

Fisheries (Automatic Identification System) Regulations 2024

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THE FISHERIES ACT 2023

Regulations made by the Minister under section 206 of the Fisheries Act 2023

1. Citation

These regulations may be cited as the **Fisheries (Automatic Identification System) Regulations 2024**.

2. Interpretation

“Act” means the Fisheries Act 2023;

“AIS” means Automatic Identification System comprised of either Class A AIS or Class B AIS;

“Class A AIS” means an Automatic Identification System which meets the specifications and performance standards as prescribed by the International Maritime Organisation (IMO) Res. No. MSC – 74(69) – Annex 3, as set out in the Schedule;

“Class B AIS” means an Automatic Identification System which meets an acceptable standard as the ICT Authority may approve;

“ICT Authority” means the Information and Communication Technologies Authority established under the Information and Communication Technologies Act;

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

“National Coast Guard” means the National Coast Guard established under the National Coast Guard Act;

“tamper resistant”, as applied to an AIS transponder, 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.

3. Application of regulations

These regulations shall apply to –

- (a) a fishing vessel of 12 metres or more in length overall, that holds a valid and applicable licence under the Act; and
- (b) a foreign fishing vessel that is required under the International Maritime Organization to operate an automatic identification system and is in the maritime zones of Mauritius.

4. Class A AIS

- (1) Every Mauritius fishing vessel of 24 metres or more in length overall shall be equipped with a Class A AIS transponder.
- (2) Each Class A AIS transponder shall, as a minimum –
 - (a) have a Digital Selective Calling (DSC) (156.525 MHz) receiver, an external GPS, a heading and a rate of turn indicator;
 - (b) be capable of transmitting and receiving safety-related text messages;
 - (c) transmit data every 2 to 10 seconds when underway; and
 - (d) have a power output of 12.5 Watts.

5. Class B AIS

- (1) Every Mauritius fishing vessel of 12 metres and not exceeding 24 metres in length overall shall be equipped with a Class B AIS transponder.
- (2) Each Class B AIS transponder shall, as a minimum –
 - (a) have a VHF transmitter and 2 VHF receivers, one of which is multiplexed with the VHF Digital Selective Calling (DSC) Receiver and a GPS active antenna;
 - (b) transmit data every 30 seconds when underway; and
 - (c) have a power output of 2 Watts.

6. Obligations of the operator of a Mauritius fishing vessel

- (1) The operator of a Mauritius fishing vessel shall, except where the vessel is anchored in the port of Port Louis or within the lagoon area –
 - (a) ensure that the AIS installed in the vessel is fully active and functional at all times; and

(b) report all required data and information continuously to the National Coast Guard Operations Room and the Fisheries Monitoring Centre, so as to ensure that all the required data and information is received by the National Coast Guard Operations Room and the Fisheries Monitoring Centre.

(2) Where a Mauritius fishing vessel is anchored in the port of Port Louis, the operator of the vessel –

- (a) may, after giving prior notification to the National Coast Guard Operations Room and receiving permission, switch off the AIS;
- (b) shall operate the AIS not less than 6 hours before leaving the port, so that the required data is duly transmitted to the National Coast Guard Operations Room.

(3) The operator of a Mauritius fishing vessel shall –

- (a) immediately report any malfunctioning of the AIS to the National Coast Guard Operations Room;
- (b) promptly cause the AIS to be repaired or replaced; and
- (c) report the position of the boat or vessel, at least once every 4 hours, to the National Coast Guard Operations Room during the period of repair or replacement.

(4) Where a malfunctioning of an AIS is reported pursuant to paragraph (3)(a) more than 3 times within a period of 12 consecutive months, the operator shall promptly cause the AIS system to be replaced.

(5) Where an AIS is repaired or replaced pursuant to paragraph (3) or (4), it shall be approved by the supervising officer.

7. Obligations of the operator of a foreign fishing vessel

The operator of a foreign fishing vessel, when anchored in the port of Port Louis or within the maritime zones of Mauritius, shall ensure that the AIS installed in the vessel is fully active and functional at all times so as to ensure that all the required data and information are continuously received at the National Coast Guard Operations Room.

8. AIS data - Monitoring

- (1) Every AIS data shall be monitored by the Fisheries Monitoring Centre and the National Coast Guard Operations Room for the purpose of fisheries compliance and, in the case of the National Coast Guard, for maritime security.
- (2) AIS data from a fishing vessel shall be received through –
 - (a) a direct receiver; or
 - (b) a vessel, an aircraft or a shore station equipped with an AIS receiver facility.

