

Content

Title :	Regulations for Recreational Fishery Ch
Date :	2010.07.07
Legislative :	<p>The entire text of the 29 articles enacted and promulgated by Council of Agriculture of Executive Yuan Order 82 Nong Yu Zi No. 2123895A on May 26th, 1993.</p> <p>Article 21 amended by Council of Agriculture of Executive Yuan Order 84 Nong Yu Zi No.4040585A on June 30th, 1995</p> <p>Article 24 amended by Council of Agriculture of Executive Yuan Order 85 Nong Yu Zi No.5109101A on March 13th, 1996</p> <p>The entire text of 27 articles amended by Council of Agriculture of Executive Yuan Order (88) Nong Yu Zi No.88602585 on August 18th, 1999</p> <p>Article 9 amended by Council of Agriculture of Executive Yuan Order (89) Nong Yu Zi No.8912188 on August 28th, 2000</p> <p>Articles 6, 9 to 11, 15, 17, 20, 24, 27 and 28 amended by Council of Agriculture of Executive Yuan Order (90) Nong Yu Zi No.901340574 on July 31st, 2001</p> <p>Article 26 amended by Council of Agriculture of Executive Yuan Order Nong Yu Zi No.0961340452 on May 1st, 2007</p> <p>Article 5 amended by Council of Agriculture of Executive Yuan Order Nong Yu Zi No.0971290215 on July 17th, 2008</p> <p>Article 2, 4, 10, 11, 16, 17, 19, and 26 amended, article 17-1 and 27-1 augmented by Council of Agriculture of Executive Yuan Order Nong Yu Zi No.0991320452 on April 9th, 2010</p> <p>Article 16 amended by Council of Agriculture of Executive Yuan Order Nong Yu Zi No.0991321586 on July 7th, 2010</p>
Content :	<p>Article 1 The Regulation is established in accordance to Article 43 of Fisheries Act. (hereinafter referred to as the Act).</p> <p>Article 2 The addressed “tourism” in Article 41 of the Act refers to the recreational activities of passengers taking fishing vessels to watch fishery operation or the marine biology and ecology.</p> <p>Article 3 The addressed Fishery Operator in the Regulations refers to those who provide fishing vessel for recreational fishery operation.</p> <p>Article 4 The addressed Recreational Fishing Vessels refer to those existing fishing vessels that engage in part-time recreational fishery or are reconstructed or eliminated and built for recreational fishery. Regarding the safety facility, minimum number of crew, maximum number of passengers on the vessel and other rules to comply with, the prior stated Recreational Fishing Vessels should observe the relevant regulations on passenger vessels or passenger carrying vessels conducted by Shipping Administration institutions.</p> <p>Article 5 The addressed Passenger refers to those who go to sea for recreational fishery, including citizens of R.O.C, people from mainland China with valid Exit and Entry Permit of Taiwan, or aliens with valid visa passport approved by Republic of China.</p>

- Article 6** The gross tonnage of fishing vessels in recreational business should be no less than one ton and no more than fifty tons. Sampans and rafts cannot be used for recreational fishery. However, in offshore area with sufficient water depth and natural barriers, for example, lagoon, sampans and rafts may be approved to engage in recreational fishery in specific water areas delimited by directly-controlled municipality or county (city) governments which are also responsible for stipulating relevant regulations.
- Article 7** Every three sampans or rafts may replace one Recreational Fishing Vessel under ten tons.
- Article 8** Fishery competent authority may limit the number of Recreational Fishing Vessels if necessary.
- Article 9** Professional Recreational Fishing Vessels shall not apply to purchase fishery fuel at preferential prices.

Article 10

Pursuant to Paragraph Two, Article 41 of Fishery Act, fishery operators shall fill out three application forms and submit one copy of each of the following documents along with the forms to the competent authority to apply for recreational fishery license.

1. Cadre crews' profession certificate or powerboat driving license.
2. Staff crew' s basic safety training certificate.
3. A copy of communications facility license.
4. Copies of liability insurance and accident insurance policy.
5. Copies of record book for boat inspection, certificate of boat inspection or boat license.
6. New builder should enclose the approval document for such construction.
7. Fishery operator who concurrently operates recreational fishery shall enclose a copy of original fishery license.
8. Applicant apply by company title shall enclose the copies of registration documents and business plan.
9. Document that proves the on board VMS that reports the location of the vessel every four hours had been tested by Overseas Fisheries Development Council of the Republic of China; but vessels that are exempted from installing VMS pursuant to Paragraph Two, Article 16, do not have to submit such document.

The application forms mentioned in the proceeding paragraph shall carry the following information:

1. Name, birth date, address and ID number of the applicant. If the applicant is a company or business unit, the name, key operation office or operation area, and the name, address, and ID number of the representative should all be provided.
2. Activities of recreational fishery.
3. Name of the vessel, Unified Business No. of Company, gross tonnage, and net tonnage.
4. Type of the machine, horse power, tank capacity, and navigate speed.
5. Communications facility.
6. Safety facility
7. Number of the crew, passenger quota, and port of registration.
8. The location and area of fishing ground.
9. The name and date of birth of the captain, the profession certificates of cadre crews or the registration number of the powerboat driving license.
10. Issuance amount and period.
11. Name and address of the emergency contact.

