

LICENCE VARIATION TO FISH IN THE INDIAN OCEAN TUNA COMMISSION REGULATORY AREA – UK VESSEL

PART 2: CONDITIONS

1. VALIDITY

- 1.1. This licence variation shall not authorise fishing anywhere unless the vessel is registered as a fishing vessel under the Merchant Shipping Act 1995, or in the Channel Islands or Isle of Man.
- 1.2. This licence variation shall not authorise fishing anywhere unless the vessel holds a valid licence to fish in United Kingdom waters issued by the Scottish Ministers, Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or the Marine Management Organisation.
- 1.3. Any licence or licence variations in respect of the areas covered by this licence variation previously issued in respect of the above-named vessel, is revoked immediately prior to the point at which this licence variation comes into force.
- 1.4. This licence variation, and any fishing authorisation issued in accordance with article 7 of Council Regulation (EC) 1224/2009² must either:
 - 1.4.1. be carried on board the vessel (including in electronic format) and be produced to a Marine Enforcement Officer or British Sea Fishery Officer on demand; or
 - 1.4.2. within five working days of a request made by a Marine Enforcement Officer or British Sea Fishery Officer to the master, owner or their representative, be presented during normal office hours to the requesting officer at a location nominated at the time of the request.
- 1.5. This licence variation supplements the domestic fishing licence held in respect of the vessel to which it relates. It is not transferrable and will cease to have effect if the UK fishing licence becomes no longer attached to the vessel to which it relates.
- 1.6. In accordance with regulation 3(2)(c)(ii) of the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011³, regulation 3(4)(b) of the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014⁴ and regulations 3(3)(b) of the Sea Fishing (Licences and Notices) (England) Regulations 2012⁵ and the Sea Fishing (Licences and Notices) (Wales)

² As it applies in relevant parts of the UK respectively.

³ S.S.I No. 70 (<https://www.legislation.gov.uk/ssi/2011/70/contents>)

⁴ S.R (N.I) 2014 No.209 (<https://www.legislation.gov.uk/nisr/2014/209/contents/made>)

⁵ S.I No.827 (<https://www.legislation.gov.uk/uksi/2012/827/contents>)

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Regulations 2019⁶ respectively, this external waters licence may be varied by publishing a notice on the following website:

<https://www.gov.uk/guidance/united-kingdom-single-issuing-authority-uksia>

2. PERMITTED CATCHES

- 2.1. The vessel to which this licence variation relates shall not retain on board, land or trans-ship any sea fish of the descriptions set out in section 7 of this licence. Any sea fish so caught must be returned to the sea immediately.
- 2.2. Notwithstanding the provisions of condition 2.1, where any sea fish of the descriptions set out in section 7 of this licence variation is subject to the landing obligation in Article 15 of Regulation (EU) 1380/2013, this licence variation shall not authorise fishing for any sea fish of those descriptions. Any such fish caught shall, in any event, be retained on board, landed and shall count against quota.
- 2.3. The vessel to which this licence variation relates must not retain on board, land or trans-ship, fish in excess of the amounts specified in relation to each such species in section 8 of this licence.
- 2.4. Notwithstanding the provision of condition 2.3, where any sea fish of the descriptions set out in section 8 of this licence variation is subject to the landing obligation in article 15 of Regulation (EU) No 1380/2013 it shall be retained on board, recorded, landed and shall be included in calculating the total amount of fish of that description landed by and attributed to the vessel for the relevant period.
- 2.5. The quantities of fish that may be caught which are set out in section 8 are cumulative to any fishing which takes place within British fishery limits and catches made outside British fishery limits will count towards the overall quantities of fish the vessel is permitted to catch in both British fishery limits and waters outside those limits.

3. GENERAL CONDITIONS

- 3.1. Unless otherwise stated in this licence variation, the conditions which apply to the vessel licence which authorises fishing within British fishery limits apply to this licence variation insofar as the vessel must comply with those conditions whilst operating in the waters to which this licence variation grants access.

⁶ S.I. 2019 No.500 W.116 (<https://www.legislation.gov.uk/wsi/2019/500/contents/made>)

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- 3.2. The owner and the master and/ or charterer must always comply with the rules applicable to vessels whilst operating in waters over which a country other than the UK has sovereignty or sovereign rights or subject to the measures or recommendations of a regional fisheries management organisation.
- 3.3. In particular, the vessel must at all times comply with any and all relevant active recommendations of the Indian Ocean Tuna Commission.
- 3.4. Condition 3.1 above is applicable only insofar as the relevant licence conditions are compatible with the rules referred to in condition 3.2 and 3.3. Should any conflict between licence conditions and the rules referred to in condition 3.2 and 3.3 occur, those rules have supremacy.
- 3.5. Where regulations, laws or other enforceable obligations or restrictions of a coastal state or of a regional fisheries management organisation require any or all of the data included in the fishing vessel logbook to be transmitted to the competent authorities of a coastal state or the regional fisheries management organisation, the master and the owner or charterer of the vessel must ensure this is done in accordance with those regulations, laws or obligations at the same time as complying with the obligation in article 14 and 15 of Council Regulation (EC) 1224/2009.

