

STATES OF JERSEY



DRAFT SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 6th June 2006
by the Minister for Planning and Environment**

STATES GREFFE



Jersey

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REPORT

A core principle of the Agreement concerning Fishing in the Bay of Granville is that the fishery should be reserved primarily for smaller, inshore vessels working either from Jersey or the neighbouring French ports. Historically, large French and Jersey-registered trawlers normally based outside the area and using “beam trawls” have exploited an important fishery to the north of the Island.

Fishermen, administrators and scientists meeting under the terms of the Agreement have recommended a number of measures to control the activity of fishing boats using “beam trawls”. It is generally accepted that the use of “beam trawls” can damage the seabed and in order to limit this activity one measure is to ensure that no more than 5 Jersey and 3 French fishing boats can use “beam trawls”. These numbers were agreed after examining the historic fishing effort in the area.

In order to manage these restrictions it is necessary to amend the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 to introduce a requirement for “Fishing Permits” for fishing boats using beam trawls and to reflect the maximum number of 5 such “Fishing Permits” that the Minister may issue.

Fishery Officers will be able to enforce the restrictions on all British and French fishing boats and the French have already introduced parallel legislation for the French part of the area covered by the Agreement.

The local fishing industry has been kept informed of these proposals and indeed it is their representatives who have endorsed the recommendation. The restrictions will not impact on the current fishing activities of any locally based vessels.

Financial and manpower implications

There are no significant financial or manpower implications. The issue of “Fishing Permits” and the enforcement of the new measures will be conducted as part of routine administration and enforcement work conducted by Fishery Officers.

Explanatory Note

These Regulations give effect to the obligation, in the Agreement concerning Fishing in the Bay of Granville between the United Kingdom and the Republic of France of 4th July 2000, to provide for fishing permits when a fishing boat is fishing with beam trawls in the waters to which that Agreement applies.

Regulation 1 provides a definition for the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003.

Regulation 2 amends Regulation 1 of the 2003 Regulations (Interpretation) by inserting a definition of fishing permit into those Regulations.

Regulation 3 amends Regulation 2 of the 2003 Regulations (Fishing in the territorial sea of Jersey: licences, access permits and lists). Regulation 3(a) makes a consequential amendment arising from the introduction of fishing permits: a reference to access permits is replaced by a general reference to permits. Under Regulation 3(b) a new paragraph (6A) is inserted into Regulation 2 of the 2003 Regulations to prohibit fishing with beam trawls in the part of Jersey's territorial sea that lies within the waters to which the Agreement applies unless a fishing permit has been granted in respect of that fishing boat. The fishing permit authorizing such fishing may be granted by the Minister for Planning and Environment or an authority of the French Republic.

Regulation 3(c) and (d) provide for consequential amendments arising from the introduction of fishing permits. As the 2003 Regulations provide for an access permit, references to the word "permit" are changed to read "access permit and fishing permit".

Regulation 4 amends Regulation 3 of the 2003 Regulations (Fishing by Jersey boats in adjacent waters : licences and access permits). Regulation 4(a) makes consequential amendments arising from the introduction of fishing permits. Regulation 4(b) prohibits a Jersey fishing boat from fishing with beam trawls when it is in the Area of water to which the Agreement applies unless a fishing permit has been granted in respect of the Jersey fishing boat and the Area. Regulation 4(c) and (d) make consequential amendments arising from the introduction of fishing permits.

Regulation 5 inserts a new Regulation 4A into the 2003 Regulations. It requires that a fishing permit be carried on a Jersey fishing boat when it is in the Area of water to which the Agreement applies. A French fishing boat or a British fishing boat (other than a Jersey fishing boat) must carry the permit when it is in Jersey's territorial sea.

Regulation 6 amends Regulation 6 of the 2003 Regulations (Classes of licences and permits) by providing that there will be one class of fishing permit.

Regulation 7 amends Regulation 7 of the 2003 Regulations (Changes for licences and permits) so that it will apply to fishing permits.

