



Tonga

AQUACULTURE MANAGEMENT REGULATIONS 2022



AQUACULTURE MANAGEMENT REGULATIONS 2022

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AQUACULTURE MANAGEMENT REGULATIONS 2022

IN EXERCISE of the powers conferred by section 41 of the Aquaculture Management Act [Cap.18.01], the Minister responsible for Fisheries, with the consent of the Cabinet, makes the following Regulations and as amended by the Legislative Assembly on 9th of November 2023 by virtue of section 9 of the Government Act (Cap 8.06) -

PART I – PRELIMINARY

1 Short Title

These Regulations may be cited as the Aquaculture Management Regulations 2022.

2 Interpretation

In these Regulations unless the context requires otherwise –

“**Act**” means the Aquaculture Management Act [Cap. 18.01];

“**aquaculture**” has the same meaning as in the Act;

“**Aquaculture equipment**” means any fixtures, furniture or equipment of any nature that is not part of the natural environment that is used by the holder of an aquaculture development licence for the purpose of aquaculture;

“**Aquaculture officer**” means any fisheries officer and any member of the police force;

- “**CEO**” means the Chief Executive Officer responsible for Fisheries;
- “*Codex alimentarius*” means the collection of internationally adopted food standards compiled by the Joint FAO/WHO Food Standards Programme;
- “**extensive operation**” means that form of aquaculture that requires small or no input of labour, feed, equipment or furniture in the aquaculture premises;
- “**feed**” means any edible materials, including live feed, that are consumed by aquatic organisms and that contribute energy and/or nutrients to their diet;
- “**fish**” has the same meaning as in the Act;
- “**General Principles of Food Hygiene**” means the Recommended International Code of Practice General principles of Food Hygiene in the Codex alimentarius;
- “**guarantee**” means a written note or memorandum signed by the authorised agent of a financial institution in the Kingdom;
- “**HACCP**” means a Hazard Analysis Critical Control Point as provided for under the Codex alimentarius;
- “**high-water mark**” means the shoreline location that corresponds to the mean high water tide level;
- “**intensive operation**” means that form of aquaculture that requires the use of high level of input of equipment or furniture of any sort in the aquaculture premises;
- “**internal waters**” has the same meaning as in the Maritime Zones Act 2009;
- “**inter-tidal waters**” means the water column of the inter-tidal zones;
- “**inter-tidal zone**” means the land exposed when the tides rise and fall;
- “**introduction**” means international movement of fish in commercial aquaculture operations;
- “**live aquatic organism**” means any live fish or live feed;
- “**Minister**” has the same meaning as in the Act;
- “**Ministry**” means the Ministry responsible for fisheries;
- “**WOAH**” means the World Organisation for Animal Health;
- “**offshore waters**” means any waters in the Kingdom below the high-water mark that are not internal waters;
- “**open water releasing**” means the practice of releasing aquaculture products in inter-tidal, internal or offshore waters for subsequent harvest through conventional fishing practices;
- “**plan**” means an Aquaculture Management and Development Plan published in the Gazette under section 4 of the Act and any other related aquaculture plan that may be developed by the Minister from time to time; and

“**related activity**” has the same meaning as in the Act.

PART II – AQUACULTURE MANAGEMENT AND DEVELOPMENT PLAN

3 Consultation

When preparing or revising an Aquaculture Management and Development Plan, the Minister shall consult with –

- (a) Government Ministries and Agencies involved in aquaculture management and development, as appropriate; and
- (b) Aquaculture farmers, representatives of aquaculture farmers’ associations, fishers, representatives of fishers’ associations and any other persons or communities likely to be affected by such plan.

4 Content, review and adoption

- (1) An Aquaculture Management and Development Plan shall contain at least the following information –
 - (a) background information;
 - (b) status of the aquaculture sector in Tonga;
 - (c) objectives of the plan;
 - (d) prioritization of aquatic species to be farmed;
 - (e) categorization of aquaculture activities, in accordance with these Regulations;
 - (f) logical framework, including expected outcomes and outputs;
 - (g) planned activities and timeframe for their implementation;
 - (h) implementing strategies and management measures;
 - (i) monitoring and evaluation strategies, including means of verification and measurable indicators;
 - (j) relevant stakeholders; and
 - (k) other information, as necessary.
- (2) Without prejudice to the provisions of section 5 of the Act, a plan may identify suitable areas for aquaculture development, based on the most reliable scientific and socio-economic information available and taking into consideration other existing and potential activities in the coastal area.
- (3) A plan shall be reviewed at least every five (5) years and revised, as appropriate, following the same procedure established for its adoption.

- (4) Notwithstanding sub-regulation (3) above, there shall be a mid-term review of the plan to determine minor revisions and adjustments in its implementation.
- (5) Each Aquaculture Management and Development Plan, and each revision thereof, shall be submitted to the Minister for approval process for gazettal thereafter.

PART III – AQUACULTURE DEVELOPMENT LICENCE

5 Categories of aquaculture activities

- (1) Aquaculture activities are divided in three (3) categories based on associated environmental risks, as follows –
 - (a) Category A for low environmental risk activities;
 - (b) Category B for medium environmental risk activities; and
 - (c) Category C for high environmental risk activities.
- (2) The characteristics of each category identified in sub-regulation (1) shall be defined in the Aquaculture Management and Development Plan.

