

# COMPENDIUM OF HIGH SEAS FISHING LEGISLATION



**This booklet contains a compendium of Belize's primary legislation for the management of high seas fisheries.**



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# **HIGH SEAS FISHING ACT, 2013**

# **BELIZE:**

## **HIGH SEAS FISHING ACT, 2013**

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No. 26 of 2013

I assent,

(SIR COLVILLE N. YOUNG)

*Governor-General*

7<sup>th</sup> November, 2013.

**AN ACT to make new and improved provisions for the management and control of fishing on the high seas; and to provide for matters connected therewith or incidental thereto.**

*(Gazetted 8<sup>th</sup> November, 2013).*

***BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:***

**PART I - PRELIMINARY**

1. This Act may be cited as the

Short title.

**HIGH SEAS FISHING ACT, 2013**

**Objectives.**

2. The fundamental objectives of this Act are:
  - (a) to promote long term conservation and management, and sustainable use of marine resources on the high seas;
  - (b) to implement the FAO Agreement to Promote Compliance with International Conservation and Management Measures by fishing vessels on the high seas adopted by the Conference of the Food and Agriculture Organization of the United Nations on 24 November 1993;
  - (c) to implement the United Nations Agreement for the Implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4<sup>th</sup> August 1995; and
  - (d) to establish a system for the regulation of Belize flagged high seas fishing vessels which operate outside the territorial waters and Exclusive Economic Zone of Belize.

**Application.**

3. This Act shall apply:
  - (a) to all Belize flagged high seas vessels which engage in fishing or fishing related activities;
  - (b) to any Belize flagged fishing vessel and any act or omission occurring on or by such a vessel wherever that vessel may be; and
  - (c) to any act or omission by an authorized officer on board a Belize flagged high seas fishing vessel.



4. In this Act, unless the context otherwise requires:

Interpretation.

“*authorized observer/inspector*” means any person authorized to act as an observer or inspector of fishing vessels for the purpose of this Act;

“*authorized officer*” means any fisheries officer and any other person or category of persons designated as an authorized officer for the purpose of this Act;

“*Belize high seas fishing vessel*” means a fishing vessel authorized to fly the flag of Belize and to fish or take fish on the high seas;

“*Belize High Seas Fisheries Unit*” or “*BHSFU*” means the entity responsible for the administration of this Act under the Registrar of Merchant Shipping in the Ministry of Finance;

“*commercial fishing*” means any fishing resulting or intending or appearing to result in the selling or trading of fish which may be taken during the fishing operation but does not include subsistence fishing;

“*Compliance Agreement*” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on 24 November 1993;

“*Director*” means the Director of Belize High Seas Fisheries Unit;

“dollar” or “\$” means dollar in the currency of the United States of America;

“*exclusive economic zone*” or “*EEZ*” means the exclusive economic zone(s) of a country;

“*FAO*” means the Food and Agriculture Organization of the United Nations;

“*fish*” means the whole or any part, and the offspring and its eggs, of any aquatic animal, whether piscine or not, and includes aquatic flora;

“*Fish Stocks Agreement*” means the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4 August 1995;

“*fishery*” means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management;

“*fishing*” means catching or taking or killing fish by any method and includes –

- (a) searching for , catching, taking or harvesting fish;
- (b) any attempt to search for, catch, take or harvest fish;
- (c) engaging in any other activity that can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (d) placing, searching for or removing fish aggregating devices or associated equipment;
- (e) any operation at sea in support of, or in preparation for, any activity described in this definition except in emergencies where it can be ascertained that the health and safety of crew

members or the safety of a vessel was at stake;  
or

- (f) the use of aircraft in relation to any activity described in this definition except in emergencies where it can be ascertained that the health and safety of crew members or the safety of a vessel was at stake;

but does not include the taking of fish from an aquaculture facility or any other activity related to aquaculture;

*“fishing related activities”* means those activities that are done before, during or after in conjunction with or in support of the catching, taking or the killing of fish, including but not limited to

- (a) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
- (b) storing, processing, transportation and/or transshipment of fish up to the time it is first landed; or
- (c) transshipment; or
- (d) any operation at sea or in support of, any activity described in this definition except in emergencies where it can be ascertained that the health and safety of crew members or the safety of a vessel was at stake;

*“fishing vessel”* means any vessel used or intended for use for the purpose of the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such operation;

“*fish processing*” means the producing of any substance or article from fish by any method and includes cutting up, dismembering, cleaning, sorting, gutting, freezing, canning and salting, preserving and reduction of fish;

“*fisheries management agreement*” means any agreement, arrangement or treaty in force to which Belize is a party which has as its purpose the cooperation in or coordination of fisheries conservation and management measures in all or part of the region, including but not limited to fisheries monitoring, control and surveillance and establishing criteria or requirements for fishing;

“*fishing gears*” means any equipment, implement or other object that can be used in the act of fishing, including any fishing net, rope, line, float, trap, hooks, winch, boat, beacon or locating device;

“*fishing vessel circular*” means a legally binding notice issued in accordance with this Act to effect the implementation of conservation and management measures;

“*high seas*” means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

“*illegal, unreported and unregulated fishing*” has the same meaning as it is given in the International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing, adopted at the Food and Agriculture Organization of the United Nations, Rome, in June 2001;

“IUU” fishing means fishing activities which are illegal, unreported and unregulated:

“*illegal fishing*” includes activities:

- (a) conducted by national or foreign fishing vessels in waters under the jurisdiction of a State,

without the permission of that State, or in contravention of its laws and regulations;

- (b) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization, but which operate in contravention of the conservation and management measures adopted by that organization and by which those States are bound, or relevant provisions of the applicable international law; or
- (c) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization;

“*unreported fishing*” means fishing activities:

- (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (b) which have been undertaken in the area of competence of a relevant regional fisheries management organization and have not been reported, or have been misreported in contravention of the reporting procedures of that organization;

“*unregulated fishing*” means fishing activities:

- (a) conducted in the area of application of a relevant regional fisheries management organization by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organization or by any

other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

- (b) conducted in areas or for fish stocks in which there are no applicable conservation or management measures by fishing vessel in a manner consistent with State responsibilities for the conservation of living marine resources under international law;

*“international conservation and management measures”* means measures to conserve or manage one or more species or habitats of living marine resources that are adopted and applied in accordance with the relevant rules of international law reflected in the 1982 United Nations Convention of the Law of the Sea, the FAO Compliance Agreement and the Fish Stocks Agreement either by global or sub-regional organizations or by treaties or arrangement to which Belize is a Party or is a cooperating non contracting party;

*“IMMARBE”* means the International Merchant Marine Registry of Belize;

*“international treaty”* means any treaty or convention (including any Regional Fisheries Management Measures, Agreements, Code of Practice or Agreement made under the auspices of a multilateral organization of which Belize is a Member), or part of any international treaty or convention to which Belize has adhered;

*“length”* means

- (a) for any fishing vessel of Belize built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of keel, or the

length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater, except that in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

- (b) for any fishing vessel of Belize built before 18 July 1982, registered length as entered on the vessel's documentation;

*“high seas fishing license”* means any permit, authorization or license issued in accordance with this Act;

*“master”* means the person in charge or apparently in charge of fishing activities of the vessel;

*“Minister”* means the Minister of Finance;

*“operator”* means any person who is in charge of or directs or controls a fishing vessel or for whose direct economic or financial benefit a vessel is being used, including the master, owner and charterer;

*“owner”* means the ultimate owning entity or representative thereof (either individual or body corporate or group of company); the beneficial owner may be the vessel's management company or the trading name of a group, both of which are generally perceived to represent the ultimate owner of the vessel;

No. 22  
of 2010.

“*Registrar*” means the Registrar of Merchant Shipping appointed or designated under the Merchant Ships (Registration) Act;

“*resident agent*” in relation to a fishing vessel, means any person resident in Belize exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner or on an owner’s behalf;

“*Regulation*” means any regulation made pursuant to this Act;

“*Sanction Regulations*” means the regulations made under this Act, prescribing penalties for violation of the provisions of this Act;

“*serious violation*” as defined in paragraph 11 of Article 21 of the United Nations Fish Stocks Agreement, means

- (a) fishing without a valid license, authorization or permit issued by the Flag state in accordance with Article 18, paragraph 3 (a) thereof;
- (b) failing to maintain accurate records of catch and catch related data, as required by the relevant sub-regional or regional fisheries management organization or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organization or arrangement;
- (c) fishing in a closed area, fishing during a closed season or fishing without or after attainment of, a quota established by the relevant sub-regional or regional fisheries management organization or arrangement;



- (d) directing fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
- (e) using prohibited fishing gears;
- (f) falsifying or concealing the markings, identity or registration of a fishing vessel;
- (g) concealing, tampering with or disposing of evidence relating to an investigation;
- (h) multiple violations which together constitute a serious disregard of conservation and management measures; or
- (i) such other violations as may be specified in procedures established by the relevant sub-regional or regional fisheries management organization or arrangement.

“*transshipment*” means transferring any fish or fish products to or from any vessel.

## PART II – ADMINISTRATION

5. (1) There shall be established under the Ministry of Finance a Belize High Seas Fisheries Unit with specific responsibility for the regulation and control of high seas fishing pursuant to this Act.

**Belize High  
Seas Fisheries  
Unit  
(BHSFU).**

(2) The Belize High Seas Fisheries Unit shall be headed by a Director of High Seas Fisheries who shall be appointed by the Registrar.

(3) The Belize High Seas Fisheries Unit shall have powers and functions to:

- (a) conserve, manage and sustainably develop all resources in accordance with the principles and provisions of this Act and in sub-regional, regional and international instruments to which Belize is a party, for vessels fishing on the high seas;
- (b) establish management plans and programs to manage the resources;
- (c) issue licenses in accordance with this Act;
- (d) implement conservation and management measures taken from relevant resolutions and recommendations of those Regional Fisheries Management Organization (*RFMOs*) and international treaties to which Belize subscribes for Belize flagged vessels which operate on the high seas;
- (e) coordinate and manage fisheries monitoring, control and surveillance for Belize flagged vessels operating on the high seas;
- (f) appoint authorized officers and inspectors in accordance with this Act;
- (g) conduct summary administrative proceedings in accordance with the Sanctions Regulations to sanction any infringements made against this Act;
- (h) cooperate in the conservation and management of highly migratory fish stocks as appropriate with other States and high seas areas and participate in appropriate sub-regional, regional and international organizations or arrangement relating to fisheries;

- (i) participate in the planning and execution of projects, programs or other activities related to fisheries or fishing, or the exploration of the non-living resources of the high seas;
- (j) perform such other duties and functions as may be necessary to carry out the purposes of the high seas fisheries; and
- (k) perform such other duties and functions as may be necessary to carry out the purposes and provisions of this Act.

### **PART III – FISHERIES CONSERVATION, MANAGEMENT AND DEVELOPMENT**

6. Exclusive management and control over living and non-living marine resources on Belize-flagged vessels on the high seas is vested in the Government of Belize.

**Management.**

7. The BHSFU may take measures for the conservation and management of Belize's high seas fisheries sector. Such measures shall be consistent with national and international standards applicable and shall include, inter alia:

**Conservation and management measures.**

- (a) declaring an open or closed season in accordance with mandatory international treaties to which Belize adheres for any specified area and for -
  - (i) any fish;
  - (ii) any period of time or at all times;
- (b) prohibiting the taking of fish from any area:
  - (i) by a specified method, gear, equipment or instrument;

- (ii) by a specified class of persons;
- (iii) by a specified class of vessels;
- (c) prohibiting the landing, transporting, transshipping, receiving or possession of fish;
- (d) prohibiting any fishing operation or activity related to fishing which may have an adverse effect on the marine resources.

BHSFU may allocate quotas for fishing.

8. The BHSFU may set quotas with respect to any fish stock, not in contravention of the total allowable catch of that same fish stock as determined by the relevant RFMO having jurisdiction over that particular fish stock, subject to the provisions of this Act or the provisions of an international conservation and management measure.

BHSFU may determine participatory rights in fisheries.

9. The BHSFU may determine participatory rights in the fishery, such as allocations of allowable catch or levels of fishing effort. Allocation of such participatory rights may include restrictions as to vessel type, species, gear type, season of operation, areas in which the fishing can take place, or any other restrictions relevant to fisheries conservation and management.

Consultation on international fisheries management.

10. (1) The BHSFU shall consult as appropriate with foreign governments, and in particular with governments of Coastal States having jurisdiction over the waters in which Belize flagged high seas fishing vessels operate with a view to:

- (a) ensuring the closest practicable harmonization or coordination of their respective fisheries management and development plans and regulations.
- (b) ensuring harmonization in the collection of statistics, the carrying out of surveys and procedures for assessing the state of the fisheries resources;

- (c) providing, as appropriate, for the formulation of regional fisheries management and development plans including monitoring control and surveillance for the allocation of fishing effort and catch among States fishing the same stocks and for taking joint conservation measures;
- (d) establishing, on a bilateral or regional level as appropriate, arrangements regarding fishing rights with other States in accordance with the provisions of the relevant fisheries management and development plan.

(2) Consultation under this section may be undertaken either directly with the Governments or persons concerned, or through existing appropriate regional or sub-regional organization or interpersonal agencies.

11. (1) The obligations and requirements relating to the activities and practices of fishing vessels provided for in any international treaty are obligations and requirements applying to vessels to which this Part applies, regardless of whether those vessels are operating on the high seas or in the jurisdiction of another State.

**Compliance  
with  
International  
obligations.**

(2) The Registrar may make regulations, not inconsistent with this Act, for the purpose of:

- (a) adding any other international treaty or convention to those which Belize adheres to; and
- (b) specifically identifying which parts of an international treaty or convention, or which obligations and requirements stated in an international treaty, are imposed on or must be observed by vessels to which this Part applies.

(3) In the absence of a regulation made under subsection (2)(b), the operator of a vessel to which this Part applies must observe all the obligations and requirements of all international treaties applying to their fishing and related activities.

Prohibited  
fishing  
activities.

12. (1) No person shall:

- (a) permit to be used, use or attempt to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish to be more easily caught; or
- (b) carry or have in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention to use such substance for any purpose referred to in paragraph (a).

(2) A person who contravenes subsection (1) is guilty of an offence punishable in accordance with the Sanction Regulations.

(3) Any explosive, poison or other noxious substance found on board any vessel is presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1)(a).

(4) No person shall land, sell, receive or possess any fish taken by any means in contravention of subsection (1) (a), if the person knows or ought reasonably to have known the fish to have been so taken.

(5) A person who contravenes subsection (4) is guilty of an offence punishable in accordance with the Sanction Regulations.

(6) In any proceeding for any offence against this section, a certificate as to the cause or manner of death

of or injury to, any fish, signed by the Director or any person authorised by him in writing is, until the contrary is proved, sufficient evidence as to the matters stated in the certificate.

(7) In any proceedings for an offence against this section, the defendant must be given not less than 14 days' notice in writing of the intention to rely on a certificate under subsection (6).

(8) No vessel shall be used for driftnet fishing activities on the high seas.

(9) No vessel which holds a valid registration issued pursuant to the laws of Belize shall engage in driftnet fishing activities on the high seas.

(10) Where any fishing vessel is used in contravention of subsections (8) or (9), the owner, operator, and master thereof each commits a serious violation against this Act and shall be subject to disciplinary or pecuniary actions in accordance with the Sanction Regulations.

(11) The finning of sharks by Belize flagged fishing vessels is strictly prohibited, and for this purpose, finning means the detachment of fins from the carcass of a shark and the subsequent discard of that carcass.

(12) The operator of any vessel which contravenes subsection (11) commits a serious violation against this Act and shall be subject to disciplinary or pecuniary actions in accordance with the Sanction Regulations.

13. (1) No person shall use for fishing or have on board a Belize flagged vessel on the high seas –

- (a) any net, the mesh size of which does not conform to the minimum mesh size for that type of net that is required or prescribed pursuant to this Act;

**Prohibited  
Fishing Gears  
and Stowage.**

- (b) any fishing gear which does not conform to standards required pursuant to this Act for that type of fishing gear;
- (c) any fishing gear which is prohibited by this Act, including without limitation a driftnet.

(2) Any person who contravenes subsection (1) commits a serious violation against this Act and shall be punished in accordance with the Sanction Regulations.

(3) All fishing gear on board any fishing vessel in any place on the high seas where it is not permitted to fish or which has taken its allocation of fish, shall be stowed in such a manner that its not readily available for use for fishing or as may be prescribed.

(4) The operator of any fishing vessel used in contravention of subsection (1) commits an offense and shall be subject to disciplinary or pecuniary penalties in accordance with the Sanction Regulations.

#### PART IV - LICENSES

Fishing  
licenses  
required for  
fishing on the  
high seas.

14. (1) No Belize flagged vessel shall be used for fishing or fishing related activities on the high seas or in the jurisdiction of another State unless the vessel has on board a valid high seas fishing license and relevant fishing permissions from other States as may be necessary.

(2) In a case where a vessel intends to fish or carry out fishing related activities in the EEZ of another State, that vessel shall hold a valid authorization for such operation from that State in addition to the licence required under subsection (1) above.

(3) Where a Belize flagged fishing vessel is used in contravention of subsection (1) and (2), the master, owner, charterer or operator of the vessel is each guilty of an offence and shall be liable to disciplinary measures in accordance with the Sanction Regulations.



15. Activities subject to licenses and authorizations under the Belize flag are as follows:

Activities  
subject to  
licenses and  
authorizations.

- (a) fishing;
- (b) transshipment and other related activities;
- (c) fish processing;
- (d) sport fishing;
- (e) commercial pilot fishing;
- (f) marine scientific research;
- (g) exploration and exploitation of non-living marine resources; and
- (h) activities that may be in support of fishing or any fishing related activities.

16. (1) All licences under this Act shall be issued by the Director with the approval of the Registrar.

Authority to  
issue licences.

(2) Regulations may prescribe the application form and other documents and fees required for licences under this Act.

17. (1) The Director shall have regard to the following matters in determining whether or not to grant a high seas fishing license:

License  
approval and  
issuance.

- (a) the capacity of Belize to implement its obligations under the Compliance Agreement and the Fish Stocks Agreement and with regard to the international conservation and management measures which are recognized by Belize;

- (b) there is no evidence suggesting that the vessel is operating or has previously operated in a manner that may breach or have breached any obligations or requirements of an international treaty;
- (c) any other relevant matters.

(2) The Director shall be responsible for approving guidelines and /or promulgating regulations governing the issuance of licenses or authorizations pursuant to this Act,

(3) The owners/operators of a registered vessel shall designate an agent resident in Belize who shall act for or on behalf of that vessel and represent that vessel in all matters relating to the enforcement of this Act.

(4) Any fishing vessel which requires a license to fish or to carry out fishing related activities on the high seas shall be duly registered with IMMARBE.

(5) The Director shall review each application submitted pursuant to this Act and determine whether or not it qualifies for a licence.

(6) Applications for licenses shall be in such a form as the Director may require or as may be prescribed and shall specify, inter alia:

- (a) the name, call sign, registration number, name and address of owners and operators;
- (b) the tonnage, capacity, gear type, processing equipment and such other pertinent information with respect to the characteristics of the vessel as the Director may require;
- (c) the area of operation, intended ports of discharge, species to be targeted etc.,

(7) Licenses may be issued after application is made in accordance with this Act and the required documentation is submitted and the fees paid.

(8) The Director may attach such conditions to a license as he thinks fit and shall attach such terms and conditions as may be prescribed.

(9) The Regulations made under this Act may provide for:

- (a) a form and procedures for application for a license;
- (b) any conditions which may or shall be attached to a license;
- (c) criteria for renewal, refusal, suspension or cancellation of a license;
- (d) fees, contributions and other forms of payment for licenses;
- (e) period of validity of licenses;
- (f) offenses, fines and penalties.

18. (1) The Director shall not issue a high seas fishing license in respect of any fishing vessel of Belize, if that vessel was previously authorised to be used for fishing on the high seas by a foreign State, and:

**Refusal of license.**

- (a) that foreign State suspended such authorization because the vessel engaged in activities that are contrary to the provisions of international conservation and management measures, and the suspension has not expired;

- (b) the foreign State, within the last three years preceding the application for a license under this section, withdrew such authorization because the vessel engaged in activities that were contrary to the provisions of international conservation and management measures.

(2) The restriction in subsection (1) does not apply if the ownership of the vessel has changed since the vessel engaged in activities contrary to the provisions of international conservation and management measures, and the new owner has provided sufficient evidence to the Director demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

(3) The restriction in subsection (1) does not apply if the Director makes a determination that issuing a high seas fishing license in respect of the vessel would not undermine the effectiveness of international conservation and management measures.