Regulation 8 amends Regulation 8 of the 2003 Regulations (Address for service on owner or charterer) so that it will apply to fishing permits.

Regulation 9 amends Regulation 9 of the 2003 Regulations (Grant of licence or permit) so that it will apply to fishing permits.

Regulation 10 inserts a new Regulation 9A. It places a limit on the number of fishing permits that authorize fishing with beam trawls that may be granted by the Minister. Not more than 5 fishing permits that authorize fishing with beam trawls in the Area may be in force at any one time (“Area” is defined in the 2003 Regulations as being the waters referred to in the Agreement).

Regulation 11 amends Regulation 10 of the 2003 Regulations (Variation, suspension or revocation). This Regulation makes amendments that will apply Regulation 10 to fishing permits.

Regulation 12 amends Regulation 11 of the 2003 Regulations (Delivery or notification by several modes). A new version of Regulation 11 is substituted so that it applies to fishing permits.

Regulation 13 amends Regulation 12 of the 2003 Regulations (Deferred effect). A new version of Regulation 12 is substituted so that it will apply to a fishing permit.

Regulation 14 amends Regulation 13 of the 2003 Regulations (Effect of lodging appeal) so that it will apply to fishing permits.

Regulation 15 provides for the name of these Regulations and their coming into force. The Regulations will come into force 4 weeks after they are made.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 7, 12, 13, 26 and 29 of the Sea Fisheries (Jersey) Law 1994¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003².

2 Regulation 1 amended

In Regulation 1 of the principal Regulations, after the definition of “fishing boat licence” there shall be inserted the following definition –

“ ‘fishing permit’ means a fishing permit granted as referred to in Regulation 2;”.

3 Regulation 2 amended

In Regulation 2 of the principal Regulations –

- (a) in the heading, for the words “access permits” there shall be substituted the word “permits”;
- (b) after paragraph (6), there shall be inserted the following paragraph –

“(6A) In any part of the Area, being a part that is within the territorial sea, fishing with beam trawls by any fishing boat is prohibited unless authorized by a fishing permit that has been granted by the Minister or an authority of the French Republic and is in force in respect of the boat and the Area.”;
- (c) in paragraph (7), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;

- (d) in paragraph (7), for the words “that licence or permit” there shall be substituted the words “that licence, access permit or fishing permit.”.

4 Regulation 3 amended

In Regulation 3 of the principal Regulations –

- (a) in the heading, for the words “licences and access permits” there shall be substituted the words “licences and permits”;
- (b) after paragraph (2) there shall be inserted the following paragraph –
- “(2A) In any part of the Area, being a part that is within the territorial sea of France, fishing with beam trawls by a Jersey fishing boat is prohibited unless authorized by a fishing permit that has been granted by the Minister and is in force in respect of that boat and the Area.”;
- (c) in paragraph (3), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (d) in paragraph (3), for the words “that licence or permit” there shall be substituted the words “that licence, access permit or fishing permit”.

5 Regulation 4A inserted

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

“4A Requirement to carry fishing permit

If a fishing permit is in force in respect of a boat, the permit shall be carried on the boat –

- (a) in the case of a Jersey fishing boat, whenever it is in the Area;
- (b) in the case of a French fishing boat, whenever it is in a part of the Area, being a part that is within the territorial sea; or
- (c) in the case of a British (but not Jersey) fishing boat, whenever it is in a part of the Area that is within the territorial sea.”.

6 Regulation 6 amended

In Regulation 6 of the principal Regulations, after paragraph (2) there shall be added the following paragraph –

- “(3) There shall be one class of fishing permit.”.

7 Regulation 7 amended

In Regulation 7 of the principal Regulations –

- (a) in paragraph (2), after the words “access permit” there shall be inserted the words “or a fishing permit (or both of them)”;

- (b) in paragraph (3)(a), for the words “licence or permit” there shall be substituted the words “licence, access permit or fishing permit”;
- (c) in paragraph (3)(b), for the words “licence or permit”, in both places where they appear, there shall be substituted the words “licence, access permit or fishing permit”;
- (d) for paragraph (4), there shall be substituted the following paragraph –
 - “(4) If, instead of (or on the expiry of) that licence, access permit or fishing permit, any other licence, access permit or fishing permit is granted subsequently to the same person in respect of the same fishing boat, no charge shall be payable for the grant of the subsequent licence, access permit or fishing permit.”.

