

**TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE LICENCE  
(FEES) REGULATIONS 2010**

**No. 2010/01**

- 1 Name
- 2 Interpretation
- 3 Licence application
- 4 Licence fee
- 5 Term of licence
- 6 Penalty

**Pursuant to section 34 of the Territorial Sea and Exclusive Economic Zone Act 1996 Cabinet makes the following Regulations:**

**1 Name**

These are the Territorial Sea and Exclusive Economic Zone Licence (Fees) Regulations 2010.

**2 Interpretation**

(1) The terms and phrases defined in the Territorial Sea and Exclusive Economic Zone Act 1996 shall be given the same meaning in these regulations unless the context requires otherwise.

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

“foreign entity” means a person other than a Niuean or Niue registered company;

“foreign fishing vessel” means a vessel flagged to a State other than Niue that is not locally based;

“locally based foreign fishing vessel” means a foreign fishing vessel whose operations are based in Niue and landing all of its catch in Niue;

“locally-based foreign fishing joint venture vessel” means a locally based foreign fishing vessel operating under a joint venture between the Government of Niue or a Niuean and a foreign entity;

“local fishing joint venture vessel” means a local fishing vessel operating under a joint venture between the Government of Niue or a Niuean and a Niuean;

“local fishing vessel” means any vessel owned and operated by a Niuean with its operations based in Niue, whether flagged to Niue or not;

“the Act” means the Territorial Sea and Exclusive Economic Zone Act 1996.

### **3 Licence Application**

(1) Every application for a licence by a foreign fishing vessel shall be accompanied by the fee specified in Part 1 of the Schedule.

(2) Cabinet may exempt any applicant from all or part of the payment of the application fee.

### **4 Licence fee**

(1) Cabinet shall determine the licence fee from the range of fees for each category of vessels as provided in the Part 2 of Schedule.

(2) Where Cabinet imposes a special condition on the term of the licence pursuant to section 28(4)(d) of the Act, Cabinet shall determine the licence fee from the range of fees for each category of vessels as provided in Part 2 of the Schedule.

### **5 Term of licence**

(1) A licence may be issued for a term of 12 months or as determined by Cabinet by special condition pursuant to section 28(4)(d) of the Act.

(2) A licence holder shall re-apply for a new licence at least one month before the expiry of any current licence.

### **6 Penalty**

Any vessel fishing without payment of a licence fee under these regulations commits an offence and shall be liable to a fine not exceeding 2,500 penalty units and where the offence is a continuing one, a further fine not exceeding 5 penalty units for each day that the offence continues.

## **Schedule**

### **Part 1 - Fees upon application for licence (US)**

|                                 |         |
|---------------------------------|---------|
| Application for fishing licence | \$50.00 |
|---------------------------------|---------|

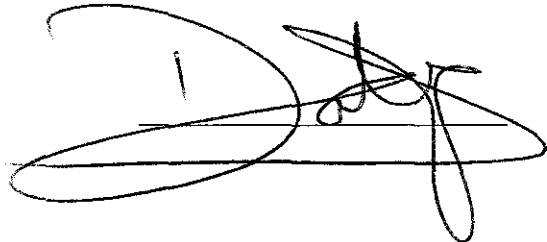
**Part 2 - Licence fees (US)**

|   | Type of Vessel                                                      | Fee (US)           |
|---|---------------------------------------------------------------------|--------------------|
| 1 | Local fishing vessel up to 12m                                      | \$0 - \$5,000      |
| 2 | Local fishing vessel between 12m - 25m                              | \$500 - \$10,000   |
| 3 | Local fishing vessel greater than 25m                               | \$1,000 - \$10,000 |
| 4 | Local fishing joint venture vessel up to 25m                        | \$1,000 - \$10,000 |
| 5 | Local fishing joint venture vessel greater than 25m                 | \$2,500 - \$15,000 |
| 6 | Locally based foreign fishing joint venture vessel up to 25m        | \$1,000 - \$10,000 |
| 7 | Locally based foreign fishing joint venture vessel greater than 25m | \$2,500 - \$15,000 |
| 8 | Foreign fishing vessel up to 25m                                    | \$1,000 - \$10,000 |
| 9 | Foreign fishing vessel greater than 25m                             | \$2,500 - \$15,000 |

Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi this

11<sup>th</sup> day of October 2010

Signed by Hon. Toke Tufukia Talagi  
Premier



Countersigned by Georgina Tukiuha  
Clerk to Cabinet

