

# STATES OF JERSEY

## Economic Affairs Scrutiny Panel Sea Fisheries Bag Limits

THURSDAY, 11th 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

Mr. T. Oldham (Scrutiny Officer)

**Witness:**

Mr. K. de la Haye

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

Mr. de la Haye, thank you for coming and obviously you have had a chance to read that particular document. I think you have identified who we all are.

**Mr. K. de la Haye:**

Yes, I have by the name tags, yes, and by listening to the radio ad nauseam.

**Deputy M.R. Higgins:**

Well, we have tried not to listen to the criticism.

**Mr. K. de la Haye:**

I will not go into that. We could be here for a lot longer.

**Deputy M.R. Higgins:**

I know. Basically, you have heard what was said here.

**Mr. K. de la Haye:**

I have.

**Deputy M.R. Higgins:**

As I say, we are coming at this with a totally open mind.

**Mr. K. de la Haye:**

Well, hopefully not after you have heard me.

**Deputy M.R. Higgins:**

Well, we have got to hear a lot of other people too. We do not just base it on one or 2 so ...

**Mr. K. de la Haye:**

Yes, I understand that.

**Deputy M.R. Higgins:**

Please if you just run through it, we will ask you questions. For the tape, could you just give your full name.

**Mr. K. de la Haye:**

Yes, could I firstly introduce myself. My name is Ken de la Haye, an Islander, with a proud heritage of being an Islander and part of my heritage is the ability to fish. I have prepared a little presentation which may be a little repetitive because I have not spent too, too much time on it but I do feel very strongly about the introduction of bad law which I deem this to be. This is bad law. I come from a background of law enforcement. I had 21 years in the Customs and Excise Department and that is law enforcement and I understand about law enforcement and the manner and ways of law enforcement. That is an aside and I will come to that a bit further on in this little presentation. It will not be as long as Mr. Thompson's but I would like to make, before I start, just a few comments about what Mr. Thompson said if I can understand my notes. I listened very carefully to what he said and to all your questions. He has not made the case for bag limits in my opinion. There were a lot of red herrings, a lot of exaggeration in my view, a lot of prevarication in my view and not much substance about the actual law that is proposed. I do not think that is disputable. He makes claims there is very serious evidence that this is happening and that is happening but nothing to back it up. Somebody on the panel asked - this is just going off the point a bit - about a fish auction being the appropriate way to market fish in the Island. It is a non-starter because, for example, 90-95 per cent in my view of all the shellfish caught in Jersey goes to export anyway. It does not stay here and the prices of local lobster is not determined by Jersey prices, it is dependent on the French prices and the Spanish prices and the Portuguese prices; what the merchant can get in those particular countries and those are where the exports of our shellfish go particularly. There is not a great deal of white fish or fin fish caught in the Island anyway. It is a much, much smaller proportion. The bulk of the Jersey fishing industry is shellfish. That is a minor thing that has started to happen over the last few years. He mentioned about this wonderful panel that has, you know, proposed these things. It is an unbalanced as far ... there is an imbalance in that panel as far as recreational fishermen are concerned. There is one guy, and in their report they say the panel were unanimous. Well, they persuaded this bloke that what they are saying is right probably I think by numbers. The Fisheries Department are always keen to introduce new ... you know, Simon Bossy is very similar to my friend Wimberley here, a conservationist, you know, at all costs. That is my opinion. So I do not think that panel is a balanced panel. It certainly does not represent me in any way and in saying that I do not represent anybody else. I am here just on my behalf as an interested person who recreationally fishes. I have a small boat, I catch lobsters, I eat lobsters. My daughter has dinner parties that I supply lobsters for. I catch mackerel which I salt down for bait for my lobster pots the next year. I give lots away; you know, have barbecues with them as well and give them to friends. That is my recreation. I love it. That is my background and those are my comments about what my friend Thompson had to say. Now, I have to object strongly as I have said to this ill-conceived and thoroughly bad law. There is no question that it is ill-conceived and there is no question that it is bad and I will do my best to prove that. This law will affect and target the majority of law abiding amateur and recreational fishermen for no other reason than to stop what they call the black fish trade, the back door restaurateurs. So we are all going to suffer because of a few miscreants. This law duplicates other laws that have the same aims and in my opinion are not being appropriately enforced. By the way, this law is also the thin end of a very large wedge. It will give power to the Minister at the whim of somebody at the States farm or wherever Fisheries are, to allow him, at the whim of an overzealous green conservational civil servant, to add things to the schedule without reference back to the States. I think that is the case, is it not, if you look at the schedules? You know we used to change the schedules when I worked at customs on the rates of duty and so on, that was just by the way; you did it, you know, and I think this is a thin edge of wedge but that is an aside. I go on to the report that supports the law. In my view, it is a hotchpotch of ideas combined simply to justify the introduction of this law and, as I say,