(4) A person who knowingly or recklessly provides any information required to be given under this section which is false incomplete or misleading commits an offence and shall be liable to disciplinary measures in accordance with the Sanction Regulations.

(5) A license or its renewal may also be denied where:

- (a) the vessel is not duly registered or is not in good standing with IMMARBE;
- (b) the application is not in accordance with the requirements of this Act;
- (c) the vessel or a person associated with the vessel has previously been involved in a breach of this Act;

- (d) the owner, operator or charterer is the subject of legal proceedings or on reasonable grounds appears unable to meet its obligations;
- (e) the Director has reasonable grounds to believe that the ownership information is false or not a true representation of the beneficial ownership of the vessel or vessels;
- (f) the owner fails to submit the prescribed application and documentation required for the issuance or renewal of a license or authorization;
- (g) the fishing vessel does not bear the required markings;
- (h) the fishing vessel does not bear the required markings for fishing gears;
- (i) an operator of the vessel has contravened or the vessel has committed a serious violation against the laws of Belize other international law relating to international conservation and management measures;
- (j) the fishing vessel is being used in operation within the EEZ of another State without the proper authorization of that State;
- (k) if the vessel does not have a good standing with the Regional Registers of vessels maintained by fisheries management organizations;
- (l) there has been a failure to satisfy a judgment or other final determination for breach of this Act;
- (m) the owner fails to appoint a legal representative in Belize;

- (n) the Director determines that it would be inconsistent with management measures implemented in accordance with this Act;
- (o) the required fees, royalties or other forms of compensation have not been paid in accordance with this Act; or
- (p) the Director determines that the issuance of a license would not be in the best interests of Belize.

(6) The Director shall notify the applicant of the decision to issue or deny a license within a reasonable time of the date of receipt of the application.

(7) The Director may attach to a licence such terms, conditions and restrictions as he may consider fit.

(8) No license shall be issued authorizing fishing using a driftnet/gillnets or other substantially similar method of catching fish.

(9) Where the licence is refused, the applicant shall be informed of the reasons for refusal and the applicant may then submit a revised application taking into consideration the reasons for disapproval.

19. (1) The Director may suspend or cancel a licence if he is satisfied that:

- (a) information required to be given or reported under this Act is false, incomplete, incorrect, misleading or not provided as and when required; or
- (b) it is necessary to do so in order to give effect to any licensing programme specified in a fishery management plan; or

Suspension, revocation or imposition of conditions or restrictions on a license.

- (c) the owner or operator is the subject of bankruptcy proceedings under the insolvency laws of any jurisdiction, and satisfactory financial assurance has not been provided; or
- (d) the vessel or establishment in respect of which the licence has been issued has been used in contravention of this Act, or of any condition of the licence; or
- (e) payment has not been made and is overdue in relation to any fees, charges, royalties and other payment required under this Act, or for any penalty or fine in relation to a breach of this Act; or
- (f) an operator of the vessel has breached any obligation or requirement imposed by an international treaty, or has committed any offence against the laws of Belize that, in the opinion of the Director, justifies the suspension or cancellation of the licence.

(2) If a licence is suspended or cancelled under this section, written notification of the suspension or cancellation shall be given to the person to whom the licence was issued.

(3) If a licence is suspended or cancelled because the Director was satisfied that it was necessary to do so in order to give effect to any licensing programme specified in a fishery management plan, a proportion of any fee paid for the licence representing the unexpired period of that licence shall be reimbursed to the licensee at licensee's request.

20. (1) An applicant for, or the holder of, a licence may, within 30 days of being notified of one of the following decisions, appeal the decision by notice in writing in accordance with this section:

Appeal.

- (a) a decision by the Director to refuse to issue a licence; or
- (b) a decision by the Director to suspend or cancel a licence.

(2) An appeal against a decision made by the Director in relation to a matter specified in subsection (1) shall be by way of a request to the Registrar for a re-consideration of the decision.

(3) Until such time as the Registrar makes a decision in relation to an appeal made under this section, the original decision remains in force.

Licenses –  
Period of  
validity.

21. (1) Subject to the provisions of this section and unless otherwise prescribed in accordance with this Act, every license issued or renewed under this Act shall be valid for a period of one year, or such lesser period as may be specified.

(2) A license issued or renewed under this Act shall only be valid for the species of fish, the type of fishing gear or method of fishing, or such other activity in accordance with this Act, as may be specified in the license.

(3) A license issued under this Act may not be transferred.

(4) A high seas fishing license is void in the event that the vessel in respect to which it was granted is no longer entitled to fly the Flag of Belize.

Information  
Exchange with  
the FAO.

22. In accordance with Article VI of the Compliance Agreement, information on all vessels that have been issued with a fishing license pursuant to this Act shall be made readily available to the FAO.



23. (1) There shall be paid in respect of every license issued under this Act, fees, contributions or other forms of compensation.

Fees and charges.

(2) The fees, contributions or other forms of compensation for licenses issued pursuant to this Act and other charges in relation to license administration shall be prescribed by Regulations made under this Act.

(3) In determining the level of fees, contributions or other forms of compensation for licenses for fishing and related activities, the Registrar shall take the following, inter alia, into account;

- (a) the value of the fish species being caught;
- (b) the quantity of the species caught;
- (c) the gear type;
- (d) alternative use of the fishery resources;
- (e) the cost of fishery management and development;
- (f) the cost of observers;
- (g) the cost of fisheries research, administration and enforcement;
- (h) any other expenses that may result from the administration of the high seas fishing fleet.

(4) License fee may be classified, inter alia, according to the value of species caught and the length overall, gross tonnage, type of gear, or other methods related to the harvesting potential of the vessel.

(5) No license shall be issued pursuant to this Act unless the requisite fees, contributions, charges and other

forms of compensation have been paid in accordance with this Act.

Investigation  
of breaches  
and non-  
compliance.

24. (1) The Director shall investigate the fishing and related activities of any Belize flagged fishing vessel operating on the high seas to which this Part applies, if -

- (a) a complaint is made to the Director concerning a Belize Flagged vessel by a person responsible for the implementation and enforcement of any international treaty; or
- (b) a complaint is received from the competent authority of any other flag State; or
- (c) the Director has any other reason to believe that a breach of any condition of an international authorization to fish under this Part may have been committed by a vessel to which this Part applies.

(2) The Director shall notify the master, owner and operator of any vessel under investigation that the Director is conducting an investigation into the fishing related activities of that vessel, and the master, owner and charterer shall each:

- (a) provide such information, data and documentation as is required by the Director;
- (b) answer such specific questions as are put to by the Director concerning the fishing or related activities of the vessel under investigation; and
- (c) cooperate with an investigator authorized by the Director in relation to the investigation, and permit the investigator to have full access to all records and to the crew of the vessel for questioning.

(3) A master, owner or operator who fails to comply with subsection (2) or who otherwise obstructs an investigation under this section is guilty of an offence punishable in accordance with the Sanction Regulations.

(4) Any person other than those listed in subsection (3) who obstructs an investigation under this section is guilty of an offence and is liable to the imposition of penalties in accordance with the Sanction Regulations.

(5) For the purpose of conducting an investigation under this section, the Director may authorize any person to conduct the investigation on his behalf and in such a case the authorized person may exercise all powers of the Director under this section.

(6) The report of any investigation conducted under this Part shall be provided by the Director to:

- (a) the Registrar;
- (b) the Senior Deputy Registrar of the International Merchant Marine Registry of Belize, and
- (c) the master, owner and operator of the vessel under investigation.

25. Where a fishing vessel has been licensed under section 16, the Director shall maintain a register which shall contain the following information:

**Record of  
Fishing  
Vessels.**

- (a) nature of the activity licensed or authorized;
- (b) the particulars of the vessel, person or establishment licensed or authorized;
- (c) the terms of each license or authorization;

- (d) any action taken in respect of the licence or authorization;
- (e) the result of any appeal affecting the licence or authorization considered; and
- (f) any other matter that is prescribed.

**Observance of  
Laws.**

26. Any license issued or authorization given under this Act shall not exempt a person from any other laws of Belize or any reasonable requirement of another country.

**Fishing or  
other activity  
conducted  
without or in  
contravention  
of a license.**

27. (1) Where a person or vessel is engaged in fishing or in any other activity described in this Act for which a license is required, without a license or in contravention of any of its terms and conditions, that person, or in the case of a vessel, the operator, commits an offence and shall be punished in accordance with the Sanction Regulations.

(2) No such person shall be permitted to engage in fishing or the relevant activity, or if a license has been issued it will be suspended, for a period to be determined in accordance with the Sanction Regulations.

(3) Each day of continuing violation under this section shall be considered a separate offence.

(4) Where an offence against this Act has been committed by any person on board or employed on a fishing vessel, the master of the fishing vessel shall also be guilty of the same offence and shall be subject to applicable fines and penalties.

**Regulations to  
prevent  
unauthorized  
fishing in  
waters of a  
foreign State.**

28. To ensure that Belize flagged fishing vessels do not conduct unauthorized fishing in the exclusive economic zone, territorial seas, archipelagic waters (or other zone of extended fisheries jurisdiction) of any foreign state, the

Registrar, may on the recommendations of the Director, make regulations:

- (a) requiring the recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data;
- (b) requiring that owners/operators receive prior authorization from the Flag State authorizing their activity within the jurisdiction of another State;
- (c) requiring the owners, operators, charterers or masters of such vessels to provide copies of licenses and evidence that such operations are duly authorized;
- (d) authorizing and establishing procedures for the provision of evidence to a foreign State which alleges that such a vessel has engaged in such unauthorized fishing;
- (e) any other regulations that may be relevant.

29. The owner, operator and master of every Belize flagged high seas fishing vessel shall be familiar with all applicable conditions, obligations and requirements applying to his vessels engaged in fishing or fishing related activities; and it is no defence that any person in breach of any condition, obligation or requirement was not aware of it or has not been advised of it.

Liability.

## **PART V - MONITORING, CONTROL AND SURVEILLANCE**

30. (1) A Fisheries Monitoring Center under the Director shall have primary responsibility for 24 hour monitoring control and surveillance of the activities of

Enforcement  
responsibility.

Belize flagged high seas fishing vessels and the enforcement of this Act as it pertains to matters of the high seas.

(2) The Director may, as appropriate, involve participation by relevant Government departments or offices in fisheries enforcement.

(3) The Director may authorize other entities, officials or persons to perform fisheries enforcement functions.

**Appointment  
of Authorized  
Officers and  
Inspectors.**

31. (1) The Director shall appoint in writing a person or class of persons as authorized for the purpose of enforcing this Act and such persons shall exercise all powers and privileges accorded by this Act.

(2) For all surveillance and enforcement duties and obligations or any other duties provided under this Act, except any duties arising from the licensing and reporting requirements of this Act, general safety inspectors of IMMARBE shall be deemed to be authorized officers for the purpose of safety inspection of the vessel only.

(3) The Director may appoint any person with the exception of any ship owner, charterer, beneficial owner, operator or crew of any Belize high seas fishing vessel, to be authorized officer for the purposes of the implementation of this Act and in doing so may determine the scope of their authority and duties.

(4) Any person or class of persons appointed as authorized officers, inspectors or observers in accordance with a fisheries management agreement or similar cooperative arrangement to which Belize is a party, who is not a citizen of Belize or has not been appointed in accordance with subsection (1), shall have such rights and privileges as may be necessary for the performance of his duties as authorized officer(s), under this Act.

32. (1) The Director shall appoint in writing any person to be an authorized observer for the purpose of this Act or may appoint as necessary any accredited institution for the provision of such observer services.

**Appointment  
of Authorized  
Observers.**

(2) Any authorized observer pursuant to a fisheries management agreement to which Belize is a party, who has not been appointed in accordance with subsection (1) shall have the same rights and privileges as may be required for the performance of his duties under this Act relating to authorized observers.

(3) Observers may exercise scientific, compliance, monitoring and other functions.

33. (1) For the purpose of enforcing this Act, any authorized officer/inspector may:

**Powers of  
Authorized  
Officers and  
Inspectors.**

- (a) stop, board, remain on board and search any vessel which operates in the high seas which he reasonably believes is a fishing vessel which is registered under the Belize flag, and stop and search any such vessel he reasonably believes may be transporting fish or engaging in any activity relating to fishing;
- (b) require the master or any crew member or other person aboard to inform him of the name, call sign and the name(s) of the master, owner, charterer and crew members;
- (c) examine the master or any crew member or other person aboard about the cargo, contents of hold and storage spaces, voyage and activities of the vessel;
- (d) make such examination and inquiry as may appear necessary to him concerning any vessel

in relation to which any of the powers conferred by this section have been or may be exercised and take samples of any of fish products found on board;

- (e) require to be produced, examine and take copies of any license, logbook, record of other document required under this Act or concerning the operation of any vessel;
- (f) make an entry dated and signed by him in the logbook of such vessel;
- (g) require to be produced and examine any fish, fishing gear or appliance or explosive, poison or other noxious substance;
- (h) give direction to the master and any crew member of any vessel stopped, boarded or searched as may be necessary or reasonably expedient for any purpose specified in this Act or to provide for the compliance of the vessel or master or any crew member with conditions of any license;
- (i) endorse the validity and authenticity of any license.

(2) Where an authorized officer/inspector has reasonable grounds to believe that an offense against this Act is being or has been committed by a Belize flagged vessel, he may without warrant:

- (a) enter, inspect and search any premises, other than premises used exclusively as a dwelling house, in which he has reasonable grounds to believe that an offence has been or is being committed or fish taken illegally are being stored;



- (b) stop, enter and search and stay in or on any vessel or vehicle which he reasonably suspects of transporting fish or fish products;
- (c) take samples of any fish found in any vessel inspected or any premises searched under this Act;
- (d) seize:
  - i. any vessel (including its fishing gear, equipment, stores and cargo), nets or any other fishing appliances which he has reasonable grounds to believe has been or is being used in the commission of such offence or in respect of which the offenses have been committed;
  - ii. any fish or fish products he has reasonable grounds to believe have been caught in the commission of an offence or are possessed in contravention of this Act;
  - iii. any logs, charts or other documents required to be maintained by this Act or under the terms of any license or other authorizations or which he has reasonable grounds to believe, show or tend to show, with or without other evidence, the commission of an offence against this Act; and
  - iv. anything which he has reasonable grounds to believe might be used as evidence in any proceedings under this Act;

(3) A written receipt shall be given for any article or thing seized under this section and the grounds for such seizure shall be stated in such receipt.

(4) No authorized officer who does any act under this Act, or omits to do any act required by this Act, shall be under any civil or criminal liability as a result of that act or omission on the grounds of want of jurisdiction or mistake of law or fact, or any other ground, unless he has acted or omitted to act, in bad faith.

(5) An authorized officer/inspector may, for the purpose of enforcing this Act, with or without a warrant or other process:

- (a) execute any warrant or other process issued by any court of competent jurisdiction; and
- (b) exercise any other lawful authority.

**Duties of  
Authorized  
Observers.**

34. (1) Any person on board a vessel that is the subject of a licence or authorization under this Act shall permit an observer to board and remain on the vessel for the purpose of carrying out his duties and functions.

(2) The operator and each member of the crew of a vessel shall allow and assist any observer to:

- (a) board the vessel for scientific, compliance monitoring and other functions at such time and place as the Director may require; and
- (b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his duties, including:
  - (i) access to the bridge, navigation charts, fish on board and to areas which may be used to hold, process, weigh and store fish;

- (ii) access to the vessel's records, including its logbooks and documentation, for the purpose of records inspection and copying; and
  - (iii) access to fishing gear on board; and
  - (iv) reasonable access to navigation equipment and radios;
- (c) take and remove from the vessel samples and relevant information;
- (d) take photographs of the fishing operations, including of charts, records, fish, fishing gear and equipment and remove from the vessel such photographs or film;
- (e) carry out all duties safely; and
- (f) disembark at such time and place as may be determined by the Director, or in accordance with an access agreement.

(3) The operator must provide the observer with food, accommodation and medical facilities accorded to an officer of the vessel for the time that the observer is on board and at no cost.

(4) In addition to the requirements under subsection (3), the operator shall pay in full the following costs of the observer:

- (a) full travel costs to and from the vessel; and
- (b) the salary set by the Director; and
- (c) insurance cover as required by the Director.

(5) An operator of a vessel licensed as a Belize flagged fishing vessel or the subject of an international authorization to fish issued under this Act shall allow and assist an observer to have full access to any place where fish are unloaded or transshipped and shall permit the observer to remove samples and to gather information relating to the fishing and related activities of the vessel.

Cooperating  
with  
Authorized  
Officers/  
Inspector/  
Observer.

35. (1) The master and each crew member of any fishing vessel shall immediately comply with every instruction or direction given by an authorized officer/inspector or observer as appropriate and facilitate safe boarding, entry and inspection of the vessel and any fishing gear, equipment, records, fish and fish products.

(2) Every person commits an offense who:

- (a) assaults, obstructs, resists, delays, refuses boarding to, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an authorized officer/inspector or observer in the performance of his duties;
- (b) incites or encourages any other person to assault, resist or obstruct any authorized officer, inspector, observer while carrying out his powers or duties, or any person lawfully acting under the authorized officer's orders or in his aid;
- (c) uses threatening language or behaves in a threatening or insulting manner or uses abusive language or insulting gestures towards any authorized officer or observer while in the execution of his powers or duties, or any person lawfully acting under an authorized officer's order or in his aid;

- (d) fails to comply with the lawful requirement of any authorized officer or observer;
- (e) fails to take all reasonable measures to ensure the safety of an authorized officer or observer as appropriate in the performance of his duties;
- (f) furnishes to any authorized officer or observer any particulars which to his knowledge are false or misleading in any respect;
- (g) impersonates or falsely represents himself to be an authorized officer or authorized observer or who falsely represents himself to be a person lawfully acting under an authorized officer's order or in his aid;
- (h) impersonates or falsely represents himself to be the master or other officer of a fishing vessel; or
- (i) is in breach of any other duty to authorized officer or observer required under this Act.

(3) Every person referred to in subsection (2) above shall be liable to disciplinary measures and/or pecuniary measures in accordance with the Sanction Regulations.

(4) Adequate accommodation on board the vessel shall be provided to any authorized observer in accordance with regulations made under this Act.

(5) For the purpose of subsection (2), any person who does not allow any authorized officer or inspector or any person acting under his order or in his assistance, or an authorized observer to exercise any of the powers conferred on such person by this Act shall be deemed to be obstructing that officer, person or observer.

Identification of authorized officer/inspector and observer.

36. An authorized officer/inspector or authorized observer, when exercising any of the powers conferred by this Act, shall on request produce identification to show that he is an authorized officer/inspector or observer under this Act.

Requirements relating to seized vessels.

37. (1) If any vessel is seized under this Act:

- (a) the master and crew must take it to the port that the authorised officer designates; and
- (b) the master is responsible for the safety of the vessel and each person on board the vessel, including the crew, and any authorised officer, until the vessel arrives at the designated port.

(2) If the master fails or refuses to take the seized vessel to the designated port then the authorised officer or any person called on to assist him may do so.

(3) If a vessel is taken to port in the circumstances described in subsection (2), no claim whatever may be made against any authorised officer or the Director in respect of any damage, injury, loss or death occurring while the vessel is being so taken.

(4) If a vessel is taken to port in the circumstances described in subsection (2), no port dues shall be levied against the Belize High Seas Fisheries Unit or any other Government Department.

(5) The provisions relating to vessels and masters in subsections (1) to (3) apply with all necessary changes to vehicles and aircraft seized in accordance with this Act, and to their drivers and pilots respective.

38. (1) An authorised officer may remove any part or parts from any vessel, vehicle or aircraft held in custody under this Act, for the purpose of immobilising that vessel, vehicle or aircraft.

Removal of parts from seized vessels etc.

(2) Any part or parts removed under subsection (1) shall be kept safely and returned to the vessel, vehicle or aircraft on its lawful release from custody.

(3) A person (other than an authorised officer) shall not:

- (a) knowingly possess or arrange to obtain any part or parts removed under subsection (1); or
- (b) knowingly possess or arrange to obtain any replacement or substitute part or parts for those removed under subsection (1); or
- (c) knowingly make any replacement or substitute part or parts for those removed under subsection (1); or
- (d) fit or attempt to fit any part or parts, or replacement or substitute part or parts to a vessel, vehicle or aircraft being held in custody under this Act.

(4) A person who contravenes subsection (3) is guilty of an offence punishable in accordance with the Sanction Regulations.

