



Jersey

SEA FISHERIES (VESSEL MONITORING SYSTEMS) (JERSEY) REGULATIONS 2014

Official Consolidated Version

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SEA FISHERIES (VESSEL MONITORING SYSTEMS) (JERSEY) REGULATIONS 2014

THE STATES, in pursuance of Articles 2, 8 and 29 of the [Sea Fisheries \(Jersey\) Law 1994](#), and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In these Regulations, unless the context otherwise requires –
- “competent authority” includes, without prejudice to the generality of that term in Regulation 18 –
- (a) an authority responsible for issuing fishing licences and fishing authorizations –
 - (i) in a member State of the European Union, the name and address of such authority being published on a website in accordance with Article 115(a) of the Control Regulation, or
 - (ii) in the Channel Islands or the Isle of Man;
 - (b) a fisheries monitoring centre;
 - (c) a fishery officer;

“Control Regulation” means Council Regulation (EC) No. 1224/2009 of 20th November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ No. L 343 22.12.2009, p.1)¹ as amended from time to time;

“EU fishing boat” means a fishing boat registered in any member State of the European Union;

“fisheries monitoring centre” has the same meaning as in Article 4(15) of the Control Regulation and includes, in respect of the United Kingdom, the MMO and any equivalent centre acting in or for the Isle of Man or any part of the Channel Islands and, where relevant, any equivalent centre acting in a country or territory in which a third country fishing boat is registered;

“I-VMS device” means an inshore vessel monitoring system device that sends the required information by way of a GPRS mobile phone system to a fisheries monitoring centre, and which has been supplied by or approved by the Minister;

“MMO” means the Marine Management Organisation established under the Marine and Coastal Access Act 2009 of the United Kingdom;

“required information” means the data that must be transmitted in accordance with Regulation 6, 11C or 14, as the case may be;

“satellite-tracking device” means a device that sends the required information by way of satellite and land earth station to a fisheries monitoring centre;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended in accordance with –

- (a) its Protocol of 1988; and
- (b) all other amendments adopted by the Maritime Safety Committee of the IMO that are in force before the date that these Regulations are made;

“third country fishing boat” means –

- (a) a fishing vessel other than an EU fishing boat or a British fishing boat registered in any country or territory; or
- (b) an auxiliary fishing vessel within the meaning of Article 9(6) of the Control Regulation.²

(2) In these Regulations, a reference to a logbook, declaration, document or required information includes a reference to –

- (a) a logbook, declaration, document or required information in writing; and
- (b) a logbook or declaration in electronic format or a document or required information in a form or format described in paragraph (3).

(3) Paragraph (2)(b) refers to –

- (a) a map, plan, graph or drawing;
- (b) a photograph;
- (c) any data, however reproduced, that is received by a fisheries monitoring centre from a satellite-tracking device;
- (d) a disc, tape, sound track or other device in which sounds or other data (not being visual aids) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced from the device; and
- (e) a film (including microfilm), negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced from the device.

2 Fishing boats to which these Regulations apply

- (1) These Regulations apply to a fishing boat in waters that are inside the seaward limits of the territorial sea of Jersey.³
- (2) This Regulation is subject to Regulation 3.

3 Exceptions

- (1) These Regulations do not apply to a fishing boat that –
 - (a) is used exclusively for the exploitation of mariculture; and
 - (b) is operating exclusively inside the baselines from which the breadth of the territorial sea of Jersey is measured.⁴

- (2) These Regulations do not apply to a fishing boat that is used only for operations that are conducted, under the authority of the Minister for the Environment, for the purpose of scientific investigations.⁵
- (3) The Minister may grant a written exemption from the requirements of these Regulations in respect of a fishing boat that measures less than 12 metres in overall length, subject to terms and conditions that the Minister may decide are appropriate, according to criteria to be published by the Minister.⁶

PART 2⁷

BRITISH FISHING BOATS MEASURING 12 METRES OR MORE IN OVERALL LENGTH AND EU FISHING BOATS

4 Fishing boats to which Part 2 applies⁸

This Part applies to –

- (a) a British fishing boat that measures 12 metres or more in overall length; and
- (b) an EU fishing boat.

