

Content

Title :	Regulations for Recreational Fishery <b>Ch</b>
Date :	2014.06.20
Legislative :	<p>Legislative History</p> <ol style="list-style-type: none"><li>1. The entire text of 29 Articles enacted and promulgated on 26 May 1993 by the Council of Agriculture, Executive Yuan under Order No. 82 Nung-yu-tzu 2123895A.</li><li>2. Article 21 amended and promulgated on 30 June 1995 by the Council of Agriculture, Executive Yuan under Order No. 84 Nung-yu-tzu 4040585A.</li><li>3. Article 24 amended and promulgated on 13 March 1996 by the Council of Agriculture, Executive Yuan under Order No. 85 Nung-yu-tzu 5109101A.</li><li>4. The entire text amended to 27 Articles and promulgated on 18 August 1999 by the Council of Agriculture, Executive Yuan under Order No. (88) Nung-yu-tzu 88602585.</li><li>5. Article 9 amended and promulgated on 28 August 2000 by the Council of Agriculture, Executive Yuan under Order No. (89) Nung-yu-tzu 891218864.</li><li>6. Article 6, 9 to 11, 15, 17, 20, 24, 27 amended, and Article 28 added and promulgated on 31 July 2001 by the Council of Agriculture, Executive Yuan under Order No. (90) Nung-yu-tzu 901340574.</li><li>7. Article 26 amended on 1 May 2007 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 0961340452.</li><li>8. Article 5 amended on 17 July 2008 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 0971290215.</li><li>9. Article 2, 4, 10, 11, 16, 17, 19 and 26 amended, and Article 17-1 and 27-1 added on 9 April 2010 by the Council of Agriculture, Executive Yuan under Order No. Nun-yu-tzu 0991320452.</li><li>10. Article 16 amended on 7 July 2010 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 0991321586.</li><li>11. The entire text amended to 25 Articles and promulgated on 26 March 2013 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1021320806.</li><li>12. Article 20 amended on 19 December 2013 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 10213227531.</li><li>13. Article 1, Article 4, Article 5, Article 7, Article 10, Article 11, Article 13, Article18, Article19 and Article 24 amended on 8 April 2014 by the Council of Agriculture, Executive Yuan under the Order No. Nung-yu-tzu 1031328629.</li><li>14. Article 2 and 23-1 amended on 20 June 2014 by the Council of Agriculture, Executive Yuan under Order No. Nung-yu-tzu 1031329782A.</li></ol>
Content :	<p><b>Article 1</b> These Regulations are established pursuant to Article 41, paragraph 5 and Article 43 of the Fisheries Act.</p> <p><b>Article 2</b> The activities of recreational fishery stipulated in these Regulations mean the following activities that a recreational fishing vessel carries passengers on board or to islands or reefs to engage in:</p>

1. Harvesting aquatic animals or plants.
2. Watching fishing operations.
3. Watching natural environment and wildlife.
4. Whale watching.

A recreational fishing vessel authorized by the competent authority may be offered for use in aquatic (fisheries) resources research, marine environment research, fisheries management, marine engineering projects, release of fish fry, and deployment and maintenance of artificial reefs.

Any recreational fishing vessel which intends to carry passengers to engage in diving activities as specified in Article 19 of the Regulations Governing Water Recreation Activities may do so only after it has obtained approval of the competent authority and shall conform to the Regulations Governing Water Recreation Activities. The fishing gear and method used in the activities referred to in paragraph 1, sub-paragraph 1 shall be restricted to rod lining, pole and line, and trolling.

### **Article 3**

Passengers referred to in paragraph 1 of the preceding Article shall not include:

1. Staff with fishing vessel crew identification who work on a recreational fishing vessel.
2. Persons in distress at sea who were rescued by the captain under obligation.
3. Persons who embark on a vessel in an illegal manner that can not be stopped by the captain or owner of that vessel.
4. Persons who cannot leave the vessel due to performance of official duties for extraordinary incidents.

### **Article 4**

A recreational fishing vessel stipulated in these Regulations means an existing fishing vessel that engages in part-time recreational fishery, or is remodeled or to be built as replacement to engage in the activities of recreational fishery.

