



Tuvalu

FISHERIES (VESSEL MONITORING SYSTEM) REGULATIONS

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FISHERIES (VESSEL MONITORING SYSTEM) REGULATIONS¹

Commencement [1st September 2000]²

1 Short title

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

2 Interpretation

In these Regulations, unless the context otherwise requires —

“**Automatic location communicator**” means a device approved by the Forum Fisheries Agency and placed on a fishing vessel that transmits either in conjunction with another device or devices or independently information concerning the position, fishing and such other activities of the vessel as may be required;

“**Director of Fisheries**” means the “**Fisheries Officer**” authorised to implement these regulations;

“**Foreign fishing vessel**” has the same meaning under section 2 of the Act;

“**Vessel Monitoring System**” (VMS) means the system employed by Forum Fisheries Agency member countries and coordinated by the Forum Fisheries Agency to monitor the position and activities of foreign and other fishing vessels for the purpose of effective management of fisheries; and

“**VMS information**” means all information generated and collected in respect of the operation of the vessel monitoring system.

3 Requirement for an automatic location communicator

No foreign fishing vessel shall be licensed to fish in the fisheries waters of Tuvalu unless the operator of the vessel installs, maintains and operates a registered automatic location communicator in accordance with such specifications determined by the Director of Fisheries.

4 Conditions Governing Automatic Location Communicator

It shall be a condition of every fishing license/permit granted to a foreign fishing vessel under section 5 of the Act that the vessel owner or operator —

- (a) applies for registration of the automatic location communicator at the Forum Fisheries Agency for each year;
- (b) pays the fee determined by the Forum Fisheries Agency for the registration of the automatic location communicator;
- (c) maintains the automatic location communicator at all time in good working order;
- (d) does not interfere with, tamper with, alter, damage, or disable the automatic location communicator;
- (e) does not move or remove the automatic location communicator from the agreed installed position without the prior permission of the Director of Fisheries;
- (f) ensures that at least 48 hours prior to entry into the fisheries waters of Tuvalu, that the vessel's automatic location communicator is switched on and is operating properly at all times when the vessel is in the fisheries waters of Tuvalu; and
- (g) ensure that upon notification by the Director of Fisheries that the vessel's automatic location communicator has failed to transmit, comply with the directives of the Forum Fisheries Agency until such time that the vessel's automatic location communicator is functioning properly.

5 Cancellation of licence

The Director of Fisheries may cancel the licence of any foreign fishing vessel that fails to comply with these conditions.

6 Destruction, damage etc of automatic location communicator

Any person who intentionally, recklessly or negligently destroys, damages, renders inoperative, tampers with or otherwise interferes with any part of the automatic location communicator shall be guilty of an offence and liable to \$1,000.

7 Confidentiality of VMS information

- (1) All vessel monitoring information is classified as confidential information.
- (2) Any person who intentionally, recklessly or negligently divulges information from a vessel monitoring system, to any person or persons not authorised to receive such information shall be guilty of an offence and liable to \$1,000.

8 Authorised release of VMS information

The Minister may release VMS information only in the following circumstances:

- (a) discharge of international obligations assumed by Tuvalu;
- (b) maintenance of law and order; or
- (c) safety of life.

9 Guidelines in relation to collection and release of VMS information

The Director of Fisheries shall develop guidelines in relation to —

- (a) the collection of VMS Information; and
- (b) the authorised release of VMS information.

10 Ownership of VMS information

The ownership of VMS information generated in the fisheries waters of Tuvalu shall vest in the Government of Tuvalu.

ENDNOTES

¹ LN 4/2000; made under section 22 of the Fisheries Act 1978 and continuing to have effect pursuant to section 98 (2) of the Marine Resources Act

² LN 9/2000