



Environment, Housing and Infrastructure Scrutiny

Panel

P.115/2022 – Draft Sea Fisheries (TCA – Licensing of Fishing Boats)
(Amendment of Law and Regulations) (No.2) (Jersey) Regulations 202-

Witness: President, Jersey Fishermen's Association

Wednesday, 25th January 2023

Panel:

Deputy S.G. Luce of Grouville and St. Martin (Chair)

Deputy R.J. Ward of St. Helier Central (Vice-Chair)

Connétable M.K. Jackson of St. Brelade

Deputy M.R. Le Hegarat of St. Helier North

Witness:

Mr. D. Thompson, President, Jersey Fishermen's Association

[10:13]

Deputy S.G. Luce of Grouville and St. Martin (Chair):

Welcome, Don, to this meeting with you as president of the Fishermen's Association. Before we start, we are just going to introduce ourselves for the record so we all know who everybody is. Obviously my name is Steve Luce, chairman of the Environment panel.

Deputy R.J. Ward of St. Helier Central (Vice-Chair):

Deputy Rob Ward, vice-chair of the panel.

Deputy M.R. Le Hegarat of St. Helier North:

Deputy Mary Le Hegarat, member of the panel.

Connétable M.K. Jackson of St. Brelade:

Mike Jackson, member of the panel.

President, Jersey Fishermen's Association:

Don Thompson, president of the Jersey Fishermen's Association.

Deputy S.G. Luce:

Thank you, Don, for coming in this morning. Before we get to talking specifically about replacement vessels and T.C.A.s (Trade and Co-operation Agreement) and that sort of thing, could I just ask a couple of questions about where the industry is and where it was 18 months, 2 years ago? Specifically could you just tell us very quickly, because we are going to be short of time I can see, the difference that you are seeing now in fuel prices to where we were, the difference in bait prices and the difference in costs to try to get some sort of a feeling ... that we could get a feeling for the additional expense that the fleet are facing now that they were not having 2 years ago?

President, Jersey Fishermen's Association:

It is common knowledge that we have been hit, as other industries have, not just by Brexit and the T.C.A. but by a whole series of issues.

[10:15]

The fishing industry was the very first industry shut down by COVID. It was simple that all export stopped and we had to sort of reinvent ourselves a little bit to do local sales to just help the fishermen survive. So COVID was a major impact. Then particularly the war in the Ukraine. Whereas we have seen probably for other sectors and inflation rising into double figures now - 10, 12 per cent, something I believe - we are looking at cost to send a fishing vessel to sea now treble what they were 2 years ago. That is genuinely the case. We are diminishing a couple of our primary stocks but we had initially hoped to bring new measures in under the Granville Bay Treaty. We did not manage and then the Brexit scenario just threw all that into disarray. Those stocks have continued to decline. We have a fleet that is really struggling. A lot of fishermen are only going to sea to pay their crew, maintain their gear. That is a really, really serious issue at the moment.

Deputy S.G. Luce:

Specifically, I know you cannot be absolutely definitive, but where was the price of fuel for fishing boats, roughly, before COVID, Ukraine?

President, Jersey Fishermen's Association:

I actually buy on behalf of the fleet and negotiate with all the fuel companies. So we are talking tax-free fuel now, we are not talking about road diesel, we are talking about tax-free fuel. We were down in the low 40s and even into the 30s for quite a long time. There was a bit of history where prices went a bit crazy for a while.

Deputy S.G. Luce:

That is pence per litre?

President, Jersey Fishermen's Association:

Pence per litre, yes. From the point that the war broke out in the Ukraine, and I will not go into all the reasons why the price has ... it is quite interesting if you ever get a chance to look at it, but we went right up into the £1.10, £1.15. Unfortunately with, again it is common knowledge, but as the prices rise the G.S.T. (goods and services tax) element becomes greater and greater, so it is a bit of a snowballing effect. We were up in the £1.15 roughly. We do not put any more on than it just cost us. We are non-profit making.

Deputy S.G. Luce:

What was the difference in the price of something like bait in that time and where was it because obviously there are different issues involved in bait but it is another major?

President, Jersey Fishermen's Association:

We have sat down with the main merchant that supplies the bait and looked at where we were 2 years ago, and that was at around about between 50 and 60 pence per kilogram. We are £1.80 to £2 now. Two years down the line we are looking at almost more than treble.

Deputy S.G. Luce:

I know this is almost an impossible question but on a normal average Jersey fishing boat, what sort of financial difference does that make on a monthly basis? Go to sea 4, 5, 6, 7 times.

President, Jersey Fishermen's Association:

What we do know is a typical Jersey fishing boat to turn that key in the morning costs a fisherman around about £600 with his wages. Fishermen do tend to pay their crew quite well. Probably better than the average person, certainly in agriculture, just to maintain their crew. With the bait prices, fuel price, et cetera, they are round about £600 to turn the key. So before they even start to earn a living they have to catch £600 worth of fish. Scallop stocks fortunately are in good shape but we have no exports at the moment, partly due to the ferry service or lack of. But as far as the potting sector, which has been the traditional mainstay of our fleet, they just are not even making that figure.

Deputy S.G. Luce:

What would that £600 have been two years ago?

President, Jersey Fishermen's Association:

Probably about a third of that.

Deputy S.G. Luce:

Okay, so £200. Thanks for that because we just want to try and get a view and a feeling in our heads as to the additional costs on top of all the other issues, but just how expensive it is now to go fishing and the costs of everything for the fishermen. Don, we are here specifically to talk about the T.C.A., the replacement vessel policy that the Minister has brought to the Assembly, as you will know. Could we just start off by saying how many meetings have you had with Government, with the Minister, about this? Have they engaged with you? Have you had multiple meetings? How do you feel their engagement has been with the industry?

