

STATES OF JERSEY



Jersey

DRAFT AQUATIC RESOURCES (SEAWEED LICENCES) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 24th June 2019
by the Minister for the Environment**

STATES GREFFE

REPORT

Background

In 2013 it was recognised that the Laws managing the exploitation of seaweed were no longer in step with current utilisation of the resource. It was decided that an update to the legislation was required, and this came about in the form of the [Aquatic Resources \(Jersey\) Law 2014](#) (“the 2014 Law”).

The 2014 Law is due to repeal and replace the [Loi \(1894\) sur la coupe et la pêche des vraics](#) – which allows legal harvesting of seaweed annually from 1st February to 30th April, between sunrise and sunset, from Monday to Saturday each week.

The 2014 Law allows for the control of any living marine resource not directly covered by the [Sea Fisheries \(Jersey\) Law 1994](#), so meets modern needs.

Having carefully considered the range of aquatic resources covered by the 2014 Law and identified seaweed as the dominant focus, the Minister would like to develop sufficient legislation to allow for its management under the Law. To support the development of regulation under the 2014 Law, the Marine Resources team undertook a study to consider the species covered and their potential exploitation. The results of the study are set out in the report *Seaweed Aquaculture and Wild Harvesting in Jersey*.

Currently, seaweed harvesting is practiced by a small number of individuals and cottage-industry-scale businesses which utilise seaweeds (both cut and gathered from the strand-line) for a range of culinary, agricultural and body-care products. These initiatives are at present hampered by the seasonal limitations of the 1970 Law.

These draft Regulations will allow for the year-round management of both recreational and commercial seaweed harvesting, with individual species/families of seaweed being subject to appropriate daily bag limits. Certain species will have a bag limit set at zero to prevent exploitation, and others such as sea lettuce (*Ulva*) and storm cast weed (*Vraic de venu*) will have no limits placed upon them. Commercial harvesting will require a licence, for which a fee has been set in line with the existing scallop permit scheme. The requirement of a licence allows the Government of Jersey to impose licence conditions to further manage the resources at species level as required.

Detail of the draft Regulations

The details of the draft Regulations are set out in the drafter’s Explanatory Note which follows this report. The Regulations will come into force on the same day that the 2014 Law comes into force; and that date is determined by the draft Appointed Day Act (*see* P.65/2019) which is lodged in tandem with these draft Regulations.

Summary

The draft Regulations are required to allow the sustainable exploitation of the Island’s seaweed resources. They protect the resources from over-exploitation, while at the same time supporting local scale industry based on its use.

Financial and manpower implications

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

EXPLANATORY NOTE

These Regulations make provision under the Aquatic Resources (Jersey) Law 2014 (“Law”) to restrict the circumstances in which certain species of seaweed may be harvested.

Regulation 1 is an interpretation provision. It defines “seaweed” to mean seaweed of a species specified in the table in *Regulation 6*. *Regulation 1* defines “harvest” to mean the detachment of seaweed from any natural hard substrate such as by cutting or pulling it. Excluded from the definition is detachment of seaweed from a natural hard substrate by the normal action of the environment, such as tides or currents. *Regulation 1* also defines “harvesting by hand” to mean harvesting seaweed directly by hand or by using a tool, such as a knife, where the only source of energy is generated by the individual using the tool.

Regulation 2 prohibits mechanical harvesting of seaweed. “Mechanical harvesting” is defined in *Regulation 1* to mean any kind of harvesting (as defined in *Regulation 1*) which is not harvesting by hand. Breach of the prohibition is an offence under Article 3 of the Law, punishable by an unlimited fine.

Regulation 3 prohibits a person from harvesting seaweed by hand for commercial purposes without a licence. “Commercial purposes” is defined in *Regulation 1* to mean harvesting with a view to financial reward or profit. The amount of seaweed that a person can harvest each day for commercial purposes in relation to each species of seaweed is set out in the table in *Regulation 6*. Breach of the prohibition is an offence under Article 3 of the Law, punishable by an unlimited fine.

Regulation 4 makes provision for the application and grant of a licence for harvesting seaweed for commercial purposes.

Regulation 5 prohibits a person from harvesting seaweed for recreational purposes in excess of the limits set out in the table in *Regulation 6*. “Recreational purposes” is defined in *Regulation 1* to mean purposes which are not “commercial purposes”. Breach of the prohibition is an offence under Article 3 of the Law, punishable by an unlimited fine.

Regulation 6 sets out the daily limit (by kilogram) applicable to each species of seaweed that may be harvested. Different limits apply to different species of seaweed.

