



Tonga

# **FISHERIES (LIMU TANGA'U) REGULATIONS**

**2016 Revised Edition**

**Chapter 42.06.4**





## FISHERIES (LIMU TANGA'U) REGULATIONS

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# FISHERIES (LIMU TANGA'U) REGULATIONS

## FISHERIES MANAGEMENT ACT 2002

*The Minister, in exercise of the powers conferred by section 101 of the Fisheries Management Act 2002, has made the following Regulations —*

Commencement [26 January 2010]

### 1 Short title

These Regulations may be cited as the Fisheries (Limu Tanga'u) Regulations 2009.

### 2 Interpretation

In these regulations:

“**Act**” means the Fisheries Management Act 2002;

“**collectors**” means persons who collect limu tanga'u from the sea for the purpose of sale;

“**Committee**” means the Limu tanga'u Management Committee;

“**form**” means a form in Schedule II;

“**HACCP**” means the internationally recognised process of Hazard Assessment at Critical Control Point;

“**limu tanga'u**” means the brown algae *Cladosiphon* sp;

“**Plan**” means the plan approved by the Minister under section 7 of the Act;

“**Ministry**” means the Ministry of Fisheries; and

“**sea grass**” includes all forms of herbaceous flowering plants that live in inter-tidal and sub-tidal waters.

### **3 Establishment**

The Limu tanga'u Management Committee is hereby established.

### **4 Appointment of members**

Members of the Committee shall be appointed for a two-year term and may be re-appointed for a second or subsequent term.

### **5 Membership**

- (1) Membership of the Committee shall consist of:
  - (a) the Secretary or his delegate (as Chairman);
  - (b) a representative from the limu tanga'u processing sector;
  - (d) a representative from a designated coastal community that has involvement in the harvest of limu tanga'u;
  - (e) an officer of the Ministry of Labour, Commerce and Industries;
  - (f) an officer of the Department of Environment; and
  - (g) the secretariat shall be provided by the Ministry.
- (2) The Chairman may co-opt any person to observe or advise.
- (3) The Committee shall determine its own operating procedures.

### **6 Quorum**

The quorum shall be 4 members including the chairman.

### **7 Responsibilities**

The Committee shall be required to:

- (a) review the Plan every year;
- (b) make recommendations to improve management arrangements for the industry;
- (c) set priorities for gathering information;
- (d) review and comment on any application to process and export on the basis of the criteria provided in these regulations;
- (e) review progress on codes of practice for processing and export;
- (f) set standards for the annual training programme for collectors referred to in regulation 20 that is to be implemented by the Ministry;
- (g) advise on inter-agency issues involving the industry; and
- (h) undertake any other matters requested by the Ministry.

## 8 Remuneration

Members of the Committee shall be remunerated and reasonable travel costs shall be met by the Ministry in accordance with current government policy.

## 9 Application

- (1) An application for a fish processing establishment licence under section 33 of the Act to process limu tanga'u shall be in the form set out in Form 1 and shall be accompanied by the prescribed fee.
- (2) The Secretary, in considering the application, shall take into account the following –
  - (a) the applicant's capacity to:
    - (i) meet the objectives of the Plan;
    - (ii) develop and implement a HACCP programme for all phases of the proposal for collection, processing and export of limu tanga'u;
    - (iii) undertake secondary processing and value adding of limu tanga'u in the Kingdom;
    - (iv) help develop and work within a national code of conduct for national standards on quality control of limu tanga'u produced in, and exported from, the Kingdom; and
    - (v) assist in implementing an annual training programme.
  - (a) availability of a suitable processing plant, freezing plant and holding capacity to process all limu tanga'u supplied by collectors to a state fit for storage and export on the basis of the implemented HACCP programme;
  - (b) the applicant's past history of compliance to the plan, fisheries legislation and licence conditions; and
  - (c) the potential impact on the national economic production and total employment levels of issuing further licences.

## 10 Licence to process

A licence to process limu tanga'u shall be issued in the form set out in Form 2 upon payment of the prescribed fee.

