



SEA FISHERIES (LOGBOOK) REGULATIONS 2015

Index

Regulation	Page
1 Title	2
2 Commencement	2
3 Interpretation.....	2
4 Requirement to submit fishing logbook data by electronic means	4
5 Completion and transmission of fishing data by electronic means.....	4
6 Completion and submission of fishing data by paper logbook.....	4
7 Completion and submission of a shellfish activity log.....	5
8 Permitted margins	5
9 Transshipment	5
10 Revocation	5
SCHEDULE 1	7
ELECTRONIC LOGBOOKS	7
SCHEDULE 2	11
PAPER LOGBOOKS	11
SCHEDULE 3	14
SHELLFISH ACTIVITY LOG COMPLETION AND SUBMISSION	14

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Fisheries Act 2012

SEA FISHERIES (LOGBOOK) REGULATIONS 2015

Laid before Tynwald: 21 July 2015
Coming into Operation: 1 August 2015

The Department of Environment, Food and Agriculture makes the following Regulations under section 36 and 37 of the Fisheries Act 2012, having —

- (a) consulted in accordance with section 83(2) and (5)(a) of that Act; and
- (b) satisfied itself as required under section 83(5)(b) of that Act.

1 Title

These Regulations are the Sea Fisheries (Logbook) Regulations 2015.

2 Commencement

These Regulations come into operation on 1 August 2015.

3 Interpretation

In these Regulations —

“**agent**” means a person or organisation appointed by the master of a British fishing vessel to complete and submit a landing declaration in relation to a landing made by that vessel and in the case of licenced transhipment, a transhipment declaration;

“**British fishing vessel**” means a fishing boat which is registered in the Isle of Man under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991¹, or in the United Kingdom or Channel Islands under equivalent legislation, and which holds a valid UK commercial fishing licence;

“**electronic means**” is a system, authorised by a fishing authority, to record and send specified fishing data as required under this Regulation;

¹ GC 392/1991



- “**FAO alpha-3 code**” means the product presentation alpha 3 codes specified in Table 1 of Annex I to the Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011;
- “**fishing logbook**” means a record of specified fishing data, collected and stored by electronic means or in paper logbooks, and sent or transmitted as required by these Regulations;
- “**FMC**” means a Fishing Monitoring Centre based in the UK which receives logbook and VMS data;
- “**ICES**” means the International Council for the Exploration of the Sea;
- “**ICES division**” means a division of the sea identified and defined by ICES and used for the purposes of fisheries statistical and regulatory purposes;
- “**live weight**” means the total weight of fisheries products retained on board a British fishing vessel, applying the appropriate conversion factors to allow for any processing;
- “**master**” means a person who is the master, skipper or captain or any person in command on board, and responsible for, a British fishing vessel;
- “**overall length**” means the overall length of a British fishing vessel as specified in that vessel’s Certificate of Registry;
- “**pair trawling**” means where two fishing vessels use a net which is rigged with towing warps and which is towed through the water by both vessels;
- “**relevant geographical area**” has the meaning given in Article 4 of Council Regulation (EC) No. 1224/2009 of 20 November 2009;
- “**sea-fish**” means fish of any kind found in the sea, including shellfish and molluscs and any parts of any such fish;
- “**shellfish**” means edible crab and lobster;
- “**shellfish activity log**” means a logbook which must be completed by British fishing vessels of less than 10 metres overall length engaged in fishing for shellfish, whelks or Nephrops in the territorial waters of the Island;
- “**static gear**” means any fishing gear, the operation of which does not require active movement of that gear;
- “**territorial waters**” means the territorial waters of the Island;
- “**towed gear**” means any device intended or adapted which is capable of being towed through the water for the purpose of capturing any sea-fish;
- “**transhipment**” means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel;
- “**UK commercial fishing licence**” means a commercial fishing licence issued by the UK or by the Island on behalf of the UK;
- “**UTC**” refers to coordinated universal time;

“VMS” means a Vessel Monitoring System that is a UK approved satellite-based system installed on a British fishing vessel and which –

- (a) sends position data reports regarding the activities of that fishing boat to an FMC; and
- (b) must not be capable of being manually overridden, switched off or receiving or sending false position reports.