6 Application for an aquaculture development licence

- (1) Any person, persons or company wishing to carry out aquaculture or aquaculture-related activities shall apply for a licence to be issued by the Minister in accordance with the Act and with these Regulations.
- (2) An application for an aquaculture development licence shall be-
 - (a) made in accordance with the requirements in the Act and submitted to the Minister in Form 1 of Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.
- (3) An application for an aquaculture development licence shall be accompanied by the following documentation:
 - (a) a copy of the relevant land title; if the aquaculture activity is to be developed on Crown land, a copy of the lease of the said land or a statement from the Ministry of Lands confirming the availability of the land for aquaculture, as required under section 13(3) of the Act;
 - (b) an Environmental Impact Assessment (EIA) report as required under section 13(4) of the Act;
 - (c) a business licence issued by the relevant authority, where applicable;
 - (d) a technical feasibility study;
 - (e) a business plan, including a socio-economic viability study;
 - (f) an aquatic biosecurity plan for categories B and C; and

- (g) any additional information required by the Minister pursuant section 13(5) of the Act.

7 Issuance of an aquaculture development licence

- (1) Subject to the determinations made in accordance with section 15 of the Act, the Minister may issue an aquaculture development licence –
 - (a) in Form 2 of Schedule 1 for the appropriate category of aquaculture activity, based on the characteristics defined in the Aquaculture Management and Development Plan and as determined in the Environmental Impact Assessment report; and
 - (b) upon payment of the relevant fee for that Category specified in Schedule 2.
- (2) Each licence shall indicate the period of validity, which shall not exceed ten (10) years.

8 Renewal of aquaculture development licence

An application for renewal of an aquaculture development licence shall be –

- (a) made in Form 3 of Schedule 1; and
- (b) accompanied by the fee specified in Schedule 2.

9 Licensing conditions

All aquaculture development licences issued under these Regulations shall be subject to the following general conditions and to any other conditions as may be specified in the Act, in these Regulations or by the Minister –

- (a) that the aquaculture operator keep daily records of all production and related activities; and
- (b) that the aquaculture operator submit monthly returns of all production and related activities to the CEO in Form 4 of Schedule 1.

PART IV – IMPORT AND INTRODUCTION OF LIVE AQUATIC ORGANISMS AND EXOTIC FISH

10 Import and introduction of live aquatic organisms

- (1) Any person intending to import into the Kingdom or introduce in the aquatic environment live aquatic organisms must submit an application to the Minister, in the prescribed form, requesting an authorisation under section 30(1) of the Act.

- (2) The Minister may require the applicant to submit an Import Risk Analysis (IRA) or an Environmental Risk Assessment (EIA) Report, or both, based on consideration of the following criteria –
 - (a) country of origin of the live aquatic organisms to be introduced;
 - (b) species of live aquatic organisms to be introduced;
 - (c) life stage of the specimen to be introduced; and
 - (d) any other relevant aspects.
- (3) Any application for an authorisation to import live aquatic organisms shall be accompanied by the following documentation issued by the competent authorities of the country of origin –
 - (a) sanitary or phytosanitary certificate, as appropriate;
 - (b) laboratory test results in the case of species affected by WOAHA-listed diseases; and
 - (c) valid export permit; and
 - (d) any other relevant documentation.
- (4) The Minister may grant an authorisation to import live aquatic organisms, upon payment of the prescribed fees, if he or she is satisfied that the import is beneficial to the development of aquaculture in Tonga and does not represent a threat to national economy, to biodiversity and the environment or to public health.

11 Import and introduction of exotic fish

- (1) A person intending to import into the Kingdom or introduce in the aquatic environment any exotic fish must submit an application to the CEO in the prescribed form, requesting an authorisation under section 28 of the Act.
- (2) The Minister may adopt biosecurity guidelines for the introduction of exotic aquatic species, in consultation with the competent authority in charge of quarantine and biosecurity.
- (3) These guidelines may contain the following information –
 - (a) list of authorized aquatic species for introduction;
 - (b) list of authorized countries of origin or competent authorities;
 - (c) list of aquatic pathogens to be monitored;
 - (d) quarantine procedures and operations; and
 - (e) Import Risk Analysis procedures.
- (4) Any licence, permit, approval or authorisation given under these Regulations which relates to a fish that is a living modified organism shall be subject to any applicable provision of the Biosafety Act, and shall be in accordance with any condition, standard or requirement set or imposed by the National Biosafety Advisory Committee.

PART V – FARMING, PROCESSING AND EXPORT PROTOCOLS AND STANDARDS

12 Farming strategies

- (1) The CEO may adopt codes of practices in accordance with section 10 of the Act, specifying farming standards and best practices for the management of an aquaculture farm, of a specific aquaculture commodity or of aquaculture activities in Tonga, based on international standards and practices.
- (2) The standards and best practices referred to in sub-regulation (1) may address the following aspects –
 - (a) site selection, including zoning arrangements for specific commodities;
 - (b) marking and protection of an aquaculture farm;
 - (c) species, including species origin;
 - (d) stocking densities, including maximum carrying capacity meaning the number of aquatic organisms per production area/volume;
 - (e) feeding, including type and origin of authorized feeds for specific farmed species during their life cycles in accordance with Schedule 3 of these Regulations;
 - (f) use of chemicals and veterinary drugs in aquaculture in accordance with Schedule 4;
 - (g) waste management, including specific mechanisms and strategies to manage solid waste and effluents generated during farming activities;
 - (h) land and water use, including water treatment and filtration protocols;
 - (i) record keeping of farming activities, inputs and outputs; and
 - (j) any other relevant issue.