other laws cover it. It is an offence to sell your catch if you are not a licensed fisherman. That is the law as it exists. Why do we have to have another one? That is bag limits, not by a back door. The report also makes assumptions as facts. It says: "This will increase angling tourism." That is what it says. Read it, it is there. "It will mean no increase in manpower resources." It says that as well. Draw your own conclusions. It states that the majority of recreational fishermen would support the introduction of bag limits. That is what this guy said just now. It is not true. Not in the circles I move in certainly. All my friends say it is ridiculous. Ridiculous. Why are we being persecuted because a bloke sells 20 bass to the Dolphin Hotel or wherever? It implies that fishermen catching bass from the shore have a great impact on the sales of black fish; I do not think that is true either. It is boat fishermen that catch the big amounts if there are big amounts. It cannot be done easily from the shore. They might catch 10 one day but they will not catch 10 for another 3 months, you know. That is the exception rather than the rule in my experience. They are not to be caught like that. I think he half admitted that. The report also admits for the large part that its aim is not the conservation of fish stocks. It says that. It says it in the bloody report - pardon me, the report - except for ormers. Now as far as ormer conservation is concerned, the ormer has already has regulated fishing seasons; very short windows that coincide with the spring tide where the shore-gatherer can catch it. The regulations, prohibits diving and it even prohibits what can be worn as a shore-gatherer. You are not allowed to wear wet suits to go fishing for ormers. It is not allowed, it is in the law. That is covered already. All the gathering is also controlled by the tides which is obvious. What has impacted on stocks of ormers over the years are divers and disease. This disease has had a devastating impact on ormer stocks and in the past I know about divers who have gone to the Minkies, several years ago and this is the reason we are suffering now, and taken out 5,000 ormers throughout a range of spring tides. I cannot possibly divulge who that was; it was a lot of years ago but they took 5,000 ormers. They were sold you know, not sold in Jersey, they were sold to fishmongers in London to the abalones in the Chinese restaurants in London; very expensive. That has happened. That is why the ormer stocks are depleted, that and French divers at the Minkies, and anecdotal evidence suggests that they are there quite often. Less and less because there are less and less ormers. But the shore-gatherer has little or no effect on conservation. The only ormers available to the shore-gatherer are the fringe(?) stock. The stupid ormer that puts its head above the low water spring tide, above that, in that little area and they get caught; they are there available. If you can catch 20 you are doing very, very well because they are depleted but the shore-gatherer has virtually no impact on the conservation of ormers. It is a myth to say that they do. They are just not available, they are just not there and before this happened, ormers - I do not know if you are aware of this - breed and live only to depth of 40 feet - I think it is around 40 feet - below the low water spring tide, you know, when the tide is down there, they are there for another 40 feet. That is where the divers take them from, where they used to proliferate and, you know, as I say the divers have fished them out and disease has wiped out the rest. The shore-gatherer makes no impact on that at all, you know. The catches are down because of history, because of what has gone on so I do not think the 20 ormer bag limit is a reasonable ... nobody sells them. I mean you could get a fiver each for them or 6 for each of them, they are that rare. So the bag limit is, you know, unreasonable and that is their conservation one. The others are not conservation ones. As I say the bass and lobster are not conservation. These bag limits will do nothing to solve the perceived problem of the sale of black fish at restaurants. The law breaker will break this law the same as they break the old law. It is not bloody rocket science. They will break the laws. As they say in the report, the unscrupulous will, you know, catch their bass and throw them to the sea skelle(?). They will, you know. I do not though. Do not write the sea skelle down, that is hypothetical and out of my head. The Grand Hotel, sorry. **[Laughter]** So we have got this proposed introduction of a bag limit of 20 ormers, a bag limit of 5 bass and a bag limit of 5 lobsters. Conservation wise, all those things have controls on them already. Lobsters have to be a certain size with a guide to tell you whether you can take them or not; they have to be about 97 cm, the carapace I think it must be. That has to be a certain size before you can take that. That is also in existence and the ormer has to be a certain size as well. So the case is not made I do not think for these limits. I think they are unnecessary. Now notwithstanding all that, I am going to talk about what happens to me personally. My greatest objection is to regulation 5. If you