5 Satellite-tracking devices to be installed

- (1) Except as otherwise provided in Regulation 10(5), a fishing boat shall not leave port without an operational satellite-tracking device installed on board.
- (2) A satellite-tracking device on a fishing boat shall not be capable of being manually overridden.
- (3) A satellite-tracking device on a fishing boat shall not permit the input or output of false positions.

6 Information to be transmitted

- (1) The satellite-tracking device on a fishing boat shall ensure the automatic transmission to the fisheries monitoring centre of the boat's flag state, of data that –
 - (a) identifies the boat;
 - (b) specifies the most recent geographical position of the boat, with a position error that is less than 500 metres and with a confidence interval of 99%;
 - (c) specifies the date and time (expressed as Universal Time Coordinated) of the fixing of that position; and
 - (d) specifies the speed and the course of the boat at that time.
- (2) Paragraph (1) does not apply –
 - (a) where the fishing boat is in port, and the satellite-tracking device is switched off otherwise than in contravention of Regulation 8(1); or
 - (b) where there is a technical failure or non-functioning of the satellite-tracking device and the master or owner of the boat or their representative is acting in accordance with Regulation 10.

7 Frequency of transmissions

When a fishing boat is at sea, the satellite-tracking device on the boat shall transmit the required information to the fisheries monitoring centre of the boat's flag state –

- (a) if the fisheries monitoring centre requires the boat to do so at intervals of shorter than one hour, at those shorter intervals;
- (b) if paragraph (a) does not apply and the fisheries monitoring centre cannot poll the boat's actual position, at least once every hour; or
- (c) if paragraph (a) does not apply and the fisheries monitoring centre can poll the boat's actual position, at least once every 2 hours.

8 Requirements when switching off in port

- (1) When a fishing boat is in port, the satellite-tracking device on the boat shall not be switched off before –
 - (a) the fisheries monitoring centre of the boat's flag state is notified that the device is to be switched off; and
 - (b) if the United Kingdom is not the boat's flag state, the fisheries monitoring centre of the United Kingdom is also notified.
- (2) When a fishing boat in port has switched off its satellite-tracking device the boat –
 - (a) shall not change its position before the boat makes its next report; and
 - (b) must demonstrate by that next report that the boat is in the same position as when it made its last report.
- (3) Paragraph (1) does not apply if a competent authority of the boat's flag state allows instead an automatic message transmitted by a satellite-tracking device, or an alarm generated by such a device, to indicate that the fishing boat is within such area of port as has previously been notified by the competent authority.

9 Devices to be kept in good order

- (1) The master of a fishing boat shall ensure that the satellite-tracking device on the boat is fully operational at all times, and that the required information is transmitted in accordance with these Regulations.
- (2) The master of a fishing boat shall ensure in particular that –
 - (a) the data are not altered in any way;
 - (b) antennae that are connected to the satellite-tracking device are not obstructed in any way;
 - (c) the power supply of the satellite-tracking device is not interrupted; and
 - (d) the satellite-tracking device is not removed from the boat.
- (3) The requirement in paragraph (1) does not apply where the fishing boat is in port, and the satellite-tracking device is switched off otherwise than in contravention of Regulation 8.
- (4) Except in accordance with an authorization under Regulation 10(6), no person shall destroy, damage, render inoperative or otherwise interfere with a satellite-tracking device on a fishing boat.