39. (1) The Director shall require as a condition of fishing in the high seas that the operator of any vessel:

Vessel Monitoring System.

- (a) installs on such vessel at its own expense a vessel monitoring system designated by the Director;

(b) maintains such equipment in good working order at all times while in the high seas or such other areas as may be agreed or designated.

(2) Any machine:

(a) aboard a vessel automatically feeding or inputting position, fixing information or data into a transponder shall be judicially recognized as accurate;

(b) used in conjunction with a transponder for the purpose of ascertaining or obtaining information or data need not be judicially recognized as appropriate;

(3) All information or data obtained or ascertained by the use of a transponder, shall be presumed, unless the contrary is proved, to:

(a) come from the vessel so identified;

(b) be accurately relayed or transferred; and

(c) be given by the master, owner, operator and charterer of the vessel.

Evidence may be given of information and data so obtained or ascertained whether from printout or visual display unit.

(4) The presumption in subsection (3) shall apply whether or not the information was stored before or after any transmission or transfer.

(5) Any person may give a certificate stating –

(a) his name, address and official position;

(b) he is competent to read the printout or visual display unit or any machine capable of obtaining or ascertaining information from a transponder;



- (c) the date and time the information was obtained or ascertained from the transponder and the details thereof;
- (d) the name and call sign of the vessel on which the transponder is or was as known to him or as ascertained from any official register, record or other document; and
- (e) a declaration that there appeared to be no malfunction in the transponder, its transmission or other machines used in obtaining or ascertaining the information.

(6) Any person who intentionally or recklessly destroys, damages, renders inoperative or otherwise interferes with a machine aboard a vessel which automatically feeds or inputs information or data into a transponder, or who intentionally feeds or inputs information or data into a transponder that is not officially required or is meaningless commits an offence and shall be sanctioned in accordance with the Sanction Regulations.

40. (1) For the purpose of recording catch and effort data, the operator of a high seas fishing vessel in respect of which a high seas fishing license is issued shall utilize relevant reporting measures as may be prescribed by the Director.

Catch  
reporting  
requirement.

(2) In addition to the catch and effort data required to be recorded, the Director may require such additional information to be provided in respect of the fishing operations of a permitted high seas fishing vessel as he may determine to be appropriate for fisheries conservation and management development.

(3) The Director may, with the approval of the Registrar, make regulations pursuant to this Act to prescribe

additional reporting requirements to achieve the effective management and control of high seas fisheries.

## PART VI - MISCELLANEOUS

Information and documentation to be true, complete and accurate.

41. (1) Every person shall promptly give any information required under this Act, including records of any kind and information requested by the Director, an authorized officer or other officer or official carrying out duties under this Act.

(2) Any information required under this Act shall be true, complete and accurate and the Director shall be notified immediately of any change in circumstances which has the effect of rendering any such information or documentation false, incomplete or misleading.

(3) Any license, permit, registration or other document required to be obtained under this Act shall be obtained and held in its original, complete and accurate form as required under this Act, and no such document shall be altered after its issuance by any person.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offense and shall be sanctioned in accordance with the Sanction Regulations.

Presumptions.

42. (1) Any fish found on board any fishing vessel which has been used in the commission of an offence against this Act are presumed to have been caught in the commission of that offence, unless the contrary is proved.

(2) If, in any legal proceedings under this Act, the place at which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record as being the place at which the event took place, is presumed to be the place at which the event took place, unless the contrary is proved.

(3) For the purpose of any proceedings under this Act, the act or omission of any member of the crew of a fishing vessel while on board that vessel or engaged in fishing activity related to that vessel, is taken to be also that of the master, owner and operator of the vessel.

(4) Any entry in writing or other mark in or on any logbook, chart or other document required to be maintained under this Act, or used to record the activities of a vessel's activities, is taken to be that of the master, owner, and operator of the vessel.

(5) If any information is given in respect of a fishing vessel under this Act or a related agreement to any fishing activity of the vessel, it is presumed to have been given by the master, owner and operator of the vessel, unless it is proved it was not given by any of them.

(6) If in any legal proceedings for an offence under this Act:

- (a) an authorized officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken by the use of driftnets; and
- (b) the court considers that, having regard to the evidence, the grounds are reasonable;

the fish are presumed to have been so taken, unless the contrary is proved.

43. (1) If in any proceedings under this Act, a person is charged with having committed an offence involving an act for which a license, authorization or other permission is required, the onus is on that person to prove that at any relevant time the requisite license, authorization or other permission was held by him.

**Onus of Proof.**

(2) If a person is charged with having unlawfully entered the jurisdiction area of another State, the onus is on that person to prove that his entry was for a purpose recognized by international law.

(3) If a person is charged with having contravened this section, the onus is on that person to prove that the information given was true, complete and accurate.

**Authorization  
of Transship.**

44. (1) A person shall not use a Belize flagged fishing vessel to undertake transshipment of fish without the authorization of the Director.

(2) The Director may issue an authorization to transship subject to the following conditions:

- (a) any prescribed conditions;
- (b) the conditions of the applicable fishing license;  
or
- (c) any other condition imposed by the Director as he sees fit.

(3) A person authorized in accordance with this section shall comply with all applicable laws and with any conditions of the authorization.

(4) The Director may suspend or cancel an authorization if there is any failure to comply with the conditions of this authorization or the provisions of this Act.

(5) An authorization given under this section shall be in writing.

(6) A person shall only transship fish in an approved port or as authorized.

(7) Any person who undertakes transshipment activities:

- (a) without an authorization given under this section; or
- (b) in breach of any condition of an authorization or of a relevant fishing license; or
- (c) at a place other than an approved port;

is guilty of a serious violation against this Act and shall be subject to disciplinary or pecuniary actions in accordance with the Sanction Regulations.

45. No permit documents issued under this Act shall relieve any fishing vessel or its operator or crew of any obligation or requirement imposed by other laws, including those concerning navigation, customs, immigration or health, unless otherwise indicated in those laws.

Application of other laws.

46. (1) It shall be unlawful for any person to import, export, transport, sell, receive, acquire or purchase any fish or fish products, possessed, transported or sold in violation of any law or regulation of another State upon implementation, on a reciprocal basis, of a fisheries management agreement between the Government of Belize and such other State or States, in which such activities are agreed to be unlawful.

Application of laws of other States.

(2) The Director shall implement the fisheries management agreement described in subsection (1) by regulation and may require, *inter alia*, record keeping and reporting for each day of fishing activity.

47. Any person who commits the same offense against this Act more than once shall:

Subsequent offences.

- (a) be required to pay an additional fine that the Director may deem appropriate for the second and any subsequent offenses;
- (b) have any applicable licenses or permits suspended for a period of up to one year.

## PART VII - SANCTIONS AND DISCIPLINARY ACTIONS

Sanctions to be imposed.

48. The Director, after examining the facts relating to a violation or serious violation, may take disciplinary or pecuniary actions in accordance with the Sanction Regulations.

Amount of Penalty to be imposed.

49. (1) In determining the amount of penalty to be imposed, the Registrar shall take into consideration the nature, circumstances, extent and gravity of the prohibited act or acts committed and its financial and economic impact on the fishing industry and the environment. With respect to the violators, the degree of culpability, any history of previous offenses relating to fishing and such other matters that may be relevant in accordance with the Sanction Regulation.

(2) The maximum penalty that may be imposed for any offence under this Act shall be three million dollars.

## PART VIII - POWER TO MAKE REGULATIONS

Powers to make regulations.

50. (1) Subject to the provisions of this Act, the Registrar may, on the recommendations of the Director and with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act, and in particular but without restricting the generality of the foregoing, may make regulations in relation to:

- (a) measures for licensing and regulation of fisheries or any particular fishery, including the prohibition of specific activities in any designated fishery or area, any fishing gear as well as the establishment of closed seasons and size limits;
- (b) prescribing the criteria and conditions for the allocation or distribution of total allowable catch;
- (c) measures for the licensing, authorization or registration in respect of any vessel or class or category of vessels to be used for fishing, related activities or any other purpose pursuant to this Act, including the form, issuance requirements, grounds for denial, terms and conditions and fees, charges, royalties and other forms of compensation related to such licensing, authorization or registration;
- (d) providing for the installation and use of vessel monitoring systems on an individual vessel or a category of vessels authorized to fish under this Act;
- (e) the appointment and maintenance of an appropriate procedure for agents appointed to receive and respond to process pursuant to this Act;
- (f) setting out the requirements for providing details of the beneficial ownership of vessels for the catching, loading, landing, handling, transshipping, transporting, possession or disposal of fish;
- (g) for the import and export of fish, including live fish;

- (h) prohibiting the use of driftnets, bottom trawling and shark finning;
- (i) requiring the provision of statistical and other information related to fisheries;
- (j) regulating or prohibiting fishing for certain stocks or specie needing special attention;
- (k) the requirements for the process of development and the contents of any management plan and the procedures to be followed in their implementation;
- (l) prescribing penalties and sanctions for offences under this Act and the Regulations;
- (m) prescribing any other matter which is required or authorized to be prescribed under this Act;
- (n) related activities on the high seas;
- (o) the operation of fishing vessels or any other vessel which may fish on the high seas;
- (p) the use and protection of fishing gear and equipment, including fish aggregating devices;
- (q) licensing for fishing and other activities falling within this Act;
- (r) pollution or the environmental quality of the high seas;
- (s) fisheries monitoring, control and surveillance of fishing vessels as well as economic operators;
- (t) prescribing the powers and duties of persons engaged in the administration or enforcement



of this Act and providing for the carrying out of those powers and duties;

- (u) compliance by fishing vessels which engage in fishing on the high seas with applicable laws of other States or regional fisheries management organizations or arrangements or fisheries management agreement;
- (v) issuing fishing vessel circulars to effect the implementation of conservation and management measures for the effective management and control of high seas fisheries and any other measures that may be required under international treaties to which Belize subscribes;
- (w) prescribing the jurisdiction of the courts for the purpose of this Act and other evidential matters;
- (x) providing for the sale, release and forfeiture of retained property;
- (y) prescribing any other matter to carry out the purposes and provisions of this Act.

(2) Such regulations may provide that any contravention or breach thereof shall be punishable by Order of the Registrar with a fine not exceeding three million dollars.

(3) All regulations made by the Registrar under this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

**PART IX - GENERAL**

**General  
Offence and  
Penalty.**

51. Unless otherwise stipulated under this Act, contravention of any provision of this Act is an offence punishable in accordance with the Sanction Regulations.

**Conflict of  
Laws.**

52. Subject to the Belize Constitution, whenever the provisions of this Act or of any Order, rule or regulation made under this Act are in conflict with any other law, rule or regulation relating to the management of high seas fishing and related matters, the provisions of this Act and any Orders, Rules or Regulations made under this Act shall prevail.

**Exchange of  
Information  
with other  
States.**

53. The Director shall make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other States that are parties to the Compliance Agreement so as to better implement the objects of the Agreement.

**Powers to  
delegate.**

54. (1) The Registrar may, in relation to any particular matter or class of matter, by writing under his hand delegate to the Director any of his powers under this Act, except the power to make regulations.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Registrar.

**Repeal and  
Savings.  
No. 3  
of 2003.**

55. (1) Upon the commencement of this Act, the High Seas Fisheries Act, 2003 shall stand repealed.

(2) All Regulations, By-laws, Rules, Orders and other subsidiary legislation made under the repealed Act, to the extent that they are not inconsistent with this Act, shall continue in force after the commencement of this Act, until repealed by Regulations, By-laws, Rules, Orders and other subsidiary legislation made under this Act.

**Commencement.**

56. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.



# **HIGH SEAS FISHING LICENSE REGULATIONS (NO.33 OF 2014)**

**BELIZE:**

**HIGH SEAS FISHING (LICENSING) REGULATIONS**

**S. I. No. 33 of 2014**

1. Short title.
2. Interpretation.
3. Extent of application.
4. Authority for the issuance of licences.
5. Issuance of a licence.
6. Application for a licence
7. Minimum information contained in a licence.
8. Period of validity of a licence.
9. General conditions attached to a licence.
10. Transfer of licence prohibited.
11. Refusal of licence.
12. Cancellation or suspension of a licence.
13. Renewal of a licence.
14. Automatic termination of a licence.
15. Lost, destroyed or defaced licence.
16. Effect of corporate licensee changing its shareholding or beneficial ownership.
17. Fees and other forms of contributions.

18. Record of fishing vessels.
19. Reporting requirements for licensed vessels.
20. Port calls.
21. Notification to RFMOs.
22. Observance of other laws.
23. Ignorance of law no defence.
24. Appeals.
25. Sanctions.
26. Commencement.

**FIRST SCHEDULE**

**SECOND SCHEDULE**

**THIRD SCHEDULE**

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**BELIZE:**

**STATUTORY INSTRUMENT**

**No. 33 of 2014**

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*REGULATIONS made by the Registrar of Merchant Shipping, on the recommendations of the Director of High Seas Fisheries and with the approval of the Minister of Finance, pursuant to section 50 of the High Seas Fishing Act (No. 26 of 2013), and all other powers thereunto him enabling.*

*(Gazetted 12<sup>th</sup> March, 2014).*

**WHEREAS**, section 14 of the High Seas Fishing Act (No. 26 of 2013) provides that no Belize flagged vessel shall be used for fishing or fishing related activities on the high seas or in the jurisdiction of another State unless the vessel has on board a valid high seas fishing licence and relevant fishing permissions from other States as may be necessary;

**AND WHEREAS**, section 50 of the said Act provides for the making of regulations, *inter alia*, for the licensing, authorization or registration in respect of any vessel or class or category of vessels to be used for fishing or fishing related activities or any other purpose pursuant to the Act, including the form, issuance requirements, grounds for denial, terms and conditions and fees, charges, royalties and other forms of compensation related to such licensing, authorization or registration;

**AND WHEREAS**, it is necessary to establish detailed rules and procedures for the issue of licences and the information to be contained therein in order to facilitate the homogenous control of fishing activities and information on the licence holders, capacity and gear.;

**NOW, THEREFORE, IT IS HEREBY PROVIDED**  
as follows:

**Short title.**

1. These Regulations may be cited as the

**HIGH SEAS FISHING (LICENSING)  
REGULATIONS, 2014.**

**Interpretation.**

2. (1) In these Regulations: -

**No. 26 of  
2013.**

“the Act” means the High Seas Fishing Act, 2013;

“beneficial owner” or “owner” means the ultimate owning entity or representative thereof (either individual or body corporate or group of companies); the beneficial owner may be the vessel’s management company or the trading name of a group, both of which are generally perceived to represent the ultimate owner of a vessel;

“fishery products” means any product(s) derived as a result of fishing and fishing related activities;

“high seas fishing licence” or “licence” means any permit, authorization or licence issued in accordance with the Act and these regulations;

“vessel” means a Belize flagged vessel.

(2) Other words and expressions used in these Regulations shall have the meanings respectively assigned to them in the Act.

**Extent of  
application.**

3. (1) These Regulations shall apply to:

- (a) all Belize flagged fishing vessels or any other Belize flagged vessels which engage in fishing or fishing related activities;

- (b) all owners, operators, charterers and masters on Belize flagged vessels;
- (c) all inspectors and observers authorized to perform duties in accordance with the Act; and
- (d) all persons and entities empowered to function as representatives of the Belize High Seas Fisheries Unit.

(2) All vessels operating in Belize's jurisdictional waters shall be subject to domestic fishing rules and regulations.

4. All licences under these Regulations shall be issued under the hand of the Director with the approval of the Registrar.

**Authority for the issuance of licences.**

5. (1) The Director may, with the approval of the Registrar, issue a licence to the owner and/or operator of a vessel authorizing it to be used for the following:

**Issuance of a licence**

- (a) for fishing on the high seas;
- (b) for fishing in the waters under the jurisdiction of another State subject to the laws of that State; or
- (c) for all other activities which are subject to licences and authorizations under section 15 of the Act.

(2) The types of licences that can be obtained in accordance with these regulations are prescribed in the First Schedule together with format of such licences.

**First Schedule**

(3) Any licence issued is valid only for operation on the high seas with the exception of Authorizations to Operate



in the EEZ or Fisheries Waters of another State. Vessels which operate in the Exclusive Economic Zone of another State must hold a valid authorization from that State. Belize shall issue an accompanying authorization for operation within the EEZ of another State subsequent to the high seas fishing licence, subject to verification of the validity and authenticity of the licence issued by that State.

(4) Authorization may also be issued to vessels that obtain a licence from a State that has bilateral information sharing agreement with Belize.

Application  
form for a  
licence.  
Second  
Schedule.

6. (1) All applications for a licence under these Regulations shall be made by the vessel's resident agent or legal representative in the form set out in the Second Schedule to these Regulations.

(2) The applications shall, as a minimum, be accompanied by the documents prescribed below:

- (a) the vessel's current certificate of registry;
- (b) for vessels which are applying for an authorization to operate in the EEZ of another country, a corresponding valid licence or permit issued by that State;
- (c) power of attorney appointing a nominee or authorized representative;
- (d) signed, stamped and notarized statutory declaration from the owner, operator and master declaring no previous involvement in IUU activities and accepting joint liability for any infractions committed against the Act;

- (e) annual operation plan of the vessel;
- (f) crew list;
- (g) current photo of the vessel displaying its markings and identification in accordance with the regulations for the marking of a fishing vessel; and
- (h) ownership documents as prescribed in subregulation (3) below.

(3) Depending on the type of ownership, the following documents will be required:

(a) *Individual Owners*

- i. name of the bona-fide owner;
- ii. physical address of the owner and recent (no older than 3 months) proof of address;
- iii. valid national identification card, passport or other similar identification in addition to documentation showing physical address.

(b) *Corporate Owners*

- i. a copy of the certificate of incorporation and where applicable, certificate of change of name;
- ii. a certificate of good standing and a properly authorized mandate of

the company to establish the business relationship;

- iii.* a register of members or a list of the names and addresses of the shareholder holding controlling interest in the company;
- iv.* copies of identification documents of at least two of the directors (if there are more than one) and authorized signatories of the company;
- v.* a copy of the memorandum and articles of association or bylaws of the company;
- vi.* document which authenticates bona-fide ownership and clearly states permanent physical address of the company.

*(c) Partnership/Unincorporated business*

- i.* In case of local limited partnerships:
  - a copy of the certified registration;
  - certificate of good standing issued by the registrar of companies.
- ii.* In case of unincorporated business:

- evidence of the identity of a majority of the partners, owners or manager and authorized signatures;
- a copy of the mandate from the partnership or unincorporated business authorizing the establishment of the business relationship and confirmation of any authorized signatories.

(4) The Director may require any additional supporting documents as may be necessary for the approval of a licence.

(5) The registration of the vessel with the International Merchant Marine Registry of Belize (IMMARBE) shall be a pre-requisite for any high seas fishing licence under these Regulations.

(6) The supply of relevant information on the beneficial ownership of a vessel shall also be a pre-condition for obtaining a licence.

7. A licence shall contain, at the minimum, the information as specified below:

**Minimum information contained in a licence**

**I. IDENTIFICATION**

**A. VESSEL**

1. Vessel Name

2. Registration Number

3. Call Sign
4. Gross Tonnage
5. LOA

## B. SHIP OWNER/OPERATOR

1. Name and Address of Vessel Owner
2. Name and Address of Vessel Operator

## II. AUTHORIZED OPERATION

1. Area of Operation
2. Fishing Gear
3. Species to be Targeted
4. Main landing ports

Period of validity of a licence.

8. The licences issued under these Regulations shall be valid for a period of one (1) year from the date of issuance with the exception that Authorization to Operate in the EEZ or Fisheries Waters of another State shall be valid only during the currency of the fishing licence or other authorization granted by that State.

General conditions attached to a licence.

9. Every licence issued under Part IV, Section 15 of the Act shall be subject to the following general conditions:-

- (a) The vessel shall, at all times:
  - (i) fly the Belize flag; and

- (ii) display, in a place clearly visible from the sea and the air, on a contrasting background, its international radio call sign and all other marking as may be required under the Markings and Identification of Fishing Vessels and Fishing Gears Regulations.
- (b) Any change in the information set out in the application form shall be notified to the Director as soon as possible and, in any case, no later than seven (7) days from the date of the change.
- (c) Fishing is not authorized in any other areas on the high seas except as authorized by the licence.
- (d) No fish shall be transshipped from or onto the vessel except with the permission of the Director and in accordance with the conditions specified in the Regulations governing Transshipment.
- (e) The master of the vessel shall cause a logbook to be maintained on a daily basis in such a form as approved by the Director for the purpose of recording the fishing operations of the vessel.
- (f) The logbook maintained under paragraph (e) shall be transmitted in its original unaltered form to the Director or to any other person or organization designated by him –
  - (i) no later than 7 days after completion of the voyage; or
  - (ii) at any time at the request of the Director or any authorized officer.

