

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/64/15

DATE: November 2015

FISHING VESSELS

The Government of St Kitts & Nevis is currently updating all its legislation relating to fisheries both locally and on the high seas. This project is being undertaken with assistance from the UN Food & Agriculture Organisation (UN FAO) and the European Union (EU). This project will result 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 high seas fishing vessels which operate outside of the territorial waters and Exclusive Economic Zone of SKN as well as those that operate within the EEZ of SKN.

Pending completion of this project and the coming into force of the new legislation in early 2016, as an interim measure, certain provisions of the intended legislation are being implemented across the St. Kitts & Nevis fleet for vessels involved in the fishing industry. These measures are itemised in this Maritime Circular. All ships involved in commercial fishing activities, registered with St. Kitts & Nevis International Ship Registry, will be required to comply and provide the necessary evidence for compliance where appropriate. Failure to do so may result in either or both of a penalty charge and termination of the ships registry.

We are sure that ship owners and managers of ships involved in the fishing industry will understand these actions and the reason for them and we look forward to the necessary co-operation.

Further Maritime Circulars will be issued and existing ones revised on completion of the process of legislative change described above. Owners/managers should be prepared for this. We also recommend that they 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>

For the purpose of this Maritime Circular;

- 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+means;**
 - searching for or taking 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
 - any use of aircraft which is related to any activity described immediately above, except where flights in emergencies involving the health or safety of a crew member or the safety of a vessel.
- **%fishing vessel+means** any vessel which is used for, equipped to be used for, or of a type normally used for, fishing or related activities, and includes carrier vessels
- **%carrier vessel+means** a vessel which is used or intended to be used for, or of a type normally used to transport fish
- **%transshipment+means** the transfer of fish or fish products to or from any vessel for the purpose of transporting that fish elsewhere, and may include the transfer of fish or fish products from a vessel to a land-based facility exclusively for the purposes of promptly onloading to another vessel, without being subject to importation into the country where the land-based facility is located.
- **%Act+means** the Merchant Shipping Act Cap 7.05 as revised or amended.
- **“SKANReg”** means St. Kitts & Nevis International Ship Registry, the Registrar according to Section 446 (1) of the Act.

The following are required by 31st December 2015

- 1) Identify the owner(s) of the vessel by providing as a minimum, the following information about them;
 - a. 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.
 - i. For the purposes of this requirement **%beneficial ownership+means** the ultimate owning entity or representative thereof (either individual or body corporate or Group of companies)
 - ii. **%persons+means** any natural person or business enterprise, and includes a corporation, partnership, co-operative and association.
 - iii. Any changes in the **%beneficial owner+after 31st December 2015** are to be advised to **SKANReg**.
- 2) Identify the operator of the vessel by providing as a minimum, the following information about them;
 - a. 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.
 - i. 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.
 - ii. **%persons+means** any natural person or business enterprise, and includes a corporation, partnership, co-operative and association.
 - iii. Any changes in the **%operator+ after 31st December 2015** are to be advised to **SKANReg**.

(Items (1) & (2) do not refer to the details of the “Registered Owner” whose name appears on the Certificate of Registry unless both entities are the same).

- 3) An owner (as defined previously) 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.
 - a. 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 owners behalf.
 - b. 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
 - c. Written confirmation from the resident agent of the appointment and that they accept the obligations.
- 4) Provide photographs showing;
 - a. a side profile of the ship and
 - b. an appropriate profile(s) clearly showing the ships name, port of registry and IMO number marked on the hull.

Additionally:

- 5) If not already so-fitted, all ships are to be fitted at owners expense with vessel monitoring equipment compatible with and capable of transmitting the vessel position to the LRIT National Data Centre of St. Kitts & Nevis.
 - a. This equipment is to be capable of having the vessel reporting interval changed automatically by the National Data Centre.
- 6) Fishing vessels may only carry out fishing, including transshipment, within the Regulated Area of a Regional Fish Management Organisation or within the Exclusive Economic Zone or National Waters of a Nation state if they have received prior authorisation to do so and provided evidence of that authorization to **SKANReg**.
- 7) Fishing vessels may not engage in fishing, including transshipment, in other areas.
- 8) A vessel shall not be used to undertake transshipment of fish without authorisation and a valid permit to tranship. Permits may be issued subject to any conditions as seen fit to impose for the case(s) in question.
- 9) In the cases of vessels operating within the NEAFC Regulated area the minimum conditions under which a permit is issued are as laid down in Maritime Circular MC/43/12.
- 10) Transshipment permits issued to vessels operating within the NEAFC Regulated area will no longer be transferable to new owners and will expire . without any credit or repayment . on transfer/sale/disposal to of the vessel to another owner as defined within this Maritime Circular or Registered Owner as defined within the Act.
- 11) Any vessel or person that undertakes transshipment without authorisation may be liable to a penalty charge and possible removal of the vessel from the Register.
- 12) No fishing vessel that is provisionally registered with another state will be accepted for registration as a St. Kitts & Nevis ship unless 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.
 - a. 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.
 - b. Additional fees will be charged in such instances for the review of documents.

Contravention of any of these provisions may result in a penalty charge the value of which will be dependent on the nature, circumstances, extent and gravity of the act(s) committed and its financial and economic impact on the fishing industry and environment.

If you have any questions about this Maritime Circular, please contact us.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Nigel E. Smith', written in a cursive style.

Nigel E Smith
International Registrar of Shipping & Seamen