### **Article 5**

Fishing vessels engaged in recreational fishery shall be over 1 gross ton.

Sampans and fishing rafts shall not engage in recreational fishery. However, for public waters of certain depth with natural barriers such as lagoons, the competent authority of the government of the municipality or city (county) may establish autonomous regulations for sampans and fishing rafts to engage in part-time recreational fishery in designated water areas.

### **Article 6**

A recreational fishing vessel under 10 gross tons may be built provided that replacement tonnage of three sampans or fishing rafts has been obtained.

### **Article 7**

The maximum number and tonnage categories of recreational fishing vessels in every fishing port are set out in Attached Table 1.

### **Article 8**

Any person who intends to operate recreational fishery shall fill in and submit an application form along with the following documents for issuance of a recreational fishery license to the competent authority in charge.

1. The professional certificate of fishing vessel officer or the license of power-driven boat.
2. Crew members' basic safety training certificates.
3. Copies of telecommunication equipment certificates.
4. Copies of liability insurance and personal injury insurance contracts.
5. Copies of the record for ship inspection, ship inspection certificate or license of small boat.
6. In the case of a newly-built vessel, the letter of ship building permission.
7. In the case of a fishing vessel engaged in part-time recreational fishery, a copy of the fishing license for directed fishery.
8. If the applicant is a company or store, its registration certificate and business plan.
9. A document proving that the ALC has been tested to be capable of automatically transmitting positions by the Overseas Fisheries Development Council of the Republic of China, and a copy of a document proving that advance payment of current year cost of communication has been made. However, these documents may be exempted in the case of a recreational fishing vessel which is free from the installation of an ALC pursuant to Article 14, paragraph 1 or 2.

#### **Article 9**

The competent authority of the government of the municipality or city (county) may designate islands or reefs for passengers to conduct recreational fishery activities, and establish autonomous regulations for recreational fishery activities on islands or reefs. Any recreational fishing vessel which intends to carry passengers to islands or reefs for recreational fishery activities shall do so only after the competent authority of the government of the municipality or city (county) administering the islands or reefs has issued an approval, with a copy to the competent authority administering the vessel, and annotated the recreational fishery license for approval.

When the competent authority of the government of the municipality or city (county) administering the islands or reefs referred to in the preceding paragraph withdraws, revokes or changes its approval to a recreational fishing vessel, it shall immediately inform the competent authority administering the vessel and amend or cancel the annotations of approval on the recreational fishery license.

#### **Article 10**

A recreational fishery license shall contain the following information:

1. The fishery operator's name, address and national identification card number. If the fishery operator is a company or

store, its name, main office or operation site, and its representative's name, address and national identification card number.

2. Items of recreational fishery activities approved for operation.

3. Vessel's name, registration number, gross tonnage and net tonnage, length and overall length.

4. Type and horsepower of engine, fuel tank capacity and navigation speed.

5. Telecommunication equipment.

6. Safety equipment.

7. Number of crew, maximum number of passengers and homeport of the vessel.

8. Activity area.

9. Additional requirements for approval.

10. Date and order number of approval.

11. Valid period of the license.

12. Islands or reefs approved for carrying passengers to visit.

In the event of any change in the information referred to in the preceding sub-paragraphs, the fishery operator shall apply for change registration to the competent authority by submitting supporting documents.

#### **Article 11**

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#### **Article 12**

For a recreational fishing vessel over 20 gross tons, its officers shall have fishing vessel officer professional certificates.

For a recreational fishing vessel under 20 gross tons, its captain shall meet one of the following qualifications:

1. Having a commercial power-driven boat license.

2. Having both a deck officer professional certificate and an engineer officer professional certificate.

3. Having a deck officer professional certificate, with a crew member having an engineer officer professional certificate.

The captain and chief engineer referred to in the preceding two paragraphs shall have the certificate of basic safety training. A senior crew member shall not act for the captain or chief engineer. Any change of officers or pilot shall be reported to the competent authority for perusal.

#### **Article 13**

From 1 April 2014, the minimum safe manning of a recreational fishing vessel shall comply with the requirements of the Attached Table 2.