President, Jersey Fishermen's Association:

I think firstly I cannot criticise the officers because they are a really good team but on this specific issue when I have asked to meet, the head of department, Paul Chambers, has sometimes referred to the Minister and the Minister, I think, since he has been in office we have meet 3 times. When we asked to discuss the replacement vessel scheme, it is often: "Look, we can talk but I do not want to negotiate on that one." I think that is taboo, that subject. I hate to use the word but I resent that because in all other aspects, as far as the T.C.A. goes, day-to-day fisheries management, we have a really good relationship, certainly with the officers, but there seems to be this thing that the replacement vessel scheme: "That is nothing to do with you guys." I do resent that because I had the very first fishing vessel licence that was ever put on a fishing vessel in Jersey or at least compliant with the common fisheries policy, et cetera. I have seen that evolve and evolve and evolve and evolve over the years. I have had to buy licences, sell licences, aggregate licences, have a fairly deep understanding of how we have gotten to where we are. I have seen the weaknesses in past regimes and I have seen the weaknesses in current regimes. It is just my point that I want to try to make that we need to back up the legislation with a really strong framework.

Deputy S.G. Luce:

Can I take you to the submission you sent me? Thank you for the number of submissions that you have sent in various guises to me, to the panel, et cetera. But in the most recent submission you have given us, you have a short paragraph, which I would like you to explain better for me and I am sure the others, because I do not know enough about it, which refers to the existing framework in Jersey within the U.K. (United Kingdom) licensing regime that applies to Jersey fishermen. You say:

“It is a framework which has been subjected to continual evolution aimed primarily at preventing unsustainable increases in the U.K. fleet capacity and consequent effort.” Could you just explain for us where you are as Jersey fishermen as regards the U.K. licensing regime and how that affects the local fleet here? Because it does not apply to the French fleet, does it? It just applies to the Jersey fishermen?

President, Jersey Fishermen’s Association:

Correct. The underlying framework within our licensing regime applies to Jersey fishermen but it does not automatically apply to French fishermen. It is deemed to be more appropriate to manage that effort under a permit regime for the French. The current regime that we work within is part of the overall U.K. tonnage fleet capacity. So tonnage and horsepower is all wrapped up in a maximum figure for the U.K. fleet and that, at the insistence of the E.U. and under the common fisheries policy, has had to be reduced by 40 per cent over probably the past 2 decades, 3 decades. When licences have moved about there have been penalties so that you have to give back some of that tonnage and it is reduced. It would take too long to describe but there are various constraints within that system. So a boat that previously fished for scallops in the U.K., if I was to buy that licence tomorrow I would be allowed to fish for scallops here. If it did not have scallop entitlement I would not be able to. If the tonnage and horsepower, if I put 2 licences together to build a bigger one I could not take a licence from a potting vessel and aggregate that with a licence of a different type. Even between different size categories there are constraints there to stop us from just building capacity for ever more at the top end.

Deputy S.G. Luce:

Stop me if I have this all wrong because it is still quite new to me. Are you saying that if a local fisherman wants to increase the size of his boat it is not Jersey that finds ... he has to go to the U.K. to get extra units, or whatever it is, capacity, in order to build that bigger boat?

President, Jersey Fishermen’s Association:

Absolutely.

Deputy S.G. Luce:

We are not a small little Jersey licensing scheme here unaffected by others. If our fishermen want to build a bigger vessel they have to go to find the licence in the U.K. in order to ... it could be Jersey as well, I suppose, for that matter.

President, Jersey Fishermen’s Association:

That is right.

The Connétable of St. Brelade:

Could I just come in on that? Really to equate that to what has been proposed by us to the French. My understanding is that there is a global tonnage and a global engine horsepower figure between Brittany and Normandy and the intention is the French remain within those global figures. Would it be reasonable to apply the sort of similar arguments about balance and exchange that the U.K. are doing in the same way? I have not seen any evidence of that being applied to the French global figures.

President, Jersey Fishermen's Association:

As far as the U.K. relationship under the T.C.A., the U.K. relationship with the rest of Europe goes was very much defined - and you will see in the earlier submission that I made - by annual negotiations on quota because that is what the E.U. fleet are interested in, in the U.K. waters. 69 per cent of the quota uptake in U.K. waters is by E.U. vessels and so the T.C.A. is all about maintaining that. But there are annual negotiations to set that at sustainable levels. When you talk about tonnage, potential increase or movement of tonnage between different categories of vessel, a lot less relevant in the U.K. than it is for us where we are almost entirely a non-quota stock fleet that fishes for ... shellfish are non-quota stock so end of story. We have to look at fleet capacity as being a really important element of managing fishing efforts.

The Connétable of St. Brelade:

Going back to my point, should those global figures be changeable in any way, much the same way as they are in the U.K., by influences such as fish stocks? Should there be any way that those figures could be reduced, shall we say?

President, Jersey Fishermen's Association:

It is a complex question but the T.C.A. is effectively saying it is all about maintaining that same level of fishing effort to introduce constraints, perhaps lower fishing effort on a specific stock. There is a prescribed sequence or a process and it is quite complex. I hate to think the day that we go down that route that we have to qualify. Why we are reducing any fishing effort on any stocks is going to be a tough call.

The Connétable of St. Brelade:

So you do not realistically think we would be able to apply that to the French permits ... probably more the licences, I would imagine?

President, Jersey Fishermen's Association:

It will be to the permits. Without getting into history, the problem with the Granville Bay Treaty was that we were managing fisheries under a licence regime and you attach constraints to the licence to

stop boats and fishing for a stock that is under pressure for instance that is declining. Whereas, under the French system it is all done within permits and permits are quite different to licences. They are *métier* specific. They belong to the state rather than the fisherman. It is quite difficult for the French to change the conditions of a permit. Once it is issued that is it. All they can do is regulate the output at the Criée¹, and so it is often nothing to do with environmental factors. Often it is to do with economic factors that they regulate the daily catch. What we are in a position now to do, and it will happen under nature and extent, because we are applying a permit system to the French fleet to manage that fishery we have to do the same to the Jersey fleet. So it will no longer be ... I could buy a licence from the U.K. to build a bigger boat but I will not necessarily qualify for a permit to do that. In some ways that is a good thing, apart from the fact that our fleet right at the moment is the smallest it has been since the last war probably.