10 Technical failure or non-functioning of satellite tracking device

- (1) This Regulation applies to a fishing boat in the event of a technical failure or non-functioning of the satellite-tracking device on the boat.
- (2) The master or owner of the fishing boat, or their representative, shall communicate the current geographical position of the boat to the fisheries monitoring centre of the boat's flag state.
- (3) Communication under paragraph (2) shall be made every 4 hours, starting from –
 - (a) the time when the technical failure or non-functioning is detected on the fishing boat;
 - (b) the time when the master or owner of the boat, or their representative, is informed by the boat's flag state that the satellite-tracking device appears to be defective or not to be functioning; or
 - (c) the time when the fisheries monitoring centre of the boat's flag state notifies the master or owner of the boat, or their representative, that the fisheries monitoring centre has not received data transmissions in accordance with Regulation 7 or this Regulation for 12 hours, whichever occurs sooner.
- (4) The communication shall be by email, facsimile, telephone message or radio.
- (5) A fishing boat shall not leave port, following a technical failure or non-functioning of the satellite-tracking device on the boat, unless a competent authority of the boat's flag state –
 - (a) is satisfied that the satellite-tracking device is functioning; or
 - (b) authorizes the boat to leave port for the repair or replacement of the satellite-tracking device.
- (6) Nothing in this Part prevents the removal of a satellite-tracking device or the taking of any other action in relation to a satellite tracking device if so authorized by a competent authority of the boat's flag state for the purpose of its repair or replacement in the event of technical failure or non-functioning or for the purpose of investigating any technical failure or non functioning or whether the device has been tampered with.

11 Automatic identification system to be installed

- (1) A fishing boat that is more than 15 metres in overall length shall be fitted with, and maintain in operation at all times, an automatic identification system which meets the performance standards of the International Maritime Organisation under chapter V, Regulation 19, section 2.4.5 of the SOLAS Convention.
- (2) In exceptional circumstances the automatic identification system may be switched off if the master of the fishing boat considers it necessary to do so in the interest of the safety or security of the fishing boat.

PART 2A⁹

BRITISH FISHING BOATS MEASURING LESS THAN 12 METRES IN OVERALL LENGTH

11A Fishing boats to which Part 2A applies

This Part applies to a British fishing boat that measures less than 12 metres in overall length.

11B I-VMS devices to be installed

- (1) A fishing boat must not leave port or enter waters that are inside the seaward limits of the territorial sea of Jersey without an operational I-VMS device installed on board, unless permitted to do so by the Minister under Regulation 11F(5).
- (2) An I-VMS device on a fishing boat must not be capable of being manually overridden.
- (3) An I-VMS device on a fishing boat must not permit the input or output of false positions.

11C Information to be transmitted

- (1) The I-VMS device on a fishing boat must ensure the automatic transmission to the fisheries monitoring centre of data that –
 - (a) identifies the unique identification number of the I-VMS device;
 - (b) specifies the most recent geographical position of the boat with a position error that is less than 10 metres and with a confidence interval of 99%;
 - (c) specifies the date and time (expressed as Universal Time Coordinated) of the fixing of that position; and
 - (d) specifies the speed and the course of the boat at that time.
- (2) Paragraph (1) does not apply –
 - (a) if the fishing boat is in port; or
 - (b) if the master has given the notification under Regulation 11F(2) and is complying with Regulation 11F(4) (if applicable).

11D Frequency of transmissions

When a fishing boat is at sea, the I-VMS device on the boat must transmit the required information to the fisheries monitoring centre –

- (a) if the fisheries monitoring centre requires the boat to do so at intervals of shorter than one hour, at those shorter intervals; or
- (b) if paragraph (a) does not apply, at least once every hour.

11E Devices to be kept in good order

- (1) The master of a fishing boat must ensure that the I-VMS device on the boat is fully operational at all times, and that the required information is transmitted in accordance with these Regulations.

- (2) The master of a fishing boat must ensure in particular that –
 - (a) the data are not altered in any way;
 - (b) the I-VMS device is not destroyed, damaged, rendered inoperative or otherwise interfered with;
 - (c) the ability of the I-VMS device to transmit information is not obstructed in any way;
 - (d) the power supply of the I-VMS device is not interrupted;
 - (e) the I-VMS device on the fishing boat is the device registered in respect of that fishing boat in any register maintained under Regulation 11G; and
 - (f) the I-VMS device is not removed from the fishing boat.
- (3) The requirement in paragraph (1) does not apply where the fishing boat is in port.
- (4) Except in accordance with an authorisation under Regulation 11F(6), no person may destroy, damage, render inoperative or otherwise interfere with an I-VMS device on a fishing boat.

