

STATES OF JERSEY



DRAFT SEA FISHERIES REGULATIONS (P.45/2016, P.46/2016, P.47/2016 AND P.48/2016): COMMENTS

**Presented to the States on 28th June 2016
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

COMMENTS

[Draft Sea Fisheries \(Bag Limits\) \(Jersey\) Regulations 201- \(P.45/2016\)](#)
[Draft Sea Fisheries \(Inshore Trawling, Netting and Dredging\) \(Amendment No. 2\) \(Jersey\) Regulations 201- \(P.46/2016\)](#)
[Draft Sea Fisheries \(Inshore Waters\) \(Amendment\) \(Jersey\) Regulations 201- \(P.47/2016\)](#)
[Draft Sea Fisheries \(Minimum Size Limits\) \(Amendment No. 5\) \(Jersey\) Regulations 201- \(P.48/2016\)](#)

1. On 2nd December 2015, the Environment, Housing and Infrastructure Scrutiny Panel (which was then the Environment, Housing and Technical Services Scrutiny Panel, chaired by the Connétable of St. Helier) received a briefing from the Environment Department on the management of bass stocks. The outcome of the briefing was that the Panel was generally happy with the intended proposals to protect bass stocks going forward and agreed not to pursue the matter any further.
2. Following the recent circulation of a number of e-mails and letters from stakeholders who raised concerns about the draft Sea Fisheries Regulations, the Panel agreed to meet again with the Environment Department. At the meeting, the Panel raised a number of points which had been addressed within the correspondence received.
3. The Department advised the Panel that the need to act to protect bass stocks was accepted among all parties, both recreational fishermen and commercial fishermen. However, it was further advised that there was a perception among some local recreational fishermen that the proposed Regulations disproportionately discriminated against the recreational sector. We were told by the Department that, due to the differences in the 2 sectors, it would be impossible to introduce equal measures. Furthermore, the commercial sector was already regulated through the Jersey Fishing Boat licensing system, which imposed controls on commercial fishermen that fell outside of the proposed Regulations. The Department advised the Panel that the impact of recreational fishery, accounting for upwards of 25% of the total catch, was very similar to that of commercial fishery on bass stocks. We were told that there were an estimated 10,000 recreational fishermen in Jersey.
4. The Panel was informed that the rationale behind proposing the draft Regulations was that scientific evidence had shown that bass stocks were substantially decreasing and were below the spawning stock level. In 2009, the then Assistant Minister for Economic Development brought forward proposals to introduce legislation on bag limits. We were advised that, even though there was a concern that something needed to be done to protect bass stocks, at that time the scientific data was not available to support the introduction of this change, hence no proposals were then brought to the States. The Panel was advised that there was now more scientific evidence available which better advocated the need to introduce changes.

5. With regard to consultation, the Panel was advised that the draft Regulations had been considered, and were on the whole supported, by the Marine Resources Panel, which was made up of representatives from different sectors and organisations, including – the Jersey Recreational Fishing Association, the commercial sector, the aquaculture sector, the merchants, the Jersey Inshore Fishermen’s Association, the North Coast Boat Owners and the Société Jersiaise.
6. The Panel questioned the Officers about a matter that had been raised by stakeholders regarding a supposed disconnect between some of the provisions of the draft Regulations: for instance, implementing bag limits whilst permitting recreational gill netting. It was advised that, whilst the Department understood these concerns, it was felt that it was extremely important to address all of the issues within one package, given the current position of sea bass stocks. Furthermore, the intention behind introducing a maximum sized net of 100 metres per person and increasing the mesh size of the net from 90 mm. to 110 mm., is to reduce the likelihood of catching fish and thus reducing the amount of potential discards. The Panel noted that whilst the bag limit of one fish per person per day was being proposed, it was likely that more than one person would set a net on the beach, therefore resulting in a corresponding multiple in the number of fish allowed. The Panel was advised that whilst consideration had been given to disallowing the use of inshore netting and hooks altogether, it was felt that this would be overly bureaucratic.
7. The Panel was advised that the draft proposals in relation to inshore trawling and netting, fishing hooks and minimum size limits applied across the sector – to both recreational and commercial fisheries.
8. The Department advised the Panel that, if the draft Regulations were agreed by the States and subsequently introduced, constant monitoring would be undertaken to ensure the changes had their desired effect without any unintended consequences. It was further advised that the Regulations would allow the Minister flexibility if it was found that the proposals were incompatible with one another. The Panel noted that there would be a ‘bedding-in’ period of the new legislation for recreational fishermen to ensure that they were aware of the changes.
9. With regard to bag limits, it was noted that the draft Regulations would provide the mechanism whereby the Minister could, by Order, implement a limit on the number of fish that could be taken by recreational fishermen. Whilst there were no numbers stated within the Regulations themselves, we were advised that the intention would be to follow EU legislation, which from 1st July would allow one fish per person per day. The Panel asked to be kept well-informed of any Orders that were to be made by the Minister, in advance of a Ministerial Decision.
10. The Panel questioned the Department about the absence of proposed changes to the mesh size of commercial and recreational fishing nets set at sea. It was advised that, whilst there was an aspiration in the future to increase the mesh size for nets set at sea, it would firstly require more work to be undertaken by the Department, as it would impact on all fishermen, from different jurisdictions, who fished within Jersey waters.

11. The Panel asked the Department about the potential financial implications of the introduction of the Regulations, with particular regard to monitoring. It was advised that Jersey currently has legislation in place that imposes rules on what fishermen can and cannot do. Thus, those who currently monitor compliance with such rules will also monitor these Regulations if they are agreed by the States Assembly. It was further advised that, if it was felt that more staff were needed to monitor fishermen, existing staff would be re-allocated from within the Department.
12. Having considered the comments provided by both the stakeholders and the Department, the Panel recognises that the package of measures that the Minister for Environment is seeking to introduce in order to protect bass stocks is extremely important as well as necessary. Furthermore, the Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 201- (P.45/2016) enables the Minister to amend, by Order, the number of fish and shellfish that an individual can retain according to the scientific evidence available. Nevertheless, the Panel will ensure that it keeps abreast of any matters that may arise if the Regulations are agreed by the States Assembly, and will examine any future Orders that are proposed or made by the Minister in relation to Sea Fisheries.
13. We would like to take this opportunity to thank the Officers from the Environment Department for providing very informative briefings to the Panel. We would also like to thank the stakeholders for taking time to write to States Members and sharing their views regarding the draft Regulations.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were received by the States Greffe after the deadline set out in Standing Order 37A. The Panel apologises for the late delivery of these comments, which is due to the very recent timing of concerns raised by several stakeholders, and the subsequent briefing held by the Panel with the Environment Department on Thursday 23rd June to address those concerns.