[10:30]

We are going to cap it at that level and that is serious ... when you look at the economic side of the fleet, that is a real problem to cap it right where it is.

The Connétable of St. Brelade:

You mentioned the evidence of the Criée just now. There seems to be concern among the fleet that the French may be able to land more than their quota, shall we say, on their permit without any challenge. How do you feel that can best be policed or how can we have the certain knowledge that their landings are compliant?

President, Jersey Fishermen's Association:

It is an important point because the Minister's case for the replacement vessel scheme, as it stands, very much rests on, look, it does not really matter what happens about the tonnage and kilowatts, whether it moves from the latent part of the fleet into the active part or whatever, it is all about managing the catch on a day-to-day basis. We think that that is the weakest part of his argument. Because to be able to say that I can sit in an office and monitor through V.M.S. (vessel monitoring system) what fishing vessels are catching is a pretty broad statement. I will just give you an example of one of the big fisheries in our waters, it sort of spans French/Jersey waters, is south-east of the Minks, what we call the Cop Passage. You go down through there on the Condor. It is a phenomenal fishery but the French fleet are so powerful that they start off catching 3 or 4 tonne of scallops a day. When the season opens they fish there. Just phenomenal catches. God knows how they restrict the landings to 1.3 tonnes because they genuinely catch that much in a couple of hours down there. By the end of about 2 to 3 weeks that catch has gone from phenomenal right down on the floor because it is just a confined area, it is shallow water, it is easy to fish. The daily

¹Criée - French fish auction

catch rate just over a very short period of time goes from tonnes down to a few kilos, and then the fishery is finished for another year and they move to other areas. So this kind of notion that it does not really matter about the replacement vessel scheme. We will just manage fishing effort where it is or where it was before Brexit is a ... I just have to say, it almost borders on naivety.

The Connétable of St. Brelade:

Is that fishery within our territorial waters?

President, Jersey Fishermen's Association:

Yes, it is. Most of it.

The Connétable of St. Brelade:

Because it is one that straddles the line south-east in the Minks.

President, Jersey Fishermen's Association:

Unfortunately in some ways, and it is straying into a completely different area of marine spatial planning, but most of the water there is less than 20 metres and it is deemed, or certainly was under the blue marine project, which we now know has gone out the window, but all waters under 20 metres we were going to be banned from scallop fishing. Under marine spatial planning that is going to be slightly different but there will still be this element of shallower waters, more productive for growth of sea grass, et cetera, and at the same time the T.C.A. is saying whatever the French were doing previously they have to be allowed to do before.

Deputy S.G. Luce:

Before I come to Deputy Ward, I just want to go back to the T.C.A. and the global limits mentioned by the Constable. We are not necessarily comfortable with it but we all understand the concept of the global limits. We know that a number of licences have been issued and we know a number of permits are going to be issued based on nature and extent, what those vessels were doing during a very short period of time. We are clear, I hope, on both sides that there will be a limited number of licences and the permits will be set at what came out of the relevant period, and that that cannot be exceeded ... in theory it cannot be exceeded on paper. Moving forward, those are the limits we are going to have work inside. That is not an issue for you particularly ... well, I mean, it is an issue but you understand that that is where we are.

President, Jersey Fishermen's Association:

As a concept, it was an integral part of the text of the T.C.A. so we cannot actually get away from that anyway.

Deputy R.J. Ward:

When you were saying about the safeguards, one of the main points I think that seems to be coming forward from the Minister and the department is that there is a safeguard with technology to monitor and enforce catch limits. I just want to go back over that a little bit because that is a really key thing. Stop me if you think I am wrong here. But as long as there is that global limit it does not really matter where the tonnage go and the efforts go because we have: "Do not worry, we have the limits of catch and they can all be monitored." That seems to be the argument. Where are your concerns ... I know you have just mentioned some of those, is that where the naivety is, do you think? That is what I am picking up. I know we are going back over something you just said but I just wanted to clarify because I think it is really important.

Deputy S.G. Luce:

That was going to be my question. You say in your submission that you think the monitoring of using technology is not a realistic safeguard but can you expand on that a little bit? I know we have certainly heard from officers. They say we can monitor the vessels because of the A.I.S. (automatic identification system) or whatever, the tracking system. We know what those vessels have a permit for, so we know what they are fishing for. We know what speed the boat will go at when it is fishing. We can monitor the time it is travelling at, whatever speed. By knowing how long it has been fishing, we can calculate how many kilos of scallops or how many, whatever, they will have. If they should be fishing for 2 hours and they are fishing for 5 hours we will know in theory they have a lot more catch on board the deck than they should have and we will go out and check them. That is the impression we have been given from officers. What is your take on that?

President, Jersey Fishermen's Association:

There is a fundamental principle here that I think we need to get to the bottom of in the replacement vessel scheme and the whole concept of it is can we decouple fishing capacity from catch, and my argument is no, you cannot.

Deputy S.G. Luce:

So the separation of licences and permits is not going to allow that decoupling to happen?

President, Jersey Fishermen's Association:

I think the Minister's argument is that tonnage will move about, et cetera, but it does not matter because we can decouple fleet capacity and where the tonnage and power moves completely from catch we can monitor the catch. We know what the catch is. I will just give an example of one of the big contentious issues in the Granville Bay Treaty when we used to meet regularly was the exchange of data when we never got the data. Credit to Paul Chambers, Paul did a calculation based on the amount of time that French boats were fishing in our waters and what he thought the

average hourly catch was. This was after 17 years of either refusing to provide data from the French side or actually more likely not being able to provide it because they could not distinguish the data from French boats that were fishing in the bigger 7 area, what we call 7E, from what was being caught just in this area. When Paul presented those figures, I mean there were some eyebrows that were raised. There was some real shock. It prompted some exchange of figures, and I will give you just one example. There was a calculation, the amount of bream that was caught was probably 1,000 tonnes ... I do not know the actual figure but when they did look a bit closer at it, it was about 4,000 tonnes. That data started coming forward and it was a bit of a shock to see that they had caught or claimed to have caught a lot more. That is going to be an issue now when we set catch limits, is what was the previous catch limit.

