



Jersey

SEA FISHERIES (LICENSING OF FISHING BOATS) (JERSEY) REGULATIONS 2003

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Jersey

SEA FISHERIES (LICENSING OF FISHING BOATS) (JERSEY) REGULATIONS 2003¹

THE STATES, in pursuance of Articles 7, 12, 13 and 29 of the [Sea Fisheries \(Jersey\) Law 1994](#), have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation²

In these Regulations, unless the context otherwise requires –

“address for service”, in relation to an owner or charterer of a fishing boat, means the address for service for the time being provided by the owner or charterer to the Minister in accordance with Regulation 8;

“Area” means the waters referred to as such in the former Agreement;

“electronic means” includes facsimile transmission and any method of transferring data by computer;

“EU fishing boat” means a fishing boat that is registered in a member State of the European Union;

“exchange of notes” means the exchange of notes that is associated with the former Agreement and concerns access to fishing in certain zones in the Bay of Granville area;

“fishing boat licence” means a licence issued by the Minister under these Regulations;

“fishing permit” means a fishing permit issued by the Minister under these Regulations;

“former Agreement” means the agreement, concerning fishing in the Bay of Granville, together with the associated exchanges of notes, made between the Government of the United Kingdom and Northern Ireland and the French Republic signed on 4 July 2000, which came into force on

1 January 2004 and which was terminated on 31 January 2021 by Article FISH.19.2 of the TCA;

“Law” means the [Sea Fisheries \(Jersey\) Law 1994](#);

“place of business”, in relation to an owner or charterer of a fishing boat, means any place at which the owner or charterer carries on any business;

“registered office” in relation to an owner or charterer of a fishing boat, being an owner or charterer that is a body corporate, means the registered office of the owner or charterer;

“territorial sea” means the territorial sea of Jersey;

“whelk box” means the geographical area described in paragraph 9 of the exchange of notes, also known as and referred to as Zone D1;

“Zone A”, “Zone B”, “Zone C”, “Zone D”, “Zone E” or “Zone F” means the waters referred to as such in the exchange of notes.

PART 2

RESTRICTIONS ON SEA FISHING

2 Fishing in the territorial sea: licences and permits³

- (1) Fishing in the territorial sea by any fishing boat is prohibited unless authorised by a fishing boat licence issued by the Minister.
- (2) Fishing with beam trawls in the territorial sea by any fishing boat is prohibited unless authorised by a fishing permit that has been issued by the Minister.
- (3) A fishing boat licence may be issued to an EU fishing boat only if that boat –
 - (a) is a qualifying vessel; and
 - (b) has a valid national licence or any authorisation required by regional, national or international law.
- (4) For the purposes of this Regulation, no action is authorised by a fishing boat licence or a fishing permit unless it is done in accordance with the conditions of that fishing boat licence or fishing permit.

3 Fishing by Jersey boats outside the territorial sea: licences and permits⁴

- (1) Unless authorised by a fishing boat licence issued by the Minister, fishing by a Jersey fishing boat is prohibited outside –
 - (a) the territorial sea;
 - (b) the territorial sea of Guernsey; and
 - (c) the EEZ of the United Kingdom, as defined in Article FISH.3 of the TCA.

- (2) A fishing boat licence authorising fishing in the territorial waters of a member State of the European Union may –
 - (a) only be issued in respect of a boat which is a qualifying vessel; and
 - (b) only authorise fishing in those waters to the extent demonstrated by the vessel's fishing activity under Article FISH.10 of the TCA.
- (3) For the purposes of this Regulation, no action is authorised by a fishing boat licence or a fishing permit unless it is done in accordance with the conditions of that fishing boat licence or fishing permit.