## 11 General conditions

Every licence to process limu tanga'u shall, in addition to conditions endorsed on the licence, be subject to the following:

- (a) adherence to the procedures and process required under HACCP standards and any national code of practice required for quality standards of limu tanga'u;
- (b) that the processor only purchase limu tanga'u from collectors that have been authorised by the Ministry;
- (c) that the processor only purchase limu tanga'u during the harvesting times established by the Ministry for any of the locations noted in Form 4; and
- (d) provision of monthly returns during the months of August to and including February, and in any months outside this period when they purchased limu tanga'u, giving details of quantities purchased, employment levels and harvest locations for all limu tanga'u purchased on Form 5.

## **12 Licence to process not transferable**

No person or company that holds a licence to process limu tanga'u may transfer that licence to another person or company.

## **13 Renewal**

An application to renew a fish processing establishment licence to process limu tanga'u issued under section 33 of the Act shall be in the form set out in Form 6 and shall be accompanied by the prescribed fee.

## **14 Application for licence to export**

An application for a licence to export limu tanga'u or renewal thereof under section 35 of the Act shall be in the form set out in Form 3 and shall be accompanied by the prescribed fee.

## **15 Licence to export**

A licence to export limu tanga'u shall be issued in the form set out in Form 4 upon payment of the prescribed fee.

## **16 Licence to export not transferable**

No person or company licensed to export limu tanga'u may transfer that licence to another person or company.

**17 Authorisation of collectors**

- (1) No person may collect and sell limu tanga'u except with a written authorisation from the Secretary and in accordance with such conditions as he may specify.
- (2) Such authorisation shall be provided each year only after a person has completed the annual training programme that is implemented by the Ministry.
- (3) Any person who contravenes sub-regulation (1) shall be liable upon conviction to the fine provided in section 102 of the Act.

**18 General conditions for collectors**

- (1) Any authorisation to collect and sell limu tanga'u shall be subject to the following conditions:
  - (a) prohibition on collection in any location until the Ministry has allowed harvesting;
  - (b) prohibition on sale of limu tanga'u to an unlicensed processor; and
  - (c) prohibition on the use of a rake to collect limu tanga'u or other collection methods that result in the destruction of seagrass.
- (2) Any person who contravenes sub-regulation (1) shall be liable upon conviction to the fine provided in section 102 of the Act

**19 Annual review of seagrass distribution**

The Ministry shall undertake an annual review of seagrass distribution in collection areas through the use of satellite imagery and supplementary field assessments, and report its findings to the Committee.

**20 Annual training programme**

The Ministry shall:

- (a) implement an annual training programme on habitat protection, appropriate collection procedures, quality control and limu tanga'u marketing issues for all collectors;
- (b) include in training correct collection techniques, seagrass conservation, handling and cleaning techniques and marketing requirements; and
- (c) develop and implement training to the standards required by the Committee.



**21 Appropriate times to harvest**

The Ministry shall monitor the growth of limu tanga'u and inform collectors of the appropriate times to harvest limu tanga'u from any of the locations in Form 5.

**SCHEDULE I****FEES**

- 1) Fee for application for a fish processing establishment licence to process limu tanga'u: \$10.00.
- 2) Licence fee for a fish processing establishment licence to process limu tanga'u: \$500.00 per year.
- 3) Fee for application for a fish export licence, or renewal thereof, to export limu tanga'u: \$10.00.
- 4) Fee for application to renew a fish processing establishment licence to process limu tanga'u: \$10.00.
- 5) Licence fee for a fish export licence to export limu tanga'u: \$1000.00 per year.

**SCHEDULE II****FORMS**

1. Application for a Fish Processing Establishment Licence to process Limu tanga'u.
2. Fish Processing Establishment Licence to process Limu tanga'u.
3. Application for a Fish Export Licence to export Limu tanga'u.
4. Fish Export Licence to export Limu tanga'u.
5. Monthly production returns.
6. Application to renew a Fish Processing Establishment Licence to process Limu tanga'u.

**FORM 1****KINGDOM OF TONGA****FISHERIES MANAGEMENT ACT 2002****APPLICATION FOR A FISH PROCESSING ESTABLISHMENT LICENCE  
TO PROCESS LIMU TANGA'U**

(Fisheries (Limu tanga'u) Regulations 2009 – Regulation 9)

Answer all questions on this form either by filling in the spaces provided or by supplying detailed attachments. Circle the relevant answer where yes / no options are given.

