

STATES OF JERSEY

Economic Affairs Scrutiny Panel Sea Fisheries Bag Limits

THURSDAY, 18th JUNE 2009

Panel:

Deputy M.R. Higgins of St. Helier (Chairman)

Deputy C.F. Labey of Grouville

Deputy S. Pitman of St. Helier

Deputy D.J.A. Wimberley of St. Mary

Deputy J.M. Maçon of St. Saviour

Witness:

Mr. M. Taylor (Chairman, Fisheries and Marine Resources Advisory Panel)

In Attendance:

Mr. T. Oldham (Scrutiny Officer)

Deputy M.R. Higgins of St. Helier (Chairman):

All right. Mr. Taylor, thank you for coming. I will just introduce myself and then other members of the panel will introduce themselves, and then if I can ask you just to identify yourself to the microphone so that we have a voiceprint, effectively, and then we will go from there. I am Deputy Mike Higgins. I am the chairman of the panel. On my right is ...

Deputy D.J.A. Wimberley of St. Mary:

Deputy Wimberley, St. Mary.

Deputy J.M. Maçon of St. Saviour:

Deputy Jeremy Maçon of St. Saviour.

Deputy C.F. Labey of Grouville:

You know me, Carolyn Labey, Deputy of Grouville. Hello.

Deputy S. Pitman of St. Helier:

Deputy Pitman of St. Helier.

Deputy M.R. Higgins:

And Tim Oldham, who is obviously our Scrutiny Officer, who you have been in touch with. Right, and if I can ask you to identify yourself and any title that you have or any role you have.

Mr. M. Taylor (Chairman, Fisheries and Marine Resources Advisory Panel):

Okay. I am Mike Taylor, chairman of the Fisheries and Marine Resources Advisory Panel.

Deputy M.R. Higgins:

Thank you. What I am going to ask you to do, if you would, is to take us through the history of the bag limit proposals that have come before us that we are actually looking at, and once you have finished that, if you can explain the rationale behind it and then we will go from there.

Mr. M. Taylor:

Okay. Well, if I could take you back to 1999 first, the ormer stock around the Island and Les Minquiers in particular was very badly affected by a virus that came up from Brittany and Normandy and across to Jersey and it wiped out about 90 per cent of the ormer population. The panel then decided to close the fishery for 2 years to give the stocks a chance to recover, and I think it was after 2 years, when some divers working for the department had identified that the stocks had partly recovered, we decided to reopen the fishery. And I think that was the first time bag limits was mooted because it was thought maybe it would be a good idea as we reopened the fishery to put a limit on the amount of ormers that could be caught. As you may or may not know, there has always been a bit of a culture of people going down to Les Minquiers, especially, say, 4 or 5 on a boat and there would be a bit of an unspoken sort of challenge as to who could catch the most ormers. We wanted to try and change that culture so that people could go and enjoy catching a feed without having to catch every last ormer down there. But that

did not happen then, but that was the first time the idea of bag limits was mooted.

Deputy M.R. Higgins:

That is by what, 2001?

Mr. M. Taylor:

Yes, I think ... actually, I think it was 2002 because the virus struck in 1999 and I think the closure was 2000 to 2002. It was either October 2002 or October 2003 that the ormer season ... the ormers was reopened and that is when the idea of bag limits was first spoken about. Then after that, every year there was diving studies done to try and identify how the stocks were recovering and also to get data on what the catches had been like. It became clear that although around the coast of Jersey the stocks had somewhat recovered, around Les Minquiers they had not at all. It was very, very ... still very bad news about Les Minquiers. So, again, we then spoke about bag limits and initially it was just for ormers to try and look after the stocks of ormers. So we then ... I think I have the dates here. I think in September ... in the autumn of 2003 ... I think it must have been 2002 the fishery reopened, so in the autumn of 2003 the panel decided to go to what was then known as the E.D.C. (Economic Development Committee) to see if they would agree the principle of bag limits. In September 2003 the principle of bag limits was agreed by the then E.D.C.

Deputy S. Pitman:

And that was just to ... that was for commercial fishing?

Mr. M. Taylor:

Well, it was really to agree the idea, the principle of bag limits. You see, in many places now around the world ... for instance, Australia has a bag limit for amateur fishermen for every single species. France has just very recently, just in April this year, introduced bag limits for sole, plaice, whiting, cod of 10 fish per boat. The idea of bag limits, although it is a bit alien to Jersey, has been well established in many places around the world. So, we went to E.D.C. in the autumn of 2003 to see if they agreed with

the principle of having a bag limit for certain species if we thought they were under threat or if we thought there was a particular reason that there should be a bag limit. So that was the underlying reason, really. And then in March 2004 the panel agreed that we should bring in a bag limit of 20 ormers per person. I would like you to understand that bag limits has been discussed quite widely on the panel over a number of years, 6 or 7 years, and at each stage we were very aware that Jersey people, amateur fishermen of all sorts, enjoyed going out and catching a few ormers or a few bass or a few lobsters, and we were always very focused on what was a fair day's catch. We thought, well, if somebody goes down to Les Minquiers, what is a reasonable catch of ormers? You could not possibly eat 20 ormers; a family would not be able to eat 20 ormers. So, we were constantly turning this idea over of what is a reasonable catch for somebody who is not a professional to go out and enjoy their day out and, in the early stages, catch a feed of ormers. So that was the sort of rationale behind that.

Deputy M.R. Higgins:

Did you also have sort of catch limits for commercial fishermen at all?

Mr. M. Taylor:

Well, commercial fisherman do not really go ormering. Ormering is one of those few things that has really always been just for the pot. Commercial fisherman do not go ormering to make money. They might go down on a spring tide in just the same way as you or I might just to catch a feed, but they would not go down with the idea of making money out of ormers.

Deputy S. Pitman:

So did you discuss the number, 20, with recreational fishermen?

Mr. M. Taylor:

Yes, we did. Yes, well, you may not know but on the panel we have a very diverse lot of people and there has been a permanent member from the Anglers Association on the committee for as long as I can remember. Talking about the bag limit legislation, there has been 3 separate representatives from the

angling community who I can name. Also, we have a representative from the Boat Owners Association and a lot of the people on the panel are very keen amateur fishermen and low water fishermen themselves. Are you aware of the constitution of the panel?

Deputy M.R. Higgins:

No. In fact, if you could give us the names of those 3 people as well, but we will come to that later anyway.

Mr. M. Taylor:

Okay, let me just have a look here.

Deputy M.R. Higgins:

Or if you want to wait until we get a bit further down the line.

Mr. M. Taylor:

All right. That is probably the one bit of paper I have not got with me. **[Laughter]**

Deputy M.R. Higgins:

Sorry, you can supply that to us at ...

Mr. M. Taylor:

Yes, okay. One was Andrew Syvret. He was the original ... Andrew Syvret was the original member on the ... oh, here we are. We had Andrew Syvret in the early days who was representative of the anglers. Then we had Keith White for a number of years, and at the moment it is Peter Gosselin. I think Peter Gosselin actually ... I think this is his second time that he has been on the panel representing the anglers. So this is Peter's second time and we had Andrew Syvret in the early days and Keith White in between times. So there has always been a permanent member there as well as people like from the Boat Owners Association, Chris Le Boutillier, who is very keen on low water fishing and angling and

things like this. So, of the whole committee there is quite a number ... there is one who is a permanent member representing the anglers, but there are also many others that do part-time fishing; for instance, Chris Newton, who is a permanent member, has a boat at La Rocque and enjoys doing a bit of bass fishing. So, you know, they have all had plenty of opportunity to have their say.

Deputy M.R. Higgins:

Okay. Now can we come forward in dealing with the history from the organised(?) bag limits and come forward?

