



# GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

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## CONTENTS

*Page*

### GOVERNMENT NOTICES

No. 2      Amendment of Vessel Monitoring Regulations: Marine Resources Act, 2000 ..... 1

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## Government Notices

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### MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 2 ..... 2014

#### AMENDMENT OF VESSEL MONITORING REGULATIONS: MARINE RESOURCES ACT, 2000

In terms of section 61 of the Marine Resources Act, 2000 (Act No. 27 of 2000), I have made the regulations set out in the Schedule.

**B. ESAU**

**MINISTER OF FISHERIES AND MARINE RESOURCES**

Windhoek, 3 December 2013

### SCHEDULE

#### Definitions

1. In these regulations -

“the Regulations” means the Vessel Monitoring Regulations published under Government Notice No. 65 of 14 June 2005;

“the Act” means the Marine Resources Act, 2000 (Act No. 27 of 2000).

#### **Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is amended by -
  - (a) the insertion after the definition of “ALC” of the following, definition:

“Fisheries Monitoring Centre” means the fisheries monitoring centre established in terms of regulation 5”; and
  - (b) the deletion of the definition of “vessel monitoring operations centre”.

#### **Amendment of regulation 3 of the Regulations**

3. Regulation 3 of the Regulations is amended by the addition after subregulation (6) of the following subregulation:

“(7) Despite subregulation (2) and (3), the ALC fitted on the vessel, to which these regulations apply, must enable the vessel to continuously collect and transmit, at any time, to the Fisheries Monitoring Centre the following data:

- (a) the vessel’s identification;
- (b) the most recent geographical position of the vessel which is the longitude and the latitude with a margin of error lower than 500 meters with a confidence interval of 99 percent; and
- (c) the date and time that the position of vessel, contemplated to in paragraph (b), is notified.”.

#### **Amendment of regulation 4 of the Regulations**

4. Regulation 4 of the Regulations is amended by -
  - (a) the substitution for subregulation (1) of the following subregulation:

“(1) The master of a vessel, to which these regulations apply, must ensure that the vessel of which he or she is the master and which has a defective ALC device communicates to the Fisheries Monitoring Centre daily, by radio, facsimile, telex or other means, the following data:

- (a) the vessel’s identification;
  - (b) the most recent geographical position of the vessel which is the longitude and the latitude with a margin of error lower than 500 meters with a confidence interval of 99 percent;
  - (c) the date and time that the position of vessel contemplated in paragraph (b), is notified; and
  - (d) the vessel’s speed and course.”; and
- (b) the insertion after subregulation (1) of the following subregulations:

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    - (c) the date and time that the position of vessel contemplated in paragraph (b), is notified; and
    - (d) the vessel’s speed and course.”; and
  - (b) the insertion after subregulation (1) of the following subregulations:

“(1a) If an ALC device stops functioning or has a technical failure during harvesting operations lasting more than a month, the repair or the replacement of the ALC device must be made as soon as the vessel, to which these regulations apply, enters a port.

(1b) The vessel contemplated in subregulation (1a) may not begin harvesting operations until the repair or replacement referred to in that subregulation has been made, unless the vessel is exempted from this requirement under regulation 2(5).

(1c) A person who fails to comply with subregulation (1) or (1b) is guilty of an offence and liable on conviction to a penalty referred to in section 52(4) of the Act.”.

#### **General amendment of the Regulations**

5. The Regulations are amended by the substitution for the expression “vessel monitoring operations centre” wherever it occurs in the Regulations of the expression “Fisheries Monitoring Centre”.

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