DRAFT SEA FISHERIES (TRAWLING, NETTING AND DREDGING) (JERSEY) REGULATIONS 199

Lodged au Greffe on 6th July 1999 by the Agriculture and Fisheries Committee



STATES OF JERSEY

STATES GREFFE

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Explanatory Note

The purpose of these Regulations is to control certain fishing activities within the extended territorial sea of the Island.

The Regulations are divided into five parts.

Part I - Interpretation and Application

Regulation 1 relates to interpretation and defines certain terms.

Regulation 2 applies the Regulations to the whole of the extended territorial sea within the jurisdiction of the Island.

Part II - Nets and conditions for their use

Regulation 3 prescribes minimum mesh sizes for nets used by reference to the First and Third Schedules. Maximum catches for larger species and, by reference to the Second Schedule, protected species, are also prescribed.

Regulation 4 prohibits attachments to nets, save those dealt with in Part IV, which effectively reduce the size of the net.

Regulation 5 restricts the use of specified fishing gear and restricts the size of the catch of certain species of fish, again by reference to the Second Schedule.

Regulation 6 prohibits the processing of fish on a vessel to produce fishmeal, oil or similar products.

Part III - Determining the mesh size of a trawl

Regulation 7 describes the gauge to be used to measure the size of the mesh of a trawl.

Regulation 8 describes how the gauge is to be used.

Regulation 9 describes which meshes in a net are to be selected for measurement.

Regulation 10 describes how each mesh is to be measured.

Regulation 11 describes how the size of the mesh is calculated.

Regulation 12 describes the sequence of the inspection procedure.

Part IV - Determining the mesh size of passive gear

Regulation 13 describes the gauge to be used to measure the size of the mesh of passive gear.

Regulation 14 describes the measurement procedure for measuring the mesh size of passive gear.

Part V - Attachment of devices to nets

Regulations 15-26 describe the various devices which may be attached to nets (see also Regulation 4) which are liable to obstruct the mesh in any part of the net or diminish the dimensions of the mesh, and the conditions under which these devices may be used.

Part VI - Citation and commencement

Regulation 27 is the citation and commencement provision.

Sea Fisheries (Jersey) Law 1994

SEA FISHERIES (TRAWLING, NETTING AND DREDGING) (JERSEY) REGULATIONS 199

(Promulgated on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, in pursuance of Articles 2, 5, 7, 8 and 22 of the Sea Fisheries (Jersey) Law 1994, having consulted with the Secretary of State and obtained his concurrence, have made the following Regulations -

PARTI

INTERPRETATION AND APPLICATION

Interpretation

1.-(1) In these Regulations, unless the context otherwise requires -

"bottom set gillnets or entangling nets" means any gear made up of a single piece of net, fixed by any means to the bottom;

"codend" means the rearmost part of a trawl, having either a cylindrical or a tapering shape, and includes the codend *sensu stricto* and the lengthening piece;

"codend sensu stricto" means a codend that is made up of one or more panels (pieces of netting) of the same mesh size attached to

¹ Recueil des Lois, Volume 1994-1995, pages 141, 143, 146, 147 and 161.

one another along their sides in the axis of the trawl by a lacing where a lacing rope may also be attached;

"electro-mechanical devices" include transducers which are used to provide information about the position of the net in the water and the extent to which it is filled with fish;

"float" means a buoyant unit used to give lift or to mark a position of a trawl, or both;

"kite" means a unit used to give lift to the trawl;

"lacing rope" means rope running lengthwise along the join between two pieces of netting in the direction of the axis of the trawl;

"lengthening piece" means a piece that is made of one or more panels located just in front of the codend sensu stricto;

"passive gear" means gillnets, entangling nets and trammel nets which may consist of one or more separate nets which are rigged with top, bottom and connecting ropes and may be equipped with anchoring, floating and navigational gear;

"protected species" means those species listed in the Second Schedule;

"square-meshed netting" means netting which is mounted so that the two AB directions of the meshes forming the panel are, in one direction, parallel to the longitudinal axis of the codend sensu stricto and, in the other direction, at right angles to its longitudinal axis, and the AB direction is the direction parallel to a rectilinear sequence of mesh bars, each from adjacent meshes;

"strengthening lacing" means lacing that is made of rows of meshes which may be laced together in order to strengthen the netting;

"trammel nets" means any gear made up of two or more pieces of net hung jointly in parallel on a single headline, fixed by any means to the bottom of the sea:

"trawl" includes a trawl, Danish seine or similar towed net.

