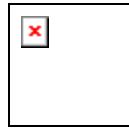


**DRAFT SEA FISHERIES (INSHORE TRAWLING, NETTING AND DREDGING) (JERSEY) REGULATIONS
200-**

**Lodged au Greffe on 27th November 2001
by the Agriculture and Fisheries Committee**



STATES OF JERSEY

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Report

In 1997, the Territorial Sea around Jersey was extended to 12 miles or median line by the United Kingdom government. In order for this to occur, the Jersey/UK fisheries management agreement was negotiated and signed. This agreement stipulates that the Island regulates fishing activity in the Territorial Sea in a manner consistent with the requirements of EU legislation.

These Regulations are an updated replacement for the existing Regulations and will continue to apply only to that part of the extended territorial sea inside of the Island's Exclusive Three Mile Fisheries Limit. Whilst reflecting the current EU rules, they do in some instances provide for greater protection of these important inshore waters.

Regulation 3 has been amended to define more precisely the areas which are closed to dredging and trawling activity and increases slightly that closed area to the east of the Island.

Regulations relating to the use of Beam Trawls, Draw Nets and Static Nets including nets set on a beach remain unchanged.

The Schedule (which relates which species of fish may be retained to the mesh size of a net) has been adjusted to reflect the current EU regulations.

The draft Regulations have no implications for the financial or manpower resources of the States.

Explanatory Note

These Regulations repeal and remake the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 1999 with amended provisions that bring the Regulations into line with the latest European Union fisheries technical conservation regulations.

The amendments relate mostly to passive gear.

ARRANGEMENT OF REGULATIONS

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Schedule - Passive gear

Sea Fisheries (Jersey) Law 1994

SEA FISHERIES (INSHORE TRAWLING, NETTING AND DREDGING) (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, in pursuance of Articles 2, 5 and 22 of the Sea Fisheries (Jersey) Law 1994,^[1] have made the following Regulations -

Interpretation

1.-(1) In these Regulations

“beach set net” means passive gear that is put in place otherwise than from a vessel;

“mesh size”, in respect of a net, means the mesh size of the net as measured in accordance with the Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 200-;^[2]

“passive gear” has the same meaning as in the Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 200-.²

(2) References in these Regulations to the use of a net means the use of the net for the purpose of catching sea fish.

(3) A reference in these Regulations to a Regulation by number only is a reference to the Regulation number in these Regulations.

(4) A reference in a Regulation or other division of these Regulations to a paragraph or sub-paragraph, by number or letter only is a reference to the paragraph or sub-paragraph of that number or letter in the Regulation or other division in which the reference occurs.

(5) Unless the context otherwise requires, a reference in these Regulations to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of this Law.

Application

2.-(1) These Regulations apply to the Island of Jersey.

(2) They also apply within the waters that are within 3 nautical miles of the coast of the Island of Jersey as measured from the low-water mark of ordinary spring tides.

Restriction on trawling or dredging in certain areas

3.-(1) In this Regulation “a restricted area” means any of the following areas -

(a) the sea area within St. Breladé’s Bay bounded on the seaward side by a straight line drawn from the southern most part of the Grosse Tête to the Point Le Fret;

(b) the sea area within St. Aubin’s Bay bounded on the seaward side by a straight line drawn from the Pointe du But to the Grosse du Château Elizabeth;

- (c) the sea area within the small roads in St. Aubin's Bay bounded on the seaward side by a straight line drawn from the southern most part of Elizabeth Castle Breakwater to the Oyster Rocks Beacon and then from there to the charted position of East Rock Buoy and then from there to the Dog's Nest Beacon to the southern most point of the La Collette reclamation wall;
 - (d) the sea area within Fliquet Bay bounded on the seaward side by a straight line drawn from the seaward end of St. Catherine's Breakwater to Brayes Rocks;
 - (e) the sea area to the east of the Island bounded on the seaward side by straight lines drawn from La Rocque breakwater to La Conchière beacon to the Brett Rock Beacon, and then from there to the charted position of Le Cochon buoy, and then from there to La Noire beacon, and then from there to the Horn Rock beacon, and from there to Les Arch beacon, and from there to Le Fara beacon to the outward end of St. Catherine's Breakwater and by the shoreline on the landward side.
- (2) It is prohibited to use a trawl net or dredge in a restricted area.

Restriction on use of beam trawl

4.-(1) A person shall not use more than 1 beam trawl.

(2) The beam trawl used shall not exceed 6 metres in length.

(3) That length shall be measured between the extremities of the beam and shall include any attachments to the beam.

Restriction on the use of draw nets

5.-(1) Except as otherwise provided by this Regulation, it is prohibited to use a net to draw fish ashore.

(2) A seine net may be used to fish for grey mullet during the period starting 2 hours before and ending 1 hour after high water if -

(a) the net is not less than 90 metres long; and

(b) the net is used in conjunction with a boat.

(3) A seine net may be used to draw fish ashore in the circumstances specified in paragraph (4).

(4) Those circumstances are -

(a) that the net has a mesh size of 90 millimetres or more;

(b) that the net is used during the period starting 1 hour before and ending 3 hours after low water;

(c) that the net is used either in St. Ouen's Bay or in the area of the Royal Bay of Grouville between the rocks known as the Tas du Nord and the seaward end of the pier at Gorey.

