

# **STATES OF JERSEY**

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## **DRAFT SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT No. 4)(JERSEY) REGULATIONS 200**

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**Lodged au Greffe on 10th March 2009  
by the Minister for Economic Development**

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**STATES GREFFE**





Jersey

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### **REPORT**

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#### **Background**

The Joint Advisory Committee (JAC) and the Joint Management Committee (JMC), established under the terms of the Agreement relating to fishing in the Bay of Granville, met on 18th and 19th September 2008 respectively. Both Committees approved the introduction of a new measure to introduce a licensing scheme for pelagic trawlers operating to the south-east of Jersey.

The Fisheries and Marine Resources Panel agreed the Regulations on 5th November 2008.

On 12th November 2008 the then Minister for Economic Development, Senator P.F.C. Ozouf, authorized the drafting of the proposed Regulations to commence.

#### **Discussion**

At specific times of the year, French boats towing special trawls target Bream stocks off the south-east corner of the Island. This type of trawling is called “pelagic” and includes pair trawling, where one or more nets are towed between 2 or more trawlers.

This form of activity is very damaging to shellfish pots and for many years Jersey and French fishermen have struggled to put in place a meaningful code of practice to prevent such damage. In 2008 a code of practice existed, but some trawlers ignored it, causing significant damage to Jersey-owned pots.

Both French and Jersey fishermen have agreed that such behaviour is unacceptable and should be controlled. The JAC have recommended that, in the most vulnerable area to the south-east of the Island, such trawling should not be permitted unless under the authority of a licence. Conditions should be attached to the issue and use of such a licence. The JMC have endorsed this recommendation and will determine the details of any conditions at their next meeting in early April 2009.

The draft Regulations have been prepared and ideally need to be in place by 1st May 2009, as the fishing activity commences during that month. As with other similar licences already in place, the French authorities will issue licences to French vessels and Jersey will issue licences to any local vessels.

The draft Regulations also restrict the passage through the area of any vessel carrying pelagic trawls unless those trawls are secure and not ready for use.

#### **Financial/manpower implications**

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

## **Explanatory Note**

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These Regulations will restrict pelagic and pair trawling in an area near the Frouquier Aubert buoy.





Jersey

## **DRAFT SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT No. 4)(JERSEY) REGULATIONS 200**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Articles 12, 13, 26 and 29 of the Sea Fisheries (Jersey) Law 1994<sup>[1]</sup>, have made the following Regulations –

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### **1 Regulation 3A inserted**

After Regulation 3 of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003<sup>[2]</sup>, there is inserted the following Regulation –

#### **“3A Fishing in the Frouquier Aubert protected area**

(1) In this Regulation –

‘protected area’ means that part of the territorial sea near the Frouquier Aubert buoy that is bounded by straight lines drawn in the sequence –

from 49 05.10N 02 00.00W to 49 05.10N 01 55.00W

from 49 05.10N 01 55.00W to 49 02.50N 01 55.00W

from 49 02.50N 01 55.00W to 49 02.50N 02 00.00W

from 49 02.50N 02 00.00W back to 49 05.10N 02 00.00W,

as determined in accordance with the World Geodetic System 1984;

‘restricted trawl’ means any trawl that is not designed to operate exclusively on the seabed and includes any trawl that does not have fitted to it attachments designed to protect the trawl from damage resulting from contact with the seabed.

(2) In the protected area, fishing –

(a) with a restricted trawl; or

(b) with a trawl towed by more than one boat,

is prohibited unless authorized by a fishing permit that has been granted –

(c) by the Minister; or

(d) by an authority of the French Republic,

and is in force in respect of the boat or boats and the protected area.

(3) For the avoidance of doubt, it is hereby declared that, for the purposes of this Regulation, if something is not done in accordance with the terms or conditions of a fishing permit it is not authorized by the fishing permit.

- (4) If a fishing boat –
  - (a) is in the protected area;
  - (b) has a restricted trawl on board; and
  - (c) does not have permission to use that trawl at that time by a fishing permit granted under paragraph (2),the restricted trawl must be stowed in accordance with the conditions mentioned in paragraph (5).
- (5) Those conditions are that –
  - (a) apart from its weights, the trawl must be carried wholly inboard;
  - (b) all nets and trawlboards and weights must be disconnected from their towing or hauling wires or ropes;
  - (c) all trawlboards must be secured at deck level or carried below deck; and
  - (d) all nets that are on deck or above deck must be securely lashed to some part of the superstructure of the fishing boat.”.

## **2 Citation and commencement**

- (1) These Regulations may be cited as the Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 4, (Jersey) Regulations 200-.
- (2) They shall come into force 7 days after they are made.

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[1]

*chapter 14.825*

[2]

*chapter 14.825.56*