- (2) A reference in these Regulations to a Regulation or Schedule by number only and without further identification is a reference to the Regulation or Schedule of that number in these Regulations.
- (3) A reference in a Regulation or other division of these Regulations to a paragraph or sub-paragraph, by number or letter only and without further identification, is a reference to the paragraph or sub-paragraph of that number or letter in the Regulation or other division in which the reference occurs.

Application

2. These Regulations apply to the Island and the territorial sea of the Island save where they are inconsistent with the Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 199.

PART II

NETS AND CONDITIONS FOR THEIR USE

Minimum mesh sizes

- 3.-(1) No person shall use any trawl, Danish seine or similar towed net unless its mesh size in that part of the net having the smallest meshes is equal to, or greater than, one of the minimum mesh sizes listed in the First Schedule, hereinafter called the reference minimum mesh size, and unless the catch taken with that net and retained on board includes -
 - (a) a percentage of authorized target species equal to or greater than that specified in the First Schedule;
 - (b) a percentage of protected species which does not exceed that specified in the First Schedule;

for the reference minimum mesh size.

- (2) Notwithstanding paragraph (1), the minimum percentage of target species may be obtained by aggregating the quantities of all the target species caught if -
 - (a) they are target species for which the maximum percentage of protected species is 10%;
 - (b) they are target species for which the reference minimum mesh size is the same as, or less than, the mesh of the net in use;
 - (c) the total percentage for all protected species combined as a proportion of the total weight of all the target species combined does not exceed 10%.
- (3) Dredges are exempted from the provisions of paragraph (1), but no vessel shall have on board or land more than 10% of protected species when fishing with dredges.
- (4) The percentages referred to in the First Schedule shall be calculated as the proportion by weight of all fish, crustaceans and molluscs on board after sorting or on landing, taking into account any quantities which have been transhipped and may be calculated on the basis of one or more representative samples.
- (5) Notwithstanding paragraph (4), when fishing for sand-eel with nets having mesh sizes smaller than 16 mm the percentage may be measured before sorting.
- (6) Sorting shall be carried out immediately after hauling, and catches of protected species which exceed the percentages in the First Schedule shall be discarded immediately into the sea.
 - (7) Catches shall be estimated as live weight.
- (8) Nets with mesh sizes smaller than the mesh size of the net used in conformity with paragraph (1) shall not be kept on board unless they are properly lashed and stowed in such a way that they may not be readily used.

- (9) No vessel shall have on board or use any trawl, Danish seine or similar towed net of which the minimum mesh size is equal to or greater than 90 mm having more than 100 meshes in the circumference at least of the codend *sensu stricto*, excluding the joinings and selvedges.
- (10) Any trawl, Danish seine or similar towed net of which the mesh size is equal to or greater than 100 mm may be equipped, in the upper part of the codend, with a section (panel or window) of square-meshed netting attached to the joinings or selvedges, having a mesh size equal to or greater than 90 mm.
- (11) No person shall use bottom set gillnets, entangling nets and trammel nets with mesh sizes which do not correspond to any of the categories set out in the Third Schedule, and no vessel shall have those nets on board.
- (12) When catches are made by vessels using bottom set gillnets, entangling nets or trammel nets with sizes corresponding to one of the categories set out in the Third Schedule, the percentage of quantities retained on board expressed in live weight, for one or any combination of species or groups of species mentioned in the corresponding mesh size category, may not be less than 70%.
- (13) The mesh size of a trammel net mentioned in paragraphs (11) and (12) shall be that of the piece of net with the smallest mesh size.

Attachments to nets

4. Save as provided for by these Regulations, no device shall be used by means of which the mesh in any part of the net is obstructed or otherwise effectively diminished.

