

Fisheries (Vessel Monitoring System) Regulations 2024

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THE FISHERIES ACT 2023

Regulations made by the Minister under section 202 of the

Fisheries Act 2023

1. Citation

These regulations may be cited as the **Fisheries (Vessel Monitoring System) Regulations 2024**.

2. Interpretation

In these regulations –

“Inmarsat-C” means the Inmarsat-C satellite communication system;

“Fisheries Monitoring Centre” has the same meaning as in the Act;

“Mobile Transceiver Unit” means a transponder or transceiver placed on board any fishing vessel for the purpose of transmitting vessel monitoring system data that, inter alia, meets the technical standards and requirements in the Schedule;

“National Coast Guard” means the National Coast Guard established under section 3 of the National Coast Guard Act;

“operational”, in relation to a Mobile Transceiver Unit fitted to a fishing vessel, means that the unit is powered on and can –

- (a) transmit the required information, including vessel identification, geographical position, course and speed of the fishing vessel and date and time (expressed in UTC) of the fixing of the said position of the vessel as required pursuant to the Act; and

- (b) receive and accurately respond to electronic data;

“satellite communication system” means a communication system designed for receiving and transmitting data via satellites and earth stations;

“sleep mode”, in relation to a Mobile Transceiver Unit, means a standby mode in which the unit is only capable of operating at specified intervals;

“system”, in relation to a vessel monitoring system, includes component subsystems

of –

- (a) power supply;
- (b) communication hardware and software located at base stations and fitted on boats or vessels; and
- (c) communication service provider;

“tamper resistant”, which is applied to a vessel monitoring unit, means that it is of a type and configuration that prevents the input or output of false positions, and that is not capable of being over-ridden, whether manually, electronically or otherwise;

“VMS” means vessel monitoring system referred to in sections 154 and 155 of the Act;

“VMS Administrator” means an officer posted at the Fisheries Monitoring Centre, and, for the purposes of these regulations, designated by the supervising officer as the VMS Administrator;

“VMS data” means the data specified in regulation 5(c) or otherwise required under the Act;

“VMS information” means all information generated and collected in relation to the operation of the vessel monitoring system;

“VMS unit” means the component of a vessel monitoring system known as a Mobile Transceiver Unit.

3. Application of regulations

These regulations shall apply to –

- (a) any foreign fishing vessel licensed in accordance with section 118 of the Act;
- (b) any Mauritius fishing vessel of 12 metres length overall or above licensed in accordance with section 116 of the Act or authorised in accordance with section 117 of the Act.

4. Operational Mobile Transceiver Unit

(1) The operator of a fishing vessel shall ensure that the vessel is, at all times, equipped with an operational Mobile Transceiver Unit and shall –

- (a) report as required to the Fisheries Monitoring Centre while in the maritime zones of Mauritius; or
- (b) in the case of a Mauritius fishing vessel, report as required to the Fisheries Monitoring Centre while in areas beyond national jurisdiction.

- (2) The operator of a Mauritius fishing vessel or foreign fishing vessel shall –
- (a) in accordance with paragraph (1), acquire, install, maintain and bear any communication cost of the Mobile Transceiver Unit on the vessel; and
 - (b) submit to the Fisheries Monitoring Centre prior to initiating any licensed activity, a certified statement by an accredited agent of the manufacturer that the Mobile Transceiver Unit has been properly installed.

5. Obligations of the operator of a Mauritius fishing vessel when leaving port

The operator of a Mauritius fishing vessel shall ensure that –

- (a) the fishing vessel does not leave a port of Mauritius or another State unless it is equipped with an operational Mobile Transceiver Unit in accordance with these regulations;
- (b) the fishing vessel does not leave a port of Mauritius unless the VMS Administrator has confirmed that the Mobile Transceiver Unit of the vessel is operational.

6. Obligations of the operator of every fishing vessel

- (1) The operator of every fishing vessel shall ensure that –
- (a) the Mobile Transceiver Unit installed on board is powered on and is, at all times, fully operational and actively transmitting automatically to the Fisheries Monitoring Centre and the Mauritius National Coast Guard Operations Room the following data –
 - (i) the identification of the fishing vessel;
 - (ii) the current geographical position of the fishing vessel, expressed in latitude and longitude, with a position error which shall be less than 50 metres, at a confidence level of 99 per cent;
 - (iii) the date and time, expressed in Universal Time Coordinated (UTC), of the fixing of the position of the fishing vessel; and
 - (iv) the speed and course of the fishing vessel, expressed in knots for the speed and degree for the course, every 2 hours or at such interval as the Fisheries Monitoring Centre may determine in accordance with these regulations,
- except that the Mobile Transceiver Unit may be switched off in accordance with the requirements under regulation 7;