Deputy S.G. Luce:

To be clear, just to go back on to that approximate data of the bream, that after 17 years Jersey, through the officers and through monitoring, believed that the tonnage was about 1,000 tonnes but when the data started coming back from the French side it was 4 times that; is that correct?

President, Jersey Fishermen's Association:

Bream is not the best example because it was always recognised that that would be quite difficult, that they sometimes have one night where they will catch 10 tonnes and another night where they do not really catch anything. But spider crab would be a better one where there was a calculation done on spider crab. I am not sure what the exact figure was but the French themselves declared 4,500 to 5,000 tonnes caught annually in this area and it was just vastly greater than any calculation we had done.

Deputy S.G. Luce:

Just to be clear, the point you are trying to make is, even with the best technology and a huge amount of time and effort put in trying to work out what sort of tonnage spider crab was being taken out of the fishery, when the actual data came back from the French side it was considerably more than we thought it was?

President, Jersey Fishermen's Association:

It was certainly at odds. That creates 2 problems because, first, the Minister or the department will have to work out for the sake of T.C.A. what the previous catch was so that we can maintain or allow the French to maintain that level of catch. There will definitely be a dispute over what data there is to show how much that catch was. Then when we set that figure, if we ever do, we have to be able to control the fleet somehow, when we do not have any means of monitoring at the point where it is landed.

Deputy S.G. Luce:

But surely the permits, and I might be completely wrong here, but are the permits not going to be issued on 1st February?

President, Jersey Fishermen's Association:

Yes.

Deputy S.G. Luce:

So you are saying that potentially we could be issuing permits for a tonnage which would come out of the track record, but that would be on our calculation of what they thought they might be or would it be on the French calculation of what they actually landed? I think the point I am trying to make is, we are literally days, hours, away from issuing permits and you are saying that the amount of tonnage that could be taken on a permit could be completely wrong.

President, Jersey Fishermen's Association:

It depends on the species. I just mentioned spider crabs, so there is no control over the quantities of spider crabs that can be landed, no control over the quantities of bream. On 2 stocks, on whelks and on scallops, French vessels, under their previous or under their existing permit scheme had daily catch limits. I think it is 800 kilos or 700 kilos on whelks, and for some French fishermen that is 1 tonne, for others it is 1.3 tonnes of scallops. So that figure where there was, at least on 2 species, where there were daily catch limits ...

Deputy S.G. Luce:

That will be transferred into a new permit.

President, Jersey Fishermen's Association:

That will be transferred over. The real concern is, and without accusing all French fishermen of being crooks, I have pretty much 40 years' experience of landing, fishing alongside French fishermen and landing, certainly in the winter months, in Cherbourg or Granville and I have seen where you land, where a fisherman lands his daily catch quota to the Criée and then there is a queue, not one or 2, but a queue of little white vans down the quay waiting to pick up the rest of the catch that is over the amount they are allowed to land on the Criée.

The Connétable of St. Brelade:

You mentioned before the difficulty in establishing where anything is caught. Effectively we have boats with licences, shall we say, who have historically fished for 11 days in our water during the course of a year. For the other 300 days at least, they will be fishing somewhere else. How do you think that can be policed? If they are catching their 1.3 tonnes of scallops what is to say ... or their

tonnage of bream or any other species, how can we be sure what is being caught in our waters? Is that achievable? Can we police that in any shape or form?

President, Jersey Fishermen's Association:

I have some reservations but I would have to give credit to some pretty intelligent thinking within the officers in the department. We are now in a new era where there is vessel monitoring and it is part of the issue. I do not want to digress from the question but it is part of the issue that of the 136 vessels that have been licensed there are quite a large number that have not even fitted that equipment.

Deputy S.G. Luce:

I was going to ask this question because we have been assured that every vessel that has a licence has had the equipment fitted but you are saying that is not the case.

President, Jersey Fishermen's Association:

That certainly was not at Christmastime so there have been a lot of vessels that have been fitted. What I think you want to be careful of is that all the vessels that have been fishing in our waters, or almost all, have been supplying log data, which is great. That is fantastic. Unfortunately you can write anything you want on a piece of paper and take a photograph and send it to the department. Certainly at Christmastime it was a fact that there was a large percentage of vessels that received a licence that had not fished here, they could not fish here because they did not have the kit fitted. If they have fitted it in the meantime, that is a very different matter, but that is a lot of boats to fit the equipment.

[10:45]

Deputy S.G. Luce:

This is sort of a technical question, which is really probably best aimed to Paul Chambers, but when you have the equipment fitted is it only the Marine Resources Department at Howard Davis Farm that have got the equipment to see where those fishing boats are or can fishermen see where other fishing boats are?

President, Jersey Fishermen's Association:

There are 2 different systems functioning by regulation. There is the A.I.S., which everybody knows about, anybody can pick up and find out where a fisherman is fishing on A.I.S. There seems to be most of the boats have their A.I.S. running; some choose not to. One, in particular, where there were issues over fishing on the bream spawning grounds that had been closed, had a real habit of switching it off. The other one was the V.M.S. system and that is only, and rightly so, accessible to

the department. Again, that is where we have made some progress in that previously the V.M.S. data was not available direct to our department. It went to a central hub in France or the U.K. I think in France first and then to the U.K. and then had to be requested in a spreadsheet for Jersey. So it was not ideal by any means.

Deputy S.G. Luce:

Was that not real-time data then in that case?

President, Jersey Fishermen's Association:

It was not back then but it is now. So that is credit to everybody involved. We have moved forward on that one.

The Connétable of St. Brelade:

Do you consider, just to pick up on that one, the department have the sufficient resource to be able to monitor this? It seems to me there are 136 French boats, without counting ours, that is a lot of work just to keep an eye on what everybody is doing.