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Restriction on the use of certain types of gear in fishing for certain species

- 5.-(1) No person shall use purse seines to fish for species listed in the Second Schedule.
- (2) When fishing with purse seines no vessel shall have on board a quantity of the species listed in the Second Schedule which

exceeds 5% by weight of the total weight of fish, crustaceans and molluscs on board.

- (3) The percentages referred to in paragraph (2) shall be calculated in accordance with the provisions of paragraphs (4), (5), (6) and (7) of Regulation 3.
- (4) No vessel shall have on board or use beam trawls the aggregate beam length of which, measured as the sum of the length of each beam, is greater than 24 metres or can be extended to a length greater than 24 metres.
- (5) The length of a beam trawl shall be measured between its extremities, including all attachments thereto.
- (6) No person shall undertake encirclements with purse seines on schools or groups of marine mammals when aiming to catch tuna or other species of fish.

Processing operations

6. No person shall, except for the processing of offal, carry out on board a vessel any physical or chemical processing of fish to produce fishmeal, oil or similar products.

PART III

DETERMINING THE MESH SIZE OF A TRAWL

Description of gauges

- 7.-(1) A gauge to be used for determining mesh sizes of a trawl shall be 2 mm thick, flat, of durable material, be capable of retaining their shape and shall have either -
 - (a) a series of parallel edged sides connected by intermediate tapering edges with a taper of one to eight on each side; or
 - (b) only tapering edges with the taper as described in subparagraph (a); and

- (c) shall have a hole at the narrowest extremity.
- (2) A mesh gauge referred to in paragraph (1) shall be inscribed on its face with the width in millimetres both on the parallel-sided section, if any, and on the tapering section, and in the case of the latter the width shall be inscribed every 1 mm interval and the indication of the width shall appear at regular intervals.

Use of the gauge

- 8.-(1) The net shall be stretched in the direction of the long diagonal of the meshes.
- (2) The gauge shall be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net.
- (3) The gauge shall be inserted into the mesh opening, either with a manual force or using a weight or dynamometer, until it is stopped at the tapering edges by the resistance of the mesh.

Selection of meshes to be measured

- 9.-(1) Meshes to be measured shall form a series of 20 consecutive meshes chosen in the direction of the long axis of the net.
- (2) Meshes less than 50 cm from lacings, ropes or codline shall not be measured, which distance shall be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement and no mesh shall be measured which has been mended or broken or has attachments fixed to the net at that mesh.
- (3) The meshes to be measured need not be consecutive if the application of paragraph (2) prevents it.
 - (4) Nets shall be measured only when wet and unfrozen.

Measurement of each mesh

10. The size of the mesh shall be the width of the mesh gauge where it is stopped, the mesh having been stretched manually until the

sides are straight and taut, as provided for by paragraph (3) of Regulation 8.

Determination of the mesh size of the net

11. The mesh size of the net shall be the arithmetical mean in millimetres of the measurements of the total number of meshes selected and measured, the arithmetical mean being rounded up to the next millimetre.

Sequence and inspection procedure

- 12.-(1) The sea fisheries officer shall measure one series of 20 meshes in accordance with Regulations 8 and 9, except that on the first measurement the gauge shall be inserted manually without using a weight or dynamometer, and determine the mesh size in accordance with Regulation 11.
- (2) If the calculation of the mesh size shows that it does not appear to comply with these Regulations or the master disputes the mesh size the sea fisheries officer shall repeat the procedure under paragraph (1) with two additional series of 20 meshes.
- (3) The mesh size shall then be recalculated in accordance with Regulation 11, the total number of meshes being 60, and the result of this determination shall be final.
- (4) Where a mesh is re-measured under paragraph (2) a weight or dynamometer, as the sea fisheries officer sees fit, shall be attached to the gauge, and the accuracy of the weight or dynamometer shall be certified by the Department of Agriculture and Fisheries.
- (5) Where a weight is used it shall be fixed to the hole in the narrowest extremity of the gauge using a hook.
- (6) Where a dynamometer is used it may be fixed to the hole in the narrowest extremity of the gauge or be applied at the largest extremity of the gauge.
- (7) For nets of a mesh size of 35 mm or less, as determined under paragraph (1), a force of 19,61 newtons (equivalent to a mass of

2 kg), and for other nets a force of 49,03 newtons (equivalent to a mass of 5 kg), shall be applied.