4. CONDITIONS RELATED TO BY-CATCHES

- 4.1. The master, owner, charterer, as appropriate, to the vessel, to which this licence relates, shall seek to achieve reductions in levels of cetacean, seabird and turtle by-catches, through the effective use of mitigation measures and as part of their reports submit monthly details of any such by-catches to the UKFMC.
- 4.2. Incidental catches as well as instances of live releases of Thresher sharks and Oceanic whitetip sharks must also be included in the monthly reports referred to in condition 4.1 above and condition 4.3 below.
- 4.3. Monthly reports should be emailed to the UKFMC on the last calendar day of each month to UKFMC@gov.scot and should contain the following information for each incident of a by-catch:
 - date
 - time
 - location (longitude and latitude)
 - species
 - number of species
 - what happened

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5. CONDITIONS RELATING TO DATA REPORTING AND OBSERVERS

- 5.1. The master and the owner or charterer, as appropriate, must ensure that the vessel complies with all regulations, laws or other obligations or restrictions in respect of data reporting and observer requirements under Indian Ocean Tuna Commission (IOTC) Resolutions 15/02 (Mandatory Statistical Reporting Requirements for IOTC Contracting Parties and Co-Operating Non-Contracting Parties) and 11/04 (Regional Observer Scheme).
- 5.2. In addition to the requirement to submit a landing declaration in accordance with article 23 and 24 of Council Regulation (EC) 1224/2009, the master and the owner or charterer shall submit no later than 48 hours after the landing a fishing operation report which contains the following information:
 - 5.2.1. The date and time of and the port of departure at the start of the trip,
 - 5.2.2. The date and time of and the port of landing at the end of the trip,
 - 5.2.3. The date(s) and time(s) and the details of any landing or entry into port during the trip.
 - 5.2.4. The total quantities, in live weight, and the presentation and species of all marine organisms landed,
 - 5.2.5. The point of first sale of all species of marine organisms landed,
 - 5.2.6. The details of any transportation between the place of landing to the place of sale of all species of marine organisms landed.
 - 5.2.7. Copies of any sales notes or receipts for the first sale of all species of marine organisms landed or, where such copies cannot be provided, the identity of the first sale buyer together with a statement explaining why no sales note has been provided.
- 5.3. Where the master and the owner or charterer of the vessel is obliged by virtue of:
 - regulations, laws or other obligations or restrictions of the coastal state of a third country in whose waters the vessel is operating, or
 - regulations, recommendations or other obligations or restrictions of a regional fisheries management organisation to which the third country in whose waters the vessel is operating is a contracting party, or on

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the high seas in an area covered by a regional fisheries management organisation

to submit to the coastal state or to the secretariat of the regional fisheries management organisation any data in addition to that stated in the conditions to this licence, the master and the owner or charterer shall also send that information, wherever possible by electronic means, to the Marine Management Organisation at the same time or as soon as reasonably practicable thereafter.

6. AREAS IN WHICH THE VESSEL MAY NOT FISH

- 6.1. The vessel must not be present in an area specified in the table below, other than when transiting at a speed of more than six knots (except in the case of force majeure or adverse conditions).
- 6.2. In the case of force majeure or adverse conditions, the master must immediately inform the UK Fisheries Monitoring Centre.
- 6.3. Vessels transiting through the areas listed below must ensure that all fishing gear is lashed and stowed in accordance with article 47 of Council Regulation (EC) 1224/2009⁷ at all times.

[INTENTIONALLY BLANK – TO BE UPDATED AS REQUIRED]

7. MARINE MAMMAL BYCATCH REPORTING

- 7.1. Where the vessel undertakes fishing activities the result of which causes or contributes to the mortality of or injury to any species of marine mammal, or where such species are taken as bycatch (regardless of whether such catches are retained on board) the master, owner, charterer, as appropriate, of the vessel to which this licence relates must complete and submit to the Marine Management Organisation a marine mammal injury reporting form in accordance with the guidance provided at <https://www.gov.uk/government/publications/marine-mammal-bycatch-reporting-requirements> no later than 48 hours after the vessel returns to port.
- 7.2. For the purposes of this licence condition, the term “marine mammal” means any mammal which (a) is morphologically adapted to the marine environment including sea otters and members of the orders Cetacea (whales, dolphins, and porpoises), Pinnipedia, (walrus, seals and sea lions) and Sirenia (dugongs and manatees), or (b) primarily inhabits the marine environment (such as the polar bear); and includes any part of any such marine mammal, including but not limited to its raw, dressed, or dyed fur or skin.

⁷ As it applies in relevant parts of the UK respectively.

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8. Species for which you may fish

Description of Sea Fish	Area	Quantity
Swordfish (<i>Xiphias gladius</i>)	IOTC Area of Competence	Unlimited
Blue Shark (<i>Prionace glauca</i>)	IOTC Area of Competence	Unlimited
Yellowfin Tuna (<i>Thunnus albacares</i>)	IOTC Area of Competence	Limited