must include daily catch reports in the form distributed to the vessel by the Director of Natural Resources.)
6. The catch reports must specify the amounts of all fish and squid caught, including any that are later discarded.
7. The vessel, whether reporting via Agents, Associations or Fishing Companies, must submit its catch reports to FISHOPS by 1000 hours local on the day following that to which the catch report applies.

By-catch

8. All by-catch must be reported, even if it is later discarded. All seabird mortalities and interactions must also be reported in the daily catch report.

Inspection

9. The master must bring the vessel into Port Stanley or another port or harbour notified to him by the Director of Natural Resources for inspection at any time when required to do so.
10. The master, at all times when in the fishing waters of the Falkland Islands, must comply with any instructions given to him by any Fisheries Protection Officer and co-

operate with such Officer in any inspection carried out by the Officer and, in particular, must bring the fishing vessel to Stanley when requested to do so. The master must permit and facilitate any Fisheries Protection Officer or Scientific Observer to board and disembark from the vessel in safety, and in accordance with the ordinary practice of seamen the vessel must be manoeuvred to make a lee.

Identification

11. The vessel must at all time, when within the fishing waters of the Falkland Islands:-
- a) Fly the flag of its country of registry;
 - b) Have its name and port of registry painted in a permanent colour, contrasting with the colour of the ground on which they are painted, on the stern of the boat and her name in similar lettering on the port and starboard bow in letters not less than 10 centimetres in height and 2 centimetres in thickness; and
 - c) Display her radio callsign clearly on its hull or superstructure.

Vessel Monitoring System (VMS)

12. The vessel must be fitted with an approved Vessel Tracking Unit (VTU) that uses an IRIDIUM communications bearer and must ensure it is compatible with the Falkland Islands Fisheries Department VMS (see specific requirements set out in Appendix 4). The equipment must be maintained in good working order and be capable of being polled by the Fisheries Department's VMS.

13. The vessel's VTU must be operational at all times and signal must be received by the Falkland Islands Fisheries Department without interruption, whilst the vessel is within or outside of the fishing waters¹ of the Falkland Islands during the licence period.

Automatic Identification System (AIS)

14. The vessel must be fitted with class 'A', AIS equipment. The equipment must be maintained in good working order, and must be switched on and be operational at all times (transmitting on full power) whilst the vessel is within the fishing waters¹ of the Falkland Islands.

¹ Fishing waters as specified in Section 3 of the Fisheries (Conservation and Management) Ordinance 2005.

Reporting Requirements

15. CONTACT DETAILS:

Call: Stanley Port Control
VHF Channel: Ch. 16; 10
Email: shipreporting@sec.gov.fk

Notice of ETA: Vessels should send ETA, for the time the vessel is expected to cross the Reporting Line, at least 24h in advance. This information can be passed direct from the vessel via e-mail or voice or alternatively by an agent or representative ashore to the Port Authority.

PROCEDURE:

(1) **Reporting:** It is compulsory for all vessels to report as follows:

(a) All vessels approaching the Reporting Line irrespective of whether the vessel intends to anchor in Berkeley Sound, Port William or proceed alongside in Stanley Harbour should make a verbal report to Stanley Port Control on VHF Ch. 10. The Reporting Line joins Volunteer Point ([51°30'·79S 57°44'·41W](#)) and Cape Pembroke ([51°40'·91S 57°43'·19W](#)). This line forms the outer limit of Berkeley Sound and Port William.

(b) **Vessels inward-bound** crossing the Reporting Line from E to W should provide an ENTRY REPORT stating:

- (i) Vessel's name
- (ii) Call sign
- (iii) Type of vessel (e.g. trawler, jigger, reefer etc.)
- (iv) Number of crew and/or passengers
- (v) Name of local agent
- (vi) Date of entry
- (vii) Time of entry (time of crossing Reporting Line) (LT)
- (viii) Last port of call
- (ix) Intentions (e.g. transshipment, bunkering, anchorage, repairs, medical etc.)
- (x) Location of above intentions (Stanley Harbour/FIPASS/Port William/Berkeley Sound)
- (xi) Type and quantity of fuel on board (for tankers this should be cargo plus bunkers)

(c) **Vessels outward-bound** crossing the Reporting Line from W to E should provide an EXIT REPORT stating:

- (i) Vessel's name
 - (ii) Call sign
 - (iii) Type of vessel
 - (iv) Number of crew and/or passengers
 - (v) Date of exit
 - (vi) Time of exit (LT)
 - (vii) Intentions (e.g. Fishing within FICZ, leaving zone, steaming to a port etc.)
 - (viii) Place of departure (FIPASS, Port William etc.)
- (d) Vessels are also requested to inform the Harbour Authority when they have anchored or secured alongside

(2) Vessels experiencing communication difficulties may request their agent or representative to pass on information to the Harbour Authority.

