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Inshore Vessel Monitoring System (iVMS) Information on Enforcement Approach

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1.0	01 Apr 2023	iVMS – Information on Enforcement Approach

Purpose:

This document outlines the Enforcement Policy that shall be adopted by the Department for Environment, Food and Agriculture ('the Department') for the implementation of the [Sea Fisheries \(Requirements\) \(Inshore Vessel Monitoring Systems\) Regulations 2022](#) ('the Regulations'). This document is to be read in conjunction with the general Fisheries Enforcement Policy document ([SF/01/2022](#)).

Background:

The Department [consulted on the introduction of iVMS requirements for under-12 m fishing vessels](#) in Mar/Apr 2022. The [responses received](#) indicated that stakeholders were very supportive of the introduction of new requirements.

The Department subsequently made the Sea Fisheries (Requirements) (Inshore Vessel Monitoring Systems) Regulations 2022, which were laid before Tynwald on 21 Feb 2023, and came into effect on 01 Apr 2023.

In line with responses to the consultation, there is a transitional exemption arrangement for vessels that have an overall length less than 6 m that were authorised to fish in the Isle of Man territorial sea on 01 Apr 2023. The regulations otherwise apply to British and EU vessels less than 12 m overall length (noting the above exemption for certain vessels that are under-6 m).

The regulations require that:

- *the person in charge of a relevant fishing boat must not undertake fishing operations within the territorial waters of the Isle of Man unless it has an iVMS installed that transmits the required information to the UK VMS Hub.*
- *the reporting ('ping') rate is either:*
 - *3 minutes; or*

- *in the case of a British fishing vessel not registered in the Island, at the frequency required by the British licensing authority with which the fishing boat is registered if it were undertaking sea fishing operations and subject to iVMS within the inshore waters of the territory for which that British licensing authority has jurisdiction
whichever is the least frequent.*

In effect, this means that all iVMS devices are required to ping at 3 minute intervals, unless UK vessels are subject to a different requirement in their own waters (e.g. Welsh vessels, which are subject to The Sea Fishing Operations (Monitoring Devices) (Wales) Order 2022).

The type of iVMS device that must be installed is one which is approved by any one of the UK Fisheries Authorities. The devices approved by the MMO (England) authority are listed [here](#). The device approved by the Welsh Government is detailed [here](#). Marine Scotland (Scotland) and DAERA (Northern Ireland) are yet to develop iVMS requirements and approve any devices.

Scope:

This document describes the approach to enforcing the [Sea Fisheries \(Requirements\) \(Inshore Vessel Monitoring Systems\) Regulations 2022](#), which applies to vessels with an overall length less than 12 m ('under-12m'). In particular, this document sets out the Department's procedures under regulation 7 – **failure of an iVMS**.

Regulation 7 states that:

(1) If the iVMS installed on a fishing boat becomes incapable of transmitting the required information, the person in charge, at the point at which they know, or they could reasonably be expected to know that the device had stopped transmitting, must —

- (a) notify the Department that the iVMS is incapable of transmitting the required information; and*
- (b) report the fishing boat's position to a UKFMC every 4 hours until the vessel returns to port.*

(2) The Department may require the person in charge to cease fishing and return to port if the fishing boat's iVMS is not fully operational.

Information:

1. Initial Approach

- The Department recognises that the requirement for iVMS is a new, technical requirement, and that some vessels have not been subject to spatial reporting previously. As such, the Department will generally adopt an **initial approach that is pragmatic and educational for the first three month period (01 Apr – 20 Jun 2023)**.

2. Requirement to have an operational iVMS (Regulation 5)

- Noting the above initial approach, and subject to the circumstances described below, it will be unlawful to undertake sea fishing operations on an under-12m vessel if it does not have an iVMS device that is 1) installed and 2) transmitting. Offences will be dealt with in-line to the general Fisheries Enforcement Policy ([SF/01/2022](#)).

3. Technical Failures (Regulation 7)

- It is possible that iVMS devices may fail from time to time. The Department will generally take a pragmatic view of incidences of technical failure, subject to the following.

- The Department has a **reasonable expectation** that the person in charge of the vessel will undertake a **visual inspection** of the iVMS device prior to starting their fishing trip to check for technical failures (e.g. power supply), depending upon the type of device that is installed (e.g. whether there is an external light that indicates whether there is a power supply, or an issue with the power supply).
- The Department has a **reasonable expectation** that the person in charge of the vessel will **independently check** if the iVMS device is transmitting prior to starting their fishing trip if they have the means to do so (e.g. if there is an App, or similar means, of checking if the device is transmitting).
- If a technical failure is identified, the person in charge of the vessel must as soon as reasonably practicable:
 - notify the Department, and
 - report to the **DEFA Fisheries Control** of the fishing boats position every 4 hrs until the vessel returns to port.
- A failure to notify the Department of a known technical failure is an offence under the Regulations.

3. Cease Fishing / Return to Port Notification

- Regulation 7(3) provides the powers for the Department to require the person in charge of the fishing boat to cease fishing and return to port if the iVMS device is not fully operational – i.e. a **Return to Port Notification**.
- Generally, the Department will allow a vessel to continue fishing for up to one week (**7 days**) before requiring the person in charge of the vessel to cease fishing and issuing a Return to Port Notification.
- The Department will consider, on a case by case basis, extending this period if it can be demonstrated that all reasonable endeavors have been made by the person in charge of the vessel (or the vessel owner) to resolve the issue, or if they have arranged for a replacement iVMS device to be shipped, installed and activated.
- During this period (when a vessel is authorised to fish without an operational iVMS), the person in charge of the vessel must manually report their vessels position to DEFA Fisheries Control for every 4 hour period during a fishing trip. A failure to report to DEFA Fisheries Control is an offence under the Regulations. **Please see the [iVMS Guidance document](#) on how to report to DEFA Fisheries Control.**
- If the Department issues a Return to Port Notification, it will apply until the person in charge of the vessel is able to demonstrate that they are able to meet the iVMS requirements (i.e. that they have a fully operational iVMS installed on the vessel).

It is an offence to undertake fishing operations whilst subject to a Return to Port Notification; however, the Department will allow a vessel to retrieve stored catch from store pots using the vessel.

4. Non-compliance

- The Department's enforcement officers undertake cross-checks of iVMS records against logbook data in order to identify non-compliance.
- If non-compliance with iVMS requirements is identified, the Department will contact the vessel owner and inform them of the issue, and attempt to ascertain whether the person in charge of the vessel could reasonably be expected to have known of the issue.
- If non-compliance is the result of a technical failure, the Department will take account of the circumstances around the incidence of non-compliance, and will generally aim to adopt a pragmatic view towards addressing the issue in-line with **2. Technical Failures** as above.
- If non-compliance is suspected to be the result of -

- a dereliction of responsibilities concerning iVMS under regulation 6; or
- the person in charge of the vessel knowingly undertaking fishing operations without an operational iVMS; or
- a failure to demonstrate that they have made reasonable attempts to check whether the iVMS device is operational (see **2. Technical Failures**);
the Department may undertake enforcement action in-line with the Fisheries Enforcement Policy ([SF/01/2022](#)).

Related information:

- The Fisheries Act 2012 can be found [here](#).
- Information on the Department's policies can be found [here](#).
- A Guidance Note on iVMS requirements (including information on how to check for technical failures, and what to do in the event of a technical failure) can be found [here](#).

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