Mr. M. Taylor:

Okay, so going on from 2004 when the panel agreed the principle of 20 ormers per person, we then ... as you know, law drafting takes a long time and it is a tortuous trail and it was working its way through the system when in 2005 the Fishermen's Association noted ... and this has been a bane of contention for as long as I can remember. There are a number of people, and there have been for decades, who have well-paid jobs ashore, often people who are working shift work, like maybe prison warders or policemen or milkmen, people that often finish work early, start early and finish early, and there have been a number of people as long as I can remember who have not just got a few pots for a feed, they have maybe 100 pots, or 150 pots. Now, in 2005 it came to light that there was a number of these people who were unlicensed and they were clearly supplementing their income, not paying any tax, and catching lobsters that the professionals were trying to make a living from. So the panel decided, you know, if somebody wanted to have a few pots and go fishing for a feed of lobsters, that was fine. Nobody had any objection to that at all. But this idea of having a well-paid job ashore and then trying to supplement your income really had to go. You know, enough was enough. Professional fishermen do have a tough time making a living. It is their only source of making a living. They have nothing else to rely on. So the panel agreed that it was reasonable. In fact, it brings me to another point, really. All professional fishermen are licensed but there are licences within licences, so just a few years ago a shellfish licence was introduced. So if a fisherman was a professional fisherman trawling and if he had not been shell fishing for the previous 2 years, he was not given a shellfish licence. So even a professional fisherman fishing

for wet fish, for trawling, was not allowed to catch lobsters to sell them. The limit in England, I think, is 5 lobsters a day ... yes, the limit in England I think is 5 a day. So the panel then decided that over here the limit should be 15 a day. So you have a professional fisherman who is making his living from the sea, but he has not been catching lobsters, he does not have a track record of catching lobsters, and even he can only catch 15 lobsters a day. So in light of that, we thought these guys ... there might not be many of them but it is really the principle behind it. These guys that have their secure jobs ashore who are putting 100 or 150 pots out and then selling the lobsters, that really it was time it should be outlawed. But we were very mindful of anybody that wants to go and put a few pots out and enjoy catching a few lobsters should, of course, be able to do so. So that was when the idea of limiting the amount of lobsters was ... For instance, in France, you are only allowed 2 pots. You are not allowed any store boxes at all in France and you are just allowed 2 pots and you cannot sell anything from those 2 pots at all. I mean, it has been very, very liberal over here for a long time compared to many other countries. So I am just trying to sort of give you a flavour, really.

Deputy M.R. Higgins:

Yes. When you actually sort of were assessing the loss of income, did you do any sort of surveys? Did you have any sort of quantitative evidence or was it just based on anecdotal evidence?

Mr. M. Taylor:

I do not know if there was a loss of income. It is really the principle of the idea that sometimes professional fishermen are struggling to make a living and they see guys out of, shall we say, Grève de Lecq or somewhere, who they know have just finished work at 10.00 a.m. in the morning, going out on the boat and doing pots and selling their lobsters without a licence. In fact, they may have been given a licence when licensing was introduced 10 or 15 years ago. Everybody that could show they were selling their catch was entitled to a licence whether you were a professional or not. So, these guys that might have had 150 pots who were selling their lobsters when licensing was introduced were given the opportunity of having a licence given to them. Now, some of them were given a licence and then sold their licence but continued fishing, and that is what really upset the professionals.

Deputy M.R. Higgins:

We were told I think in an earlier hearing that the fishing licences, some of them are worth £30,000 or more. Is that correct?

Mr. M. Taylor:

Well, it varies on the size and horsepower of your boat. For the kind of fishing that we are talking about just at the moment, fishing of a few pots with a small boat, it would not be anything like as much as that. I do not know, I am a bit out of touch, but I would suspect a few thousand pounds.

Deputy M.R. Higgins:

In fact, with the licensing system for shellfish, whether it be for commercial fishermen or recreational, I guess, is there a charge for that licence?

Mr. M. Taylor:

No. The way licensing works is that one buys a licence on the open market. There are agencies that buy and sell licences. Or if, for instance, one of you wanted to go professional fishing, you would probably buy a boat with a licence. That is often what happens. But can I just say one other thing that has just occurred to me, too. Diving for scallops used to be illegal and we made it legal a few years ago, and professionals have to apply for a licence and they do pay for that licence. But there is also an amateur licence which has a bag limit, and the bag limit is 2 dozen scallops a day and everybody seems quite happy with that. So, again, the principle is if somebody wants to go out on a Saturday and a Sunday and go diving for a few scallops to take home, we have no objection to that whatsoever. That is already in place.

Deputy S. Pitman:

Going back to the panel, was there any ... I may be repeating what Deputy Higgins said. Was there any idea of the extent of the problem?

Mr. M. Taylor:

We are talking about lobsters now or ormers or ...?

Deputy S. Pitman:

The whole problem of recreational fishermen selling to restaurants, et cetera.

Deputy M.R. Higgins:

Actually, can we leave that for a moment? I think what we will do is ... we have gone to ... for example, we have gone from ormers to lobsters, and if we can come forward and then we can address all these issues.

Mr. M. Taylor:

Okay. Yes, all right. I will do my best. So, I will just refer to my notes here, because all these meetings, of course, were minuted. So that was in 2005 that we spoke about lobsters and decided to put lobsters on the bag limit legislation. And then in 2006, in the summer of 2006, what often happens at this time of the year in May and June is that the price of lobster collapses, and it is because there are boats fishing for lobster all around the U.K. (United Kingdom) and Ireland and the lobster price is very dependent on supply and demand. Nearly all the lobsters go into Europe, mostly into France, some into Spain and Portugal, but always at this time of the year ... and at the moment is a very good example. The price of lobster at the moment is about the same as it was 20 or 30 years ago. However, in the spring they get very good money for their lobsters. So, often in June and July the lobster price has collapsed and if the fishing is not very good on top of that, there are a number of professional fishermen who stop fishing for lobsters and go fishing for bass, especially in the gutters to the southeast of the Island. I think what brought this about the bass to a head was that it was over one or 2 weekends in May or June that 2 or 3 professionals who had decided to try and make a living out of bass fishing rather than lobster fishing had reasonable catches of bass and went into the central market on a Monday with them and were told: "No, we are full up with bass, our freezers are full up of bass. We have had people

coming in all weekend with bass.” They were saying that they felt these were being caught and sold by people that were unlicensed. So we then spoke about, well, perhaps we should add bass to the bag limit legislation, and again, you know, we talked around it on the panel a great deal. We asked everybody. We said: “What is a fair catch? If anybody wanted to go fishing on a little boat from La Rocque, what would be a fair catch?” The thinking was that hardly ever did anybody catch more than 5 bass in a day and that that should be entirely reasonable. In fact, I have the letter here; I do not know if you have seen it. I have copies for you if you have not. It is from the then representative of the Angling Committee and it was sent to us on the panel on the agenda in 2007. It says: “One, the bass bag limit. The aforementioned Association has given their full support to a 5-fish limit.”

The Deputy of St. Mary:

Sorry, who said that?

Mr. M. Taylor:

That was said by ... just get that quote right ...

Deputy M.R. Higgins:

The 3 you mentioned were Andrew Syvret, Keith White ...

Mr. M. Taylor:

Yes, Keith White sent this letter on behalf of the Angling Committee to committee in April 2007. So you can understand ... well, perhaps you cannot, but from my position as chairman of the panel, having him on panel and having this letter in front of us, it seemed to us that everybody was entirely happy. There was no dissent at all. Nobody around the table ... we all thought it was an entirely ... we were astonished when this firestorm broke in the last couple of months, to be honest.

Deputy M.R. Higgins:

All right. So is that bringing us right up to the present time?

