

St. Kitts and Nevis International Ship Registry

*Flying the Flag of the
Federation Worldwide*



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Maritime Circular to Maritime Registrars, Shipowners, Masters, Managers & Operators of St. Kitts & Nevis Ships, Classification Societies, Recognised Organisations, Recognised Security Organisations, Surveyors of Ships & Flag State Inspectors to this SKANReg, Seafarers & IMO Member States

Maritime Circular No. MC/75/17

DATE: 19th December 2017

FISHING VESSELS AND ASSOCIATED ACTIVITIES

The Government of St Kitts & Nevis has been and continues to update all its legislation relating to fisheries both locally and on the high seas. This has been undertaken with assistance from the UN Food & Agriculture Organisation (UN FAO) and the European Union (EU). This is resulting in modern legislation to improve the standing of the nation, improve the control and operations of ships, vessels, boats and craft working in the fishing industry, to promote long-term conservation and management and sustainable use of marine resources on the high seas, to assist in the fight against Illegal, unreported, unregulated (IUU) fishing and establish a system for the improved regulation of St. Kitts & Nevis fishing vessels of all types, no matter where they operate.

This Maritime Circular is meant to bring together all previous Maritime Circulars about fishing to give guidance to owners of ships registered with St. Kitts & Nevis International Ship Registry. This Maritime Circular replaces Maritime Circulars, MC/43/12, MC/58/13, MC/64/15 and MC/66/16.

Further Maritime Circulars may be issued in the event of changes to legislation or operational practice. Owners/managers should be prepared for this and make themselves familiar with the *UN FAO International Plan Of Action To Prevent, Deter And Eliminate Illegal, Unreported And Unregulated Fishing* on which St. Kitts & Nevis have based their own plan of action. This is available at the following URL <http://www.fao.org/docrep/003/y1224e/y1224e00.htm> and also with the current Fisheries & Merchant Shipping Acts of St. Kitts & Nevis.

DEFINITIONS

For the purposes of this Maritime Circular the following definitions apply:

- **%fish+** means any water-dwelling aquatic or marine animal or plant, alive or dead and includes their eggs, spawn, spat and juvenile stages, and any of their parts or sedentary species:
- **%fishing vessel+** means a vessel for the time being used or, intended to be used, for or in connection with fishing or related activities, for commercial purposes or for profit and includes carrier and transshipment vessels.
- **%carrier vessel+** means a vessel that is not equipped for the taking of fish and which is used or intended to be used for, or of a type normally used for, transport of fish.
- **%transshipment vessel+** is a carrier vessel that is not equipped for the taking of fish and is only engaged in the transfer of fish or fish products to or from another vessel for the purpose of transporting that fish elsewhere and may include a vessel engaged in the transfer of fish or fish products from the vessel to a land-based facility exclusively for the

purposes of promptly on-loading to another vessel, without being subject to importation into the country where the land-based facility is located.

- **%fishing+**means;
 - the searching for or taking of fish;
 - the attempted searching for or taking of fish;
 - engaging in any activity which can reasonably be expected to result in the locating or taking of fish;
 - placing, searching for or recovering any fish aggregating device or associated electronic equipment including radio beacons;
 - any operation at sea in support of or in preparation for any activity in relation to a fishing vessel described immediately above including those undertaken by carrier or transshipment vessels;
- **%sport fishing+**means harvesting fish for personal use, fun or challenge and includes using a vessel wholly for the purpose of conveying persons wishing to fish for pleasure;
- **%research+**means scientific research carried out on any aspect of fish, fishing or fisheries resources in or relating to the fisheries waters;
- **%delivery voyage+**means a voyage undertaken to relocate a vessel from one location to another during which no commercial activities are allowed;
- **%bareboat charter+**means an agreement entered into according to the provisions of Section 33 of the Merchant Shipping Act whereby the ship is registered outside of St. Kitts & Nevis and the registered owner is not responsible for the operation or control of the ship;
- **%Act+**means the Merchant Shipping Act Cap 7.05 as revised or amended;
- **%fisheries Act+** means the Fisheries, Aquaculture and Marine Resources Act, 2016 as revised or amended;
- **“SKANReg”** means St. Kitts & Nevis International Ship Registry, the Registrar according to Section 446 (1) of the Act;

