

# STATES OF JERSEY

## Economic Affairs Scrutiny Panel Fisheries (Bag Limits)

MONDAY, 18th MAY 2009

**Panel:**

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

Deputy C.F. Labey of Grouville

Deputy S. Pitman of St. Helier

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

Deputy J.M. Maçon of St. Saviour

Mr. T. Oldham (Scrutiny Officer)

**Witnesses:**

Senator A.J.H. Maclean (The Minister for Economic Development)

Mr. M. Smith (Senior Fisheries Inspector)

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

I realise your time is short so we will launch almost straight in. First of all though, I will introduce first myself, Mike Higgins, Daniel Wimberley and Jeremy Maçon. I was going to call you something else.

If you can introduce yourselves as well for the benefit of the recording.

**Mr. M. Smith (Senior Fisheries Inspector):**

I am Mike Smith, the Senior Fisheries Inspector, representing Dr. Bossy who is on leave this week. His daughter is getting married.

**Deputy M.R. Higgins:**

Okay. And obviously, Minister ... Alistair...

**Senator A.J.H. Maclean (The Minister for Economic Development):**

Alan.

**Deputy M.R. Higgins:**

Alan. I told you I was having a bad day and, obviously, Tim Oldham, our Scrutiny Officer. Right, I am going to hand over to Daniel who ...

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

Just for the first one. I have got a few others as well.

**Deputy M.R. Higgins:**

Then I will launch in shortly.

**The Deputy of St. Mary:**

No, on the generality looking at this I am interested in the whole sort of *raison d'être* for this. You have got the unlicensed fisherman and you have got the fishing industry and you have got this concept of "black fish". I just wonder if you could take us through that. What is going on here in terms of markets and, just putting it as a hypothetical, why is it wrong for me to go down to the sea today and catch 6 bass and sell 3 of them?

**Senator A.J.H. Maclean:**

Right. If I just give a general answer and I will ask Mike to give some more specific detail ...

**The Deputy of St. Mary:**

There might be a whole theory behind this thing.

**Senator A.J.H. Maclean:**

The idea behind these regulations is to create fairness and greater equality, if you like, taking into consideration the importance of the commercial fishing market in Jersey. Fishermen do not, we should always remember, get any form of grant or aid in terms of supporting their particular industry. We have to take into consideration the need to protect them from the social ... I accept, of course, the importance

of the social aspect of fishing. It is an important hobby for many people. There are, we believe, something in the order of 1,800 or so people who embark upon social fishing at a different degree, and of course they themselves contribute to the economy, but it is the commercial fishermen that the regulations are designed to provide some degree of protection from those very small percentages who seek to capture socially, from their pastime, fish, and then sell them commercially and compete against the commercial fishermen who, of course, have to have licences and are fully regulated.

**Deputy of St. Mary:**

Right. A very small number who sell this hobby catch and then you say that the official fishermen, if you like, are regulated or licensed. How does that work? What are they getting with these regulations?

**Mr. M. Smith:**

I think the Minister has covered it very well but basically fishing vessel licensing came in in 1997 and everyone who could prove that they sold fish at that time from a boat was given a fishing licence. From that day forth, the overall number of licences for the whole United Kingdom, including Guernsey and Jersey, was capped so that no more licences could be created. So, effectively, you had an open marketplace whereby people have to pay quite a lot of money for licences. Those licences control in all sorts of way, and currently the quota, for example, for sole is 25 kilos a month which effectively is about 3 fish a day for commercial fishermen whereas a recreational fisherman has no such restriction. Licences are quite valuable; it is pretty pointless to give you an amount because it varies, depending on a lot of different factors. The real issue is that a lot of these commercial fishermen, and indeed other members of society, are complaining that people who do not have licences are fishing for high value species such as lobster and bass. Bass particularly they then land straight to restaurants. We have got no legislation in place at the moment that makes that illegal, without an awful lot of proof and intrusion in people's lives to prove it. They can also afford to sell at quite a low price. So if a couple of recreational fishermen out in a boat catch 400 bass, which is not impossible by any means ... absolutely, yes. If you get a good hit with a net that is the sort of quantities you are talking about. They flood the local marketplace which, obviously, on a Friday afternoon can only stand so much bass. Then the

commercial fisherman, who has been out fishing all day, comes in with his fish and he has no market for them. So, it is a sort of double whammy. These people are able to fish without a licence and they are also able to sell at a cheaper price.

**The Deputy of St. Mary:**

It reminds me of taxis and cabs. There is kind of alarm bells go ringing in my head, that is all. So, I am just trying to get this ... and also the fact you have just said that fishing vessel licensing only began in 1997. So what happened before 1997?

**Mr. M. Smith:**

Before 1997 anyone who was fishing commercially from a boat was supposed to get a J registration from Harbours so the boat was registered as a commercial fishing boat. I think, in fact, that was not the case. It was not enforced particularly rigorously which was why Senator Rothwell was adamant that anyone who had sold a fish, regardless of whether they had a J registration or otherwise, should be given a licence in the first instance.

