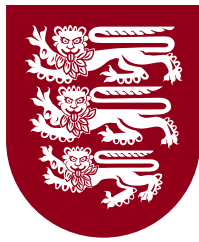


# STATES OF JERSEY



Jersey

## **DRAFT SEA FISHERIES (VESSEL MONITORING SYSTEMS) (AMENDMENT) (JERSEY) REGULATIONS 202-**

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**Lodged au Greffe on 8th September 2023  
by the Minister for the Environment  
Earliest date for debate: 7th November 2023**

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**STATES GREFFE**

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## Report

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### Background

The [Sea Fisheries \(Vessel Monitoring Systems\) \(Jersey\) Regulations 2014](#) set out the requirements for certain fishing boats to have on board functioning vessel monitoring systems that allow for vessel to be tracked for the purposes of enforcement and management. The current Regulations require vessels greater than 12 metres in length wherever registered to have fitted an operational Vessel Monitoring System (VMS).

In light of changes to the overarching regulatory and management regime in Jersey Waters and the advances in technology, both of these criteria are no longer appropriate, and amendments are required to the 2014 Regulations to take account of these changes.

### Detail

The main purpose of these amendments is to require all British and EU registered commercial fishing boats, while in Jersey waters, to have installed and in use equipment capable of reporting the boat's position at prescribed intervals. Presently, the 2014 Regulations require all EU and British fishing boats of 12m overall length or longer to carry satellite monitoring equipment and to always have it operational. Boats under that length currently are currently not required by Jersey law to have or use such equipment, though most French registered boats do, in fact, carry satellite monitoring equipment and are obliged under French law to use it to report while in EU waters and in Jersey waters. There is general agreement in both Jersey and France that the monitoring obligation should be enforceable by Jersey maritime authorities when EU boats are in Jersey waters, though different monitoring systems will be used on British (i.e. Jersey) and French boats.

The principal objective of monitoring equipment is to enable the maritime authorities to monitor where fishing boats are fishing for the following purposes –

1. To ensure that they are within areas where fishing is permitted and the length of time they are engaged in fishing activities.
2. To enable checks on the licensed permitted amount of time at sea and, together with other data, such as catch volumes and stock levels.
3. To enable informed decisions on local and regional management measures and policies.

For Jersey boats of less than 12m overall length, the proposed amendments will require them to have on board and use vessel monitoring equipment, which is based on mobile phone networks, rather than satellite monitoring equipment. This new system can be referred to as "I-VMS" (inshore vessel monitoring system). Because it operates on mobile phone technology, it is essentially a local or short-range system, as opposed to satellite VMS, which gives worldwide coverage. It should be noted that this new requirement will theoretically apply to all British registered fishing boats under 12m while in Jersey waters, though in practice it will only affect Jersey registered boats as there are currently no fishing boats registered in other British registries which are licensed to fish in Jersey waters. Nevertheless, any British fishing boat even though not licensed to fish in Jersey waters, would be required to have monitoring equipment on board and operational while transiting Jersey waters.

The I-VMS equipment is easier to use, can report more frequently, and is cheaper to operate than satellite monitoring equipment. The equipment will be supplied to Jersey fishing boat owners by the Marine Resources, at Environment and Infrastructure. The Jersey fishing fleet is made up

mostly of boats which are less than 12m in length and almost all fishermen are going to be affected by the proposal. Marine Resources has therefore already consulted the Jersey fishermen about the proposal to introduce vessel monitoring to all vessels. There is general support for such a measure. These amendments, if approved, will implement an important measure to further support the management of marine resources in Jersey waters.

**Financial and staffing implications**

There are no new financial and/or staffing implications arising from the adoption of these draft Regulations.

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## EXPLANATORY NOTE

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If passed, these Regulations would amend the Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 2014 (“the 2014 Regulations”) to require British fishing boats measuring less than 12 metres in overall length to have an inshore monitoring system device (“I-VMS device”) installed. All EU fishing boats and British fishing boats measuring 12 metres or more in overall length are required to have a satellite tracking device installed.