look at regulation 5, that prohibits me having any more than 5 fresh lobsters in my possession. Now, I invite Deputy Higgins and Deputy Wimberley and my wife and I to a barbecue at my house this weekend. Well, no, next weekend because I have to catch the lobsters. There are 6 of us coming to this barbecue with fresh lobster. If I supply 6 fresh lobsters to the barbecue I am breaking the law. I am not allowed to have 6 fresh lobsters in my possession. Now I do not catch 5 lobsters every day; some days I catch 2, some days I catch one, some days I do not go fishing, so through the week I might catch 3 Monday, one Tuesday, do not go Wednesday, catch one Thursday and one Friday. What I normally do is put them in a store pot with a lid so they cannot get out and keep them fresh. I am not allowed to do that any more. It is nonsense. You know 6 lobsters is nothing. My daughter wants a dinner party, the same applies. I give lobsters to my daughter and her husband, great gourmets they are and they love lobster. I am not allowed to do that. I have to either freeze one ... well, no, not freeze, I can do that. I can freeze them. It is not the same. Jersey Fresh, we are talking about. This is not Jersey Fresh. Well, you are. So that is a real bone of contention with me. The rest is as well but this even more so. Regulation 6 in the law as drafted - this is an aside by the way - states that: "A person who is guilty of an offence under Article 4 of the law by reason of a convention of a provision of Regulation 4 or Regulation 5 shall be liable to a fine of £20,000." No leniency. They shall be ... the law is ... it is a drafting error, I think.

**Deputy M.R. Higgins:**

That is right. It is not up to or a maximum of.

**Mr. K. de la Haye:**

It is not up to. No, no, it says if I have 6 lobsters I am liable to a fine of £20,000. It is nonsense. This is ill-conceived. It is not well put together. The wording gives no latitude or leniency depending on the gravity of the transgression. I am sure it is an error but there you are. I point that out to you.

**Deputy S. Pitman of St. Helier:**

I believe it is, because the officer during the hearing said it was up to.

**Deputy M.R. Higgins:**

On a scale.

**Mr. K. de la Haye:**

Well, that is not what it says.

**Deputy M.R. Higgins:**

That is well pointed out, thank you.

**Mr. K. de la Haye:**

In any event a maximum fine of £20,000. Obviously, no comparisons appear to have been made with other penalties for other transgressions of other laws. That seems to me, you know, a hammer to crack a nut. A bloody big hammer too. The upper limit is grossly disproportionate. I mean you get probably less for rape or mugging or anything than this.

**Deputy M.R. Higgins:**

I can say, by the way, that that was one of the reasons why we decided to scrutinise this particular bill because it is one of the things that stood out to us as well and that is why we wanted to investigate it but there are others.

**Mr. K. de la Haye:**

No, but this is a minor point compared to the rest I think anyway, you know, the liberty of the Islander

whose heritage is fishing and always has been. These limits are nothing to do with conservation. It is the whim of these people whose nose has been put out by a few people making a few quid selling a few bass at the back door of a restaurant. That is all it is about. The rest of us have to suffer because of it. My 6 lobsters for my barbecue Saturday that Deputy Labey and Deputy Wimberley are coming to with their partners ...

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

Oh, you are not coming any more.