**DETAILS OF APPLICANT AND PREMISES**

Name of applicant (if applicant is a registered company, give name and registered number)

Address

Telephone

Fax

Name of premises

Is the applicant the owner or lessee of the premises?

If the applicant is leasing the premises, attach a copy of the lease      Copy attached –  
yes / no

Details of any partnership or other contractual arrangements that relate to the proposed operation	Details of partnership or Contractual arrangements attached –
yes / no	

**DETAILS OF PROPOSED LIMU TANGA'U PROCESSING OPERATION**

Anticipated quantity of supply (tonnes in wet weight)

Anticipated source of supply

Description and plans of processing      Documents providing description

facilities and plans of processing facilities –  
yes / no

Daily freezing capacity, taking  
product from 250C to –250C (tonnes)

Total freezer storage capacity (tonnes)

Details of secondary processing of limu tanga'u to be undertaken at processing facility Document that describes details of secondary processing to be undertaken –  
yes / no

Details of HACCP programme that relate to collection, processing and export of limu tanga'u HACCP Programme and accreditation attached –  
yes / no

Details of waste water and waste disposal system Document that provides details of waste water and waste treatment system – yes / no

Estimated number of employees

Estimated number of collectors

Estimated annual turnover (\$TOP)  
from sales

I declare that the information supplied in this application is true and complete. I understand that I am required to report immediately to the Secretary any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

.....

Signature of applicant (s) or authorised company representative

.....

Name of applicant (s) and role in the company (where relevant)

.....

Date of application

**FORM 2**  
**KINGDOM OF TONGA**  
**FISHERIES MANAGEMENT ACT 2002**  
**FISH PROCESSING ESTABLISHMENT LICENCE TO PROCESS LIMU TANGA'U**

(Fisheries (Limu tanga'u) Regulations 2009– Regulation 10)

Fish Processing Establishment (Limu tanga'u) Licence Number \_\_\_\_\_

Date of issue \_\_\_/\_\_\_/\_\_\_\_\_

The person named as the licence-holder is licensed under section 33 of the Fisheries Management Act 2002 to use the premises described below as a fish processing establishment to process limu

tanga'u in accordance with the terms and conditions set out in this licence and the conditions in the Act and the Fisheries (Limu tanga'u) Regulations 2005.

Name of licence holder: .....

Address of premises at which processing .....

of limu tanga'u is permitted: .....

.....  
.....  
.....  
.....

Authorised processing methods: .....

.....  
.....  
.....  
.....

Source of supply: .....

.....  
.....

**SPECIAL CONDITIONS**

1 The processing facility shall demonstrate the existence of an approved HACCP programme within 180 days of this licence being issued.

2 The licensed processor shall provide monthly returns (including nil returns) during the months of August to February, and in any months outside this period when they purchase limu tanga'u, giving details of production levels, employment levels and harvest locations for all limu tanga'u purchased on Form 5 of these Regulations.

3 The processor shall only purchase limu tanga'u from collectors that have been authorised by the Ministry.

4 The processor shall only purchase limu tanga'u during the harvesting times established by the Ministry for any area.

**PERIOD OF VALIDITY**

Subject to the licensee's adherence to the Fisheries Management Act 2002, the Fisheries (Limu tanga'u) Regulations 2005 and the conditions listed above, this licence is valid from the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ (inclusive).

**SECRETARY FOR FISHERIES DATE**

Note: This licence is not transferable

**FORM 3**  
**KINGDOM OF TONGA**  
**FISHERIES MANAGEMENT ACT 2002**  
**APPLICATION FOR A FISH EXPORT LICENCE TO EXPORT LIMU TANGA'U**  
(Fisheries (Limu tanga'u) Regulations 2009 – Regulation 14)

Answer all questions on this form either by filling in the spaces provided or by supplying detailed attachments. Circle the relevant answer where yes / no options are given.