3A Fishing in the Frouquier Aubert protected area⁵

- (1) In this Regulation –
 - “protected area” means that part of the territorial sea near the Frouquier Aubert buoy that is bounded by straight lines drawn in the sequence –
 - from 49 05.10N 02 00.00W to 49 05.10N 01 55.00W
 - from 49 05.10N 01 55.00W to 49 02.50N 01 55.00W
 - from 49 02.50N 01 55.00W to 49 02.50N 02 00.00W
 - from 49 02.50N 02 00.00W back to 49 05.10N 02 00.00W,
 - as determined in accordance with the World Geodetic System 1984;
 - “restricted trawl” means any trawl that is not designed to operate exclusively on the seabed and includes any trawl that does not have fitted to it attachments designed to protect the trawl from damage resulting from contact with the seabed.
- (2) In the protected area, fishing –
 - (a) with a restricted trawl; or
 - (b) with a trawl towed by more than one boat,is prohibited unless authorized by a fishing permit that has been granted –
 - (c) by the Minister; or
 - (d)and is in force in respect of the boat or boats and the protected area.⁶
- (3) For the purposes of this Regulation, no action is authorised by a fishing permit unless it is done in accordance with the conditions of that fishing permit.⁷
- (4) If a fishing boat –
 - (a) is in the protected area;
 - (b) has a restricted trawl on board; and
 - (c) does not have permission to use that trawl at that time by a fishing permit granted under paragraph (2),the restricted trawl must be stowed in accordance with the conditions mentioned in paragraph (5).
- (5) Those conditions are that –

- (a) apart from its weights, the trawl must be carried wholly inboard;
- (b) all nets and trawlboards and weights must be disconnected from their towing or hauling wires or ropes;
- (c) all trawlboards must be secured at deck level or carried below deck; and
- (d) all nets that are on deck or above deck must be securely lashed to some part of the superstructure of the fishing boat.

4 Requirement to carry fishing boat licence or fishing permit⁸

- (1) A fishing boat fishing in the territorial sea must carry –
 - (a) the fishing boat licence issued in respect of it; and
 - (b) in the case of an EU fishing boat, its national licence and any authorisations required by regional, national or international law.
- (2) A Jersey fishing boat fishing outside the territorial sea must carry the fishing boat licence issued in respect of it.

4A ⁹

5 Exception

The prohibitions in Regulations 2 and 3 shall not apply in respect of –

- (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
- (b) fishing operations that, under the authority of the Minister, are conducted for the purpose of scientific investigations.¹⁰

PART 3

LICENCES AND PERMITS

6 Classes of licences and permits¹¹

- (1) The Minister may determine any description of fishing boat licence or fishing permit to be a class of fishing boat licence or fishing permit, as the case may be, for the purposes of these Regulations.¹²
- (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.

7 Fees for licences and permits¹³

- (1) A fee of such amount as the Minister prescribes shall be payable for –
 - (a) the grant or renewal of a fishing boat licence; or
 - (b) the grant or renewal of a fishing permit.¹⁴
- (2) The Minister may by Order prescribe the amounts of any fees to which paragraph (1) refers and the period of the duration of a fishing boat licence or fishing permit for which the fee is payable.¹⁵
- (3) A fee so prescribed shall be payable by the person to whom the licence or fishing permit is granted or (as the case may be) for whom it is renewed.¹⁶
- (4) The fee shall be payable on the grant or renewal (as the case may be) of the licence or fishing permit.¹⁷

8 Address for service on owner or charterer

- (1) An owner or a charterer of a fishing boat who applies to the Minister for a fishing boat licence must, subject to paragraph (1B), provide the Minister with –
 - (a) if the fishing boat is a Jersey fishing boat, an address for service in Jersey;
 - (b) if the fishing boat is not a Jersey fishing boat, an address for service in Jersey or in the country or place where that fishing boat is registered; and
 - (c) a valid email address.¹⁸
- (1A)¹⁹
- (1B) An address for service that is required to be provided under paragraph (1) –
 - (a) shall not include an address for service that is a post office box; and
 - (b) shall be stated in writing and shall accompany the application referred to in paragraph (1).²⁰
- (2) An owner or charterer may from time to time change the address for service by notice in writing to the Minister.
- (3) A change of address for service shall take effect on notice being given to the Minister in accordance with paragraph (2) or on such later date as may be specified in the notice.
- (4) Where the address (including an email address) provided under paragraph (1) changes or ceases to be used and the owner or charterer does not notify the Minister within the period ending 7 days after the date the address changes or ceases to be used, the owner or charterer commits an offence and is liable to fine of level 3 on the standard scale.²¹