**Mr. K. de la Haye:**

Maybe not your partner [**Laughter**] but I will fix you up with somebody. Sorry. Where was I? There is no correlation between bag limits and the illegal sale of black fish. Most amateur fishermen in my experience are like everybody else in society, they are law abiding people, unless you people introduce stupid laws. I would be tempted to break the law if this comes in as would you if you were having a barbecue for 6 people. This law will unnecessarily curb my hobby and my freedom to do as I want. I am a law abiding citizen so far. Now, I return briefly to the report which you all ask questions about the enforcement side of things. Financial and manpower implications; they say there are none. Well, if you are going to police a law that encompasses all those people you are wasting your time introducing a law if you do not police it. It is nonsense, is it not? You must agree. If the current practices of the Fisheries Department are anything to go by they will need more staff. Not just Parkinson's law, Simon Bossy's law and whoever is the co-president of the Agriculture and Fisheries, you know. I think it was 2 or 3 years ago I used to have a boat with a licence; a tiny boat, 18 foot 6, about from here to you with a licence where I could sell fish. Registered (j) or whatever it was and I was out fishing for mackerel one Sunday afternoon. An 18 foot 6 boat. The Norman Le Brocq steams along, that cost this Island the thick end of £1 million with a man being paid £50,000 or 60,000 to be the skipper, 2 hands on boat in a R.I.B (rigid-inflatable boat). They leave that boat, come to me and say: "Fisheries protection. We are here to examine your catch. Have you got any lobsters on board?" I said: "No, just fishing for mackerel. I do catch lobsters but I am not fishing for lobsters today, recreational fish ... mackerel for the barbecue." "Thank you very much. Sorry to disturb you." Two weeks later ... very polite. Two or 3 weeks later within that month, same thing; exactly the same thing. Norman Le Brocq steams up on a Sunday, the same guy being paid £50,000-60,000 a year, 2 people paid triple time for Sundays in the R.I.B. Again they come and examine my catch. I thought this is very strange so I wrote to Simon Bossy and said: "I do not know if you are aware but I have been boarded twice in 2 weeks." It was not the fact that I was boarded or what they wanted to see or anything, I had nothing to hide. It was just I thought that was not a very good use of such resources. They are paying the guys double time for Sundays, the working blokes on the R.I.B.; this guy, this boat out there. I said I can go to any market along the French coast here and find undersized lobsters for sale on any market day and you could then, you know, and when we catch them we give them a fine of £1,000 or £300 and that is not ... they caught more money's worth than that in a day. Simon Bossy wrote back saying, I cannot quote him exactly but he said: "We make no exceptions. Everybody, you know, is our target." Nonsense; it is rubbish and I will tell you why. That was my example of what is happening at the moment, you know, people walking up the slip with 4 razor fish in a bag are examined to make sure that they are that length and not that length. Nonsense. I think a more considered use of their manpower should be adopted and this is what you were coming to about the black fish thing. The department using existing laws to cover black fish as well as other law enforcements rather than what seems random boarding and examinations of shore catchers. If these are the targets for what this law is being introduced for, why do they not use tested policing methods, testing law enforcement methods.

**The Deputy of St. Mary:**

Yes, intelligence led.

**Mr. K. de la Haye:**

Hang on, I will come to intelligence. Firstly, publicity: all the restaurants in the Island should be circulated saying that it is an offence to buy from unregistered fishermen. They should be able to show receipts for the appropriate merchant or fishermen that their stock is bona fide; an audit trail, a paper trail. If you buy lobsters at the back door, Joe Bloggs is not going to give you a receipt saying Battrick's or, you know, where the legitimate stuff is going and the merchants as well should be told as well - it is against the law and the penalties ... at the moment they are draconian but I mean point out the penalties.

**Deputy S. Pitman:**

Can I ask you a question on that because that was a point that I put to him.

**Mr. K. de la Haye:**

I know you did.

**Deputy S. Pitman:**

He said that if you fish them from the shore anyone can do that.

**Mr. K. de la Haye:**

I will come to that, Deputy, in a second. Thank you. If I miss it ... it is in here somewhere in these garbled notes.

**Deputy C.F. Labey of Grouville:**

Can I just ask a question on that point? Even though that is the case that could be done and it might stop some of the black market, would it not be the case that some of these illegal sellers could sell to a restaurant and the restaurant just will not record what they have brought?

**Mr. K. de la Haye:**

Well, you make them record what they have brought. It is not difficult; it is not rocket science. If you have fish in the deep freeze and you are selling fish, the Department of Fisheries should be able to say: "Where did you get these? "Where did you buy your bass from?" Simple.

**Deputy M.R. Higgins:**

They just look in their ledger.