PART IV

DETERMINING THE MESH SIZE OF PASSIVE GEAR

Description of gauges

- 13.-(1) A gauge to be used for determining mesh sizes of passive gear shall be of durable material, capable of retaining its shape and constructed in accordance with the Fourth Schedule.
- (2) When extended a gauge referred to in paragraph (1) shall be capable of measuring mesh sizes up to 300 mm and the scale shall be graduated in intervals of 1.5 mm and 10 mm.
- (3) The jaws of the gauge which measure the opening of the mesh shall be at least 1 mm but no more than 3 mm thick and shall have rounded edges.

Measurement procedure

- 14.-(1) Meshes at the top or bottom of a net selvedge attached to a length of rope, a support frame or other attachment, meshes within two meshes of lacings and ropes or meshes that have been broken or repaired shall not be measured.
 - (2) Nets shall be measured only when unfrozen.
- (3) No force, other than manually extending the gauge, shall be used to measure a stretched net.
- (4) The sea fisheries officer shall select 20 meshes from the net, and in the case of a trammel net, the net having the smallest mesh shall be selected.
- (5) The sea fisheries officer shall measure the opening of each mesh by inserting the gauge into a mesh, in whichever direction is the longer, and the mesh shall be stretched manually until the sides of the mesh are straight and taut.

- (6) The mesh size of the net shall be determined in accordance with Regulation 11.
- (7) If the master disputes the mesh size the sea fisheries officer shall repeat the procedure under paragraph (5) with an additional series of 20 meshes.
- (8) The mesh size shall then be re-calculated in accordance with Regulation 11, the total number of meshes being 40, and the result of this determination shall be final.

PART V

ATTACHMENT OF DEVICES TO NETS

Bottom-side chafer

- 15.-(1) A bottom-side chafer may be formed of any piece of canvas, netting, or any other material.
- (2) More than one bottom-side chafer may be used at the same time and they may overlap.
- (3) Bottom-side chafers may be attached only to the outside of the trawl and only to the lower half of any part of the trawl, and they may be fastened only at their front and side edges.
- (4) If strengthening bags or chafing pieces are used, the bottom-side chafer may be attached only outside the strengthening bags or chafing pieces and in the manner specified in paragraph (3).

Top-side chafer

- 16.-(1) The use of either of two types of top-side chafer designated type A and type B, is permitted.
- (2) A type A top-side chafer may be formed of any rectangular piece of netting which has a mesh size equal to at least that of the codend and -

- (a) its width shall be at least one and a half times the width of the codend which is covered, such widths to be measured perpendicular to the long axis of the codend;
- (b) it may be attached by its forward and lateral edges only to the upper half of the outside of the codend;
- (c) if a lifting strap is fitted to the codend, the top-side chafer shall be fastened in such a manner that it does not extend more than four meshes forward of the rear lifting strap;
- (d) if a lifting strap is not fitted the top-side chafer shall be fastened in such a manner that it does not cover more than the last rear third of the codend;
- (e) in both cases under sub-paragraphs (c) and (d) the top-side chafer shall end not less than four meshes in front of the codline.
- (3) A type B top-side chafer may be formed of any rectangular piece of netting which must be made of twine which has the same diameter as that of which the codend is made and have a mesh size equal to twice that of the codend and it may completely cover the upper half of the codend sensu stricto, but it shall be attached only by its four edges in such a way that, at the points of attachment, the side of each mesh coincides with two sides of the meshes of the codend.
- (4) No person shall use more than one top-side chafer at any time.
- (5) No person shall use a top-side chafer together with strengthening bags except for trawls having a mesh size equal to or less than 60 mm.

Strengthening bag

17.-(1) A strengthening bag is a cylindrical piece of netting completely surrounding the codend of a trawl and which may be attached to the codend at intervals, and it shall have at least the same length and width as that part of the codend to which it is attached.