8 Regulation 8 amended

In Regulation 8(1) of the principal Regulations, for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”.

9 Regulation 9 amended

In Regulation 9 of the principal Regulations, for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”.

10 Regulation 9A inserted

After Regulation 9 of the principal Regulations, there shall be inserted the following Regulation –

“9A Limit on grant of fishing permit

For the purposes of –

- (a) Regulations 2(6A) and 3(2A); and
- (b) the grant, by the Minister, of a fishing permit authorizing fishing with beam trawls by a Jersey fishing boat in the Area, being a fishing permit required by Regulations 2(6A) and 3(2A),

the Minister shall, when considering an application for such fishing permit, ensure that not more than 5 such fishing permits shall be in force at any one time.”.

11 Regulation 10 amended

In Regulation 10 of the principal Regulations –

- (a) in paragraph (1), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;

- (b) in paragraph (1), for the words “the licence or permit” there shall be substituted the words “the licence, access permit or fishing permit”;
- (c) in paragraph (2), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (d) in paragraph (4)(a), for the word “permits” there shall be substituted the words “all permits”;
- (e) after paragraph (4) there shall be added the following paragraph –
 - “(5) In this Regulation –
 - (a) in paragraph (3), ‘all permits’ means all access permits and all fishing permits; and
 - (b) in paragraph (4), ‘all permits’ means all access permits and all fishing permits.”.

12 Regulation 11 amended

For Regulation 11 of the principal Regulations there shall be substituted the following Regulation –

“11 Delivery or notification by several modes

Subject to Regulation 12, if –

- (a) a licence, an access permit or a fishing permit; or
- (b) a notice of the variation, suspension or revocation of a licence, an access permit or a fishing permit,

is delivered or given by more than one mode, it shall be treated as having been delivered or given and the licence, access permit or fishing permit or the variation, suspension or revocation shall take effect at the earliest of the times prescribed by these Regulations in respect of the modes by which the licence, access permit or fishing permit or notice is delivered or given.”.

13 Regulation 12 amended

For Regulation 12 of the principal Regulations there shall be substituted the following Regulation –

“12 Deferred effect

Where –

- (a) a licence, an access permit or a fishing permit; or
- (b) a notice of the variation, suspension or revocation of a licence, an access permit or a fishing permit,

specifies on its face that the licence, access permit or fishing permit, or the variation, suspension or revocation, shall take effect at a time that is later than a time prescribed by these Regulations in respect of any mode

by which the licence, access permit or fishing permit or notice is delivered or given, the licence, access permit or fishing permit, or the variation, suspension or revocation, shall take effect at the time shown on the face of the licence, access permit, fishing permit or notice.”.

14 Regulation 13 amended

In Regulation 13 of the principal Regulations –

- (a) in paragraph (1), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (b) in paragraph (1), for the words “the licence or permit” there shall be substituted the words “the licence, access permit or fishing permit”;
- (c) in paragraph (2), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (d) in paragraph (2), for the words “the licence or permit” there shall be substituted the words “the licence, access permit or fishing permit”;
- (e) in paragraph (3), for the words “A licence or permit” there shall be substituted the words “A licence, an access permit or a fishing permit”;
- (f) in paragraph (3)(c), for the words “licence or permit” there shall be substituted the words “licence, access permit or fishing permit”;
- (g) for paragraph (3)(d) there shall be substituted the following sub-paragraph –
 - “(d) the licence, access permit or fishing permit expires.”.

15 Citation and commencement

These Regulations may be cited as the Sea Fisheries (Licensing of Fishing Boats) (Amendment) (Jersey) Regulations 200- and shall come into force 4 weeks after they are made.

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- ¹ *chapter 14.825*
² *chapter 14.825.56*