**Mr. K. de la Haye:**

That is right. You just look at their ledger and say: "I brought it from Battrick's." But to go on from there that is not, you know, an insurmountable problem. That is easily, easily rectified. Most people want to be law abiding. I mean the restaurateurs are just as much to blame as the fishermen, you know. He gets it a couple of quid a pound cheaper. Now as Deputy Wimberley said intelligence and research. In customs, that is how they operate. They could not operate otherwise without intelligence. They are catching young drug runners without intelligence. That is what it is based on. It is not difficult either. It means a slightly different working method but ... and then this guy knows who they are. This guy here knows who they are. Target the miscreants. You watch them, you know, covert observation; not difficult. Every other law enforcement agency does it. In Customs we use to do covert observations on far more important things than 5 fish, 20 ormers and a few lobsters. Risk assessment as well. The little boat at 18 foot 6 is not going to impact on the stock, the price or any other bloody thing. It is minutiae. It is the big people they should be looking at. You know, all these things together is how that law enforcement part of Agriculture and Fisheries should be operating. They do not do that now in my experience. It is what appears to me and many others to be random, casual and a very costly approach that they adopt at the moment. You mentioned a question, Deputy Labey, what did you say to me?

**The Deputy of Grouville:**

Yes, when I put it to him about the audit, the paper trail in the restaurants he said that people can fish from the shore and then they do not need anything and that is legal.

**Mr. K. de la Haye:**

The shore. I am there in a second. Yes, yes. I will deal with that now. The shore people catch no great amounts of bass that we are talking about. They do not catch tray after tray after tray of bass. If somebody catches 5 bass from the shore, you know, that is a rarity. It is another red herring. People do not catch vast numbers from the shore. Well, I certainly have never been aware of big ... you know, somebody might catch 6 one day but that would be a rarity. I understand that there was one guy who went to Belcroute one day and caught 10 and put them all back because they were all too small, you know, a recreational fisherman, but that is very, very, very rare.

**The Deputy of Grouville:**

So it is not like mackerel. My cousin came the other day with a bucket of mackerel and he could not get rid of it.

**Mr. K. de la Haye:**

No, no. Well, that is right, 50 pence each. Breaking the law. [Laughter]

**The Deputy of Grouville:**

He did not charge me for them.

**Mr. K. de la Haye:**

I kid, I kid, I kid. I leave you with these thoughts and then I will answer questions if anybody has got any and to put this thing into perspective which it is totally out of perspective and that guy, Mr. Thompson, did not answer any of your questions properly; he prevaricated, you know, the panel this and up north we do that and there are bag limits in Australia. The bag limits are not the same as these bag limits by the way; they are for conservation purposes. They say it is not for conservation purposes and I have argued the case about the ormer. A pair trawling set up which he glossed over quickly, that means a couple of trawlers towing a big net. Fishing around our shores in one haul in one night probably catches ... and I have not got any evidence for this, but it is my view, catch more bass than the total that amateur fishermen catch in one year, and in one night 5 trawls, 6 trawls, they catch more than the amateur fishermen catches in 5 years. That is the impact. That is what you have got to, you know, put into context about. The greatest impact on fish stocks in Jersey are the local professional fishermen. You can go to England tomorrow and buy a licence for a boat that will cost you ... for a shellfish entitlement for a big boat might cost you £20,000, £30,000 or £40,000 depending on the size of the boat and the size of the engine. That is what governs the size of the licence. It is the power and the capacity of the boat. V.C.U.s (vessel capacity units) they are called. I do not know what they mean but, you know, the number of V.C.U.s per boat. Our regulated and licensed fishermen make the greatest impact on local stocks of bass, lobster and scallops which is another thing as well which is regulating, you know, for diving. Over-fishing is a danger. Equipment gets more and more sophisticated, boats get bigger, they have more pots, you know, mend more lobster pots, much more efficient pots, efficient means of catching fish and the Fisheries Department would be better served to look perhaps at curbing some of their activities as far as conservation is concerned but perhaps that is an argument for another day, that aspect of it. I urge you all to please do all in your power to defeat the introduction of this law. It is thoroughly bad law as I think I have demonstrated that will penalise the law abiding recreational fishermen. As I said before, the miscreants will carry on being miscreants or as they say the unscrupulous will remain the unscrupulous. You know, leopards do not change their spots. They have got to target those people and get them if they are such a danger to our local professional fishermen. Finally, a little analogy and this is what I will leave you with. Deputy Higgins should not have car

because he lives next door to Deputy Carolyn Labey who breaks a speed limit in hers. He should not have a car because she breaks the law by speeding in her car. I leave you with that.

**Deputy M.R. Higgins:**

Can I say thank you for the presentation. You obviously have typed written notes there. Is there anything you would like to leave us in writing as well?