**The Deputy of St. Mary:**

So there are a lot of licences about?

**Mr. M. Smith:**

Jersey originally issued something like 320 and obviously because these licences had a value some fishermen chose to give up fishing commercially and sell their licence, keep their boat, register it as a pleasure boat and carry on fishing.

**The Deputy of St. Mary:**

I see. Well, I am not going to take that further but I am just sort of putting that as a sort of base line for what we are taking about. The other question that really was on my mind in terms of background to this, somewhere in here you mentioned the panel. I am sure that somewhere in here there is a mention

of consultation with the panel.

**Mr. M. Smith:**

Fisheries and Marine Resources Panel?

**The Deputy of St. Mary:**

The Fisheries and Marine Resources Panel. There we are, right at the top ... no, where is it? There we are, I see: "The Sea Fisheries and Marine Resources Advisory Panel is unanimous in its support of this measure." Would you like to expand on that?

**Mr. M. Smith:**

Yes, that is correct. You have not got the benefit of the papers I have prepared here but I have found 11 sets of panel minutes from various meetings where bag limits have been discussed. I could have found considerably more going back through time. Unfortunately, it is quite difficult to find a representative for the angling community in Jersey because the angling community, like a lot of recreational bodies, is very diverse and anglers tend to be loners. They do not tend to come together until there is a problem but those panel meetings always had an angling representative present, although we did go through a period where the representative elected not to turn up. We made considerable efforts: Dr. Bossy phoned him, visited his home, visited his brother at work. We had a couple of meetings where he did not attend but I have gone through the panel minutes and found that at all the key ones we had angling representatives present. Indeed, I have got an email from that very representative who was in support of the bass bag limit of 5 because they were not all brought in at the same time. They first of all started looking at ormers and then ormers and lobsters, and then bass was added on later into the programme. What I should also say is if people do not turn up at the meeting, obviously they still get the minutes and the agendas so they would have had the full plan.

**The Deputy of St. Mary:**

First of all, who are the members of the advisory panel and how do they get there?

**Mr. M. Smith:**

The president varies. In recent times it has been Mike Taylor. Obviously the panel changes, depending on the sort of situation at the time, but we normally have at least one political representative there and currently it is Constable Mike Jackson. Chris Newton, the Director of the Environment, attends. Don Thompson, the President of Jersey Fishermen's Association and he brings 2 members of his Association with him. We have a representative of the Jersey Aquaculture Association, and that has just changed. It was Trevor Le Cornu. It is now Chris Le Masurier. We have a chap called Ian Syvret who represents the Jersey Inshore Fishermen's Association. Chris Le Boutillier, who represents the boat owners on the north coast, also tends to represent the low water fishermen. Again, we have had a change; it was Robert Viney but it is now Natalie Porritt who represents the Jersey exporters. We have a representative for the anglers. Key individuals can be invited to the meeting, depending on the topic. So if there is something specific to use of the harbour area perhaps the fishermen would field more representatives. Then we have a representative from Jersey Harbours and Dr. Bossy, myself, the department's scientist and a minute taker. In the last few meetings, since the bag limit legislation has gone through, we have a representative of the marine section of the Société. That is a fairly new development. The panel was originally the Sea Fisheries Panel but now it is the Sea Fisheries and Marine Resources Panel.

**The Deputy of St. Mary:**

Yes, that is an important addition, is it not? So, would you say all these are genuinely representative?

**Mr. M. Smith:**

I think so, yes, yes. I mean, you will always find people who are outside the organisation. I think the anglers in particular have gone through a difficult time. The angling representatives we have had at panel meetings where bag limits have been discussed have included Peter Gosselin and Keith White, who represented the Jersey Recreational Fishermen's Association and his predecessor who was Andrew Syvret.

**Deputy M.R. Higgins:**

Sorry, just following on, you mentioned earlier representatives. Do they have formal representatives or is it ad hoc people coming in?

**Mr. M. Smith:**

No, most of those people hold positions in the organisation they represent. The difficulty is the anglers; there is not actually a body to represent.

**Deputy M.R. Higgins:**

Thank you. Following through on that though, did you do a public consultation exercise? Did you put out a consultation paper, setting out what you are doing and advertised it? Obviously the anglers are such a diverse group; did you do a public consultation exercise to see what their views were?

**Mr. M. Smith:**

No, we did not as such. We have canvassed anglers and also at the time that the panel approved the principles of it, Senator Ozouf had quite a big media sort of campaign on it. The hope was that people would bring forward views but really until the last couple of weeks, I think, we have not received sort of negative views on it and, indeed, even in the last few weeks we have not received negative views in writing or anything like that.

**Deputy C.F. Labey of Grouville:**

So, the anglers that come to your panel meetings, they are not representative of any group, they are just expressing their own views?

**Mr. M. Smith:**

No, not at all. Keith White was representing the Jersey Recreational Fishermen's Association and this was at the key time of the bag limit legislation going through. There are a number of meetings to which all anglers were invited, held at the Société, where in fact Andrew Syvret was trying to get the anglers to

come together in some kind of joint way so that policies, such as this, and other policies as well, could be discussed and their views sought. He was successful in getting them together and an association was formed, which was the Jersey Recreational Fishermen's Association, but Keith White was elected the representative. So, he was still representing the recreational anglers of the Island in as much as they had chosen to attend the meetings that were held for them.