13 Handling, processing and export

- (1) The CEO may adopt codes of practices in accordance with section 10 of the Act, specifying standards and best practices for the handling, processing and export of Aquaculture fish and Aquaculture fish products, based on international standards and practices.
- (2) The standards and best practices referred to in sub-regulation (1) may address the following aspects:
 - (a) handling, packaging, preparing, processing, freezing and defrosting of fish and fish products;
 - (b) storage, transportation and unloading of fish and fish products;
 - (c) placing of identification marks on fish and fish products intended for export;

- (d) labelling of fish and fish products; and
- (e) any other relevant issue.

PART VI – AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE

14 Aquaculture fish processing establishment licence

- (1) No person shall operate a Aquaculture fish processing establishment without a licence issued by the CEO.
- (2) An Aquaculture fish processing establishment licence shall only be granted to a person, persons or company that holds a valid aquaculture development licence.

15 Application for an Aquaculture fish processing establishment licence

- (1) An application for Aquaculture fish processing establishment licence shall be –
 - (a) made to the CEO in Form 5 of Schedule 1; and
 - (b) accompanied by the specified fee in Schedule 2.
- (2) The application form shall be accompanied by the following documentations –
 - (a) a copy of the land title for the area to be used for processing;
 - (b) any environmental and food safety clearances, as applicable;
 - (c) a business licence, as applicable;
 - (d) a technical feasibility study;
 - (e) a business plan, including a socio-economic viability study;
 - (f) a HACCP plan, if required, based on a food-safety hazard analysis of the fish intended for processing; and
 - (g) any additional documentation required by the CEO, including an inspection report of the site to be used for processing.

16 Issuance of an Aquaculture fish processing establishment licence

- (1) The CEO may issue an Aquaculture fish processing establishment licence –
 - (a) in Form 6 of Schedule 1; and
 - (b) upon payment of the specified fee specified in Schedule 2.
- (2) All Aquaculture fish processing establishment licences issued under these Regulations, shall, unless revoked earlier, be valid for a period of twelve (12) months from the date of issue.

17 Special considerations

When considering an application for a Aquaculture fish processing establishment licence, the CEO shall take into account the following –

- (a) the documentation and inspection reports anticipated under Regulation 15(2);
- (b) the ability of the applicant to meet prescribed protocols and standards;
- (c) the requirements made under food safety and environmental legislation;
- (d) confirmation that the operator is a fit and proper person; and
- (e) any other matter as the CEO deems necessary or as may be prescribed in the Regulations from time to time.

18 Renewal of an Aquaculture fish processing establishment licence

- (1) An application to renew an Aquaculture fish processing establishment license shall be –
 - (a) submitted to the CEO in Form 7 in Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.
- (2) All application for renewal shall be considered in the same manner as a new application.

19 Licence conditions

All Aquaculture fish processing establishment licences issued under these Regulations shall be subject to the following general conditions, in addition to any other conditions as may be specified by the CEO –

- (a) that the processor implement the HACCP Plan, when such plan is required;
- (b) that accurate records be maintained on a daily basis on such forms as may be required by the CEO, relating to the operations carried out at such establishment, including records of the origin, dates, quantity, type and quality of fish received, processed, sold and exported, and any other information which the CEO may require;
- (c) that all such records be open to inspection at any time by any Aquaculture Officer appointed under these Regulations;
- (d) that Aquaculture Officers appointed under these Regulations be given access to information and records, and are allowed to conduct regular inspections and investigations of the processing premises;
- (e) that the processor submit monthly returns of all processing activities to the CEO;
- (f) that the processor comply with prescribed food safety standards and protocols, and monitors and documents, the implementation of such standards in accordance with the Act and these Regulations; and

- (g) that the processor comply with any other applicable legal requirements.

PART VII – AQUACULTURE FISH EXPORT LICENCE

20 Aquaculture fish export licence

- (1) No person shall export Aquaculture fish or Aquaculture fish products without a licence issued by the CEO.
- (2) An Aquaculture fish export licence shall only be granted to a person, persons or company that holds a valid aquaculture development licence.

21 Application for Aquaculture fish export licence

- (1) An application for Aquaculture fish export licence shall be –
 - (a) submitted to the CEO in Form 8 of Schedule 1; and
 - (b) accompanied by the fee specified in Schedule 2.
- (2) The application form shall be accompanied by the following documentation –
 - (a) a business licence, as applicable; and
 - (b) a business plan, including a socio-economic viability study and market of destination.

22 Issuance of Aquaculture fish export licence

- (1) The CEO may –
 - (a) issue an Aquaculture fish export licence in Form 9 of Schedule 1; and
 - (b) upon payment of the relevant fee specified in Schedule 2.
- (2) All Aquaculture fish export licences issued under these Regulations shall, unless revoked earlier, be valid for a period of twelve (12) months from the date of issue.

23 Renewal of Aquaculture fish export licence

- (1) An application to renew a Aquaculture fish export licence shall be –
 - (a) made in Form 10 of Schedule 1; and
 - (b) upon payment of the relevant fee specified in Schedule 2.
- (2) All application for renewal shall be considered in the same manner as a new application.