**Mr. K. de la Haye:**

I have my typewritten notes which are typewritten and scribbled all over. Would you like them?

**Deputy M.R. Higgins:**

If you do not mind. We obviously have the tape but there may be points you did not make that you wanted to make in which case we have the whole picture then.

**The Deputy of St. Mary:**

Or is there any? I reckon you covered it all.

**Mr. K. de la Haye:**

I covered it all but if you want those notes you can have them. They are scrawled all over.

**Deputy S. Pitman:**

It is really up to you if you want to you can send in something.

**Mr. K. de la Haye:**

No, I am not going to do it all again.

**Deputy S. Pitman:**

Can I just say, firstly, you have asked us, in our powers, to prevent this legislation for all the regulations from going through but I must emphasis that Scrutiny is there to listen to all sides and we are not really there to take one side.

**Mr. K. de la Haye:**

I heard before, yes.

**Deputy S. Pitman:**

It has got to be evidence based from all of us. I know that is not what you want to hear.

**Mr. K. de la Haye:**

No, it is what I want to hear because the evidence is irrefutable. It is there.

**Deputy S. Pitman:**

We have to listen to all sides and that is not ...

**Mr. K. de la Haye:**

That is if you were awake.

**Deputy S. Pitman:**

Well, it is not our role as Scrutiny so I want to point that out to you in case you think ...

**Mr. K. de la Haye:**

No, I understand. I know, I know.



**Deputy M.R. Higgins:**

Let me make another point there. We hear all the evidence and then we will come to our own conclusions and we will state what we believe but it will be based on the evidence.

**Mr. K. de la Haye:**

Of course you will.

**The Deputy of St. Mary:**

Then the States will decide.

**The Deputy of Grouville:**

Then the report makes recommendations and makes sort of ...

**Deputy M.R. Higgins:**

When this law comes to the States, obviously our report will be there as well and then States Members will not only read the report but they will also ... we will speak in the debate based on what we have heard.

**Mr. K. de la Haye:**

I understand, I understand. I have my wireless and I listen to you.

**The Deputy of Grouville:**

After the migration part of the debate yesterday and Scrutiny made recommendations, I am not holding my breath that anyone is going to take any notice.

**The Deputy of St. Mary:**

We may make the point that this is worth listening to.

**Deputy M.R. Higgins:**

Anyway, I think it is worth listening to.

**Deputy S. Pitman:**

I have one question. I just want to know what the controls were for the commercial professional fishermen who were selling on the black market and is that known to be going on because ..

**Mr. K. de la Haye:**

Sorry, your question, the commercial fisherman selling on the black market?

**Deputy S. Pitman:**

Yes.

**Mr. K. de la Haye:**

A commercial fisherman can sell to who he likes. It is not a black market.

**Deputy S. Pitman:**

Yes, but if he is catching more than his quota.

**Mr. K. de la Haye:**

There are no quotas. There are no quotas for any fish in Jersey. Oh, sorry, there are. There are, I beg your pardon. Some of the white fish, the plaice and that sort of thing but these here, these ones the bag

limits are supposed to be introduced for, there are no permits or limits on catching these. If Deputy Labey buys her licence in England and brings in an enormous great lobster fishing boat, she can put out 10,000 pots and there is nothing anyone can do about it at the moment.

**The Deputy of St. Mary:**

I want to, first of all, remind you of the shore versus boat issue because I do not think you have answered that and the second part is divers. You mentioned divers on ormers and I am sort of trying to follow you and I think you said from the shore you go out, you get your 20 if you are lucky and you come back but divers are kind of different ...

**Mr. K. de la Haye:**

No, no, you do not get ... No, no, hang on, hang on. Ormers are gathered from the shore. The difference between shore fishing and low water fishing which is how you catch ormers, you go down at low tide on the big spring tides to places that are ...

**The Deputy of St. Mary:**

That you know.

**Mr. K. de la Haye:**

No, no, to places you know or where they are; usually the Minkies and a few places around the Island you can still catch a few ormers. When the tide recedes you can get to them. They are bloody hard to catch. Those stocks of those ormers have been decimated over the years by illegal diving. Diving is illegal now.

**The Deputy of St. Mary:**

Oh, it is illegal now.

**Mr. K. de la Haye:**

It always has been illegal.