11F Technical failure or non-functioning of I-VMS device

- (1) This Regulation applies to a fishing boat in the event of a technical failure or non-functioning of the I-VMS device on the boat.
- (2) If the master of the fishing boat knows that the I-VMS device has become incapable of transmitting the required information, the master must immediately notify the Minister of that fact by email, telephone message or radio.
- (3) Notification given under paragraph (2) must include –
 - (a) the unique identification number of the I-VMS device;
 - (b) the name of the fishing boat on which the I-VMS device is installed;
 - (c) the registered number of the fishing boat; and
 - (d) if known by the master –
 - (i) the time at which the I-VMS device stopped transmitting the required information,
 - (ii) the reason or reasons for the I-VMS device ceasing to transmit the required information,
 - (iii) what element of the required information the I-VMS device is incapable of transmitting.
- (4) The master must ensure that the fishing boat does not undertake any further fishing operations until the I-VMS device is capable of transmitting the required information, and the Minister has been notified of that fact.
- (5) Paragraph (4) does not apply if the Minister has given written permission for that fishing boat to continue fishing operations, provided that those fishing operations comply with any conditions that the Minister may specify, including the duration of that permission and the keeping and retention of manual records.
- (6) Nothing in this Part prevents the removal of an I-VMS device or the taking of any other action in relation to an I-VMS device if so authorised by the Minister for the purpose of its repair or replacement in the event of technical failure or non-functioning or for the purpose of investigating any technical failure or non-functioning or whether the device has been tampered with.

11G Register of I-VMS devices

- (1) The Minister may keep and maintain a register of I-VMS devices provided to fishing boats.
- (2) The register may record –
 - (a) the unique identification number of the I-VMS device;
 - (b) the name of the fishing boat to which the I-VMS device is provided;
 - (c) the registered number of that fishing boat.

11H Sharing of information

- (1) The Minister may share any information received under this Part with the fisheries monitoring centre.
- (2) The fisheries monitoring centre may share any information received under this Part with the Minister.

PART 3**FISHING BOATS OF THIRD COUNTRIES****12 Fishing boats to which Part 3 applies¹⁰**

This Part applies to third country fishing boats which measure 12 metres or more in overall length.

13 Satellite-tracking devices on third country fishing boats

- (1) A fishing boat shall have installed on board an operational satellite-tracking device.
- (2) A satellite-tracking device on a fishing boat shall not be capable of being manually overridden.
- (3) A satellite-tracking device on a fishing boat shall not permit the input or output of false positions.

14 Information to be transmitted by third country fishing boats

The satellite-tracking device on a fishing boat shall ensure the automatic transmission to the fisheries monitoring centre of the boat's flag state, of data that –

- (a) identifies the boat;
- (b) specifies the most recent geographical position of the boat, with a position error that is less than 500 metres and with a confidence interval of 99%;
- (c) specifies the date and time (expressed as Universal Time Coordinated) of the fixing of that position; and
- (d) specifies the speed and the course of the boat at that time.

15 Frequency of transmissions by third country fishing boats

When a fishing boat is at sea, the satellite-tracking device on the boat shall transmit the required information to the fisheries monitoring centre of the boat's flag state –

- (a) at least once every hour if the centre cannot poll the boat's actual position; or
- (b) at least once every 2 hours if the centre can poll the boat's actual position.

16 Devices on third country boats to be kept in good order

- (1) The master of a fishing boat shall ensure that the satellite-tracking device on the boat is fully operational at all times and that the required information is transmitted in accordance with these Regulations.
- (2) The master of a fishing boat shall ensure in particular that –
 - (a) the data are not altered in any way;
 - (b) antennae that are connected to the satellite-tracking device are not obstructed in any way;
 - (c) the power supply of the satellite-tracking device is not interrupted; and
 - (d) the satellite-tracking device is not removed from the boat.
- (3) No person shall destroy, damage, render inoperative or otherwise interfere with a satellite-tracking device on a fishing boat.