- (2) No person shall use more than one strengthening bag except when attached to trawls having a mesh size equal to or less than 60 mm, for which two strengthening bags may be used.
- (3) The mesh size shall be equal to at least twice that of the codend, and if a second strengthening bag is used, its minimum mesh size shall be 120 mm.
- (4) No person shall use strengthening bags which extend forward of the codend.
- (5) If a strengthening bag is constructed of sections of cylindrical netting, the sections may not overlap by more than four meshes at the points of attachment.
- (6) Strengthening bags attached to trawls having a mesh size greater than 60 mm shall not extend more than 2 metres in front of the rear lifting strap.
- (7) Notwithstanding paragraph (1), strengthening bags smaller than the dimensions of the codend may be attached to nets having a mesh size equal to or less than 60 mm.

Chafing or protection piece

- 18.-(1) A chafing or protection piece is a short cylindrical piece of netting with the same circumference as the codend or strengthening bags, if any, and which surrounds the codend or the strengthening bags at the points of attachment of the lifting strap.
- (2) No person shall use a chafing piece if a lifting strap is not attached to the codend.
- (3) No person shall use a chafing piece which is more than 1 metre long.
- (4) The chafing piece may be attached only in front of and behind each lifting strap.
- (5) The mesh size of the chafing piece shall be at least equal to that of the codend.

(6) The circumference of the chafing piece shall be compared to that of the codend or the strengthening bags, if any, by stretching them with the same force.

Codline

- 19.-(1) A codline is a rope making it possible to close the rear of the codend or strengthening bags by means of either a knot which can be easily loosened, or a mechanical device.
- (2) The codline shall be attached at a distance which is not more than 1 metre from the rear meshes of the codend, which may be folded back into the codend, but if a torquette complying with Regulation 25 is attached, the codline shall be passed through the rearmost meshes of the codend.
- (3) More than one codline may be used for each trawl, but a codline may not enclose a bottom-side chafer or top-side chafer.

Lifting straps

- 20.-(1) A lifting strap is a piece of rope or wire loosely encircling the circumference of a codend or the strengthening bag, if any, and attached to it by means of loops or rings, and more than one lifting strap may be used at any time.
- (2) The minimum length of a lifting strap shall conform to the same rules as those governing round straps, as defined in Regulation 21, except that the lifting strap nearest to the codline may be shorter.

Round straps

- 21.-(1) Round straps are ring-shaped ropes which encircle the codend or the strengthening bag at regular intervals and which are attached to it.
- (2) The length of a round strap shall be not less than 40% of the circumference of the codend, the circumference being measured as the product of the number of meshes in the circumference of the codend multiplied by the actual mesh size, except for the rearmost round strap,

called the back strap, if it is attached not more than 2 metres from the codline meshes, measured when the meshes are stretched lengthwise.

- (3) The distance separating two successive round straps shall be not less than 1 metre.
- (4) A round strap may encircle the strengthening bags but may not encircle a top-side or bottom-side chafer.

Flapper

- 22.-(1) A flapper is a piece of netting with a mesh size at least equal to that of the codend, fastened inside a trawl, in such a way that it allows catches to pass from the front to the rear of the trawl but limits their possibility of return.
- (2) The flapper shall be attached at its front end and may be attached at its lateral edges inside the codend or in front of the codend.
- (3) The distance from the point of forward attachment of the flapper to the rear end of the codend shall be at least three times the length of the flapper.

Sieve netting

- 23.-(1) A sieve netting is a piece of netting with a mesh size which must be at least twice the mesh size of the codend.
- (2) The sieve netting shall be attached inside the trawl in front of the codend and shall not extend into the codend by more than one-third of the length of the codend, but it may be attached to the trawl at all edges.
- (3) Up to two pieces of sieve netting may be used at the same time, provided that these are attached to the upper half and lower half of the trawl respectively and do not overlap at any point.

Strengthening ropes

24.-(1) A strengthening rope is any rope, other than a lacing rope, attached to any part of the trawl.

(2) No person shall attach strengthening ropes inside the codend.

