



Jersey

# **SEA FISH (CONSERVATION) (CHANNEL ISLANDS) ORDER 1981**

**Unofficial extended UK law**

14.600

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**APPENDIX**





Jersey

# SEA FISH (CONSERVATION) (CHANNEL ISLANDS) ORDER 1981

**Jersey Order in Council 12/1981**

**SEA FISH (CONSERVATION) (CHANNEL ISLANDS) ORDER 1981.**

(Registered on the 15th day of January, 1982).

**At the Court at Buckingham Palace.**

13th May, 1981.

PRESENT

**The Queen's Most Excellent Majesty in Council.**

**HER MAJESTY**, in exercise of the powers conferred upon Her by section 24(2) of the Sea Fish (Conservation) Act 1967, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

**1.** This Order may be cited as the Sea Fish (Conservation) (Channel Islands) Order 1981 and shall come into operation on 1st June, 1981.

**2.** In this Order the expression "the Channel Islands" means "Jersey" and "Guernsey" and the words "Jersey" and "Guernsey" mean the Bailiwick of Jersey and Guernsey respectively.

**3.** The following provisions of the Sea Fish (Conservation) Act 1967 shall extend to the Channel Islands subject to the exceptions, adaptations and modifications specified in the Schedule to this Order: -

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- (a) section 1 (as amended by section 16 of the Sea Fisheries Act 1968<sup>1</sup> and section 9 of and Schedule 2 to the Fishery Limits Act 1976)(size limits, etc., for fish);
- (b) section 3 (as amended by section 9 of and Schedule 2 to the Fishery Limits Act 1976) (regulation of nets and other fishing gear);
- (c) section 4 (as substituted by section 3 of the Fishery Limits Act 1976) (licensing of fishing boats);
- (d) section 5 (as amended by section 9 of and Schedule 2 to the Fishery Limits Act 1976) (power to restrict fishing for sea fish);
- (e) certain ancillary provisions, namely: -
  - (i) section 9 (exemptions for operations for scientific and other purposes);
  - (ii) section 11 (as amended by sections 5 and 9 of and Schedules 1 and 2 to the Fishery Limits Act 1976) (penalties for offences);
  - (iii) section 14 (jurisdiction of court to try offences);
  - (iv) section 15 (as amended by section 22 of and Schedule 1 to the Sea Fisheries Act 1968<sup>2</sup> and section 9 of and Schedule 2 to the Fishery Limits Act 1976) (powers of British sea-fishery officers for enforcement of Act).

**4.-(1)** In the aforesaid Act as extended to the Channel Islands, the following expressions have the meanings hereafter assigned to them except as specifically provided or where the context otherwise requires: -

“British fishing boat” and “foreign fishing boat” have the meanings assigned respectively to them by section 19 of the Sea Fisheries Act 1968<sup>3</sup>;

“British-owned”, in relation to a fishing boat means owned by a person who is (within the meaning of the Merchant Shipping Act 1894) a person qualified to own a British ship or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified;

“British sea-fishery officer” means any person who by virtue of section 7 of the Sea Fisheries Act 1968<sup>4</sup> is a British sea-fishery officer;

“fishing boat” means a vessel of whatever size, and in whatever way propelled which is for the time being employed in sea fishing;

“master” includes, in relation to any vessel, the person for the time being in command or charge of the vessel;

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<sup>1</sup> Volume 1973–1974, page 83.

<sup>2</sup> Volume 1973–1974, pages 85 and 88.

<sup>3</sup> Volume 1973–1974, page 84.

<sup>4</sup> Volume 1973–1974, page 78.

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“migratory trout” means trout which migrate to or from the sea;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland;

“salmon” includes any fish of the salmon species;

“sea fish” means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of any such fish but does not include salmon or migratory trout;

“shellfish” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

(2) References to the Sea Fisheries Act 1968<sup>5</sup> are to that Act as extended to Guernsey or Jersey, as the case may be.

**N.E. LEIGH**

*Clerk of the Privy Council.*

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<sup>5</sup>

Volume 1973–1974, page 71.

