

STATES OF JERSEY



DRAFT SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT No. 6) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 16th August 2013
by the Minister for Economic Development**

STATES GREFFE



DRAFT SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT No. 6) (JERSEY) REGULATIONS 201-

REPORT

Fishing by locally registered, commercial fishing vessels is controlled by Fishing Licences issued by the Minister, as sanctioned by the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003. The Minister issues licence conditions for each of a number of classes of fishing vessel, such conditions changing on a regular basis, particularly in respect of restrictions on the quantities of fish (quota) that may be retained.

Under the existing Regulations, notices amending licence conditions can be published in a number of different ways, but are normally sent through the mail system in hard copy to each fisherman's address for service.

Other jurisdictions have successfully moved away from this process and now publish licence conditions on a website. If this amendment is adopted, it is intended that amendments to quota allocations would be published on a website, but that more complex licence conditions impacting on the majority of fishermen would continue to be issued in the normal way. Commercial fishermen have been consulted on this proposal and the majority are supportive, as they would welcome a reduction in the amount of mail they receive in respect of changes to licence conditions that do not relate to their fishing activities.

Only a small number of Jersey licensed fishermen target species subject to quota, and so this would help prevent the unnecessary distribution of amended conditions to some 150 fishermen on a regular basis. There would therefore be some small efficiency savings in terms of postage and officer time.

Advantage has also been taken of this amendment to make a minor and inconsequential correction to the Regulations in respect of the number of classes of fishing licences and permits, and the ability of the Minister to determine classes of licence for administrative purposes.

Financial and manpower implications

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

Explanatory Note

These Regulations amend the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 (“principal Regulations”). The main change is to make new provision in respect of how notices of variations, suspensions and revocations of fishing boat licences, access permits and fishing permits may be published. The amendments also allow the Minister to determine classes of fishing boat licence, access permit and fishing permit for the purpose of the Regulations.

Regulation 1 is an interpretation provision.

Regulation 2 deletes a definition of “overall length” which is no longer required following the new provision made by *Regulation 3*.

Regulation 3 substitutes the current Regulation 6 to allow the Minister to determine classes of licence and permit for the purpose of the Regulations. Currently Regulation 6 provides for 2 classes of fishing boat licence and 1 class each of access permit and fishing permit. However the Regulations in fact require 2 types of fishing permit: one for use of beam trawls for the purposes of Regulations 2(6A) and 3(2A); the other for use of restricted trawls and pair trawling for the purposes of Regulation 3A(2). *Regulation 3* removes this discrepancy. Regulation 6 currently allows for 2 classes of fishing boat licence, Class A and Class B, which relate to the overall length of the boat. The new provision will allow the Minister to determine other classes of fishing boat licence if the Minister chooses. A class of licence or permit may be determined by reference to such matters as the Minister thinks fit.

Regulation 4 makes new provision in respect of how licence and permit variations, suspensions and revocations may be published. Currently notice of variations, suspensions and revocations of licences and permits may be published in the Jersey Gazette. These Regulations remove this option and instead allow such notice to be published on a website. A notice must relate to all licences, access permits or fishing permits, or any class of licence or permit.

Regulation 5 removes a redundant reference to Class A and Class B fishing boats.

Regulation 6 sets out the title of these Regulations and provides that they will come into force 7 days after they are made.



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Arrangement

Regulation

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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 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 the definition “overall length” shall be deleted.

3 Regulation 6 substituted

For Regulation 6 there shall be substituted the following Regulation –

“6 Classes of licences and permits

- (1) The Minister may determine any description of fishing boat licence, access permit or fishing permit to be a class of fishing boat licence, access permit or fishing permit, as the case may be, for the purposes of these Regulations.
- (2) For the purposes of paragraph (1), a determination may be made with regard to such matters as the Minister thinks fit, including, without prejudice to the generality of that term, size of boat; method of fishing; specified area in which fishing is authorized, and description of sea fish that may be taken.”.

4 Regulation 10 amended

In Regulation 10 of the principal Regulations –

- (a) for paragraph (3), (4) and (5) there shall be substituted the following paragraphs –
- (3) Notwithstanding paragraphs (1) and (2), the variation, suspension or revocation of all licences or all permits may be effected by publishing notice of the variation, suspension or revocation on a website, such website being specified in the licence or permit to which the notice relates.
- (4) A notice published under paragraph (3) shall provide that it applies to all licences or to all permits but shall not specify the names or port letters and numbers of the fishing boats, or the names of any owners, charterers or masters of any fishing boats, to which the variation, suspension or revocation relates.
- (5) A notice published under paragraph (3) shall be treated as having been given for the purposes of these Regulations and the variation, suspension or revocation shall take effect 24 hours after the end of the day on which the notice is published.
- (6) In this Regulation –
- (a) ‘all licences’ means any of the following –
- (i) all fishing boat licences, or
- (iii) all fishing boat licences of a class determined by the Minister under Regulation 6; and
- (b) ‘all permits’ means any of the following –
- (i) all access permits,
- (ii) all fishing permits,
- (iii) all access permits of a class determined by the Minister under Regulation 6, or
- (iv) all fishing permits of a class determined by the Minister under Regulation 6.”.

5 Regulation 12A amended

Regulation 12(2) shall be deleted.

6 Citation and commencement

These Regulations may be cited as the Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 6) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

¹

chapter 14.825

²

chapter 14.825.56