- (g) The licence or a certified copy shall be kept on board the vessel at all times and shall be made available for inspection upon the request of any authorized officer, inspector or any other person authorized by the Director.
- (h) The master of the vessel shall, while in the waters of another State, take all reasonable measures and precautions to avoid causing damage to any local fishing operations, including non-commercial operations.
- (i) The vessel must have on board a Vessel Monitoring System which shall remain functional at all times while at sea and at port.
- (j) The vessel must have on board a valid licence prior to its departure from port.
- (k) All transshipment activities shall only be conducted with prior authorization from the Director and must be done in accordance with the regulations governing transshipment. The fishing gear must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in any areas where such gear usage is prohibited or in areas closed to fishing activities.
- (l) The master shall allow any authorized officers or other persons designated in writing by the Director to board or remain on board the vessel as an observer and shall –
  - (i) proceed to such port or place as the Director may require to allow an observer to board or disembark from the vessel;

- (ii) allow the observer full access to all equipment, including navigation and communication equipment, records and documents and to any fish on board the vessel;
- (iii) allow the observer to make such observations and records and to take or remove such samples as he may reasonably require in connection with the vessel's activities;
- (iv) provide, without charge, food, accommodation and medical treatment at least equivalent to that provided for officers of the vessel.

10. No licence issued in accordance with these Regulations shall be transferrable.

**Transfer of licence prohibited.**

11. (1) The Director may refuse an application for a licence on the grounds indicated below as prescribed under Part IV, section 18 of the Act: -

**Refusal of licence.**

- a)* if the vessel was previously authorized to be used for fishing on the high seas by a foreign state and that State had suspended such authorisation because the vessel was engaged in activities that were contrary to the provisions of international conservation and management measures, and the suspension has not expired; or
- b)* the foreign State, within the last three years preceding the application for a licence, withdrew such authorization because the vessel engaged in activities that were contrary to the provisions of international conservation and management measures.



(2) The restriction in subsection (1) does not apply if the ownership of the vessel has changed since the vessel engaged in activities contrary to the provisions of international conservation and management measures, and the new owner has provided sufficient evidence to the Director demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.

(3) The restriction in subsection (1) does not apply if the Director makes a determination that issuing a high seas fishing licence in respect of the vessel would not undermine the effectiveness of international conservation and management measures

(4) An application for a licence may also be refused if a background search of the history of the vessel or its owner(s) and/or operator(s) indicates that there is a history of IUU activities.

(5) A licence or its renewal may also be denied where:

- a)* the vessel is not duly registered or in good standing with IMMARBE;
- b)* the application is not in accordance with the requirements of the Act or these Regulations;
- c)* the vessel or a person associated with the vessel has previously been involved in a breach of the Act or these Regulations;
- d)* the owner, operator or charterer is the subject of legal proceedings or on reasonable grounds appears unable to meet its obligations;
- e)* the Director has reasonable grounds to believe that the ownership information is

- false or not a true representation of the beneficial ownership of the vessel or vessels;
- f)* the owner fails to submit the prescribed application and documentation required for the issuance or renewal of a licence or authorization;
  - g)* the fishing vessel does not bear the required markings for fishing vessels;
  - h)* the fishing vessel does not bear the required markings for a fishing gear;
  - i)* an operator of the vessel has contravened or the vessel has committed a serious violation against the laws of Belize, or other international law(s) relating to the international conservation and management measures;
  - j)* the fishing vessel is being operated within the EEZ of another State without the proper authorization of that State;
  - k)* if the vessel does not have a good standing with the Regional Fisheries Management Organizations;
  - l)* there has been a failure to satisfy a judgment or other final determination for breach of the Act or these Regulations;
  - m)* the owner fails to appoint a legal representative in Belize;
  - n)* the Director determines that it would be inconsistent with management measures

implemented in accordance with the Act and these Regulations;

- o)* the required fees, contributions or other forms of compensation have not been paid in accordance with the Act or these Regulations;
- p)* the Director determines that the issuance of a licence would not be in the best interests of Belize.

(6) No licence shall be issued authorising fishing using driftnets, gillnets or other substantially similar methods of catching fish.

(7) A written notification of the reasons for refusal of an application shall be given to the applicant.

**Cancellation  
or suspension  
of a licence.**

12. (1) The Director may suspend or cancel a licence in accordance with any of the criteria prescribed below:

- a)* information required to be given or reported under the Act or these regulations is false, incomplete, incorrect, misleading or not provided as and when required; or
- b)* it is necessary to do so to give effect to any licensing program specified in a fishery management plan; or
- c)* the owner or operator is the subject of bankruptcy proceedings under the insolvency laws of any jurisdiction, and satisfactory financial assurance has not been provided; or
- d)* the vessel or establishment in respect of which the licence has been issued has been used in

contravention of the Act or these Regulations, or of any of the conditions of the licence; or

- e)* payment has not been made and is overdue in relation to any fees, charges, contributions and other payments required under these Regulations or for any penalty or fine in relation to a breach of the Act and these Regulations; or
- f)* an operator has breached any obligations or requirements imposed by an international treaty, or has committed any offence against the laws of Belize that, in the opinion of the Director, justifies the suspension or cancellation of the licence; or
- g)* the vessel is used in contravention of the conditions of its licence and applicable conservation and management measures or in contravention of any other applicable laws and regulations of Belize;
- h)* the vessel is not in good standing with IMMARBE; or
- i)* if a vessel has been identified as IUU in allegation of IUU or found guilty of having engaged in IUU fishing activities; or
- j)* if the vessel is found to be fishing in the EEZ of another State without a corresponding authorization; or
- k)* failure to renew licence within the specified period; or
- l)* any other circumstances, which in the opinion of the Director, justify the suspension or cancellation of the licence.

(2) If a licence is suspended or cancelled in accordance with this regulation, a written notification of the suspension or cancellation shall be given to the person to whom the licence was issued.

**Renewal of  
a licence.**

13 (1) The application for renewal of any licence issued under these Regulations must be filed on the relevant application form as prescribed in the Second Schedule by the vessel's resident agent at least thirty (30) days before the expiry of its licence. The Director may request additional information or documentation as may be necessary.

**Second  
Schedule.**

(2) The Director shall notify the International Merchant Marine Registry of Belize as well as the competent Regional Fisheries Management Organization of the names of the vessels that have not applied for renewal of their licences within the specified period.

(3) Ship owners who do not intend to renew the licence must inform the Director no less than thirty (30) days before the expiry date of said licence. The Director will so inform the International Merchant Marine Registry of Belize and the relevant RFMOs.

**Automatic  
termination of  
a licence.**

14. Where the material circumstances of a licensed vessel change, including but not limited to a change of name, charter, operator, ownership, gear, or where the vessel ceases to be registered with IMMARBEL, the licence shall automatically terminate.

**Lost, destroyed  
or defaced  
licence.**

15. (1) Where a licence has been lost or destroyed, the licensee may make written application to the Director for the issue of a duplicate licence.

(2) Where the Director is satisfied that –

**(a)** the licence has been lost or destroyed; and

- (b) no improper use has been made or is being made of the licence;

he may, on payment of the prescribed fee, issue a duplicate licence to the licensee.

(3) Where a licence has been defaced, the licensee shall, on returning the licence to Director and on payment of the prescribed fee, be issued with a duplicate licence.

(4) A duplicate licence issued under this regulation shall be stamped as duplicate and shall have the same force and effect as the original licence.

16. (1) A licensee which is a corporate entity and which proposes to change its shareholding or beneficial ownership shall give prior notice to the Director who may agree to the issuance of a new licence provided that the circumstances that existed when the licence was initially granted have not changed.

Effect of corporate licensee changing its shareholding or beneficial ownership.

(2) Where the circumstances that existed when the licence was initially issued have changed, the Director shall treat the notice as an application for a new licence.

(3) Where prior notice as required under subregulation (1) is not received by the Director, the licence shall be deemed automatically cancelled on change of ownership.

17. (1) The applicant shall pay to the Government of Belize in respect of every licence issued by the Director, such fees and other forms of contributions as prescribed in the Third Schedule.

Fees and other forms of contributions.

Third Schedule

(2) Fees are subject to change at the discretion of the Registrar and shall be published in advance of any change.

(3) Fees mentioned in subregulation (1) above shall apply to both new applications and renewal of licences.

(4) No licence shall be issued unless the Director is satisfied that any fee payable in respect of that licence has been paid and adequate arrangements have been made for the payment of any other charges payable.

(5) Fees are non-refundable.

**Record of  
fishing vessels.**

18. The Director shall maintain a record of all vessels licensed in accordance with these Regulations, as prescribed in section 25 of the Act, and shall make this information available to the FAO as required by the terms of the Compliance Agreement.

**Reporting  
requirements  
for licensed  
vessels.**

19. The master of a licensed vessel shall ensure compliance with all reporting requirements in accordance with the MCS Regulations.

**Port Calls.**

20. (1) A licensed vessel shall make a port call for the purpose of inspection at a designated port at the commencement of each licence period.

(2) A port call referred to in subregulation (1) shall be –

(a) made for the purpose of inspection by an authorized officer; and

(b) certified in writing by an authorized officer.

(3) In addition to the required port call referred to in subregulation (1), a licensed vessel shall be required to make not less than two port calls per year at a designated port.

**Notification to  
RFMOs.**

21. The Belize High Seas Fisheries Unit shall be responsible for notification to all Regional Fisheries Management Organizations of any licence issued in accordance with these Regulations.

22. Any licence issued or authorization given under these Regulations shall not exempt a person from any other applicable laws of Belize or any reasonable requirements of another country.

**Observance of other Laws.**

23. The owner, operator and master of every Belize flagged high seas vessel must be familiar with all applicable conditions, obligations and requirements applying to his vessel engaged in fishing or related activities; and it shall be no defense that any person in breach of any condition, obligation or requirement was not aware of it or has not been advised of it.

**Ignorance of law no defence.**

24. (1) The owner, operator or legal representative of the vessel may appeal to the Registrar against any decision taken by the Director in accordance with these Regulations within thirty (30) days of such decision.

**Appeals.**

(2) All appeals shall be determined on the basis of written submissions unless the appellant requests an oral audience in which case the respondent shall also have a right to appear before the Registrar.

25. (1) Failure to comply with the terms and conditions attached to any licence or the conditions of the Act and any Regulations relating thereto, may, in addition to any fine imposed, result in the suspension or revocation of any licence issued under these Regulations, either temporarily or permanently, or the imposition of any other accompanying sanctions.

**Sanctions.**

(2) Violations committed against the provisions of these Regulations shall be subject to sanctions under the Sanctions Regulations.



Commencement.

26. These Regulations shall come into force on the 12<sup>th</sup> day of March 2014.

**MADE** by the Registrar of Merchant Shipping this 7<sup>th</sup> day of March, 2014.



(GIAN C. GANDHI)  
*Registrar of Merchant Shipping*

**APPROVED** by the Minister of Finance this 7<sup>th</sup> day of March, 2014.



(DEAN O. BARROW)  
*Prime Minister and Minister of Finance*

[Regulation 5]

**FIRST SCHEDULE**

**CATEGORY OF LICENCES**

**A. High Seas Fishing Licence for Fishing Vessels**

1. Vessels which target tuna and tuna like species and sharks.
2. Vessels which target non-tuna species.

**B. Authorization to Transport Marine Resources**

3. Authorization to Transport Marine Resources which are applicable for reefer carriers, fish carriers and/or mother ships

**C. Fishing Support Licence**

4. Permit for Fishing Support Vessel

**D. Operation within the jurisdictional water of another country**

5. Authorization to Operate in the EEZ or Fishing Waters of Another State

**HIGH SEAS FISHING LICENCE****Licence Number:****Licence is hereby issued to:**

(Beneficial Owner)				Operators:					
Name of Vessel		Registration Number		Call Sign		IMO Number		Company ID No.	
Type of Vessel		Gross Ton	Net Ton	Carrying Capacity		LOA	LBP	Year Built	
Type of Refrigeration		Maximum Freezing Temperature		Beam		Depth		Horse Power	

**Authorization To Fish**

The vessel, the details of which appear above, is hereby authorized to engage in the following:

Area of Operation	
Type of Fishing gear	
Target Species	
Authorized Landing Port	

Issuance Date:

Expiration Date:

The undersigned Director of High Seas Fisheries of the Belize High Seas Fishing Unit of the Ministry of Finance, with the approval of the Registrar of Merchant Shipping, duly empowered under the provisions of the High Seas Fishing Act, 2013, hereby issues this High Seas Fishing Licence as authorization for vessel to operate under the Belize Flag.

\_\_\_\_\_  
Director of High Seas Fisheries

**This licence is granted subject to the following conditions:**

1. Vessel shall not engage in activities which may undermine the effectiveness of international conservation and management measures applicable to the authorized area of operation.
2. Where a fishing vessel is used in contravention of this Licence, the Master, Owner, and Operator of the vessel shall each commit an offence and shall be subject to one or more disciplinary measures in accordance with the High Seas Fishing Act 2013 and Sanctions Regulations.
3. Please see reverse side for additional conditions

**AUTHORIZATION TO TRANSPORT MARINE RESOURCES**

Issued by the **Director of High Seas Fisheries** with the approval of the Registrar, on behalf of the **Belize High Seas Fisheries Unit**, Pursuant to the **High Seas Fishing Act 2013**,

I, **VALARIE LANZA**, Director of High Seas Fisheries for the **Belize High Seas Fisheries Unit**, hereby authorize the fishing vessel:

<b>Vessel Name</b>	<b>Registration Number</b>	<b>Call Sign</b>	<b>IMO Number</b>
<b>Gross Tons</b>	<b>LOA</b>	<b>LBP</b>	<b>RFMO ID Number</b>

To transport marine resources under the terms and conditions of this licence.

<b>LICENCE NUMBER</b>	
<b>NAME AND ADDRESS OF OWNER</b>	
<b>NAME AND ADDRESS OF OPERATOR</b>	
<b>AUTHORIZED AREA OF OPERATION</b>	
<p>_____</p> <p><b>Director of High Seas Fisheries</b></p>	Date of Issue:
	Expiration Date:
<p><b>All communications concerning this licence should be addressed to:</b>  <b>The Director of High Seas Fisheries</b>  <b>Belize High Seas Fishing Unit</b>  <b>Email: <a href="mailto:bhsfu.gob@gmail.com">bhsfu.gob@gmail.com</a></b></p>	

## PERMIT FOR FISHING SUPPORT VESSEL

**Licence Number:**

**Licence is hereby issued to:**

(Beneficial Owner)				Operators:			
Name of Vessel		Registration Number		Call Sign		IMO Number	RFMO Number
Type of Vessel	Gross Ton	Net Ton	Carrying Capacity		LOA	LBP	Year Built
Type of Refrigeration		Maximum Freezing Temperature		Beam		Depth	Horse Power

The vessel, the details of which appear above, is hereby authorized to engage in the following:

Area of Operation	
Operation Authorized	

Issuance Date:

Expiration Date:



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*The undersigned Director of High Seas Fisheries of the Belize High Seas Fishing Unit of the Ministry of Finance, with the approval of the Registrar of Merchant Shipping, duly empowered under the provisions of the High Seas Fishing Act, 2013, hereby issues this High Seas Fishing Licence as authorization for vessel to operate under the Belize Flag.*

\_\_\_\_\_  
Director of High Seas Fisheries

**This licence is granted subject to the following conditions:**

1. *Vessel shall not engage in activities which may undermine the effectiveness of international conservation and management measures applicable to the authorized area of operation.*
2. *Where a fishing vessel is used in contravention of this Licence, the Master, Owner, and Operator of the vessel shall each commit an offence and shall be subject to one or more disciplinary measures in accordance with the High Seas Fishing Act 2013 and Sanctions Regulations.*
3. *Please see reverse side for additional conditions.*

**AUTHORIZATION TO OPERATE IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) OR FISHING WATERS OF ANOTHER STATE**

Issued by the **Director of High Seas Fisheries** with the approval of the Registrar, on behalf of the **Belize High Seas Fisheries Unit**, Pursuant to the **High Seas Fishing Act 2013**,

I, **VALARIE LANZA**, Director of High Seas Fisheries for the **Belize High Seas Fisheries Unit**, hereby authorize the fishing vessel:

\_\_\_\_\_

to fish within the **fishing waters/EEZ** of \_\_\_\_\_ under the terms and conditions attached to this licence.

AUTHORIZATION NUMBER	
HSFL NUMBER	
EEZ LICENCE NUMBER	
AUTHORIZATION DATE	
EXPIRATION DATE	

_____ <b>Director of High Seas Fisheries</b>	DATE _____ DD/MM/YY
---	------------------------

**All communications concerning this licence should be addressed to:**  
**The Director of High Seas Fisheries**  
**Belize High Seas Fisheries Unit**  
**Email: [bhsfu.gob@gmail.com](mailto:bhsfu.gob@gmail.com)**

## SECOND SCHEDULE

[Regulation 6 &amp; 13]

APPLICATION FOR LICENCE TO ENGAGE IN FISHING AND/OR  
RELATED ACTIVITIES

Please read the explanatory note carefully before completing this form.

**Completion of this Form**

- This application form **MUST** be completed electronically.
- This application form **MUST** be signed and stamped before it is submitted to the Belize High Seas Fishing Unit.

The provision of false or misleading information could lead to the application being rejected or a licence issued to be revoked or suspended.

## SECTION A

I/We wish to apply for the following licence type(s) Please tick the appropriate box

<input type="checkbox"/>	High Seas Fishing Licence	<input type="checkbox"/>	Permit for Fishing Supporting Vessel
<input type="checkbox"/>	Authorization to Transport Marine Resources	<input type="checkbox"/>	Authorization for Permit to Operate in the EEZ of another State

## SECTION B

**1. Vessel details – A current certificate of registration must be enclosed with the application to enable these details to be verified.**

Vessel Name:		Registration Number		Call Sign	IMO Number
Gross Tons	Net Tons	Length Overall	Registered Length	Breadth	Depth
Name and Place of Builders		Year Built	Type of Vessel		Engine Power

**2. Ownership Information – Names(s) and Address(es) of beneficial Owner(s)/Operator(s) to whom the licence is/are to be granted (see explanatory notes)**

Name and Permanent Physical address of Owners	Name and Permanent Physical address of Operators
Contact Details Tel: Fax: Email Address:	Contact Details Tel: Fax: Email Address:

**3. Nominee Details – Name and address of the person/company to whom all licences, notices, instructions and other documents are to be sent (see explanatory notes)**

Name and Address of Owners Nominee	Contact Details of Owners Nominee
	Tel:
	Fax:
	Email Address:

#### 4. Vessel Activities

Area of Operation and Species – **VESSEL TARGETING TUNA AND TUNA LIKE SPECIES**

RFMO AREA (see explanatory note)	Coordinates of Area of Operation or EEZ areas(a)	Species to be targeted (see explanatory notes)

Area of Operation and Species – **VESSELS TARGETING NON-TUNA SPECIES**

Coordinates of Area of Operation or EEZ area(s)	Species to be Targeted

Area of Operation and Coordinates – **VESSELS WHICH ENGAGE IN THE CARRIAGE OF MARINE RESOURCES**

Fishing Gear	Fish Hold Volume	Type of Refrigeration	Carrying Capacity	Maximum Freezing Temperature
Intended Ports of Delivery				Method of Processing and Landing Fish

#### 5. Crew Information

**Beside each Deck and Engine position indicate the number of each on board and their nationality**

Deck	No	Nationality	Engine	No	Nationality
Master			Chief Engineer		
Chief Mate			Second Engineer		
Watchkeeping Officer			Watchkeeping Engineer		
Watchkeeping Deck Rating			Chief Electrician		
Deck Rating			Watchkeeping Engine Rating		
Other			Other		

#### SECTION C: DECLARATION

This declaration must be completed by owner(s)/operator(s) on every application

##### Warning

- Only the owner(s) or Operator(s), as named in Section B, may complete this declaration.
- In the case of company ownership the declaration must be signed by an authorized signatory.
- Please read the conditions in the attached explanatory notes carefully; you will be signing an undertaking in respect of them.



I/We declare that:

- The vessel is registered in my/our name under the Merchant Ships (Registration) Act.
- The information contained in this application is correct
- I/we have read and understood the licence conditions and conditions of issues as stated in the explanatory notes.
- I/We understand that if any of the details provided in this application changes, any licence issued to me/us will cease to be valid.