- Article 11** Recreational fishery license shall carry the following information:
1. Name, address, and ID number of the fishery operator.
If the fishery operator is a company or business unit, the name, key operation office or operation area, and the name, address, and ID number of the representative should all be carried.
 2. Activities of recreational fishery.
 3. Name of fishing vessel, Unified Business No. of Company, gross tonnage and net tonnage.
 4. Type of the machine, horse power, tank capacity, and navigate speed.
 5. Communications facility.
 6. Safety facility
 7. Number of the crew, passenger quota, and port of registration.
 8. The location and area of fishing ground.
 9. The restrictions enclosed with the approbation.
 10. Approbation numbers and date.
 11. Valid period of the license.
- Article 12** The maximum approved period for recreational fishery accredited by the competent authority is five years. However, the period can not exceed the valid period of vessel inspection and insurance policy. Pre-described fishery operator shall renew the license within the three months prior to the expiring date if willing to continue the operation.
- Article 13** Fisherman association or fishery production cooperative society shall submit the following information to the competent authority of Direct-controlled Municipality for ratification or to the city (county) competent authority to report to the supervisory authority for ratification in accordance to the regulations for recreational fishery manipulated in Article 42 of Fishery Regulation:
1. The restriction scope of recreational fishery
 2. The charging standard for recreational fishery
 3. The permitted items for recreational fishery.
 4. Items be observed when engaging in recreational fishery.
 5. Fishing ground guarder related issues.
 6. Penalties for law-breaking.
- Article 14** Methods to harvest aquatic animals and plants in recreational fishery are limited to fishing pole, pole and lines boots, and trolling.
- Article 15** The captain and the chief engineer of a twenty tons or more Recreational Fishing Vessel shall possess cadre crew certificates.
The captain of a Recreational Fishing Vessel under twenty tons should have one of the following qualifications:
1. Navigating license for powerboat for business purpose.
 2. Both the cadre crew certificates for deck officer and engineer officer
 3. Cadre crew certificate for deck officer and cadre crew certificate of engineer officer for the assistant.
Senior crew may not act for the captain or the chief engineer of Recreational Fishing Vessel.

Article 16 Recreational fishing vessels shall install VMS, DSB and EPIRB designated by central competent authority; if the communication range is 24 nautical miles or more away from fishery communication stations, SSB should be installed and be operated by qualified staff.

Recreational fishing vessels that fall in one of the following categories may be exempted from installing VMS:

1. Sampan or raft
2. Total tonnage is less than five.

Recreational fishing vessels that fall in one of the following categories may be exempted from installing VMS after the request is reviewed by the competent authority of directly-controlled municipality, county, or city government before be transfer to and approved by central competent authority:

1. Gross tonnage is more than five but less than ten tons
2. Engaging in whale watching activity
3. Gross tonnage is more than ten, and engages in marine life watching in coral reef sea area; each voyage lasts less than four hours.

Recreational fishing vessels that are exempted from installing VMS with central competent authority's approval as stipulated in the preceding paragraph shall install VMS if violate the regulations of Paragraph Two, Article 24 and be penalized by the competent authority; Recreational Fishing Vessel that conforms with Paragraph Three in the preceding paragraph should install VMS if competent authority find out it exceeds the four hour restriction for each voyage.

Article 17 Fishery operator or captain should observe the following regulations:

1. Collect meteorological and hydrological information beforehand and explain them to the passengers; if there is any safety concern when the forecast wind force reaches seven or the hydrological condition is not good, the voyage shall be canceled immediately.
2. Explain to the passengers about the lifesaving appliance on board and can only launch forth when the passengers are well equipped with life jackets.
3. Boarding and landing instructions, including all notes and warnings, should be presented at clear and distinguishable spots on the vessel.
4. The maximum number of passengers on board and the number of crew members must be presented clearly at clear and distinguishable spots above the pilot cockpit and the two sides of the vessel.
5. As stipulated in Paragraph One, Article 17, the vessel shall turn on VMS and report the vessel location to local communication radio station and maintain the normal functions of the communications facility.