*SCHEDULE*

Exceptions, adaptations and modifications in the extension of sections 1, 3, 4 and 5 and ancillary provisions to the Channel Islands and waters adjacent thereto

*PART I*

## GUERNSEY

\* \* \* \* \*

*PART II*

## JERSEY

1. Unless the context otherwise requires, any reference to the Sea Fish (Conservation) Act 1967 or to any other enactment shall be construed as a reference to that Act or that enactment, as the case may be as it has effect in Jersey.

2. Unless the context otherwise requires any reference in the Sea Fish (Conservation) Act 1967 to British fishery limits adjacent to Jersey shall be construed as a reference to that part of those limits not exceeding 12 international nautical miles or 1,852 metres from the baselines from which the breadth of the territorial sea adjacent to Jersey is measured, but excluding territorial waters.

3. Section 1(1) and (2) shall be omitted.

4. Section 1(3) shall extend as modified below: -

“(3) Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an order under section 1(1) of the Sea Fish (Conservation) Act 1967 as it applies in Great Britain, whether made before or after the coming into operation of the Sea Fish (Conservation) (Channel Islands) Order 1981, shall not be carried whether within or outside the British fishery limits on a British fishing boat registered in Jersey nor, in the case of a British fishing boat not so registered, in British fishery limits adjacent to Jersey.”

5. Section 1(4) shall extend as modified below: -

“(4) Where an order referred to in subsection (3) above, prohibits the carrying by any foreign fishing boat of sea fish of a description prescribed by the order which are of less than the minimum size so prescribed in relation to sea fish of that description, such sea fish shall not be carried by such a foreign fishing boat within British fishery limits adjacent to Jersey.”

6. Section 1(5) shall extend as modified below: -

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“(5) The Ministers may by order confer exemptions from any prohibition imposed by this section and any such prohibition may be general or subject to conditions and may relate to all fish to which such prohibition applies or to fish of any specified description.”

**7.** For section 1(6) there shall be substituted the following subsections: -

“(6) If subsection (3) or subsection (4) above is contravened, the master, the owner and the charterer (if any) of the British fishing boat or the foreign fishing boat, as the case may be, shall each be guilty of an offence.

(7) The prohibitions contained in subsections (3) and (4) above shall not have effect until the order referred to in subsection (3) has been registered in the Royal Court of Jersey.”

**8.** In section 3(1) –

- (a) after the words “securing that” there shall be inserted the words “(except in territorial waters adjacent to Jersey)”;
- (b) for the words “the United Kingdom” there shall be substituted the word “Jersey”.

**9.** Section 3(2) shall extend as modified below –

“(2) An order under this section may be made so as to extend to nets or other fishing gear carried within British fishery limits adjacent to Jersey by fishing boats registered outside Jersey or not registered in any country.”

**10.** In section 3(6) the reference to any Act shall include reference to any Law of the States of Jersey.

**11.** For section 3(7) there shall be substituted the following subsection: -

“(7) Any order made under this section shall not have effect until registered in the Royal Court of Jersey.”

**12.** Section 4(1) shall extend as modified below: -

“(1) The Ministers may by order provide –

- (a) that in any specified area within British fishery limits adjacent to Jersey fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by the Agriculture and Fisheries Committee<sup>1</sup> (hereinafter called “the Committee”) and for the time being in force;

- (b) that in any area specified in the order (being outside the waters referred to in paragraph (a) above) fishing by British fishing boats registered in Jersey is prohibited unless so authorised.”

**13.** For section 4(4) there shall be substituted the following subsections: -

“(4) The Committee may by order prescribe charges for the granting of a licence by the Committee under this section and may prescribe different charges in relation to different classes of licence, but such charges shall not exceed such maximum charges as may from time to time be specified in an order made under this section as it has effect in the United Kingdom.

(4A) The Subordinate Legislation (Jersey) Law, 1960, as amended, shall apply to orders made by the Committee under subsection (4) above.”