9 Grant of licence or permit²²

Subject to Regulations 11 and 12, a fishing boat licence or a fishing permit is granted in respect of a fishing boat by delivering it to the owner or charterer of the fishing boat in one of the following ways –

- (a) personally, in which case it shall take effect on receipt;
- (b) by leaving it at the owner's or charterer's address for service, place of business or registered office, or in the hands of any person in any of those places, in which case it shall be treated as having been delivered and shall take effect 24 hours after it is left;
- (c) by transmitting it to the owner or charterer by electronic means at the address for service, place of business or registered office, or to the email address provided under Regulation 8(1), in which case it shall be treated as having been delivered and shall take effect 24 hours after it is transmitted;
- (d) by sending it to the owner or charterer by post at the address for service, place of business or registered office, in which case it shall be treated as having been delivered and shall take effect –
 - (i) 48 hours after it is sent, if that period does not expire on a Sunday or on a day that is a bank holiday or public holiday in the place to which it is sent, or
 - (ii) if the period does expire on such a day, then at the end of the next day that is not a Sunday or a bank holiday or public holiday in that place.

9A Limit on grant of fishing permit²³

For the purposes of –

- (a) Regulations 2(2) and 3(2A); and
- (b) the grant, by the Minister, of a fishing permit authorizing fishing with beam trawls by a Jersey fishing boat in the territorial sea, being a fishing permit required by Regulations 2(2) and 3(2A),

the Minister shall, when considering an application for such fishing permit, ensure that not more than 5 such fishing permits shall be in force at any one time.

10 Variation, suspension or revocation

- (1) Subject to Regulations 11 and 12, the variation, suspension or revocation of a fishing boat licence or a fishing permit is effected by giving notice of the variation, suspension or revocation to the owner or charterer of the fishing boat to which the fishing boat licence or fishing permit relates, in one of the following ways –
 - (a) personally, in which case the variation, suspension or revocation shall take effect 24 hours after receipt of the notice;
 - (b) by leaving it at the owner's or charterer's address for service, place of business or registered office, or in the hands of any person in

any of those places, in which case it shall be treated as having been given and the variation, suspension or revocation shall take effect 48 hours after the notice is left;

- (c) by transmitting it to the owner or charterer by electronic means at the address for service, place of business or registered office, or to the email address provided under Regulation 8(1), in which case it shall be treated as having been given and the variation, suspension or revocation shall take effect 48 hours after the notice is transmitted; or
 - (d) by sending it to the owner or charterer by post at the address for service, place of business or registered office, in which case it shall be treated as having been given and the variation, suspension or revocation shall take effect –
 - (i) 72 hours after the notice is sent, if that period does not expire on a Sunday or on a day that is a bank holiday or public holiday in the place to which it is sent, or
 - (ii) if the period does expire on such a day, then at the end of the next day that is not a Sunday or a bank holiday or public holiday in that place.²⁴
- (2) Subject to Regulations 11 and 12, the variation, suspension or revocation of a fishing boat licence or a fishing permit may alternatively be effected by giving notice of the variation, suspension or revocation to the master of the fishing boat to which it relates, in one of the following ways –
- (a) personally, in which case the variation, suspension or revocation shall take effect on receipt of the notice; or
 - (b) by transmitting it to the master by electronic means while the master is aboard the fishing boat, in which case it shall be treated as having been given and the variation, suspension or revocation shall take effect 24 hours after the notice is transmitted.²⁵
- (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.²⁶
- (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.²⁷
- (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.²⁸
- (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)
 - (ii) all fishing permits,
 - (iii)
 - (iv) all fishing permits of a class determined by the Minister under Regulation 6.²⁹

11 Delivery or notification by several modes³⁰

Subject to Regulation 12, if –

- (a) a licence or a fishing permit; or
- (b) a notice of the variation, suspension or revocation of a licence or a fishing permit,

is delivered or given by more than one mode, it shall be treated as having been delivered or given and the licence or fishing permit or the variation, suspension or revocation shall take effect at the earliest of the times prescribed by these Regulations in respect of the modes by which the licence or fishing permit or notice is delivered or given.