Torquette

- 25.-(1) A torquette is a piece of netting fixed inside the codend at its rear end, and may be folded back into the codend.
- (2) The mesh size shall not be less than the mesh size of the codend.
- (3) The torquette shall be attached at its forward edge only and no further forward than the last five meshes of the codend and shall not extend backwards more than 1 metre from the rear of the last meshes of the codend.

Median lacing of a trouser codend

26. Meshes may be laced together in order to build a trouser codend, by joining lengthwise the upper and lower halves of a codend.

PART VI

CITATION AND COMMENCEMENT

Citation and commencement

27. These Regulations may be cited as the Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 199 and shall come into force on

FIRST SCHEDULE

(Regulation 3)

Minimum mesh sizes

Minimum mesh size (mm)	Authorized target species	Minimum percentage of target species	Maximum percentage of protected species	
80	All		100	
32	Mackerel (Scomber scombrus) Horse mackerel (Trachurus trachurus) Herring (Clupea harengus) Pelagic cephalopods Pilchards (Sardina pilchardus) Blue whiting (Micromesistius poutassou)	50 } 50 } 50 } 50 } 50 } 50 } 50 } cumulated 50 } 50 } 50 } 50 }	<pre>} } } } } 10 } } } } } } } } } } } </pre>	
-	Sand-eels (Ammodytidae)	50	10	

SECOND SCHEDULE

(Regulation 5)

Protected Species

Bass (Dicentarchus labrax) Black seabream (Spondyliosoma cantharus) Blue ling (Molva dypterygia) Brill (Scolphthalmus rhombus) Cod (Gadus morhua) Conger eel (Conger conger) Cuttlefish (Sepia spp.) Dab (Limanda limanda) Flounder (Platichthys flesus) Grey Mullet (Mugil spp.) Haddock (Melanogrammus aeglefinus) Hake (Merluccius merluccius) Lemon sole (Microstomus kitt) Megrim (Lepidorhombus spp.) Monkfish (Lophius piscatorius, Lophius budegassa) Plaice (Pleuronectes platessa) Pollack (Pollachius pollachius) Red mullet (Mullus surmuletus) Red seabream (Pagellus bogaraveo) Saithe (Pollachius virens) Shad (Alosa spp.) Salmon (Salmo salar) Sea trout (Salmo trutta) Sole (Solea vulgaris) Sturgeon (Acipenser sturio)

Turbot (Psetta maxima)
Wedge sole (Dicologoglossa cuneata)
Whiting (Merlangius merlangus)
Witch flounder (Glyptocephalus cynoglossus)

THIRD SCHEDULE

(Regulation 3)

Bottom set gillnets, entangling nets and trammel nets

Species/Mesh	10-30 mm	50-70 mm	90-99 mm	100-119 mm	120-219 mm	≥ 220 mm
Pilchards (Sardina pilchardus) Eel (Anguilla anguilla) Sprat (Sprattus sprattus)	* *	* *	* *	* * *	* *	* *
Horse mackerel (Trachurus trachurus) Herring (Clupea harengus) Mackerel (Scomber scombrus) Red mullets (Mullidae) Garfish (Belone spp.)		* * * *	* * * * * *	* * * *	* * * *	* * * *
Bass (Dicentrarchus labrax) Grey Mullets (Mugilidae) Lesser spotted dogfish (Scyliorhinus caniculus)			* *	* *	* *	* *
Dab (Limanda limanda) Haddock (Melanogrammus aeglefinus) Whiting (Merlangius merlangus) Flounder (Platichthys flesus) Sole (Solea vulgaris) Plaice (Pleuronectes platessa) Cuttlefish (Sepia spp.)				* * * * *	* * * * * *	* * * * * *
Cod (Gadus morhua) Pollack (Pollachius pollachius) Ling (Molva molva) Saithe (Pollachius virens) Hake (Merluccius merluccius) Spurdog (Squalus acanthias) Spotted dogfish (Scyliorhinus spp.) Megrim (Lepidorhombus spp.) Lumpfish (Cyclopterus lumpus)					* * * * * * * *	* * * * * *
Others						*

FOURTH SCHEDULE

(Regulation 7)

Construction of gauge

Knot and Knotless Meshes

Mesh gauge

Open mesh

Stretched Mesh

