

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. D. Thompson (Jersey Fishermen's Association)

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

Mr. Thompson, thank you for coming to see us and if I can draw your attention to the little card in front of you. If you could have a read of that, it just explains how the scrutiny process works: we are taking a transcript of the hearing so everything is taken down; it is recorded and then transcribed and you can get access to that on the website, the same as everybody who is giving evidence. It also tells you too about the situation regarding statements made and the legal situation with regard to any statements you make. So if you have a read of that, please, and just confirm that you are happy with that. In fact, Mr. de la Haye, while you are waiting you can read the copy you have.

Mr. K. de la Haye:

I have.

Deputy M.R. Higgins:

Thank you. What I will do first of all then is just introduce the members of the Scrutiny Panel and then we will just launch into it. We will get you to speak as well so we can get a recording for the tape. I am Deputy Mike Higgins, I am Chairman of the panel.

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

Deputy Wimberley of St. Mary.

Deputy C.F. Labey of Grouville:

Carolyn Labey, Deputy of Grouville.

Deputy S. Pitman of St. Helier:

Deputy Pitman of St. Helier.

Deputy M.R. Higgins:

This is Tim Oldham, our Scrutiny Officer. Could I ask you then to identify yourself for the purpose of the recording and then we will get into it.

Mr. D. Thompson (Jersey Fishermen's Association):

Yes, my name is Don Thompson, I am currently Chairman of the Jersey Fishermen's Association and I have been part of the committee of the Jersey Fishermen's Association for some 20 years.

Deputy M.R. Higgins:

Thank you. Now, as you know, the Economic Development Department have put forward the legislation and part of the remit of this committee is to scrutinise legislation that comes from the department and this one is obviously being looked at and we are conducting hearings on it. So, going straight into it, can I ask you from your point of view what are the main issues affecting the fishing industry with regard to the need for this legislation? So, in other words, if you can explain the background and where you are coming from yourself.

Mr. D. Thompson:

I think if I could just say firstly that I have been involved in the debate on bag limits right from day one and it came fully in the open at the Marine Fisheries Resources Panel in approximately the year 2000, so it has been around for about 9 years. It has to be said that that is fully out in the open. The minutes of the Marine Resources Panel are available to the public and all sectors or stakeholders, if you like, not in the marine industry but in the marine environment, do hold seats there. In fact, Jersey Fishermen's Association has been at the forefront of making sure that it does not turn into a commercial fishermen's and Fisheries Department little club and that it is quite wide so that the quality of advice and recommendations that come out of it are quite well thought through and they are quite balanced. So, it did start in about 2000 but it goes back to beyond that when we were discussing it directly with some of the other members of the panel. The earliest stage of the bag limit draft or the need for it came when the ormer stocks first started to show signs of collapse through disease more than through over-fishing, it has to be said. It then became obvious that there were some other stocks that would benefit from bag limits: lobster and bass. One of the reasons that it was felt that lobster and bass would be a useful addition to the bag limit legislation ... am I going too fast?

Deputy M.R. Higgins:

No, no, you just carry on.

Mr. D. Thompson:

It was simply, if you like, not so much a conservation issue but because good use was not being made of the marine resource. In other words, bass and lobster were being caught not for the benefit of those who fish for leisure or for those who were trying to fish for their livelihood, bass and lobster were being caught and quite openly sold on what we call the black market. It is illegal to fish from a boat and sell direct and it might be an allegation but we are fairly certain that those sales do not attract any payment of tax as they are illegitimate sales; they are hardly likely to show up. So it is not straightforward conservation but it is, we feel, and the rest of the panel felt, that the really best use of the resource is to conserve it for those who genuinely fish for leisure. Those who fish for the livelihood, preserve it for those sectors, and try somehow to cut out those that were going out there to fish just to pay for their boat or pay for their sport or for a bit of beer money in their back pocket. So, if you like, it is almost another aspect of looking at ... you have measures for conservation, you have economic measures but you also have the issue of how best to use the fish stocks around the Island for the benefit of the Island and for those who have an interest in it. So that perhaps has not answered the question directly but that was the need ...

Deputy M.R. Higgins:

Well, no, you are giving us the background to it and this has built up and now the legislation is coming into being, is that what you are saying? So you have had these discussions over the years?

Mr. D. Thompson:

Absolutely, yes.

Deputy M.R. Higgins:

How much of a problem is this, though, of the black market people doing this?

Mr. D. Thompson:

I can put my hand on my heart and say that we know this to be a very serious problem. The reason it impacts on professional fishermen so much is because professional fishermen in Jersey sell for the best price that they can negotiate direct to a merchant generally. Elsewhere, there is the auction market in the U.K. (United Kingdom) or what they call the criée in France where bidders bid and obviously the normal bidding process, the highest bidder gets the product, and that is a question of supply and demand. If there is a lot of fish on the market it will not attract such a good price, et cetera, et cetera.

Deputy M.R. Higgins:

Sorry to interrupt you, you are saying that the type of bidding process does not take place in Jersey?

Mr. D. Thompson:

It does not exist in Jersey.

Deputy M.R. Higgins:

So if there is not an auction, how is your stock sold then?

Mr. D. Thompson:

We do not have an auction market. No. So, commercial fishermen are faced with the prospect every single day of trying to get the best price for their catch by phoning, going direct to merchants and just trying to negotiate their best price. So, what happens when you get fish going through the back door of a restaurant ..., the restaurants are the main consumer here more so than the public. They are not the only one but they are the main ... they have the buying power, if you like. When the restaurants are buying fish for let us say £4 or £5 per kilogram, the merchant that buys from the commercial fishermen phones up the restaurant to sell for his best price and is told: "No, we have already bought this week at £4 or £5 a kilogram." Then the merchant either says: "No" to the commercial fishermen: "We do not want your fish" or he will say: "The best price I can offer is £4 or £5 plus my percentage that I put on." So it really does drive the price of the fish and the demand for the fish, really. It drives it so low that commercial fishermen are completely squeezed out of the equation. You do not need 10 tonne of fish to upset the price in Jersey, I am afraid. You only need quite a small amount to seriously undermine the price of fish and this is where lobster and bass attracted the attention of our interest in the bag limit.

