

**DRAFT SEA FISHERIES (MISCELLANEOUS PROVISIONS)  
(JERSEY) REGULATIONS 199**

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**Lodged au Greffe on 17th February 1998  
by the Agriculture and Fisheries Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

### **Explanatory Note**

These Regulations consolidate and re-enact the Sea Fisheries (Miscellaneous Provisions) Jersey Regulations 1995, as amended. The effect of re-enacting the Regulations, with the concurrence of the Secretary of State, is to extend the application of the provisions to the territorial sea as extended by Order in Council on 31st March 1997.

## Sea Fisheries (Jersey) Law 1994

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### SEA FISHERIES (MISCELLANEOUS PROVISIONS) (JERSEY) REGULATIONS 199

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*(Promulgated on the      day of      199 )*

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### STATES OF JERSEY

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The      day of      199

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**THE STATES**, in pursuance of Articles 2, 5, 8 and 22 of the Sea Fisheries (Jersey) Law 1994,<sup>1</sup> having consulted with the Secretary of State and obtained his concurrence, have made the following Regulations -

#### **Application**

**1.** These Regulations apply to the Island and the territorial sea of the Island.

#### **Prohibition of the use of certain substances**

**2.** No person shall use or cause to be used in the sea any explosive, poisonous or noxious substance with intent to take or destroy sea fish.

#### **Prohibition of the deposit or discharge into the sea of certain matter**

**3.** No person shall deposit or discharge or cause to be deposited or discharged into the sea any ash, cinders, oil spirit or petroleum spirit.

<sup>1</sup> Recueil des Lois, Volume 1994-1995, pages 141, 143, 147 and 161.

### **Restrictions relating to ormers**

4.-(1) Subject to paragraph (2), no person shall, at any time other than on a permitted day -

- (a) fish for or take ormers (*Haliotis tuberculata*);
  - (b) retain fresh ormers in his possession; or
  - (c) export fresh ormers from the Island.
- (2) Paragraph (1) does not apply to any person -
- (a) acting with the authority of the Committee, for the purpose of -
    - (i) scientific investigation; or
    - (ii) transplanting ormers from one fishing ground to another; or
  - (b) exercising a right of fishery conferred by a licence issued by the Committee pursuant to paragraph (1) of Regulation 3 of the Sea Fisheries (Establishment and Regulation of Fisheries) (Jersey) Regulations 199 .<sup>2</sup>
- (3) In this Regulation "permitted day" means any day which -
- (a) falls between the thirty-first day of August and the first day of May next; and
  - (b) is the first day of a new moon, the first day of a full moon, or -
    - (i) for the purposes of sub-paragraph (a) of paragraph (1), one of the three days immediately following such a day, or

<sup>2</sup> P.14 of 1998.

- (ii) for the purposes of sub-paragraphs (b) and (c) of paragraph (1), one of the five days immediately following such a day.

**Restriction on fishing for spider crabs**

5.-(1) In this Regulation -

“protected spider crab” means a spider crab (*Maja squinado*) which -

- (a) has cast, or appears to have cast, its shell within the preceding five months; and
- (b) possesses one or both of the following characteristics -
  - (i) sharp and unworn walking legs;
  - (ii) absence of barnacles, sponges and other marine animals from its carapace;

“store” means keep in -

- (a) a vivier located on land;
- (b) a nourrice; or
- (c) any other container.

(2) Fishing for or taking any protected spider crab or storing any live protected spider crab shall be prohibited during such period, not exceeding 90 days in any calendar year, as the Committee may by Act determine.

(3) No person shall fish for or take a protected spider crab or store a live protected spider crab in any period during which the same is prohibited.

(4) The Committee shall, not later than 14 days before the date of commencement of the period of prohibition determined under

paragraph (2), cause a notice to be published in the Jersey Gazette specifying -

- (a) the dates on which the prohibition commences and ends;
- (b) the effect of the prohibition;
- (c) such other particulars as the Committee may think necessary for giving notice to the public of the prohibition;
- (d) where further particulars of the prohibition may be obtained.

### **Prohibition of the taking of sea fish by foul hooking**

6.-(1) Subject to paragraph (2), no person shall use or cause to be used for the purpose of fishing for sea fish any hooks and lines which include any instrument or device, such as a murderer, fluke bar, strokehaul or snatch, calculated to foul hook any fish.

(2) In this Regulation the expression "sea fish" does not include sand cels (*Ammodytes*) or squid and cuttlefish (*Cephalopoda*).

### **Requirements of escape gaps in parlour pots**

7. No person shall use or cause to be used for the purpose of fishing for sea fish any parlour pot, of whatever material constructed, unless -

- (a) it has at least one unobstructed escape gap which shall be located in the lowest part of the parlour area on a side or sides of the parlour or the bottom of the parlour pot; and
- (b) it is so designed and constructed and each escape gap is of sufficient size that there may be easily passed through the escape gap and completely inserted into the parlour pot, whether the parlour pot is wet or dry, a rigid box-shaped gauge which -

- (i) in the case of an escape gap located on a side of the parlour pot, shall be a gauge 79 millimetres wide, 44 millimetres high and 100 millimetres long; and
- (ii) in the case of an escape gap located on the bottom of the parlour pot, shall be a gauge 199 millimetres wide, 44 millimetres high and 100 millimetres long.

### **Requirement for marking of fishing gear**

8.-(1) Except as provided in paragraph (3), no person shall leave or cause to be left in or on the sea any fishing gear unless it is indelibly and distinctly marked with -

- (a) in the case of fishing gear left from a Jersey fishing boat or from any other fishing boat registered under the laws of any other place, the number assigned to the boat on registration or, if none, the name of the boat; and
- (b) in any other case, the name and address of the owner of the fishing gear,

and the marking conforms with the requirement described in paragraph (2).

(2) The requirement is that the marking is plainly visible on or above the surface of the sea -

- (a) in the case of fishing gear left on the surface of or partially submerged in the sea, at all times; and
- (b) in the case of fishing gear left fully submerged in the sea, for a period of not less than one hour in each period which commences at high water and ends at the next high water.

(3) No person shall be required to mark fishing gear used in connection with mariculture which is left by him or caused by him to be left in or on the sea in exercise of a right of fishery conferred by a licence issued by the Committee pursuant to paragraph (1) of Regulation 3 of the Sea-Fisheries (Establishment and Regulation of Fisheries) (Jersey) Regulations 199 .

(4) In this Regulation, “fishing gear” means any pot, trap, net or other fishing gear, or any store box or nourrice or any other thing used in connection with fishing, the keeping alive of fish or mariculture.

### **Repeals**

**9.** The following Regulations are hereby repealed -

Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1995;<sup>3</sup>

Sea Fisheries (Miscellaneous Provisions) (Amendment) (Jersey) Regulations 1995.<sup>4</sup>

### **Citation and commencement**

**10.** These Regulations may be cited as the Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1995 and shall come into force on the seventh day following promulgation.

<sup>3</sup> No. 8797.

<sup>4</sup> No. 8830.