REGISTRATION

As a continuation of the St. Kitts & Nevis Government's updating of legislation and operational practices for the fishing industry and regulatory oversight of its high seas fishing fleet, St. Kitts & Nevis International Ship Registry will not accept for registration, until further notice, a vessel being used for the searching or taking of fish (for the purposes of this Maritime Circular such vessels will be henceforth described as fishing boats). Additionally, the registration of existing fishing boats will cease on 28th February 2018 or at an earlier date if the registered owners apply for termination before that date and a closure transcript (deletion certificate) will be issued for the vessel and sent to the registered owners. In this instance there will be no charge for the deletion certificate.

The exceptions to this are the following:

- Registration of fishing boats that are the subject of a bareboat charter agreement according to the provisions of Section 33 of the Merchant Shipping Act (BBC Out) and are therefore, registered outside of St. Kitts & Nevis and carry-out fishing activities ONLY under the flag of the bareboat charter registry.
 - For existing fishing boats a bareboat charter must be completed prior to 28th February 2018.
 - For new registrations, the bareboat charter must be completed within 30 days of initial provisional registration with St. Kitts & Nevis and during that time, the vessel will NOT be allowed to carry-out fishing activities.
- Registration of fishing boats for a delivery voyage;
 - In such instances, a statement will be required from the Class Society/Recognised Organisation for the vessel at the time of registration, that all fishing gear has been removed or disabled so that it cannot be used during the passage. The registration period for delivery voyages will be limited to a maximum of three months.
- Registration of vessels used for sport fishing
- Registration of vessels used for research

No fishing vessel, which includes carrier and transshipment vessels, that is provisionally registered with another state will be accepted for registration as a St. Kitts & Nevis ship unless at the time of the application for registration, written permission is received from that state and also from the state with which the ship is currently permanently (fully) registered that they allow the ship to be registered with St. Kitts & Nevis.

- Exceptions may be granted where the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence to the International Registrar demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.
- Additional fees will be charged in such instances for the review of documents.

FLAG STATE INSPECTIONS

Every fishing vessel, which includes carrier and transshipment vessels applying for registration will be subject to a flag state inspection at the applicant's expense prior to it being accepted for registration.

All fishing vessels, which includes carrier and transshipment vessels, will require an annual flag state inspection. The cost of the inspection work will be borne by **SKANReg**. Out of pocket expenses e.g. travel, subsistence and similar will be invoiced by **SKANReg** to the registered owners.

IMO NUMBERING & VESSEL IDENTIFICATION

No vessel over 100 GT engaged in fishing will be registered which is not marked with an IMO number according to the provisions of the applicable current, at the time of registration, IMO Resolution on the IMO Ship Identification Scheme. Fishing vessels less than 100 GT will not be registered other than those used for sport fishing or research.

To complete Permanent Registration or extend Provisional Registration **SKANReg** must be provided with photographs showing a side profile of the ship and an appropriate profile(s) clearly showing the ships name, port of registry and IMO number marked on the hull. In the case of a vessel under 100 GT in place of the IMO Number the Official Number is to be shown.

For existing vessels, if not previously provided, these photographs are to be provided by 31st March 2018.

VESSEL MONITORING AND REPORTING EQUIPMENT – FISHERIES MONITORING CENTRE

All fishing vessels over 100 GT, which includes carrier and transshipment vessels, must be fitted with LRIT transmitting equipment, according to SOLAS Chapter V/19-1, capable of transmitting its position to our LRIT data centre which incorporates the Fisheries Monitoring Centre (FMC). These vessels must also be fitted with the current equipment capable of reporting fishing and related activities to the FMC, which is supplied by our LRIT managers and managers of the Fisheries Monitoring Centre (FMC), Messrs Fulcrum Maritime Systems.