**The Deputy of St. Mary:**

So what I was going to ask you was in terms of your enforcement pattern, how would you go after the illegal divers because obviously they are an issue too?

**Mr. K. de la Haye:**

No, that is there anyway. I mean that is there already.

**The Deputy of St. Mary:**

They are there already and are these divers caught?

**Mr. K. de la Haye:**

That is the other big thing I was going to say. Sorry, just to come back. In all the professional fishermen's stink, where are the prosecutions? Where is the evidence? It is all anecdotal. I have not seen anybody prosecuted for selling fish at the back door, have you? Have I missed it in the paper? Yet you have got fishery protection people here employed full-time, Norman Le Brocq, £1 million, £800,000 or whatever it is and the upkeep of that. What are they doing?

**The Deputy of St. Mary:**

The issue there is that it is in no one's interest to shop anyone because that market ... by definition the person buying it is in their interest not to say anything, the person selling is ... and it is in the customer's interest to keep quiet because they are getting slightly cheaper deal.

**Mr. K. de la Haye:**

No one is saying they should be shopped. Hang on, the police do not wait for people to shop. You have got to be proactive about this.

**The Deputy of St. Mary:**

Exactly. What I am saying is you have to go out and you really do have to try and catch a fish, you cannot ...

**Mr. K. de la Haye:**

Of course you do. You have to target these people. They, you know ... as I said earlier, it is not rocket science. They are there. If the anecdotal evidence is true and you put a couple of guys covertly to watch these people at the appropriate times, they should and could be caught. I mean you spot them in an unmarked car, see them unloading fish boxes outside the Grand Hotel this time, sorry, because ... outside the Grand Hotel and you say: "Who caught those fish? We have seen you unload them from your unlicensed boat. You are offering them for sale to this restaurant. See you in court." Pay up the £20,000 you owe us.

**The Deputy of Grouville:**

Why do you think they want to introduce this law? It is obviously not for conservation.

**Mr. K. de la Haye:**

It says it is not for conservation.

**The Deputy of Grouville:**

It says it is not, so why do you think they want to introduce this law?

**Mr. K. de la Haye:**

That is something the Scrutiny Panel should be asking of them, not me. I do not know.

**The Deputy of Grouville:**

Well, he says it is to target the recreational fishermen that are sort of impinging on them commercially.

**Mr. K. de la Haye:**

He did not say that. He said ... because they are allowed to fish for these things, you know. I am allowed to fish. All they are doing is stopping me having 6 fresh lobsters at my barbecue.

**Deputy M.R. Higgins:**

When I mentioned that it was affecting their income, he was a bit evasive on that.

**Mr. K. de la Haye:**

I thought he was evasive on everything. He did not stick to the law. The law was hardly mentioned and some of that is, of course, your fault because you went on tangents about markets in Jersey and, you know, buying licences and permits.

**Deputy M.R. Higgins:**

I acknowledge that. [Laughter] It is our ignorance of the fishing industry and the law so you certainly ... evidence says ... that what you said to us has brought us straight back to the point.

**Mr. K. de la Haye:**

The law, in my view, is a bad law. It is an ill-conceived law and it is being introduced on false

premises. It is there. I mean they tell you.

**The Deputy of St. Mary:**

What he said is, I have my notes here, that he ... we asked how much of a problem was it. He said that it was very serious and said that it does not take 10 tonnes in Jersey because it is such a tiny market to drive down the price, it only takes a few fish to drive down the price so that is why it is ... it is not only serious, small scale can make a big difference. That is the problem with all this enforcement. You have to catch someone who is doing it with 20 lobsters.

**Mr. K. de la Haye:**

However, the laws are there already to combat that. There are laws there. Perhaps the penalties need overhauling, you know, perhaps the wording might ... but the laws are there. It is against the law for an unlicensed fisherman to sell his catch. That is the law that exists now.

**Deputy S. Pitman:**

Obviously people from sort of your view ... a fisherman from your view, is saying, you know, this is not working at the moment, what would you say?

**Mr. K. de la Haye:**

It is all working at the moment. What is not working?

**Deputy S. Pitman:**

Yes. What is not working is this minority of fishermen are selling on the black market and they are not being policed. I mean is that your view?