President, Jersey Fishermen's Association:

Absolutely. That is one of my real concerns. Just a small point is that on the smaller vessels it is not the fully-fledged V.M.S. system. It is what we call I.V.M.S. (inshore vessel monitoring system). It is on your phone, and whenever your phone is out of range it just stores up the data and then it releases the data when you get back to shore or when you get back in range. So there will always be a number of vessels fishing in our waters, quite a large number because of the demographics of the French fleet, that are not transmitting while they are here. We will get the data ...

Deputy S.G. Luce:

Is that acceptable though because that sounds a bit like once you are back in and you have unloaded your catch, and your track of your boat for the day is then uploaded, it is a bit difficult to suddenly pop out with your fisheries vessel and check what you are doing?

President, Jersey Fishermen's Association:

I have to be careful about how I answer that because the same applies or will apply to our fleet; the legislation is not quite through yet. But it is really difficult to say to a little 6-metre boat or something that has gone rod fishing out 3 or 4 miles west of the Island for the day that you have to have this massive bit of kit. The best compromise is something that records everything or your position data and then at least transmits it when you do have connection to the phones.

Deputy S.G. Luce:

We are getting back to what we were told by the officers. They were saying we can monitor the boats while they are fishing and if we know a particular boat is doing X number of knots it is obviously dredging for scallops, if it does it for X number of hours we know roughly that should equate to 1.3 tonnes, and then it disappears and that is fine. But you are saying that some boats will have this V.M.S. only on their phones and that will only be uploaded when they get back in range, in which case fisheries officers will not know they were there until the fisherman's phone is back in range of his network.

President, Jersey Fishermen's Association:

What you are pointing out is that is the exact state of play, but I have to say there is not that much risk involved because the smaller vessels that use I.V.M.S. are mostly potting vessels, et cetera, there will not be any catch within ...

Deputy S.G. Luce:

The larger boats will have proper V.M.S.?

President, Jersey Fishermen's Association:

The ones that pose the threat will have the proper kit on. In fairness that is not likely to be an issue.

Deputy S.G. Luce:

I am conscious that time is ticking away, as I knew it would. Something else that you mentioned in your submission, and we have talked about historic levels of fishing and we have talked about enforcement daily catch limits, but the other one you talk about here is the concept of global tonnage. You talk about the Minister's desire for replacement and the historic levels of fishing effort as they were prior to Brexit having to be maintained. Obviously there is a clause, paragraph 502 in the T.C.A., that says very specifically access must be maintained at the same level, and we understand that I think on both sides of the table. Can you just expand a bit on your concerns about global tonnage and engine power cap or movement between vessels into the future?

President, Jersey Fishermen's Association:

I anticipated the question and I would like to show the panel. That is one of 2 vessels built for an Anglo-Dutch company based in Plymouth. It is a massive ... honestly it does not look that huge there but when you stand alongside the quay, the pair of them, are massive, huge vessels.

The Connétable of St. Brelade:

What length is that?

President, Jersey Fishermen's Association:

This is 22.9999 metres and she is 220 kilowatts, which equates to 300 horsepower. Under the licence regime when she was built, or the pair of them were built, they took licences from 2 quite small vessels; one had 100 horsepower or 120 and the other one had 150 and they put some licences together. There was a collaboration in the Netherlands between engine manufacturers, naval architects, and the shipyards to find a vessel, create a vessel that could fit under the licensing laws that were coming in all round ... not all of the U.K. but most of the U.K. where 220 kilowatts was deemed to be the maximum power that you could use inside 12 miles. We introduced it here previously. We have thrown it out again now. But that was introduced around much of Europe. So there was a collaboration there that have come up with an engine half the size of this room that only has 220 kilowatts.

Deputy S.G. Luce:

I was going to say, it is a very small engine for the size of the boat.

President, Jersey Fishermen's Association:

For that size of vessel, yes. The 2 of them supply a huge processing factory. They do not buy from other fishermen, they just use those 2 vessels. That is just an illustration of when you have a licensing regime that does not have a sufficient underlying framework to prevent tonnage moving about that is the result that you get. **[Aside]** Mike, you know about sailing as well. The whole history of sailing was every time they created a new metre rule or whatever the designers just went to town and found a way to ...

The Connétable of St. Brelade:

Can I just, on that point, get your views on what the effect of a larger vessel, maybe not to that extent, but what we are going to see is why a beam vessel might still be under 12 metres but it might be 12-metres' wide, and what we are seeing catamarans? What is the effect on the fishery or if someone is ordering a new boat, what will they be looking for to maximise their income?

President, Jersey Fishermen's Association:

Sorry, to digress slightly from the question but there is an issue here and it is marine spatial planning. The Minister for the Environment has set a target for the end of 2023 to have the plan complete. It is an ambitious target considering when the vote went through 2025 was the timeframe. Some of the fishing that is going on by our own fleet, which are fairly small lightweight boats, the gear is appropriate to the size of the boat, and we argue that it is in areas that they have been fished for scallops and oysters for over 200 years and that it does not present a threat to the environment, to the seabed, or at least a limited threat. When you balance out the economics and everything there is a good case to be made for the continuation. When you start to take the tonnage from small boats and put it on and build this sort of thing, you are talking about boats that tow very big heavy gear.

There is no question, in my own experience, when you try to fish in an area where a boat like that is fishing you just do not survive. You just cannot because they are so ...

Deputy S.G. Luce:

Can I take you back though to the licences, the permits, and the restrictions which we will have in place? I am right, I am sure, in the policy as currently drafted, yet to come in, that if you replace a vessel over 12 metres you can only go 10 per cent, 20 per cent on power and tonnage. Then if you replace that vessel again you are still referencing back to the original boat that was maintained. On top of that the permit will only, if you are scalloping, permit you to do so many tonnes per day. So that in actual fact the Minister's argument will be, I am sure, that vessels can only grow by a certain size and they will not be able to get any bigger and they will, regardless of their size, still only be able to take a certain amount of tonnage per day. What is your reply to that? Because what we are trying to do today ... unfortunately we have not managed to get both of you round the table but our job now in half an hour's time is to present as many questions to the Minister as possible for some answers, and we want you to help us put those questions together. Where is your challenge to global tonnage and the percentage increases?