All enquires for this equipment should be addressed to:

Fulcrum Maritime Systems Limited
Mr Tracy Nichols
Tel: +44 (0) 1708 788400
Fax: +44 (0) 1708 788402
Email: enquiries@fulcrum-maritime.com

All monitoring and reporting equipment and hardware and software are to be kept up to date as directed by Fulcrum.

The fees Fulcrum charges for the equipment, licence and other fees are to be paid direct to Fulcrum.

This equipment will be programmed by Fulcrum to report the position of the vessel hourly.

In the event of malfunction of the equipment which renders it incapable of automatically transmitting the vessel position, **SKANReg** are to be informed of this immediately by the managers/operators and intentions regarding the repair communicated to **SKANReg** who will advise what further action is to be taken to monitor the position of the vessel.

SKANReg reserve the right to make the vessel position reports available to other parties i.e. Governments, NGOs who are observers at the IMO, UN bodies, as it sees fit.

TRANSHIPMENT AND CARRIER VESSELS

These vessels will ONLY be allowed to engage in commercial activities within Regional Fish Management Organisations (RFMOs) of which St. Kitts & Nevis is a member and where the membership category allows St.Kitts & Nevis vessels to engage in commercial activities or where St.Kitts & Nevis has an agreement with a coastal state that allows St.Kitts & Nevis vessels to operate commercially within the coastal waters of that state. All commercial activities are to be

carried out according to the provisions of the RFMO's Articles and/or Scheme of Enforcement & Control or similar regulations and the applicable legislation of the coastal states.

These vessels are not allowed to operate elsewhere.

It is the responsibility of the registered owners of the vessel to ensure that their managers, operators, master and crew are aware of and comply with the aforementioned rules and legislation.

An exception to this is where:

- transshipment or carrier vessels are the subject of a bareboat charter agreement according to the provisions of Section 33 of the Merchant Shipping Act and are registered outside of St. Kitts & Nevis and therefore, carry-out commercial activities ONLY under the flag of the bareboat charter registry.
 - For existing vessels a bareboat charter must be completed prior to 31st March 2018.
 - For new registrations, the bareboat charter must be completed within 30 days of initial registration with St. Kitts & Nevis and during that time, the vessel will NOT be allowed to carry-out commercial activities.

NORTH EAST ATLANTIC FISHERIES COMMISSION (NEAFC)

At the time of issuing of this Maritime Circular, St. Kitts & Nevis is a Co-operating Non-Contracting Party (member) of the North East Atlantic Fisheries. This membership expires on 31st December 2018. At the time of issuance of this Maritime Circular it is the intention to re-apply for membership for 2019. This category of membership of the NEAFC does not give St. Kitts & Nevis a quota of fish to catch. St. Kitts & Nevis vessels may carry out carrier or transshipment activities or research.

Vessels wishing to operate within the NEAFC Regulatory area are required to apply to **SKANReg** for permission to do so. A fee will be charged for this. Transshipment and carrier vessels wishing to do so, must apply for permission by 31st March 2018. The registration of those vessels that have not applied for permission by this date will cease on 31st March 2018, or at an earlier date if the registered owners apply for termination before that date and a closure transcript (deletion certificate) will be issued for the vessel and sent to the registered owners. In this instance there will be no charge for the deletion certificate.

Vessels currently in possession of a permit to operate within the NEAFC, will have that permit extended until 31st January 2018 at no extra cost, to allow them to process any further application for a permit.

Vessels wishing to operate within the NEAFC Regulatory area are required to comply with the Articles and Scheme of Enforcement and Protection of the NEAFC which can be found on their website www.neafc.org and legislation of the members of NEAFC (Contracting Parties).

Again, it is the responsibility of the registered owners of the vessel to ensure that their managers, operators, master and crew are aware of and comply with the aforementioned rules and legislation.

All vessels not currently in possession of permission to operate within the NEAFC Regulatory Area, will require a Flag State Inspection at the registered owners' expense prior to permission being granted.

VESSEL MONITORING AND REPORTING WITHIN NEAFC AREA

Vessels wishing to operate within the NEAFC Regulatory area required to carry the current equipment for automatic vessel position monitoring (VMS) and reporting of commercial activities to the FMC (see previous section). If not already fitted, this has to be fitted by 31st March 2018.

IDENTIFICATION OF BENEFICIAL OWNERS & OTHERS WITH RESPONSIBILITY FOR COMMERCIAL OPERATIONS

SKANReg requires that the beneficial owners of a fishing vessel are identified. For existing vessels this information is required by 31st March 2018. For new registrations, this will be at the time of initial provisional registration. Failure to disclose this information by existing owners by 31st March 2018 may result in the vessel's registration being terminated. All costs for termination and issuing of certification will then be to the account of the registered owners.

This information is kept confidential and only released, upon request, to authorised Government Agencies. It is not intended to be released to commercial third-parties.

Owners

Identify the beneficial owner(s) of the vessel by providing as a minimum, the following information about them;

- Name, Street Address, Mailing Address (if different), (P O Box number on its own is not sufficient) and nationality of the natural or legal person(s) with beneficial ownership of the ship.
 - For the purposes of this requirement **%beneficial ownership+** means the ultimate owning entity or representative thereof (either individual person(s) or body corporate or Group of companies)
 - **%persons+** means any natural person or business enterprise, and includes a corporation, partnership, co-operative and association.
 - Any changes in the beneficial owners are to be advised to **SKANReg**.

Operators

Identify the operator of the vessel by providing as a minimum, the following information about them;

- Name, Street Address, Mailing Address (if different), (P O Box number on its own is not sufficient) and nationality of the natural or legal person(s) with beneficial ownership of the operator.
 - For the purposes of this requirement the **%operator+** means any person who is in charge of, responsible for the operations of, or directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations.
 - **%persons+** means any natural person or business enterprise, and includes a corporation, partnership, co-operative and association.
 - Any changes in the **%operator+** are to be advised to **SKANReg**.

(The aforementioned does not refer to the details of the "Registered Owner" whose name appears on the Certificate of Registry unless both entities are the same).

Resident Agent

An owner or operator must appoint and provide written evidence of the appointment of a **%resident agent+** in St. Kitts & Nevis who may or may not be the **%representative person+** appointed pursuant to section 6 of the Merchant Shipping Act.

- Such **%resident agent+** must be empowered to exercise or discharge or claim the right or accept the obligation to exercise or discharge any of the powers or duties of an owner or on an owner's behalf.

- ~~Written~~ evidence can be a power of attorney in favour of the ~~resident agent~~; a Board Resolution appointing them or similar documentation acceptable to the International Registrar plus acceptance by the ~~resident agent~~ of the appointment or
- Written confirmation from the ~~resident agent~~ of the appointment and that they accept the obligations.

OFFENCES & FINES

St. Kitts & Nevis will take very seriously allegations of activities that are not in compliance with the prescribed rules/regulations/legislation and in such cases may take appropriate action to financially penalise the registered owner, operator, manager, Master or others, with or without summary conviction and terminate the registration of the vessel if necessary.

PERMITS AND REPORTING REQUIREMENTS

It is the responsibility of the owner/operator/manager/Master of a fishing vessel to ensure that the necessary landing/transshipment/port entry and similar permits are requested in advance from the relevant National point of contact and/or Fisheries Organisation.

It is also the responsibility of the owner/operator/manager/Master of a fishing vessel to ensure that the necessary landing/transshipment/port entry reports and notifications are sent to the relevant National point of contact and/or Fisheries Organisation. Notifications where needed, should also be sent to our Fisheries Monitoring Centre and/or this office, but in doing so this does not release the owner/operator/manager/Master of a fishing vessel from their responsibility to advise any other authority.

CO-OPERATION WITH OFFICIALS OF OTHER GOVERNMENTS OR RFMO'S

Masters & Officers of fishing vessels are required to co-operate with any inspection and/or boarding for inspection by any appropriate official (s) and respect the provisions of the appropriate RMFO Scheme and all other Recommendations that they may establish.

OBSERVERS

St. Kitts & Nevis reserve the right to place observers onboard a vessel without prior notice. When observers are placed on a vessel, all costs will be invoiced to the registered owners.

Yours Truly



Nigel E Smith

International Registrar of Shipping & Seamen