

# STATES OF JERSEY

## OFFICIAL REPORT

MONDAY, 13th JULY 2009

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### PUBLIC BUSINESS

#### 6. Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200- (P.56/2009)

##### The Bailiff:

We move on to Public Business. The first item is the Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations, Projet 56, lodged by the Minister for Economic Development. I will ask the Greffier to read the citation.

##### The Greffier of the States:

Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200-; the States in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994, and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations.

##### Senator A.J.H. Maclean (The Minister for Economic Development):

Can I ask my Assistant Minister to be rapporteur?

#### 6.1 The Connétable of St. Clement (Assistant Minister for Economic Development - rapporteur):

Satellite monitoring of fishing vessels is an integral part of fisheries management throughout Europe and, indeed, the only area in Europe where vessels currently do not need the system is in our own territorial waters. We have an obligation under our agreement with the United Kingdom to mirror European fishing management legislation and these Regulations will help to put our house in order. Even Guernsey has similar legislation in place. The requirement to have the equipment fitted applies only to vessels over 15 metres and all Jersey boats of this length already have the system fitted so there are no financial implications for the fishermen. There is a full report attached to the proposition, so I propose the principles.

##### The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? The Deputy of St. John.

##### 6.1.1 The Deputy of St. John:

I notice the Minister mentioned that all our local vessels over 15 metres are fitted with these, which is good to hear. I just would like to know whether or not the measurements are taken by the Board of Trade or whether they are done by the Harbours Department, given that the Harbours Department appear to have a different measuring system to that of manufacturers, et cetera, when it comes to measuring vessels. If the Minister could confirm that the measurement is done off Island I would be very happy.

##### 6.1.2 Connétable D.W. Mezbourian of St. Lawrence:

The Assistant Minister said that this legislation will have no financial impact on the Jersey-registered

fishing fleet. However, in the report it does state that Jersey-registered vessels were able to apply originally for a subsidy from the Island in order to fit the equipment when it became necessary. Will he inform the House how much it has already cost the Island for this, please?

**The Bailiff:**

Does any other Member wish to speak on the principles? Very well, I call upon the Connétable to reply.

**6.1.3 The Connétable of St. Clement:**

Quite honestly, I do not know who physically measures the fishing vessels, but I am quite happy to go with the Deputy and a measuring tape and check on any over which he is doubtful. To the Constable of St. Lawrence I would say these monitoring devices were fitted to the Jersey fleet many years ago and were subsidised by the Agriculture and Fisheries Department as part of the agreement. The amount that was invested at that time I really do not know, but I can find out for the Constable. I maintain the proposition.

**The Bailiff:**

All those in favour of adopting the principles kindly show? Those against? The principles are adopted. Now, this matter falls within the Economic Affairs Scrutiny Panel. Deputy Higgins, do you wish the matter to be referred to your panel?

**Deputy M.R. Higgins (Chairman, Economic Affairs Scrutiny Panel):**

No, Sir, we do not.

**The Bailiff:**

Thank you very much. So then we turn to the individual Regulations. How do you wish to take them?

**The Connétable of St. Clement:**

I would like to propose them *en bloc*. They are technical in nature reflecting the U.K. Regulations and I would simply wish to propose them and attempt to answer any questions there might be.

**The Bailiff:**

Very well, so you propose Regulations 1 to 20. Are they seconded? **[Seconded]** Does any Member wish to speak on any of the individual Regulations? Very well, all those in favour of adopting Regulations 1 to 20 kindly show? Those against? The Regulations are adopted. Do you propose them in Third Reading? Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading kindly show? Those against? The Regulations are adopted.

## **7. Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations (P.57/2009)**

**The Bailiff:**

We come next to the Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations, Projet 57, lodged also by the Minister for Economic Development. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200-. The States in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994 and having consulted with the Secretary of State and obtained his concurrence have made the following Regulations.

### **7.1 The Connétable of St. Clement (Assistant Minister for Economic Development - rapporteur):**

As I mentioned just now, under the terms of the U.K./Jersey Fisheries Management Agreement we are obliged to introduce certain Regulations concerning the management of fishing effort. One such Regulation relates to the need for all commercial fishing vessels to operate under the authority of a fishing licence. The existing local Regulations concerning licensing only relate to the activities of all vessels in the Jersey territorial sea and Jersey vessels in part of the French territorial sea. It is, therefore, possible currently for a vessel to fish in areas outside of those covered by the Regulation and land catch in Jersey without the need for a licence. In terms of international fisheries management this leaves a loophole in the licensing framework and at a local level it creates a requirement for considerable resources to be deployed in order to secure a conviction against a fisherman suspected of unlicensed fishing in local waters. So this will close the loophole, and I propose the principles.