The Deputy of St. Mary:

Just a point of detail, you said as a commercial fisherman you would phone traders, wholesalers, would you also phone restaurants direct because you want the best price?

Mr. D. Thompson:

Some fishermen may do, yes. Yes, it has to be admitted that some fishermen do make direct sales to restaurants. It is not widespread and it is understood that even when commercial fishermen go direct to restaurateurs it can upset the balance of price, yes.

Deputy M.R. Higgins:

Can I just understand again the distribution channel here essentially? So you guys are going out fishing, you are bringing your catch back and you bring your catch back, I take it, at different times of the day?

Mr. D. Thompson:

That is right.

Deputy M.R. Higgins:

Who do you contact to try and sell your ...?

Mr. D. Thompson:

Generally, different fishermen will have merchants with whom they work more closely and generally you will be in touch with them throughout the day. You will make contact; let them know what time you are likely to be back and what your catch is likely to consist of. So, it is not a last minute thing and sometimes it is even arranged before the boat goes to sea: "Will you be landing today? What will you have? This is the price."

Deputy M.R. Higgins:

So it is not as if these merchants are very large wholesalers in effect. Or are they?

Mr. D. Thompson:

The one that I personally land to, Battrick's, that is a very big business. They sell both locally and to export and their volumes of sales are very, very big. So, some of them are quite small and fiddly but ...

Deputy M.R. Higgins:

I am just wondering from what you are saying then, is there a case for, say, some form of fish auction or would that mean landing at one time and all the catch coming in and ...?

Mr. D. Thompson:

I do not know how relative it is to the question of bag limits, but we would love to see a fish auction in Jersey. We would genuinely love to see that. My background is more in deep-sea fishing and if we were at sea for 5 days, we would have an option of running fish into Newlyn, Brixham in Devon, Boulogne in France and we would always have an ear to the ground as to what is going on and we would channel our fish into a market where we knew we were going to get a good price. A fisherman with a 25 foot boat in Jersey does not have that same freedom and an auction market would be extremely good.

The Deputy of St. Mary:

Would it be squared in terms of timing?

Mr. D. Thompson:

Sorry, could ...?

The Deputy of St. Mary:

The fact that you are all coming in at different times, can you square that with an auction as a realistic possibility?

Mr. D. Thompson:

It is not an issue because generally an auction is set up with refrigeration on one side and market staff that work during the night or early hours of the morning to prepare the fish for a sale early in the morning, so fish that has come in any time during that 18-or so hour period up until the morning sale would be available for the auction.

Deputy M.R. Higgins:

Do you think that would be a more efficient way of dealing with it?

Mr. D. Thompson:

Without question. Absolutely.

Deputy M.R. Higgins:

Can I ask the question why it has not been done then?

Mr. D. Thompson:

Perhaps the difficulty in Jersey is that there is a system that has been established because we have lived without a market for so long, quite a strong system of buying power within the merchants. If merchants conspired to buy fish direct from fishermen rather than from the market and the market was undermined by merchants buying direct from the fisherman, it would deprive the auction market effectively of its strength. I think you will find that, certainly in France, which is where I, up until recently, made most of my landings, it is effectively not legitimate for a fisherman to sell, certainly not to a restaurant, a commercial or a leisure fisherman, and I think there are some difficulties with fishermen selling direct to merchants. So when a market situation exists, generally the fishermen have some sort of a share in it, it is generally very, very strong. To establish that in Jersey under the current climate of a number of merchants spread around with their own buying power and possibly more interest in trying to buy outside of the criée, it is difficult to say, but it would not be straightforward, if you like.

The Deputy of Grouville:

Has anyone had any meetings with the merchants, sat them all down together to put this to them: how they would see it working?

Mr. D. Thompson:

No. The concept is not too difficult to grasp but to take it on to establish a premises even in Jersey, a workforce to go round it and to get it off the ground, it would have to be quite a bold person, an establishment like Jersey Enterprise would be the prime ... they would be the ones who would get it off the ground. Fishermen themselves, as an organisation, I think we would be a little bit reluctant to try and establish that but Jersey Enterprise would.

Deputy S. Pitman:

Has it been put to Jersey Enterprise at any point?

Mr. D. Thompson:

Last year I personally sat down and spent a lot of time with Jersey Enterprise in looking at how we could best support the industry without throwing money at fishermen; in other words, the infrastructure. It was a point that was touched on but it turned out not to be the way that it went.

Deputy M.R. Higgins:

Just one more on this. Can I ask you, would there be opposition from the merchants on that or from the restaurateurs or would they welcome it, do you think?

Mr. D. Thompson:

I think for the best part most of the merchants would appreciate it. In other words, the supply and demand and the auction setup is quite fair. I think if it got off the ground, once it was established it would support itself; I think it would be okay. It would be the early stages breaking from a system which has stood for decades and decades in Jersey going to a new method of setting the price of fish, if you like, it would be difficult at the outset but I think the merchants would endorse it.

Deputy M.R. Higgins:

Yes. Sorry, it is a digression but it is interesting. Shona?

Deputy S. Pitman:

Can I go back to the work of the panel, I cannot remember the exact name, do you think that the proposition that we have in front of us is what you as a representative was hoping for from the group, because there is a lot of disagreement with the proposals?