**Senator A.J.H. Maclean:**

It is quite interesting to note, obviously, the recent media interest in this subject. There was quite an extensive article in the *Jersey Evening Post*, as you will probably be well aware.

**Deputy M.R. Higgins:**

We picked it up before any publicity but anyway ...

**Senator A.J.H. Maclean:**

Yes. The point I am making about it is the fact that it has been in the *Jersey Evening Post*, there has been quite an extensive article, and I think that probably the lack of any meaningful responses on the back of that does demonstrate probably the size of the sort of market for social fishing and this type of pastime. The report carried out in 2001 by Shelley Hawkins, looking into the social fishing industry, suggested there were something like 1,700 or so people involved, of which only about 5 per cent are likely to be affected, in principle, by these regulations, that those are people that take more than prescribed or suggested bag limits.

**Deputy M.R. Higgins:**

Well, in fact just going back to some of the earlier comments I made. You mentioned the licences were brought in in Jersey in 1997, and Guernsey also brought in licensing? Do they have a similar ...?

**Mr. M. Smith:**

Guernsey has a problem. As you are probably aware, Guernsey does not have a territorial sea that goes



out to 12 miles and they did bring in a licensing scheme which was challenged by the Jersey fishermen and was thrown out which is why Economic Development, as it was then, took over the reins of managing fisheries legislation. Senator Ozouf was intimately involved in the appeal process in supporting the fishermen and it seemed appropriate he then managed the legislation. But no, they do not.

**Deputy M.R. Higgins:**

Do they have any sort of limits on catches at all or try to limit recreational anglers?

**Mr. M. Smith:**

I think that they are very keen not to do so because it helps their case to introduce licensing and a 12-mile territorial sea but if they cannot control catch limits then the U.K. (United Kingdom) may be more minded to give them the authority to license. That is not to say they would not like to do it and that is not to say Jersey would not support them in having that kind of control in place.

**Senator A.J.H. Maclean:**

It is more the ability for them to be able to do it and I think to bear in mind that Jersey is not unique in any shape or form in terms of what is being proposed here. In fact, the proposed bag limits are significantly lighter than many other jurisdictions around the world: the U.K., France; Australia is particularly tight on its fishing.

**Deputy M.R. Higgins:**

That was my next question. I was going to ask what the French do.

**Mr. M. Smith:**

The French have bag limits for a huge range of species, way in excess of what our fishermen have.

**Deputy M.R. Higgins:**

For example, the catches we are looking at, what do they have in regard to that?

**Mr. M. Smith:**

Well, for lobsters you are not allowed anything more than 2 pots set in the sea, whereas our recreational fishermen have a completely unlimited number. So the issue of catching more than a very small number of lobsters does not exist because they simply cannot go out and catch them. In terms of ormers, they have very similar catch limits to what we are proposing. I think they have 20 in ... I will probably get this wrong. France has something like 20 in Normandy and 12 in Brittany - I might be the wrong way round - so we are sort of harmonising with that. Bass, they have not got a bag limit yet but they are certainly talking about it.

**The Deputy of Grouville:**

Can I ask - and if this question has already been asked please stop me - why is it that the bag limit per vessel does not include bass and ormers?

**Mr. M. Smith:**

That is a good question. Ormers, there is no commercial fishery as such. People tend to go low water fishing from Jersey or low water fishing at the Minquiers and it is quite traditional for a boat to take up to 8 people down to the Minquiers to go low water fishing for ormers. We felt, and indeed the panel felt, it would be unnecessarily sort of onerous to restrict them to 20 per boat when they could have that many people. So, it is an individual catch record for that. It is very tightly controlled by the tides and all sorts of other things as well, so we did not really see an issue there. With bass, again, you can get 2 or 3 anglers going out in one boat and it would seem a shame to stop recreational anglers catching a reasonable number of bass each. The problem with lobsters is that lobster can be kept alive in the water and what we are finding is that quite a few recreational boats have store pots, particularly on the north coast, in which they can have 20 or 30 lobsters which will obviously then mean the ability for them to gather lobsters is quite great and then land those to a merchant and make a reasonable profit on them.

**Deputy S. Pitman of St. Helier:**

What is the biggest industry then, bass or ...?

**Mr. M. Smith:**

Lobster is by far the biggest industry.

**Deputy M.R. Higgins:**

Just going on to this, obviously what you are saying is that the main reason for bringing in the regulation is to protect commercial fishermen. What about the marine environment on a catch? What are the stocks like out there, for example? Is there a problem? Is there limited shoals of these?