- (b) the Mobile Transceiver Unit on board is tamper resistant and –
 - (i) does not permit the input or output of false positions or information;
 - (ii) is not capable of being manually overridden, whether manually, electronically or otherwise;
- (c) the Mobile Transceiver Unit is –
 - (i) located within a sealed unit;
 - (ii) protected by official seals or mechanisms of a type that will indicate whether the unit has been accessed or tampered with;
 - (iii) capable of providing specific automated reports when powered off or on;
 - (iv) capable of providing automated reports when the antenna is obstructed;
- (d) the Mobile Transceiver Unit –
 - (i) is not removed from the place of first installation on vessel without the authorisation of the supervising officer; and
 - (ii) transmits VMS data in accordance with the standards and requirements set out in the Schedule to these regulations and the manufacturer's specifications;
- (e) the VMS data is not altered in any way;
- (f) any antenna connected to the Mobile Transceiver Unit is not obstructed in any way;
- (g) the power supply of the Mobile Transceiver Unit is not interrupted in any way;
- (h) the Mobile Transceiver Unit(s) are not removed from the vessel;
 - (i) any replacement or repair of a Mobile Transceiver Unit is immediately notified in writing to the Fisheries Monitoring Centre and the supervising officer; and
 - (j) any information required by the VMS Administrator, the Fisheries Monitoring Centre or the supervising officer in relation to the Mobile Transceiver Unit required under these regulations is provided in accordance with section 91 of the Act.

(2) The operator of every fishing vessel shall, in addition to the requirements under paragraph (1), ensure that –

- (a) the Mobile Transceiver Unit is operational, at all times, as required in regulation 4(1) and (2) unless otherwise provided in these regulations;
- (b) the fishing vessel has on board a VHF/HF set, telephone or other means of instantaneous electronic communication capable of providing communication between the fishing vessel's crew and a fisheries officer, the Fisheries Monitoring Centre, the VMS Administrator, the Port Louis Harbour Radio and the National Coast Guard at all times;
- (c) the Fisheries Monitoring Centre is notified in a manner and form and within the time determined by the supervising officer of –
 - (i) the call sign or other identifier that enables vessel's crew to be contacted by the alternative means of communication on the fishing vessel; and
 - (ii) the name and contact details of a person whom the Fisheries Monitoring Centre may contact in respect of the Mobile Transceiver Unit;
- (d) the alternative means of communication on the vessel is operational at all times;
- (e) there is full compliance with any direction given by a fisheries officer, the Fisheries Monitoring Centre or the VMS Administrator in respect of the alternative means of communication on the fishing vessel;
- (f) where a personal computer or data terminal is connected to a Mobile Transceiver Unit fitted to a registered vessel, the personal computer or data terminal is operational and able to send and receive emails via Inmarsat-C, at all times, while the Mobile Transceiver Unit is operational;
- (g) the owner or agent is notified immediately where the Mobile Transceiver Unit, or a personal computer or data terminal connected to the Mobile Transceiver Unit, ceases to operate;
- (h) that the Fisheries Monitoring Centre and the Mauritius National Coast Guard Operations Room are informed of any cessation or malfunction of the Mobile Transceiver Unit immediately upon becoming aware of same; and
- (i) the Fisheries Monitoring Centre is promptly informed of the name of the person on board nominated to liaise with the VMS Administrator and the Fisheries Monitoring Centre, and of any subsequent change of such person, and that such nominated person informs the operator immediately where he

is notified by a fisheries officer, the VMS Administrator or the Fisheries Monitoring Centre that the Mobile Transceiver Unit fitted to the fishing vessel is not operational.

7. Mobile Transceiver Unit not to be tampered with, switched off or placed in sleep mode

(1) The operator of a fishing vessel shall ensure that the Mobile Transceiver Unit is not tampered with, switched off or placed in sleep mode without prior notification and justification to the Fisheries Monitoring Centre.

(2) (a) The operator of a fishing vessel in a Mauritius port or a mooring site or, in relation to a Mauritius fishing vessel in a port of a foreign State, may, subject to subparagraph (b), switch off the Mobile Transceiver Unit if in a relevant port or a mooring site after 7 days, and shall restart the Mobile Transceiver Unit and transmit the VMS data at least 6 hours prior to leaving the port or its mooring site.

(b) The operator of a foreign fishing vessel that intends to switch off the Mobile Transceiver Unit pursuant to subparagraph (a) shall be subject to prior notification to, and approval of, the flag State.

(c) Subparagraph (a) shall not apply to any Mauritius fishing vessel of less than 24 metres in length overall unless it operates outside the maritime zones of Mauritius and engages in fishing for species covered by a relevant regional fisheries management organisation.

(d) Any Mauritius fishing vessel exempt from the application of paragraph (3) or that is classified as a semi-industrial fishing vessel shall ensure that VMS data is transmitted for at least 4 hours after arrival at port and at least 6 hours prior to leaving the port or its mooring site.