Mr. D. Thompson:

To me, the heart of the question here is the recommendation and the draft that has come from the Marine and Fisheries Resources Panel: is it good, strong advice or is it in any way tilted toward the commercial sector? It is something I feel quite strongly about; some of the letters that have gone certainly to Fisheries have come via me. We are quite close between the recreational or amateur fishermen and the professionals. I think to go back one step, the first thing to say is that the Jersey Fishermen's Association does in fact represent very close to 99 per cent of the professionals in the Island. We do not represent every (j) licence boat. Unfortunately, there are a lot of people who have their 9.00 a.m. to 5.00 p.m. jobs who do have boats with a (j) registration and we tend not to represent that sector but - sorry if it is a bit of a digression - for instance when we took on States of Guernsey for our fisheries' rights in the Bailiwick, that was our first hurdle to prove beyond doubt that the Jersey Fishermen's Association had the authority and could qualify that we were representing the fishing industry of Jersey. That was what we stated: that we do represent close to 99 per cent of the professional fishermen. So, firstly, our input into the panel is, I feel, very representative of the commercial sector. I do not know if you know the makeup of the panel but it is chaired always by, or as close as possible to, an independent party. At the moment it is ex-Deputy Mike Taylor who is pretty much independent. He is from a commercial background but he is not a part of our industry any longer. You have the Fisheries Department itself which is made up of enforcement, management and marine biologists, so that is quite a good balance there. You have the commercial fishermen, you have the recreational sector, then you have inshore fishermen organisations which are made up of both professional and amateur fishermen. Who else? You generally have a politician on there as well; currently that is Mike Jackson. Finally, you have Chris Newton, who is Head of the Environment Department. If you like, Chris takes an interest in anything to do with water, really, whether it is fresh water or seawater. I do not think you could get a more balanced panel than that and in fact we have had managers from the U.K. and from abroad come in and sit and have input on to that panel and really commend us as to what a good panel it is and how balanced it is. We feel quite strongly that what has come out of it is balance; generally balanced opinion.

Deputy S. Pitman:

The group that I was referring to was the Jersey Recreational Fishing Group who, as you probably know, are not happy with the proposals and they suggest that the control should be with ... there are enough laws already but they are not being policed. They also suggest that this be controlled by the restaurateurs, the buyers of the fish, with receipts, et cetera. What is your view on that?

Mr. D. Thompson:

I am aware that that is the feeling. I think the first thing is that to try to control this situation of the sale of illegal fish through policing, particularly on the restaurateurs, is known to be next to impossible. The level of enforcement and manpower there would be astronomical and it would probably never be achieved. You have a secondary problem that it is not illegal to catch a fish from the shore and sell it to a restaurateur or into a fish market. So anyone trying to enforce that would have a very serious problem in proving that the fish that is in the chillers of a restaurant came from a legitimate source or a non-legitimate source. We, as an association, have tried to address this problem ourselves and we put a lot of effort and a lot of money into trying to identify what was a fish that had come from a sustainable source. So we did not issue these to trawlers, we issued them simply to those who fish by line so that there is a mark of sustainability there. It says: "It is a wild line-caught sea bass that has been caught by a member of the Jersey Fishermen's Association." The public were hugely supportive of this. In fact, it is

why we put so much work into it because we were asked so much: “How do we support the fishing industry?” Sorry, if it sounds as if we are trying to steer this one way but the traders, the merchants, tore them off the fish which was absolutely just inconceivable. We approached them and asked them if they were happy with the way the scheme was going before it ever started. The simple fact was that even the merchants who could buy fish from non-professional fishermen at lower prices were keen. When somebody came into the market and demanded that they had bought a local fish that was caught by a professional, the market traders would say: “No, well, we have fish here, it is local, it is sustainably caught, and it is fresh. Here it is, it has not got a tag on.” The problem is that there is fish coming from so many different sources that we could not control the situation. For all the work - and believe me, it is a little tag but there is a lot of work that goes into setting that up - the whole lot collapsed and we were extremely disappointed. We felt that that would add to the ...

Deputy M.R. Higgins:

When was that, by the way?

Mr. D. Thompson:

This was 2 years ago; this was set up in conjunction with Genuine Jersey. You will see the Genuine Jersey logo on there.

The Deputy of Grouville:

Would you envisage that there is a better way of policing the licensing system? You have come up with that which has fallen by the wayside, unfortunately, by the sound of it, so what would be your idea of policing the licensing system?

Mr. D. Thompson:

Well, the problem is the fish that is at the heart of the problem comes from unlicensed boats anyway. The licensing system is set up so that fisheries’ managers can regulate what professional fishermen do.

The Deputy of Grouville:

Is this not happening properly?

Mr. D. Thompson:

Well, it is not and it is close to reaching a point where commercial fishermen would be much better off if we just scrapped the licensing scheme and fished like everybody else does. Because we do not want to give the impression that we are so forward-thinking that, for instance, on lobster we are still the only ones in Europe to have introduced escape gaps to let undersized lobsters go back out of the pots instead of being hauled to the surface. We are still the only ones in Europe who do that. We have set a maximum number of pots which effectively is effort control for our fishermen. If you do not have a licence, you are not bound to have to abide by this effort control method; it is a licensed condition, if you like. It came from the fishermen, as did the escape gaps. There are quite a lot in the Les Minquiers Reef. We have completely banned all of the efficient gear and parlour pots, anything with a restrictive neck. Again, that does not exist anywhere else in Europe. Fishermen are subject to quotas, quotas are again a part of the licensing system. We cannot fish within 3 miles of Guernsey, in the Bailiwick of Sark or Alderney with a (j) registration on there, but if you take that off you can fish in there.

Deputy S. Pitman:

But getting rid of the licence, is that something that you have put to the panel as well? Is that something that is ...?

Mr. D. Thompson:

I would hate to go down that route. We are quite proud of what we have but the point is that

management of local stocks has built up over quite a long period of time.

Deputy M.R. Higgins:

I want to progress to these things in a minute. We are getting a bit fractured in the way that we are approaching it. I would just like to go back on a few points and just clarify a few points to start with. Going back to your panel, you mentioned that you have members of the recreational panel of Jersey Inshore Fishermen's Association, who are the people you have as representatives on that?

Mr. D. Thompson:

Chris Le Boutillier represents boat owners who, if you like, they are not professional fishermen but some of them do have (j) registration on their boat. You have Ian Syvret who is North Coast Boat Owners. Again, there are no professionals on their committees or in their membership but some of them do possess (j) registration and licences.