**Mr. M. Smith:**

If I can just go back to the ormers first. The ormers is not about the commercial fishermen at all. The ormers is about the stock and about, perhaps, sharing that stock out in an equitable way. There was a very severe disease of ormers a number of years ago and ourselves and the French had to close the ormer fishery and all the stocks dropped by something like 80 per cent to really very, very low levels. The fishery was closed for 2 or 3 years and then it was opened and immediately people went out and caught 100, 120 ormers. The numbers now are coming up, even at the Minquiers they have seemed to come up. We are seeing people catching catches at the Minquiers approaching 20. Certainly on Jersey we have seen people catching in excess of 20, but occasionally rather than regularly. The measure of 20 would help the stock growth to continue to recover. It would also ensure that an individual going down the beach one day would not take all the ormers out of the area so someone going down the next day would be able to take some. So the ormers is really about stock. Lobsters, the stock, we are relatively sure, is in a very good state. We do a number of research measures to check that, one of which is a thing called catch per unit effort, which is the kilos of lobster that come out of a standard pot. We assess that in 2 ways; we assess it by looking at the fishermen's log books. Their log books are very developed and we can work out that data from that. We also do independent trials ourselves of catching juvenile lobsters in the same way and the indications are that the lobster stock is very healthy. Indeed, it is a

problem facing the industry. It is almost too healthy all around Europe at the moment and so there is a huge surplus of lobsters, which has dropped the price. Bass, there is a lot of talk about bass and I am not sure that anyone really knows the answer to the bass stocks. Our fishermen, at the last Marine Resources Panel, saw our annual report and disputed the figures because they felt that last year the bass catches were particularly bad. Indeed, we were able to show to them that the very figures they had produced to us showed that it was actually better than the previous year and perfectly average. The bass fishery is subject to pair trawling in the English Channel which is what upsets the anglers, and pair trawlers throughout the English Channel have now been restricted to 5 tonnes per trip which gives you some idea of the scale of things. We are talking about an angler being restricted to 5 bass and a commercial fishing boat is perhaps restricted to considerably more than that. The bass stock which migrates in and out of our waters is much more difficult for us to control but we are looking at other local measures which may help, help at least to keep the stock that is in our waters healthier for longer.

**Deputy M.R. Higgins:**

Just a question on that, excuse my ignorance of fishing and whatever: are there any sort of particular areas where they sort of tend to grow? I know fish migrate all over the sea but, for example, is there a particular sort of area around these islands where the smaller fish are developing, or what?

**Mr. M. Smith:**

Yes, we believe - and again I cannot sort of give you absolutely 100 per cent - they come inshore to spawn. They spawn in masses. You mentioned Guernsey and it is interesting, there is a bank within the 3-mile limit off Guernsey, called the Boue Blondell, where the bass aggregate in huge congregations and the fishery has been exploited very, very heavily recently. That is a classic example of where we do know of a Jersey boat that is a recreational boat that goes and exploits that fishery and comes back to Jersey and is able to sell his bass. We cannot touch him for that because we just do not have any legislation that covers it. Guernsey has now tried to bring some controls over that area. Yes, you are absolutely right, they do congregate together in some places to spawn and then the school bass tend to live in the warm shallow waters around Jersey and France, in fact, in the summer months.

**Deputy M.R. Higgins:**

You say we have a 12-mile limit and licensing; are French fishermen allowed to come into that 12 miles and fish as well?

**Mr. M. Smith:**

Yes, absolutely. French fishermen can come in up to our 3-mile limit and fish. Obviously that includes Les Ecréhous and Les Minquiers, so they can fish right through those areas in exactly the same way that a Jersey fisherman can fish.

**Deputy M.R. Higgins:**

What measures do you have in place to stop them exceeding the bag limit?

**Mr. M. Smith:**

The bag limit for lobsters and ormers ... we regularly check the offshore reefs during the big tides for ormer gatherers, so we would carry on doing that in exactly the same way as we measure for undersized and the other controls they are subject to. The same goes for lobsters. Whenever we check recreational boats, we check all their catch but really in reality you do not find French fishermen with lobsters, recreational fishermen with lobsters, because they are restricted to their 2 pots in France so they have very few. Bass, we are not totally sure. In fact, we have asked the French if they would agree to the bag limit. The French have to agree to all our legislation that applies out to 12 and they have not yet agreed to the bag limit for bass or recreational anglers. We have looked back through our research and we have only found 10 occasions since the early 1990s where there may be a recreational boat that would have had more than 5 bass on board but it is difficult to say because we record in terms of weight rather than fish numbers and obviously it depends on the size of the fish.

**Deputy M.R. Higgins:**

Also, how often are you policing the areas around the Island? You are a limited force in one sense.

What do you have one boat, 2 boats or ...?