#### **Article 14**

A recreational fishing vessel shall install an automatic location communicator (ALC), a double side band (DSB) radio telephone and an emergency position indicating radio beacon (EPIRB) designated by the competent authority of the central government. Where its telecommunication range is beyond 24 miles from the fishery radio station (hereinafter referred to as "radio station"), the

recreational fishing vessel shall install additionally a single side band (SSB) radio telephone, which shall be operated by a radio operator with a valid certificate. However, installation of ALC may be exempted in one of the following cases:

1. Sampans and fishing rafts.
2. Vessels under 5 gross tons.

In one of the following cases, a recreational fishing vessel may be exempt from installing an ALC after obtaining the approval from the competent authority of the central government, through the competent authority of the municipality or city (county).

1. The vessel is over 5 but under 10 gross tons.
2. Except whale watching, the vessel does not engage in other recreational fishery activities, or is not offered for any use referred to in Article 2, paragraph 2.
3. The vessel is over 10 gross tons and engages in marine life watching in coral reef area with each voyage less than 4 hours.

For recreational fishing vessel exempt from installing the ALCs as approved by the competent authority of the central government pursuant to the preceding paragraph, if the vessels meet one of the following situations, the competent authority of the central government may revoke their exemption:

1. Vessels in violation of Article 21, paragraph 2 that have been punished by the competent authority.
2. A recreational fishing vessel referred to in sub-paragraph 3 of the preceding paragraph with each voyage is exceeding 4 hours.

#### **Article 15**

Prior to departure of a recreational fishing vessel, its fishery operator or captain shall comply with the following provisions:

1. Data on weather and marine conditions shall be collected and explained to passengers. Where local weather forecast shows winds equal to or greater than force 7 on the Beaufort Scale or adverse weather or marine conditions, which could cause safety concerns to passengers, the vessel shall not depart.
2. The vessel may depart only after it has undergone a thorough check, an orientation for lifesaving equipment has been given to passengers, and passengers have put on their lifesaving jackets.
3. Where the recreational fishing vessel carries passengers to islands or reefs, information on the geography and environment of the islands or reefs and safety rules shall be explained to passengers. And passengers shall be required to wear, where appropriate, safety equipment depending on environmental characteristics.
4. Embarkation and disembarkation instructions, safety on board and rules for recreational fishery activities shall be explained to passengers and marked in a noticeable place on board.
5. Maximum number of passengers and number of crew shall be marked in a noticeable place above the pilot seat and on both sides of the hull of the vessel.
6. The ALC shall be switched on and transmit vessel positions to the local radio station, and telecommunication equipment shall be

maintained functional in accordance with Article 16.

#### **Article 16**

For a recreational fishing vessel that has installed an ALC on board, the ALC shall be switched on 2 hours prior to departure and its condition shall be checked with the radio station. The vessel shall not depart until the relevant authority of Coast Guard has checked and confirmed with the radio station that the ALC on board is switched on and functional.

After departure, the ALC on board the recreational fishing vessel referred to in the preceding paragraph shall be maintained operational and transmit positions to the radio station hourly. After return to port, the vessel may switch off the ALC only after notifying the radio station.

When the radio station cannot receive positions from the ALC on board a recreational fishing vessel, it shall immediately report to the competent authority of the central government, which shall order the vessel to return to port for repairing. Before entry into port, the vessel shall report its positions to the radio station by the telecommunication equipment in every 30 minutes. After entry into port, the vessel shall not depart until the ALC is repaired. Cost of communications of the ALC on board a recreational fishing vessel shall be borne by the fishery operator.

#### **Article 17**

Before embarking on a recreational fishing vessel, a passenger shall provide his or her national identification card, passport or any other identity-proving document to the fishery operator or the captain for making a list of people on board.

A recreational fishing vessel may depart from the port only after the fishery operator or captain have submitted the information form on voyage plan and the list of people on board to the relevant authority of Coast Guard Administration stationed in that port.

#### **Article 18**

The fishery operator shall obtain liability insurance. The scope and minimum coverage amount shall be as follows:

1. Death and injury: NT\$ 2 million per person.
2. Accident: NT\$ 2 million multiplied by maximum number of passengers and number of crew.

#### **Article 19**

The fishery operator shall obtain personal injury insurance for all crew members and passengers on their behalf. The minimum coverage amount shall be NT\$ 2 million per person.