**14.** In section 4(6) for the words “Minister granting the licence” there shall be substituted the word “Committee”.

**15.** In section 4(7) for the words “Minister granting a licence under this section” there shall be substituted the word “Committee”.

**16.** Section 4(8) shall extend as modified below: -

“(8) The licensing powers conferred on the Committee under this section may be exercised, in consultation with the Ministers, so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Minister and the Committee to be necessary or expedient for the regulation of sea fishing.”

**17.** In section 4(9) for the words “Minister who granted the licence” there shall be substituted the word “Committee”.

**18.** In section 4(10) for the words “Minister who granted it” there shall be substituted the word “Committee”.

**19.** Section 4(11) shall be omitted.

**20.** In section 4(12) after the words “United Kingdom” there shall be inserted the words “Jersey or Guernsey”.

**21.** After section 4(12) there shall be inserted the following subsections: -

“(13) ‘sea fish’ in this section means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of such fish.

(14) Any order of the Ministers made under this section shall not have effect until registered in the Royal Court of Jersey.”



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**22.** For section 5(2)(b) there shall be substituted the following provision: -

“(b) on fishing for any other sea fish in British fishery limits adjacent to Jersey.”.

**23.** In section 5(8) –

- (i) for the words “the United Kingdom” in the first place where they occur there shall be substituted the words “Jersey”; and
- (ii) for the words “in any waters adjacent to the United Kingdom which are within British fishery limits” there shall be substituted the words “in British fishery limits adjacent to Jersey”.

**24.** After section 5(8) there shall be inserted the following subsections: -

“(9) In this section ‘sea fish’ means fish, whether fresh or cured, of any kind found in the sea, including shellfish or any parts of such fish.

(10) Any order made under this section shall not have effect until registered in the Royal Court of Jersey.”

**25.** Section 9(1) shall be omitted.

**26.** In section 9(2), (3) and (4) (exemption for operations for scientific or other purpose) for the words “one of the Ministers” there shall be substituted the words “the Agriculture and Fisheries Committee”.

**27.** In section 9(5) for the words “sections 4, 5, 6 and 8” there shall be substituted the words “sections 4 and 5” and the words “or landing” shall be omitted.

**28.** In section 9(6) the reference to subsection (1) shall be omitted.

**29.** Section 11 (penalties for offences) shall extend as modified below: -

“11. – (1) Any person guilty of an offence under section 1, 3, 4 or 5 of this Act shall be liable to a fine.

(2) A court by which a person is convicted of an offence under section 1(3), 4 or 5(1) or (6) may order the forfeiture of any fish in respect of which the offence was committed.

(3) The court by which a person is convicted of an offence under section 3, 4 or 5 of this Act may order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred.

(4) In the case of an offence under section 4(3) or (6) the court may order that the owner or the charterer (if any) of the fishing boat used to commit the offence, or as the case may be, of the boat named in the

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licence of which the condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that boat.”

**30.** In section 15(2) paragraph (d) shall be omitted.

**31.** In section 15(3) –

- (a) for the words “the United Kingdom” in both places where they occur there shall be substituted the word “Jersey”;
- (b) after the words “British fishery limits” there shall be inserted the words “(including territorial waters)”;
- (c) for the words “sections 1 to 7” there shall be substituted the words “sections 1, 3, 4 or 5”.

**SEA FISH (CONSERVATION) ACT 1967****CHAPTER 84**

<b>ARRANGEMENT OF SECTIONS</b>	
<b>Restrictions on commercial use of under-sized, etc., sea fish</b>	
Section.	
1.	Size limits, etc. for fish.
* * * * *	
<b>Regulation of fishing for sea fish</b>	
3.	Regulation of nets and other fishing gear.
4.	Licensing of British fishing boats.
5.	Power to restrict fishing for sea fish.
* * * * *	
<b>Exemption for certain operations</b>	
9.	Exemption for operations for scientific and other purposes.
* * * * *	
<b>Penalties for, and other provisions as to, offences</b>	
11.	Penalties for offences.
* * * * *	
14.	Jurisdiction of court to try offences.
<b>Enforcement of orders, etc</b>	
15.	Powers of British sea-fishery officers for enforcement of Act.
* * * * *	

**ELIZABETH II****CHAPTER 84**

**AN ACT** to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949) certain enactments which provide for regulating the commercial use of, fishing for, and landing of, sea fish, and for authorising measures for the increase or improvement of marine resources.

