



## Marine Resources (Licensing Fees) Amendment Regulations 2023

Sir Tom J. Marsters, KBE *TJ Marsters* King's Representative

### Order in Executive Council

At Avarua, Rarotonga this *17th* day of *January*, 2023

Present:

### His Excellency the King's Representative in Executive Council

Pursuant to section 92 of the Marine Resources Act 2005, His Excellency the King's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 12 replaced (Fees)	2
5	Regulation 31 amended (Transshipment)	2
6	Regulation 32 amended (Application for transshipment permit)	2
7	Regulation 33 amended (Transshipment permit)	2
8	Regulation 34 amended (Fees)	2
9	Regulation 35 amended (Grounds for permit refusal)	3
10	New Regulation 36A inserted (Conditions of bunkering)	3
11	First Schedule amended (Forms)	4
12	Second Schedule replaced (Fees)	4

#### Schedule 1

#### Forms I and J

#### Schedule 2

#### New Second Schedule inserted

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## Regulations

**1 Title**

These regulations are the Marine Resources (Licensing Fees) Amendment Regulations 2023.

**2 Commencement**

These regulations come into force on the day after the day they are made.

**3 Principal regulations**

These regulations amend the Marine Resources (Licensing) Regulations 2012 (the principal regulations).

**4 Regulation 12 replaced (Fees)**

Replace Regulation 12 (Fees) of the principal regulations with:

**“12 Fees**

“(1) The fees, royalties and other forms of compensation payable in respect of a foreign fishing licence shall be:

“(a) those established by an applicable bilateral or multilateral access agreement made under the Marine Resources Act 2005; or

“(b) where there is no such applicable agreement, those set out in Part B of the Second Schedule of these regulations.”

**5 Regulation 31 amended (Transshipment)**

(1) Replace the heading to Regulation 31 of the principal regulations with “Transshipment or bunkering”.

(2) In Regulation 31, after “shall not tranship”, insert “or bunker”.

**6 Regulation 32 amended (Application for transshipment permit)**

(1) Replace the heading to Regulation 32 of the principal regulations with “Application for transshipment permit or bunkering permit”.

(2) In Regulation 32, after “for a transshipment permit”, insert “or bunkering permit”.

**7 Regulation 33 amended (Transshipment permit)**

(1) Replace the heading to Regulation 33 of the principal regulations with “Transshipment or bunkering permit”.

(2) In Regulation 33, after “Every transshipment permit”, insert “or bunkering permit”.

**8 Regulation 34 amended (Fees)**

In Regulation 34 of the principal regulations, after “of a transshipment permit”, insert “or bunkering permit”.

**9 Regulation 35 amended (Grounds for permit refusal)**

In Regulation 35 of the principal regulations, after “for a transhipment permit”, insert “or bunkering permit”

**10 New Regulation 36A inserted (Conditions of bunkering)**

After Regulation 36 of the principal regulations, insert:

**“36A Conditions of bunkering**

- “(1) Every bunkering permit shall be subject to the following general conditions—
- “(a) The licensed bunkering vessel shall clearly display, on both sides (port and starboard) and the deck, its international radio call sign and the country (flag state) registration number.
  - “(b) The licensed bunkering vessel shall only engage with vessels authorised to operate in the fishery waters or in the relevant high seas area.
  - “(c) The Master of the licensed bunkering vessel shall report by email to the Secretary of Marine Resources at the following times:
    - “(i) immediately upon the licensed bunkering vessel’s entry to the fishery waters;
    - “(ii) at least 24 hours prior to entry into any waters under the national jurisdiction of another State;
    - “(iii) upon entry into and exit from the high seas;
    - “(iv) 72 hours prior to bunkering;
    - “(v) immediately upon the licensed bunkering vessel’s departure from the fishery waters;
    - “(vi) at least 24 hours prior to the licensed bunkering vessel entering into any port.
  - “(d) Each report required under paragraph (c) must contain the following information about the licensed bunkering vessel:
    - “(i) regional register number;
    - “(ii) international radio call sign;
    - “(iii) position at time of reporting; and
    - “(iv) intended action, including the particulars of fishing vessel(s) to be engaged.
  - “(e) The Master shall maintain current bunkering logs which are stored on board and which contain (in English):
    - “(i) a record of every instruction, direction or requirement communicated by the Cook Islands authorities;
    - “(ii) the daily bunkering activity of the vessel;
    - “(iii) the particulars of vessels engaged;
    - “(iv) the position in which bunkering activity was undertaken;
    - “(v) the quantity of fuel discharged; and
    - “(vi) such other information as the Secretary may reasonably require from time to time in order to ascertain the licensed bunkering vessel’s bunkering or related activities.
  - “(f) The Master of the licensed bunkering vessel must allow any authorised and identified officer to board the vessel within the fishery waters for the purpose of inspection and examination.