9. AIS requirements

The operator of a fishing vessel required to transmit AIS data under section 156 of the Act shall ensure that the AIS –

- (a) does not permit the input or output of false positions;
- (b) is tamper resistant; and
- (c) is, at all times, capable of transmitting, to the National Coast Guard Operations Room, data relating to –
 - (i) the identification of the fishing vessel;
 - (ii) the most recent geographical position of the fishing vessel;
 - (iii) the date and time of the fixing of such position of the fishing vessel; and
 - (iv) the speed and course of the fishing vessel.

10. Offences and penalties

- (1) The operator of a Mauritius fishing vessel who –
 - (a) in the case of a vessel of 24 metres or more in length overall –
 - (i) fails to install a Class A AIS transponder in the vessel in accordance with regulation 4(1); or
 - (ii) fails to install a Class A AIS transponder in accordance with the requirements specified in regulation 4(2);
 - (b) in the case of a vessel of 12 metres and not exceeding 24 metres in length overall –

- (i) fails to install a Class B AIS transponder in the vessel accordance with regulation 5(1); or
- (ii) fails to install a Class B AIS transponder in accordance with the requirements specified in regulation 5(2);
- (c) fails to ensure that the AIS installed in the vessel is fully active and functional at all times in accordance with regulation 6(1)(a);
- (d) fails to report all required data and information continuously to the National Coast Guard Operations Room and the Fisheries Monitoring Centre in accordance with regulation 6(1)(b);
- (e) without permission from the National Coast Guard Operations Room, switches off the AIS in accordance with regulation 6(2)(a);
- (f) fails to operate the AIS not less than 6 hours before leaving the port in accordance with regulation 6(2)(b);
- (g) fails to immediately report any malfunctioning of the AIS to the National Coast Guard Operations Room in accordance with regulation 6(3)(a);
- (h) fails to promptly cause the AIS to be repaired or replaced in accordance with regulation 6(3)(b);
- (i) fails to report the position of the boat or vessel, at least once every 4 hours, to the National Coast Guard Operations Room during the period of repair or replacement in accordance with regulation 6(3)(b);
- (j) fails to promptly cause the AIS system to be replaced where a malfunctioning of an AIS is reported more than 3 times within a period of 12 consecutive months in accordance with regulation 6(4);
- (k) repairs or replaces the AIS without the approval of the supervising officer,

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 operator of a foreign fishing vessel, when anchored in the port of Port Louis or within the maritime zones of Mauritius who fails to ensure that the AIS installed in the vessel is fully active and functional at all times in accordance with regulation 7 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) The operator of a fishing vessel required to transmit AIS data under section 156 of the Act who fails, in accordance with regulation 9(a), (b) or (c), to ensure that the AIS

—

- (a) does not permit the input or output of false positions;
- (b) is tamper resistant; or
- (c) is, at all times, capable of transmitting, to the National Coast Guard Operations Room,

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) Any person who, without lawful authority or reasonable excuse —

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

(5) 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.

11. These regulations shall come into operation on 4 October 2024.

Made by the Minister on 4 October 2024.

SCHEDULE

[Regulation 2]

SPECIFICATIONS AND PERFORMANCE STANDARDS OF CLASS A AIS

1. Scope

(1) These performance standards specify the requirements for the AIS required under the Act.

(2) The AIS shall improve the safety of navigation by assisting in the efficient navigation of ships, protection of the environment, and operation of Vessel Traffic Services (VTS), by satisfying the following functional requirements –

- (a) in a ship-to-ship mode for collision avoidance;
- (b) as a means for littoral States to obtain information about a ship and its cargo; and
- (c) as a VTS tool, i.e. ship-to-shore (traffic management).

(3) The AIS shall be capable of providing to ships and to competent authorities, information from the ship, automatically and with the required accuracy and frequency, to facilitate accurate tracking. Transmission of the data shall be with the minimum involvement of ship's personnel and with a high level of availability.

(4) The installation, in addition to meeting the requirements of the Radio Regulations, applicable International Telecommunication Union – Radiocommunication (ITU-R) Recommendations and the general requirements as set out in resolution A.694 (17), shall comply with the performance standards set out in this Schedule.