[27th October 1967]

**BE IT ENACTED** by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows<sup>6</sup>: -

**Restrictions on commercial use of under-sized, etc., sea fish**

**SIZE LIMITS, ETC. FOR FISH**

**1.-** \* \* \* \* \*

[ (3) Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an order under section 1(1) of the Sea Fish (Conservation) Act 1967 as it applies in Great Britain, whether made before or after the coming into operation of the Sea Fish (Conservation) (Channel Islands) Order 1981, shall not be carried whether within or outside British fishery limits on a British fishing boat registered in Jersey nor, in the case of a British fishing boat not so registered, in British fishery limits adjacent to Jersey.]

[ (4) Where an order referred to in subsection (3) above, prohibits the carrying by any foreign fishing boat of sea fish of a description prescribed by the order which are of less than the minimum size so prescribed in relation to sea fish of that description, such sea fish shall not be carried by such a foreign fishing boat within British fishery limits adjacent to Jersey.]

[ (5) The Ministers may by order confer exemptions from any prohibition imposed by this section and any such prohibition may be general or subject to conditions and may relate to all fish to which such prohibition applies or to fish of any specified description.]

[ (6) If subsection (3) or subsection (4) above is contravened, the master, the owner and the charterer (if any) of the British fishing boat or the foreign fishing boat, as the case may be, shall each be guilty of an offence.

<sup>6</sup> Deletions and words in brackets indicate adaptations and modifications made by the Sea Fish (Conservation) (Channel Islands) Order 1981.

*[(7) The prohibitions contained in subsections (3) and (4) above shall not have effect until the order referred to in subsection (3) has been registered in the Royal Court of Jersey.]*

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### **Regulation of fishing for sea fish**

#### **REGULATION OF NETS AND OTHER FISHING GEAR**

**3.-(1)** The Ministers may make an order for securing that *[(except in territorial waters adjacent to Jersey)]* the nets and other fishing gear carried in any British fishing boat registered in *[Jersey]* comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

*[(2) An order under this section may be made so as to extend to nets or other fishing gear carried within British fishery limits adjacent to Jersey by fishing boats registered outside Jersey or not registered in any country.]*

(3) An order under this section prescribing minimum sizes of mesh may also

—

- (a) prescribe the manner in which the sizes of mesh are to be measured and, in the case of any class of nets, prescribe different sizes for the nets when in different conditions;
- (b) make provision for securing that the restrictions imposed by the order are not evaded by the use of any nets in such manner as practically to diminish their mesh, or by the covering of nets with canvas or any other material, or by the use of any other artifice;
- (c) provide for exempting any nets from any such restrictions as aforesaid, either generally or in relation to particular fishing boats or classes of fishing boats, if and so long as such conditions as may be imposed by or under the order are complied with.

(4) Without prejudice to subsection (3) above, an order under this section may, in relation to any fishing gear, —

- (a) restrict the manner in which it may be used;
- (b) prescribe the manner in which its size is to be measured;
- (c) make provision for securing that the restrictions imposed by the order are not evaded;
- (d) make the like provision for exemption as is mentioned in relation to nets in subsection (3)(c) above.

(5) If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

(6) Any restrictions imposed by an order under this section shall be in addition to, and not in substitution for, any restriction imposed by or under any other Act,<sup>7</sup> and nothing in this section shall affect any power conferred by any Act to regulate sea fishing.

[(7) Any order made under this section shall not have effect until registered in the Royal Court of Jersey.]

### **Licensing of British fishing boats**

**4.-(1)** The Ministers may by order provide –

- (a) that in any specified area within British fishery limits adjacent to Jersey fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by the Agriculture and Fisheries Committee (hereinafter called “the Committee”) and for the time being in force;
- (b) that in any area specified in the order (being outside the waters referred to in paragraph (a) above) fishing by British fishing boats registered in Jersey is prohibited unless so authorised.]