24 Licence conditions

All Aquaculture fish export licences issued under these Regulations are subject to the following conditions –

- (a) that Aquaculture fish products be processed in a licensed Aquaculture fish-processing establishment pursuant to an effective HACCP Plan, if required for the fish or fish product intended for export;
- (b) that the HACCP Plan be prepared by a person who received training in the application of HACCP Principles or a fish safety inspector;
- (c) that accurate records be maintained on a daily basis on such forms as may be required by the CEO, relating to the market of destination, the volume and value of exports and the origin of the aquaculture product, and any other information which the CEO may require;
- (d) that all such records be open to inspection at any time by any Aquaculture Officer appointed under these Regulations;
- (e) that Aquaculture Officers appointed under these Regulations be given access to information and records, and are allowed to conduct regular inspections and investigations of the export premises;
- (f) that the exporter submit monthly returns of all exporting activities to the CEO;
- (g) that the exporter have demonstrated the ability and commitment to meet the prescribed food safety standards during the exporting process; and
- (h) that the fish or fish product meet any requirements of the relevant foreign market.

25 Certification of Aquaculture fish exports

- (1) Aquaculture products shall be certified as being aquaculture products by an Aquaculture Officer. The certification shall be based upon reasonable evidence that the product originates from aquaculture (for example, through natural or physical tagging, or through audit or examination of production records) and is free from WOAH-listed diseases.
- (2) All aquaculture fish and aquaculture fish products exported from the Kingdom of Tonga shall be accompanied by the following documentation –
 - (a) an export permit issued by the CEO;
 - (b) a CITES permit, as applicable;
 - (c) a sanitary or phytosanitary certificate, as applicable;
 - (d) a food safety clearance for fish and fish products intended for human consumption; and
 - (e) any other documentation required by the importing country.

26 Export permit

- (1) Every aquaculture fish export licence holder is required to obtain an export permit from the CEO for every export of aquaculture fish or aquaculture fish product.
- (2) The fees payable for the issuance of an export permit and accompanying certificates are prescribed in Schedule 2 of these Regulations.

**PART VIII – QUALITY AND TRACEABILITY OF
AQUACULTURE PRODUCTS****27 Quality certification**

- (1) The Ministry shall be the certification body for aquaculture operations and aquaculture fish processing establishments, unless otherwise provided by the Minister.
- (2) Without prejudice to sub-regulation (1), internationally-recognized certification bodies may certify aquaculture operations and aquaculture fish processing establishments, as applicable.
- (3) All costs related to quality certification of aquaculture fish products shall be borne by the requesting aquaculture operator or aquaculture fish processor.

28 Traceability

- (1) Aquaculture operators and aquaculture fish processors and exporters have the duty to keep production, processing and export records, as applicable, for a minimum period of five (5) years for traceability purposes.
- (2) In addition to the information requested under Regulations 9, 19(b) and 24(c), aquaculture operators and Aquaculture fish processors and exporters, as applicable, shall maintain, at least, records of the following information –
 - (a) annual production volume;
 - (b) annual production value;
 - (c) annual mortality;
 - (d) annual feed consumption;
 - (e) annual processing volume and value; and
 - (f) annual export volume and value, including market of destination.
- (3) Records should be available for monitoring by the Ministry, when and if requested.
- (4) All aquaculture products originating from a Aquaculture fish processing establishment shall be appropriately coded for traceability purposes.

PART IX – ENFORCEMENT

29 Designation of aquaculture officers

The aquaculture officers shall be designated in accordance to section 31 of the Act.

30 Aquaculture Officer's powers and duties

In addition to the powers set out in the Act, Aquaculture Officers may without warrant –

- (a) request the Aquaculture fish processor or exporter for information on compliance with the duties imposed under these Regulations;
- (b) carry out regular inspection and audit of Aquaculture fish processing establishments and export premises according to international food safety and biosecurity standards;
- (c) carry out regular sampling and testing of fish;
- (d) seize, and impound fish that is not safe for consumption;
- (e) conduct inspections of Aquaculture fish processing establishments and export premises, in accordance with the requirements of the Act and of these Regulations; and
- (f) ensure compliance with the prescribed protocols and standards, including those of the importing country, as appropriate.

31 Revocation and suspension of licence

- (1) In addition to the grounds set out in the Act, the CEO may revoke or suspend a licence issued under these Regulations where the licence holder –
 - (a) has been convicted of violating these Regulations;
 - (b) has not complied with any term or condition of his licence or authorisation; or
 - (c) has been convicted of an offence under the Act.
- (2) The CEO may revoke or suspend a licence issued under these Regulations if –
 - (a) in the case of an aquaculture development licence or of a Aquaculture fish processing licence, the farming or the processing activities have not started within one (1) year from the issuance of the licence; or
 - (b) in the case of an export licence or import permits, there has not been exporting or importing aquaculture resources for a continuous period of at least nine (9) months.

32 Appeals

- (1) Any person aggrieved by –
 - (a) the refusal of the Minister to issue or renew of any of the license or authorisation issuable by the Minister under these Regulations; or
 - (b) suspension of a license by the Minister under these Regulations, may appeal to the Cabinet by –
 - (i) submitting his appeal in writing within 7 days of the date of receipt of such decision; and
 - (ii) the Cabinet shall make a decision in relation to the appeal within 14 days of the date of receipt of the appeal.
- (2) Any person aggrieved by-
 - (a) the refusal of the CEO to issue or renew of any of the license, authorisation or permit issuable by the CEO under these Regulations; or
 - (b) the revocation or suspension of a license by the CEO under these Regulations, may appeal to the Minister by –
 - (i) submitting his appeal in writing within 7 days of the date of receipt of such decision; and
 - (ii) the Cabinet shall make a decision in relation to the appeal within 14 days of the date of receipt of the appeal.
- (3) The Cabinet or Minister’s decision upon any appeal made under sub-regulations (1) and (2) of these Regulations shall be final.