2. Functionality

The system shall be capable of operating in a number of modes –

- (a) an autonomous and continuous mode for operation in all areas. This mode shall be capable of being switched to/ from one of the following alternate modes by a competent authority;
- (b) an assigned mode for operation in an area subject to a competent authority responsible for traffic monitoring such that the data transmission interval and time slots may be set remotely by that authority; and
- (c) a polling or controlled mode where the data transfer occurs in response to interrogation from a ship or competent authority.

3. Capability

- (1) The AIS shall comprise of –
 - (a) a communication processor, capable of operating over a range of maritime frequencies, with an appropriate channel selecting and switching method, in support of both short and long range applications;
 - (b) a means of processing data from an electronic position fixing system which provides a resolution of one ten thousandth of a minute of arc and uses the WGS-84 datum;
 - (c) a means to automatically input data from other sensors;
 - (d) a means to input and retrieve data manually;
 - (e) a means of error checking the transmitted and received data; and
 - (f) built in test equipment (BITE).
- (2) The AIS shall be capable of –
 - (a) providing information automatically and continuously to a competent authority and other ships, without involvement of ship's personnel;
 - (b) receiving and processing information from other sources, including that from a competent authority and from other ships;
 - (c) responding to high priority and safety-related calls with a minimum of delay; and
 - (d) providing positional and manoeuvring information at a data rate adequate to facilitate accurate tracking by a competent authority and other ships.

4. User interface

To enable a user to access, select and display the information on a separate system, the AIS shall be provided with an interface conforming to an appropriate international marine interface standard.

5. Identification

For the purpose of ship and message identification, the appropriate Maritime Mobile Service Identity (MMSI) number shall be used.

6. Information

- (1) The information provided by the AIS shall include –
 - (a) static –

- (i) IMO number (where available);
 - (ii) call sign and name;
 - (iii) length and beam;
 - (iv) type of ship;
 - (v) location of position-fixing antenna on the ship (aft of bow and port or starboard of centreline);
- (b) dynamic –
- (i) ship's position with accuracy indication and integrity status;
 - (ii) time in Coordinated Universal Time;
 - (iii) course over ground;
 - (iv) speed over ground;
 - (v) heading;
 - (vi) navigational status (e.g. NUC, at anchor, etc. – manual input);
 - (vii) rate of turn (where available);
 - (viii) optional – Angle of heel (where available);
 - (ix) optional – Pitch and roll (where available);
- (c) voyage-related –
- (i) ship's draught;
 - (ii) hazardous cargo (type);
 - (iii) destination and ETA (at masters discretion);
 - (iv) optional – Route plan (waypoints);
- (d) short safety-related messages.

(2) Information update rates for autonomous mode

The different information types are valid for a different time period and thus need a different update rate –

- (a) static information: every 6 minutes and on request;
- (b) dynamic information: dependent on speed and course alteration according to Table 1;

- (c) voyage-related information: Every 6 minutes, when data has been amended and on request –
 - (i) safety-related message: as required;
 - (ii) date to be established by receiving equipment;
 - (iii) field not provided in basic message;
 - (iv) as required by competent authority.

TABLE 1
Type of ship Reporting interval

Speed of vessel	Reporting time interval
Ship at anchor	3 minutes
Ship 0-14 knots	12 seconds
Ship 0-14 knots and changing course	4 seconds
Ship 14-23 knots	6 seconds
Ship 14-23 knots and changing course	2 seconds
Ship >23 knots	3 seconds
Ship > 23 knots and changing course	2 seconds

Ship reporting capacity – the system shall be able to handle a minimum of 2,000 reports per minute to adequately provide for all operational scenarios envisioned.

- (3) Security –
 - (i) a security mechanism shall be provided to detect disabling and to prevent unauthorised;
 - (ii) alteration of input or transmitted data. To protect the unauthorised dissemination of data, the IMO guidelines (Guidelines and Criteria for Ship Reporting Systems) shall be followed.

7. Permissible initialisation period

The installation shall be operational within 2 minutes of switching on.

8. Power supply

The MS and associated sensors shall be powered from the ship's main source of electrical energy. In addition, it shall be possible to operate the AIS and associated sensors from an alternative source of electrical energy.

9. Technical characteristics

The technical characteristics of the AIS such as variable transmitter output power, operating frequencies (dedicated internationally and selected regionally), modulation, and antenna system shall comply with the appropriate International Telecommunication Union – Radiocommunication (ITU-R) Recommendations.