**The Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Le Hérissier.

**7.1.1 Deputy R.G. Le Hérissier:**

In the report it says the U.K. Secretary of State's approval has to be gained. I wonder if the Assistant Minister could say whether in his view this is an interference with Jersey's autonomy.

**7.1.2 Senator A. Breckon:**

Regarding these Regulations and the policing of them, I wonder if the Assistant Minister could comment. I have received a number of reports recently about trawlers working in pairs in and around the coastal waters being fairly vigorous in what they are catching. Would these Regulations in fact ... and are we equipped, bearing in mind the earlier questions about the Norman Le Brocq and its activities, to police this if what people have said to me is correct?

**7.1.3 The Connétable of St. Lawrence:**

The report tells us that the Regulations effectively create an offence for a fisherman to land and sell catch from an unlicensed fishing boat. It also tells us that to license a fishing boat it is a significant cost, but it does not tell us what that cost is. Will the Assistant Minister advise the House, please?

**7.1.4 The Deputy of St. John:**

Could the Minister tell us what happens if satellite fishing boats are used and all the produce goes on to the mother ship given the satellite fishing personnel may not be carrying the licence but the mother ship is?

**The Bailiff:**

Does any other Member wish to speak? Very well, I call upon the Connétable to reply.

**7.1.5 The Connétable of St. Clement:**

Yes, on the face of it Deputy Le Hérissier could be right, this looks like interference from the U.K. authorities, but in fact it was part of the agreement when our territorial sea was extended to 12 miles that any fisheries legislation would be approved by the Secretary of State for Constitutional Affairs before coming to the States, and that is simply why this has to happen and why sometimes it takes many years before draft legislation comes to the House. That was part of the agreement we had to make when we had our territorial sea extended. This has nothing to do with pair trawling I would say to Senator Breckon. The vessels he is talking about, of course, would be licensed, would have their quotas and everything else, and so providing they are sticking to their quotas and so on there would be no involvement with this particular legislation. We are talking here about unlicensed fishing vessels. The cost of a fishing licence would depend on the size of the vessel, but it could be anything between £15,000 and £40,000 depending on the type of vessel involved. To the Deputy of St. John, again it has nothing to do with the previous legislation of satellite monitoring.

**The Deputy of St. John:**

Can I re-put the question? I am talking about satellite craft, in other words a number of craft feeding the main vessel.

**The Connétable of St. Clement:**

If this was to happen, if an unlicensed fishing vessel was feeding a licensed fishing vessel, an offence would be committed because under the current legislation, which would remain in place, fishing from an unlicensed vessel is only permitted for recreational purposes. So an offence would in that case be committed and clearly would have to be policed. When we have our Norman Le Brocq back it will be policed extremely efficiently. I maintain the principles.

**The Bailiff:**

Very well, all those in favour of adopting the principles kindly show? Those against? The principles are adopted. Deputy Higgins, do you wish this matter to be referred to your panel?

**Deputy M.R. Higgins (Chairman, Economic Affairs Scrutiny Panel):**

No, Sir, again.

**The Bailiff:**

Very well. There are 2 Regulations here, Assistant Minister. Do you propose them *en bloc*?

**The Connétable of St. Clement:**

I propose them *en bloc* and will attempt to answer any further questions but I think they are self-explanatory.

**The Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak on either of the Regulations? All those in favour of adopting Regulations 1 and 2 kindly show? Those against? The Regulations are adopted. Do you propose them in Third Reading? Is that seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading kindly show? Those against? They are adopted in Third Reading.

**The Connétable of St. Clement:**

In view of those Regulations having been adopted, could I take this opportunity to withdraw Projet 58, the Bag Limit legislation. Now that we have this in place it is not so essential.

**The Bailiff:**

So you are withdrawing the Bag Limit Regulations?

**The Connétable of St. Clement:**

Yes, Projet 58, I believe it is.

**Deputy A.K.F. Green of St. Helier:**

In that case, could I take the opportunity to withdraw 106, then, please?

**The Bailiff:**

Very well, 106 is also withdrawn.