33 General offences and penalties

- (1) A person who violates a provision of these Regulations or violates the Terms and Conditions of the licence under which he or she operates commits an offence.
- (2) A person who commits an offence for which no other penalty provided is liable to a fine of not exceeding \$10,000.00.

34 Forfeiture of equipment and fish

- (1) If a person commits an offence under the provisions of these Regulations and is convicted, any vessel, vehicle, together with its equipment, harvest, stores, cargo and fuel, used in the commission of the offence or in relation to which the offence was committed must be forfeited to the Government or as decided by the Court.

- (2) Subject to sub-regulation (1), if a person is convicted of an offence against the provisions of these Regulations, the Court may forfeit –
 - (a) any Aquaculture fish or fish product used in the commission of the offence; or
 - (b) any material, furniture or equipment, instruments or appliances used in the commission of the offence.
- (3) The proceeds from the sale of any Aquaculture fish, fish products or other perishables in nature are liable to forfeiture in the same manner as in sub-regulation (1) above.

PART X – MISCELLANEOUS

35 Non-transferability of licences

All licences and authorisations issued under these Regulations are not transferable.

36 Consideration of applications within reasonable period of time

Unless the delay in the consideration of an application is occasioned by the failure of an applicant to produce information requested by the Minister or CEO, the CEO shall take the necessary steps to ensure that an application is considered and the outcome of such consideration is communicated to an applicant within a reasonable period of time, which in no case shall exceed a period of thirty (30) days.

37 Ministry to maintain a record of licensed operations

The CEO shall maintain a list of all permits, licences and authorisations issued under these Regulations, including all aquaculture farms, aquaculture fish processing establishments, and aquaculture fish export individuals or companies.

38 Information to be true and correct in every particular

- (1) All information required under these Regulations to be recorded, or to be provided, notified, communicated, or reported, shall be true, complete and accurate.
- (2) Any changes in the circumstances which has the effect of rendering any such information false, incomplete or misleading, shall be communicated to the Ministry no later than 7 days.
- (3) Any person who contravenes sub-regulations (1) or (2) commits an offence and shall be punished in accordance with the provisions of the Act.

39 Exemption

The Minister may exempt any extensive operation from the payment of any fees applicable to aquaculture development license application or aquaculture development license.

PART XI – FINAL PROVISIONS**40 Repeals and Savings**

- (1) The Aquaculture Management Regulations 2008 are hereby repealed.
- (2) Notwithstanding such repeal from and after the date the of coming into operation of these Regulations –
 - (a) any licence granted under the Aquaculture Management Regulations 2008 as well as any licence issued under the Fisheries Management (Processing and Export) Regulations 2008 for Aquaculture fish products shall continue to be valid on such terms and conditions of approval for the period stipulated therein; and
 - (b) all ministerial notices issued under the Aquaculture Management Regulations 2008 and in force at the date of commencement of these Regulations shall be subject to such modifications and adaptations as may be necessary to bring them into conformity with these Regulations.
- (3) All applications for renewal of licences issued under previous regulations shall be made in accordance with these Regulations.

Made at Nuku'alofa this 7th day **May** 2024.

Lord Fohe

Minister responsible for Fisheries

SCHEDULE 1

FORM 1

AQUACULTURE MANAGEMENT ACT [Cap. 18.01]

(Aquaculture Management Regulations 2022 - Regulation 6 (2)(a))

APPLICATION FOR AN AQUACULTURE DEVELOPMENT LICENCE

INSTRUCTIONS:

Clearly mark the boxes X where appropriate

Use a separate sheet where necessary

Surname or family name

Address means complete mailing address

I/We (insert full name of applicant(s)).....apply for an aquaculture development licence, the full particulars of which are described below.

Address of applicant(s):

- 1. Location of proposed aquaculture operation in latitude and longitude (Global Position System) coordinates. Please provide a description of the property and a map of the area.

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

- 2. What is the spatial area of the site described in the application, and what area is to be used for the purpose of aquaculture?

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

- 3. Is a certified copy of any instrument that demonstrates tenure or authority to undertake aquaculture in the area that is the subject of this application attached? Yes / No. Give details.

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

4. Is the proposed aquaculture operation to take place in tidal waters? Yes/No. If the proposed aquaculture operation is to occur in tidal waters, is the area in internal waters or offshore waters?

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

5. If the proposed aquaculture operation is to take place in tidal waters, is exclusive access required for part or all of each year that the aquaculture development licence is valid?

Yes No

6. If the proposed aquaculture operation is to take place in tidal waters and exclusive access is not required for a full year, for what months of the year is exclusive access required, and what is the basis for requiring exclusive access in this period?

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

7. If the proposed aquaculture operation is to take place in tidal waters and exclusive access is required for a full year, what is the basis for requiring exclusive access?

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

8. Describe the nature and extent of any existing activities, including the category of farming activity, business or current human use of the area that is the subject of this application. Use a separate attachment where necessary.

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

9. If the application refers to intertidal or sub-tidal areas, or to water bodies that are common property, have the relevant communities been consulted?

Yes No

10. Are comments from those communities attached?

Yes No

11. Does the proposed aquaculture development require the use of broodstock, seedling supply or fish as defined in the Fisheries Management Act [Cap.18.02] in its operation?