President, Jersey Fishermen's Association:

Again, we just have to look at that thing, I am 110 per cent confident that fishing effort and capacity of the fleet are 2 inextricably linked items. When you take a vessel like that, and you look at the running costs of a vessel like that, they definitely do not survive on 1.3 tonnes of fish a day. They need a lot more than that so we have to look at when we start to allow the bigger boats to grow even bigger, about their environmental impact, about the economics of a big vessel, and our ability to do what the Minister claims is just restrict them to this figure, which we do not ... we hope, we know, from previously, and we hope we will be able to monitor and enforce in the future. I think there is a lot of weakness in the whole thing there. What we are saying is, the solution here is to look at a framework that deals very carefully with what can happen with that tonnage. So, fine, the donor vessel and the replacement vessel have to be similar, albeit it can be 20 per cent bigger in tonnage, which is quite a lot actually. But if we build a framework that says, firstly, tonnage from an under-7-metre vessel that is used for potting cannot be used, split up and then put on to one in the next category up and have several categories, there is no reason in the world that we cannot do that. Just build a very tight framework about how ... I mean we asked and I think Scrutiny asked for more policy behind the proposal and there still is not any policy that shows what does the French fisherman do when he retires. Does he sell the licence to his friend or does it come back to Jersey? What happens when 2 fishermen decide: "Look, let us combine forces and put our 2 licences together and make one bigger boat" because under this you could ...

Deputy S.G. Luce:

I understand what you are saying. Given that there are restrictions on 10 per cent on power and 20 per cent on tonnage for the over-12 metres, what you are saying is the ability could be to move licences from small vessels under 12 into the over-12 fleet and, given that there is this percentage increase limit, that every boat in the over-12 fleet could increase by 10 per cent power and 20 per cent tonnage, you could literally take all your under-12-metre boats and chuck all that licence into the over-12 and you end up with a much bigger fleet. That is your worry and you would seek, potentially, to keep the under-12 licences in the under-12.

President, Jersey Fishermen's Association:

I would go a bit further and create a band up to 7 metres, 7 to 10, 10 to 12, et cetera. That really brings it down to a nutshell. Is what myself and my colleagues are saying is without a really strong framework you just end up with less smaller low-impact boats. You end up with fewer but bigger boats at the top end where the impact, where the fishing effort is greater, then more need to introduce new measures to control what they do.

Deputy R.J. Ward:

Can I just say, and you have just asked exactly what I was thinking? That is my concern, that merging of small licences into bigger boats is possible and then the 20 per cent increase in a bigger boat is significantly more impactful than the 20 per cent increase in a smaller boat; is what you are saying? What is left behind, i.e. you could catch tonnage very quickly and off you go but you have left, if you like, a level of damage behind, which means that the smaller vessels cannot do anything, so it will change the nature of fishing.

President, Jersey Fishermen's Association:

It will.

Deputy R.J. Ward:

They would also be quicker, so they can then go off into other waters, be fishing constantly, which is what will happen because you would have more than one crew, I would imagine, if you are making money.

[11:00]

I think for me as well the question is: why would you get a bigger boat? Why would you spend money on that larger boat?

President, Jersey Fishermen's Association:

There is a simple point here, Rob, is that our fleet are confined to our waters. We do not even really have 12 miles, as you know. It is a lot less to the east; that is where we have to make our living, that is where we have to look after our fish stock. Almost all of those big boats and not so much the smaller boats but the bigger more nomadic boats will have permits to fish in Baie de Saint-Brieuc. They will have permits to fish in Brittany. They will have permits to fish in Normandy. They will have permits to fish in the Baie de Seine. When fishing reaches a level that it is not viable in Baie de Saint-Brieuc, for example, they will move to Baie de Seine for a few months and that is the ability that they have and it is great for them. But there is a lot less ... how can you say it? There is a lot less need to manage fishing, fish stocks, et cetera, when you can just move to other areas, whereas our fleet are very much constrained to this area. We cannot even move into Guernsey waters anymore, so few of our boats have a licence.

The Connétable of St. Brelade:

You mentioned the French system of managing tonnage and engine power is significantly different to ours. Should we be emulating that whereby the units go back to the state when there is a change or an owner moves on?

President, Jersey Fishermen's Association:

I do admire their system. It is a better system in that the PMU² used that the tonnage and horsepower belong to the state and it is administered by the State and so there is much more ability to look at what happens with it. For instance, to have a new fisherman, a young fisherman in Jersey moves from being a crew to buying his own boat now, the cost of the licence is much more likely to exceed the cost of building the boat. There are all these complications and nuances with combining licences, et cetera, whereas in the French system if a fisherman retires that tonnage and kilowatts horsepower is there for the next one coming through. It means people have to wait but it is much more control over ...

The Connétable of St. Brelade:

Just exploring what the French do and our relationships with France, the Minister for External Relations and Financial Services is negotiating on our behalf through London and through Brussels and through Paris, is that still working or is that causing issues, do you think, this long convoluted chain of communication?

President, Jersey Fishermen's Association:

Again, slightly digressing from the question but we held the Marine Resources Panel meeting - which you know about, certainly 2 of you know well about - on Monday. The Minister, for some reason, did not attend, which is a real shame. But one of the points we put there was that the Jersey-U.K.