(3) The operator of a fishing vessel that switches off the Mobile Transceiver Unit in accordance with this regulation shall ensure that the first position report generated following the re-powering (activating) shows that the fishing vessel has not changed position compared to the last report.

8. Special arrangements

(1) Where a Mobile Transceiver Unit on board a fishing vessel fails to operate in whole or in part, the operator of the fishing vessel shall communicate the failure in writing to the Fisheries Monitoring Centre immediately but not later than one hour after the failure if the Fisheries Monitoring Centre has not already notified the operator of the failure, and in either

case the Fisheries Monitoring Centre may allow the fishing vessel to continue its operations under special arrangements that shall include the following –

- (a) the operator shall provide the position and latest activity of the fishing vessel by facsimile or electronic means at least every 4 hours as from the time the failure or malfunction was detected;
- (b) the operator shall indicate the expected time and port of arrival of the fishing vessel in Mauritius;
- (c) inspection at port of the vessel and catch;
- (d) the operator shall provide such copy of the vessel's track or logbook as may be required for verification; and
- (e) the Fisheries Monitoring Centre shall maintain a record of the frequency of breakdown of Mobile Transceiver Units to ensure that there are no repeated uses or abuses of such arrangements.

(2) The operator of a fishing vessel shall ensure that the Mobile Transceiver Unit which fails to operate in whole or in part, is repaired or replaced within 30 days from the date of detection of the failure or the date the operator of the vessel was informed by the Fisheries Monitoring Centre of the failure to function, whichever is earlier.

(3) Upon expiry of the period set out in paragraph (2) and where the Mobile Transceiver Unit fails to operate in whole or in part, the fishing vessel shall not be authorised to commence a fishing trip until such time as the satellite tracking device has been repaired or replaced.

(4) Any repair or replacement of a Mobile Transceiver Unit on a fishing vessel governed by these regulations in a port of Mauritius shall be made subject to the approval of the supervising officer as recommended by the Fisheries Monitoring Centre.

(5) The operator of a fishing vessel shall comply with any instruction of the Fisheries Monitoring Centre upon the Mobile Transceiver Unit of the vessel failing to operate in whole or in part.

(6) The instructions of the Fisheries Monitoring Centre under paragraph (5) to the operator of the fishing vessel shall include –

- (a) in relation to a Mauritius fishing vessel, to –
 - (i) immediately stow all fishing gear in accordance with section 48(1) of the Act;
 - (ii) bring the fishing vessel to the nearest port for repair; and

- (iii) replace the vessel tracking unit;
- (b) in relation to a foreign fishing vessel, to –
 - (i) immediately stow all fishing gear in accordance with section 48(1) of the Act and leave the fishing ground, be brought to the nearest port to repair or replace the Mobile Transceiver Unit or call at Port Louis to disembark its catch prior to proceeding to the next port for repairs;
 - (ii) report in writing by facsimile or electronic means its position every 4 hours to the Fisheries Monitoring Centre and the Mauritius National Coast Guard Operations Room as it crosses the outer limit of the exclusive economic zone of Mauritius, when proceeding to the nearest port or Port Louis from the high seas or a maritime zone of another State.

9. Reparation or replacement of Mobile Transceiver Unit

(1) The supervising officer may, by notice in writing issued to the registered owner or authorised agent of a fishing vessel to which an approved Mobile Transceiver Unit is equipped, require the registered owner or authorised agent to repair or replace the Mobile Transceiver Unit within such specified period as the supervising officer may determine.

(2) The registered owner or authorised agent to whom a notice is issued under paragraph (1) shall comply with the requirements of the notice.

10. Mobile Transceiver Unit ceasing to operate

(1) Where the supervising officer is notified that the Mobile Transceiver Unit equipped in a fishing vessel has ceased to operate in whole or in part, the supervising officer may issue such direction as he may determine to the operator of the fishing vessel to ensure that the activities of the fishing vessel remain capable to be monitored by the Fisheries Monitoring Centre and the VMS Administrator.

(2) A direction under paragraph (1) may include the requirement of –

- (a) a notification of the geographical position and course of the fishing vessel by the alternative means of communication on the vessel to a fisheries control officer, Fisheries Monitoring Centre or VMS Administrator at such intervals as deemed necessary; or
- (b) directing the fishing vessel to a specific port.

(3) No person shall, without reasonable justification, fail to comply with a direction given by the supervising officer under these regulations.

11. Offences and penalties

(1) The operator of a fishing vessel who –

- (a) fails to install an operational Mobile Transceiver Unit in accordance with regulation 4(2)(a);
- (b) fails to comply with any obligations in accordance with regulation 4(1)(a) or (b) or (2), 5(a) or (b), 6, 7, 8 or 10,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25 million rupees and to imprisonment for a term not exceeding 2 years.