Yes No

12. If the proposed aquaculture operation requires the use of broodstock, seedling supply or fish as defined in the Fisheries Management Act [Cap.18.01] in its operation, does the applicant have an authority to take these fish issued by the Ministry?

Yes No

13. Describe the nature of the proposed aquaculture operation.

- (a) What species are to be used for aquaculture? Give scientific name for all species being reared or cultured.
- (b) What methods are proposed for the potential aquaculture operation (e.g. land-based ponds, marine longline culture, etc)?
- (c) How is the proposed aquaculture area to be marked?
- (d) If the proposed aquaculture area is in a tidal or sub-tidal area has this form of marking been supported by the Ministry responsible for Marine and Ports?

Yes No

- (e) Is a copy of their supporting letter attached?
 - (f) Does the proposal involve the use of feeds (artificial or natural)? Yes/ No. If so, describe the nature, type and quantity of feeds to be used, on an annual basis.
 - (g) Describe the type and quantities of any chemicals that are proposed to be used for the purpose of plant control, parasite or disease control, bio-remediation or bio-control, predator control or any other related purpose. Give estimated annual usage.
14. All applications for an aquaculture development licence must be accompanied by a business development plan. Does this application include such a plan that describes –
- (a) Location and area of the proposed business?
Yes No
 - (b) Nature of the operation, in terms of species to be cultured and method of aquaculture to be used?
Yes No
 - (c) Area of land or water proposed to be used for aquaculture?
Yes No
 - (d) Infrastructure associated with the proposed aquaculture operation?
Yes No
 - (e) Time over which the proposed aquaculture project is to be established, and phases in which the development is to occur?
Yes No

- (f) Proposed annual production schedule?
Yes No
- (g) Description of employment over the project's lifetime?
- (h) Detailed management plan that describes procedures for dealing with disease, predators, biofouling, machinery breakdown, equipment failure, theft and other contingencies?
Yes No
- (i) A detailed, time-structured budget that estimates costs, income and cash flow throughout the proposed project's life?
Yes No
- (j) Markets for aquaculture product, market size, price structure of market?
Yes No
- (k) Details of the proponent's technical and management experience?
Yes No
- (l) A summary of how the proposed aquaculture operation is to be financed?
Yes No

The Aquaculture Management Act [Cap. 18.01] penalties for persons who provide false information. I certify that the information supplied in this application is a true and correct statement.

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

.....

Signature of applicant (s) or authorised company representative

.....

Date of application

FORM 2

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022 - Regulation 7(1)(a))

AQUACULTURE DEVELOPMENT LICENCE

LICENCE No.....

ISSUED TO.....

ADDRESS OF THE LICENCE HOLDER

.....

.....

.....

Area in which aquaculture may be undertaken

.....

.....

.....

1 Appropriate Category

.....

2 Species licenced to be used in the licenced aquaculture area for the purpose of aquaculture

.....

.....

3 Technique(s) authorised to be used in the licenced aquaculture area for the purpose of aquaculture

.....

.....

.....

4 Subject to the provisions of the Aquaculture Management Act [Cap. 18.01] and Regulations made thereunder, this licence is valid from..... day of20.....to the.....day of.....20.....

5 This licence shall not be transferable.

6 TERMS & CONDITIONS THAT APPLY TO THIS LICENCE

- (a) The Ministry of Fisheries must be notified of any change of address by the licence holder within 7 days of such a change in address.
- (b) The Minister may access the bank guarantee and instruct staff from the Ministry or subcontractors to remove abandoned equipment and clean the aquaculture premises, meeting any costs with the bank guarantee.
- (c) The licensee may not collect fees from any other person or company for the use, sub-letting, rental, leasing or any other form of agreement to undertake aquaculture in the licensee's aquaculture premises.

7 Special Conditions

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE AQUACULTURE MANAGEMENT ACT [Cap. 18.01] AND REGULATIONS MADE THEREUNDER MAY RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

FORM 3

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022 - Regulation 8 (1)(a))

APPLICATION TO RENEW LICENCE

INSTRUCTIONS:

Clearly mark the boxes X where appropriate

Use a separate sheet where necessary

Surname or family name.....

Address means complete mailing address

LICENCE No.....

Name of current licence holder.....

Address of current licence holder.....

Appropriate category.....

Location of aquaculture area to which the current aquaculture development licence applies in latitude and longitude (Global Position System) coordinates.....

If there is no certified copy to demonstrate the applicant has formal title or tenure (title deed, lease or licence), the application cannot be approved. Is such a certified copy attached to this application?

Yes No

Has the relevant fee been paid?

Yes No

The Aquaculture Management Act [Cap. 18.01] provides penalties for persons who provide false information. I certify that the information supplied in this application is a true and correct statement.

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

.....

Signature of applicant(s) or authorised company representative.....

Date of application.....

FORM 4

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022– Regulation 9(b))

MONTHLY PRODUCTION RETURN

LICENCE No.

ISSUED TO

ADDRESS OF THE LICENCE HOLDER

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

1 Production from aquaculture area in the period / / ... to / /

Kg or pieces Species 1.....
Species 2.....
Species 3.....
Species 4.....

2 Standing stock of aquaculture products in cultivation as of / /

Kg or pieces Species1.....
Species 2.....
Species 3.....
Species 4.....

3 Incidental mortalities of aquaculture products in the period / / ... to
.... / /

Kg or pieces Species 1.....
Species 2.....
Species 3.....
Species 4.....