- “(g) The Master and Operator shall take all necessary precautions to prevent pollution in port and at sea. In the event of a fuel spill from the licensed bunkering vessel in port or at sea, the Master and Operator must take immediate action to prevent further spillage and commence clean-up and recovery of spilled fuel.
- “(h) The Owner and/or Operator shall be responsible for all costs associated with the containment and recovery of spilled fuel and the costs of repairing any damage caused by the licensed bunkering vessel.
- “(i) All crew assigned to fuel transfer stations must have completed any relevant training and be certified for the tasks assigned. Such training must be of a standard recognised regionally and internationally.”

**11 First Schedule amended (Forms)**

Replace Form I and Form J of the First Schedule of the principal regulations with Form I and Form J set out in Schedule One of these regulations.

**12 Second Schedule replaced (Fees)**

Replace the Second Schedule (Fees) of the principal regulations with Schedule Two of these regulations.

# Schedule 1 Forms I and J

## FORM I

### GOVERNMENT OF THE COOK ISLANDS



Marine Resources Act 2005

### APPLICATION FOR A TRANSHIPMENT OR BUNKERING PERMIT (Marine Resources (Licensing) Regulations 2012 - Part VII)

#### INSTRUCTIONS:

- Clearly mark the boxes  where appropriate
- Answer all the questions on this form either by filling in the spaces provided or checking the box
- Underline surname or family name
- Address means complete mailing address
- All units metric, please specify if other units used

**WARNING: It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. If any of the information given is false, incomplete or misleading, a permit will not be issued. A permit issued on the basis of such information is liable to cancellation.**

<input type="checkbox"/>	<b>Transhipment</b>	<input type="checkbox"/>	<b>Bunkering</b>
<input type="checkbox"/>	<b>Cook Islands EEZ</b>	<input type="checkbox"/>	<b>High Seas</b>

#### VESSEL DETAILS:

Name of Vessel:

Country of Registration (Flag):

International Radio Call Sign:

Flag State Registration Number:

#### PREVIOUS VESSEL DETAILS (IF APPLICABLE):

Previous Name of Vessel:

Last Country of Registration (Flag):

Last Radio Call Sign:   
Year Change Occurred:

Last Flag State Reg Number:

**VESSEL SPECIFICATIONS:**

Gross Registered Tonnage:

Length Overall:

Country Built:

Year Built:

**Hull Material:**

Aluminium  Fibreglass  Steel  Wood

Other (specify):

Engine Make / Model:

Total Engine Power:

Total Fuel Carrying Capacity:

Rated Speed (Knots):

Normal Crew Compliment:

**VESSEL OPERATOR / OWNER / MASTER / CAPTAIN:**

**Operator**

Name   
Address

**Owner**

Name   
Address

**Master / Captain**

Name   
Address

- 
- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 1. Is the owner the subject of proceedings under the bankruptcy laws of any jurisdiction?<br><i>If the answer is "Yes", please give details (attach details on a separate sheet).</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Has the vessel ever been used in an offence against the Marine Resources Act?<br><i>If the answer is "Yes", please give details (attach details on a separate sheet).</i>          | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the vessel ever been used in an offence against the Marine Resources Act?  | <input type="checkbox"/> | <input type="checkbox"/> |

4. Does the vessel hold current authorisations elsewhere in the region.

*If "Yes", please specify the authorising country or countries and authorisation number(s)*

Country  .Permit No.

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**VESSEL INMARSAT ALC DETAILS**

Yes No

Is there a FFA VMS type approved ALC installed on the vessel?

*If the answer is "Yes", please give details below.*

Inmarsat mobile unit number:

Name of installer:

Inmarsat unit serial number:

Contact details:

Make / Model:

Software Version:

**APPLICANT DETAILS**

Name:

Address:

Tick as appropriate:

Authorised Agent  Owner

Operator

Phone:

Fax:

Email:

**APPLICANT DECLARATION**

I hereby apply for a bunkering / transshipment permit in respect of the vessel described above. I declare that the above information is true, complete and correct. I understand I am required to report immediately to the Secretary of Marine Resources any changes to the information given on this form within seven (7) days and further understand that failure to do so may render me liable to prosecution.