4 Requirement to submit fishing logbook data by electronic means

- (1) When in territorial waters, the master of a British fishing vessel which has an overall length of 12 metres or more must –
 - (a) operate an electronic means for recording and sending fishing logbook data in accordance with the instructions set out in Part 1 of Schedule 1;
 - (b) where relevant, send by electronic means a landing declaration or a licenced transshipment declaration in accordance with the instructions set out in Part 2 of Schedule 1, indicating specifically all quantities of each species caught and kept on board, recorded as live weight equivalent.
- (2) The master may appoint an agent to act on his behalf with regard to the submission of landing and transshipment declarations.
- (3) It is the responsibility of the master to ensure that landing and transshipment declarations are submitted and failure to meet this requirement is an offence.
- (4) Subject to paragraph 4(4) of Schedule 1, British fishing vessels subject to the completion of fishing data and transmission of that data by electronic means in accordance with the requirements of this regulation must not leave port without a fully operational electronic means for recording and sending the required data.
- (5) In the event of a technical failure of the electronic means of sending fishing logbook data, the master must by appropriate means communicate all fishing logbook, landing and transshipment data to an FMC.

5 Completion and transmission of fishing data by electronic means

In accordance with the provisions of Schedule 1, the master of a British fishing vessel which is subject to the provisions of regulation 4(1) must transmit the data by electronic means at least once a day and no later than 23.59 hours UTC.

6 Completion and submission of fishing data by paper logbook

- (1) When in territorial waters, the master of a British fishing vessel which has an overall length equal to or greater than 10 metres, but less than 12

metres, must have on board, complete and submit a paper logbook and record the information referred to in Parts 1 and 2 of Schedule 2.

- (2) When in territorial waters a British fishing vessel which has an overall length of less than 10 metres is—
- (a) a member of any producer organisation; or
 - (b) required to do so by licence condition,
- the master must have on board, complete and submit, a paper logbook in accordance with Part 1 of Schedule 2.
- (3) The master of a British fishing vessel specified in paragraph (1) or (2) must submit the paper logbook and landing declaration as soon as possible and not later than 48 hours after landing.

7 Completion and submission of a shellfish activity log

Any British fishing vessel of less than 10 metres in overall length and which is engaged in fishing for shellfish, whelks or Nephrops in territorial waters must complete and submit a shellfish activity log in accordance with the instructions set out in Schedule 3.

8 Permitted margins

The permitted margins of tolerance in estimates recorded in the electronic or paper logbook of the quantities in kilograms of sea fish retained on board must not exceed 10% live weight of all species.

9 Transhipment

- (1) Transhipment is prohibited in territorial waters except where a licence is granted by the Department.
- (2) For the purposes of this regulation transhipment does not include the movement of sea-fish passed to a partner vessel whilst undertaking pair trawling.

10 Revocation

The Sea-Fisheries (Logbook) Bye-Laws 2006² are revoked.

² SD 672/06

MADE 29/6/2015

RICHARD RONAN

Minister for Environment, Food and Agriculture

SCHEDULE 1

[Regulations 4 and 5]

ELECTRONIC LOGBOOKS**PART 1— FISHING LOGBOOK DATA****1 Completion and submission of fishing logbook data by electronic means³**

- (1) Fishing logbook data must be entered and sent by electronic means daily as prescribed by regulation 5. Data must be sent after the last fishing operation has taken place and prior to the British fishing vessel entering port.
- (2) Fishing logbook data must be entered and sent by electronic means at the time of any inspection at sea if requested to do so by a fishery officer.

2 Fishing logbook data

- (1) The fishing logbook data required by paragraph 1 above must include the appropriate information specified in this paragraph.
- (2) Prior to leaving port, a departure message (DEP) must be recorded which must include —
 - (a) the external identification number and name of the fishing boat;
 - (b) the master's name and address;
 - (c) the port of departure;
 - (d) the date and time of departure (UTC); and
 - (e) the intended activity and weight of any species retained on board from any previous trip in kilograms live weight.
- (3) Upon completion of fishing operations, a fishing activity report (FAR) must be recorded which must include —
 - (a) date and time of activity (UTC);
 - (b) gear code (including mesh size in mm if appropriate);
 - (c) relevant geographical area; and
 - (d) estimated weight of species caught and retained in kg live weight or, if appropriate, the number of individuals.

³ This Schedule applies to a British fishing vessel, when fishing in territorial waters, and which has an overall length of 12 metres or more

- (4) If pair trawling activity occurs, the master of each British fishing vessel must record in the fishing logbook data, the external identification number and name of the fishing boat of the other vessel undertaking that pair trawling.
- (5) The end of fishing (EOF) must be recorded including the date and time of the completion of the last fishing operation and be completed before entry to port.
- (6) The vessel's return to port (RTP) must be recorded, including the date and time of arrival into port (UTC), the port of arrival and the reason for return.
- (7) As soon as practically possible, but within 24 hours after completion of landing, a landing declaration (LAN) must be completed, which must include —
 - (a) the date and time of landing (UTC);
 - (b) the port of landing;
 - (c) the actual weight of species landed or, if appropriate, the number of individuals;
 - (d) the presentation of each species landed in accordance with FAO alpha-3 code; and
 - (e) the relevant geographical area where each species was caught.