Mr. M. Taylor:

It does, really, yes. It does, really. So I am just giving you a very brief history. First of all it kicked off with ormers, then lobsters was attached, and then bass, yes.

The Deputy of St. Mary:

Can I just ... a point of detail on the date?

Deputy M.R. Higgins:

No, please, I am going to speak first. There was a meeting involving I think it was Andrew Syvret and members of the angling community at the Société. Was there a panel representative there or was the panel involved in that meeting where they were discussing this?

Mr. M. Taylor:

No. No. No.

Deputy M.R. Higgins:

Okay, fine.

The Deputy of St. Mary:

Yes, just on the date of the ... what started off the bass issue, if you like, you said that some fishermen who had been going ... who had been lobster fishermen decided to go off to bass to make a living and then they came to the market on one day and the freezers were full of somebody else's bass. What date was that? Can you put ...?

Mr. M. Taylor:

Well, I cannot put an exact date on it, but it was ... it would have been ... and, of course, what happened, that was the catalyst but the story was that every summer this happens that when the price of lobster

collapses ... there are only 2 or 3 professionals that might do this and it is not for a very long time, but again it is a bit more of the principle of the thing. It is the fact that there were only perhaps 2 or 3 guys with 150 pots who have a job ashore, but again it is the principle, it is the idea. I think, really, what the panel was aiming for with all this bag legislation was perhaps to change the culture a bit. Whereas when I was a teenager one would go out and try and catch as many hundred mackerel as one could, or go ormering down Les Minquiers and try and get the top catch, I think the idea was to try and change the culture so if people want to go leisure fishing we did not want to stop them whatsoever, and if they wanted a good feed they could have a good feed, but to try and stop this idea of having to catch everything that is in the ocean for pleasure.

The Deputy of Grouville:

Where does that idea come from, catch everything in the ocean?

Mr. M. Taylor:

Well, I think it is a bit Jersey. I think it is sort of in Jerseymen's psyche a bit, I think. I mean, I can remember clearly as a child or teenager going down Les Minquiers and there was intense competition to beat the next guy. What we were going to do with the ormers we did not know, we might have sold some or given some away, but it was really ... it was really, you know, we were all trying to outdo each other.

The Deputy of St. Mary:

With the ormers, but also do you have any evidence of that with ... ormers I can understand were sort of funny things that live under rocks and you had to find them, but with fishing as well, do you have any evidence that there was that same culture of: "Let us try and catch as many as we can" with fishing?

Mr. M. Taylor:

Well, I can remember fishing in a dinghy out of Green Island and going out for mackerel and there would be 2 or 3 of us going out in little dinghies. We always wanted to be top dog. You know, we

always wanted to come back with the biggest catch.

The Deputy of St. Mary:

What would happen to the mackerel when you had done that?

Mr. M. Taylor:

Well, sometimes you ended up giving them away, and if there was really a lot of mackerel around you did end up giving them away. But sometimes it was a job to give them away. So all around the world now I think people's ideas are changing, and I think the panel's view was that we did not want to step on anybody's toes at all, we did not want to deprive them whatsoever of going out and catching something for pleasure. But also this business with the black fish ... I think I read a letter in the *Evening Post* just a couple of days ago and it was saying, you know, why does the department not rely more on intelligence and following people up, but I know from being up at the department for a very long time that it is incredibly hard to prosecute somebody for selling fish illegally. One of the reasons for that is that if somebody comes ashore who does not have a licence and they have bass or lobsters or whatever it is, they only have to say: "I caught them off Sark" or: "I caught them off Guernsey." If they caught them outside of Jersey's territorial waters, they can sell them legally. So you have virtually got to go out, shadow the person on the boat, identify what he has caught in Jersey territorial waters, follow him back in, follow him to a restaurant and see the money changing hands. It is almost impossible to get a prosecution. Whereas the bag limits, it is very easy just to ... people are checking undersized fish and they are going ... it is far less intrusive. The inspectors go down the slip, they are looking at minimum sizes, they say: "How many fish do you have there?" It is much easier policed.

Deputy M.R. Higgins:

So even with ... again, I have not looked at the law for a short while. The new regulations mean fish, no matter where they are caught, then, not just in Jersey 3-mile limit?

Mr. M. Taylor:

Well, the new regulation I think says that you must not land and you cannot bring ashore more than 20 ormers or 5 bass or 5 lobsters. So it would not matter where you caught them, but the regulation is bringing them ashore.

Deputy M.R. Higgins:

That is interesting from the policing point of view because we were wondering at one point how they were going to police this, were we going to have boats out at sea and all the rest of it, but it is the landing is the key ...

Mr. M. Taylor:

Yes, and it is much easier to land and it is much less intrusive. In just the same way as on occasions the inspector will go along to St. Catherine's Breakwater just checking people to see that what they are landing is the legal size, they will just say: "How many fish have you got there?" Talking to various people that do angling, it seems very unusual for them to catch more than 5 bass. I have not actually met anybody yet who has admitted to catching more than 5 bass on a rod in a day. And we tried to make it like that. We tried to make it so that it would not penalise anybody.

Deputy S. Pitman:

The problem, I think it was admitted by the Minister, I cannot quite remember, or an officer, is the policing of this law. I know that they do have officers, but they will be seeking volunteers that they do not have at the moment.

Mr. M. Taylor:

Well, we have got I think one volunteer at the moment and he does quite a good job. And I think also that I think Honorary Police are entitled to ... I think they have powers to look for minimum sizes. But it would be no different, I do not see ... I do not think there would be any extra policing activity, it is just that when officers are looking to see if your catches are all legally sized, they will also just be looking to make sure that you do not have more than your quota. They will not be deliberately scouring the Island

for people that have more than 5 fish. I see it as part and parcel of the same policing, and if they go ... if they board a vessel at sea now, they are checking for minimum sizes, so they will just have a look round and see if they have more than 5 lobsters. So I do not think there would be any extra policing, actually. I do not see it myself.

The Deputy of St. Mary:

Going back to 2006 and when this started with bass ... I nearly said “basses” ... what is the problem that this is trying to solve? What is the actual problem?

Mr. M. Taylor:

The problem that this is trying to solve is the black fish, or people who are not licensed selling bass.

The Deputy of St. Mary:

Right, so if the problem is people who are not licensed depressing the market price, selling bass, which presumably that is the thing you are trying to solve?

Mr. M. Taylor:

Yes.

The Deputy of St. Mary:

Then how does that connect to standing at the slipway and finding out that someone has got ... I am being, you know, provocative ... and standing and finding out someone has 8 fish and not 5? You know, where does that connect to selling fish around the back of the market?

Mr. M. Taylor:

Well, I think where it connects is that ... yes, I see what you are getting at. The idea is to stop people ... a bit like the man who has 100 to 150 pots. I believe we had people in boats with rods who were catching many more than 5 bass in a day with a view to selling them. So again it is trying to change the

culture. It is trying to ... just trying to say that we want you to enjoy your day out, but do not sell it.

The Deputy of St. Mary:

Well, I am going to be a little bit sort of pushy now and say that you have just said that it is very hard to catch more than 5 bass in a day, and now you are telling me that somebody with a rod in a boat is catching enough to skew the market.

Mr. M. Taylor:

Yes, I was saying on St. Catherine's Breakwater, but I think from the shore it is very, very hard to catch ... well, talking to people, I think it is very unlikely to catch more than 5 bass in a day from the shore, but if you are in a small boat in the gutters by Echo Tower and you know what you are doing, just in the same way as professionals can make a living at certain times there by catching bass, so a few people can as well. That is the difference.

The Deputy of St. Mary:

Okay.

Deputy M.R. Higgins:

That was interesting, you also said, too, that obviously these fishermen came ashore with their catch and went to the market, and so the market traders have been buying all this black fish, the black market type fish in a sense?

