**Directorate of Natural Resources - Fisheries Department**

**Fisheries (Conservation and Management) Ordinance 2005**

**APPLICATION FOR ENTRY UPON PART B OF THE INDIVIDUAL TRANSFERABLE QUOTA ELIGIBILITY REGISTER**

# Introductory Notes

This form should be used for an initial application for the name of a company to be entered on **Part B** on an Individual Transferable Quota (ITQ) Eligibility Register.

If the application is not approved, the information contained in this form will – where appropriate – be treated as an application for the renewal of the period for which the name of a company shall appear upon Part A of an ITQ Eligibility Register.

Applications for the renewal of the period for which the name of a company shall appear upon Part A of an ITQ Eligibility Register, where no application is being made for the name of a company to be entered on Part B on an ITQ Eligibility Register, should not use this form. Such applications should use the form for Application for Renewal of Entry upon Individual Transferable Quota Eligibility Register.

# Section 1: Company Details

Company name and address:

Person(s) to contact in relation to this application:

*Name:*

*Email address:*

*Phone:*

# Section 2: Fishery Details

Application is being made to enter the Company named in Section 1 on Part B of the ITQ Eligibility Register in respect of the following fisheries:

|  |  |  |  |
| --- | --- | --- | --- |
| **Description of Fishery** | **Species** | **Applications for entry on Part B (Yes or No)** | **Qualifying Company**  *(if applicable)* |
| Unrestricted Finfish | All finfish species except Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*) |  |  |
| Scallops | Zygochlamys patagonica |  |  |
| Squid – Jig or Trawl | *Illex argentinus* and *Martialia hyadesi* |  |  |
| Squid | *Doryteuthis gahi* |  |  |
| Skate | All species of Skate (*Rajidae*) |  |  |
| Squid and Restricted Finfish | *Illex argentinus, Martialia hyadesi,* all Finfish species except Hake (*Merluccius spp.*), Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*) |  |  |
| Restricted Finfish - Pelagic | Blue Whiting (*Micromesistius australis*) Hoki (*Macruronus magellanicus*) |  |  |
| Restricted Finfish | Restricted Finfish  All finfish species except Hake (*Merluccius spp.*) Skate (*Rajidae*) and Toothfish (*Dissostichus eleginoides*) |  |  |
| Toothfish – Longline | Toothfish (*Dissostichus eleginoides*) |  |  |
| Squid | *Doryteuthis gahi* |  |  |

The third column (Applications for entry on Part B) should be completed with ‘Yes’ if an application is being submitted to have the company’s name entered on Part B of the Eligibility Register for this fishery, or ‘No’ if entry on Part B is not being sought.

The fourth column (Qualifying Company) should be completed with the name of the qualifying company that is intended to be used to fish the Catch Entitlement held by the applicant company.

# Section 3: Section 17C Statutory Declaration

This application must be accompanied by a statutory declaration made by a director of the company as to the matters set out in subsection 17C(2) of the Fisheries (Conservation & Management Ordinance) 2005.

The statutory declaration should contain statements as to the matters set out in subsection 17C(3)-(5).

The statutory declaration should be made in the presence of a solicitor or notary public and witnessed by them.

The director of the company making the statutory declaration should include a statement confirming that the statutory declaration is made in accordance with the provisions of the Statutory Declarations Act 1835.

The application should also include information as required by section 17C(6) as appropriate.

# Section 4: Document Checklist – Statutory Declaration

The following is a checklist of documents which should be attached to the statutory declaration.

|  |  |  |
| --- | --- | --- |
| Subsection | Description of document | Document(s) attached **(Yes or No)** |
| 17C(3)(a) | A copy of the register of members of the company certified by the secretary of the company to be a true copy of the register as made up to a date not preceding by more than 7 days the date on which the declaration was made; |  |
| 17C(3)(b) | A list of the directors and secretary of the company and of their addresses as at the date of the declaration; |  |
| 17C(3)(c) | A certified copy of the certificate of incorporation of the company; |  |
| 17C(3)(d) | A certified copy of the Articles of Association of the company; |  |
| 17C(3)(e) | A copy of the register of members of any company appearing in the register of members to which paragraph (a) refers, certified by the secretary of that company to be a true copy of that register as made up to a date not preceding by more than 7 days the date on which the declaration was made; |  |
| 17C(3)(f)(i)  17C(3)(f)(ii) | Evidence in draft or in final form that the company –  owns at least 51% of a qualifying company or wholly or partly owns an intermediate Individual Transferable Quota company, approved by the Director, that owns at least 51% of a qualifying company.  **Please complete Section 7 of this form.** | Draft/Final  *(please delete as applicable)* |
| **OR**  Evidence in draft or in final form that the company –  has capacity to fish in its own right | Draft/Final  *(please delete as applicable)* |
| 17C(3)(g) | A copy of the company’s approved action plan certified by the secretary of the company as a true copy of the approved action plan for the company. |  |
| 17C(3)(h) | A copy of the company’s audited annual accounts |  |
| 17C(3)(h) | Where available, a copy of any later unaudited annual accounts |  |
| 17C(3)(i) | *(If applicable)* Any other document which the Director may have notified the applicant is required to accompany the application. |  |

