

Introduction

Following the decision of the Assembly to adopt P115-2022 in relation amendments to the Sea Fisheries (Jersey Law 1994 and the Sea Fisheries (Licensing of Fishing Boats)(Jersey) Regulations 2003, the Minister is required to publish the policy concerning replacement vessels under the TCA.

Detail

The Trade and Co-operation Agreement states that each Party shall grant vessels of the other Party access to fish in its waters reflecting the actual extent and nature of fishing activity that it can be demonstrated was carried out during the period beginning on 1 February 2017 and ending on 31 January 2020 by qualifying vessels of the other Party in the waters and under any treaty arrangements that existed on 31 January 2020.

During discussions related to Extent and Nature (E&N), it was apparent that there is good reason for some flexibility to be considered as part of any Replacement Vessels (RVs) scheme. The current process, as set out in the Sea Fisheries (Jersey) Law 1994, allows the Minister to license a replacement vessel (known as substitute vessel in the Law) on the proviso that certain conditions are met relating to fishing type and characteristics of the vessel. The vessel must employ the same fishing method (known as the “metier”) and be no greater in length, breadth, tonnage and power than the vessel it is replacing.

An amendment was lodged to give the Minister a degree of discretion in determining the issue of a license to a replacement vessel, with the policy published to give clarity to industry and administrations.

The legislation allowing the Minister to exercise this discretion was approved by the Assembly on the 7 February 2023 and comes into force on the 14 February 2023. Under the legislation the Minister is required to publish the policy relating to the replacement of EU vessels.

The policy has been agreed and needs to be published.