Mr. M. Taylor:

Well, we do not quite know what goes on in the market. Some of the fishermen go direct to hotels and restaurants as well and some go to the market.

Deputy M.R. Higgins:

Also, in terms of fishermen, I think we were told at an earlier hearing that 85 per cent of the catch for I

think most varieties that we are catching was exported. Is that ...?

Mr. M. Taylor:

Well, that is shellfish. You see, the Jersey fishing industry is probably 90 per cent shellfish. It is very rocky around here and most of the fish is primarily lobsters. Lobsters account for over 50 per cent of the value. Lobsters and crabs and spider crabs and scallops. Yes, 80 or 90 per cent of all that gets exported. The local market is satisfied first. You know, the local market traders, they get deprived of ... Mike Patrick(?) supplies as many lobsters and crabs and scallops as they want and so will Sean Faulkner and various other players in the field, but there is very little wet fishing done. There is actually no trawlers now in Jersey fishing for wet fish. We used to have one. There are one or 2 of the scallop fishermen do in the winter fish for fish, yes, but predominantly it is all shellfish.

Deputy M.R. Higgins:

The other thing, too, is in terms of other fishermen, are any other Guernseymen or Frenchmen, are they allowed to land their catch in Jersey?

Mr. M. Taylor:

Are Guernseymen allowed to land their catch in Jersey? It is a good question. I suspect they have to have a licence.

The Deputy of St. Mary:

A Jersey licence?

Mr. M. Taylor:

Well, I would really have to pass on that one. I could not tell you. I would have to find out the answer to that question.

Deputy M.R. Higgins:

Another aspect of that of what I was thinking of is again whether in terms of the supply and demand for fish within the Island whether it is being satisfied by others other than, let us say, recreational fishermen selling theirs? If there are other fishermen allowed to land their catch and they are being bought by the market traders, maybe that is a source of the reduced prices because the supply is there.

Mr. M. Taylor:

Yes, but it is very easy, is it not? If somebody is getting paid a regular wage and they have suddenly got, shall we say, 20 or 30 bass and they want to get shot of them ...

Deputy M.R. Higgins:

No, I accept your point. We acknowledge that there could be recreational fishermen who have extra and are selling them. What I am saying is I am just trying to make sure there is no other supply coming into the market which is reducing the demand.

Mr. M. Taylor:

No, but there are farmed bass which are all exactly the same size, and I think they sell for a different price.

Deputy M.R. Higgins:

Where do they come from, by the way?

Mr. M. Taylor:

I do not know where they come from, but they do not have the taste of a wild-caught bass.

Deputy M.R. Higgins:

To be honest, I could not even identify bass, let alone tell ...

Mr. M. Taylor:

No, that is right. Well, a lot of restaurants insist on wild-caught bass but, of course, the thing with the farmed one is they are all exactly the same size. For some restaurants, they like everything to be exactly the same size. But I think the farmed ones and the wild ones do sell for different prices, yes.

The Deputy of St. Mary:

So presumably the ones that come in, they come the same way as dried cod and herring? They just come in commercially, brought in by somebody or other?

Mr. M. Taylor:

Yes, they would come from different markets. In England there would be a consignment of fish. Yes, because most of the fish you see in the fish market has come from the U.K. because we do not catch it around here.

Deputy J.M. Maçon:

Can I just ask you a question? You said that the panel when you were on it came across the notion of black fish. Was the idea put forward by the panel about looking at putting perhaps the burden of proof on retailers as a way of solving this and did the panel discuss that idea?

Mr. M. Taylor:

Yes, we did discuss it, but the thinking was that it would require a lot of legislation. It would be very hard to police. We did, indeed, talk about that, but my understanding is it would need very careful legislation and, again, it would be difficult to police. Because the other idea that we did have was that bass would be tagged. The professionals that caught bass would be able to tag the fish and that the market traders would only buy tagged fish. That was one idea we had. We did, in fact, introduce that on a voluntary basis, but then as I understand it the market did not adhere to it. In France, in fact, I just have it here, June 2009 - so that is this month - this is in France, legislation that is just being introduced, and it says: "To introduce tagging for all fish caught by recreational fishermen." That is all fish by recreational fishermen, so this is obviously with exactly the same view, trying to stop black fish. This is

right up to date. This is just last week or something.

Deputy M.R. Higgins:

Could I get you to give that reference to Tim so we can look at that?

Mr. M. Taylor:

Yes.

Deputy S. Pitman:

How would that work, then?

Mr. M. Taylor:

Well, I think what happens there is that professional fishermen would be given ... so this would be introducing a tagged fish ... yes, so it would mean that anybody fishing for pleasure, bringing fish ashore, would have to attach a tag to it and probably that tag would mean that it could not be sold.

Deputy S. Pitman:

So who would enforce ... how would that be enforced, then, to get a fisherman to tag his fish?

Mr. M. Taylor:

Well, this is not here, this is in France. In France it would be enforced by the Affaires Maritimes, probably.

Deputy S. Pitman:

But this is something that you have considered?

Mr. M. Taylor:

We considered ... what we considered was that professional fishermen would be given tags to tag the

bass they had caught and so if people went to the market without tagged fish the purchasers, the traders, would know that what was being offered for sale was from an unlicensed fisherman.

Deputy S. Pitman:

But why should they mind?

Mr. M. Taylor:

Well, no, they do not mind because there is no legislation and that is why it has not worked. You would have to bring in legislation to make it illegal for a market trader to buy fish that is untagged.

Deputy S. Pitman:

So at the moment when you have the tagging system in before, there was no ... there was no real incentive for the traders to buy the fish whether they were tagged or not?

Mr. M. Taylor:

No, there was not, but we were just trying to put the onus, we were just trying to make them aware of ... but it did not work.

Deputy M.R. Higgins:

They basically ignored it anyway is what you are saying? Did they ignore it?

Mr. M. Taylor:

Yes.

Deputy S. Pitman:

What incentive did they have?

Deputy M.R. Higgins:

There was no incentive or penalty?

Mr. M. Taylor:

There was no penalty, no.

The Deputy of St. Mary:

There was no legal penalty but there was an incentive.

Deputy J.M. Maçon:

But of those who did take part voluntarily, how did the process and the system work for them? Did it all go smoothly or were there any problems in that way?

Mr. M. Taylor:

As far as I know it went okay. I do not know how long the experiment went on for, but as I understand it I think the tags were like Jersey Fresh tags, yes, or Genuine Jersey. That is right, Genuine Jersey tags.

The Deputy of St. Mary:

My memory is that one of our other witnesses did say that there was consumer recognition of this tag and that consumers ... consumers, you know, who are they? Is it all consumers or is it some consumers? But they did recognise the tags as meaning something: "Oh, I am supporting commercial fishermen in the right way." So there was ... it did have significance. I think somebody told us that.

Mr. M. Taylor:

Yes, it could well be, yes.

Deputy S. Pitman:

So had there been a penalty, it would have ... would it have worked and would that have been an alternative to what is being suggested now and would ...?

Mr. M. Taylor:

It is difficult to know, is it not, because ...

Deputy S. Pitman:

Would it have been easier to police than these regulations?

Mr. M. Taylor:

Well, my understanding is that this is by far the easiest way of policing and it is less intrusive on everybody and it is just a much easier way of trying to control the amount of black fish.

Deputy S. Pitman:

Is that the view of the recreational ... well, as we understand it, it is not the ... generally it is not the view of recreational fishermen.