Deputy M.R. Higgins:

They come under the recreational heading, do they?

Mr. D. Thompson:

No, the one that you mentioned, Shona, I think you would have to be careful, they claim to represent the leisure sector, whereas the fisherman, the angler, if you like, representative that sits on the panel, I do not believe that he is one of their members and it is ...

Deputy M.R. Higgins:

What I am trying to get to is you have a panel which has been discussing these matters, I am trying to see how representative they are of the bodies, whether it be recreational or inshore. Also, I would like to try and understand to what extent this matter was consulted on. How widely was it consulted on by the panel? For example, has a consultation paper gone out? Have direct representations been made to different organisations?

Mr. D. Thompson:

It is a good question. I think, if you like, that the panel has been quite fair in trying to attract the best representation they can get from each sector. The problem the recreational sector has gone through in the last sort of 5 years is that it has been very fragmented and there was, at one point, a very good group that set up. I am not sure what name they went under but they came very close to encompassing all the small clubs and their spokesperson was Keith White with whom we worked very closely. I think everybody was quite happy with him but there has been more fragmentation in the meantime. I would not like to point a finger at the panel and say: "That is the panel's fault" but it has just been a problem that the recreational sector has been a little bit fragmented.

Deputy M.R. Higgins:

So there really has not been much in the way of consultation with the recreational sector?

Mr. D. Thompson:

I keep all the minutes of the meetings and I have at least 14 sets of minutes where it has been discussed with the representatives of the recreational sector there. I have to say, without digressing again, that there has been quite close liaison. The professional fishermen, through the panel, and it was minuted at one point ... for a bit of give and take we offered when there were bass fishing competitions planned - as bass seems to be the one that draws the attention all the time - we offered, and it was quite a genuine offer, to close that area off to commercial fishing no matter how big that area was. If it was going to be the South East Coast - very popular - that we would notify all our membership that there would be a competition there and that for the week in the lead-up to that that they should respect it and not fish in

that area. So there was give and take.

Deputy S. Pitman:

So how did you go out and consult with these fishermen?

Mr. D. Thompson:

It is not our responsibility to consult with the recreational ...

Deputy S. Pitman:

It is the panel.

Deputy M.R. Higgins:

It is the panel, not you and your association.

Mr. D. Thompson:

Generally the way that it works, and I think you will find this is correct, is that the panel sends out a draft agenda a couple of weeks before and it is the responsibility of each of the representatives on the panel to go to their membership and say: "Look, this is what has been proposed, what do you think of it?" You would come back and we, as professionals, always hold quite a strong meeting in advance, the Marine Resources Panel, so that we know that we are representing our own members.

Deputy M.R. Higgins:

Yes, that is useful. We obviously have this problem where people are selling direct to the restaurateurs and so on. It is such a small community, you must know who these people are ... by and large.

Mr. D. Thompson:

I would certainly know who some of them are, yes, without a doubt. We know who some of them are but there are an awful lot of restaurants around this Island and the recreational fishing industry is growing at a huge rate; it is really, really big. I would also say that the total catch in each sector from the commercials and from the recreational sector is at least on a par ... could be greater in the recreational.

Deputy M.R. Higgins:

So, are there some people, though, who are big players in this who are going out essentially almost like professional fishermen, but are not licensed professional fishermen?

Mr. D. Thompson:

We certainly know some of them. The professionals know some of them and for all of the comment that I am aware of - and I am not a party to everything that you would have seen that has gone to the Fisheries Department - but everybody recognises or everybody is saying: "Yes, we know this goes on. We know individuals that do this."

The Deputy of Grouville:

So, in your opinion, would it be better if the licensing authority were to target these known people rather than going through this rigmarole of bag limits?

Mr. D. Thompson:

I do not think the bag limits is a rigmarole because it ...

The Deputy of Grouville:

Well, who is going to police it? Are you not swapping one set of policing for another?

Mr. D. Thompson:

One of the reasons that we went down the route of bag limits is that it is almost self-policing and 90 per cent of boats at least that go to sea, go from the same slipways. There are not unlimited places to launch a boat around this Island and everybody comes back at the same point and so everybody sees what everybody else is landing. It is certainly not difficult for a Fisheries' officer to turn up once every couple of weeks or a month even and just stop boats as they come in and just have a look. I was not born in this Island but I do come from a background where bag limits were established probably as long as I can remember, 40-odd years, and they tend to work with very little policing, so we know that they do work.

Deputy S. Pitman:

On that point, we were speaking to the Minister and an officer a few weeks ago and they said to police it, they have one voluntary worker but they needed more voluntary workers to police this. But at the time they did not say how they were going to get these people and that they had them and it seemed that these proposals were reliant on those voluntary officers to police this law.

Mr. D. Thompson:

Without a doubt, the honorary or voluntary police officers would be the ones that would be in the front line, if you like. But, again, we are looking at bag limits as some sort of a difficulty. I think you will find that if you speak personally to genuine rod anglers, leisure anglers, who fish from the shore, very few of them catch 5 bass in a day anyway, so they would not be directly affected. Boat anglers, to the contrary, can in a single day catch far in excess of that. So you are not looking at having to police it on everybody, you are simply looking at one particular sector and that is boat anglers that do have access to greater quantities of fish. While many of those are quite conscientious, a lot of them throw ... when they catch enough fish for the table ... and 5 bass is quite a lot of fish. If you have ever taken 5 bass home, it is quite a large quantity of fish, an average fish is 2 or 3 kilograms.

Deputy M.R. Higgins:

I have to be honest, I am not a fisherman, I do not even know what a bass looks like, let alone anything else.

The Deputy of St. Mary:

Five bass is a lot to eat.

Deputy M.R. Higgins:

Can I just go back again because it is just looking at some of these points? How many fishermen are there, licensed fishermen, at the present time?