(2) The registered owner or authorised agent who fails to comply with the requirements of a notice issued under regulation 9(1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25 million rupees and to imprisonment for a term not exceeding 2 years.

(3) Any person who, without lawful authority or reasonable excuse –

- (a) removes the Mobile Transceiver Unit from a fishing vessel;
- (b) interrupts in any way the power supply of the Mobile Transceiver Unit of a fishing vessel;
- (c) obstructs in any way the antenna connected to the Mobile Transceiver Unit of a fishing vessel;
- (d) alters in any way the data transmitted by the VMS of a fishing vessel;
- (e) causes a break in the transmission of data by the Mobile Transceiver Unit of a fishing vessel;
- (f) disconnects the Mobile Transceiver Unit of a fishing vessel;
- (g) permits the input or output of any false position by the Mobile Transceiver Unit of a fishing vessel;
- (h) tampers or interferes with the Mobile Transceiver Unit of a fishing vessel;
- (i) damages, destroys or renders inoperative the Mobile Transceiver Unit of a fishing vessel; or
- (j) otherwise contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25 million rupees and to imprisonment for a term not exceeding 2 years.

(4) It shall be a defence for a person charged with an offence under these regulations to prove that he had lawful authority or reasonable excuse for that conduct.

12. Commencement

These regulations shall come into operation on 4 October 2024.

Made by the Minister 4 October 2024.

SCHEDULE

[Regulations 2 and 5]

TECHNICAL STANDARDS APPLICABLE TO VESSEL MONITORING SYSTEM USING SATELLITE COMMUNICATIONS

1. Authorised satellite communications systems

The operator of Mauritius fishing vessels and foreign fishing vessels shall use Argos or Inmarsat-C satellite communications systems or such other system(s) as the supervising officer may approve in accordance with section 154(1) of the Act.

2. Format of data

The data in the reports referred to in section 155(1)(f) of the Act shall be transmitted to the Fisheries Monitoring Centre in the following formats –

- (a) North Atlantic Format (NAF), where transmitted by the Fisheries Monitoring Centre of the flag State;
- (b) PRV/DS (to view all messages received by all satellites), for data communicated via the Argos satellite communications system; and
- (c) Thrane & Thrane text or binary with Application Programming Interface (API) header, for data transmitted through the Inmarsat-C satellite communications system.

3. Minimum technical requirements for Mobile Transceiver Units

Mobile Transceiver Units shall meet the following minimum technical requirements pursuant to section 154(2) of the Act –

- (a) vessel tracking units shall be dedicated exclusively to the transmission of data required under the Act, catch data (electronic logbook) and information on entry into, and exit from, the maritime zones of Mauritius;
- (b) vessel tracking units shall be made of either one integrated system, bolted to the boat or vessel's superstructure or fittings, comprising in one single casing, antennas and the terminal, or one system encompassing an external antenna and a terminal installed on the bridge. A go-between box may be installed on the bridge for integrated vessel tracking units;
- (c) the positioning system (GPS) shall be integrated in the vessel tracking unit;

- (d) the vessel tracking units shall comply with waterproof, temperature variation, vibration, corrosion, insulation international standards such as IEC 60945 or any equivalent. Vessel tracking units shall not interfere with navigation safety in any circumstances;
- (e) every Mobile Transceiver Unit shall be equipped with a 72-hour life span external battery enabling continuous transmission of data specified in regulation 15 even in case of interruption of the boat or vessel's main power source; and
- (f) vessel tracking units shall be fitted with a prevention or detective device against any intrusion attempt and protected against any interference. They shall be attached to the structure of the boat or vessel by means of a security seal.

4. Installation requirements for Mobile Transceiver Units

Every Mobile Transceiver Unit shall be installed on a fishing vessel in such manner that it shall –

- (a) be readily accessible to the master of the fishing vessel in an emergency situation;
- (b) be secure in rough sea conditions;
- (c) not suffer interference from the operation of other equipment on the fishing vessel;
- (d) not be prone to accidental bumping; and
- (e) not interfere with the normal, safe operation of the boat or vessel; and
- (f) meet any other conditions or requirements as may be required in accordance with section 155(1)(b) of the Act.

5. Requirements for Information requirements for messages from Mobile Transceiver Units

The information required pursuant to section 155(1)(d) shall include the –

- (a) start of record;
- (b) address of sender;
- (c) identification of sender;
- (d) type of message (position);
- (e) radio call sign of the boat or vessel;
- (f) vessel's name;
- (g) vessel's external identification number;

(h) country code (ISO 3);

(i) date;

(j) time;

(k) latitude;

(l) longitude;

(m) speed in knots;

(n) course in degree; and

(o) end of record.
