

# STATES OF JERSEY

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## **DRAFT SEA FISHERIES (LES MINQUIERS) (JERSEY) REGULATIONS 200**

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**Lodged au Greffe on 9th March 2007  
by the Minister for Economic Development**

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**STATES GREFFE**





Jersey

## **DRAFT SEA FISHERIES (LES MINQUIERS) (JERSEY) REGULATIONS 200**

### **REPORT**

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#### **Purpose of the Report**

The Sea Fisheries (Les Minquiers) (Jersey) Regulations 200- introduce further restrictions on fishing activities at Les Minquiers with the intention of ensuring the sustainability of the lobster fishery. In applying Regulations to French fishermen that already apply to Jersey fishermen as a condition of their fishing licences, the Regulations ensure that all fishermen working at Les Minquiers are subject to the same restrictions.

#### **Background**

The need to restrict the use of certain types of fishing pots in the important lobster fishery at Les Minquiers was agreed between fishermen, scientists and fisheries administrators of Jersey and France meeting under the terms of the Granville Bay Agreement during 2005. Since then, the various Ministers having responsibility for fisheries have approved a request for law drafting time and then that the draft regulations be sent to the U.K. for the concurrence of the Secretary of State of the Department for Constitutional Affairs. That concurrence has now been given and the Regulations are ready to be lodged for debate.

#### **Discussion**

Regulations already exist restricting the use of certain types of pots at Les Minquiers, however since those Regulations were put in place fishermen have devised other types of pots having similar or better performance to those already banned. These types of pot do not allow lobsters to escape and consequently in periods of bad weather, more lobsters enter the pot and fight with those already inside, causing a loss to the fishery.

The new restrictions (which make provision for a “sunset” clause for fishermen already using such pots) have the support of the majority of French and Jersey fishermen working in the area. At a meeting of the Fisheries and Marine Resources Panel held in December, it was recommended to the Minister that the restrictions be brought in as a condition of their fishing licence for Jersey fishermen. The Minister approved the condition which became effective on 1st January 2007. This regulation will apply the same restrictions to French fishermen working at Les Minquiers.

Since the original Regulations were made, the datum used for electronic (Global Positioning System) has changed and so the Regulations contain coordinates for the area using both datums.

Enforcement of these measures is already being conducted for Jersey fishermen and there will not be any significant increase in work in applying the measures to French fishermen.

#### **Conclusion**

The Regulations will ensure that French fishermen working at Les Minquiers are bound by the same restrictions on the use of shellfish pots as Jersey fishermen.

#### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from these Draft Regulations.

## **Explanatory Note**

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These Regulations replace the existing Sea Fisheries (Les Minquiers) (Jersey) Regulations 1997. The following changes were made –

The description of the area of Les Minquiers has been altered so as to include a description of the area under the World Geodetic System 1984.

The Regulations exclude pots other than “traditional” pots from use by a person in Les Minquiers, unless they were used by a person before 19th November 2005, the Minister approves their use, and they have attached to them an identifying tag issued by the Minister.

The Regulations, if made, would come into force 7 days afterwards.





Jersey

# DRAFT SEA FISHERIES (LES MINQUIERS) (JERSEY) REGULATIONS 200

## Arrangement

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### Regulation

- 1      Interpretation
- 2      Restrictions on the use of pots and traps in Les Minquiers
- 3      Transitional provisions
- 4      Repeal
- 5      Citation and commencement

### **SCHEDULE**

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AREA OF LES MINQUIERS





Jersey

## **DRAFT SEA FISHERIES (LES MINQUIERS) (JERSEY) REGULATIONS 200**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Articles 2, 5, 8 and 29 of the Sea Fisheries (Jersey) Law 1994<sup>[1]</sup>, and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations –

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### **1 Interpretation**

In these Regulations, “Les Minquiers” means the area –

- (a) that is bounded by straight lines drawn in the sequence set out in Column 1 of the Schedule, as determined in accordance with European Datum 1950; and
- (b) that is bounded by straight lines drawn in the sequence set out in Column 2 of the Schedule, as determined in accordance with the World Geodetic System 1984.

### **2 Restrictions on the use of pots and traps in Les Minquiers**

- (1) No person shall use, or cause to be used, for the purpose of fishing for sea fish in Les Minquiers, or leave in the sea within Les Minquiers –
  - (a) any parlour pot;
  - (b) any pot, other than a pot with an entrance that is –
    - (i) straight and unobstructed,
    - (ii) at least 14 cms wide,
    - (iii) made of rigid material, and
    - (iv) located in the top part of the pot; or
  - (c) any pot or trap that is so constructed that fish (other than molluscs), having entered it, cannot escape from it.
- (2) Paragraph (1) does not apply to an owner, master, or charterer, of a registered fishing boat (or a person acting on behalf of such a person), in respect of a pot to which paragraph (1)(b) would otherwise apply, if –
  - (a) the Minister has under paragraph (3) authorized the use of the pot by the owner, master, or charterer and a person acting on behalf of such a person; and
  - (b) the pot has attached to it a tag, issued by a person authorized to do so by the Minister, specifying the registration number of the fishing boat and the year or years for which the pot tag is valid.
- (3) The Minister may, for the purposes of paragraph (2), authorize the use of a pot by an owner, master



or charterer, of a registered fishing boat, and a person acting on behalf of such a person, if the Minister is satisfied that the pot was used at Les Minquiers before 19th November 2005 by the owner, master, or charterer or a person acting on behalf of such a person.

### **3 Transitional provisions**

A device that is, before the commencement of these Regulations, issued by the Jersey Fishermen's Association in relation to a pot and that is a device referred to by that Association as a pot tag shall be taken to be a pot tag issued under Regulation 2(2) in relation to the pot by a person authorized by the Minister.

### **4 Repeal**

The Sea Fisheries (Les Minquiers) (Jersey) Regulations 1997<sup>[2]</sup> shall be repealed.

### **5 Citation and commencement**

- (1) These Regulations may be cited as the Sea Fisheries (Les Minquiers) (Jersey) Regulations 200-.
- (2) These Regulation shall come into effect 7 days after they are made.

## SCHEDULE

(Regulation 1)

### AREA OF LES MINQUIERS

	<b>Column 1 European Datum 1950</b>	<b>Column 2 World Geodetic System 1984</b>
a	From 49°01'00N, 02°14'50W to 48°53'50N, 02°14'50W;	From 49°00'94N, 02°14'58W to 48°53'44N, 02°14'58W;
b	from 48°53'50N, 02°14'50W to 48°53'50N, 02°00'00W;	from 48°53'44N, 02°14'58W to 48°53'44N, 02°00'08W;
c	from 48°53'50N, 02°00'00W to 49°00'00N, 02°00'00W;	from 48°53'44N, 02°00'08W to 48°59'94N, 02°00'08W;
d	from 49°00'00N, 02°00'00W to 49°00'00N, 01°55'00W;	from 48°59'94N, 02°00'08W to 48°59'94N, 01°55'08W;
e	from 49°00'00N, 01°55'00W to 49°01'00N, 01°55'00W; and	from 48°59'94N, 01°55'08W to 49°00'94N, 01°55'08W; and
f	from 49°01'00N, 01°55'00W back to 49°01'00N, 02°14'50W.	from 49°00'94N, 01°55'08W back to 49°00'94N, 02°14'58W.

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[1]

*chapter 14.825*

[2]

*chapter 14.825.48*