

STATES OF JERSEY



Jersey

DRAFT SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT No. 7) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 17th January 2020
by the Minister for the Environment**

STATES GREFFE

REPORT

Background

Since the advent of fishing vessel licensing in Jersey it has been a requirement that all vessels are licensed to fish commercially. It has been the policy that this requirement included charter fishing vessels (i.e. those vessels that take paying passengers to sea to fish). Despite this position differing from the UK and Guernsey, it was accepted by the charter fishing vessels and approved of by the wider commercial fishing fleet. In light of recent enquiries, it is deemed appropriate to draft an amendment to the licensing Regulations that clarify the situation and remove any ambiguity in respect of charter fishing vessels and the requirement for a fishing vessel licence.

Details

The Department of the Environment has received a number of enquiries concerning the requirement for a charter angling vessel to have a fishing vessel licence. Enquiries have come from those seeking clarification as to the legal requirement for a licence as well as those seeking more general information relating to the activities of vessel owners offering charter angling opportunities. Following these enquiries, a review of the current policy on charter angling was undertaken.

Since the inception of fishing vessel licensing in Jersey it has been the policy position that in order to operate a charter angling vessel, in addition to any requirements under the shipping legislation, a fishing vessel licence was required. Whilst no documentary evidence has been found it is believed that this view was supported in general by the fishing industry including those involved in the charter angling business. These vessels applied for and, those qualifying, received a fishing vessel licence.

This policy position was adopted in light of the definition of fishing vessel and the reference to fishing for profit. It was concluded that this “profit” would include payment from individual for fishing opportunities.

The current policy in the UK and in Guernsey is that a fishing vessel licence is not required to operate a charter angling boat where the vessel is only used for carrying anglers who are fishing for pleasure and the catch is not sold.

However, investigations instigated by the Registrar of Shipping concluded that, although the term “fishing for profit” is deemed to have a wide ambit, the issue of profit concerns the financial return derived from the sale of sea fish landed, rather than any other financial returns such as monies received from chartering a vessel for angling expeditions. This would therefore exclude charter fishing vessels from the requirement to obtain a fishing vessel licence if the fish is not sold.

After consultation with key stakeholders it has been agreed that, in the interest of stock management and compliance with other fisheries legislation that the agreed policy position is still the most appropriate and should require charter vessels to have a fishing vessel licence. This position is still supported by the fishing industry as it will help prevent the illegal sale of fish and reduce discarding dead fish that cannot be legally sold.

In order to remove this ambiguity an amendment has been drafted to the [Sea Fisheries \(Licensing of Fishing Boats\) \(Jersey\) Regulations 2003](#).

Financial and manpower implications

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

EXPLANATORY NOTE

Regulation 1 amends Regulation 5 (exception) of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 (the “2003 Regulations”), the effect of which is to prohibit fishing boats used for the purpose of recreational fishing on a fee paying basis, from operating without a fishing boat licence or an access permit, as the case may be, as required under Regulation 2 or 3 of the 2003 Regulations.

Regulation 2 provides for the title by which these Regulations may be cited and their commencement 7 days after they are made.



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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Articles 7, 12, 13 and 29 of the Sea Fisheries (Jersey) Law 1994¹ –

1 Regulation 5 (exception) of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003 amended

For Regulation 5(a) of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003² there is substituted –

- “(a) fishing by a boat –
 - (i) when the fishing is only for the purpose of recreation, and
 - (ii) the persons undertaking the recreational fishing on that boat are not charged a fee to use the boat for that purpose; or”.

2 Citation and commencement

These Regulations may be cited as the Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 7) (Jersey) Regulations 202- and come into force 7 days after the day they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 14.825</i>
<i>2</i>	<i>chapter 14.825.56</i>