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Name and Signature of Vessel Owner/Operator/legal authorized Representative

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Date of Application

### Explanatory Notes and Conditions

Please read these notes and conditions carefully before completing application for licence to engage in fishing and/or related activities. Further information and guidance is available from agents or directly from the office of the Belize High Seas Fishing Unit.

#### Completion of application form

1. The application form should be completed by the beneficial owner or any legally appointed representative.

#### Section A: Licence Categories

2. You should specify here the type of licence that you wish to apply for. A full list of licence categories is contained in Annex A.

#### Section B: Vessel Details

3. **Section B1** requires details of the specifications and identifiers particular to the vessel to be licensed. Most will be found in the vessel's Patent of Navigation issued by the Registry. These details will appear on the licence; it is very important that you ensure that they are accurate. If any of these details change the licence will become invalid and you must apply for a new licence using an official application form.

**Section B2** requires information on the details of the beneficial owner(s) and operators of the vessel. **IBC ownership is not accepted.**

**Section B3** requires details of the person who you appoint to receive all licences and notices including variations on your behalf or you may nominate yourself. Any notices issued and disseminated will take effect 24 hours after the nominee is informed. It is therefore very important that the nominee, or in his/her absence someone acting for him/her, is able to contact the vessel or its owner/operator at short notice.

**Section B4** requires information on the vessel activities including RFMO area(s) where vessel intends to operate, these include:

For vessels which target tuna, tuna-like species and sharks:

- ICCAT – International Commission for the Conservation of Atlantic Tunas – Atlantic Ocean
- IATTC – Inter-American Tropical Tuna Commission – Western Pacific Ocean
- IOTC – Indian Ocean Tuna Commission – Indian Ocean
- WCPFC – Western and Central Pacific Fisheries Commission - Eastern Pacific Ocean
- SPRFMO – South Pacific Regional Fisheries Management Organization – South Pacific Ocean

For vessels which will target non-tuna species

- Atlantic Ocean – State coordinates of area of operation or the EEZ State where vessel will operate.
- Pacific Ocean - State coordinates of area of operation or the EEZ State where vessel will operate.
- Indian Ocean - State coordinates of area of operation or the EEZ State where vessel will operate.
- Other fisheries area - State coordinates of area of operation or the EEZ State where vessel will operate.

For vessels which will engage in the carriage of marine resources, transshipment and bunkering services

- ICCAT – International Commission for the Conservation of Atlantic Tunas – Atlantic Ocean
- IATTC – Inter-American Tropical Tuna Commission – Western Pacific Ocean
- IOTC – Indian Ocean Tuna Commission – Indian Ocean
- WCPFC – Western and Central Pacific Fisheries Commission - Eastern Pacific Ocean
- SPRFMO – South Pacific Regional Fisheries Management Organization – South Pacific Ocean

For vessels that will provide bunkering services, the type of service must be indicated. Species that will be targeted under each category must be indicated in the space allocated.

**Section B4** also requires information on the gear type, which will be indicated on the licence. Any gear changes should be immediately notified and a new application should be requested to reflect the correct information. Type of refrigeration, method of processing or landing fish, carrying capacity and intended port of delivery are also required under this section.

**Section B5** requires crew information of the vessel. Under this section, please provide the number and nationality of each deck and engine crew member.

### **Section C: Declaration**

4. This declaration must be signed by all prospective licence holders. In signing this declaration you will be confirming that the details of the application are correct, and that you understand the conditions that you will be expected to meet once the licence is issued. It is therefore particularly important to read the section headed "licence conditions".



**HIGH SEAS FISHING  
SANCTIONS  
REGULATIONS  
(NO.32 OF 2014)**

## **BELIZE:**

### **HIGH SEAS FISHING SANCTIONS REGULATIONS**

#### **S. I. No. 32 of 2014**

1. Short title.
2. Interpretation.
3. Extent of application.
4. General provisions.
5. Fines.
6. Recidivism.
7. Liability.
8. Determining the value of catch and impact on the environment.
9. Accompanying sanctions.
10. Determination of actual amount of fines.
11. Interim measures pending completion of sanction proceedings.
12. Violations committed in waters of other States.
13. Sanctions to be imposed administratively by the Director.
14. Notification of sanctions and motions of appeal.
15. Procedure on appeal.
16. Time limit for commencement of proceedings.
17. Other proceedings.

- 18. Disciplinary Regulations not affected in respect of non-fishing activities.
- 19. Commencement.

**FIRST SCHEDULE**

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**BELIZE:**

**STATUTORY INSTRUMENT**

**No. 32 of 2014**

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*REGULATIONS made by the Registrar of Merchant Shipping, on the recommendations of the Director of High Seas Fisheries and with the approval of the Minister of Finance, pursuant to section 50 of the High Seas Fishing Act (No. 26 of 2013), and all other powers thereunto him enabling.*

*(Gazetted 12<sup>th</sup> March, 2014).*

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**WHEREAS**, Belize is committed to the fight against illegal, unreported and unregulated (“IUU”) fishing on the high seas;

**AND WHEREAS**, in pursuance of the said objective, Belize has enacted a new and robust High Seas Fishing Act (“the Act”) which provides a legal framework for eradicating IUU activities on the high seas by Belize flagged vessels and all persons working on board Belize flagged vessels operating on the high seas or in the jurisdictional waters of other States;

**AND WHEREAS**, the Act creates several offences or violations, classified as minor or serious, relating to illegal fishing but leaves the penalties to be prescribed by Sanctions Regulations to be made under the Act;

**NOW, THEREFORE, IT IS HEREBY PROVIDED** as follows:

1. These Regulations may be cited as the

Short title.

**HIGH SEAS FISHING SANCTIONS  
REGULATIONS, 2014.**

**Interpretation.**

## 2. (1) In these Regulations: -

**No. 26 of  
2013.**

“the Act” means the High Seas Fishing Act, 2013;

“charterer” means any person who hires, leases or otherwise reserves the use of a vessel from the owner or operator under a written agreement;

“continuous violation” means a minor violation or a serious violation consisting of an uninterrupted series of connected acts which endure after the commission of the initial violation, as distinguished from isolated and disconnected acts;

“dollar” or “\$” means dollar in the currency of the United States of America;

“fishery products” means any products derived as a result of fishing and fishing related activities;

“master” means the person in charge or apparently in charge of the fishing activities of the vessel;

“minor violation” means any act of non-compliance with the Act or the regulations made thereunder other than that classified as a serious violation;

“offence” has the same meaning as the term ‘violation’;

“operator” means any person who is in charge of or who directs or controls a fishing vessel or for whose direct economic or financial benefit the vessel is being used, and includes the master, owner and charterer;

“owner” means the ultimate owning entity or representative thereof (either individual or body corporate or group of companies); the beneficial owner may be the vessel’s management company or the trading name of a group, both of which are generally perceived to represent the ultimate owner of the vessel;



“person” means a natural person or a legal person, including a master, owner, operator, charterer, business enterprise, corporation, partnership, cooperative, or association of persons whatsoever;

“recidivism” means the act of committing a minor or a serious violation more than once and within a specified time period;

“serious violation” means:

- (a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;
- (b) failure to maintain accurate records of catch and related data required by the flag State and other regional or sub-regional organizations;
- (c) misreporting of catch in contravention of catch reporting requirements of the flag State and other regional or sub-regional organizations;
- (d) fishing in closed areas;
- (e) fishing during a closed season;
- (f) targeting species without quota allocation granted by the flag State where quota allocations are applicable;
- (g) using prohibited or non-compliant fishing gears;
- (h) fishing for species which are subject to a moratorium or for which fishing is prohibited;
- (i) concealing the markings, identification or registration of the fishing vessel;
- (j) falsifying the markings, identification or registration of the vessel;

- (k) concealing, tampering with or disposing of evidence relating to an investigation;
- (l) multiple minor or serious violations, which together constitute a serious disregard for conservation and management measures;
- (m) failure to submit data required to be transmitted by satellite vessel monitoring system;
- (n) obstructing the work of authorized officers in the exercise of their duties in monitoring compliance with applicable conservation and management measures;
- (o) obstructing the work of observers in the exercise of their duties of observing compliance with applicable conservation and management measures;
- (p) taking on board, landing or transshipping undersized fish in contravention of applicable conservation and management measures;
- (q) engaging in unauthorized transshipment activities on the high seas, or in the jurisdictional waters or ports of a coastal state;
- (r) transshipping or participating in joint fishing operations which supported or re-supplied other fishing vessels identified as having engaged in IUU fishing, including those included in the IUU list of an RFMO or other recognized IUU list;
- (s) falsification of documents or use of such documents relevant to the operation of the vessel;
- (t) carrying out fishing activities in the area of an RFMO in a manner inconsistent with or in contravention of the conservation and management measures of that

organization and being flagged to a State not party to that organization or not cooperating with that organization as established by that organization; or

- (u) non-compliance with measures outlined in circulars or notices established by the flag State or conservation and management measures set forth by relevant sub-regional or regional fisheries management organization or arrangement;

“vessel” means a Belize flagged vessel.

(2) Other words and expressions used in these Regulations shall have the meanings respectively assigned to them in the Act.

3. (1) These Regulations shall apply to:

Extent of application.

- (a) all Belize flagged fishing vessels or any other Belize flagged vessels which engage in or support IUU activities;;
- (b) all owners, operators, charterers, masters and crew members of Belize flagged vessels;
- (c) all inspectors and observers authorized to perform duties in accordance with the Act;
- (d) all persons and entities empowered to function as representatives of the Belize High Seas Fisheries Unit; and
- (e) all persons working on board Belize flagged vessels operating on the high seas and in the jurisdictional waters of other States.

(2) These Regulations shall apply to all Belize flagged vessels wherever they may be irrespective of their geographical location.

**General provisions.**

4. (1) The Director may initiate disciplinary proceedings against any vessel, its owner, operator, charterer, master, legal representative, person and/or crew, who is alleged to have contravened any provisions of the Act or the regulations made thereunder.

(2) Where a vessel is found to be in contravention of the Act or the regulations made thereunder, the owner, operator and master shall be held jointly liable for the minor or serious violation committed, as the case may be.

(3) Any proceedings commenced in accordance with these Regulations shall be notified to the vessel owners, operators, legal representatives, charterers, and master or crew members, as the case may be.

(4) Any person who contravenes or fails to comply with any of the provisions of the Act or these Regulations, or with any notice, direction, restriction, requirement or condition given, made or imposed under the Act, other than a requirement to pay a fine imposed under these regulations, commits a minor or serious violation, as the case may be.

(5) Pending the payment of any penalties or compliance with any other sanction measures, the vessel shall not engage in any fishing or related activities.

**Fines**

5. (1) Each minor or serious violation shall be fined separately and the total fine for the series of violations may exceed the maximum of three million dollars prescribed for a serious violation and one million dollars prescribed for a minor violation.

(2) Subregulation (1) also applies to cases of continuous minor and serious violations and recidivism.

(3) Subject to the maximum of three million dollars prescribed for a serious violation, the Director, by way of a

detailed document of notification, shall, for a serious violation, impose a minimum fine equal to the total value of the fishery products obtained from committing such violation or the total value of the damage to the environment, or the amount of US\$50,000, whichever is the greater, together with any additional accompanying sanctions.

(4) The Director, by way of a detailed document of notification, shall, for a minor violation, impose a fine of not less than US\$10,000 and not more than US\$ one million dollars together with any additional accompanying sanctions as may be necessary.

(5) The overall level of fines and accompanying sanctions shall be determined in such a way as to ensure that they fully deprive the violator(s) of the economic benefit derived from their minor or serious violation(s), or to cover the full cost of their adverse impact on the environment. For this purpose, the interim enforcement measures taken pursuant to Regulation 11(2) of these Regulations shall also be given due consideration.

(6) Every person who commits a serious violation shall be subject to a fine of not less than US\$50,000 and not more than US\$3,000,000.

(7) Every person who commits a minor violation shall be subject to a fine of not less than US\$10,000 and not more than US\$1,000,000.

6. (1) In cases of recidivism for serious violations within 5 years of the initial serious violation, the Director shall impose sanctions as follows:

**Recidivism**

- (a) at least twice the value of the fishery products derived as a result of such violation; and/or

- (b)** at least twice the value of the impact on the environment; and/or
- (c)** where there is no fishery product, involved or no impact on the environment, a fine of not less than US\$50,000 but not more than US\$ three million shall apply;
- (d)** where the cumulative value of the fishery products or the value of the impact on the environment is less than US\$50,000, the penalty prescribed under sub-regulation **(c)** shall apply; and

any accompanying sanctions.

(2) In cases of recidivism for minor violations within one year of the initial minor violation, the Director shall impose sanctions as follows:

- (a)** at least twice the value of the fishery product derived as a result of such violation; and/or
- (b)** at least twice the value of the impact on the environment; and/or
- (c)** where there is no fishery product involved or no impact on the environment, a fine of not less than US\$10,000 but not more than US\$ one million shall apply;
- (d)** where the cumulative value of the fishery product or the value of the impact on the environment is less than US\$10,000, the penalty prescribed under sub-regulation **(c)** above shall apply; and

any accompanying sanctions.

7. Where a vessel is found to be in contravention of the Act or any regulations made thereunder, Regulation 4(2) [relating to joint liability of the owner, operator and master] shall apply.

**Liability.**

8. (1) When calculating the value of any part of the catch, the value will be determined by the most recent average prices at the most appropriate markets. If the catch is actually landed, then the value achieved through sale on an open market will be used.

**Determining value of catch and impact on the environment.**

(2) When calculating the value of the impact on the environment, an environmental impact assessment shall be used in determining the level of fine and/or accompanying sanctions to be imposed.

9. Sanctions provided for in these regulations may be accompanied by other sanctions or measures, in particular the following:

**Accompanying sanctions.**

- (a) suspension or withdrawal of the license;
- (b) the sequestration of the vessel involved in the minor or serious violation;
- (c) temporary prohibition from sailing;
- (d) confiscation of gears, equipment, and/or fishery products as appropriate;
- (e) reduction or withdrawal of fishing rights;
- (f) recommendation to IMMARBE for the de-registration of the vessel;

- (g) suspending or revoking the authorization of any and/or all crew members working onboard a Belize flagged vessel; and
- (h) any other sanctions that the Director may deem appropriate.

Determination  
of actual  
amount of  
fines

10. (1) The actual amount of fine imposed shall be determined by the Director after taking into account, *inter alia*, the nature, circumstances, extent and gravity of the minor or serious violation, economic benefit derived from the minor or serious violation, and the impact on the environment.

(2) Where a minor or a serious violation is of a continuous nature, a separate minor or serious violation accrues each day after the initial act and an additional fine shall be imposed for every day the minor or serious violation continues.

Interim  
measures  
pending  
completion of  
sanction  
proceedings.

11. (1) When any sanction proceedings have been initiated by the BHSFU, the Director shall request the International Merchant Marine Registry of Belize (IMMARBE) to suspend all processes related to any changes in the name, ownership or flag of the vessel until the completion of all such proceedings.

(2) Where a vessel owner, operator, master, or legal representative is suspected of having committed or is caught in the act while committing a serious violation, a full investigation shall be initiated and, during such time, the Director shall, depending on the gravity of the serious violation, take any of the following immediate enforcement measures or a combination thereof:

- (a) recalling the vessel to port;
- (b) prohibiting the vessel from sailing;



- (c) ordering the discontinuation of fishing activities;
- (d) seizing the fishing gear, and/or fisheries products; or
- (e) suspending the authorization to fish.

(3) The interim enforcement measures shall be of such a nature as to prevent the continuation of the serious violation concerned and to allow the BHSFU to complete its investigation.

(4) The Director may also utilize the immediate enforcement measures outlined in subregulation (2) above for any other minor or serious violation.

12. If a vessel commits a minor or a serious violation in the exclusive economic zone of another State and is sanctioned accordingly by that State, it is the responsibility of Belize as the Flag State to ensure that the overall sanctions taken against the vessel fully deprive and sufficiently deter the owners of the benefits of the illegal catch or damage to the environment. Belize shall evaluate the nature and circumstances of the minor or serious violation to determine if the sanctions taken against the vessel are adequate and shall impose additional sanctions as necessary.

**Violations committed in the waters of other States.**

13. All sanctions under these Regulations shall be imposed by the Director administratively, but an appeal shall lie to the Registrar as hereinafter provided.

**Sanctions to be imposed administratively by the Director.**

14. (1) After the proceedings for the imposition of any penalty have been completed, the Director shall issue a document of notification to the party or parties concerned in the form specified in the First Schedule, within thirty (30) days of such decision.

**Notification of sanctions and motions of appeal.**

**First Schedule**

(2) The party or parties to whom the notice is issued may, within fifteen (15) working days of the receipt of the notice, file an appeal to the Registrar.

(3) An appeal against any penalty or sanction imposed under these Regulations may be filed for the decision of the Registrar, either by the complainant or by the affected party who may file such appeal directly or through its duly authorized representative.

(4) All immediate measures taken against a vessel shall remain in effect until such time as the case has been closed, either at the end of the investigation or at the end of the appeal process.

**Procedure on appeal**

15. (1) Motions of appeal against any penalties or sanctions imposed under these regulations shall be reviewed by the Director who shall forward the same to the Registrar. In cases involving fines, the appellant shall pay in advance fifty percent (50%) of the fine imposed before the motion of appeal is forwarded to the Registrar, but it shall be reimbursed in full if the appeal is successful.

(2) All appeals shall be determined on the basis of written submissions unless the appellant requests an oral audience in which case the respondent shall also have a right to appear.

(3) While hearing an appeal, the Registrar may seek such technical assistance as he may consider necessary.

**Time limit for commencement of proceedings.**

16. All proceedings to impose sanctions pursuant to these Regulations shall be commenced within six months of the date of the alleged minor or serious violation, or within six months of the date when such minor or serious violation first came to the knowledge of the Director, whichever is the later.

17. Nothing in these Regulations shall affect the authority of the Director to initiate any other proceedings as may be authorised by law.

Other proceedings.

18. The Registration of Merchant Ships (Disciplinary) Regulations shall not apply to those aspects and activities of fishing vessels that fall under the jurisdiction of the Act and these Regulations.

Disciplinary regulations not affected in respect of non-fishing activities.

S. I. 56 of 1999.

19. These Regulations shall come into force on the 12<sup>th</sup> day of March, 2014.

Commencement.

**MADE** by the Registrar of Merchant Shipping this 7<sup>th</sup> day of March, 2014.



(GIAN C. GANDHI)  
Registrar of Merchant Shipping

**APPROVED** by the Minister of Finance this 7<sup>th</sup> day of March, 2014.



(DEAN O. BARROW)  
Prime Minister and Minister of Finance

## [Regulation 14]

**FIRST SCHEDULE**  
**NOTIFICATION OF SANCTIONS**

Notice No.:

Date:

**TO RESPONDENT:** Any proceedings which are the subject of this Notice shall not preclude the BHSFU from pursuing separate proceedings against you for minor or serious violations committed in the same course of conduct.

**COMPLAINT:** The undersigned Director of High Seas Fisheries states that the named respondent did commit the violation(s) noted below:

A. RESPONDENT INFORMATION				
Name and Address of Vessel Owner		Name and Address of Legal Representative		
Email Address:		Email Address:		
Telephone/Cell #:		Telephone/Cell #:		
Fax #:		Fax #:		
B. VESSEL INFORMATION (if applicable)				
Vessel Name	Call Sign	Registration No.	IMO No.	License/Authorization No.
C. STATEMENT OF FACTS REGARDING THE VIOLATION				
Date of Violation:		Location of Violation:		
<b>DESCRIPTION OF VIOLATION:</b> (specify any evidence, damage, seizure, witness, observer reports etc.,)				
D. CITATION		E. ASSESSED FINES		
No.	Violation	Fines imposed		
1				
2				
3				
4				
5				
F. OTHER SANCTIONS AND REQUIREMENTS				
<b>TO RESPONDENT:</b> In addition to any fines assessed in Section E, the following accompanying sanctions have also been imposed. Any requirements also stated below must be complied with within 15 days of the service of this Notice, unless a different period is provided in this section below.				





**HIGH SEAS  
MONITORING, CONTROL  
AND SURVEILLANCE  
REGULATIONS  
(NO.39 OF 2014)**

**BELIZE:**

**HIGH SEAS FISHING (MONITORING, CONTROL AND SURVEILLANCE) REGULATIONS, 2014**

**S. I. No. 39 of 2014**

**PART I – PRELIMINARY**

1. Short title.
2. Interpretation.
3. Extent of application.

**PART II – CATCH AND EFFORT DATA REPORTING**

4. Data reporting.
5. Data reporting system.
6. Frequency of data reporting.
7. Bonded logbooks.
8. Master's responsibility.
9. Reporting information.
10. Data received via e-log system.
11. Notification of landing.
12. Landing declarations.
13. Reciprocal agreements.
14. Additional data.

