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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 452**

**The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Northern Ireland) Order 2005**

**PART 2**

**PROVISIONS RELATING TO NORTHERN IRELAND FISHING BOATS, AND BRITISH AND COMMUNITY FISHING BOATS WITHIN THE NORTHERN IRELAND ZONE**

**Application of Part 2**

4. Articles 5 to 9 apply to—
- (a) a Northern Ireland fishing boat;
  - (b) a British fishing boat within the Northern Ireland zone;
  - (c) a Community fishing boat within the Northern Ireland zone.

**Installation of a satellite-tracking device**

5.—(1) A person in charge of a fishing boat which has a satellite-tracking device installed for the purposes of the Commission Regulation which is capable of being manually overridden is guilty of an offence.

(2) A person in charge of a fishing boat which has a satellite-tracking device installed for the purposes of the Commission Regulation which permits the input or output of false positions is guilty of an offence.

(3) A person in charge of a fishing boat which leaves port in contravention of Article 4 of the Commission Regulation is guilty of an offence.

**Prohibition against switching off a satellite-tracking device whilst in port without prior notification**

6. A person in charge of a fishing boat on which the satellite-tracking device is switched off other than in accordance with Article 8(3) of the Commission Regulation is guilty of an offence.

**Transmission of required information**

7.—(1) A person in charge of a fishing boat the satellite-tracking device on which fails to transmit data in compliance with Article 5(1) of the Commission Regulation on an hourly basis, is guilty of an offence except where—

- (a) the satellite-tracking device is transmitting data in compliance with Article 5(1) of the Commission Regulation on a two hourly basis and the Fisheries Monitoring Centre of the flag state can, in accordance with Article 8(2) of the Commission Regulation, poll the actual position of the fishing boat, or

- (b) the satellite-tracking device has been switched off in compliance with Article 8(3) of the Commission Regulation, or
- (c) data is being communicated in compliance with Article 11(1) of the Commission Regulation.

#### **Responsibilities relating to the satellite-tracking device**

**8.**—(1) Subject to compliance with Article 8(3) of the Commission Regulation, a person in charge of a fishing boat in respect of which there is a failure to comply with Article 6(1) of the Commission Regulation is guilty of an offence.

(2) Subject to paragraph (3) a person in charge of a fishing boat in respect of which there is failure to comply with Articles 6(2)(a), (b), (c) or (d) of the Commission Regulation, as read with Article 11(4) of that Regulation, is guilty of an offence.

(3) A person in charge of a fishing boat in respect of which there is a failure to comply with Article 6(2)(d) of the Commission Regulation, where the derogation in Article 12(1) of that Regulation applies shall not be guilty of an offence.

(4) A person in charge of a fishing boat in respect of which there is a contravention of Article 6(3) of the Commission Regulation is guilty of an offence.

#### **Technical failure or non-functioning of the satellite-tracking device**

**9.**—(1) A person in charge of a fishing boat in respect of which, in the event of a technical failure or non-functioning of the satellite-tracking device, there is a failure to communicate information in compliance with Article 11(1) of the Commission Regulation is guilty of an offence.

(2) A person in charge of a fishing boat which leaves port in contravention of Article 11(2) of the Commission Regulation is guilty of an offence.

(3) The competent authority under Article 11(2) of the Commission Regulation is a British sea-fishery officer.