Mr. D. Thompson:

There are currently 153 or 154 (j)-registered boats or fishing licences, if you like. We have something like 100 fishermen on our membership but we generally declare that the number of genuine full-time professionals is 55 to 60.

Deputy M.R. Higgins:

No, the actual licensing, is that the (j) or is there a fishing licence you have to have? Because we heard that originally the licensing scheme came in, was it about 1997, or something?

Mr. D. Thompson:

Yes, 1996, I think.

Deputy M.R. Higgins:

They were free but now these licences are changing hands for what, £40,000, is that correct?

Mr. D. Thompson:

Yes. My own licence is worth in excess of that, without a doubt. There are different tiers of licensing. Yes, certainly U.K. licensing came in quite a bit earlier than that. Jersey was a little bit behind and professional fishermen certainly did not agree that it was felt that anybody that could show that they sold fish for profit - just almost as a Human Rights' issue - would have to be given ... it is very difficult to differentiate, so everybody that could prove that they had sold fish for profit was effectively given a licence.

Deputy M.R. Higgins:

Now am I right in saying that there is no increase in licensing, so there is a limited number of licences in existence, that is where their value is? So that if no new ones are being issued, fishermen leaving the industry will then sell on their licence to someone else who wants to enter into the industry, is that correct?

Mr. D. Thompson:

To an extent, although what happened was that when licensing first came in there was a little over 250 licences issued. In fact, I think it might be a little bit higher than that, 260-odd licences. Many fishermen who were quite fortunate to not need a licence, simply sold them or have done over the past few years, whereas the professionals with changing boats, buying boats from the U.K. and what have you, that earliest licence was given to them was something way back in history. There is unlikely to be a single professional working with a licence that was given to him. In other words, all professionals will be using boats that are fully licensed. They either bought the licence with the boat or gone out and bought the licence separately.

Deputy M.R. Higgins:

Is there an ongoing fee that has to be paid?

Mr. D. Thompson:

To the licence, no. No. I just have to comment that I genuinely do not think there is anything wrong with our licensing system. I think there are aspects of it that could do with some review but the licensing system is not what is at fault.

Deputy M.R. Higgins:

No, I am trying to discover what the licensing system is; that is where I am coming from. Can I ask you, though, obviously these recreational fishermen, or whoever it is who are selling to the shops, are having an impact on the livelihood of the professional fishermen because they are driving down prices or denying you access to the market. To what extent do you think it is a problem? Can you quantify a figure on it, for example?

Mr. D. Thompson:

I think the first thing it is not entirely correct what you say that they are only affecting professionals. Those that go out to deliberately catch fish and sell them illegitimately are not only depriving professionals of their livelihood, they are also depriving genuine recreational fishermen of a good day out. Because if we are talking about bass again, bass are quite unique in that a certain number of bass will cover a certain area and it is a case that they will be there for 2 or 3 months if they are left there. Whatever is taken out of that, that is gone and there is not a continuous stream coming in. Perhaps through the winter after a storm you will get another lot of fish come in. For someone that goes out and deliberately catches just to sell them through the back door of a restaurant deprives leisure fishermen

just as much as he does deprive ...

Deputy M.R. Higgins:

But what impact is it having on your income levels, let us say?

Mr. D. Thompson:

Well, currently, as will have been claimed, there are not a huge number of professionals that fish for bass for a living. However, we are something of a cottage industry here. For instance, yesterday, the price of lobster dropped below what is effectively viable to go out there and fish for them. It dropped below £10 down to £9. To make a living from lobster at £9 you have to work awfully hard. I would have had to have left at 4.00 a.m. this morning and still be out there at 5.00 p.m. tonight to make enough from lobster to make it viable. So what a fisherman does is he moves on to netting for ray, or line fishing for bass, or he goes on to a different species. Our licensing system does allow fishermen to move around quite freely and that is a good system. But the problem is that when bass prices also are so low, it is genuinely in the summer when there are more of these people that fish and sell for profit, probably half of our fishermen would be fishing for bass at the moment. Stocks are not that bad; there are fish out there available, but it is just another possibility taken out. There are probably only a dozen fishermen at the moment managing to make a living from fishing bass whereas it would probably be half the fleet. So it is a serious issue but ...

The Deputy of St. Mary:

Can I ask about this limited stock of bass in a certain area idea and the impact it has of people just going out and raiding? Excuse my ignorance, but is there a limit on the amount that a professional licensed fisherman would take in a day or week of bass from this area that you say that if the stocks are taken too fast it would just go? Because that would then control the market, would it not? It would level out the peaks and troughs. I do not know, is there a limit?

Mr. D. Thompson:

Currently, the short answer to that is there is no quota on bass. Currently, right at this moment we have almost no quota for sole. The Dover sole is down to 50 kilograms per month which it is not viable to rig a boat up with the gear to catch sole for 50 kilograms. We have complete stoppage on ray. Again, fishermen with a licence are not allowed to fish for ray but recreational fishermen are. Plaice, we have severe restrictions on plaice. We are not allowed to catch cod. There are a number of fish ... bass, at the moment, there are no restrictions on bass. But I do have a seat on what is called the North West Waters Regional Advisory Council which has turned the management from Brussels on its head somewhat in that it has always been top-down management which everybody detests and Brussels is now taking advice from groups similar to our Marine Resources Panel. There are various seats on the North West Waters Advisory Council and we feed advice into Brussels and there is good scientific input into that group and bass, I can promise you, is a very hot topic at that. There are recreational fishermen on that committee or council, if you like, and bass has been one of the really lively debates ever since the North West Waters rack was set up.

Deputy M.R. Higgins:

Why is it such a hot topic?

Mr. D. Thompson:

Simply because, if you go back 20 years, bass was just something that you caught and you took it home to eat and that was it. But it is a very valuable species, it is a great sport fish and everybody is interested in bass.

Deputy M.R. Higgins:

Is that because of the declining stocks of other types of fish?