3 Recording of fishing activity for fisheries subject to a regime of fishing effort

The master of a British fishing vessel must record and account in a fishing logbook for the time spent in an area subject to a regime of fishing effort —

- (1) with regard to towed gear —
 - (a) entry into, and exit from the port located in that area;
 - (b) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply; and
 - (c) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area; and
- (2) with regard to static gear —
 - (a) entry into, and exit from the port located in that area;
 - (b) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (c) the date and time of setting or re-setting the static gear in these areas;

- (d) the date and time of completing fishing operations using the static gear; and
- (e) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.

4 Failure of electronic recording and reporting systems

- (1) In the event that the electronic and reporting system on board is not fully operational whilst at sea, the master or his representative must communicate fishing logbook, transshipment declaration and landing declaration data to an FMC on a daily basis and no later than 23.59 UTC even when no catch has taken place.
- (2) The reporting required in paragraph (1) must start from the time the event is detected, or if it is not detected, from the time the Department informs the master that the system is not fully operating.
- (3) If the electronic recording and reporting system is not fully operational, the fishing logbook, prior notification and landing declaration and, if licenced transshipment has taken place, transshipment data, must be sent –
 - (a) at the request of the Department;
 - (b) immediately after the last fishing operation or after a transshipment has been completed;
 - (c) before entering port; and
 - (d) during an inspection at sea.
- (4) A British fishing vessel may not leave a port in the Island with an electronic recording and reporting system which is not operating fully unless authorised to do so by the Department.

PART 2 – LANDING AND TRANSHIPMENT DECLARATIONS

5 General rule

- (1) The master or his agent must record and send by electronic means a landing declaration indicating specifically all quantities of each species landed as live weight equivalent, as soon as possible and not later than 24 hours after the completion of a landing.
- (2) The landing declaration in paragraph (1) must contain at least the following data –
 - (a) the external identification number and name of the fishing vessel;
 - (b) the FAO alpha-3 code of each species and the relevant geographical area in which each catch was taken;

- (c) the quantity of each species in kilograms, live weight equivalent, broken down by product presentation; and
 - (d) the port of landing.
- (3) The accuracy of the data recorded in the landing declaration is the master's responsibility.
 - (4) In the case of licenced transshipment, the master of a British fishing vessel must complete the transshipment declaration.

6 Completion

- (1) A landing declaration must be completed in all instances where fish products are landed from a British fishing vessel.
- (2) A transshipment declaration must be completed for each transshipment operation undertaken by a British fishing vessel holding a licence referred to in regulation 9(1).
- (3) A transshipment declaration must be sent by electronic means to the relevant authority in the country where the British fishing vessel is registered within 24 hours after the completion of the transshipment operation.

SCHEDULE 2

[Regulation 6]

PAPER LOGBOOKS**PART 1 – COMPLETION AND SUBMISSION OF FISHING DATA BY PAPER LOGBOOK****1 Application**

This Part applies to a British fishing vessel if it is fishing in territorial waters and –

- (a) has an overall length of greater than 10 metres but less than 12 metres; or
- (b) has an overall length of less than 10 metres and is –
 - (i) a member of a producer organisation; or
 - (ii) required by licence condition to have on board, complete and submit a paper logbook.

2 Completion and submission of paper logbook

- (1) The paper logbook, which must be completed daily and no later than 23.59 UTC and before entering port, must be submitted to the relevant authority as soon as possible and not later than 48 hours after landing.
- (2) Landing declarations must be submitted as soon as possible but no later than 48 hours after landing.
- (3) The paper logbook must be completed if requested by a fishery officer.
- (4) A new line in the paper logbook must be completed –
 - (a) for each day at sea;
 - (b) when fishing in a new ICES division on the same day; and
 - (c) when entering fishing effort data.
- (5) A new page in the paper logbook must be completed –
 - (a) when using a different gear, or a net of a different mesh size range;
 - (b) for any fishing done after a licenced transshipment or an intermediate landing; and
 - (c) upon departure from port when no landing has taken place.

3 Paper logbook information

The paper logbook must contain the following information —

- (a) the external identification number and name of the British fishing vessel;
- (b) the name and address of the master;
- (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (d) the date and number of fishing operations;
- (e) the date of departure from and return to port;
- (f) the type of gear using the appropriate codes contained in Commission Implementing Regulation (EU) 404/2011, mesh size and dimension;
- (g) the estimated quantities of each species in kilograms live weight using conversion factors or, where appropriate, the number of individuals;
- (h) the duration of the fishing trip; and
- (i) the date and time of landing and the port of landing.

