

Fisheries and Marine Resources (Vessel Monitoring System) Regulations 2005

GN No. 87 of 2005

THE FISHERIES AND MARINE RESOURCES ACT

Regulations made by the Minister under section 73(1)(f) of the Fisheries and Marine Resources Act

1. These regulations may be cited as the **Fisheries and Marine Resources (Vessel Monitoring System) Regulations 2005**.

2. In these regulations -

"Act" means the Fisheries and Marine Resources Act;

"communication equipment" means a transponder or a transmitter equipped with a global positioning system;

"Fisheries Monitoring Centre" means the Centre referred to in regulation 5;

"necessary data" means the data specified at regulation 6(2)(c);

"Permanent Secretary" means the Permanent Secretary of the Ministry.

3. These regulations shall apply to a vessel or boat licensed for fishing or any related activity under section 37 or 39, as the case may be, of the Act.

4. (1) The Ministry shall operate a Vessel Monitoring System for the effective monitoring of fishing activities.

(2) Every vessel or boat licensed for fishing or any related activity under section 37 or 39, as the case may be, of the Act shall be subject to the Vessel Monitoring System.

5. (1) For the purposes of the Vessel Monitoring System, the Ministry shall set up and operate a Fisheries Monitoring Centre.

(2) The Fisheries Monitoring Centre shall receive and transmit data from and to a vessel or boat.

6. (1) No person shall use a vessel or boat for fishing or any related activity unless there is installed on board the appropriate operational communication equipment duly approved by the Permanent Secretary.

(2) The Communication equipment shall -

- (a) not permit the input or output of false positions;
- (b) not be capable of being manually overridden; and
- (c) be capable, at all times, of transmitting to the Fisheries Monitoring Centre data relating to -
 - (i) the identification of the vessel or boat;
 - (ii) the most recent geographical position of the vessel or boat;
 - (iii) the date and time of the fixing of such position of the vessel or boat; and
 - (iv) the speed and course of the vessel or boat.

7. (1) Every operator of a Mauritian vessel or boat shall, at least once every 2 hours, transmit the necessary data to the Fisheries Monitoring Centre except where the Mauritian vessel or boat is anchored in the port of Port Louis.

(2) Where a Mauritian vessel or boat is anchored in the port of Port Louis, the operator of the boat or vessel -

- (a) may switch off the communication equipment subject to him giving prior notification to the Fisheries Monitoring Centre; and
- (b) shall transmit anew, at least 6 hours prior to leaving the port, the necessary data to the Fisheries Monitoring Centre.

8. (1) Every operator of a foreign vessel or boat shall, at least 2 hours before entering the maritime zone, transmit the necessary data to the Fisheries Monitoring Centre.

(2) Where a foreign vessel or boat is within the maritime zone, the operator of the foreign vessel or boat shall, at least once every 2 hours, transmit the necessary data to the Fisheries Monitoring Centre.

9. (1) No person shall transmit the necessary data to another person except upon -

- (a) the written consent of the owner, operator or agent of a vessel or boat; or
- (b) an order of a court of law in Mauritius.

(2) Every owner, operator or agent of a vessel or boat shall give to the Ministry a written consent for the transmission of the necessary data to the Fisheries Monitoring Centre.

10. (1) The operator of a vessel or boat shall -

(a) report immediately any malfunctioning of the communication equipment to the Fisheries Monitoring Centre;

(b) repair or replace the faulty communication equipment within 30 days of the malfunctioning; and

(c) report the position of the vessel or boat, at least once every 4 hours, to the Fisheries Monitoring Centre during the period of repair or replacement.

(2) Where the operator of a vessel or boat reports to the Fisheries Monitoring Centre a malfunctioning of the communication equipment more than 3 times within a period of one year, he shall have the communication equipment replaced.

11. Any person who, without lawful authority or reasonable excuse, the proof of which shall lie on him -

(a) removes the communication equipment from a vessel or boat;

(b) interrupts in any way the power supply of the communication equipment of a vessel or boat;

(c) obstructs in any way the antenna connected to the communication equipment of a vessel or boat;

(d) alters in any way the data transmitted by the communication equipment of a vessel or boat;

(e) causes a break in the transmission of data by the communication equipment of a vessel or boat;

(f) disconnects the communication equipment of a vessel or boat;

(g) permits the input or output of any false position by the communication equipment of a vessel or boat;

(h) tampers or interferes with the communication equipment of a vessel or boat;

(i) damages, destroys or renders inoperative the communication equipment of a vessel or boat; or 0)

(j) contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 2,000 rupees and not more than 50,000 rupees and to imprisonment for a term not exceeding 2 years.

- 12.** These regulations shall come into operation on 01 June, 2005.

Made by the Minister on 18th May 2005.