**Mr. K. de la Haye:**

Yes. I have said that. Yes, it is not being policed properly. The miscreants, or the unscrupulous as it says in the report which I find quite amusing, the unscrupulous are not being targeted and they are not going to court. There is no ... where is the evidence? Where are the court cases if all these people are doing all of these things? I know it is happening; it does happen, you know. I know it happens. People go and fish with small boats in St. Brelade's bay. I know that. My boat is at Rozel. I fish out of Rozel. You know, beautiful. This is a great hobby for me. If one day I caught 6 bass, I would like to be able to keep them if ever I did catch 6 bass. I have never caught 6 bass in my life by the way and I fish a lot. You know, one period last summer I went out 21 days on the trot fishing - mackerel, lobster, crab. My daughter and son-in-law dive for scallops legally. They have the recreational appropriate licence where they can take 24 each at a dive. We do that as well and they go on the barbecue and somebody will not be able to have the lobster now if there are 6 people. There would only be 5 you see. I have forgotten the point I was going to make now by digressing. It must have been important because nobody can remember it. **[Laughter]** I am having a bloody impact on you people, am I not?

**Deputy M.R. Higgins:**

I have to say you have because I have made a few notes and you have given us plenty of food for thought and I might say, with some of the things you have said, we have a bit of research to do following up on some of the leads you have mentioned.

**The Deputy of St. Mary:**

Yes, I have got a few things we need to find out.

**Deputy M.R. Higgins:**

So I would say that your input has been very useful.

**Mr. K. de la Haye:**

I just wish I could think of what it was. I had a brilliant point to make there and I cannot think what it was. It is always the way, yes?

**Deputy S. Pitman:**

Well, you can always write in.

**Mr. K. de la Haye:**

No, I am not coming back.

**Deputy M.R. Higgins:**

We have the same problem in the States when we are speaking.

**Mr. K. de la Haye:**

I am surprised I am here anyway. I have had enough of meetings when I worked for customs.

**Deputy M.R. Higgins:**

Well, you obviously feel very strongly about it and that is good.

**Mr. K. de la Haye:**

Yes, I feel strongly about a lot of things, a lot of other things to do with the States as well.

**Deputy M.R. Higgins:**

Perhaps when we are off-tape you can tell us. **[Laughter]**

**The Deputy of St. Mary:**

Now, I have to go and deal with all the questions.

**Mr. K. de la Haye:**

You can have these notes if you will excuse them. I mean they are written all over and scribbled on and everything, you know.

**Deputy M.R. Higgins:**

Thank you, I appreciate that. I must say you have given us plenty of leads we have to follow up and plenty of things to think about so I am very grateful for you coming.

**Mr. K. de la Haye:**

What I would suggest to you is that you talk to other amateur fishermen. The representation on that panel was a non-event. I think they have one person, a token leisure fisherman on their panel of about 8 or 9 or however many there are, and I know they say they are unanimous there but unanimity is in the eye of the beholder or something, that is the ...

**Deputy M.R. Higgins:**

What I would say to you is the reason why we have not only advertised on channel 103 but we have had adverts in the *J.E.P. (Jersey Evening Post)* because we want to hear from the widest possible range of people so if there are other people out there, you know, we want to hear from them.

**Mr. K. de la Haye:**

I just ask you to remember my analogy about the driver and my 6 lobsters for the barbecue. I mean 6 people at a barbecue is not many, is it, and if they want to have fresh lobster I am not allowed to do that in the future if this comes in, because I am only allowed to keep 5. I am only allowed 5 in my

possession. That article of the law says you are only allowed 5 fresh lobsters in your possession. If I had a key pot and there were 7 in there, £20,000 as the law stands drafted at the moment.

**The Deputy of Grouville:**

If you want to sell those 6 lobsters to your next door neighbour then there are laws in force.

**Mr. K. de la Haye:**

You cannot. You cannot, there are laws in force. Exactly, yes.

**The Deputy of Grouville:**

So how can it be a commercial element that he said?

**Mr. K. de la Haye:**

It cannot be. You have listened to me then, have you not? **[Laughter]** Thank you.

**Deputy M.R. Higgins:**

I assure you, we have all listened to you. Anyway, thank you very much, Mr. de la Haye.

**Mr. K. de la Haye:**

My pleasure. Nice to meet you. I am sure you are going to do a good job on this. **[Laughter]**

**The Deputy of St. Mary:**

Yes, and it is not just conversation. It is all sorts.