The fishery operator shall post the amount and the contents of the personal injury insurance referred to in the preceding paragraph in a noticeable place on board, addressing them in the tickets or chartering contract.

#### **Article 20**

The captain and pilot of a recreational fishing vessel shall comply with the following requirements:

1. Shall not take passengers to islands or reefs not contained

in the recreational fishery license' s annotations of approval.

2. Copies of the recreational fishery license, liability and personal injury insurance policies shall be posted in a noticeable place on board.

3. Shall not engage in any business activities other than recreational fishery.

4. While passengers left vessel to conduct recreational fishery activities, the vessel shall be moored waiting nearby, unless approved otherwise by the competent authority. Unless approved otherwise by the competent authority for any extraordinary incident, the vessel shall return to port with all passengers on board.

5. Other compliance requirements pursuant to relevant regulations.

When a recreational fishing vessel takes passengers out to sea for harvesting aquatic animals or plants, the fishery operator or captain shall fill in and submit the catch logbook or daily logbook of the current month to the competent authority of the government of the municipality or county (city) for perusal by the end of the following month.

#### **Article 21**

Each voyage of a recreational fishing vessel shall not exceed 48 hours. The area of recreational fishery activities shall be restricted to the areas within 30 miles of the coast of Taiwan' s main island and Penghu, within 12 miles of the coast of Pengjia Islet, Green Island and Lanyu, and the islands between the offshore islands.

For operation of recreational fishery in Kinmen and Matsu area, the fishery operator shall use locally-registered recreational fishing vessels. The autonomous regulations relating to the time and area of operation for the recreational fishery is stipulated by the competent authority of the local government in consultation with relevant authorities.

#### **Article 22**

Recreational fishing vessels shall only enter into or departing from its homeport. However, for those approved by the competent authority to use another port for operation, entry or departure, they shall be allowed to enter or depart from that port during the approval period.

With regard to the port approved by the competent authority for operation, entry and departure of the recreational fishing vessel referred to in the preceding paragraph, in the case that the port is beyond the jurisdiction of the competent authority, prior approval shall be obtained from the competent authority administering the port through coordination.

During a necessary voyage between its homeport and port approved by the competent authority, a recreational fishing vessel shall not engage in any recreational fishery activity.

#### **Article 23**

The competent authority of the government of the municipality or county (city) may establish whale watching rules or guide the

fishery operators to establish a convention on self-regulation. The fishery operator or captain of a recreational fishing vessel carrying passengers for whale watching shall place whale watching rules or the convention on self-regulation in a noticeable or easily accessible spot on board for passengers.

#### **Article 23-1**

Discount fares for recreational fishing vessels shall be offered to child passengers and be charged in accordance with the following:

1. For children under one year of age, no fare shall be charged.
2. For children older than one year of age but under three years of age, the maximum fare shall not exceed 30% of the adult fare.
3. For children older than three years of age but under twelve years of age, the maximum fare shall not exceed 80% of the adult fare.

#### **Article 24**

Before a recreational fishing vessel carries passengers to engage in activities of recreational fishery, in the event of one of the following circumstances, the competent authority shall impose punishment pursuant to relevant regulations and promptly prohibit the vessel's departure from port.

1. Application has not been made for inspection, measurement and registration as required.
2. Number of passengers on board exceeds maximum number of passengers.
3. A recreational fishery license has not been obtained.
4. The crew members and pilot do not have the certificate or license as required by Article 12, paragraph 1 and 2.
5. Failure to install qualified lifesaving, fire fighting and telecommunication equipments as required.
6. Manning of the vessel does not comply with Article 13.
7. Failure to install an ALC on board in accordance with Article 14.
8. Failure to transmit vessel positions to local radio station or maintain telecommunication equipment functional in accordance with Article 15, sub-paragraph 6.
9. Failure to obtain insurance in accordance with Article 18 or 19.

The competent authority of the central government may commission the relevant authorities of Coast Guard Administration to enforce inspections and prompt prohibition referred to in each sub-paragraph of the preceding paragraph.

#### **Article 25**

These Regulations shall enter into force on the date of promulgation.