Mr. D. Thompson:

It is not because of the declining stocks of other fish, it is just because the growing interest it can command ... its average price in the U.K. to fishermen at the moment is about £10 to £12 per kilogram compared to £7 or £8 in Jersey, so there is a big difference there. So it is a profitable fish for commercial fishermen. In the U.K. there are sport fishing groups which exist purely just to represent bass fishermen, so everybody is interested in bass fishing.

The Deputy of St. Mary:

What are the limiting factors then on professionals going out? You said there are about a dozen who concern themselves with bass mainly, is that right?

Mr. D. Thompson:

Yes, on a regular basis.

The Deputy of St. Mary:

So presumably is it sort of self-regulating beyond a certain point? If you land more bass you cannot eat them, so the price goes through the floor, so you stop landing bass.

Mr. D. Thompson:

Precisely that.

The Deputy of St. Mary:

It works like that, does it, pretty well?

Mr. D. Thompson:

Precisely. I have moved away from deep-sea fishing, trying to run the organisation, and I have a boat that I go out single-handed and it was set up to fish as much for bass as any other fish. But I find I fish perhaps 3 or 4 days in a month when I know there is going to be a strong enough market, or when I think there will be a strong enough market. It does regulate. Yes, absolutely. That is quite correct.

The Deputy of Grouville:

How big a problem is it that some French boats, I gather, come in Jersey waters late at night? How big a problem is this to the stocks and the commercial aspect?

Mr. D. Thompson:

Catches of bass by French trawlers around the Island is not particularly huge. You will hear quite a lot about French trawlers scooping up tonnes of bass. It does go on to some extent. It is in the Channel; it is not in local waters. There is a very, very strong fishery just to the west of Guernsey, inside the Guernsey fisheries' limits, it is a rod and line fishery, it is not a fishery that you can use trawls on. The tonnage that comes out of that is quite high over the course of the winter. In 2007 there was some 400-odd fish tagged out of that stock and those are the same fish that French pelagic trawl for, or mid-water trawl. Of the 400-something fish that were tagged, virtually none turned up in Jersey. So, they turned up in Newhaven, up and down the French coast, but it is simply not the same stock, so it is not relative to the argument.

Deputy M.R. Higgins:

We have been hearing that the spawning ground for bass is a pinnacle bank off Guernsey and there are a lot of boats fishing in that area, perhaps over-intensively fishing in that area, is that true?

Mr. D. Thompson:

There are a number of spawning areas around Guernsey. Without going into too much detail, bass follow a water temperature of about 9.7 degrees when they are in spawning condition and you do not get 9.7 around Jersey, if you have ever swum in the sea during the winter, but just to the west of Guernsey you will find 9.7 degrees quite easily. So, yes, to the west of Guernsey and particularly around the Casquettes area. But a lot of that is not accessible to boats that fish with trawls anyway, it is within the Guernsey sea fisheries' limits and there are quite strict regulations on what you can and cannot do there.

Deputy M.R. Higgins:

You see, what we are trying to get at in a sense, we are trying to understand obviously - that is why we are asking a lot of questions from all over the place - we are trying to get a grasp of the whole thing. From what I can see then, you are saying there is no problem with stocks of bass at the present time, it is not as if there is a need for conservation or overt conservation. It appears to be more it is having an impact on the price of fish within the Island and, therefore, it is hurting the income of professional fishermen, is that a correct statement?

Mr. D. Thompson:

I think it is a little bit unfair to narrow it down to that point. Bass stocks are definitely not in crisis. It is a fact that the warmer water has caused serious problem with other stocks. We have almost entirely lost our plaice stocks. Despite the fact you can buy fresh Jersey bass in almost any restaurant around the Island, there are virtually no plaice caught around Jersey any more. Bass have benefited from that extra water temperature and the stocks have sustained quite a bit of pressure, and there is no question there is quite a bit of pressure on bass stocks. To say that there is no need for conservation is probably incorrect in the fact ...

Deputy M.R. Higgins:

No, I do not mean that, because we should be preserving all stocks in a sense ... well, making sure they are sufficient.

Mr. D. Thompson:

Sure. If you would like a short answer then it is not a stock in crisis.

Deputy M.R. Higgins:

Yes, that was what I was coming to.

Mr. D. Thompson:

But I think we have to be careful to say that there is no need for conservation. I would put it that we are not just looking at professionals' livelihoods here, we are genuinely looking at what is the best use of the limited bass stocks that we have around the Island. Certainly the current system, or lack of one, is not serving either sector particularly well. It is certainly not serving the professionals very well. They cannot make a living from fishing for bass and a lot of genuine leisure fishermen are being deprived of their sport as well by those that go out and fish in excess.

The Deputy of St. Mary:

Yes, I want to pick up on that thing of doing leisure and these hybrid people we have. I can see what you are saying about price and about the role of the licensed fishermen at play and yourself and your association; it sounds really good what you have been doing with lobster, and so on. But I have this problem with having a rigid distinction between: "Yes, you can, you are licensed" and: "No, you cannot, you are not licensed." I am just looking sideways first into Guernsey where people I have met have 3 jobs and one of them is fishing, do you know what I mean? It is another string to the bow to get a living one way or another; a sort of hobby plus money. I just wonder whether also looking forward, our

economy is going to go more in that direction of moving away from a formal economy where I do X and you do Y and that is how we make our living. It is going to become much more fluid because people are going to be doing all sorts of stuff and I just wonder how you see that sitting with this notion that, you know, I am a professional, it is my living, keep off my patch? Do you see what I mean? I am just putting it hypothetically and quite strongly just to see what your reaction is.

