



Jersey

**SEA FISHERIES (SATELLITE  
MONITORING) (JERSEY)  
REGULATIONS 2009**

**Revised Edition**

14.825.86

Showing the law as at 1 January 2010

This is a revised edition of the law





Jersey

## **SEA FISHERIES (SATELLITE MONITORING) (JERSEY) REGULATIONS 2009**

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Jersey

## **SEA FISHERIES (SATELLITE MONITORING) (JERSEY) REGULATIONS 2009**

**THE STATES**, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994<sup>1</sup>, and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations –

Commencement [[see endnotes](#)]

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### **PART I**

#### **INTRODUCTORY PROVISIONS**

##### **1 Interpretation**

- (1) In these Regulations, unless the context otherwise requires –

“Commission Regulation 2244/2003” means Commission Regulation (EC) No. 2244/2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems;

“Community fishing boat” means a fishing boat flying the flag of and registered in a member State of the European Community other than the United Kingdom;

“Council Regulation 2847/93” means Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy as amended by Council Regulation (EC) No. 2870/95, Council Decision (EC) 95/528, Council Regulation (EC) 2489/96, Council Regulation (EC) 686/97, Council Regulation (EC) 2205/97, Council Regulation (EC) 2635/97, Council Regulation (EC) 2846/98 and Council Regulation (EC) 806/2003;

“Fisheries Monitoring Centre” means a fisheries monitoring centre that is established under Article 3.7 of Council Regulation 2847/93;

“required information” means the data that must be transmitted in accordance with Regulation 6;

“satellite-tracking device” means a device that sends the required information by way of satellite and land earth station to a Fisheries Monitoring Centre;

“third country fishing boat” means –

- (a) a fishing vessel flying the flag of and registered in a State other than a member State of the European Community; or
  - (b) a receiving vessel within the meaning of Council Regulation 2847/93.
- (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, declaration, document or required information in a form or format described in paragraph (3).
- (3) Paragraph (2) 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.
- (4) A reference in this Order to a Community instrument is a reference to that instrument and any amendment of the instrument that is in force on the date on which this Order is made.

## **2 Fishing boats to which these Regulations apply**

- (1) These Regulations apply to a fishing boat that –
  - (a) is in any waters that are inside the seaward limits of the territorial sea of Jersey; and
  - (b) measures more than 15 metres in overall length.
- (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 aquaculture; and
  - (b) is operating exclusively inside the baselines from which the breadth of the territorial sea of Jersey is measured.

- (2) These Regulations do not apply to a fishing boat unless it is equipped for commercial exploitation of available and accessible living marine aquatic species.
- (3) 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 Planning and Environment, for the purpose of scientific investigations.
- (4) In paragraph (2), “living marine aquatic species” includes any anadromous or catadromous species during its marine life.

## **PART 2**

### **BRITISH AND COMMUNITY FISHING BOATS**

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

This Part applies to –

- (a) a British fishing boat; and
- (b) a Community fishing boat.

#### **5 Satellite-tracking devices to be installed**

- (1) 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 9(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 complying with Regulation 8.

## **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 in the boat's flag State –

- (a) if the 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 Centre cannot poll the boat's actual position, at least once every hour; or
- (c) if paragraph (a) does not apply and the Centre can poll the boat's actual position, at least once every 2 hours.

## **8 Alternative if device fails**

- (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 –
  - (a) the Fisheries Monitoring Centre of the boat's flag State; and
  - (b) if the United Kingdom is not the flag State, to the Fisheries Monitoring Centre of the United Kingdom.
- (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 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, telex, facsimile, telephone message or radio.

## **9 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; and
  - (b) if the United Kingdom is not the 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 shall not change its position before the boat –
  - (a) makes its next report; and
  - (b) demonstrates by that next report that the boat is in the same position as it was when it made its last report.

#### **10 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 data described in Regulation 6(1) 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 9(1).
- (4) The requirement in paragraph (2) that the master of a fishing boat shall ensure that the satellite-tracking device is not removed from the boat does not apply where, in the event of a technical failure or non-functioning of the device –
  - (a) a fisheries officer, in the case of a British fishing boat; or
  - (b) the flag State, in the case of a Community fishing boat,authorizes its replacement by a satellite-tracking device that is functioning.
- (5) The requirement in paragraph (2) that the master of a fishing boat shall ensure that the satellite-tracking device is not removed from the boat does not apply where the derogation in Article 12.1 of Commission Regulation 2244/2003 applies.
- (6) No person shall destroy, damage, render inoperative or otherwise interfere with a satellite-tracking device on a fishing boat.

#### **11 Restriction on putting to sea with defective device**

A fishing boat shall not leave port, following a technical failure or non-functioning of the satellite-tracking device on the boat, unless a fishery officer –

- (a) is satisfied that the satellite-tracking device is functioning; or
- (b) authorizes the boat to leave port.

### **PART 3**

#### **FISHING BOATS OF THIRD COUNTRIES**

##### **12 Fishing boats to which Part 3 applies**

This Part applies to third country fishing boats.

##### **13 Satellite-tracking devices on third country fishing boats**

- (1) A fishing boat shall have 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.

##### **14 Information to be transmitted by third country fishing boats**

The satellite-tracking device on a fishing boat shall ensure the automatic transmission in the format defined in Annex 1 of Commission Regulation 2244/2003, 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 Alternative for third country fishing boat if device fails**

- (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, every 2 hours, to the Fisheries Monitoring Centre in the United Kingdom.
- (3) The communication shall be by email, telex, facsimile, telephone message or radio.

**17 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 data described in Regulation 14 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.

**18 Restriction on third country boats with defective device**

A fishing boat shall not leave port, following a technical failure or non-functioning of the satellite-tracking device on the boat, unless a fishery officer –

- (a) is satisfied that the satellite-tracking device is functioning; or
- (b) authorizes the boat to leave port.

## **PART 4**

### **OTHER PROVISIONS**

**19 Evidence**

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 –

- (a) a logbook kept under any of Articles 6, 17.2 and 28c of Council Regulation 2847/93;
- (b) a declaration submitted under any of Articles 8.1, 11, 12, 17.2 and 28f of that Regulation;

- (c) an effort report completed under Articles 19b and 19c of that Regulation;
- (d) a document drawn up under Article 9 or 13 of that Regulation; and
- (e) any required information received by a Fisheries Monitoring Centre.

## **20 Citation**

These Regulations may be cited as the Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 2009.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Sea Fisheries (Satellite Monitoring) (Jersey) Regulation 2009	R&O.64/2009	20 July 2009

### Table of Renumbered Provisions

Original	Current
None	

### Table of Endnote References

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<sup>1</sup> *chapter 14.825*