Signature of Applicant

Date

**ATTACHMENTS CHECKLIST**

Attach the following documentation to your application:

- Cook Islands Shipping Registration Certification
- FFA Certificate of Registration
- Recent Photograph of the Vessel and markings and identification (*port and starboard shots of the whole vessel and a stern shot – not older than six months*)
- Certified Schematic and Stowage Plans (*aka General Arrangements Plan*)
- Crew list and details
- Details of any other permit currently valid in another zone

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*This application is to be forwarded to the Secretary, Ministry of Marine Resources at the address shown below and is to be accompanied by the prescribed application fee.*

The Secretary  
Ministry of Marine Resources  
PO Box 85  
Avarua  
Cook Islands

Telephone: (682) 28721  
Fax: (682) 29721

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**WARNING: It is an offence, punishable by a fine, to make a false, incomplete or misleading statement. If any of the information given is false, incomplete or misleading, a permit will not be issued. A permit issued on the basis of such information is liable to cancellation.**



**FORM J**

**GOVERNMENT OF THE COOK ISLANDS**



Marine Resources Act 2005

**TRANSHIPMENT OR BUNKERING PERMIT**  
(Marine Resources (Licensing) Regulations 2012 - Part VII)

Permit Number:  Date of Issue:

The person named as the permit-holder below is authorised to (check as applicable):

- Tranship fish in the Cook Islands fishery waters, in accordance with section 37 of the Marine Resources Act 2005; OR
- Undertake bunkering in the Cook Islands fishery waters, in accordance with section 35 (1) (a) of the Marine Resources Act 2005.

Activities undertaken pursuant to this permit must be carried out in accordance with the terms and conditions set out in this permit and in the Act, and as prescribed from time to time in the regulations.

Name:  Phone:   
Address:  Fax:   
Email:   
FFA VID:

Name of receiving vessel / bunkering vessel (as applicable)

Authorised place for transhipment or bunkering:

Quantities of fish to be transhipped / fuel to be bunkered:

Source of supply:

**SPECIAL CONDITIONS**

**PERIOD OF VALIDITY**

**Subject to the Marine Resources Act 2005 and Regulations made thereunder, this licence is valid**

**FROM the                    DAY OF                    20**

**TO the                    DAY OF                    20**

**Minister of Marine Resources**

**Date**

**THIS PERMIT IS NOT TRANSFERABLE**

## Schedule 2 New Second Schedule inserted

### SECOND SCHEDULE (FEES)

#### Part A: Application Fees

- |   |       |
|---|-------|
| 1. Application for a fishing licence                                    | \$350 |
| 2. Application for High Seas Authorisation                              | \$350 |
| 3. Application for Authorisation to fish in the waters of another State | \$350 |
| 4. Application for a Transshipment or Bunkering permit                  | \$350 |

#### Part B: Fees for Fishing within Fishery Waters

These fees apply where there are no fees established by an applicable bilateral or multilateral access agreement.

5. Annual fishing licence for Cook Islands Fishing Vessels –

	Locally-Based	Not Locally-Based
Under 20 metres LOA	\$2,000	
20 – 40 metres LOA	\$5,000	\$40,000*
Over 40 metres LOA	\$7,500	\$60,000*

The requirements for a vessel to be considered “locally-based” are –

- (a) the vessel is fully operated from a Cook Islands port;
- (b) the vessel fishes mainly in Cook Islands waters; and
- (c) the vessel lands all or the majority of its catch in Cook Islands.

6. Annual fishing licence for Foreign Fishing Vessels

- |                         |           |
|-------------------------|-----------|
| (a) Under 40 metres LOA | \$50,000* |
| (b) Over 40 metres LOA  | \$75,000* |

7. Annual fishery development fee \$10,000

This additional fee is payable by all vessels not locally-based

8. Fees in Part B marked with an (\*) should be reduced by \$20,000 if the following conditions are met:

- (a) in the licence period immediately preceding the licence period which is the subject of the present application, the vessel unloaded/landed twenty metric tonnes or more of fish products caught in Cook Islands fishery waters in a Cook Islands port; and
- (b) that product was processed through a local fish processing facility approved by the Secretary of Marine Resources.

**Part C – Fees for fishing exclusively outside Fishery Waters**

9. Annual High Seas Fishing Authorisation	
(a) Within WCPO area	\$5,000
(b) Outside WCPO area	\$10,000
10. Annual Authorisation to fish in the waters of another State	\$500

**Part D – Transshipment and Bunkering**

11. Annual Transshipment or Bunkering Permit	\$5,000
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Clerk of the Executive Council

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These regulations are administered by the Ministry of Marine Resources.  
These regulations were made on the 17th day of January 2023.