(3) Prior to departing, vessels are required to request approval to slip from alongside or
(5) All vessels at anchor within Falkland Harbours should maintain a continuous listening watch on VHF Channel 16 and Channel 10.

Departure

16. All vessels departing the fishing waters of the Falkland Islands must notify FISHOPS of their intention to do so and provide a FISEND report before leaving the zone. The vessel does not have to wait for acknowledgment before departing. This includes vessels returning to their home port following completion of their fishing period.

If intentions change for any reason then the master must contact FISHOPS to inform them of any changes.

Transshipment

17. Any transshipment of fish must be undertaken in a port and harbour as specified in the transshipment regulations.

18. The Director of Natural Resources is entitled to specify during what hours transshipment may take place.

19. If the vessel has not already entered the fishing waters of the Falkland Islands for the collection of this licence, and in any case on each subsequent entry, the master or some person acting on his behalf must notify the Director of Natural Resources:

a) of the date, estimated time and co-ordinates of the vessel entering the fishing waters; and

b) the intended activities while the vessel is within the fishing waters on that occasion including the name of each vessel from or to which fish is intended to be transhipped from or to each such vessel

20. During or immediately after each transshipment the master or some person acting on his behalf must notify the Director of Natural Resources, in such form as has been specified, of the vessel from or to which fish is being or has been transhipped and of the quantity broken down by species of fish transhipped.

21. The master, or some person on his behalf, must cause records in writing to be maintained, in such form as the Director of Natural Resources may require ('Fishing Vessel Transshipment Log'), of all transshipments of fish made in the fishing waters of the Falkland Islands. The records must be produced on demand to a Fisheries Protection Officer. A copy of the records must be transmitted forthwith to the Director of Natural Resources if so requested during the period of this licence or prior to departure from the transshipment area.

22. The master is responsible for ensuring that the vessel from or to which fish is being or has been transhipped is properly licensed to do so.

Catch Verification

Explanatory text (not part of licence conditions):

The Falkland Islands Government has implemented a catch verification scheme. Vessels will be selected randomly to have their catch verified at FIPASS (and designated foreign ports in due course). If selected for catch verification the vessel must proceed immediately

to FIPASS. Holds may be sealed and are likely to be sealed for voyages to foreign ports. It is for the master and vessel operator to arrange the discharge of the vessel at their expense. The Falkland Islands Government's catch verification requirements are to be incorporated into the cargo discharge operation as required by Director of Natural Resources. Normal costs incurred during FIPASS visits such as berthing charges and harbour dues will continue to apply. It is up to the vessel operator whether they choose to back load cargo after discharge.

23. The master must bring the vessel into Port Stanley (FIPASS) or another port or harbour notified to him by the Director of Natural Resources for catch verification at any time when instructed to do so. Any master so instructed must proceed directly to Port Stanley.

24. The master and fishing vessel owner/operator receiving an instruction under Licence Condition 23 above to undergo catch verification must make appropriate arrangements for the complete discharge of frozen fish cargo at FIPASS at their expense.

25. The arrangements for discharging the frozen cargo from the vessel must include the catch verification procedures required by the Director of Natural Resources. Discharging of cargo may only commence once these procedures are confirmed to be in place and authorisation to proceed with the discharge is given to the master by a Fishery Protection Officer.

Scientific Observers

26. The vessel must embark and accommodate a Scientific Observer if directed to do so by the Director of Natural Resources. A safety briefing must be provided to the Observer as soon as they arrive on board.

For so long as the Scientific Observer is onboard the vessel they must be provided with officer standard accommodation, plentiful good quality food, sufficient workspace to carry out their designated tasks, access to samples, access to catch reports, and access to communications equipment for communication with the Fisheries Department. A sea survival suit and life jacket should be provided in the cabin, for the Observer.

Waste Management

27. The master and crew of the vessel must comply with MARPOL as enacted in Falkland Islands regulations.

Protection of Wildlife

28. The master and crew of the vessel must not deliberately kill, injure or capture any wild bird or marine mammal.

29. All lures must be un-baited. The use of baited lures is strictly prohibited.

Fish Stock Conservation and Management

30. The Falkland Islands Government reserves the right at any time to revoke or cancel

this licence or to alter or amend the permitted fishing area if, in its absolute discretion, it considers such action is desirable in the interests of the conservation and management of the fish stocks in the fishing waters of the Falkland Islands.

31. In any case where it takes action under condition 30 above the Falkland Islands Government will use its best endeavours (subject to considerations of fish stock conservation and management) and if just and equitable to do so, to assign an alternative or reduced fishing area to the licensee.

32. The Falkland Islands Government is not liable to pay compensation to the licensee as a result of action taken by it under condition 30 above, but will consider a refund of the whole or part of the licence fee if that, in all the circumstances, is just and equitable.