4 Recording of fishing activity for fisheries subject to a regime of fishing effort

The master of a British fishing vessel must record and account in the fishing logbook for the time spent in an area subject to a regime of fishing effort as follows —

- (a) with regard to towed gear —
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area; and
- (b) with regard to static gear —
 - (i) entry into, and exit from the port located in that area;
 - (ii) entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) date and time of setting or re-setting the static gear in these areas;
 - (iv) the date and time of the completion of fishing operations using the static gear;

- (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.

PART 2 - LANDING AND TRANSHIPMENT DECLARATIONS

5 Application of Part

This Part applies to a British fishing vessel which has an overall length greater than 10 metres and less than 12 metres and which is fishing in territorial waters or landing into a port of the Island.

6 General rule

- (1) The master or his agent must submit a paper logbook in accordance with Part 1 of this Schedule and submit a completed landing declaration indicating specifically all quantities of each species landed as live weight equivalent, as soon as is possible and not later than 48 hours after the completion of a landing to the competent authorities of the port where the landing took place.
- (2) In the case of transshipment undertaken by a British fishing vessel holding a licence referred to in regulation 9(1), the master of the vessel must enter the quantities on the transshipment declaration.
- (3) The accuracy of the data recorded in the landing declaration is the responsibility of the master.

7 Completion

A landing declaration must be completed in all instances where fish products are landed from a British fishing vessel.

SCHEDULE 3

[Regulation 7]

SHELLFISH ACTIVITY LOG COMPLETION AND SUBMISSION**1 Application**

This Schedule applies to a British fishing vessel which has an overall length of less than 10 metres if it is fishing in territorial waters for crab, lobster, whelk or Nephrops.

2 Completion of the shellfish activity log

- (1) The shellfish activity log must be completed daily by not later than 23.59 UTC or at any earlier time on arrival in port.
- (2) The shellfish activity log must also be completed if requested to do so by a fishery officer.
- (3) All compulsory information must be entered into the shellfish activity log.

3 Procedure for completion

- (1) Entries into the shellfish activity log must be legible and indelible.
- (2) No entry in the shellfish activity log may be erased or altered.
If a mistake is made the incorrect line must be struck out and followed by a new entry initialled by the master.
- (3) Each page of the shellfish activity log must contain —
 - (a) the month and year to which it relates;
 - (b) the external identification number and name of the British fishing vessel;
 - (c) the main port of departure and the main port of landing; and
 - (d) the name and signature of the master.

4 Information regarding the fishing activity

The following information must be filled in against the corresponding numbers as per instructions provided on each page of the shellfish activity log —

- (a) scientific sub squares;
- (b) soak time (time each pot is fishing between hauls);
- (c) fishing time (time absent from port);
- (d) number of pots hauled;
- (e) the number of pots set;

- (f) the number of edible crab, lobster, whelk and Nephrops retained by live weight in kilograms.

5 Procedure for submission

- (1) The top copy of the shellfish activity log must be handed over or dispatched to the Department within 48 hours of the end of the month to which the records relate.
- (2) The second copy of the shellfish activity log (pink sheet) may be removed and kept by the master for his own records.
- (3) The third copy of the shellfish activity log (yellow sheet) must remain in the book at all times.
- (4) The master of a British fishing vessel must retain shellfish activity logs for a minimum period of two years.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations apply to British fishing vessels while they are in the territorial waters of the Island and set down the rules for the completion and submission of fishing logbooks in either electronic or paper form.

The Regulations set out the information which must be completed in each of the logbooks and the time limits for submission of that information to a relevant authority, which may or may not be the Department.

The Regulations require British fishing vessels of different lengths, and fishing for various species, to complete information relating to catch and landings, fishing effort, the type of fishing gear used and the area in which fishing takes place.

The information obtained from these processes informs in relation to stock sustainability and fishing pressures which subsequently informs in relation to quotas where quota species are targeted.

British fishing vessels of less than 10 metres in overall length and prosecuting the local crab, lobster, whelk or Nephrop fishery are required to complete a shellfish activity logbook which records catches, time spent at sea, number of pots fished and the period for which those pots are fished.

Provision is made for estimating the weight of total catch for each British fishing vessel in kilograms of live weight with a margin of tolerance of 10% for that estimated weight.

A contravention of any provision of these Regulations constitutes an offence under section 41 of the Fisheries Act 2012.