(5) It is prohibited to use a motor vehicle or a motorised winch to draw a net ashore.

Further restrictions on the use of fishing nets

6.-(1) It is prohibited to use a beach set net except

(a) below the half-tide mark; and

(b) amongst rocks situated no more than 120 metres apart.

(2) It is prohibited to use a beach set net unless -

(a) it is marked at either end and at 10 metre intervals over its entire length with a buoy, float or other

identification mark having, in each case, a diameter or width of at least 10 cm; and

- (b) the marks at either end of the net are indelibly marked with the name and address of the owner of the net.
- (3) It is prohibited to use passive gear where the depth of the sea is less than 130 centimetres.
- (4) Paragraph (3) does not apply to a beach set net.
- (5) It is prohibited to use a peg or stake on a beach to hold a net.

Committee may permit fishing in certain areas

7.-(1) The Committee may, by Act published in the Jersey Gazette, permit the use of a beach set net in a specific place amongst the rocks on the coast of the Island during a specified period.

- (2) In this Regulation “specified” means specified in the Act.

Restriction on inshore netting in certain area

8.-(1) In this Regulation

“restricted area” means the sea area within 200 metres of the shoreline between La Coupe Point to La Rocque Harbour and thence to St. Brelade’s Bay Pier;

“passive gear” includes any equipment attached to the passive gear, including any anchor, line or float;

“prohibited time” means the hours of daylight during the period beginning 1st April and ending 15th October in any year.

- (2) It is prohibited to use passive gear in the restricted area during the prohibited time.

Restriction on mesh size of passive gear

9. It is prohibited to use passive gear with a mesh size that does not correspond to a category set out in the Schedule to these Regulations.

Vessels not to have passive gear with certain mesh sizes on board

10.-(1) A vessel shall not have on board passive gear with a mesh size that does not correspond to a category set out in the Schedule to these Regulations.

(2) Paragraph (1) does not apply in respect of a vessel solely in transit through the area to which these Regulations apply.

Percentages of target fish

11.-(1) This Regulation applies when a catch is made by a vessel using passive gear with a mesh size corresponding to 1 of the categories set out in the Schedule to these Regulations.

(2) The percentage of target fish retained on board for 1 or any combination of target fish or groups of target fish mentioned in the corresponding mesh size category shall not be less than 70%.

Calculating percentages (passive gear)

12.-(1) The minimum percentage referred to in Regulation 11(2) is to be calculated as the proportion by live weight of all sea fish on board after sorting or on landing.

- (2) The percentage may be calculated on the basis of 1 or more representative samples.

Restriction on fishing for mackerel

13. It is prohibited to use a net to fish for mackerel where the depth of the sea is less than 2 metres.

Repeals

14. The Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 1999^[3] are repealed.

Citation and commencement

15. These Regulations may be cited as the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 200- and shall come into force on the first day of January 2002.

SCHEDULE

(Regulations 9, 10(1), 11(1))

Passive gear

Species/Mesh	90-99 mm	100-119 mm	120-219 mm	≥ 220 mm
Sardine (<i>Sardina pilchardus</i>)	*	*	*	*
Eel (<i>Anguilla anguilla</i>)	*	*	*	*
Sprat (<i>Sprattus sprattus</i>)	*	*	*	*
Horse mackerel (<i>Trachurus trachurus</i>)	*	*	*	*
Herring (<i>Clupea harengus</i>)	*	*	*	*
Mackerel (<i>Scomber scombrus</i>)	*	*	*	*
Red mullets (<i>Mullidae</i>)	*	*	*	*
Garfish (<i>Belone</i> spp.)	*	*	*	*
Bass (<i>Dicentrarchus labrax</i>)	*	*	*	*
Grey Mulletts (<i>Mugilidae</i>)	*	*	*	*
Lesser spotted dogfish (<i>Scyliorhinus canicula</i>)	*	*	*	*
Whiting (<i>Merlangius merlangus</i>)	*	*	*	*
Dab (<i>Limanda limanda</i>)		*	*	*
Haddock (<i>Melanogrammus aeglefinus</i>)		*	*	*
Flounder (<i>Platichthys flesus</i>)		*	*	*
Sole (<i>Solea vulgaris</i>)		*	*	*
Plaice (<i>Pleuronectes platessa</i>)		*	*	*
Cuttlefish (<i>Sepia</i> spp.)		*	*	*
Pollack (<i>Pollachius pollachius</i>) ⁽²⁾			*	*
Hake (<i>Merluccius merluccius</i>) ⁽²⁾			*	*
Cod (<i>Gadus morhua</i>)			*	*
Ling (<i>Molva molva</i>)			*	*
Saithe (<i>Pollachius virens</i>)			*	*
Picked dogfish (<i>Squalus acanthias</i>)			*	*
Greater spotted dogfish (<i>Scyliorhinus stellaris</i>)			*	*
Megrim (<i>Lepidorhombus</i> spp.)			*	*
Lumpfish (<i>Cyclopterus lumpus</i>)			*	*
Others				*(1)

(1) Catches of Anglerfish (*Lophius* spp.) retained onboard in excess of 30% of the total catch on board must be taken with a minimum mesh size of 250 mm or greater.

(2) Minimum mesh size 110 mm.

[1] Recueil des Lois, Volume 1994-1995, pages 141, 143 and 161.

[2] P.192/2001.

[3] No. 9427.