Mr. D. Thompson:

Yes, I think the first thing, Daniel, is that we genuinely do need to draw a distinction from what is a recreational fisherman and what is a professional. There are some real benefits in drawing that distinction and certainly right through the 8 or 9 years of debate on bag limits, the recreational fishermen themselves have said, yes, it is time to draw a distinction between the 2. The problem if you have a grey area between what is a licensed fisherman and what is a recreational fisherman is that you have no control over that fisherman. I think there is a very big case for if someone wants to fish for profit, they want to make that a part of their livelihood, then do what all fishermen that make their living from fishing do, buy a licence. As soon as you are a licensed fisherman, the managers, the fisheries management people, have some sort of a control over what you do. The licensing scheme in Jersey pretty much reciprocates what exists in the U.K. and enables the Fisheries Department to bring something in at extremely short notice so if, for instance, there was an absolute crash in lobster stocks or a crash in bass stocks, this year it became obvious that if we did not do something it could ... a condition of licence could be brought in, in a matter of days to be just entirely stop fishing for bass, enforce a maximum quota. The problem when you have someone a little bit in between in some sort of a grey area is that you have no control over what that person does so I think for the sake of saying, well, okay, I want to become partly professional to say that then you should have a licence, you know. I do not think that is unreasonable.

The Deputy of St. Mary:

I take that point and that is well made I think. Then you have the issue of a limited market in terms of what you are doing by having quite a high price on the licence itself. It reminds me a little bit of taxes in the past but, you know, if you restrict the number of people I just wonder how far valid that is. I accept your point about, you know, the people who go out there because it is a conservation issue as well and you need those controls, licensing is fine, but comment on the fact that entry to become a licensed fisherman is quite expensive.

Mr. D. Thompson:

In the different tiers of licensing, most professionals would have a licence that covers both wet fish or fin fish and shell fish as in lobster and that is a licence that will attract quite high prices. But if you simply want to go out, if you are a fisherman that enjoys doing a bit of both, for instance you like to go occasionally to catch just for the table, for a bit of sport, but you might also like to do a little bit for your living, you can buy a wet fish licence for a boat for as little as probably £1,500 or £2,000. It is not, when you take the price of fishing into the equation, particularly restrictive that and there is certainly no ... in fact, we feel quite strongly that there should be some restriction on numbers of licences but currently there is no restriction, you can go on the open market in the U.K. and there really is no limit on the number of licences so it is really not like the taxi system. You do not have to wait for somebody to go out before you can ...

The Deputy of St. Mary:

I thought you said there was 153 (j) registered boats and that was it and you had to buy it off somebody else.

Mr. D. Thompson:

That is the total number of licensed boats in Jersey but that is not a given number that we have to stick

to. There is an open market for licences. In fact, professional fishermen are proposing - the department does not particularly like the idea - that on top of licensing there should be a permit system that we could regulate so that when there is, for instance, a problem with lobster stocks instead of imposing a quota which is quite difficult to regulate, that we would only issue or that there would only be a certain number of permits issued so you would still have your licence to fish but only a given number would be able to fish on a particular stock that was threatened, so in that case there would be ... but at the moment there is no limited number at all.

Deputy M.R. Higgins:

I want to understand this.

The Deputy of St. Mary:

You are puzzled about this.

Deputy M.R. Higgins:

I am ... about the licensing thing. Okay, you make your point.

The Deputy of St. Mary:

I know why I am puzzled. So you have 153 (j) registered and then you ... I fancy to start, you know, which I do not at all but I fancy it so I want to get a licence. Now I knock on all these doors and nobody seems to want to sell me their licence, thank you very much. So what do I do? I can go to England and buy a licence and then come back and get a boat and fish?

Mr. D. Thompson:

You can certainly walk out of this room and pick up a telephone number for a licensed trader in the U.K. and buy a licence tomorrow.

Deputy M.R. Higgins:

They have a right to fish within the 3 miles of Jersey?

Mr. D. Thompson:

Almost unfortunately, yes. I mean, you know, if you like we have brought in effort limitations. For instance the number of lobster pots are strictly controlled because we did it, you know, of our accord but we are now severely restricted in how much gear we can work, but Daniel can go and buy a licence, put it on a boat and bring another 300 or 400 pots into the system so it is not really, you know ... it is not there is an opening there to increase the numbers so that is why we are asking the Fisheries Department if we could not look at, on top of licensing, to have a permit scheme that we would, once and for all, set the amount of effort on any one given stock.

Deputy M.R. Higgins:

I think what we are discovering is it is far more complex and confused than we realise. Can I just ask another question; I just want to sort of come into, it is moving away slightly away from the bag limits to a certain extent, but what do they do in Guernsey about this?

Mr. D. Thompson:

The Guernsey system is almost identical to Jersey.

Deputy M.R. Higgins:

They do have bag limits, do they?

Mr. D. Thompson:

No, sorry, there are no bag limits in Guernsey but I thought you meant the licensing system.

Deputy M.R. Higgins:

Yes, the licensing and bag limits I was going to come to that as well. So they have a similar licensing system but they do not have bag limits. Why do they not have bag limits?

Mr. D. Thompson:

I really do not follow very closely how they try to confront their issues in Guernsey but they do, it has to be said, have a slightly stronger marketing situation in Guernsey in that they have a form of co-operative there and they have a vessel that loads up once or twice a week and then goes off to a U.K. market or a French market.

The Deputy of St. Mary:

I was going to ask that.

Deputy M.R. Higgins:

Is there any possibility of you doing the same?

Mr. D. Thompson:

I do not know how much I can divulge but there are one or 2 fishermen who are looking into doing exactly that at this moment.

Deputy M.R. Higgins:

The other thing too is the French. How much are French fisherman ... are they causing any problem?

Mr. D. Thompson:

On fish stocks probably enough but they are doing it legitimately within the Bay of Granville agreement. Sort of digressing again I suppose if you like, the big problem for professionals is that the French fishermen are certainly bullying Jersey fishermen out of almost all of the good areas at the moment and it has been the worst year on record for conflict ...

Deputy M.R. Higgins:

I have heard that they tend to put their boats in the way and all sorts if you are in that area. Is that right? Is there a bit of manoeuvring, sort of blocking what you are trying to do?