² PMU- French abbreviation for units of tonnage and engine power

Fisheries Management Agreement is what ties us to the U.K. licensing regime. It also ties our hand in respect of any quota species that are in our waters, how we deal with that. We are saying that that Fisheries Management Agreement was conceived at the time where the negotiations that had set our status as far as Europe goes, sort of in for fisheries but not for other sectors and it bound us to the common fisheries policy, that is its raison d'être, the Fisheries Management Agreement. Much of what we will continue to do is subject to that Fisheries Management Agreement. We are saying: "Look, the common fisheries policy does not exist for us anymore." We are introducing now another tier of management under the permit scheme, which personally I quite like. I think it is better and we could do a lot more with it. But we cannot just keep increasing or keep adding layers of regulation or management tools, we need one system that does the job. We are saying: "Why are we hanging on, Brexit happened 2 years ago, why are we hanging on to the Fisheries Management Agreement?" Isle of Man, for example, have said to the M.M.O. (Marine Management Organisation) and the M.C.A. (Maritime and Coastguard Agency) in the U.K.: "We do not even want to renegotiate it, it is so inappropriate for fisheries management in Isle of Man's waters. We want it scrapped and if you want to have a relationship we will build one but not on the basis of the Fisheries Management Agreement."

The Connétable of St. Brelade:

Have you spoken to the Minister about this?

President, Jersey Fishermen's Association:

We have not really had enough contact and communication to really drill down. It is a great shame because I think we probably would not be sitting around the table here today if there had been a bit more willingness to listen. It is not a boast, between the rest of the committee - I have 10 on the committee, 9 and myself - there is over 200 years of experience of dealing with the licence regime. It would be good if the Minister would have just taken a bit of time to listen but he appears to listen on some things but I mean 3 meetings is not very much. He did not attend the Marine Resources Panel, which is a perfect forum for exchange of views in a proper setting.

The Connétable of St. Brelade:

Have you had meetings with the Minister for External Relations and Financial Services?

President, Jersey Fishermen's Association:

Yes, good; really good. Yes, and picks up the phone every time I speak, so I have got to be a bit fair, really good communications, they are excellent in fact.

Deputy S.G. Luce:

Is it time to scrap the Fisheries Management Agreement with the U.K.?

President, Jersey Fishermen's Association:

Absolutely, yes. Just a little additional point there; Isle of Man, in the debate the other day, last Wednesday, the Minister gave one of the reasons for going down the route that we are with the replacement vessel scheme is 20 per cent capacity increase, 10 per cent and 20 per cent was because that is what Guernsey, U.K. and Isle of Man are doing. Guernsey have not developed any policy right from day one, they have just followed the U.K. In whatever the U.K. have done, Guernsey followed. That is a fact; I stand by that. Isle of Man did not licence a single European vessel to fish in their waters. Saying we should do this because Isle of Man has done it and Guernsey have done it is not a really good argument. That is a fact, Isle of Man did not register, licence one single European vessel.

The Connétable of St. Brelade:

Their geographical positioning is a bit different to ours, I suppose.

President, Jersey Fishermen's Association:

It is different, yes, but, again, they were quite careful with the data that came through and they really ...

Deputy S.G. Luce:

What have they done in Guernsey, just remind us again?

President, Jersey Fishermen's Association:

Sorry?

Deputy S.G. Luce:

What have the authorities done in Guernsey with ...

President, Jersey Fishermen's Association:

The point with Guernsey is that Guernsey have not led, right from the day that T.C.A. was introduced, with any decisive action. They have not developed any particular policy, they have just adopted whatever the U.K. have done or whatever the Jersey side has done. For instance, when the concept of giving an amnesty to allow pretty much any boat to fish while we sorted things out, when Jersey created that first amnesty of 3 months, Guernsey did the same. When we decided we would - things were still complicated - give another amnesty, Guernsey did the same. It is a fact, and I am sure the Minister will agree, that that is what Guernsey have done and been ...

Deputy S.G. Luce:

Guernsey adopted the concept of global limits on tonnage and ...

President, Jersey Fishermen's Association:

Exactly as the U.K. have done.

Deputy S.G. Luce:

Exactly as the U.K.

President, Jersey Fishermen's Association:

Yes.

Deputy S.G. Luce:

Does that mean that Jersey boats have to have a certain number of licences issued to them to fish in Guernsey waters?

President, Jersey Fishermen's Association:

No, we are under a completely different regime. There were initially 18 Jersey boats that received licences to fish in Guernsey's waters and now about 7 or 8, I think. We are not allowed to increase tonnage or horsepower. It is a very strict regime. When a fisherman retires or moves their licence does not go back into a pool, it is written off.

Deputy S.G. Luce:

Okay, there are a number of questions I want to ask here. How many Guernsey boats do we have with licences and permits to fish in Jersey waters?

President, Jersey Fishermen's Association:

Zero.

Deputy S.G. Luce:

Zero. Okay, is that because nobody applied, nobody had any track record?

President, Jersey Fishermen's Association:

It goes back to the Granville Bay Treaty in that it was not worth a Guernsey vessel coming on to the Jersey register ... or getting a Jersey licence because he would not get a Granville Bay permit, so ...

Deputy S.G. Luce:

To be clear, Guernsey are working with the U.K. and under the U.K. scheme T.C.A.-wise?

President, Jersey Fishermen's Association:

Yes.

Deputy S.G. Luce:

We are under a separate agreement with the French that replaced the Granville Bay Agreement, okay.

President, Jersey Fishermen's Association:

Just for clarity, there is now, as of 2 years ago in fact, absolutely nothing stopping some of the huge fishing companies in Scotland, over in Devon or Guernsey or anywhere else from applying for a Jersey licence. There is absolutely nothing stopping them and so ...

Deputy S.G. Luce:

But they would have to have a track record.

President, Jersey Fishermen's Association:

Yes.

Deputy S.G. Luce:

Okay.

President, Jersey Fishermen's Association:

That is why the permit system will be quite useful in that boats like this, so Interfish will be one of the companies that is already on the list of saying: "We want one of those licences for Jersey." They will get a licence but they will not have the track record, they will not get the permit to show that whatever they were doing in the track record reference period is now ...

The Connétable of St. Brelade:

Why would they want to get a licence for here then?

President, Jersey Fishermen's Association:

That, effectively, stops them from applying or it does not stop them from applying, it just means a licence is useless, that is ...

The Connétable of St. Brelade:

Yes.