**Mr. M. Smith:**

We have got a large patrol boat which carries a small dinghy. We also have a small dinghy which we use inshore locally but the most effective way for minimum size and bag limits and unlicensed fishing is to check what is coming ashore. The thrust of this legislation would be that it would be for the restaurant to prove that they got their fish from a legitimate source. So, if we went to a restaurant and they had 10 lobsters, the burden of proof is on them to prove that they bought them from someone who was entitled to have them, which is slightly unusual perhaps but would help us tremendously and reduce the amount of policing. We expected bag limits to be introduced earlier than it has been. We have had delays getting it through the U.K. approval process but in anticipation of that we were looking to appoint a number of voluntary fishery officers. We have got one, who is an ex-Centenier from St. Martin, who spends a couple of hours of an evening every week and sort of one weekend day and he does checks. We also do checks ourselves. But yes, you are right, we cannot check all the time but we would anticipate that we would have it sufficiently covered that it would have an impact, plus most fishermen, like most individuals, are law abiding and there is only going to be the odd one who breaks legislation. We get a lot of complaints about the ones who are already breaking the licensing regulations. It is just that it is very difficult to prove it.

**Deputy M.R. Higgins:**

This is the point. In one sense you say there are people who are definitely over-fishing and who are selling them commercially. Most of them are probably known to you, are they not?

**Mr. M. Smith:**

Yes, I think that is true to say.

**Deputy M.R. Higgins:**

So how many individuals are we talking about?

**Mr. M. Smith:**

I would think, on a big scale, we are looking at probably between 10 and 20.

**The Deputy of St. Mary:**

How much is a licence?

**Mr. M. Smith:**

It varies hugely. Our largest boat's licence is about £40,000 I think. To license a small boat that you could realistically net for bass would be nothing like that cost. It would probably be in the order of £1,500 to £3,000.

**Deputy S. Pitman:**

In this proposition it says that it was the commercial fishermen who had been complaining about fishermen breaking the law. Do you have any idea of how much money is being lost because of that to the industry?

**Mr. M. Smith:**

No. I suppose though it is relevant, I am not looking at the paperwork as I go, but I think we would argue there is something like 9 professional fishermen who target bass on a regular basis, the coast inshore. So, if you have got even 3 or 4 recreational people who are circumventing the legislation that is going to have an impact but bass is perhaps not ... I could look at the annual report but I have not got the figures at the tip of my tongue. It is not a major part of our industry. I suppose the important thing to realise is for those fishermen who target it it is a percentage of their income and in the current sort of economic climate, if it is 20 per cent of their income it is 20 per cent they cannot afford to be without really.

**Deputy S. Pitman:**

Ormers and lobsters I imagine, do you know how much has been lost?

**Mr. M. Smith:**

Ormers, there really is no impact on. There is no commercial fishery. Occasionally you see them in the fish market but it really is not a commercial fishery. Lobsters, in my view it is less of a problem than bass.... **(Reference made to current case, details taken out of public record)**

**Senator A.J.H. Maclean:**

I think to perhaps put it into perspective, the fishing industry, as I understand it, amounts to around about £6 million or grosses around £6 million a year in terms of fish and shellfish. I think on the margins Mike was referring to are probably 10 or 20 of the more serious offenders who are recreational fishers who are selling their catch but if you assume, based on research in 2001 by Shelley Hawkins, that the recreational fishing industry is about 1,700,1,800 people and about 5 per cent of those are exceeding these proposed bag limits, that gives you the sort of quantum of the potential numbers who could be causing a problem.

**Deputy J.M. Maçon of St. Saviour:**

Just on the question about clause 6 in the proposition, it says that people could be liable up to a fine of £20,000. How did you arrive at that figure?

**Mr. M. Smith:**

Our original fines were unlimited. When this was sort of discussed with the French, the French were very keen that we had a first offence maximum of £20,000 for most fines and that seemed quite a sensible level and so that was agreed. That is now creeping into all our legislation. Because it can apply to French people, then we accept their view that £20,000 should be a maximum for a first offence.

**Deputy M.R. Higgins:**

Although they have not brought it in yet.



**Mr. M. Smith:**

Well, no, the £20,000 does apply for other fisheries regulations.

**The Deputy of St. Mary:**

When you see that as a max, what does that actually mean? Like driving offences, for instance, are quite calibrated, are they not? Are you looking at calibrating? If so, why is it not in here, because £20,000 max is ... it sounded to me quite draconian and I just wondered whether there was a scale?

**Mr. M. Smith:**

It is not really for us to set the fines but what I can tell you is that certainly the magistrates in the time of Ian Le Marquand and Ian Christmas, and I believe it has been continued, ran a very, very careful system. For the first time in our sort of fisheries history they kept a log of all the different types of offences and the levels of fines they had set. They went to great lengths to make sure that fines were sort of proportionate to the offence. I think the most serious fine we have ever had (*for this type of offence*) was something like £2,000 for 3 undersized crabs and that was a French offender, it was about his 6th offence and he had taken to meet at France as well. The scale is generally kept quite low down. We have a system in the department that has been approved by the Attorney General where, if we come across a minor offence that is noteworthy, as opposed to not really worth worrying about, we send a written letter of warning to the individual. On the next occasion they go to the parish hall and on the next occasion they go to court but obviously if we found someone landing 500 kilos of bass without a licence we would go straight to court and it would be for the magistrate to set the fine.

**The Deputy of Grouville:**

Do anglers have to get a licence?