Mr. M. Taylor:

No, it is interesting, is it not, because we have had 3 different representatives over the years on the panel supposedly representing the anglers and they have all supported this idea. Now there are people coming out of the woodwork not supporting it, but I just wonder how many people are out there that say: "I never catch more than 5 bass and I am quite relaxed about it." They are not going to write letters to the *J.E.P. (Jersey Evening Post)* but there might be hundreds of them. I do not know how many there are. It is always the way, is it not? Those that feel particularly strongly write letters to everybody and the ones that are reasonably content do not do anything.

Deputy M.R. Higgins:

Exactly, like the radio programmes.

Mr. M. Taylor:

And all I can say as chairman of the panel is that I did not have any ... there was nobody opposing it and it was all done ... it was not done with a vote, it was all done by consensus and the whole ... and we did not talk about it just once, we talked about it over nearly 7 years.

Deputy M.R. Higgins:

I am going to come back to the consultation process because we obviously have had evidence from other sources as well.

The Deputy of Grouville:

Could I just ask something? It is to do with tagging.

Deputy M.R. Higgins:

Okay.

The Deputy of Grouville:

You have just said it is easier, you feel what is being proposed of bag limits is easier than the tagging, but what is actually being proposed, does that not have a few loopholes anyway? Because you said earlier that if the fish is caught in other waters, Sark waters, Guernsey waters, then they are not restricted. Likewise, you were not sure whether, you know, if a Frenchman lands his catch here they will not come under our bag limits. So to my mind there is ...

Mr. M. Taylor:

No, I think everybody would come under the bag limits because the legislation would be that no recreational fisherman could land more than 20 ... or nobody could land more than 20 ormers or 5 lobsters or 5 bass, so that applies to everybody.

The Deputy of St. Mary:

Unless they have a licence.

Mr. M. Taylor:

Unless they are licensed or unless the Minister has ... the Minister can ...

The Deputy of St. Mary:

Whatever, yes, scientific.

Mr. M. Taylor:

Yes.

Deputy M.R. Higgins:

It actually says in the law here: "The limit of application of regulations. These regulations do not apply to the taking of fish by a British fishing boat or a French fishing boat in any part of the territorial sea which is authorised to fish under the Sea Fisheries Regulations." So basically it looks like it is ...

Mr. M. Taylor:

But that is because they are licensed. That is because they are licensed.

The Deputy of St. Mary:

But does that mean they have a Jersey licence? So if it was a British boat or French boat ...?

Mr. M. Taylor:

Well, the French have a Bay of Granville licence.

The Deputy of Grouville:

So a French person who is licensed can sell their catch here but a recreational ...?

Mr. M. Taylor:

I would have to check on that, but it is extremely unlikely because the French always get a much higher price for their fish in France. So it is really very hypothetical. It is very unlikely that anybody would come ashore. I mean, I have never known a Frenchman to come and sell his fish in Jersey and I have been around a long time. I have been around a long time.

Deputy J.M. Maçon:

But then that specific Article is talking about taking them from the sea into a boat, not necessarily landing them in Jersey, licensed or not.

The Deputy of St. Mary:

I think we will have to ask the Minister.

Deputy M.R. Higgins:

We need to look at the law.

The Deputy of St. Mary:

Can I ask you, related to this, the business of the value of the fish, and that is partly what we are talking about, I suppose. Exporting. We have had evidence that bass are worth more in England than they are in Jersey, often or sometimes or normally. How much bass actually gets exported? Because that is one way round a market that has, you know, an oversupply is take it somewhere else. I just wondered whether you could comment on that.

Mr. M. Taylor:

I have actually exported bass myself. Well, exporting wet fish to France is very tricky because inevitably what happens, the price ... wet fish in France are sold at auction and the price changes quite dramatically every week. So if an exporter here is trying to export bass, for instance, he will ring his merchant up in St. Malo, shall we say, and say: "Jacque, would you like some bass next week?" and he will say: "Yes, Mike, it is okay, send me 200 kilo. The price is - shall we say, just picking a figure out

of the air - £5 a kilo.” You get on to the fishermen and they land the bass. The following week he will come on the phone and say: “Oh, the price has collapsed, Mike, it is only £2.50 a kilo.” Whereas with lobsters one knows you can keep lobsters, like, if the price is no good for lobsters on the export market, you can say: “No, I will wait until next week” because you can keep them alive. But the bass, you see, you have to sell them. The French merchants know this, and over the years people have tried to sell wet fish into France, and if there is a real shortage in France it is okay but usually if you are catching a lot of bass here there is a lot of bass being caught in France as well. So it is nothing like as easy to sell wet fish into France as it is shellfish. I had the same business many years ago with conger. I had one merchant, for instance, that wanted congers. In the first couple of weeks the price was good and everything was okay, then suddenly he says: “The market has gone on conger” and you have no way of checking. You have the congers and you have to get rid of them, so you have to accept the price. So it is much, much harder to sell wet fish into France. The only way that people do it, when we had the trawler operating out of St. Helier and occasionally when the scallop men go trawling, is they take their fish directly on to the pier(?) in Granville and put it on the auction.

The Deputy of St. Mary:

Directly themselves, direct selling?

Mr. M. Taylor:

Yes, they sell on the pier in Granville.

The Deputy of St. Mary:

And U.K.?

Mr. M. Taylor:

No, because normally ... well, it is a long way to steam to the U.K., is it not? It is a good 12, 15 hours.

So no, generally everything goes to France. I do not know of any fish being sold into the U.K.

Deputy M.R. Higgins:

Can we go back, then, to the consultation? You have had these representatives on your panel and we have heard from different people that possibly some of the people who you have had on your panel have not always represented their interests. We have also been told various other things. For example, we have been told that a very early meeting of the panel where the Minister was present basically they were told bag limits are coming in, you have no say in the matter, they are coming in. Is that correct?

Mr. M. Taylor:

I do not recall that. It is just possible, I suppose, after we went to E.D.C. and asked for the principle of bag limits and it was agreed ... and in those days, if you remember, it was just for ormers. It is possible that it was said in that context, but not in the context of the lobsters and the bass because that was always ... we were always talking about that as we were going on.

Deputy M.R. Higgins:

Right, because we are being told that this meeting at the Société, for example, which we are still trying to identify the date, that again the statement was made again that it is a fait accompli: there is nothing you can do about it; they are coming.

Mr. M. Taylor:

Do you have any idea what date that was?

Deputy M.R. Higgins:

Was it 2006 or 2007?

The Deputy of St. Mary:

2006 or 2007.

Deputy M.R. Higgins:

Yes. We are obviously going to look into that.

Mr. M. Taylor:

Well, there is no doubt the bag limit legislation was winding its way through the course that all legislation, primary legislation, goes on at that stage, but I do not think at that stage it had been finally decided what species to put on the bag limit legislation.

Deputy M.R. Higgins:

All right. The other thing, too, because the recreational anglers is such a widespread community, not all of whom join the associations and so on, why did you not consult via the consultation document widely through the paper and put out a paper and let people respond to it?

Mr. M. Taylor:

Well, I suppose in hindsight maybe we should have done that, but when you think ... you know, sitting around the table I had people from Jersey Aquaculture, people from the Jersey merchants, people from the inshore fishermen angling representatives, boat owners representatives, people like Chris Newton, Mike Smith, people that know and enjoy amateur fishing, and there was no dissent. You know, a very good example is Chris Newton who has a boat at La Rocque and enjoys bass fishing. He had no problem with it whatsoever. Possibly, you know, if somebody had started saying: "We are not entirely happy with this" we should have done, but when something seems as unanimous as it did seem at the time, how far does one go?

The Deputy of St. Mary:

Looking at it now, how do you feel about that?

Mr. M. Taylor:

Well, I have been away for the last 3 or 4 months so I am perhaps not quite up to date with all the correspondence that has been going on, but ...

The Deputy of St. Mary:

But you are aware of what is going on about this issue?

Mr. M. Taylor:

Well, yes ...