# Section 5: Document Checklist – Other Information

The following is a checklist of information required with an application for a company’s name to be entered on Part B of an ITQ Eligibility Register, as set out in sections 17C(2)(b) and 17C(6) of the Ordinance.

If the company has relevant documents, please list the titles of these documents in the third column and attach copies of the documents to this application.

|  |  |  |
| --- | --- | --- |
| Subsection | Description of document | Documents appended **(Yes or No, and details)** |
| 17C(6)(a) | Details of any existing business arrangements with any company, body, organisation or person involved in the taking processing, purchasing or marketing of fish, or the provision of boats, equipment, or crews; |  |
| 17C(6)(b) | Details of any proposed business arrangements with any company, body, organisation or person involved in the taking, processing, purchasing or marketing of fish, or the provision of boats, equipment, or crews; |  |
| 17C(6)(c) | Any existing borrowing or financing arrangements with any company, body, organisation or person; |  |
| 17C(6)(d) | Any proposed borrowing or financing arrangements with any company, body, organisation or person; |  |
| 17C(6)(e) | Any other information available to the company which may serve to demonstrate that— |  |
| 17C(6)(e)(i) | The shareholders of the company who have Falkland Islands status are, or as the case may be, if Individual Transferable Quota is thereafter granted to the company, will be, in effective control of how its Individual Transferable Quota rights are used; |  |
| 17C(6)(e)(ii) | The company is or, in the case of a holding company, its associate companies are, or as the case may be, if Individual Transferable Quota is thereafter granted, will be, actively involved in one or more of taking, processing or selling fish and that its holdings of Individual Transferable Quota rights are, or as the case may be if Individual Transferable Quota is thereafter granted, will be, commensurate with the level of its business activity; |  |
| 17C(6)(e)(iii) | The company’s income and economic returns from catching, processing and sale of fish, or such of them as are relevant in the circumstances of the case represent, or as the case may be, if Individual Transferable Quota is thereafter granted, will represent, a sufficient return on the value of the rights held and one which does not, or as the case may be, will not, over a reasonable period represent a significantly lower rate of return than that received by holders of similar rights. |  |

# Section 6: Company Information

Under section 32 of the Ordinance, companies which own ITQ (A or B) are required to provide certain financial and other company information on an annual basis. The company accounts and Articles of Association will be provided as part of Section 3. If a copy of the company’s most recent annual return under section 126 of the Companies Act 1948 has not previously been submitted to the Director, please include it with this application.

|  |  |  |
| --- | --- | --- |
| Section | Description of document | Documents appended **(Yes or No – if no, please confirm date submitted)** |
| 32(1)(a)(ii) | A copy of the company’s annual return under the provisions of section 126 of the Companies Act 1948 |  |

# Section 7: Qualifying Companies

If the company is proposing to utilise qualifying companies to fish its Catch Entitlement, please provide the following details with this application:

|  |  |  |
| --- | --- | --- |
| **Subsection** | **Description of document** | **Documents appended**  **(Yes or No, and details)** |
| 41(14)(b)(i)-(iii) | For each qualifying company:  A certified copy of the certificate of incorporation of the company;  A list of the directors and secretary of the company and of their addresses as at the date of the declaration |  |
| 41(14)(ii) | For any companies listed as directors of a qualifying company (where not already provided under headings above):  A certified copy of the certificate of incorporation of the company;  A certified copy of the Articles of Association of the company;  A copy of the register of members of the company certified by the secretary of the company to be a true copy of the register as made up to a date not preceding by more than 7 days the date on which the declaration was made. |  |
|  | For each qualifying company, a copy of the most recent audited annual accounts and, where available, a copy of any later unaudited annual accounts |  |

# Section 8: Signature

Application submitted on behalf of the company by:

Signature:

Name and position:

Date: