

# **STATES OF JERSEY**

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## **DRAFT SEA FISHERIES (TRAWLING, NETTING AND DREDGING) (AMENDMENT) (JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 2nd August 2005  
by the Environment and Public Services Committee**

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**STATES GREFFE**





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## **DRAFT SEA FISHERIES (TRAWLING, NETTING AND DREDGING) (AMENDMENT) (JERSEY) REGULATIONS 200-**

### **REPORT**

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The parent regulation that is being amended deals with trawls, nets and dredges. The amendment seeks to do 2 things, namely introduce a ring size for scallop dredges and specify how nets should be measured.

The scallop dredge measure, which includes definitions of 'scallop' and 'scallop dredge', brings in a ring size of 85mm for rings that form the bag of the scallop dredge. This is a measure that has been discussed at length and agreed with French fishermen as part of the Granville Bay regime and will apply equally to both Jersey and French fishermen. It is designed to let the smaller scallops and other fish and shellfish pass through the rings and not be caught or damaged by the dredge. This measure is over and above E.U. legislation but has been agreed between Jersey and French fishermen and the U.K. Secretary of State.

The second part of the amendment (Regulations 4 to 10) deals with updating the current regulations on how the meshes of nets are to be measured and setting maximum fines that may be levied (Regulation 9). These align Jersey Regulations with those of the E.U. and will be enforceable on all vessels including French vessels in Jersey Territorial Waters.

There are no financial or manpower implications for the States arising from these draft Regulations.

## Explanatory Note

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These Regulations implement requirements of Commission Regulation (EC) No. 129/2003, insert into the Regulations that are being amended provisions relating to the use of scallop dredges, and set a maximum fine limit on offences under the Law that relate to contraventions of these Regulations.

*Regulation 1* indicates that the Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 2001 are the principal Regulations, i.e. the Regulations that are being amended.

*Regulation 2* inserts definitions of “scallop” and “scallop dredge” into the principal Regulations.

*Regulation 3* inserts into the principal Regulations a Regulation defining a scallop dredge. It also inserts a Regulation that prohibits the use of such a device if the internal diameters of the rings of the bag forming part of the dredge are less than 85 millimetres across, or a device is attached to the dredge which may impede the movement of objects through those rings.

*Regulation 4* deletes a requirement of Regulation 27 that a gauge for measuring net mesh size is to be labelled “EEC gauge”.

*Regulation 5* specifies how meshes are to be stretched for the purposes of the determination of their size.

*Regulation 6* modifies the existing requirements as to the determination of the size of a type of mesh, to allow for both square and other meshes.

*Regulation 7* makes the second measuring of mesh size, which will follow a dispute as to measurement, conclusive as to the mesh size.

*Regulation 8* inserts a new Part 4A, which sets out how the thickness of twine used in nets is to be determined.

*Regulation 9* inserts a new Regulation that sets maximum fines that may be levied for any offence against a provision of the Law, which offence arises by virtue of a contravention of a requirement of any of the principal Regulations (not just those included by these amendments).

*Regulation 10* inserts into the principal Regulations 2 Schedules, setting out diagrams as to how net is to be stretched and the requirements for gauges to be used for the purposes of the Regulations.

*Regulation 11* specifies the name of the Regulations and that they shall come into force 7 days after they are made.





Jersey

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## Arrangement

### Regulation

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<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Regulation 1 amended</u>
<u>3</u>	<u>Regulations 26A and 26B inserted</u>
<u>4</u>	<u>Regulation 27 amended</u>
<u>5</u>	<u>Regulation 28 amended</u>
<u>6</u>	<u>Regulation 30 substituted</u>
<u>7</u>	<u>Regulation 32 amended</u>
<u>8</u>	<u>Part 4A inserted</u>
<u>9</u>	<u>Regulation 61A inserted</u>
<u>10</u>	<u>Schedules 7 and 8 inserted</u>
<u>11</u>	<u>Citation and commencement</u>

### SCHEDULE

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Jersey

# DRAFT SEA FISHERIES (TRAWLING, NETTING AND DREDGING) (AMENDMENT) (JERSEY) REGULATIONS 200-

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Articles 2, 4, 5 and 22 of the Sea Fisheries (Jersey) Law 1994,<sup>[1]</sup> having consulted with and obtained the concurrence of the Secretary of State whose concurrence shall be obtained, have made the following Regulations –

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## 1 Interpretation

In these Regulations, “principal Regulations” means the Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 2001.<sup>[2]</sup>

## 2 Regulation 1 amended

In Regulation 1(1) of the principal Regulations, after the definition “round strap”, there shall be inserted the following definitions –

“ ‘scallop’ means a member of the species *Pecten maximus*;

‘scallop dredge’ has the meaning given to that expression by Regulation 26A;”.

## 3 Regulations 26A and 26B inserted

In the principal Regulations there shall be inserted in Part 2, after Regulation 26, the following Regulations –

### “26A Scallop dredges defined

A scallop dredge is an object that consists of a device –

- (a) that is comprised of teeth, or other mechanisms, that may be used to scrape scallops off the seabed; and
- (b) that is attached to a bag in which scallops scraped off the sea-bed can be collected.

### 26B Scallop dredges regulated

- (1) It is prohibited to carry on board or use a scallop dredge if, where the belly of, or any side of, the bag that comprises part of the dredge consists of interlocking rings, the smallest part of the internal diameter of the rings measure less than 85 millimetres across.



- (2) It is prohibited to carry on board or use a scallop dredge if, where the belly of, or any side of, the bag that comprises part of the dredge consists of interlocking rings –
  - (a) a device or material is attached to the device, in the vicinity of the rings; and
  - (b) the device or material may have the effect of obstructing the movement of any object through the diameter of the rings.”.

**4 Regulation 27 amended**

In Regulation 27 of the principal Regulations paragraph (5) shall be deleted.

**5 Regulation 28 amended**

For Regulation 28(2) of the principal Regulations there shall be substituted the following paragraph–

- “(2) The net shall be –
  - (a) if its mesh is square mesh – stretched first in one diagonal direction and then in the other diagonal direction of the meshes, as shown in Schedule 7; or
  - (b) in any other case – stretched in the direction of the long diagonal of its meshes.”.

**6 Regulation 30 substituted**

For Regulation 30 there shall be substituted the following Regulation –

**“30 Measurement of each mesh**

- (1) The size of a type of mesh shall be taken to be the width of the gauge at the point where the gauge is stopped when the gauge is used in accordance with the requirements of Regulation 28 in relation to mesh of that type.
- (2) Where there is a difference in measurement between the diagonals of an individual mesh of square mesh netting, the size of the largest diagonal shall be used when calculating the mesh size of the netting.”.

**7 Regulation 32 amended**

After Regulation 32(14) of the principal Regulations, there shall be added the following paragraph–

- “(15) The results of the second measuring in accordance with paragraph (7) shall be final”.

**8 Part 4A inserted**

After Part 4 of the principal Regulations there shall be inserted the following Part–

**“PART 4A**

**DETERMINING TWINE THICKNESS**

**37A Gauge for determining twine thickness**

- (1) Gauges for determining the thickness of twine shall be –
  - (a) in accordance with the model shown in Schedule 8; and

- (b) made of durable and non-corrosive material.
- (2) The jaws shall be closed when the surface of both internal sides of the jaws touch each other and are flush.
- (3) When the jaws are closed the circular hole shall have the diameter, in millimetres, marked on one of the jaws adjacent to the hole.

**37B Selection of twines to be assessed**

- (1) Meshes shall be selected from any part of the net that is subject to a maximum permitted twine thickness.
- (2) Twines within a mesh that are broken or have been repaired shall not be selected.
- (3) Where any of the meshes selected are found to have been repaired or are broken, meshes elsewhere in the net may be selected.

**37C Assessment of twines**

- (1) Twines shall be assessed when unfrozen.
- (2) Twines in diamond mesh netting shall be assessed, as shown in Schedule 7, as follows—
  - (a) in the case of single twine netting – the twine on opposite sides of 10 meshes selected shall be assessed;
  - (b) in the case of double twine netting – each strand of twine on opposite sides of 5 meshes selected shall be assessed.
- (3) Twines in square mesh netting shall be assessed, as shown in Schedule 7, as follows—
  - (a) in the case of single twine netting – the twine on only one side of 20 meshes selected shall be assessed, with the same side being selected in each mesh;
  - (b) in the case of double twine netting – each strand of twine on only one side of 10 meshes selected shall be assessed, with the same side being selected in each mesh.

**37D Inspection procedure for the determination of twine thickness**

- (1) A gauge with a circular hole with a diameter equal to the maximum twine thickness permitted shall be used.
- (2) When –
  - (a) the thickness of the twine prevents the closure of the jaws of the gauge; or
  - (b) the twine does not pass easily through the hole when the jaws are closed,the assessment of the thickness of a twine shall be noted as a negative assessment.
- (3) If more than 5 negative assessments of the 20 twines assessed are found, a further 20 twines shall be selected and assessed in accordance with Regulations 37B and 37C.
- (4) If more than 10 negative assessments of the total 40 twines assessed are found, the twine thickness determined exceeds the maximum twine thickness permitted for that part of the net.

**37E Determination of twine thickness where dispute**

If the master of a vessel disputes the results of an assessment determined in accordance with Regulation 37D –

- (a) the assessment shall not be considered for the determination of twine thickness;
- (b) 20 different twines in the same part of the net shall be selected and measured and, if more than 5 negative assessments of the 20 total twines assessed are found, the twine thickness determined exceeds the maximum twine thickness permitted for that part of the net; and
- (c) the determination under paragraph (b) shall be final.”.

## **9 Regulation 61A inserted**

In the principal Regulations there shall be inserted in Part 6, before Regulation 62, the following Regulation –

### **“61A Maximum fines**

- (1) For the purposes of Article 4(1) of the Law, the maximum fine to which a person shall be liable if he or she is found guilty of an offence against that Article in relation to a contravention of a Regulation, set out in these Regulations, that is made under Article 2 of the Law, shall be –
  - (a) if the person has not previously been found guilty of an offence against Article 4 of the Law in relation to a contravention of that Regulation – £20,000; or
  - (b) if the person has previously been found guilty of an offence against Article 4 of the Law in relation to a contravention of that Regulation – £40,000.
- (2) For the purposes of Article 5(5) of the Law, the maximum fine to which a person shall be liable if he or she is found guilty of an offence against that Article in relation to a contravention of a Regulation, set out in these Regulations, that is made under Article 5 of the Law, shall be –
  - (a) if the person has not previously been found guilty of an offence against Article 5 of the Law in relation to a contravention of that Regulation – £20,000; or
  - (b) if the person has previously been found guilty of an offence against Article 5 of the Law in relation to a contravention of that Regulation – £40,000.”.

## **10 Schedules 7 and 8 inserted**

In the principal Regulations there shall be added at the end the Schedules set out in the Schedule to these Regulations.

## **11 Citation and commencement**

These Regulations may be cited as the Sea Fisheries (Trawling, Netting and Dredging) (Amendment) (Jersey) Regulations 200- and shall come into force 7 days after they are made.

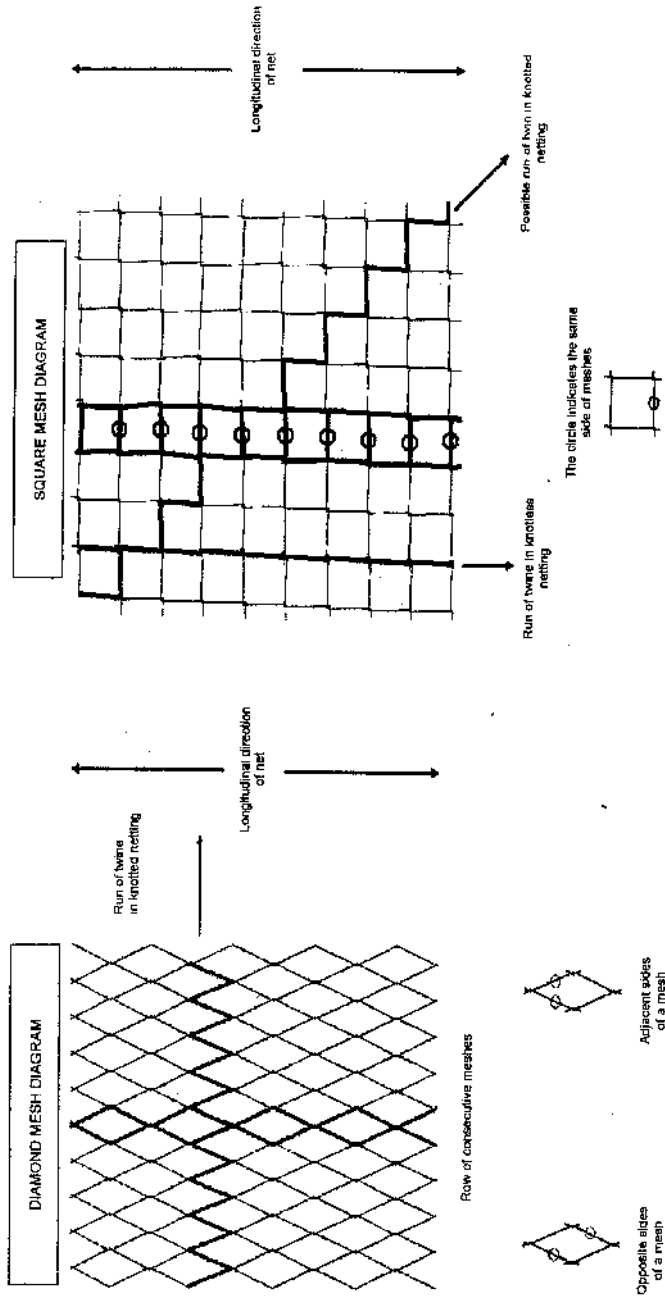
# SCHEDULE

(Regulation 10)

## “SCHEDULE 7

(Regulations 28(2) and 37C(2))

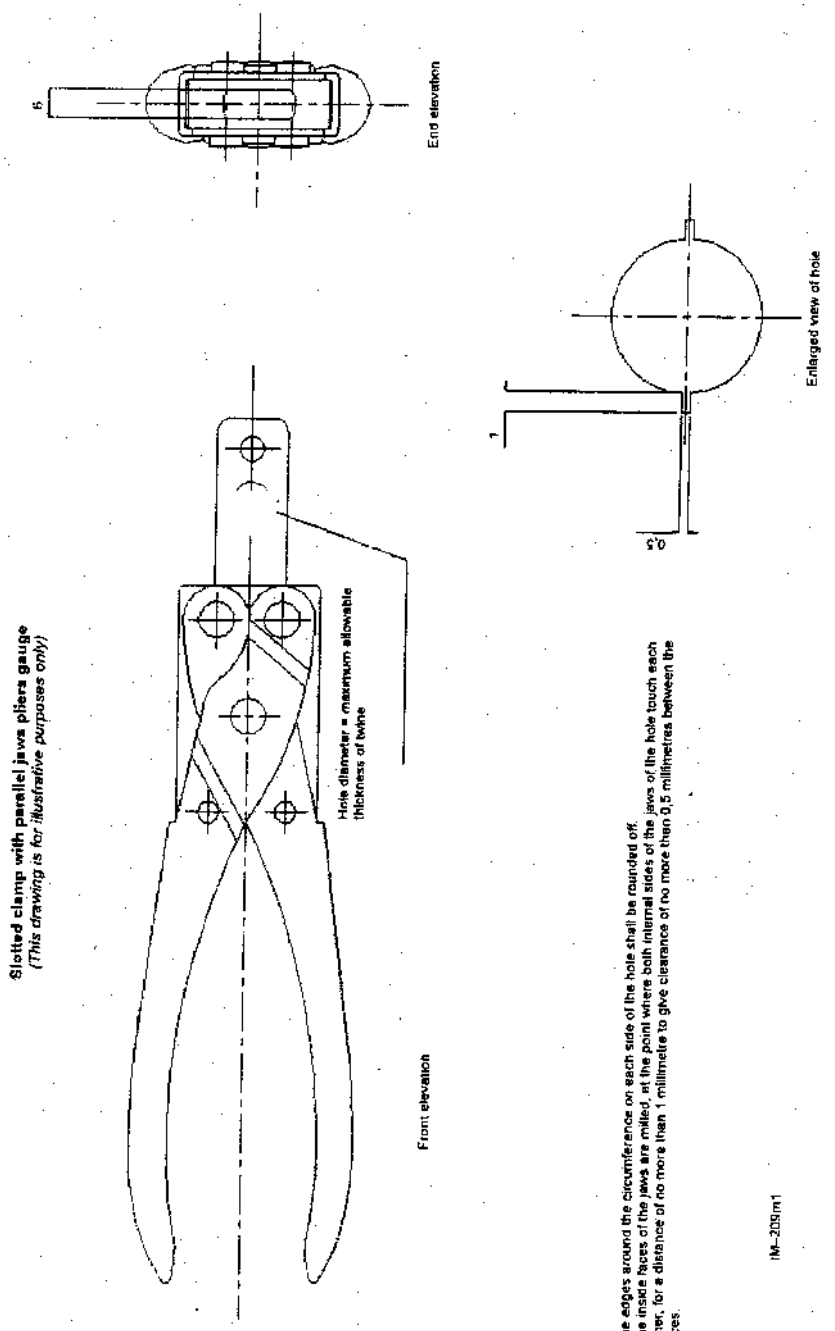
### MANNER OF STRETCHING NET AND SELECTING TWINES



# SCHEDULE 8

(Regulation 37A)

## GAUGE FOR DETERMINING TWINE THICKNESS



Slotted clamp with parallel jaws pliers gauge  
(This drawing is for illustrative purposes only)

Hole diameter = maximum allowable  
thickness of twine

The edges around the circumference on each side of the hole shall be rounded off. The inside faces of the jaws are milled, at the point where both internal sides of the jaws of the hole touch each other, for a distance of no more than 1 millimetre to give clearance of no more than 0.5 millimetres between the faces.

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[1] Chapter 14.825.

[2] Chapter 14.825.88.