(2) Such an order may apply to fishing generally in the specified area or to fishing –

- (a) for a specified description of sea fish;
- (b) by a specified method;
- (c) during a specified season of the year or other period; or
- (d) in the case of an order under subsection (1)(a), by fishing boats registered in a specified country,

and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.

(3) Where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.

[(4) The Committee may by order prescribe charges for the granting of a licence by the Committee under this section and may prescribe different charges in relation to different classes of licence, but such charges shall not exceed such maximum charges as may from time to time be specified in an order made under this section as it has effect in the United Kingdom.

<sup>7</sup>

See Article 5, Sea Fisheries (Jersey) Law, 1962. (Volume 1961–1962, page 622).

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(4A) The Subordinate Legislation (Jersey) Law, 1960, as amended,<sup>8</sup> shall apply to orders made by the Committee under subsection (4) above.]

(5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise fishing generally or may confer limited authority by reference to, in particular, –

- (a) the area within which fishing is authorised;
- (b) the periods, times or particular voyages during which fishing is authorised;
- (c) the descriptions and quantities of fish which may be taken; or
- (d) the method of sea fishing.

(6) A licence under this section may authorise fishing either unconditionally or subject to such conditions as appear to the [Committee] to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions –

- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed); or
- (b) as to the use to which the fish taken may be put:

and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.

(7) The [Committee] may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails to comply with such a requirement is guilty of an offence under this subsection.

[(8) The licensing powers conferred on the Committee under this section may be exercised, in consultation with the Ministers, so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Minister and the Committee to be necessary or expedient for the regulation of sea fishing.]

(9) A licence under this section –

- (a) may be varied from time to time; and
- (b) may be revoked or suspended, if this appears to the [Committee] to be necessary or expedient for the regulation of sea fishing.

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<sup>8</sup>

Tome VIII, page 849.

(10) If a licence is varied, revoked or suspended the [Committee] may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.

\* \* \* \* \*

(12) In this section “British fishing boat” means a fishing boat which is registered in the United Kingdom, [Jersey or Guernsey] or is British-owned, and “foreign fishing boat” means a fishing boat which is not so registered or owned.

[(13) “Sea fish” in this section means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of such fish.

(14) Any order of the Ministers made under this section shall not have effect until registered in the Royal Court of Jersey.]

### **Power to restrict fishing for sea fish**

5.-(1) Subject to the provisions of this section, where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty’s Government in the United Kingdom and the government of any other country, they may by order prohibit, for any period and in an area specified in the order –

- (a) all fishing for sea fish, or
- (b) the fishing for any description of sea fish specified in the order, or
- (c) the fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified

by any fishing boat to which the prohibition applies; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

(2) The power conferred by subsection (1) above shall, in relation to the imposition of any prohibition –

- (a) on fishing for salmon or migratory trout, whether within or outside British fishery limits, or
- [(b) on fishing for any other sea fish in British fishery limits adjacent to Jersey,]

be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose of giving effect to such a convention or agreement as is therein mentioned or not.

(3) Where an order under this section is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in subsection (1) above, the order shall contain a statement to that effect.



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- (4) Any order under this section, except an order which –
- (a) has effect in relation to salmon or migratory trout (whether it has effect in relation to any other description of fish or not), and
  - (b) is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in subsection (1) above,

may be made so as to continue in force either for a period specified in the order or without limitation of time.

(5) Any prohibition imposed by an order under this section may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(6) Where an order under this section is made in respect of a description of sea fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) are taken on board a fishing boat to which the obligation imposed by this subsection applies, those sea fish shall, subject to section 9 of this Act, be returned to the sea forthwith.

(7) Where subsection (6) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

(8) Subject to section 9 of this Act, any prohibition imposed by an order under this section, and the obligation imposed by subsection (6) above, shall apply to all British fishing boats registered in [Jersey] and, [in British fishery limits adjacent to Jersey] also to all other fishing boats; and any prohibition imposed by such an order, in so far as it relates to fishing for salmon or migratory trout, shall apply also to any fishing boats which are British-owned but not registered under the Merchant Shipping Act 1894.