**Mr. M. Smith:**

At the moment they certainly do not. One of the things that is stirring the anglers up ... are you happy for me to develop this, because it is a little bit complex but Jersey is bound to introduce equivalent

legislation to the E.U. (European Union) in relation to fisheries. That was part of the price we had to pay for extending our territorial seas 12 miles. The E.U. has a set of regulations called the Control Regulations which are being completely reviewed and the Draft Control Regulations, as they stand, have a clause whereby for certain species of fish anglers are going to have to have a licence and they are going to have to make returns on how many of those fish they have caught, and those fish are going to come off the existing quotas that the commercial fishermen are bound by. The species include certainly sole and cod, we believe pollock and, perhaps more importantly, mackerel. This is a proposal from the E.U. at the moment. The anglers throughout Europe are absolutely up in arms about this. We have discussed licensing anglers before because the U.K., as part of the introduction of the Marine Bill, was going to make it compulsory for anglers to buy a licence and the licence was going to be quite expensive, I think maybe looking at about £70 or something, and that was intended to pay for policing of measures such as this. The U.K. has rejected that under huge lobbying, so it is not looking to introduce it now. But we would see bag limits as perhaps our protection against the need to introduce such legislation. Dr. Bossy would be prepared to argue to the U.K. that if, for example, mackerel was going to become one of these species, if a 12 year-old boy, was going to have to have a licence and send in a return to the government to say that he had caught 2 mackerel off St. Catherine's breakwater, we would prefer to introduce a bag limit for mackerel, for argument's sake, of whatever was reasonable, I do not know, 20, 50, and use that as leverage to the U.K. and say: "Well, overall that is going to be equivalent to what you are trying to achieve and an awful lot easier", because we really do not want to go down the route.

**The Deputy of St. Mary:**

That brings me to a question that was on my mind which is that this does not refer explicitly, I do not think, or it certainly is not a major consideration, to the overall stock position of different species, but now you are saying: "Ah, but in the background that is quite a consideration." It certainly would be for me and for people at the Société: where is it all going? Is it sustainable in the real sense of sustainable?

**Mr. M. Smith:**

Yes. We would certainly see bag limits as the way forward. I think developed fisheries elsewhere ... I think in places like Australia virtually every species is now subject to a bag limit for recreational fishermen. Quite complex rules. It is certainly a good way forward but it is complex over here because there is the fairness issue. We need to be able to introduce it to both Jersey fishermen and French fishermen and I think the States would have a difficult job to pass through a piece of legislation perhaps restricting Jersey recreational fishermen to a bag limit for, for example mackerel, when it might not apply to other people in the Jersey territorial sea. But, yes, it is a very good way forward. Now, if the bag limit legislation gets in then it is obviously relatively easy to add other species, although at the moment there are no plans to add other species, no one has suggested any other species. While it was developing, we started with ormers. Ormers was the sort of first one we discussed and then lobsters were added to the list and then bass, so you can see that is the way that people are thinking.

**Deputy S. Pitman:**

You say in the proposition it is immaterial whether the fish are dead or alive. I would see this, like you have just said, as an opportunity for conservation, so why dead or alive? Why not alive?

**Mr. M. Smith:**

Because people would kill them and then be able to keep them, is the simple answer to that. What we are trying to encourage is responsible fishing. If you take the example of a responsible, low water, recreational fisherman who sets a net or hooks on the beach then it is really in their interest to go down there, as the tide uncovers those hooks, to release the undersized fish, the fish in excess of a bag limit, if there is a bag limit, and to keep the fish they can legitimately keep, because if they do not the fish will die and the birds will eat them. So, it encourages good environmental sort of fishing but it is also important for the legislative side of it. If you allow people to keep dead fish then it slightly circumvents the legislation. I think also in the legislation it talks about putting the fish back into the sea in a condition as close as possible to the condition that it came out of. We do not want people ripping hooks out of bass and chucking them back in so they can get on and catch another one.

**The Deputy of St. Mary:**

So you are imposing a duty of care, in fact.

**Mr. M. Smith:**

Yes.

**Deputy M.R. Higgins:**

You mentioned in the paper here fishermen catching bass from the shore using rod and line, set nets and long lines. When they are out in the boats how are they catching these fish? Obviously you can tell I am not a fisherman or an angler, not an angler obviously. How do they catch the bass? What methods do they use at sea?

**Mr. M. Smith:**

They use a range of methods. The traditional way is dropping a line over the side but some people will tow little things that look like fish behind their boat. They can also set nets in the shallow waters along the south and east coasts. They set things called long lines from boats. They will trawl and catch a few live sand eel, or dig large sand eel, and they have got these live on the hooks and set a row of hooks. One of the ones that we are seeing at the moment, which we particularly do not like, is people are getting bottles like this and attaching a hook to those bottles and then just leaving them floating and bass are going for the hook. You will see the bottle dip up and down and you just go round in your boat and pick all the ones that have caught bass.

**Deputy M.R. Higgins:**

What is particularly used by the ones who are catching large numbers of fish?

**Mr. M. Smith:**

Very clever angling on top of little reefs where they know that bass congregate, particularly out at the Ecréhous and the south-east coast, around Corbiere as well. Bass tend to be in quite finite areas for

specific points of the tidal flow at the times of day that a good bass angler knows where to go to get them.