**DETAILS OF APPLICANT**

Name of applicant (if applicant is a registered company, give name and registered number

Address

Telephone

Fax

DETAILS OF PROPOSED LIMU TANGA’U EXPORT OPERATION

Anticipated quantity of supply (tonnes)

Anticipated source of supply – Yes / No
Is the source of supply your own company

If the supply source is not from your own company, identify the anticipated source of supply

If the supply source is not from your own company, give contractual or other details of the supply arrangement
Copy of the supply contract, or other contractual arrangements about supply of limu tanga’u, attached – Yes / No

Details of HACCP programme that relate to production and export of limu tanga’u
Detailed HACCP programme document and accreditation attached – yes / no

Estimated number of employees

Estimated annual turnover (\$TOP) from sales

I declare that the information supplied in this application is true and complete. I understand that I am required to report immediately to the Secretary any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

.....
.....
.....

Signature of applicant (s) or authorised company representative

.....
.....
.....

Name of applicant (s) and role in the company (where relevant)

Date of application

**FORM 4**

**KINGDOM OF TONGA**

**FISHERIES MANAGEMENT ACT 2002**

**FISH EXPORT LICENCE TO EXPORT LIMU TANGA'U**  
(Fisheries (Limu tanga'u) Regulations 2009 – Regulation 15)

Fish Export Licence (Limu tangu'a) Number \_\_\_\_\_

Date of issue \_\_\_/\_\_\_/\_\_\_\_\_

The person named as the licence-holder is licensed under section 35 of the Fisheries Management Act 2002 to export limu tanga'u in accordance with the terms and conditions set out in this licence and the conditions in the Act and the Limu Tanga'u Regulations 2006.

Name of licence holder: \_\_\_\_\_

Address of premises from which export  
of limu tanga'u is permitted: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authorised source of supply: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SPECIAL CONDITIONS**

The export facility shall demonstrate the existence of an approved HACCP programme within 180 days of this licence being issued.

**PERIOD OF VALIDITY**

Subject to the licensee's adherence to the Fisheries Management Act 2002, the Limu Tanga'u Regulations 2006 and the conditions listed above, this licence is valid from the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ (inclusive).

SECRETARY FOR FISHERIES                      DATE

Note: This license is not transferable

FORM 5

KINGDOM OF TONGA

FISHERIES MANAGEMENT ACT 2002

MONTHLY PRODUCTION RETURN

(Fisheries (Limu tanga'u) Regulations 2009 – Regulation 11)

Limu tanga'u Processing Licence number \_\_\_\_\_

1. Issued to: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

2. Month and year of production \_\_\_\_\_

3. Quantity of limu tanga'u purchased the month (tonnes) \_\_\_\_\_

4. Number of persons from whom you purchased limu tanga'u \_\_\_\_\_

5. Number of persons you employ to process limu tanga'u \_\_\_\_\_

6. Estimated production from any of the following areas in the month

(1) Manuka – Kolonga \_\_\_\_\_

(2) North Islands – Tongatapu \_\_\_\_\_

(3) Nuku'alofa – shore \_\_\_\_\_

(4) 'Atata \_\_\_\_\_

(5) Maria Bay \_\_\_\_\_

(6) 'Uiha \_\_\_\_\_

(7) Koulo \_\_\_\_\_

(8) Rest of Ha'apa'i \_\_\_\_\_

(9) Vava'u \_\_\_\_\_

(10) Other areas (specify) \_\_\_\_\_

I declare that the information supplied in this application is true and complete.

.....  
.....  
.....

Signature of applicant (s) or authorised company representative

.....  
.....  
.....

Name of applicant (s) and role in the company (where relevant)

.....  
Date of monthly return

FORM 6

KINGDOM OF TONGA

THE FISHERIES MANAGEMENT ACT 2002
APPLICATION TO RENEW A FISH PROCESSING ESTABLISHMENT LICENCE TO
PROCESS LIMU TANGA'U

(Fisheries (Limu Tanga'u) Regulations 2009 - Regulation 13)

INSTRUCTIONS: Underline surname or family name
Address means complete mailing address
Use a separate sheet where necessary

LICENCE No.....

1. Name of current licence holder/s.....

Address of current licence holder/s.....

2. Name of fish processing establishment

The Fisheries Management Act 2002 provides penalties for persons who provide false information.
I certify that the information supplied in this application is a true and correct statement. I understand
I am required to report to the Secretary immediately, and in any case no later than 7 days, any
changes to the information given on this form and further understand that failure to do so may
render me liable to prosecution.

Signature of applicant/s or authorised company representative

Date of application.



## ENDNOTES