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### **Exemption for certain operations**

#### **EXEMPTION FOR OPERATIONS FOR SCIENTIFIC AND OTHER PURPOSES**

#### **9.      \* \* \* \* \***

(2) Nothing in section 1(3) of this Act or in any order made under section 3 thereof shall apply in relation to fishing operations which, under the authority of [the Agriculture and Fisheries Committee] are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(3) Neither a prohibition imposed by an order under section 5 of this Act, nor the obligation imposed by subsection (6) of that section, shall apply in relation to fishing operations conducted under the authority of [the Agriculture and Fisheries Committee] for either of the purposes mentioned in subsection (2) above.

(4) No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of [the Agriculture and Fisheries Committee] are conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.

(5) Subsection (4) above applies to [sections 4 and 5] of this Act and to any other enactment which provides for regulating the catching \* \* \* \* of sea fish.

(6) Subsection (4) above shall effect in addition to, and not in derogation of, subsections \* (2) and (3) above and any express saving or exemption contained in such other enactment as is referred to in subsection (5) above or in any order or byelaw made under an enactment to which the said subsection (4) applies.

(7) In this section “sea fish” includes salmon and migratory trout.

\* \* \* \* \*

### **Penalties for, and other provisions as to, offences**

#### **PENALTIES FOR OFFENCES**

[11.-(1) Any person guilty of an offence under section 1, 3, 4 or 5 of this Act shall be liable to a fine.

(2) A court by which a person is convicted of an offence under section 1(3), 4 or 5(1) or (6) may order the forfeiture of any fish in respect of which the offence was committed.

(3) The court by which a person is convicted of an offence under section 3, 4 or 5 of this Act may order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred.

(4) In the case of an offence under section 4(3) or (6) the court may order that the owner or the charterer (if any) of the fishing boat used to commit the offence, or as the case may be, of the boat named in the licence of which the condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that boat.]

(5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

\* \* \* \* \*

## JURISDICTION OF COURT TO TRY OFFENCES

**14.** Section 684 of the Merchant Shipping Act 1894 (which relates to the jurisdiction of courts) shall apply for the purposes of sections 3, 4 and 5 of this Act as it applies for the purposes of that Act.

**Enforcement of orders, etc**POWERS OF BRITISH SEA-FISHERY OFFICERS FOR ENFORCEMENT OF  
ACT

**15.-(1)** Every British sea-fishery officer shall have the powers conferred by the following provisions of this section.

- (2) Any such officer may seize –
- (a) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been, or is being, committed;
  - (b) any fish caught by the use of a fishing boat contravening section 4(1) of this Act, or caught in contravention of a prohibition imposed by an order under section 5 thereof, where the fish are on the fishing boat or, as the case may be, on the fishing boat used in contravention of such a prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat;
  - (c) any net or other fishing gear used in contravening the said section 4(1) or used in contravention of a prohibition imposed by an order under the said section 5;

\* \* \* \* \*

(3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to [Jersey] and within British fishery limits [(including territorial waters)] and in relation to any British fishing boat registered in [Jersey] and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968<sup>9</sup> as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of any of the provisions of sections [sections 1, 3, 4 or 5] of this Act or any order made under any of those sections.

(4) An order under this section may make different provision for different cases.

(5) Section 10 of the Sea Fisheries Act 1968<sup>10</sup> shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred; and, in

<sup>9</sup> Volume 1973–1974, page 80.

<sup>10</sup> Volume 1973–1974, page 81.

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relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly.

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<sup>1</sup> *The Agriculture and Fisheries Committee was amalgamated with other Committees to form the Economic Development Committee. The functions of the Economic Development Committee under this Act were transferred to the Environment and Public Services Committee by R&O.133/2004. The functions of the Economic Development Committee under this Act were transferred to the Minister for Planning and Environment by R&O.s 131/2005 and 132/2005.*