4 Number of full time employees employed on aquaculture operations for the
period covered by this report

.....

5 Number of part time employees employed on aquaculture operations for the period covered by this report

.....

The Aquaculture Management Act [Cap. 18.01] provides penalties for persons who provide false information I certify that the information supplied in this application is a true and correct statement.

.....
Name of licence holder(s)

.....
Signature of licence holder(s)

.....
Date of monthly return

FORM 5

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022 – Regulation 15(1)(a))

APPLICATION FOR AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE

DETAILS OF APPLICANT AND PREMISES

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

Address of the applicant.....

State whether applicant is owner or lessee of premises

Address of proposed premises (attach the exact map of the site)

.....
.....

Fax Telephone.....

Name of landlord (if applicable)

Address of landlord

Fax Telephone

Provide details of any joint ventures or contractual agreements with or in Tonga in connection with the proposed operations

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

DETAILS OF AQUACULTURE FISH PROCESSING OPERATIONS

Species of aquaculture fish to be processed

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

Sources of supply

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

Nature of processing operation

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

Primary market

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

Number of persons to be employed by the operation and their qualification including the manager of the processing establishment

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

Please attach a full description of the premises including a plan of the premises, a description of the construction and maintenance standards and sanitation facilities.

DECLARATION BY APPLICANT

The Aquaculture Management Act [Cap. 18.01] provides penalties for persons who provide false information. I declare that the above information is true, complete and correct. I understand I am required to report to the CEO 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

FORM 6

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022 –Regulation 16(1)(a))

AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE

LICENCE No.

Date of issue

A. The person named as the licence holder below is licensed in accordance with regulation 16(1) of the Aquaculture Management Regulations 2022 to use the premises described below as a fish processing establishment in accordance with the terms and conditions set out in this licence and the conditions in the Aquaculture Management Regulations 2022 and as prescribed from time to time in the Regulations.

B. DETAILS OF LICENCE HOLDER

Name of licence holder

Address of aquaculture fish processing establishment

.....

Authorised processing methods

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

Species of aquaculture fish to be processed

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

Quotas/quantities of aquaculture fish to be processed/year/month/...

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

Sources of supply

.....
.....

.....

Special conditions

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

C. PERIOD OF VALIDITY

Subject to the Aquaculture Management Regulations 2022 made thereunder, this licence is valid from the day of20.....to theday of20

D. This licence is not transferable.

E. Every licence holder shall–

- (a) notify the CEO within 7 days of any change to the registered company address;
- (b) conduct an analysis of the processing of fish intended for export in order to identify any food-safety hazards;
- (c) follow a hazard analysis, where seafood safety hazards are reasonably likely to occur, the licence holder shall request a person appropriately trained in applying the principles of HACCP or an inspector, to develop a written HACCP Plan;
- (d) implement the HACCP Plan;
- (e) monitor and record reviews of the HACCP Plan, critical limits at the critical control points, corrective action plans employed and the verification procedures weekly;
- (f) maintain accurate records on a daily basis on such forms as may be required by the CEO relating to the operations carried out in such establishment, including records of the origin, dates, quantity, type and quality of fish received, processed, sold and exported and other information which the CEO may require;
- (g) ensure all such records and the processing premises are open to regular inspection and investigation at any time by aquaculture officers ;
- (h) allow aquaculture officers or other personnel to participate fully in any research or survey project inside the processing facility;
- (i) ensure that all employees operating under this licence are sufficiently trained in processing and the handling of fish and fish product to enhance the quality;

- (j) submit a list of employees together with their health certificate to the CEO when requested;
- (k) notify the CEO immediately of any change to employees;
- (l) quarterly submission of water testing result from the Tonga Water Board to the CEO;
- (m) ensure that the fish processed at such establishment shall not exceed the total quotas allowed to that establishment, including those relating to species and quantity;
- (n) ensure that any information provided to the CEO, whether in a prescribed form or otherwise, is provided clearly, legibly, truthfully and accurately.

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE AQUACULTURE MANAGEMENT ACT [Cap 18.01] AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

.....
Signature of CEO of Ministry of Fisheries

.....
Date

FORM 7

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022 –Regulation 18(1)(a))

APPLICATION TO RENEW AQUACULTURE FISH PROCESSING ESTABLISHMENT LICENCE

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 Aquaculture Management Act [Cap. 18.01] 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 CEO 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

FORM 8

AQUACULTURE MANAGEMENT ACT [Cap.18.01]

(Aquaculture Management Regulations 2022 – Regulation 21(1)(a))

APPLICATION FOR A AQUACULTURE FISH EXPORT LICENCE

A. DETAILS OF APPLICANT

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

Address of applicant

.....

.....

Fax Telephone

Name of aquaculture fish processing establishment

Address of fish processing establishment

.....

.....

Fax Telephone

B. DETAILS OF AQUACULTURE FISH FOR EXPORT

Species of aquaculture fish to be exported

.....

.....

.....

Destination of export

.....

Sources of supply

.....

.....

.....

Mode of export

.....

.....
.....

C. DECLARATION BY APPLICANT

The Aquaculture Management Act [Cap. 18.01] provides penalties for persons who provide false information. I declare that the above information is true, complete and correct. I understand I am required to report within seven (7) days to the CEO 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

FORM 9

AQUACULTURE MANAGEMENT ACT [Cap. 18.01]

(Aquaculture Management Regulations 2022 –Regulation 22(1)(a))

AQUACULTURE FISH EXPORT LICENCE

LICENCE No.