Deputy M.R. Higgins:

And obviously the fact that we are here as well.

Mr. M. Taylor:

I realise there is a bit of a firestorm going on. I mean, I think it would be ... it is like so many things, is it not? You get half a dozen people that are really wound up about it and there might be 200 people that are quite relaxed about it. It is very difficult to tell, is it not?

The Deputy of Grouville:

Can I go back to when you said that the legislation was initially brought in for the ormers and that that is because of the virus and depletion in stock, so that was very much for a conservation reason.

Mr. M. Taylor:

Yes.

The Deputy of Grouville:

But the bass and the lobster is not conservation?

Mr. M. Taylor:

No, it is more to curb the amateur fishermen who were actually trying to be professional without a licence.

The Deputy of Grouville:

Okay, so it is to target those people but at the same time it is ... you know, everybody is ...

Mr. M. Taylor:

I think the point we would make, the point we tried to establish, was that, yes, we wanted to target these people but we then sort of said: "What is an entirely reasonable catch?" We did not want to upset anybody. It came out of the woodwork that 5 bass a day, the huge majority of people would be delighted to catch 5 bass in a day.

The Deputy of Grouville:

You keep on saying that there are these people out there that sort of sell their catch, that it is illegal because they have no licence, and you went on to say that they were usually sort of shift workers and it is generally known. So if it is generally known who they are, and I should not imagine that there are that many of them, would it not be better to target these people rather than everybody else?

Mr. M. Taylor:

Well, I am not quite sure how you do that because it is incredibly hard to get a prosecution, as I explained earlier. They only have to say at the moment ... at the moment they only have to say: "We caught all this off Sark" and they are quite legally allowed to sell it because they did not catch it in Jersey territorial waters. So it is incredibly hard to get a prosecution as things are at the moment. I mean, there has been for a very long time in most countries ... I lived out in Australia for 5 years and that was a long time ago and then amateurs were not allowed to sell their fish at all. In nearly all western countries like Spain, Portugal and France you are allowed 2 pots. In some places, in Florida I believe, you are allowed to go angling but you have to return everything to the water. So we are really just trying to catch up a bit with the rest of the world. I mean, I think it is a throwback to when Jersey farmers, for instance, did their spuds ... they had their Jersey Royals in the spring and did a bit of fishing in the summer and supplemented their income. Fifty years ago there was not much of a professional

fishing industry and that was quite okay, but times have changed. You know, professional fishing now requires a huge investment and it is not always easy, and I think the panel felt that it was fair enough, we did not want to interfere with anybody's pleasure at all but we just felt it was time. Over the years we have talked a lot about how we could restrict amateurs, could we restrict it by the length of nets or the amount of hooks they put out, how could they be restricted, and the bag limit thing seemed to be what is going on around the world generally. It seems to be the simplest way of doing it, and so what we are really talking about is what is a fair limit.

The Deputy of Grouville:

Did you ever consider sort of rather than the legislation as it is at the moment that if you have caught your fish off Sark then you can come in and sell it, what about targeting or changing the law to be anyone without a licence cannot sell their catch?

Mr. M. Taylor:

Well, I think again it is more law drafting time and more primary legislation. I do not know the answer to that question, to be honest. I think it was ... I think the way the process started was that we thought it was a very good idea for the ormers and then as the years rolled on ... and the legislation got bogged down somewhere. I think it went to the U.K. and got lost because it seemed to get lost in the ether for a year or 2 and nobody quite knew what happened to it. So it has been a very long journey, has it not?

Deputy M.R. Higgins:

One of the things I was going to ask on that, obviously the 1994 Fishing Law is the one that is the enabling Act and went off to the Privy Council, but the Regulations obviously are brought in in a much easier way since then. So the 1994 law, what did it include besides this, by the way? We have not had a chance to look at it. We are going to look at it now.

Mr. M. Taylor:

I could not tell you.

Deputy M.R. Higgins:

You do not know either. Okay.

Mr. M. Taylor:

I know we could not do this by regulation because we thought in the earlier days we could do something like this by regulation, but we cannot. It has to be primary legislation.

Deputy M.R. Higgins:

Well, this bag limit is by regulation.

Mr. M. Taylor:

I am sorry, is it?

Deputy M.R. Higgins:

Yes, and the other point, too, about it is how did you arrive at the penalty?

Mr. M. Taylor:

Well, we did not arrive at the penalty. The penalty was not discussed on panel, but up until quite recently the penalties for all shellfish, all fishery offences were completely unlimited. There was no top limit at all. We actually did away with that and made the top limit £20,000. So it is not just for this but for other fishing regulations there is a top limit of £20,000. Of course, it obviously is a top limit and nobody ever gets fined ...

Deputy M.R. Higgins:

I can tell you there is an error in this document. In the explanation of it, it actually states that: "Regulation 6 imposes a maximum fine of £20,000 on a person who commits an offence under Article 4 of the law. (6) Penalty. A person who is guilty of an offence under Article 4 of the law by reason of a

contravention of a provision of Regulation 4 or Regulation 5 shall be liable to a fine of £20,000 maximum.”

The Deputy of St. Mary:

Not “up to”.

Mr. M. Taylor:

Well, I knew I was coming to scrutiny today so I took the trouble of ringing Mike Smith up at the department this morning and I went to see him and I picked up on this very point because I was worried about it. He tells me that he has been in touch with the guy who did the law drafting and that his view is that if you ask in the Assembly, if you ask the Attorney General, he will confirm ... his view is that it will confirm that it is up to £20,000. So I asked the very same question this morning and that was the response I had. It is rather badly worded.

Deputy M.R. Higgins:

I think we actually passed the law as it is, so unless there is some other provision somewhere that clarifies that, it would be that.

Mr. M. Taylor:

Well, that would be crazy. I mean, I quite agree, that would be crazy. That was not what was intended, and we did not actually talk about any penalty on the panel.

Deputy M.R. Higgins:

That was left to the department?

Mr. M. Taylor:

That was left to the department, and I think you will find that all the various regulations have this penalty of up to £20,000.

Deputy M.R. Higgins:

So is there any degree of proportionality between the different offences, then, if they have a maximum ...?

Mr. M. Taylor:

I am sure if somebody had just 6 lobsters they might get a written letter or just a verbal caution, and if somebody had 26 lobsters it might be a parish hall inquiry, and if it was a second or third offence it might be the lower court. So I think it would be ... I think somebody would have to be very persistent in doing it and doing it very difficultly to get anywhere near that kind of fine. I am sure it would never happen, in my mind.

Deputy M.R. Higgins:

It is the distinction between flexibility and certainty. It is an awkward area.

Mr. M. Taylor:

Yes, but I do agree, the wording of that, flat £20,000, is not so good. The advice I had this morning was that they checked with the chap that did the law drafting and it means up to £20,000.

Deputy M.R. Higgins:

We have spotted it now anyway.

Mr. M. Taylor:

Yes.

The Deputy of St. Mary:

Changing the subject somewhat and going back to ormers and going back to your earlier days when it was who could catch the most mackerel and who could catch the most ormers, and that that was in some

way linked to bringing in bag limits because of this ...

Mr. M. Taylor:

Sorry, bringing in ...?

The Deputy of St. Mary:

Bringing in bag limits on ormers, that was the initial discussion. Then later on you said people's ideas were changing, and I think that was about the general sort of culture around fishing. I just wonder whether you would like to comment on if people's ideas are changing and people are moving away from you just raid the sea, it is all there, you just take as much as you want, people know that in general you cannot do that. So I wonder whether that is a factor in reconsidering, possibly, the bag limits on ormers because we have been told that getting 20 is well nigh impossible, let alone competing for how many you can get.

