



REPUBLIC OF NAURU

**Fisheries (PNA Third Implementing Arrangement)
(Amendment) Regulations 2010**

Table of Provisions

1	Citation	1
2	Commencement	1
3	Regulations amended.....	1
SCHEDULE – AMENDMENT OF FISHERIES (PNA THIRD IMPLEMENTING ARRANGEMENT) REGULATIONS 2009		
[1]	Amendment of regulation 4	2
[2]	Amendment of regulation 5	2
[3]	New regulation 6A	2
[4]	Amendment of regulation 8	3
[5]	Repeal of Part III.....	3
[6]	Repeal and replacement of Schedule 2	3



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Fisheries (PNA Third Implementing Arrangement) (Amendment) Regulations 2010

Cabinet makes the following regulations under section 42 of the *Fisheries Act 1997*:

1 Citation

These Regulations may be cited as the *Fisheries (PNA Third Implementing Arrangement) (Amendment) Regulations 2010*.

2 Commencement

These Regulations commence on 1 January 2011.

3 Regulations amended

The Schedule amends the *Fisheries (PNA Third Implementing Arrangement) Regulations 2009*.

SCHEDULE – AMENDMENT OF FISHERIES (PNA THIRD IMPLEMENTING ARRANGEMENT) REGULATIONS 2009

section 3

[1] Amendment of regulation 4

1.1 Regulation 4, definitions of ‘the Act’ and ‘Minister’

omit

[2] Amendment of regulation 5

2.1 Regulation 5, at the end

insert

Note for regulation 5:

1. *Under section 23 of the Act, it is an offence to engage in or use a boat for fishing or a fisheries activity for which a licence is required except under, and in accordance with the conditions of, a licence.*
2. *Under regulation 22 of the Fisheries Regulations 1998, the Chief Executive Officer may cancel a licence if the licensed activity is not being conducted in accordance with the Act.*

[3] New regulation 6A

3.1 After regulation 6

insert

6A Sets associated with whale sharks prohibited

- (1) A purse seine fishing vessel fishing within the Arrangement Area must not conduct any set at any time of the year within 1 nautical mile of a whale shark (*Rhincodon typus*), regardless of whether the whale shark is alive or dead.
- (2) If a whale shark is encircled in a purse seine net by a purse seine fishing vessel, the master of the vessel must ensure that all reasonable steps are taken to ensure its safe release, including stopping the net roll and not recommencing the fishing operation until the whale shark has been released.

[4] Amendment of regulation 8

4.1 Regulation 8(1)(a)

omit

; and

substitute

;

4.2 Regulation 8(1)(b)

omit

Tuvalu

substitute

Tuvalu;

(c) any additional high seas areas located within 10°N and 20°S latitude and 170°E and 150°W longitude.

[5] Repeal of Part III

5.1 Part III

repeal

[6] Repeal and replacement of Schedule 2

6.1 Schedule 2

repeal, substitute