### **PART III – OBSERVER PROGRAM**

15. Observer program.
16. Coverage.
17. Restrictions on the high seas fishing.
18. Duties of fisheries observers.
19. Conduct of fisheries observers.
20. Fisheries observer fees and accommodation.
21. Notice of intent to place observers.
22. Post trip procedures.
23. Specific obligations and duties of the vessel.
24. Obstruction of fisheries officers or observers.
25. Observer's obligations.
26. Data confidentiality.

### **PART IV – VESSEL MONITORING**

27. Authority for monitoring of vessels.
28. Responsibilities of the FMC.
29. Requirement for VMS.
30. Components of the MTU device.
31. Responsibility for the MTU.
32. Frequency of data transmission.



33. Technical failure or malfunction of the MTU.
34. Non-receipt of data.
35. Service providers.
36. VMS data confidentiality.

## **PART V – TRANSSHIPMENTS**

37. Authorized transshipments.
38. Interrupted transshipment activity.
39. Non-transshipment activity.
40. Transshipment declaration.
41. Submission of transshipment declaration.
42. Recording of transshipment data.
43. Notification of port landings.

## **PART VI – PORT INSPECTIONS**

44. Port inspection of landed products.
45. Percentage of inspections.
46. Prior notification before landing.
47. Inspector deployment.
48. Alternate ports.
49. Inspection procedures.

50. Procedures in the event of an apparent infraction.

51. Master's obligations.

52. Fees.

53. Sanctions.

54. Commencement.

**FIRST SCHEDULE**

**SECOND SCHEDULE**

**THIRD SCHEDULE**

**FOURTH SCHEDULE**

**FIFTH SCHEDULE**

\_\_\_\_\_.

**BELIZE:**

**STATUTORY INSTRUMENT**

**No. 39 of 2014**

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*REGULATIONS made by the Registrar of Merchant Shipping, on the recommendations of the Director of High Seas Fisheries and with the approval of the Minister of Finance, pursuant to section 50 of the High Seas Fishing Act (No. 26 of 2013), and all other powers thereunto him enabling.*

*(Gazetted 17<sup>th</sup> May, 2014).*

**WHEREAS**, the High Seas Fishing Act, 2013 (No. 26 of 2013) makes provision for the monitoring, control and surveillance of Belize flagged vessels through the implementation of an observer program, vessel monitoring system, catch reporting requirements, port inspections and transshipment operations;

**AND WHEREAS**, the Regional Fisheries Management Organizations (RFMOs) to which Belize subscribes have adopted conservation and management measures that provide for the monitoring, control and surveillance of fishing vessels;

**AND WHEREAS**, Belize as a party to the various RFMOs is required to execute compatible measures for the implementation of conservation and management operations:

**NOW, THEREFORE, IT IS HEREBY PROVIDED**  
as follows:

**PART I – PRELIMINARY**

- Short title.** 1. These Regulations may be cited as the  
**HIGH SEAS FISHING (MONITORING, CONTROL AND SURVEILLANCE) REGULATIONS, 2014.**
- Interpretation.** 2. (1) In these Regulations: -
- No. 26 of 2013. “the Act” means the High Seas Fishing Act, 2013;
- “BHSFOP” means Belize High Seas Fisheries Observer Program;
- “FMC” means Fisheries Monitoring Center;
- “MTU” means mobile transceiver unit;
- “BHSFU” means the Belize High Seas Fisheries Unit;
- “RFMOs” means Regional Fisheries Management Organizations that implement conservation and management measures for Tuna and associated species;
- “ROP” means the Regional Observer Program of an RFMO;
- “transshipment” means transferring any fish or fish products to or from any vessel;
- “vessel” means a Belize flagged vessel;
- “VMS” means a satellite based vessel monitoring system.
- (2) Other words and expressions used in these Regulations shall have the meanings respectively assigned to them in the Act.
- Extent of application.** 3. (1) These Regulations shall apply to:

- (a) all Belize flagged fishing vessels or any other Belize flagged vessels which engage in fishing or fishing related activities;
- (b) all owners, operators, charterers and masters on Belize flagged vessels;
- (c) all inspectors and observers authorized to perform duties in accordance with the Act;
- (d) all persons and entities empowered to function as representatives of the Belize High Seas Fisheries Unit; and
- (e) all Belize nationals working on board Belize flagged vessels and any vessels flagged to other States operating on the high seas or jurisdictional waters of another State.

## **PART II – CATCH AND EFFORT DATA REPORTING**

4. All licence holders shall complete and provide to the BHSFU, catch, effort and landing data for each particular type of activity using the prescribed format.

**Data reporting.**

5. All fishing vessels, regardless of their length, operation and area, shall install on board the prescribed electronic reporting system (e-log) to report their operations.

**Data reporting system.**

6. Data shall be reported in real-time after each fishing operation. If no operation occurs on a particular day or period, a nil return shall be submitted on the type of activity that is carried out as may be required by the e-log system.

**Frequency of data reporting.**

7. In addition to the requirement of Regulation 5, all fishing vessels shall keep on board a bonded logbook to

**Bonded logbooks.**

record daily fishing operational activities. The logbook shall be filled in by the master or his designate on board the vessel for the period from 1<sup>st</sup> January to 31<sup>st</sup> December of each year and shall be returned to the BHSFU no later than 30 days after the end of the year.

**Master's  
responsibility.**

8. The master of a vessel shall be responsible for:

- (a) recording and reporting of all information into the e-log system and causing to send such information to the BHSFU within four (4) hours after the last fishing operation has been completed on a daily basis or as may be otherwise required by the Director;
- (b) The accuracy of the data recorded in the e-log system.

**Reporting  
information.**

9. (1) The e-log referred to in Regulation 5 shall contain at a minimum the following information:

- (a) the identification number and name of the vessel;
- (b) the FAO alpha-3 code of each species and the relevant geographical areas in which the catches were taken;
- (c) the date of catches;
- (d) the date of departure from and arrival to port and the duration of a fishing trip;
- (e) the type of gear utilized;
- (f) the estimated quantities of live weight of each species, recorded in kilograms or, where appropriate, the number of individual species retained;

- (g) total effort utilized; and
- (h) the number of fishing operations.

(2) The masters shall also record in their e-logs all estimated discards above 50kg of live weight or equivalent in volume for any species.

(3) The permissible level of variance in estimates recorded in the e-logs of the quantities in kilograms of fish maintained on board shall be 10% for all species. Any deviation above the acceptable variance level shall be subject to a written explanation for such deviation.

10. The FMC shall be responsible for the receipt of all catch data submitted via the e-log system. Data shall be saved, stored and analyzed by the BHSFU.

**Data received  
via e-log  
system.**

11. The master of a vessel shall notify to the BHSFU, 96 hours before the estimated arrival at a port, the following information:-

**Notification of  
landing.**

- (a) the identification number and name of the vessel;
- (b) the name of the port of destination and purpose of the call, such as landing, transshipment or access to services;
- (c) the estimated date and time of arrival at port; and
- (d) for discharges, the estimated quantities of species to be landed or transshipped.

12. (1) The master or his representative shall complete a landing declaration, indicating specifically all quantities of each species landed.

**Landing  
declarations.**

(2) The landing declaration referred to in subregulation (1) shall contain the following information, among other matters:

- (a) the identification number and name of the vessel;
- (b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the quantities of each species in kilograms in product weight, indicated by product type or, where appropriate, the number of individual species; and
- (d) the port of landing.

(3) The landing declaration shall be submitted to the BHSFU, as soon as possible, but no later than 48 hours after the completion of the landing. Where an authorized fisheries inspector has been dispatched by the BHSFU to inspect the landing, the landing declaration shall be contained in the inspection report submitted by the fisheries inspector. Where there is no inspection by an authorized Belize inspector, the landing declaration shall be signed by the relevant authorized port inspector of the port where discharge occurs.

(4) The accuracy of the data recorded in the declaration shall be the responsibility of the master and, where appropriate, the fisheries inspector.

**Reciprocal  
agreements.**

13. Belize shall establish with other States, reciprocal agreements with regard to the exchange of information on discharge activities and prior notification when a vessel flying the Belize flag intends to enter a port of another State.

**Additional  
data.**

14. The Director may require such other reports in respect to any vessel as he may deem necessary –



- (a) for fisheries conservation and management;
- (b) for any activity licensed under these Regulations; or
- (c) to implement or enforce the provisions of the Act or these Regulations.

### **PART III – OBSERVER PROGRAM**

15. (1) An observer program shall be established by the BHSFU for the purpose of collecting and reporting reliable and accurate information for scientific, management and compliance purposes including:-

**Observer  
program.**

- (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; and
- (f) any other matter that may assist the Director to obtain, analyse or verify information for the purposes of scientific, management, and compliance purposes.

(2) The Director, in coordination with the observer program providers, may give directions to each observer in accordance with the purposes of the observer programme,

including placing an observer on any vessel used for fishing, transshipment, and the transportation and landing of fish or any other fishing related activity.

(3) The management of BHSFOP may be contracted in whole or in part to any private or public organization that:

- (a) is willing and has the capacity to manage the Program;
- (b) agrees to operate the observer program including training, certification, authorization and deployment of fisheries observers to collect data as outlined in subregulation (1) above and any other information related to fishing and compliance with relevant conservation and management measures aboard Belize flagged vessels operating on the high seas and EEZs of other States and to perform such other functions as required by the Act;
- (c) under the guidance of the Director, agrees to prepare or periodically update a management plan for at sea-observations; and
- (d) agrees to comply with any other requirements consistent with the purposes of the observer program.

(4) Where the BHSFOP has contracted out the management responsibility to a third party under subregulation(3), there shall be established a legally binding agreement between the BHSFU and such third party that details the duration, terms and conditions for the management of the fisheries in a specified area.

16. (1) The BHSFOP shall cover all vessels including transshipment vessels and shall be carried out in conjunction with any RFMO ROP. The level of coverage shall be adequate to facilitate robust assessment and evaluation of the effects of fishing. Ideal observer coverage levels shall be analytically established against clear objectives to ensure representative and systematic reliable collection of observer data across the fleet, fisheries, species, areas and seasons.

**Coverage.**

(2) The aim of the BHSFOP is to achieve 100% coverage consistent with the recommendations of the relevant RFMOs. The coverage will also be representative of the different vessel type, fisheries and areas of operation.

17. No vessel which intends to operate on the high seas or the EEZ of another State shall engage in fishing or related activities without a duly authorized fisheries observer on board as required or provided by the RFMO ROP or the BHSFOP.

**Restrictions on the High Seas Fishing.**

18. The specific duties of the observers shall be as prescribed in the First Schedule to these Regulations.

**Duties of fisheries observers.**

**First Schedule.**

19. Fisheries observers shall strictly observe and follow the Standards of Conduct and Behavior of Observers as prescribed in the Second Schedule to these Regulations.

**Conduct of Fisheries Observers.**

**Second Schedule.**

20. (1) The owner or operator of any vessel, or a licence holder in respect of any vessel, on which an observer is placed, shall provide to the observer food and suitable accommodation on board the vessel as prescribed in the Memorandum of Understanding set out in the Third Schedule to these Regulations.

**Fisheries observer fees and accommodations.**

**Third Schedule.**

(2) The owner or operator of any vessel, or a license holder in respect to any 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 BHSFU in respect of such observer, and in advance of his placement, for the duration of his duties in respect of such vessel:-

- (a) insurance coverage;
- (b) salary;
- (c) allowances;
- (d) all travel and associated expenses of the designated fisheries observer to and from his normal residence prior to embarkation and subsequent to disembarkation from the vessel; and
- (e) other costs associated with management of the observer programme, at a level to be approved by the Director.

(3) All aforementioned fees shall be invoiced to the owner by the BHSFU for reimbursement and payment to the providers of the observer program.

**Notice of  
intent to place  
observers.**

21. (1) Before placing any observer on a vessel, the Director shall give the operator or license holder, of or in respect of the vessel, reasonable notice of his intention to place observers on the vessel.

**Third  
Schedule.**

(2) For each observer deployment, a Memorandum of Understanding (MoU) as prescribed in the Third Schedule shall be entered into between the vessel operator and the observer provider. The MoU establishes a formal agreement between the observer provider and the vessel operator for the placement of an observer on-board the vessel. The MoU outlines the responsibilities of both the observer and the vessel operator, besides covering minimum safety

requirements that need to be in place prior to the observer being placed on board the vessel.

(3) Upon receipt of a notice given under Subregulation (1), no person shall cause or allow the vessel to which the notice relates to be put to sea without having on board the observer specified in such notice.

22. (1) All vessels to be observed shall be provided with a document detailing the respective duties and responsibilities of the vessel and of the observer. The vessel shall be advised of its obligation for the safety of the observer while on board the vessel. This shall be prescribed in the MoU referred to in Regulation 21(2).

**Post trip procedures.**

(2) All vessel operators shall provide reasonable advance notification of the vessel's estimated date of return to port. This should be a minimum of 96 hours or four working days so as to provide sufficient time to make arrangements for the observers to embark or disembark.

23. (1) Any vessel selected for an observation shall be capable of meeting the national or international requirements (as appropriate) for the safety, accommodation, sanitary facilities, meals, equipment and communication system, equivalent to those afforded to an officer. The operator and each crew member of the vessel, or license holder in respect of any vessel, on which an observer is placed, shall allow and assist the observer to:

**Specific obligations and duties of the vessel.**

- (a) board such vessel at such time and place as the Director may require; and
- (b) 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 sold, processed, weighed and stored;
- (ii) the bridge and the communication and navigation equipment of the vessel; and
- (iii) the documents and records, including all logbooks of the vessel whether required to be carried and maintained under the Act or otherwise for the purpose, including record inspection and copying;
- (c) receive and transmit messages and communicate with shore and other vessels by means of the vessel's communication equipment;
- (d) take measure, remove from the vessel and retain samples or whole specimens of any fish;
- (e) store samples and whole specimens on the vessel, including samples and whole specimens held in the vessel's freezing facilities;
- (f) take photographs of the fishing operation, including fish, gear, equipment, documents, charts and records and remove from the vessel such photographs or film as he may have taken or used on board the vessel for reporting to the BHSFU;
- (g) disembark at such time and place as the Director may require or in accordance with other instructions; and

(h) carry out all duties safely.

(2) Any operator of a vessel licensed under the Act shall allow and assist an observer to have full access to any place where fish taken is unloaded or transshipped, to remove reasonable samples for scientific purposes and to gather any other information relating to the area where fish was caught; and the provision in subregulation (1) shall *mutatis mutandis* apply in such circumstances.

24. Every person who: -

- (a) fails to facilitate by all reasonable means the safe boarding of a vessel or the entry into or inspection of premises by a fishery officer or an observer in the performance of his duties;
- (b) refuses to allow a search to be made that is authorized by or under the Act;
- (c) refuses, fails or neglects to comply with a lawful request of a fishery officer or observer;
- (d) when lawfully required to state his name and place of abode to a fishery officer, refuses or fails to do so or states a false name and place of abode to the fishery officer or observer;
- (e) when lawfully required by a fishery officer or observer to give information, gives information which to his knowledge is false, incorrect or misleading in any material respect;
- (f) uses abusive or threatening language or insulting gestures or behaves in a threatening

**Obstruction of  
fisheries  
officers or  
observers.**

or insulting manner towards a fishery officer or observer who is carrying out his duties or exercising his powers under the Act, or towards any person lawfully acting under a fishery officer's instructions or in his aid;

- (g) assaults, delays, intimidates, kidnaps, or obstructs a fishery officer or observer who is carrying out his duties or exercising his powers under the Act, or any person lawfully acting under a fishery officer's instructions or in his aid;
- (h) incites or encourages another person to assault, resist, intimidate or obstruct a fishery officer or observer who is carrying out his duties or exercising his powers under the Act, or any person lawfully acting under a fishery officer's instructions or in his aid;
- (i) fails to take all reasonable measures to ensure the safety of, or otherwise interferes with, a fishery officer or observer as appropriate in the performance of his duties or fails to embark or disembark an observer at the required time or in the required place;
- (j) impersonates or falsely represents himself to be a fishery officer, or to be a person lawfully acting under a fishery officer's instructions or in his aid;
- (k) fails to sail a seized vessel to the nearest port if directed to do so by a fishery officer and fails to take responsibility for the safety of all those on board;
- (l) in any other manner obstructs or hinders a fishery officer or observer in the exercise of



his powers, duties or functions under the Act; or

- (m) is in breach of any other duty to a fishery officer or observer as required;

commits an offence.

25. Once the voyage is completed, the observer shall file a comprehensive report of the activities performed on board in compliance with the rules assigned, together with all the relevant documentation, no later than 30 days subsequent to disembarking from the vessel. The information provided shall be in compliance with the indicated guidelines, as far as the context, presentation and the basis established for the same require. It shall be the responsibility of the observer to provide the master of the vessel with a preliminary report before disembarking from the vessel.

Observer's obligations.

26. The observer on board a vessel shall protect the confidentiality of the information obtained from the works performed on board the vessel and only communicate it to the BHSFU or designated co-management agency as may be appropriate. Such information shall not be communicated to a third party without the written authorization of the BHSFU. The observer shall be held accountable for any data disseminated by him without the prior authorization of the BHSFU.

Data confidentiality.

#### PART IV – VESSEL MONITORING

27. The Fisheries Monitoring Center, established under the authority of the Belize High Seas Fisheries Unit, shall be responsible for 24 hour monitoring of all vessels regardless of their geographical location.

Authority for monitoring of vessels.

28. (1) The FMC shall, through coordination with its service providers, ensure that the MTUs installed on vessels function normally and are not tampered with.

Responsibilities of the FMC.

(2) The FMC shall ensure the regular monitoring of the accuracy of the data referred to in Regulation 30.

(3) The FMC shall ensure that it receives at least one report every hour, through VMS, the information referred to in Regulation 30 concerning the vessel. The FMC has the authority to require VMS reports at shorter intervals and other additional information as may be necessary.

(4) The FMC shall, through the use of VMS, closely monitor the activities of a vessel, from the date and time of entry to the date and time of exit for the following areas:

- (a) any maritime areas where specific rules on access to waters and resources apply;
- (b) the regulated areas of the regional fisheries management organizations of which Belize is a party;
- (c) the jurisdictional waters of another country;
- (d) any other area, restricted or otherwise, which may be designated by Belize.

(5) The FMC may provide information on Belize flagged vessels to any other FMCs, as necessary.

(6) Belize shall use the data received pursuant to Regulations 32 and 33 for the effective monitoring of the fishing activities of the vessels.

(7) The FMC shall ensure that the data received from the vessels is recorded in electronic formats for a period up to five years.

**Requirement  
for VMS.**

29. (1) All vessels licensed to fish or carry out fishing related activities under the Belize flag shall be required to have an operational MTU on board.

(2) A vessel shall not leave port without an operational MTU.

30. The MTU installed on board a vessel shall, at all times, ensure the automatic transmission of information to the FMC relating to:

**Components of the MTU device.**

- (a) the fishing vessel identification;
- (b) the most recent geographical position of the vessel, with a position error which shall be less than 500 meters with a confidence level of 99%;
- (c) the date and time, expressed in Universal Time Coordinated (UTC), of the fixing of the said position of the vessel.

31. (1) The operator and/or master of a vessel shall ensure that the MTU is fully functional at all times and that the data referred to in Regulation 30 is transmitted.

**Responsibility for the MTU.**

(2) In particular, the master shall ensure that:

- (a) no person tampers or interferes with the MTU and that the MTU is not altered, damaged, sabotaged, disabled or otherwise interfered with;
- (b) the information required to be submitted is not altered in any way;
- (c) the antenna connected to the MTU is not blocked in any way;
- (d) the power supply of the MTU is not interrupted in any way;

- (e) the MTU is not removed from the required or agreed installed position on the vessel or removed without the prior written authorization from the FMC; and
- (f) upon notification from the FMC that the vessel's MTU has failed to transmit required data, the instructions of the FMC are complied with until such time that the vessel's MTU is functioning to the satisfaction of the FMC.

(3) To destroy, damage, sabotage or render inoperative or otherwise interfere with the MTU is strictly prohibited.

**Frequency of  
data  
transmission.**

32. (1) A vessel shall be required to transmit a position report every hour or at shorter intervals as may be prescribed by the FMC.