Date of issue

A. The person named as the licence holder below is licensed under regulation 22(1)(a) of the Aquaculture Management Regulations 2022 to export farmed fish in accordance with the terms and conditions set out in this licence and the conditions in the Regulations and as prescribed from time to time in the Regulations.

Name of licence holder

Address

.....

Fax Telephone

Name of aquaculture fish processing establishment

.....

Address of aquaculture fish processing establishment

.....

Authorised processing methods

.....

Species of aquaculture fish to be exported

.....

.....

.....

Quotas/quantities of fish to be exported

.....

.....

.....

Sources of supply

.....

.....

.....

B. SPECIAL CONDITIONS

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

C. PERIOD OF VALIDITY

Subject to the Aquaculture Management Regulations 2022 and Regulations made thereunder, this licence is valid from the day of..... 20 to theday of20

D. This licence is not transferable.

E. The Licence holder shall-

- (a) notify the CEO within 14 days of any change to the registered company address;
- (b) ensure that any information provided to the CEO, whether in a prescribed form or otherwise, is provided clearly, legibly, truthfully and accurately;
- (c) ensure that any aquaculture fish products for export are processed in a licensed fish processing establishment;
- (d) accompany a health certificate in every consignment of fish to be exported to the EU markets.

.....
Signature of CEO of the Ministry of Fisheries

.....
Date

FAILURE TO COMPLY WITH THESE AND ALL OTHER TERMS AND CONDITIONS OF THE LICENCE, THE AQUACULTURE MANAGEMENT ACT [Cap.18.01] AND REGULATIONS MADE THEREUNDER, MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE INCURRED, RESULT IN THE SUSPENSION OR LOSS OF THIS LICENCE, EITHER TEMPORARILY OR PERMANENTLY.

FORM 10

AQUACULTURE MANAGEMENT ACT [Cap. 18.01]

(Aquaculture Management Regulations 2022 – Regulation 23(1)(a))

APPLICATION TO RENEW A AQUACULTURE FISH EXPORT LICENCE

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 licensed fish processing establishment

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

The Aquaculture Management Act [Cap. 18.01] 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 immediately to the CEO 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

SCHEDULE 2**FEES**

- (1) Aquaculture Development License
 - (a) Application and application for renewal fee for Aquaculture Development License
 - (i) Category A - Free
 - (ii) Category B - \$200
 - (iii) Category C - \$300
 - (b) Aquaculture Development License
 - (i) Category A - Free
 - (ii) Category B - \$300 per year
 - (iii) Category C - \$1000 per year
- (2) Aquaculture Fish Processing Establishment License
 - (i) Application Fee - \$100
 - (ii) License - \$500 for all products
 - (iii) Application for renewal- \$100
- (3) Aquaculture Fish Export License
 - (i) Application for a License - \$100
 - (ii) License - \$500 for all products
 - (iii) Renewal - \$100
 - (iv) Export permit – free of charge
- (4) Fee for application for a permit to occupy in inter-tidal and subtidal waters: \$100 per 0.01km² for intensive aquaculture, \$100 per 0.25km²for extensive aquaculture
- (5) 'Permit to occupy' – \$500 per 0.01km² per year for the first two years of the licence life of an intensive operation.
- (6) 'Permit to occupy' – \$500 per 0.25 km² per year for the first two years of the licence life of an extensive operation.
- (7) After completion of the second year of the life of each Permit to Occupy, the annual fee structure should be adjusted to reflect production and economic rent of the venture. The basic fee structure should be retained, but the annual fee for the permit to occupy should be increased to capture 3% of the audited net profit of the aquaculture operation each year.

SCHEDULE 3**LIST OF AUTHORIZED FEEDS FOR USE IN AQUACULTURE**

Although included in this list, the import of the products listed below is subject to the approval of the CEO, based on the following criteria: (1) country of origin; (2) liability of the competent authority of the country of origin; (3) biosecurity standards; (4) processing standards; and (5) food safety standards.

Non-live feed

- Commercial pelleted feed.
- Homemade-pelleted feed.
- Trash fish or low value fish.
- Raw materials such as fishmeal, fish oil or copra meal.
- Micronutrients such as minerals and vitamins (individual or as premixes).
- Commercial microalgae paste.

Live feed

- Microalgae.
- Artemia.
- Rotifers.
- Zooplankton.
- Cladocerans, nematodes and trochopora larvae.

SCHEDULE 4**LIST OF AUTHORIZED CHEMICALS AND VETERINARY DRUGS FOR USE IN AQUACULTURE**

Chemicals and veterinary drugs are classified by application:

(A) Anaesthetic

Phenoxyethanol
Quinaldine
Ketamine
Procaine
Benzocaine
Tricaine methane sulphonate

(B) Anthelmintic

Levamisol
Mebendazole
Fenbendazole

(C) Bacterial infections

Ampicilin
Apramycin sulphate
Chlortetracycline
Erythromycin
Flumequin
Amoxicilin trihydrate
Oxolinic acid
Oxytetracycline
Sarafloxacin
Sulphonamides
Florfenicol

(D) Disinfectant, fungicide, parasiticide

Formalin
Iodophors
Chlorine
Hydrogen peroxide
Acetic acid

(E) Parasiticide

Deltamethrin

Dichlorvos

Diflubenzuron

Pyrethrum

Emamectin

Ivermectin

Azamethiphos

Cypermethrin

Teflubenzuron