Mr. M. Taylor:

Well, what sort of focused our minds a bit was that when the closed 2 years for ormers was opened, we did hear several stories of people catching in excess of 100, especially around Jersey. Not from Les Minquiers, catches at Les Minquiers are very poor. It was then that we thought it would be much better if 5 people caught 20 rather than one person catching 100 because, you know, ormering is a very ancient and enjoyable way of catching a feed and that was one of the things that made us think, to try and change the culture of people just going down and getting a dozen or 15 or 20 and being happy with that, rather than turning over stone after stone after stone to see how many they could catch. So that was the thinking, yes.

The Deputy of St. Mary:

Culture change?

Mr. M. Taylor:

Yes, it is, really.

Deputy M.R. Higgins:

Can I just mention one other thing, too? One of the things that we are hearing is that many people are afraid that we have an enabling law which enables the Minister to bring in by regulation bag limits and that there are going to be further bag limits on other species coming forward. Can you tell us what discussions you have had on ...?

Mr. M. Taylor:

We have had no discussions about bringing any other species at all and I am sure after what has been going on with bass, if the legislation came in it would, of course, be discussed on panel and I am sure we would go out to very wide consultation on that.

Deputy M.R. Higgins:

In fact, from ... this is not quite directly related to the topic. From a conservation point of view, what fish stocks out there are endangered in ...?

Mr. M. Taylor:

The only one that is really in serious danger at the moment is the whelk. The French have fished very heavily for whelk, especially to the southeast of the Island, and we do a whelk survey ... I say "we", the department does a whelk survey every year and over the last 2 years the results have shown that the whelks are going into a very, very steep decline, if not a possible collapse. We have been talking to the French intensively to try and get the minimum size up. At the moment the minimum size is 45 centimetres and they do not breed until they are about 50 to 55, so they are not getting a chance to breed even once. The crazy thing is that whelks grow quite fast, so if you brought in a new minimum size of, say, 50 or 55 in January, by the autumn they would be at the legal size. So the French fishermen will be catching a bigger whelk and getting more money and giving them a chance to breed. Unfortunately, in France the French consumer seems to like small whelks. Now, they are catching whelks in our

territorial waters and under the Bay of Granville Agreement if we bring in any conservation measures over and above E.U. (European Union) minimum sizes we have to get agreement with the French. For instance, we have been trying hard to push the minimum size of lobster up. The Jersey fishermen are very keen ... most of them are very keen to go to 90, which would give nearly all the females a chance to breed once. At 87 about 35 per cent get a chance to breed, which is not so bad. But we have got nowhere. The French do not want to increase the size of lobsters, so at the moment we are stuck with 87. Now, there is also a provision in the treaty which says that if a stock is in imminent danger of collapse, either side can arbitrarily bring in measures to save the stock, and I think Jersey is probably very close to doing something like closing off the southeast for whelk fishing completely. So that is the stock that is really at risk at the moment.

The Deputy of Grouville:

So there are measures that Jersey can ...?

Mr. M. Taylor:

There are emergency measures that Jersey can bring in under the Granville ...

The Deputy of Grouville:

For conservation reasons?

Mr. M. Taylor:

Yes.

Deputy M.R. Higgins:

One last thing, the European Union is talking about changing the whole fishing quota ... there are all sorts of changes going on at the moment, is there not?

Mr. M. Taylor:

There are, indeed. In fact, it is quite interesting because up until now most of the E.U. fisheries policy, which has been an absolute disaster, has been managed from Brussels, often by people that might have degrees in fisheries but have no experience at all of fishing. One little example of this I can tell you is that under present proposals there is an idea of scrapping altogether the minimum size of lobster, which is crazy. We have spent years and years increasing the minimum size and the lobster stocks here and in the U.K. are all quite healthy. The reason this guy in Brussels included in his paper was that he thought all fishing was done with nets and because they were increasing the size of the mesh size, the small lobsters would escape. He did not even realise that lobsters are caught in pots. So what is happening now is the E.U. is starting to recognise that they have got it a bit wrong, and now they want to devolve power - I suppose it is power - to regions where individual regions look at their stock and look at their management tools and agree the way forward. I believe the Bay of Granville Agreement at which Jersey and French fishermen and the management committees look at things has been used as an example. So that is exactly what we are doing here. So I like to think that maybe, you know, we sort of showed the way.

Deputy M.R. Higgins:

All right. Well, thank you for that. I was digressing there, but I had better go back to the panel and see if anyone has any other questions.

The Deputy of St. Mary:

A little one on enforcement. You say that amateurs can take 2 dozen scallops a day?

Mr. M. Taylor:

Yes. They have to have ...

The Deputy of St. Mary:

With a licence, sorry, yes. How is that enforced?

Mr. M. Taylor:

Well, again, I think it would just be with officers going around from time to time as they do at slipways and harbours, just checking from time to time. Also they go out on their boat, of course, and do a lot of boardings on both professional and amateur boats. I think actually the enforcement team does an excellent job at a light touch but nobody quite knows when they are going to appear. They do not work 9.00 a.m. until 5.00 p.m. They do work the odd weekend and the odd evening. They do appear in different places and I think they have it just about right. It is not too heavy.

Deputy M.R. Higgins:

Although we have been told that French fishing boats without lights have been operating off the coast and scooping up things from some of the trenches at night.

Mr. M. Taylor:

If the visibility is good and somebody is just outside the limits, it can look very close, and I do know that the fisheries boat now has got some very sophisticated radar which when it leaves the harbour it can pinpoint the boat and tell exactly where it is in long and lat and they can record that as well. So I think a lot of this is somebody looking out of their window at Gorey on a fine night and it does look very close. I am not saying they do not sometimes, but I know fisheries do go out on night patrols.

The Deputy of St. Mary:

Well, that is reassuring.

Deputy M.R. Higgins:

Sorry, just a point on that, what boat are they using? They are not using the tug, are they?

Mr. M. Taylor:

No, they are using the Norman Le Brocq which is being re-serviced at the moment.

The Deputy of St. Mary:

What is its top speed?

Mr. M. Taylor:

Probably 25 knots.

The Deputy of St. Mary:

Really, as fast as that?

Mr. M. Taylor:

Yes, it is fast, yes.

The Deputy of Grouville:

What legislation does the scallop restriction come under at the moment?

Mr. M. Taylor:

I do not know the answer to that. I will have to check for you.

The Deputy of St. Mary:

Would be useful to know, would it not?

Deputy M.R. Higgins:

Right, Shona, anything?

Mr. M. Taylor:

I think it was probably ... diving for scallops used to be illegal and then we brought in a regulation or did something which made it legal under licence and professionals have to apply for a licence and pay for a licence. I am not sure if amateurs have to actually pay for a licence or not, but they are allowed 2 dozen

a day.

The Deputy of Grouville:

So the ormer restrictions could not have come under that legislation?

Mr. M. Taylor:

No, because I think that was a special piece of legislation for scallops. It was making something that was illegal legal.

Deputy M.R. Higgins:

We will have to do some desk research on that.

The Deputy of St. Mary:

Might be some diving restrictions or something.

Deputy M.R. Higgins:

Right, Jeremy, have you got any questions?

Deputy J.M. Maçon:

No, no further questions, thanks.

Deputy M.R. Higgins:

Daniel, any more?

The Deputy of St. Mary:

Yes, one more. Times have changed. Times have changed from the days when a guy did his royals and then did a bit of secondary income. Now, in Guernsey certainly 10 years ago when I used to do cycle tours there, there were people still in this 2-3 job routine, you know, a bit of strawberries, bit of guest

house, bit of fishing. I just wonder whether times might change back again to a more flexible way of handling life altogether?

Mr. M. Taylor:

Well, in that case they are quite able to go out and buy a licence to make the whole operation legal. They can go and buy a shellfish licence. If we are going back to market gardening and doing a bit of fishing, there is nothing to stop them doing that, but we just say do it on the same footing as a professional who has to go out and buy a licence.