(2) When a vessel is in port, it shall maintain its unit operational and may only be switched off upon prior written authorization from the FMC. In addition, all vessels shall be required to submit to the FMC, a written confirmation from the Port authorities at the time of arrival at port and a letter of confirmation from the owner indicating the estimated port stay.

(3) Vessels which operate in close proximity of up to 20 miles of any marine protected areas or areas otherwise restricted for fishing shall be required to report at intervals of 20 minutes for such time as they remain in that proximity.

(4) Any vessel that will transit between EEZs shall notify the FMC of its intent to transit and shall communicate the date and time of entering and exiting an EEZ area. It shall be the responsibility of the FMC to ensure the vessel's compliance with the in-transit operation of the vessel.

33. (1) In the event of a technical failure or malfunction of the MTU onboard a vessel, the master or the owners/operators of the vessel or their representative shall communicate to the FMC every four hours or shorter periods as may be specified, starting from the time that the failure or malfunction occurs or from the time they were informed of the non-receipt of the data, in accordance with Regulation 34, the current geographical position of the vessel (expressed in latitude and longitude to minutes of arc) and date and time for the report, by email, fax, telephone message, radio or any other alternate device as may be approved by the FMC. Such reports shall continue until such time as the MTU is confirmed operational by the FMC provided that the time between the notification of the failure and the confirmed operation of the MTU does not exceed 48 hours. Where a malfunction or technical failure exceeds 48 hours, the vessel shall immediately return to port.

**Technical failure or malfunction of the MTU.**

(2) If it is not possible to make one or more of the required reports referred to in subregulation (1), or when it is so directed by the FMC, the master shall immediately stow the fishing gears and take the vessel directly to a designated port and report as soon as possible that the vessel is being or has been taken to port with stored gear(s). A port confirmation letter shall be required to confirm that the vessel arrived at port.

(3) A vessel shall not depart from port following a technical failure or unit malfunction before the MTU on board the vessel is functioning to the satisfaction of the FMC.

(4) The FMC shall inform the master or the owner/operator or representative of the vessel when the MTU appears to be faulty or malfunctioning. Owners/Operators or their representatives, at the time of registration of their unit, shall be assigned restricted access to the VMS in order for them to also view their vessels' positions and, as the case may be, faulty or malfunctioning units.

**Non-receipt of data.**

34. (1) When the FMC has not received data transmission in accordance with Regulation 32 or 33 for more than 4 hours, it shall notify the master or the owner/operator of the vessel or their representative as soon as possible. If, in respect to a particular vessel, this situation occurs more than four times within a period of one year, the FMC shall require that the MTU of that particular vessel be checked to ensure that it has not been tampered with. This may entail the authorized removal of the unit from the vessel.

(2) When the FMC has not received data transmissions in accordance with Regulation 32 or 33 for more than 4 hours and the last received position was from within the EEZ of another country, the FMC shall notify the FMC of that State, if any, or its Administration thereof as soon as possible.

**Service providers.**

35. Satellite devices for the VMS shall only be obtained from the authorized service providers approved by Belize.

**VMS Data confidentiality.**

36. (1) The ownership of all vessel monitoring system information generated by an MTU of a vessel is vested in Belize.

(2) All vessel monitoring information shall be classified as confidential information and shall be subject to such procedures as may be prescribed.

(3) It is prohibited to divulge information from a vessel monitoring system to any person who is not authorized to receive such information.

**PART V – TRANSSHIPMENT****Authorized transshipments.**

37. (1) Subject to the provisions of this Part, the transshipments at sea are prohibited and shall be allowed only subject to authorization and at a designated port under the

control and inspection of the competent authority of that port State and/or an authorized fisheries inspector of Belize.

(2) The Director may authorize a transshipment at sea in cases of *force majeure*, provided that an authorized observer monitors the transshipment or in cases where it can be ascertained that an effective transshipment program is in place.

(3) Transshipments at sea regulated by an RFMO may also be authorized at the discretion of the Director.

38. Where a transshipment activity is interrupted for any reason, authorization shall be required before the activity can be continued.

**Interrupted  
transshipment  
activity.**

39. For the purpose of these regulations, relocation, pair trawling activities and fishing operations involving joint actions by two or more vessels shall not be considered transshipment, unless during the aforementioned activity, fish is transferred from one vessel to another.

**Non-  
transshipment  
activity.**

40. (1) The master of a vessel who intends to engage in transshipment operations shall submit a pre-transshipment declaration to the BHSFU 96 hours in advance of the transshipment operations, indicating the estimated live weight of the quantity of each species expected to be transhipped. The accuracy of the data recorded in the declaration and e-log system shall be the responsibility of the master of the transshipping vessel.

**Transshipment  
declaration.**

(2) The transshipment declaration referred to in subregulation (1) shall contain at least the following information:

- (a) IMO number and the name of both vessels;
- (b) the FAO Alpha-3 code of each species and the relevant geographical area in which the catches were taken;

- (c) the estimated live weight quantities of each species in kilograms, broken down by product type or, where appropriate, the number of individual species.
- (d) the designated port of transshipment; and
- (e) the port of destination of the receiving vessel.

(3) The permitted margin of variance in estimates recorded in the transshipment declaration of the quantities in kilograms of fish transshipped or received shall be ten percent (10 %) for all species.

**Submission of transshipment declaration.**

41. (1) The masters of both the transshipping and receiving vessel and the port observer and/or authorized inspector, as the case may be, shall sign and affix their seals to a final transshipment declaration that shall be submitted to the BHSFU no later than 48 hours after transshipment by the master of the transshipping vessel.

(2) Where a fishing vessel, not so designated as a carrier vessel, is receiving transshipment, that vessel shall be subject to the same pre-authorization procedure by the BHSFU in order to engage in transshipment activities.

**Recording of transshipment data.**

42. The masters of the Belize flagged vessels shall register in the e-log system the information referred to in Regulation 41(2).

**Notification of port landing.**

43. (1) The master of receiving Belize flagged vessel or his representative shall, within 24 hours, notify the BHSFU of the landing and provide a declaration of landing, detailing all quantities of each species to be landed with the following information:

- (a) IMO number and name of the vessel;



- (b) FAO Alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the quantities of each species in tons of product weight, broken down product type or, where appropriate, the number of individuals species; and
- (d) the port of landing.

(2) The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.

## **PART VI – PORT INSPECTIONS**

44. (1) The landing of all fisheries products shall be inspected at port by an authorized fisheries inspector and/or the competent authority of the port.

**Port inspection  
of landed  
products.**

(2) Inspections conducted by an authorized inspector of the competent authority shall be carried out in accordance with any bilateral agreement or arrangement with that country which allows for cooperation between States for the exchange of information.

45. (1) Each year, an inspection of not less than 5% of all discharges and transshipments shall be carried out with the exception of those discharges and transshipments whose products are intended for the EU market, in which case 100% of all discharges shall be inspected.

**Percentage of  
inspections.**

(2) The following vessels shall be inspected in all cases:

- (a) vessels that have failed to provide complete information as required under Regulation 46;

- (b) any request from other States or a particular RFMO that a particular vessel be inspected, particularly when such request is supported by evidence of IUU fishing by the vessel in question; and
- (c) where reasonable grounds exist for suspecting that a vessel has engaged in IUU fishing.

**Prior  
notification  
before landing.**

46. It shall be the responsibility of the vessel owner, operator or master to notify the BHSFU at least 96 hours before the estimated time of arrival at port, the following information:

- (a) vessel identification – name, call sign, registration number, IMO number and any appropriate RFMO number;
- (b) name of the designated port to which the vessel seeks entry and the purpose of the port call (landing/transshipment/ refuelling/ dry dock, etc);
- (c) estimated date and time of arrival;
- (d) dates of the fishing trip;
- (e) the estimated quantities in kilograms of each species held on board and/or fish products originating from such species held on board, with associated catch areas; and if there are no products on board, a nil report shall be transmitted;
- (f) the estimated quantities of each species and/or fish products originating from such species in kilograms to be landed or

transshipped, with associated catch areas;  
and

- (g) any other information that may be required by the competent authority of the designated port.

47. (1) The BHSFU, depending on the port State where the vessel will call, shall immediately deploy an inspector to the area to carry out inspection of the vessel.

**Inspector deployment.**

(2) Where an inspector is deployed by the port State to inspect the discharges of a Belize flagged vessel in accordance with any bilateral arrangement, Belize may also deploy an inspector to accompany the port State inspector to observe or take part in the inspection or vice versa.

48. Where there is no available inspector or bilateral agreement with the port where the vessel will call, the BHSFU may designate an alternate port where such arrangements are available.

**Alternate ports.**

49. (1) Each inspector shall be appointed by the Director in accordance with the terms of reference as prescribed in the Fourth Schedule who shall carry an identification document issued by Belize. Authorized Belize port inspectors or designated port inspectors of the competent authority shall examine all relevant areas of the vessel, decks and rooms. They shall inspect and examine catches processed or otherwise to be landed, nets or other fishing gears, equipment, both technical and electronic, records of transmissions and any relevant documents, including logbooks, cargo manifests and mates receipts and landing declarations in case of transshipment or any other relevant documents which they deem necessary to verify compliance with applicable laws, regulations or international management and conservation measures. They may question the master and/or crew or any other person on the vessel and may take copies of any documents considered relevant.

**Inspection procedures.**

**Fourth Schedule.**

(2) Inspections shall involve the monitoring of the landing or transshipment and include a cross check between the quantities by species notified in the prior notification message as prescribed in Regulation 46 and the quantities by species landed or transhipped.

(3) Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience and that degradation of the quality of the catch is avoided as far as practicable.

(4) The inspector shall carry out inspection of the catch on board or to be landed in accordance with the Fishing Inspection Manual and shall utilize the form prescribed in the Fifth Schedule for the completion of his inspection report.

**Fifth Schedule.**

(5) On completion of the inspection, the inspector shall provide the master with a copy of the inspection report containing the findings of the inspection, including any infractions that may have been committed against the applicable conservation and management measures or domestic legislation. The master shall be given an opportunity to add any comments or objections to the report and to contact the BHSFU, if necessary. The inspector and the master shall sign the report and a copy of the report shall be provided to the master, who shall be responsible for forwarding it to the owner. The master's signature shall serve as an acknowledgment of the receipt of the report.

(6) The inspector shall submit a copy of the report to the BHSFU no later than 48 hours after completion of the inspection.

**Procedures in the event of an apparent infraction.**

50. (1) If the information collected during the inspection provides any evidence that the vessel committed an infraction of conservation and management measures or against national or international regulations, the inspector shall:

- (a) record the infraction in the inspection report; and
- (b) to the extent possible, ensure the safekeeping of the evidence pertaining to such infraction and submit immediately any documentary evidence to the BHSFU.

(2) Upon receiving the inspector's report and supporting evidence of any infractions, the BHSFU shall promptly investigate the infraction and impose or take any necessary sanctions or remedial actions, as appropriate.

(3) Where the infraction falls within the legal jurisdiction of the port State, that State may take action against the vessel in accordance with their domestic laws in addition to any action that will be taken by Belize.

(4) Belize shall also consider and act on reports of infractions received from inspectors of the port State on a similar basis as the reports received from its authorized inspectors.

51. The master shall cooperate with the inspector to facilitate the inspection of the vessel or its catch and discharge operation, as appropriate, and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

**Master's obligations.**

52. The cost of all inspections referred to in this Part shall be borne by the owner of the vessel in accordance with the established fees.

**Fees.**

53. (1) Failure to comply with the terms and conditions of these Regulations shall result in the suspension or revocation of any license issued, either temporarily or permanently, or any other sanctions in accordance with the Sanctions Regulations.

**Sanctions.**

**S. I. No. 32 of 2014.**

Commencement.

54. These Regulations shall come into force on the 19<sup>th</sup> day of May 2014.

**MADE** by the Registrar of Merchant Shipping this 13<sup>th</sup> day of May, 2014.



(GIAN C. GANDHI)  
*Registrar of Merchant Shipping*

**APPROVED** by the Minister of Finance this 15<sup>th</sup> day of May, 2014.



(DEAN O. BARROW)  
*Prime Minister and Minister of Finance*

**FIRST SCHEDULE****[Reg. 18]****Specific Duties of a Fisheries Observer**

The role of a Fisheries Observer is to observe, record and report on the activities of vessels engaged in fishing and/or related activities. They are tasked with the collection of biological fisheries data and to monitor compliance with fisheries regulations. In particular, the observers shall perform the following duties:

- Record information on fishing effort and location;
- Estimate and record the catch weight;
- Sample catches to determine species composition;
- Collect biological data (length measurements & sex ratios);
- Collect fish and samples for return to shore;
- Verify fishing gear measurements and configuration;
- Monitor fishing activity for compliance with regulations;
- Record incidentally captured marine mammals, turtles & seabirds;
- Keep a detailed record of vessel activities;
- Complete post-cruise debriefing.

**SECOND SCHEDULE****[Reg. 19]****Standards of Conduct & Behavior of Observers****Definitions**

Conflict of interest - Participation in activities or relationships with other persons resulting in the impairment or possible impairment of a person's objectivity in performing a contract work.

Direct financial interest - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

**1. Conduct**

Observers may not participate in any activity which would:

- a. Cause a reasonable person to question the impartiality or objectivity of the Observer;
- b. Significantly impair the observer's ability to perform his/her duties;
- c. Adversely affect the efficient accomplishment of the objectives of the Observer deployment.

2. Observers may not have direct financial interest in the observed fishery, other than the provision of observer services including, but not limited to, vessels or shore-side facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are considered those of the observer.

3. Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favors, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by, or



who has interests that may be substantially affected by the performance or non-performance of the observers' official duties.

4. Observers may not serve as observers on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer in any capacity.

5. Observers may not solicit or accept employment as a crew member or an employee of the vessel or shore-side processor in any fishery while employed as an observer.

6. Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer's impartiality, fairness or judgment.

7. Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Programme under which the Observer is deployed, including, but not limited to the following:

- a. Observers must diligently perform their duties.
- b. Observers must accurately record their sampling data, write complete reports. If the Observer chooses to report any suspected violations of regulations relevant to conservation of marine resources or their environment that they observe, it must be done honestly.
- c. Observers must preserve the confidentiality of the collected data and observations made on board the vessel.
- d. Observers must refrain from engaging in any illegal actions or any activities that would reflect negatively on their image, on other observers, or the Observer scheme as a whole. This includes, but is not limited to:
  - i. Engaging in drinking of alcoholic beverages while on duty;

- ii. Engaging in the use or distribution of illegal substances;
- iii. Becoming physically or emotionally involved with vessel personnel.

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**THIRD SCHEDULE**

[Reg. 20 & 21]

**MEMORANDUM OF UNDERSTANDING  
“MOU”**

**BETWEEN**

**Capricorn Fisheries Monitoring**

P.O. Box 50035, Waterfront, Cape Town, South Africa, 8002  
*Unit 15 Foregate Square, Table Bay Boulevard, Cape Town*  
Tel: +27 21 425 2161 Fax: +27 21 425 1994

**AND**

---

*(Vessel Owner or Operator Name)*

for the placement of an independent fisheries observer on board the vessel:

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*(Insert Vessels Name, Registration Number and IMO number if available)*

in terms of the (Program designation).

Both parties hereby agree to the following terms and conditions for the deployment of the Independent Observer on the High Seas:

## SECTION 1

### **General Terms & Conditions**

1. A Vessel Operator receiving one or more Observers will take appropriate measures within its competence to ensure (as far as possible) that any Observers designated will be taken on board such vessel to observe and shall be permitted to collect information on the said vessel as set out in Appendix 1.

2. Vessel Operators will also be required to ensure seaworthiness and safety of the vessel platform consistent with international guidelines on safety for the vessels and will accept prior to the deployment of the observer an independent inspection by the observer and/or a representative of the Observer Service Provider, (hereinafter termed the OSP) to ensure that the minimum requirements for safety equipment, (Section 2, paragraph 9) are in place for vessels to operate on the High Seas.

3. For all vessels, proof of seaworthiness in the form of the vessels valid safety certificate and a copy of the vessels P&I insurance policy is to be submitted to the OSP in advance of the Observers' deployment. Observers must also be officially signed onto the vessels articles for the duration of the trip.

4. Any variations or disagreements relating to this MoU shall be resolved by mutual agreement between the two parties.

## SECTION 2

### **Conditions for Observer Deployment**

5. The anticipated duration of a single observer deployment on board a vessel is limited to 90 days, and shall not, without prior agreement between the OSP and the vessel operators exceed this number of days.

6. The vessel operator/owner shall take such steps as are necessary, including directing the vessel's crew to assist in the efficient and safe

embarkation and disembarkation of the observer, in accordance with agreed procedures for placing or recovering observers from vessels, (Paragraph 8).

7. In the event the observer becomes seriously ill or is injured, then the vessel owner will be requested to repatriate the observer by any means as soon as possible. The OSP will, wherever practical, prepare a replacement observer to minimise the impact on the vessels operations.

8. In order to ensure the safest means of transferring observers on and off vessels, disembarkation may take place in port by the quayside or by using an authorized Port Launch. The vessel operator shall take such steps to ensure that these operations are performed with all safety procedures in place in accordance with international port standards for immigration and the transfer of personal within Port Limits.

9. The following selection of items must be covered in the familiarization tour as specified in the SAMSA safety regulations, and are considered the minimum requirements for an observer to be permitted to sign onto the designated vessel.

a. Safety Certificate (Safety Management Certificate)

The vessel must have a valid Safety Certificate that does not expire for a period of at least four months from the date of embarkation of the Observer. The total crew complement on board the vessel, *including the observer*, must not exceed the maximum specified number of crew listed in the safety certificate.

b. Life Rafts

- i. The Life rafts must have the capacity to accommodate the full crew complement, including the observer. (In other words, the total life raft capacity must be equal to or exceed 100% of the vessel's complement).
- ii. Life Rafts must be within their serviceable date, which must cover the expected maximum duration of Observer deployment.

- iii. All Life Rafts must be fitted with a serviceable Hydrostatic Release mechanism and no other secure measures that will inhibit the functioning of the hydrostatic release will be acceptable.

c. Life Jackets

- i. There must be a total number of life jackets on-board and readily available at the emergency muster stations, to accommodate the full crew complement on board the vessel.
- ii. All life jackets must comply with IMO – SOLAS LSA standards.

d. Immersion Suits

- i. There must be a total number of immersion suits on-board and readily available at the emergency muster stations, to accommodate the full crew complement on-board the vessel.
- ii. All immersion suits must comply with IMO – SOLAS LSA standards.

e. GMDSS Requirements

- i. The vessel must be GMDSS compliant in accordance with its tonnage and its area of operation.
- ii. Any component of the GMDSS requirement that is out of date or unserviceable will render the vessel as not being GMDSS compliant.
- iii. These items shall include inter alia EPIRP's, SART's and distress flares and rockets.

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**SECTION 3****Vessel Operator's Responsibilities Relating to the Observer Deployment**

10. In order to initiate the observer deployment, the Vessel Operator shall submit the following information to the OSP:

- a. Name of Vessel.
- b. Flag State and Registration Number.
- c. Call Sign.
- d. Port of departure.
- e. Port of observer embarkation.
- f. Date of departure of Vessel.
- g. Planned Fishing area.
- h. Fishing Method and gear.
- i. Target species.
- j. Port of arrival / observer disembarkation.
- k. Expected Date of arrival / observer disembarkation.
- l. Port visits expected (location and date where applicable for vessels that may fish inside or outside the fishing zones (EEZs) of different countries).
- m. The name and contact details of the agents/operators responsible for managing operations.
- n. Confirmation that the Vessel has Protection and Indemnity (P&I) or equivalent insurance.
- o. Copy of the vessels current Safety Certificate.

11. The OSP will make travel arrangements for the observer embarkation based on the notification provided by the Vessel Operator. Every effort shall be made by the Vessel Operator to provide accurate information regarding ports of embarkation and disembarkation at the earliest opportunity to enable the OSP to make travel arrangements for the observer in a timely and efficient manner. Wherever possible, the OSP will confirm this information directly with the Vessel Operator prior to making travel bookings for the Observer.

12. The observer is contracted by the OSP for the trip. Should the plans of the vessel subsequently deviate from those originally provided to OSP in

paragraph 10, (e.g. change of dates and ports of embarkation and/or disembarkation/or the vessel fails to comply with the minimum safety requirements), the OSP will liaise with the vessel operator whether to keep the observer on stand-by or cancel the Observer deployment. All costs incurred while the observer is contracted and on stand-by will be recovered from the Vessel operator.