*Regulation 7* inserts a new Part 2A into the 2014 Regulations. Part 2A applies to British fishing boats measuring less than 12 metres in overall length (Regulation 11A). Such fishing boats are required to have an operational I-VMS device before leaving port or entering the territorial sea of Jersey (Regulation 11B). Regulation 11C specifies the information that must be transmitted by the I-VMS device, and Regulation 11D specifies the frequency of the transmissions. Regulation 11E requires the I-VMS device to be kept in good order, and Regulation 11F specifies what must be done if the I-VMS device is not working. Regulation 11G provides for the Minister to keep a register of I-VMS devices and Regulation 11H permits the sharing of information between the Minister and the fisheries monitoring centre.

*Regulation 2* inserts new definitions and makes consequential changes to existing definitions.

*Regulation 4* enables the Minister to grant exemptions from the requirements of the 2014 Regulations.

*Regulations 3, 5, 8 and 9* make amendments that are consequential on the introduction of the new Part 2A to the 2014 Regulations.

*Regulation 10* gives the citation and provides for the Regulations to come into force 7 days after they are made.



Jersey

## **DRAFT SEA FISHERIES (VESSEL MONITORING SYSTEMS) (AMENDMENT) (JERSEY) REGULATIONS 202-**

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Jersey

## DRAFT SEA FISHERIES (VESSEL MONITORING SYSTEMS) (AMENDMENT) (JERSEY) REGULATIONS 202-

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Articles 2 and 29 of the [Sea Fisheries \(Jersey\) Law 1994](#) –

### **1 [Sea Fisheries \(Vessel Monitoring Systems\) \(Jersey\) Regulations 2014](#) amended**

These Regulations amend the [Sea Fisheries \(Vessel Monitoring Systems\) \(Jersey\) Regulations 2014](#).

### **2 Regulation 1 (interpretation) amended**

(1) In Regulation 1(1) –

- (a) the definition “Community fishing boat” is deleted;
- (b) in the definition “competent authority” for “Community” there is substituted “Union”;
- (c) in the definition “Control Regulation” for “and in force on the date that these Regulations are made” there is substituted “from time to time”;
- (d) after the definition “Control Regulation” there is inserted –  
“EU fishing boat” means a fishing boat registered in any member State of the European Union;”;
- (e) in the definition “fisheries monitoring centre” after “includes” there is inserted “, in respect of the United Kingdom, the MMO and”;
- (f) after the definition “fisheries monitoring centre” there is inserted –  
“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;”;
- (g) in the definition “required information” after “6” there is inserted “, 11C”;

- (h) in the definition “third country fishing boat”, for “a Community” there is substituted “an EU”.

### **3 Regulation 2 (fishing boats to which these Regulations apply) amended**

For Regulation 2(1) there is substituted –

- “(1) These Regulations apply to a fishing boat in waters that are inside the seaward limits of the territorial sea of Jersey.”.

### **4 Regulation 3 (exceptions) amended**

(1) In Regulation 3(1)(a) for “aquaculture” there is substituted “mariculture”.

(2) For Regulation 3(3) there is substituted –

- “(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.”.

### **5 Part 2 (British and Community fishing boats) amended**

For the heading of Part 2 substitute –

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

### **6 Regulation 4 (fishing boats to which Part 2 applies) substituted**

For Regulation 4 there is substituted –

#### **“4 Fishing boats to which Part 2 applies**

This Part applies to –

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

### **7 New Part 2A (British fishing boats measuring less than 12 metres in overall length) inserted**

After Part 2 there is inserted –

## **“PART 2A**

### **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.”.

### **8 Regulation 12 (fishing boats to which Part 3 applies) amended**

In Regulation 12 at the end insert “which measure 12 metres or more in overall length”.

### **9 Regulation 18 (disclosure of information)**

In Regulation 18 –

- (a) after “device” insert “, an I-VMS device”;
- (b) after “State” insert “of the European Union”.

### **10 Citation and commencement**

These Regulations may be cited as the Sea Fisheries (Vessel Monitoring Systems) (Amendment) (Jersey) Regulations 202- and come into force 7 days after they are made.