**The Deputy of St. Mary:**

If stock is really the big issue, because that determines where we can set all these limits - I am sort of worried about this; the whole aspect of limiting 1,700 people in their leisure activities is quite serious - we do need to know that the science is sound and I was a bit alarmed when you said in response to a question about where do the bass spawn: "We believe they come inshore to spawn." Heavens, I thought you knew. So, can you just outline how good the science is on this and whether it should not be better?

**Senator A.J.H. Maclean:**

Sorry Mike, just before you do that. Daniel, the 1,700 you referred to, it is only about 5 per cent of those that we believe are likely to be exceeding the bag limit, so in fact it is a very small percentage of 1,700 who would be potentially affected. Just to put it in perspective: it is not 1,700 that are being affected. Sorry, go on.

**Mr. M. Smith:**

I am sorry, I cannot really comment on the science. It would be better if Dr. Bossy was here for that. I am not on the scientific side. This is not really being introduced as a measure to conserve bass stocks or a measure to conserve lobster stocks. This is a measure just to improve the fairness of fishing. In terms of ormers, it is there to protect stocks as much as anything else. There may well be other measures that we should introduce or will be looked at to help conserve bass stocks and lobsters. I mean, lobsters, we have a huge range of measures that are already protecting lobsters, but bass is an area where, perhaps, more could be done.

**The Deputy of St. Mary:**

In terms of protecting the fisherman, the most important single impact is these guys pair trawling 5 tonnes per trip, our bass float off for a holiday and then they all get trawled and then our fishermen - I

am being simplistic - have not got any bass when they come back, if you see what I mean, because they have all been pair trawled. How big is that issue in relation to what we are talking about?

**Mr. M. Smith:**

Well, I would say it is unrelated because we are not trying to control that aspect with this legislation. That 5 tonnes is a measure that was only introduced about 2 years ago and really, unfortunately, as with a lot of these things, that was only introduced not to conserve stocks but to conserve markets.

**Deputy M.R. Higgins:**

This is one of the things again that concerns me in one sense, if they are hoovering up the sea we know the fish go wherever they want. In one sense, we are bringing in small limits for local anglers and yet you have got almost like factory ships just hoovering the sea. If we are not controlling them, surely more effort should be put on that side.

**The Deputy of St. Mary:**

Well, we sort of are. There is now a 5 tonne limit. How did that 5 tonne-limit come about? Was that pressure from Jersey and Guernsey?

**Mr. M. Smith:**

No, I think it was pressure from the French marketing organisations who were seeing pair trawlers bringing in 15 tonnes of bass and it was just completely depressing the marketplace. I think it was more to do with that than ...

**Deputy M.R. Higgins:**

In fact, can we just go back to something before I forget and that was in terms of fishing licences. When the fishing licences were issued, and you said basically anybody could get them in 1997, there was no real criteria, what did they pay for those licences at that time?

**Mr. M. Smith:**

They did not pay anything. It was felt that these people were doing an activity. The Island was introducing legislation that meant you needed a licence to continue that activity so it was appropriate that they were given the licences. That is the way that licensing was extended throughout the whole of Great Britain at the time.

**Deputy M.R. Higgins:**

But now they have become a very valuable commodity, as a taxi sort of plate. So, £40,000 for a commercial fisherman's and £1,500, let us say, for a smaller boat?

**Mr. M. Smith:**

Yes.

**Deputy J.M. Maçon:**

Looking at part 8, the part it says it comes into effect 7 days afterwards. That is fine but how well is this going to be promoted, because obviously we do not want to end up passing something, 8 days later someone gets in a lot of trouble simply because they are just simply unaware of what has been going on. I mean is there a duty that anglers need to be aware of the regulations? How well is that provided or promoted, just that aspect of it?

**Mr. M. Smith:**

Yes, we would certainly have to give the legislation quite a lot of publicity but we have just produced ... well, not just, it was several months ago, a whole range of new sort of educational material about the lobster, the bass, the ormer, the scallop, and several sets relating to our legislation. On all of those we have referred to the fact that there is a recommended bag limit which is exactly the same as the bag limits that we are suggesting. So we have been trying to warm people to the idea of it and so it should not come as a complete surprise. No, we would most certainly make sure that all the organisations know about this, but then they have all been attending the panel in any case so they are more than ready.

**Deputy J.M. Maçon:**

Then again this goes back to the whole idea that it is quite a diverse group and not everyone is in ...

**Senator A.J.H. Maclean:**

To be fair, in any new legislation there will be a transitional period where application of any fines would be relatively lenient for a new legislation that has been introduced to offenders.

**The Deputy of St. Mary:**

Is that stated anywhere?

**Senator A.J.H. Maclean:**

No, it is not stated but you tend to find that that would happen. I mean, it is proportionality and common sense, is it not?

**The Deputy of St. Mary:**

Okay, yes.