13. The mobilization of the observer from his home base to the point of embarkation will only commence when the signed MoU has been received by the OSP.

14. Vessel operators shall ensure that their captains and crew make the following arrangements for the observer whilst on board the vessel:

- a. The observer signs on “ships articles” and is designated part of vessels crew for the duration of the trip, (this is to be facilitated by the vessel’s agent);
- b. Observers shall be allowed access to the fishing gear and equipment to perform their functions as stipulated in Appendix 1;
- c. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their reporting requirements:
  - i. Satellite navigation equipment;
  - ii. Electronic means of communication;
- d. Observers shall be provided accommodation, including lodging, food and sanitary facilities, equal to those of the officers on board the Vessel;
- e. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out their duties as observers (see Appendix 1);
- f. The Vessel operator shall ensure that captains, crew and vessel owners cooperate and assist observers in the performance of their duties.



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**SECTION 4****Observers' Responsibilities on-board the Vessels**

15. The observers will be required to undertake the tasks specified in the CCAMLR Scheme of International Scientific Observation and the relevant CCAMLR Conservation Measures in force.

16. Observers shall comply with the Standards of Conduct and Behavior of Observers (Appendices 2 and 3), specifically:

- a. Observers shall treat all information with respect to the fishing operations as confidential and accept this requirement in writing as a condition of appointment as an Observer;
- b. Observers shall comply with the requirements established in the laws and regulations of the Flag State of the vessel which exercises jurisdiction over the vessel to which the observer is assigned; and
- c. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel. A copy of these rules (Appendix 3) must be presented to the observer and the observer will be requested to sign a copy acknowledging the same.

**SECTION 5****Entry into Effect, Duration and Termination of this MoU**

17. The arrangements described by this MoU are applicable upon its signature.

18. This MoU represents the entire understanding between the parties and supersedes any prior written or oral representations, warranties or agreements.

19. The present MoU will be valid for a period of one (1) year after the date of signature, or any other period as agreed by both parties in writing.

20. Either Party may discontinue its participation in activities under this MoU at any time, and notify the other Party in writing. The termination shall take effect at a specified time after receipt by the addressee of the notice to terminate.

For:	Capricorn Fisheries Monitoring (South Africa)	For:	
<i>Insert name of Country and Observers Service Provider</i>		<i>Insert name of Country and Vessel Operator</i>	
Signed*		Signed*	
Date:		Date:	
Witness		Witness:	

*\* To be signed in duplicate*

## Appendix 1

### The functions and tasks of observers on board include *inter alia*;

1. Collect information to enable the cross-checking and verification of entries made to the logbooks (species composition and quantities, live and processed weight and location).
2. Record and report on all fishing activities that includes;
  - a. Date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
  - b. Area of catch by latitude and longitude;
  - c. Fishing effort data for purse seine vessels, including number of fishing events and activity log;
  - d. Fishing effort data for longline vessels, including number of lines set, number of hooks.
3. Record and report on all catches that includes;
  - a. Catches of target species by number and or weights where appropriate;
  - b. Catches of commercial by-catch species retained, (sharks and fish);
  - c. Catches of by-catch species discarded and record the fate of these, (sharks and fish);
  - d. Catches of threatened and endangered and protected species, (sharks, turtles, seabirds and marine mammals) and record their fate.
4. Record biometric data of target and the main by-catch species that includes; size composition, weights, sex and maturity and where requested otoliths, spines, scales for life history studies.
5. Record and report on implementation and effectiveness of measures used to mitigate against the catch and injury of threatened and endangered and protected species, (sharks, turtles, seabirds and marine mammals)

6. Undertake other scientific work as recommended by the working groups and agreed by the Commissions of the relevant RFMO's.

### **Observer Reporting Requirements**

1. Observers will be required to submit a pre-sea safety report (Appendix 4) back to their managing authority prior to the vessel sailing.
2. Observers shall submit a deployment report to their managing authority within 24-hours of sailing.
3. Observers will be required to submit in-trip reports to their management authority at prescribed 5-day or 7-day intervals.
4. Observers will be required to compile a draft trip report by the end of the trip and provide a copy of the draft report to the vessels master and advise the master of their right to add comment or report comments back to the observer's management authority and to their registering authority.
5. Within 24-hours of returning to their home base, observers will be required to submit all their electronic data collection forms and appropriate hard copies of their data together with a draft copy of their trip report.
6. Within 10 days of the observer returning, they will be required to submit a comprehensive trip report to their management authority in the prescribed format.

### **Appendix 2**

#### International Standards of Conduct & Behaviour of Observers

Definitions *Conflict of interest - Participation in activities or relationships with other persons, resulting in the impairment or possible impairment of a person's objectivity in performing the contract work.*

*Direct financial interest* - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

1. Observers may not participate in any activity which would:
  - a. Cause a reasonable person to question the impartiality or objectivity of the observer;
  - b. Significantly impair the observer's ability to perform his/her duties.
  - c. Adversely affect the efficient accomplishment of the objectives of the observer deployment.
2. Observers may not have direct financial interest in the observed fishery, other than the provision of observer services including, but not limited to, vessels or shore-side facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are considered those of the observer.
3. Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by, or who has interests that may be substantially affected by the performance or non-performance of the observers' official duties.
4. Observers may not serve as observers on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer in any capacity.
5. Observers may not solicit or accept employment as a crew member or an employee of the vessel or shore-side processor in any fishery while employed as an observer.

6. Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer's impartiality, fairness or judgment.
7. Observers must avoid any behaviour that could adversely affect the confidence of the public in the integrity of the Observer Programme under which the Observer is deployed, including, but not limited to the following:
  - a. Observers must diligently perform their duties.
  - b. Observers must accurately record their sampling data, write complete reports. If the Observer chooses to report any suspected violations of regulations relevant to conservation of marine resources or their environment that they observe, it must be done honestly.
  - c. Observers must preserve the confidentiality of the collected data and observations made on board the Vessels
  - d. Observers must refrain from engaging in any illegal actions or any activities that would reflect negatively on their image, on other observers, or the Observer scheme, as a whole. This includes, but is not limited to:
    - i. Engaging in drinking of alcoholic beverages while on duty;
    - ii. Engaging in the use or distribution of illegal substances;
    - iii. Becoming physically or emotionally involved with vessel personnel.

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### Appendix 3

#### Vessel Responsibilities

1. The Observer is to be signed on “ships articles” and is designated part of vessels crew in terms of the Vessels P&I requirements for comprehensive insurance cover while they are deployed onboard the vessel.
2. Observers shall be allowed reasonable and safe access to the fishing gear and equipment to perform their functions as stipulated in Appendix 1.
3. Upon request and with the vessels masters permission or assistance the observers shall be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate their reporting requirements:<sup>1</sup>
  - a. Satellite navigation equipment;
  - b. Electronic means of communication.
4. Observers shall be provided accommodations onboard, including sleeping quarters, food and sanitary facilities, equal to those of the officers on board the Vessel; that provides *inter alia*:
  - a. Well ventilated and hygienically clean accommodation;
  - b. Potable water for drinking;
  - c. Fresh water sufficient for basic personal/clothes washing.
5. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out their duties as observers (Appendix 1);

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<sup>1</sup> (Noting; Section 2, paragraph 10 and Appendix 1 paragraph 2 & 3)

6. Vessel masters shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.



## Appendix 4

### Pre-Sea Safety Inspection check-list

Fill in fields where possible and comments where necessary.

Observer		Signature	
Vessel Master		Signature	
Vessel Agent		Signature	

#### Vessel Details:

Vessel Name			
Master Name			
Call Sign			
Flag			
Size GRT			
LOA			
Number of Crew			
Vessel contact Number	Telephone		
	Fax		
	Inmarsat (A/C/M) & No.		
Vessel Agents	Name		
	Telephone		
	Fax		
	Mobile		
	Email		

#### Safety Equipment:

Valid Safety Certificate (Y/N)		Issuing Authority		
<b>Life Boats</b>				
Type	Number	Capacity	Launch method Gravity Davit or Free Fall	
<b>Life Rafts</b>				
Type	Number	Capacity	Hydrostatic release Yes / No	Date Service Due
<b>Life Jackets</b>				
Type Inflatable/Packed	Number	Location Cabin /Muster Station/ Both		SOLAS Approved Yes/ No
<b>Immersion Suits</b>				
	Number	Location Cabin/Muster Station/ Both		SOLAS Approved Yes/ No

Life Buoys			
	Number	Free Release Yes / No	Light/SART Attached
Flares: Location		If checked No. / Exp Date	
First Aid Materials Location		Certified Medical Officer	
Fire Extinguishers			
Positioned in main corridor's (Y/N)		Charge seals intact (Y/N)	
Positioned on bridge (Y/N)		Charge seals intact (Y/N)	

**GMDSS Requirements:**

Radio Equipment	HF Operational yes or no	MF Operational yes or no	VHF Operational yes or no	INMARSAT Operational yes or no	NAVTEX Operational yes or no
EPIRB's					
Type	Number	Location	Release manual / float free		
SART's	Number	Location	Release manual / float free		

**Accommodation:**

Single Cabin or Sharing	Comment
Vessel Emergency Evacuation and Muster Stations Lists – Displayed (Y/N)	

**General Comments:**

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**FOURTH SCHEDULE**

**[Regulation 49]**

**Terms of Reference**

High Seas Port Discharge Inspection Program

**Position:** Fisheries Inspector

**Date:**

**Duration:** 12 months

**Purpose:**

To outline the objectives of the Fisheries Inspectors and their roles and responsibilities within the framework of Belize's port inspection program which is implemented to provide adequate inspector coverage to observe the discharge and transshipment of marine resources harvested on the high seas and other authorized areas for ALL Belize Flagged vessels.

**Objectives:**

- To appoint fisheries inspectors in the major ports of discharge of Belize Flagged fishing vessels.
- Have fisheries inspectors observe 5% or more of fishing vessels' annual discharges and/or transshipments; with the exception of those discharges whose products are intended for EU markets in which case 100% of all discharges shall be observed.
- Receive independent reports from fisheries inspectors for all discharges observed.
- Provide vessel inspection as necessary to monitor and report compliance of Belize flagged vessels with national and international fisheries laws and regulations.

**Scope of Duties and Responsibilities:****Job Description:**

Fisheries Inspectors shall:

- a. Liaise with owners/operators of fishing vessels and Belize High Seas Fisheries Unit (BHSFU) to coordinate inspection of discharge or transshipment.
- b. Travel to relevant port to inspect discharges.
- c. Record data (weight, size, species etc.) of discharge including written reports and photographs, if and when necessary.
- d. Provide a written report of the observed discharge directly to the BHSFU within 48 hours of the observation.
- e. Keep an accurate and reliable record of all duties fulfilled on behalf of the BHSFU including reports and correspondence.
- f. Conduct vessel inspections as necessary to ensure compliance with relevant RFMO and fisheries bodies regulations, as well as national legislation.
- g. Other relevant tasks within reason as may be requested.

**Job Specifications:****A.) Education and Training**

- Bachelor's Degree in science, such as fisheries marine biology or related field of biology.
- 1 year's experience working in the fishing industry.

**B.) Competency**

- Ability to identify fish species
- Ability to perform basic mathematical computations and compile statistics.
- Ability to think critically and do research.
- Read and write English (any other languages will be an asset).
- Computer literate (knowledge of Microsoft Office Suite and emailing)

**General Authority:**

- Fisheries Inspectors shall have the power to board and take with them such other person(s) as may be required to assist with the performance of their duties and responsibilities.
- Fisheries Inspectors may gather evidence in terms of photographs, specimens, and data in other relevant forms as may be required to submit a report to the BHSFU that may require initiation of punitive action against a fishing vessel.
- Fisheries Inspectors shall have power to interrogate and require the master, crew or any relevant personnel to produce certificates of registration, licensing, official logbooks, letters of agreement or any other documents relating to the vessel or crew for examination and may seize such documents if deemed necessary.
- Fisheries Inspectors, having regard for safety of a vessel and its crew, may order the master to take the vessel to any place or port of harbor for the purpose of carrying out any search, examination or enquiry and may take steps necessary to immobilize any fishing vessel detained in accordance with any applicable legislation.

- In exercising of his powers outlined above, a Fisheries Inspector may use such force as may be reasonably necessary.
- Any other powers as are prescribed in Section 33 of the High Seas Fishing Act, 2013.

**Supervision:**

- Fisheries Inspectors shall be directly supervised by the Coordinator of the Port Inspection Program. All assignments, reports and other correspondence shall be communicated through the Coordinator or any other person so designated by the Coordinator or the Director.

**Communications:**

- In all matters pertaining to the business of the Belize Fisheries Department, regulated business organizations and other government organizations, Fisheries Inspectors must make every effort to achieve complete, accurate and timely communications – responding promptly and courteously to all proper requests for information and to all complaints. The BHSFU must be copied on all communications that arise with other entities and be notified of any correspondence that requires the attention of the BHSFU for response.
- Fisheries Inspectors must take care to separate their personal roles from the BHSFU when communicating on matters not involving their official role as Fisheries Inspector.
- Fisheries Inspectors must not communicate publicly on matters that involve the business of the BHSFU unless they are certain that the views they express are those of the BHSFU, and that it is the BHSFU's desire that such views be publicly disseminated.
- When dealing with anyone outside the BHSFU, including public officials, Fisheries Inspectors must take care not to compromise the integrity or damage the reputation of either the regulated business organization, or the BHSFU.

**Privacy and Confidentiality:**

- In agreeing to become a Fisheries Inspector, one acknowledges that all fisheries related information becomes the property of the Government of Belize. Consequently, the Inspector must observe the following principles when handling private and confidential information pertaining to the vessel being inspected or information resulting from the observation of discharges.
  - o Collect, use and retain only relevant information. Whenever possible, obtain any relevant information directly from the entity concerned; and only use reputable and reliable sources to supplement this information when necessary.
  - o Retain information only for as long as necessary or as required by the BHSFU. Protect the physical security of this information.
  - o Limit internal access of information to those with a legitimate business reason for seeking information. Use only information for the purposes for which it was originally obtained. Obtain the consent of the BHSFU before externally disclosing any information unless legal process or contractual obligation provides otherwise.
  - o Disciplinary action can be taken if the Inspector fails to treat any data with strict confidence.

**Code of Conduct:**

- Fisheries Inspectors are expected to conduct themselves in a professional and business-like manner that will reflect the integrity of the BHSFU and the country of Belize. Drinking, gambling, fighting, swearing, sexual misconduct and other similar unprofessional activities are strictly prohibited while on the job.
- Fisheries Inspectors should comply with all applicable laws and regulations and should avoid illegal acts at all costs. All business

should be conducted in a manner that is not inconsistent with the laws and regulations of either the State of operation or of Belize.

**Conflict of Interest:**

- Fisheries Inspectors should not engage in any activity that could possibly create a conflict of interest or that may interfere with the independent exercise of judgment which may conflict with the best interests of Belize.
- Fisheries Inspectors are expected to fulfill their fiduciary duties and responsibilities in an honest and conscientious manner and in accordance with the best interests of Belize. They should not use their position or knowledge gained as a result of their position for private or personal gain or advantage.
- Fisheries Inspectors should avoid investment or acquisition of financial interests for their own accounts in any business organization that has a contractual relationship with Belize; or provide goods or services to that organization if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties on behalf of the BHSFU.
- Fisheries Inspectors must not accept entertainment, gifts or personal favors that could, in any way, influence or appear to influence their judgments and decisions in favour of any person or organization with whom Belize has or is likely to have regulatory control. Similarly, Inspectors must not accept any other preferential treatment under these circumstances because their position with the BHSFU might be inclined to, or be perceived to, place them under obligation to return the preferential treatment.
- Fisheries Inspectors may not receive payment of compensation of any kind, except as authorized by Belize, from the business organization which is under the regulatory control of the Government of Belize through the BHSFU. In particular, secret commissions and personal benefits from regulated business organizations are strictly prohibited.



- Regardless of the circumstances, Fisheries Inspectors should immediately notify their supervisor of any action they have pursued, are currently pursuing or intend to pursue, have, is or will involve them in a conflict of interest stating the facts and circumstances.

**Compensation:**

- The Fisheries Inspector shall be paid per inspection carried out in accordance with the agreed fees.
- The Fisheries Inspector is also eligible to bill the Belize High Seas Fisheries Unit for ALL applicable incidental expenses incurred as a result of incumbent duties including but not limited to travel, accommodation, subsistence and communication. Billing for incidental expenses require preapproval of estimated expenses prior to carrying out required duties; and receipts should be provided for all expenses that are incurred.

**Termination of Contract:**

- The contract may be terminated by either party subscribed thereto without cause by notifying the other party in writing 30 days prior to the termination date. Compensation for any work conducted after notice of termination has been given will be paid as per normal.
- The BHSFU reserves the right to terminate the contract with immediate effect if the Fisheries Inspector is found to be in breach of ANY of the clauses outlined therein.

## FIFTH SCHEDULE

[Reg. 49(4)]

## INSPECTION REPORT

Date of Inspection: \_\_\_\_\_ Port of Inspection: \_\_\_\_\_

## Vessel Particulars

Vessel Name	Call Sign:	Registration Number
License Number	EEZ License	Name of Captain

## Markings of Vessel and Identification of fishing gears

*Fishing Gear on board*

Purse Seine  Crab Potts   
 Long Line  Jigger   
 Trawler  Other (specify) \_\_\_\_\_

## List of Documents and areas inspected

Logbook            Yes            No            *Infringement*            Yes            No

Functional MTU    Yes            No            *Infringement*            Yes            No

Transfer/transshipment declaration

                         Yes            No            *Infringement*            Yes            No

Vessel marking correctly displayed

                         Yes            No            *Infringement*            Yes            No

Gear markings in line with relevant regulations

                         Yes            No            *Infringement*            Yes            No

Seabird and turtle mitigation measures on board

                         Yes            No            *Infringement*            Yes            No

Other (specify) \_\_\_\_\_

**Results of inspection of catch**

<b>Species</b>					
<b>Total catch (kg)</b>					
<b>Information source</b>					
<b>Product type</b>					
<b>Sample inspected</b>					
<b>Length frequency (small – large)</b>					
<b>% under min size</b>					

Catch landed this voyage:	Total weight (m/t)
Catch transshipped:	Total weight (m/t)
Catch containerized:	Total weight (m/t)
Catch kept on board:	Total weight(m/t)

Infringement of relevant RFMO conservation and management measures or national legislation observed (description of infringement with mention of legal reference, and if serious violation(s) have been detected, please complete Annex I)

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Inspector's comments

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## ANNEX I

## SERIOUS VIOLATION(S)

- (a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;
- (b) failure to maintain accurate records of catch and related data required by the flag State and other regional or sub-regional organizations;
- (c) misreporting of catch in contravention of catch reporting requirements of the flag State and other regional or sub-regional organizations;
- (d) fishing in closed areas;
- (e) fishing during a closed season;
- (f) targeting species without quota allocation granted by the flag State where quota allocations are applicable;
- (g) using prohibited or non-compliant fishing gears;
- (h) fishing for species which are subject to a moratorium or for which fishing is prohibited;
- (i) concealing the markings, identification or registration of the fishing vessel;
- (j) falsifying the markings, identification or registration of the vessel;
- (k) concealing, tampering with or disposing of evidence relating to an investigation;
- (l) multiple minor or serious violations, which together constitute a serious disregard for conservation and management measures;
- (m) failure to submit data required to be transmitted by satellite vessel monitoring system;

(n) obstructing the work of authorized officers in the exercise of their duties in monitoring compliance with applicable conservation and management measures;

(o) obstructing the work of observers in the exercise of their duties of observing compliance with applicable conservation and management measures;

(p) taking on board, landing or transshipping undersized fish in contravention of applicable conservation and management measures;

(q) engaging in unauthorized transshipment activities on the high seas, or in the jurisdictional waters or ports of a coastal state;

(r) transshipping or participating in joint fishing operations which supported or re-supplied other fishing vessels identified as having engaged in IUU fishing, including those included in the IUU list of an RFMO or other recognized IUU list;

(s) falsification of documents or use of such documents relevant to the operation of the vessel;

(t) carrying out fishing activities in the area of an RFMO in a manner inconsistent with or in contravention of the conservation and management measures of that organization and being flagged to a State not party to that organization or not cooperating with that organization as established by that organization; or

(u) non-compliance with measures outlined in circulars or notices established by the flag State or conservation and management measures set forth by relevant sub-regional or regional fisheries management organization or arrangement;

Inspector's signature \_\_\_\_\_

Date: \_\_\_\_\_

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