Deputy R.J. Ward:

I expect some perhaps change in permit conditions at some time.

President, Jersey Fishermen's Association:

Yes, they are going to have to be really careful.

Deputy R.J. Ward:

Playing a long game, so to speak

President, Jersey Fishermen's Association:

Going to have to be really careful.

Deputy S.G. Luce:

Okay.

Deputy R.J. Ward:

Can I just ask one quick question?

Deputy S.G. Luce:

Yes, you will have to be quick.

Deputy R.J. Ward:

It is just that in your submission you said that there is something perhaps factually incorrect about there needing to be an increase in tonnage because if you do not allow an increase you cannot get a like-for-like vessel. You mentioned that that is not the case, there is a way of doing that without increasing tonnage; that is my reading of it. I might be wrong, which is why I am asking you the question.

President, Jersey Fishermen's Association:

The point I think I picked up with you on the day of the vote, Steve, the claim made by the Minister that it is really difficult to build a boat of the same size because you have to meet all the parameters; it is absolutely not true, that is an absolute fact. If you take the depth of a boat, that is from the deck to the bottom of the hull and you measure the volume in there, that is one equation. Then you take the beam and then you take the length and then you factor that by 0.4, I think, and that gives you your tonnage. You can change. If you need to have a longer boat for some reason you can change that. You just have to get your naval architect to play about when you are designing the boat. Different on horsepower but on tonnage you are not stuck to having to build to the exact same dimensions as the old boat. It is all about this equation.

Deputy R.J. Ward:

Okay, that explains it.

President, Jersey Fishermen's Association:

I do not think he intentionally misled on that one. I think it is just a lack of understanding of what is quite a complex system.

Deputy R.J. Ward:

Okay, thank you.

Deputy S.G. Luce:

I think we are just about there on time, Don.

President, Jersey Fishermen's Association:

Yes.

Deputy S.G. Luce:

I knew we would run through an hour much quicker than we would have liked. But I will just ask the panel if there are any other questions they have got.

Deputy R.J. Ward:

Just to say thanks.

The Connétable of St. Brelade:

I am just going to ask a fundamental one.

Deputy S.G. Luce:

Yes, please do.

The Connétable of St. Brelade:

Clearly there is an enthusiasm to get this replacement vessel policy through; what should the Minister be doing to enable that to happen? What do you need him to do?

President, Jersey Fishermen's Association:

Quite genuinely, if he already envisages a framework that will stop, say, latent effort or effort from the capacity from lower down, gradually moving about and if he has a very defined framework for how licences can be moved because they will, they will have to move - boats are being changed all

the time - if he has that he needs to make everybody aware of it and needs to make us aware of it, Scrutiny aware of it and in fact everybody in the States Assembly that will vote need that information on what are the safeguards? This thing that will just control the catch, I think, is just ... I am sorry, if the Minister was sat right beside me I would say it is a weak argument, there is a certain amount of naivety in there.

The Connétable of St. Brelade:

You did see the addendum which he put on to his proposition, which came very late in the day?

President, Jersey Fishermen's Association:

Yes, it was all about actual numbers of vessels, et cetera. I was really surprised, I was really looking forward. I heard that he was going to add something and there is nothing in there about what happens to licences as they move about, so I was a bit disappointed. It is useful data, if you like, but it is not what we need.

Deputy S.G. Luce:

That is certainly something we can put to the Minister. I think our understanding probably at this moment in time is that it will not matter what size of vessel it is. If it is a 5-metre vessel that licence could be transferred to a 15-metre vessel.

President, Jersey Fishermen's Association:

I think just be careful there, there is this thing about donor vessel and replacing a vessel but there is almost an anomaly here in saying so long as tonnage comes out somewhere, then it can come back in somewhere, so the 2 do not sort of quite fit together very well.

Deputy R.J. Ward:

Like an unintended consequence.

President, Jersey Fishermen's Association:

Exactly.

Deputy R.J. Ward:

That is what we are seeing lots of, yes.

Deputy S.G. Luce:

Because the Minister will say you can have your extra 20 per cent tonnage, which may be, let us just say, 20 tonnes but that 20 tonnes is going to have to come from another vessel before you are allowed to use it.

[11:15]

President, Jersey Fishermen's Association:

The theory behind it is great but the reality is that there are a lot of small low-impact vessels. I am still really confident that there is a lot of vessels that do not come here, they do not fish here and there will be incentive for those to move licences.

Deputy S.G. Luce:

Yes, to give up their licences so that that tonnage ...

President, Jersey Fishermen's Association:

Unless there is a good framework to stop it, prevent that.

Deputy R.J. Ward:

Just one final, do you think there could be somewhere in the future as well where we get to a stage where a vessel needs to be replaced and the argument will be we cannot replace it, so it has to be bigger, so we have to go a little bit bigger? It is, again, an unintended consequence because it cannot be smaller and there will be arguments, no, it cannot be the same. There will be an inevitable gradual increase simply over time because of the wording of what we have got now.

President, Jersey Fishermen's Association:

I think in some ways any framework that is developed will have to be adaptable to allow some movement. But let us say provided that that movement is within that same category of vessel, same type of vessel, same category, and it is not just a question of so long as the tonnage comes out somewhere we are okay with it. Maybe there is something but I cannot understand why it is not being provided, given the nature of the debate last week.

Deputy R.J. Ward:

Those categories would help.

President, Jersey Fishermen's Association:

Absolutely. There are solutions here, there is no 2 ways about it and we have got lots of other stuff; marine spatial planning, how the permit system will apply to our fleet. We have got lots of other things to do than to be stuck on this one. We would like to see it go through. There is a simple solution here, build a strong framework, get it in with the legislation.

Deputy S.G. Luce:

Don, thank you for your time. I am very grateful. We need to finish because we have got another hearing to start very soon.

President, Jersey Fishermen's Association:

Yes.

Deputy S.G. Luce:

But we will speak to you again soon.

President, Jersey Fishermen's Association:

Thank you all, I appreciate it, I am very grateful.

[11:17]