**Deputy M.R. Higgins:**

I have just noticed the time. Obviously we were late this morning and I do not want to keep the Minister unduly. I am going to ask if anybody wants to ask questions but can I ask you if you could supply us with the *Shelley Hawkins Report* and also, if you would not mind, could we have copies of those minutes? We do not have to have them now. If we can be supplied with them it would be very helpful.

**Mr. M. Smith:**

We will supply them through the ...

**Deputy M.R. Higgins:**



If you could supply the minutes as well that would be quite useful so we can look at the background of that.

**Mr. M. Smith:**

Yes, certainly.

**Senator A.J.H. Maclean:**

Yes, happy to do that.

**Deputy M.R. Higgins:**

Okay. Can I just go round the panel and ask if anybody has got any last questions?

**The Deputy of St. Mary:**

Yes, taking a different tack, tourism. What is the scale of the sort of charter angling, you know, go out on a boat and fish and be taken to where you are going to catch a bass kind of industry? In certain areas of the world that is very important and I just wonder how important it is in Jersey and whether you have taken account of it?

**Mr. M. Smith:**

Yes, it is important in Jersey. We have at least 2 fulltime charter angling boats that work right through the year. We also have things like the Jersey Bass Festival which people come from all over the U.K. to fish for bass. So yes, it is important. The view from the representative at the time at the panel was that the tourist anglers would welcome the bag limits because it would show them that there is some sort of control of the stocks and that they are used to that in other parts of the world. We find that the charter angling boats like us inspecting them at sea because it improves their business because they are conscious, for want of a better expression, to see that the fishery is being managed. Obviously, if they are going to pay good money to come to the Island and go fishing they would rather that.

**The Deputy of St. Mary:**

Even though, in fact, the purpose of all this is to control the market and make sure that prices are okay for the commercial fishermen, nevertheless the punters perceive it as management of the fishery?

**Mr. M. Smith:**

It is. There is an argument, and I am afraid it would be better if Simon was here, that the large bass come into our waters for a particular time during the summer to spawn and, while this might not improve the bass stock overall, if it restricts the number of bass that people can catch in those shallow waters during that season then there may well be more bass there the next day for another angler to catch. So, if there is 100 fish they may all get caught by the end of the season but at least they will not get caught on the first day. That is, perhaps, slightly difficult to prove.

**Deputy M.R. Higgins:**

Okay. Shona, have you got anything?

**Deputy S. Pitman:**

No, my question has just been answered.

**Deputy J.M. Maçon:**

I have nothing left to ask.

**The Deputy of Grouville:**

I would just like to ask one more question. If the French do not agree with this, what happens then?

**Mr. M. Smith:**

The French have agreed for the ormers and have agreed for the lobsters. The bass is perhaps the more difficult one but most of the bass fishing around here occurs within our 3-mile exclusive limit so they are not allowed in there at all, in any case, to go recreational angling. The only place that it may have an

impact is at the Ecréhous and the Minquiers. As I say, we have looked back through our inspections we have done and if we are very generous we can say there are about 10 occasions where we would have had to let people go away with more than 5 bass but even on those the French that go that far tend to catch the really big fish rather than the little ones. It could have been they had 2 or 3 big fish rather than 10 little ones. So yes, there may be ...

**The Deputy of Grouville:**

Because there are no signs up there or anything indicating how much people can have.

**Mr. M. Smith:**

There are not any restrictions at the moment.

**The Deputy of Grouville:**

But when they come in ...

**Mr. M. Smith:**

When they come in. We have connections with a number of French organisations, particularly low water fishing, and we do send them our publicity. Places like Carteret as well, the Harbour Master is very friendly and puts up our guidance notes in his office and distributes them.

**Deputy M.R. Higgins:**

One last question from myself. I just thought of it while we were going round. Just to clarify, there are no limits at the present time on bass fishing by commercial fishermen. They can catch whatever they like? There is no restriction on the catch?

**Mr. M. Smith:**

Well, there is the 5 tonnes but none of our boats really are going to ...

**Deputy M.R. Higgins:**

The same applies to the French. They can go for the 5 tonnes if they want to. So it is really the recreational fishermen that we are restricting?

**Mr. M. Smith:**

Well, it is those people who sell the fish. I would not call them recreational if they are going out there and catching and then selling fish.

**Senator A.J.H. Maclean:**

It is this quite small percentage, quite small numbers, because I think the point to remember is the recreational fishermen, which I had not appreciated, tend to put their catch back, most of them. That is what it is about. They do not do it to retain it. So the 5-bag limit is not something that is going to affect, to any great degree, recreational fishermen. I mean going back to Daniel's point about tourism, we believe there are around about £1,000 per angler who visits, that is what the typical spend is, and I think a recreational fisherman will spend about £500 to £600 a year on their sport. Those are local recreational fishermen but they tend to put the catch back, that is the important point. So it is this very small, relatively small group, we believe, that need to be addressed by the regulations.

**Deputy M.R. Higgins:**

Right. Well, thank you for coming and I have apologised twice I think already but I will throw a third one in. These early morning starts and the traffic have just caught us all so next time we will make sure if we have to get the Minister in early we are on time. Thank you.