

# **NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

## **MARINE AND COASTAL ACCESS ACT 2009 (c.23)**

### **XXX AUTOMATIC IDENTIFICATION SYSTEM BYELAW 2016**

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009, makes for the following byelaw for the mandatory use of Automatic Identification Systems within that District.

#### **1. Interpretation**

In this byelaw:

- (a) 'the Authority' means North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I 2010, No 2193);
- (b) 'Automatic Identification System' means an operational transceiver of Class A or Class B design that transmits accurate information including the ships identity, MMSI number, vessel type, position, course, speed and can exchange information with shore-based facilities.
- (c) 'Class A' means an Automatic Identification System, tested and certified compliant with the Wheelmark award given by MarED;
- (d) 'Class B' means an Automatic Identification System, tested and certified compliant with the CE award given by a notified body under the Radio Equipment Directive.
- (e) 'commercial fishing vessel' means any vessel registered in accordance with Part II of the Merchant Shipping Act 1995 (c.23) or in the Channel Islands or the Isle of Man that holds a valid current fishing license issued by the appropriate United Kingdom fisheries department;
- (f) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order;

- (g) MarED` means the co-ordination group for the Notified Bodies assigned by the Member States to carry out the conformity assessment procedures referred to in the Marine Equipment Directive;
- (h) 'Marine Equipment Directive' means Directive 2014/90/EU of the European Parliament and of the council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC, Official Journal L 257, 28/8/2014 p.146/185; ,
- (i) `Radio Equipment Directive` means Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC Text with EEA relevance OJ L 153, 22/5/2014, p.62-106
- (j) 'vessel fishing for commercial gain' means any vessel used or operated to generate revenue from the exploitation of sea fisheries resources.

## **2. Requirement**

Any commercial fishing vessel or vessel fishing for commercial gain must operate a fully functioning Automatic Identification System whilst fishing or underway within the District.

**I hereby certify that the above Byelaw was made by the Authority at its meeting on 27 April 2016.**

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

**The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on 27 April 2016.**

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

**Date:**

Explanatory Note

*(This note is not part of the byelaw)*

This byelaw requires all commercial fishing vessels and vessels fishing for commercial gain to operate and maintain a fully functioning Automatic Identification System, transmitting positional information at all times when fishing or underway within the District.

Vessels are not required to operate an Automatic Identification System whilst stationary on berths within ports, harbours or launches. The Authority considers this byelaw will have significant benefits providing accurate timely information on vessel movements and will support the identification of the spatial distribution of fishing activities, with wider benefits to safe navigation.