The Deputy of St. Mary:

So the more fundamental question is that for some reason we have licensing to allow me to go and get more fish than I can possibly eat and sell them, but I do not need a licence to grow more lettuce than I possibly can eat and sell it?

Mr. M. Taylor:

Well, I think it is because it is a finite resource in the sea.

The Deputy of St. Mary:

But that is going to a different argument, is it not? That is going to the conservation argument that then you are ultimately saying that the real reason for this is to conserve the resource.

Mr. M. Taylor:

I could not ... I could not just go and rent a field and grow potatoes and sell them off the wall.

The Deputy of St. Mary:

Could you not?

Mr. M. Taylor:

No, I cannot, can I? I have to be a bona fide ...

The Deputy of Grouville:

Would you not need a hawker's licence?

Mr. M. Taylor:

No, I have to be a bona fide farmer. I have to have an income over a certain threshold to allow me to do that. I am sure there is something that does stop any of us just buying 5 vergées of land, planting Jersey Royals and selling them.

The Deputy of Grouville:

No, I think it is probably a hawker's licence that you would need to get in order to sell.

Deputy M.R. Higgins:

Sell my lettuce off the wall. I am just puzzled about this, how you get new entrants into an industry, how people develop from a 10 year-old fishing off the end of St. Catherine's into a full-up fisherman who loves the job. You need that kind of flexibility built into the system, and I just wonder how this legislation, which is quite, you know: "You can do this but you cannot do that", how that encourages this kind of flexibility.

Mr. M. Taylor:

Well, I suppose one would have to pose the question of how does it operate in Australia, New Zealand, France, Germany ... not Germany, France, Portugal and Spain. You know, France have had very, very tight limitations on amateur fishing for years and years. As I say, the most number of pots you can have in France is 2. I mean, generally speaking ... well, I do think it is a bit sad - we are going off the subject a little bit - but many years ago I wanted to involve people in Project Trident and take them out on boats because I believe firmly that in any school year of 15 and 16 year-olds, there will be a handful of people that are not very academic that would have made very, very good fishermen. Some of the guys I know

that have been the most successful in our business were not academic, but they had a flair for hunting, for catching and doing very well. When I sort of approached ... I do not know if it was Highlands or who it was at the time with the idea of encouraging youngsters to come out, I was told health and safety just would not allow it. I was very disappointed about that, you know, because I know there are youngsters there and it is a great life for them and you can earn as much as you want to by your own endeavours. I am quite a good example of that myself, actually, because I was not very academic and one of the reasons I first went fishing was for the freedom and being able to work as hard as I wanted to do as much or as little as I wanted.

The Deputy of St. Mary:

I suppose, you know, if one took a libertarian view and said why have this licensing system at all, everybody just gets a boat, you know, lots of people have boats, and whoever catches the most makes the best living, if you took ... you know, comment on that extreme position. You know, what is all this about?

Mr. M. Taylor:

Well, I mean, one has to say, looking back over the last 30 or 40 years with the whole E.U. and U.K. licensing scheme, it has been a disaster. The idea that when a fisherman in the U.K. is given a quota for monkfish and he has exceeded his quota and he pulls his net up and there is 2,000 pounds worth of prime monkfish and he has to dump them, knowing that they will not live, it is absolutely crazy. A far better system is ... a far better system is to allow a certain number of days at sea each year. That can be monitored by satellite, satellite monitoring equipment. You say to a fisherman ... and it would depend on what kind of fishing they were doing and what kind of state the stocks were in. You would say to a fisherman: "Okay, you are allowed to go to sea for 120 days a year" and you could almost say to him: "And you must not throw anything back." Because then he would have to use big mesh nets and use the gear for maximising his profit in those days he went to sea. So he would want to buy ... he would want to catch the prime fish in the limited days he has to take to market. He would not want all the small stuff. There are very different tools, ways of doing it, but the reason it all came in was because ... well,

part of the reason was, you see, before the U.K. joined what was then the Common Market, the U.K. looked after its fish stocks reasonably well. The fish stocks of cod in the North Sea were quite good and there were quite good regulations, but one of the reasons ... and then what happened was Ted Heath days before we went into the Common Market suddenly bowed to pressure and allowed the Spanish and the French and everybody else access up to the beaches in the U.K.

Deputy M.R. Higgins:

This was the thing about the common fisheries policies and we now have 27 countries, including landlocked ones, that have rights to the fish.

Mr. M. Taylor:

Yes, and the thing was that the rest of the common market would not allow the U.K. in unless they bowed to this pressure over fisheries. Days before we went in, as I understand it, Ted Heath sacrificed ... fishing has been the sacrificial lamb in the U.K. for the Common Market E.U. Of course, then all the Spanish and everybody else came in and technology marched on and with sonars and things now you can scoop everything up. The crazy thing is that the Spanish Government is spending something like a billion pounds, a thousand million pounds, on modernising its fleet when they should be reducing it all down.

Deputy M.R. Higgins:

All right. Time has gone on ...

Deputy S. Pitman:

I just have one more little question.

Deputy M.R. Higgins:

I have one last one as well, so you have yours first.

Deputy S. Pitman:

Just following on from what Daniel was saying ... no, I cannot remember if it was that. You mentioned about the Australian, France, Spanish limits, these countries have limits on what their fishermen can get. Does that apply to the ... are you talking about recreational fishermen?

Mr. M. Taylor:

Yes, recreational fishermen. All recreational fishermen in Australia have ... there are bag limits on every species in Australia.

Deputy S. Pitman:

Is that about conservation or commercial?

Mr. M. Taylor:

I do not know. I would have to look into that. I do not know.

Deputy M.R. Higgins:

My last question, sorry, just getting away from that, is you mentioned with lobsters there are these people that have 100, 150 pots. What about the possibility of just reducing the number of pots you are allowed to have rather than stopping everybody getting or landing lots?

Mr. M. Taylor:

Yes, that has been ... that has been looked at. Again, it is much harder to police. We have got pot limitations for professionals in place and there has been a debate about having limitations on pots for amateurs. I suppose it was felt on panel that if somebody wanted to have 10 or ... I mean, to catch 5 lobsters a day you would probably have to have 10, 15, 20, perhaps more pots than that out. It was just felt it was easier to bring in a limit per day of lobsters rather than go round the ocean counting the number of pots. I mean, you could have a situation where I have a boat and I have my limit of 30 pots, but then I will say to you: "Can I put 30 pots in your name and can I fish your pots?" There are many

more ways around it, whereas bag limit is so easy. Everybody knows where they stand, really.

Deputy M.R. Higgins:

Okay. I think we have exhausted our questions. Can I just ask if there is anything that you want to say finally to us, any points you want to make?

Mr. M. Taylor:

No. I suppose ... I have mentioned it a couple of times but I suppose I would just like you to know that some people have said, for instance, that the panel is really biased towards professional fishing. I do not think it is and I have always tried to be very impartial. I have always tried my best ... because I come from a professional fishing background I have always tried my utmost to include all the arguments and discussions about various aspects and try and get as fair hearing for everybody as possible. On this matter of bag limits, I just want to emphasise that at no time ... and if you look through all the minutes there has been no disagreement at all, and we tried very hard to be as inclusive and to make it so that people would not feel they were being penalised in any way at all. Finally, I would perhaps just point out, which I am sure you are all aware of, that sometimes we get a vocal few who make a huge noise when there could be a huge amount of people out there that are quite content with it. So it is just those 2 points, really.

Deputy M.R. Higgins:

Okay. Well, thank you very much. Thank you for coming; it has been very useful.

Mr. M. Taylor:

That is all right. Thanks very much.