17 Technical failure or non-functioning of satellite-tracking device

- (1) This Regulation applies to a fishing boat in the event of a technical failure or non-functioning of the satellite-tracking device on the boat.
- (2) The master or owner of the fishing boat, or their representative, shall communicate the current geographical position of the boat to the fisheries monitoring centre of the boat's flag state.
- (3) Communication under paragraph (2) shall be made every 4 hours, starting from –
 - (a) the time when the technical failure or non-functioning is detected on the fishing boat;
 - (b) the time when the master or owner of the boat, or their representative, is informed by the fishing boat's flag state that the satellite-tracking device appears to be defective or not to be functioning; or
 - (c) the time when the fisheries monitoring centre of the boat's flag state notifies the master or owner of the boat, or their representative, that the fisheries monitoring centre has not received data transmissions in accordance with Regulation 15 or this Regulation for 12 hours,whichever occurs sooner.
- (4) The communication shall be by email, facsimile, telephone message or radio.
- (5) A fishing boat shall not leave port, following a technical failure or non-functioning of the satellite-tracking device on the boat, unless a competent authority of the fishing boat's flag state –
 - (a) is satisfied that the satellite-tracking device is functioning; or
 - (b) authorizes the fishing boat to leave port for the repair or replacement of the satellite-tracking device.

- (6) Nothing in this Part prevents the removal of a satellite-tracking device or the taking of any other action in relation to a satellite tracking device if so authorized by a competent authority of the flag state for the purpose of its repair or replacement in the event of technical failure or non-functioning or for the purpose of investigating any technical failure or non functioning or whether the device has been tampered with.

PART 4

OTHER PROVISIONS

18 Disclosure of information¹¹

Data collected under these Regulations from a satellite-tracking device, an I-VMS device or an automatic identification system may be disclosed to any competent authority in a member State of the European Union or in the British Islands engaged in surveillance operations, for any of the following purposes –

- (a) maritime safety and security;
- (b) border control;
- (c) protection of the marine environment; and
- (d) general law enforcement.

19 Evidence

- (1) In any proceedings in Jersey for a contravention of a provision of these Regulations, the following shall be admissible as evidence of the matters stated in them without being produced or sworn to by any witness and shall be sufficient evidence of the matters stated in them or appearing from them –
- (a) a logbook kept under the Log Books Regulations or under Article 14 of the Control Regulation;
 - (b) a declaration or notification required under the Log Books Regulations or under Article 17, 21 or 23 of the Control Declaration;
 - (c) a fishing effort report communicated under Article 28 of the Control Regulation; and
 - (d) any required information received by a fisheries monitoring centre.¹²
- (2) In this Regulation, “Log Books Regulations” means the [Sea Fisheries \(Log Books, Transhipment and Landing Declarations\) \(Jersey\) Regulations 2014](#).

20 Citation

These Regulations may be cited as the Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 2014.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 2014	R&O.86/2014	8 July 2014
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016
Sea Fisheries (Vessel Monitoring Systems) (Amendment) (Jersey) Regulations 2023	R&O.95/2023	14 November 2023

Table of Renumbered Provisions

Original	Current
20	spent, omitted
21	20

Table of Endnote References

¹	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2009.343.01.0001.01.ENG
² Regulation 1(1)	amended by R&O.95/2023
³ Regulation 2(1)	substituted by R&O.95/2023
⁴ Regulation 3(1)	amended by R&O.95/2023
⁵ Regulation 3(2)	amended by R&O.158/2015
⁶ Regulation 3(3)	substituted by R&O.95/2023
⁷ Part 2	heading substituted by R&O.95/2023
⁸ Regulation 4	substituted by R&O.95/2023
⁹ Part 2A	inserted by R&O.95/2023
¹⁰ Regulation 12	amended by R&O.95/2023
¹¹ Regulation 18	amended by R&O.95/2023
¹² Regulation 19(1)	editorial change, in (b) “Log Books Declarations” deleted, “Log Books Regulations” inserted instead