

Statutory Document No. 2015/0210

*Fisheries Act 2012*

SEA FISHERIES (VESSEL MONITORING SYSTEM) REGULATIONS 2015

Laid before Tynwald: 21 July 2015
Coming into Operation: 1 August 2015

The Department of Environment, Food and Agriculture makes the following Regulations under section 36 and 37 of the Fisheries Act 2012, having —

- (a) consulted in accordance with section 83(2) and (5)(a) of that Act; and
- (b) satisfied itself as required under section 83(5)(b) of that Act .

1 Title

These Regulations are the Sea Fisheries (Vessel Monitoring System) Regulations 2015.

2 Commencement

These Regulations come into operation on 1 August 2015.

3 Interpretation

In these Regulations —

“**AIS**” means an Automatic Identification System which is an autonomous and continuous identification and monitoring system which provides the means for fishing boats to electronically exchange fishing boat data including identification, position, course and speed with other nearby vessels and authorities ashore;

“**British fishing vessel**” means a fishing boat which is registered in the Isle of Man under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991¹, or in the United Kingdom or Channel Islands under equivalent legislation, and which holds a valid UK commercial fishing licence;

¹ GC 392/1991

“**FMC**” means a Fisheries Monitoring Centre based in the UK which receives logbook and VMS data;

“**master**” means a person who is the master, skipper, captain or any person in command on board, and responsible for a British fishing vessel;

“**overall length**” means the overall length of a British fishing vessel as specified in that fishing boat’s Certificate of Registry;

“**SOLAS Convention**” means the International Convention for the Safety of Life at Sea, 1974 up to and including all amendments adopted by International Maritime Organisation Resolution MSC.282(86) which entered into force on 1 January 2011;

“**territorial waters**” means the territorial waters of the Island;

“**UK commercial fishing licence**” means a commercial fishing licence issued by the UK or by the Island on behalf of the UK;

“**VMS**” means a Vessel Monitoring System that is a UK approved satellite-based system installed on a British fishing vessel which —

- (a) sends position data reports regarding the activities of that fishing boat to an FMC; and
- (b) must not be capable of being manually overridden, switched off or of receiving or sending false position reports.

4 Requirement to have an operational VMS

- (1) Any British fishing vessel —
 - (a) of any size, which is fishing for king or queen scallops in territorial waters; or
 - (b) with an overall length equal to or greater than 12 metres and fishing in territorial waters for any fish species,must be equipped with an operational VMS.
- (2) The Schedule to these Regulations sets out the requirements in respect of a VMS.
- (3) The Department may require the master of a British fishing vessel to cease fishing and return to port if a VMS is not fully operational.
- (4) The master of a British fishing vessel referred to in paragraph (1) must ensure that the VMS is fully operational at all times and must not leave port with a defective VMS unless authorised to do so by the Department.

5 Technical failure of a VMS

- (1) In the event that a VMS is not fully operational whilst at sea, the master of a British fishing vessel must report the vessel’s position to an FMC every 4 hours until the vessel returns to port.

- (2) The reporting required by paragraph (1) commences when the event was detected or, if it is not detected, from the time when the Department informs the master that the VMS is not fully operating.
- (3) The Department may require the master of a British fishing vessel to cease fishing and return to port if a VMS is not fully operational.

6 Requirement to have an operational AIS

A British fishing vessel with an overall length of 15 metres or more in territorial waters must be fitted with an operational AIS which meets the performance standards drawn up by the International Maritime Organisation in Chapter V, regulation 19, section 2.4.5 of the SOLAS Convention.

7 Revocation

The Sea-Fisheries (Satellite-Tracking Devices) (Isle of Man) Bye-Laws 2007² are revoked.

MADE 29/6/2015

RICHARD RONAN

Minister for Environment, Food and Agriculture

² SD 159/07

SCHEDULE

[Regulation 5(2)]

REQUIREMENTS FOR A VMS FITTED TO A BRITISH FISHING VESSEL**1 Data to be sent by VMS**

A VMS installed on a British fishing vessel must automatically send to an FMC the following information –

- (a) the fishing vessel's identification;
- (b) the most recent geographical position of the fishing vessel;
- (c) the date and time of transmission; and
- (d) the fishing vessel's course and speed at the time of the transmission.

2 Master's obligations in relation to operation of VMS

The master must ensure that –

- (a) data sent or to be sent by the VMS is not altered;
- (b) antenna connected to the VMS unit is not obstructed, disconnected or blocked;
- (c) power supply to the VMS is not interrupted;
- (d) the VMS unit is not removed from the fishing boat; and
- (e) the VMS, or its power supply, is not interfered with or otherwise rendered inoperative.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require any British fishing vessel operating in territorial waters of any size that is fishing for king or queen scallops to carry on board a fully functioning vessel monitoring system (VMS) which relays to a position data reports to a Fisheries Monitoring Centre.

Provision is made within the Regulations for instances should a VMS fail as a result of technical problems and ensures that vessels may not put to sea to fish until such time as the VMS is operational unless the Department or the fishing authority based in the British fishing vessel's home port give permission for that vessel to leave port.

A vessel may be asked to cease fishing and return to port if the VMS become non-functioning and whilst at sea a master of a British fishing vessel is required to report the vessel's position every 4 hours until the vessel returns to port.