Mr. D. Thompson:

It is a great shame because one of my colleagues and I have worked harder than we have ever done in the past to open up good lines of communication and that communication exists virtually on a moment-to-moment basis. We can get information through about who is working where so there is no conflict. The contact numbers of the boats are passed around on laminated sheets so fishermen can speak to their French counterpart when there is conflict. We have done a lot of work and the lines of communication are better than ever, but the truth is on the ground that it has been a disastrous year. There was £2,000 worth of gear destroyed by French fishermen last week alone to our guys. In the current economic climate that is just disastrous.

The Deputy of Grouville:

Who polices it or who is meant to police it?

Mr. D. Thompson:

They are not fishing anywhere that they are not supposed to fish, that is the problem. There are no written laws on who can fish where and it is generally down to fishermen to try and find methods of

working together and there was a piece of legislation that went through on the Fruciobier(?) which took us about 5 or 6 years to finally get through which did limit the number of French boats that fished down there. It is an area of huge conflict and those fishermen now, there is only 5 boats French boats permitted to work in that area. Those fishermen guard that permit. You know, if we do anything wrong we might lose that permit so it is working extremely well down there so we have found ways to resolve it in one small area.

Deputy M.R. Higgins:

Unfortunately, I have taken you off track here but I must admit at some point it is the timing thing, it is your timing - what I would ask is that at some point in the future I think I would love to have you back to get a bigger picture of fishing anyway in the industry and the sort of problems you face - but can I just go around the panel and ask if any panel members have anything they particularly want to ask you about this topic.

The Deputy of Grouville:

It is a hypothetical sort of proposition. What would happen or what would you think of if licences were scraped completely, possibly replaced with a permit so you can regulate you were saying sort of very quickly in the market if there are issues going on? If licences were scraped and you have a permit for the conservation bit and market option set up, how would that help or not?

Mr. D. Thompson:

I think in some respects I have already answered, the question of licensing in that if you take licensing out you lose that ability to control at short notice what fishermen are doing and we would be reluctant to go down that route.

The Deputy of Grouville:

But if everybody that fished had to get a permit then you would not.

Mr. D. Thompson:

As an organisation we are certainly advocating that permits ... the problem is you know we were discussing that anyone can go and buy a licence, but a permit can have quite a lot attached to it. For instance, we would advocate that you must have genuine economic links to the Island. At the moment, a French company can buy my boat and put a French crew on it and just because they have brought the licence with it they can fish up to the beach whereas a permit you can attach a lot more to it. So we would be in favour of moving toward the permit system, but simply dropping the licensing scheme in one go would be a bit of a bold move.

Deputy S. Pitman:

If you brought in permits would that work with this proposed legislation or regulations?

Mr. D. Thompson:

For the bag limit? I think what you have with the bag limit is you have the ability to allow those who want to just simply go out and fish for the fun of fishing or for food on the table, you are allowing them to do it. You are simply saying there is a limit on how much of any particular species you can take home; that is all you are doing. We opposed ... about 5 years ago the U.K. tried to impose some measures to licence every single person that wanted to use a rod, every kid who wanted to use a rod from the end of the pier. We opposed that because we felt that was unnecessary that young kids, you know, that want to go out instead of vandalising or something to go out and have fun fishing. They should not have to buy a licence; a different licence to what we have but we opposed that. We think that our freedom to pursue, you know, angling as a sport should exist and that should be left to one side, but the bag limit is a measure to control that to some extent.

Deputy M.R. Higgins:

I think everyone has asked the questions they want to ask. Could I just give you the opportunity, is there anything that you either want to stress to us or anything you want to say that you have not had a chance to say already?

Mr. D. Thompson:

There are a couple of points. I think from what I have seen I think there is probably, when you speak directly to leisure fishermen to anglers, recreational fishermen, there is probably more support for this when you speak individually and explain the situation than might be perceived through some of the letters you are receiving from some of the more vocal fishermen. So I think to say there is huge opposition to it firstly is wrong, and what I find is that a lot of recreational fishermen ... we do not mind it but we think perhaps a professional should be looking at some measures; a bit of give and take on this so we all benefit. Well, I do not know how readily professionals will accept measures on bass but from my work with the North West Waters R.A.C. (Regional Advisory Council), I can almost guarantee we will have measures in the very near future imposed on professionals but, you know, it definitely will happen. The size limit is almost certainly going to go up in the very near future.

Deputy M.R. Higgins:

This is for conservation?

Mr. D. Thompson:

This is for conservation reasons. I think globally, if you like around Europe, it is recognised that the current interest and pressure on bass is probably not sustainable for the long term future. So what I am saying there is, you know, I think rather than throw the whole thing out that perhaps the way to proceed is to try and look at it as this is one measure for the first time, if you like, that will apply to recreational fishermen and that perhaps commercial fishermen need to be looking at giving something in return, you know, some measures on professionals as well.

Deputy M.R. Higgins:

Thank you for coming. Sorry, one last general question, if you do not mind. You mentioned about the changing temperature of the water and the fact that the bass is thriving and other things are not. Is this a climate change issue that you are aware of? How long has this been going on or does it happen periodically over the years or what from your experience as a fisherman?

Mr. D. Thompson:

I think it is the problem with trying to talk about bag limits, you know, fisheries management if you like and the whole system out there is to take one thing in isolation is almost impossible but without doubt, you know, we are seeing movement in what is going on whereas plaice have almost completely disappeared from local waters. We know there are plaice fisheries in the North Sea that are going quite strong at the moment and, unfortunately, it does not take a great deal ... we do not need to look at 2 or 3 degrees of difference in temperature to upset the cycle of certain stocks. I mean I keep fish at home myself just, you know, as a hobby in a pond out the back and they are very, very sensitive to whether they even spawn or not in any particular year dependent upon what the temperature reaches.

Deputy M.R. Higgins:

Very interesting. Thank you very much for coming and can I just say, please feed back to your members the fact that the panel is not coming from any particular direction. We are here genuinely to sort of gather evidence and come to a conclusion on whether to support the legislation or not. So, as I say, we have no vested interest, no fixed position for anything else; we are gathering evidence. Thank you for coming.