Regulation 7 sets out the title of these Regulations and provides that they will come into force on the same day that the Aquatic Resources (Jersey) Law 2014 comes into force. That Law comes into force by an Appointed Day Act.



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DRAFT AQUATIC RESOURCES (SEAWEED LICENCES) (JERSEY) REGULATIONS 201-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Articles 2, 17 and 20 of the Aquatic Resources (Jersey) Law 2014¹ –

1 Interpretation

In this Law –

“commercial purposes”, in relation to the harvesting of seaweed, means the harvesting of seaweed with a view to financial reward or profit;

“harvest”, in relation to seaweed, means the removal of seaweed from the marine environment by cutting it, pulling it or by any other means of physically detaching it from a natural hard substrate that is preventing its displacement by the normal action of the environment such as tides and currents;

“harvesting by hand” means the detachment of seaweed from the marine environment directly by hand, such as by pulling it or by means of a tool such as a knife or scissors where the only source of energy for the detachment is generated by the individual using the tool;

“mechanical harvesting” means harvesting which is not harvesting by hand;

“recreational purposes” means purposes which are not commercial purposes;

“seaweed” means seaweed of a species listed in column 1 of the Table;

“Table” means the table in Regulation 6.

2 Mechanical harvesting prohibited

Mechanical harvesting of seaweed is prohibited.

3 Harvesting by hand for commercial purposes

- (1) A person must not harvest by hand seaweed for commercial purposes unless that person is authorised by a licence granted under Regulation 4.

- (2) The amount of seaweed of any species harvested each day by a person granted a licence under Regulation 4 must not exceed the amount specified in column 3 of the Table in the same row as that species.

4 Licences for harvesting by hand for commercial purposes

- (1) An application for a licence, or for the renewal of a licence, must be made in such form and manner as the Minister may determine and accompanied by –
- (a) such information as the Minister requires; and
 - (b) such fee as may be prescribed by the Minister by Order.
- (2) Upon receipt of an application which meets the requirements of paragraph (1) and of any further information the Minister may require, the Minister may grant a licence or renew a licence.
- (3) A licence or renewal of a licence, if granted, is for such period of time and subject to such conditions as the Minister may determine.

5 Harvesting by hand for recreational purposes

The amount of seaweed of any species harvested for recreational purposes each day by a person must not exceed the amount specified in column 2 of the Table in the same row as that species.

6 Daily limits for harvesting

| Column 1 | | Column 2 | Column 3 |
|-----------------------------|----------------|-----------------------|---------------------|
| Species | | Recreational purposes | Commercial purposes |
| Latin name | English name | kg per day | |
| <i>Alaria esculenta</i> | Dabberlocks | 0 | 0 |
| <i>Ascophyllum nodosum</i> | Egg Wrack | 5 | 20 |
| <i>Codium bursa</i> | Velvet Horn | 0 | 0 |
| <i>Fucus serratus</i> | Serrated Wrack | 10 | 50 |
| <i>Fucus spiralis</i> | Spiral Wrack | 10 | 50 |
| <i>Fucus vesiculosus</i> | Bladder Wrack | 10 | 50 |
| <i>Himanthalia elongata</i> | Thong Weed | 0 | 0 |
| <i>Laminaria digitata</i> | Oar Weed | 10 | 50 |
| <i>Laminaria hyperborea</i> | Forest Kelp | 10 | 50 |
| <i>Laminaria ochroleuca</i> | Golden Kelp | 10 | 50 |
| <i>Phymatolithon spp.</i> | Maerl | 0 | 0 |
| <i>Lithothamnion spp.</i> | Maerl | 0 | 0 |
| <i>Padina pavonica</i> | Peacocks Tail | 0 | 0 |
| <i>Saccharina latissima</i> | Sugar Kelp | 10 | 50 |

| Column 1 | | Column 2 | Column 3 |
|--|----------|----------|----------|
| <i>Sargassum muticum</i> | Wireweed | 10 | 50 |
| <i>Undaria pinnatifida</i> | Wakame | 10 | 50 |
| Red and brown seaweed species not listed above | | 5 | 10 |

7 Citation and commencement

These Regulations may be cited as the Aquatic Resources (Seaweed Licences) (Jersey) Regulations 201- and shall come into force on the same day that the Aquatic Resources (Jersey) Law 2014² comes into force.

ENDNOTES

Table of Endnote References

| | |
|----------|--------------------------------|
| <i>1</i> | <i>L.11/2014</i> |
| <i>2</i> | <i>L.11/2014 and P.65/2019</i> |