

# STATES OF JERSEY



## **DRAFT SEA FISHERIES (MISCELLANEOUS PROVISIONS) (AMENDMENT No. 5) (JERSEY) REGULATIONS 200-**

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Lodged au Greffe on 14th April 2009  
by the Minister for Economic Development

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STATES GREFFE





Jersey

## **DRAFT SEA FISHERIES (MISCELLANEOUS PROVISIONS) (AMENDMENT No. 5) (JERSEY) REGULATIONS 200-**

### **REPORT**

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#### **Background**

Under the terms of the UK/Jersey Fisheries Management Agreement (FMA), Jersey is obliged to introduce certain regulations concerning the management of fishing effort, one such regulation relates to the need for all commercial fishing vessels to operate under the authority of a fishing licence.

The existing local Regulations concerning licensing only relate to the activities of all vessels in the Jersey territorial sea and Jersey vessels in a part of the French territorial sea. It is therefore possible for a vessel to fish in areas outside those covered by the regulations and to land catch in Jersey without the need for a licence.

In terms of international fisheries management this leaves a loophole in the licensing framework, and at a local level it creates a requirement for considerable resources to be deployed in order to secure a conviction against a fishermen suspected of unlicensed fishing in local waters.

Under the terms of the UK/Jersey Fisheries Management Agreement and in compliance with the Sea Fisheries (Jersey) Law 1994, the UK Secretary of State's approval is required before certain fisheries Regulations can be adopted locally. That approval has now been obtained.

#### **Impact on Jersey fisheries**

The cost of a fishing licence is significant, even for a small vessel, and creates a temptation for fishermen to circumvent the need for such a licence. At a local level, fishermen who do not incur the expense of purchasing a licence can potentially accept a lower price for any fish they sell, compared to those fishermen in possession of licences. Whilst the scale of any such activity is difficult to assess, legitimate commercial fishermen have requested that effective controls are put in place to prevent it.

The Draft Regulations effectively create an offence for a fisherman to land and sell catch from an unlicensed fishing boat. This will be more readily enforceable than the existing controls found in the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 and will serve to close the current loophole. If approved, the Draft

Regulations will help to put local fishermen on a level playing field with fishermen elsewhere in Europe, where legislation having a similar effect is already in place.

The Draft Regulations also prohibit any person from selling or keeping any fish (with the intention of selling them) if those fish were first landed in Jersey and the person knows or ought reasonably to suspect that the fish were caught from an unlicensed fishing boat. This measure is intended to ensure that all involved in the trade of fish comply with any requirements they might reasonably be expected to.

The Regulations will have no impact on genuine recreational fishermen keeping fish for their own use. The members of the Fisheries and Marine Resources Panel that include leaders from commercial fishing, leisure fishing and angling have discussed and agreed this proposal.

**Financial/manpower implications**

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

## **Explanatory Note**

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These Regulations insert a new Regulation into the Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998. The effect is to prohibit a person from selling any sea fish, or processing, keeping or carrying any sea fish with the intention of selling them, if the fish were first landed in Jersey and the person knows or ought reasonably to suspect that the fish have been caught by, or landed or transhipped from, a fishing boat that does not have a valid licence.





Jersey

## **DRAFT SEA FISHERIES (MISCELLANEOUS PROVISIONS) (AMENDMENT No. 5) (JERSEY) REGULATIONS 200-**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

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

### **1 Article 1A inserted**

After Article 1 of the Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998<sup>2</sup> there shall be inserted the following Regulation –

#### **“1A Prohibition on selling, etc. of sea fish coming from unlicensed fishing boat**

- (1) No person shall sell any sea fish or, with the intention of selling them, process, keep or carry any sea fish, that –
  - (a) have been landed in Jersey having not previously been landed elsewhere; and
  - (b) the person knows, or ought reasonably to suspect, have been caught by, or landed or transhipped from, an unlicensed fishing boat.

- (2) In this Regulation –

‘fishing licence’ means a licence or permit authorizing fishing unconditionally or subject to certain conditions and granted by the authority of any country or territory that is empowered to authorize fishing by that boat;

‘unlicensed fishing boat’ means a fishing boat in respect of which no fishing licence is in force, whether or not the boat is registered in any country or territory.”

**2 Citation and commencement**

These Regulations may be cited as the Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200- and shall come into force 7 days after they are made.



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- <sup>1</sup> *chapter 14.825*  
<sup>2</sup> *chapter 14.825.80*