- Article 17-1** Before leaving the port, Recreational Fishing Vessel should report to fishery communication radio station and turn on VMS; the vessel can leave the port only when the Coast Guard agency has inquired the station and confirmed the VMS is tuned on and functioning normally.
After leaving the port, Recreational Fishing Vessel should keep the VMS to be turned on and report the location to the communication radio station every four hours. Upon returning the port, Recreational Fishing Vessel should report to the communication radio station before turn off the VMS.
The communication radio station should immediately report to the central competent authority once it fails to receive the reported data from the on board VMS. The central competent authority shall order the vessel to return to the port for repair. Before the vessel returns, it should use the on board communications facility to report its location to the communication radio station every four hours. The returned vessel may not leave the port before the VMS is repaired.
- The communication fee for using VMS to report the Recreational Fishing Vessel' s location is paid by the fishery operator.
- Article 18** The inspection, measurement, registration, the issuing of license, or booking for certificate shall be conducted by the navigation and aviation competent authority at the place where a ship calls according to the gross tonnages of the vessels pursuant to the relevant regulations stipulated in The Law Of Ships. Boat at a place where no navigation and aviation agency is available shall seek the local government to conduct the preceding items.
- Article 19** All cadre crew or the navigator of Recreational Fishing Vessel should hold certificates for Basic Safety Training for Crew Member. Notification must be given to Competent Authority due to any staff and position change.
- Article 20** Passengers who launch forth for recreational fishery activities should bring their own identity card, passport or other ID documents for fishery operator or captain to fill out The List of People on Board (format as Appendix 1) and the vessel may not leave the port before the list is submitted to and verified by the coast guard agency responsible for the safety of the port and the registration is done.
Fishery operator shall complete The Information Table for Recreational Fishing Vessel Navigation Plan (format as Appendix 2) before Recreational Fishing Vessels launch forth. The Information Table and the application to leave port are submitted to those who implement inspection after verification.
- Article 21** Fishery operator or captain is responsible for any damage compensation to be given to the passenger, staff crew, or the third person for physical injury, death, or property lost caused by any intended mistakes or indiscretion.
Fishery operator shall buy liability insurance for the compensation responsibility derived from discretion mentioned in the proceeding paragraph. The insured amount shall not be lower than NTD 1.2 million per person. When the mature contract is to be renewed, competent authority must be notified for reference.

- Article 22** Fishery operator shall take out an accident injury insurance policy for each of his staffs and passengers. Passengers must provide personal ID for insurance requirement.
The insured injury premium as aforementioned should be stated on the ticket or leasing contract. The insured amount for each passenger and staff crew shall not be lower than NTD 1.2 million. When the mature contract is to be renewed, the competent authority must be notified for reference.
- Article 23** Recreational Fishing Vessels launch forth for recreational fishery activities on the sea shall comply with following rules:
1. Shall not steer to important coastal military facilities, strongholds, military harbor, the restricted coastal region near commercial harbor, the costal fishery resource conservation area and coastal nature reserve.
 2. May not operate as a ferry boat to deliver passengers.
 3. May not provide or permit activities that impair public order or violate morality or customs.
 4. May not engage in activities that are not included in Recreational Fishery.
 5. May not throw wastes into the sea or pollute the sea water and the environment.
 6. Should observed other relevant rules and regulations. The aforementioned relevant rules and regulations should be observed and implemented by the captain.
- Article 24** Recreational Fishing Vessels can have activity 24/7. Each voyage, however, may not exceed 48 hours.
Activity region is limited within the 24 nautical miles around Taiwan and Penghu, and the 12 nautical miles around Penjia Islet, Green Island, and Orchid Island.
Fishery activities in Jinmen and Mazu areas can only be conducted by using local Recreational Fishing Vessel. The time and region of activities will be decided by local government, defend commanding office, and related responsible water region management agencies under the principle that no safety measure for war preparation is affected.
- Article 25** Recreational Fishing Vessels should enter and leave through home port or the competent authority approved port. The entering, exiting and anchoring port of the vessels shall be conducted as stipulated in Article 16 of Port Regulation; the vessels shall also pay for port administrative expenses in accordance to Article 15 of Port Regulation.
When the competent authority approved port mentioned in the proceeding paragraph is not in the jurisdiction, coordination for agreement from the competent authority of the jurisdiction is required before taking any process.

Article 26 When a Recreational Fishing Vessel falls into any one of following categories, the competent authority shall follow the relevant regulations for penalty and prohibit the vessel from leaving port for recreational fishery immediately:

1. One that fails to apply for inspection, measurement and registration as the regulations require.
2. Number of passengers exceeds the carrying quota or the number of crew on board exceeds crew number.
3. Does not have Recreational Fishery License.
4. Crew and navigator do not have qualified certificate.
5. One that fails to be equipped with qualified lifesaving, fire, and communications equipments as the regulations require.
6. One that fails to install VMS, report vessel location to communication radio station or keep the normal functions of on board communication equipments.

The inspections and the implementation of prohibiting it from leaving the port as mentioned in the proceeding paragraph may be commissioned to the coast guard agency by the central competent authority.

Article 27 Directly-controlled municipality or county (city) government shall stipulate rules and warnings for whale watching activities or guide business operators to set up and agree on a self-regulated convention. Recreational fishery operator or the captain who is in the business of whale watching activities shall post the rules and warnings or the foresaid convention for such activities at a clear and distinguishable spot on the vessel or make it accessible to all passengers.

Article 27-1 Vessels that had already been issued Recreational Fishery Licenses before the Regulations is amended and came into force on April 9, 2010, should follow the rules of Article 16 to install VMS or report to the central competent authority for approval to be exempted from installing VMS within the three months started from the latest promulgation date in order to be qualified for keep managing recreational fishery business.

Article 28 The present Regulations shall come into force on the day of promulgation.

Attachments : Appendix 1.doc
Appendix 2.doc

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System