12 Deferred effect³¹

Where –

- (a) a licence or a fishing permit; or
- (b) a notice of the variation, suspension or revocation of a licence or a fishing permit,

specifies on its face that the licence or fishing permit, or the variation, suspension or revocation, shall take effect at a time that is later than a time prescribed by these Regulations in respect of any mode by which the licence or fishing permit or notice is delivered or given, the licence or fishing permit, or the variation, suspension or revocation, shall take effect at the time shown on the face of the licence, fishing permit or notice.

12A Period for which licence in force³²

- (1) A fishing boat licence shall, subject to its suspension or revocation, be in force on and from the date on which it takes effect until the end of the granting period within which it takes effect.
- (2) ³³
- (3) In this Regulation, “granting period” means –
 - (a) the period that commences on 1st January 2007 and ends on 31st December 2008; or

- (b) a period, determined in accordance with paragraph (4), that follows the period specified in sub-paragraph (a), or comes at a later time.
- (4) For the purposes of paragraph (3)(b), a period that follows the period specified in paragraph (3)(a), or comes at a later time to that period, shall –
 - (a) commence on the second anniversary of the commencement date of the preceding granting period; and
 - (b) end on the 31st December of the year following the year in which it commences.
- (5) This Regulation shall apply to a fishing boat licence that takes effect on or after 1st January 2007.
- (6) A fishing boat licence issued on or after 1st May 2021 may be issued or renewed for a period of up to 3 years.³⁴
- (7) A fishing boat licence issued in respect of a foreign fishing boat ceases to have effect during any period when the national licence in respect of that boat has been terminated, revoked or suspended.³⁵

13 Effect of lodging appeal

- (1) If an appeal is lodged under Article 28 of the Law against the revocation or suspension of a licence or a fishing permit after the revocation or suspension has taken effect, the licence or fishing permit comes back into force as from the time when the appeal is lodged.³⁶
- (2) If an appeal is lodged under Article 28 of the Law against the revocation or suspension of a licence or a fishing permit before the revocation or suspension has taken effect, the licence or fishing permit continues in force even after the revocation or suspension would, but for this Regulation, have taken effect.³⁷
- (3) A licence or a fishing permit in force by virtue of this Regulation continues in force by virtue of this Regulation until whichever of the following events occurs first –
 - (a) the relevant appeal is withdrawn by the appellant;
 - (b) the relevant appeal is dismissed by the Court;
 - (c) the Minister acts, in relation to the licence or fishing permit, on any directions of the Court given under Article 28 of the Law;
 - (d) the licence, access permit or fishing permit expires.³⁸

PART 4

MISCELLANEOUS

14 39

15 Repeal and savings

- (1) The Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 1996 are repealed.
- (2) Notwithstanding any other provision of these Regulations, if an application for a licence was made in respect of a fishing boat after the making of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 1996, but before the latter Regulations came into force, and the application has not been determined before the date of repeal of those Regulations, the activity in respect of which the licence was sought continues to be authorized in respect of that fishing boat until the application is determined.
- (3) A licence that, but for the repeal of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 1996, would have continued in force shall be taken to have been granted under these Regulations and shall remain in force until such day as it would have expired but for that repeal unless it is sooner revoked or suspended.

16 Citation

These Regulations may be cited as the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003	R&O.103/2003	1 January 2004
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005
Sea Fisheries (Licensing of Fishing Boats) (Amendment) (Jersey) Regulations 2006	R&O.78/2006	16 August 2006
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 2) (Jersey) Regulations 2006	R&O.92/2006	21 September 2006
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 3) (Jersey) Regulations 2007	R&O.57/2007	25 April 2007
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 4) (Jersey) Regulations 2009	R&O.37/2009	6 May 2009
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 5) (Jersey) Regulations 2011	R&O.74/2011	14 June 2011
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 6) (Jersey) Regulations 2013	R&O.132/2013	15 October 2013
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 7) (Jersey) Regulations 2020	R&O.19/2020	18 March 2020
Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 8) (Jersey) Regulations 2020	R&O.186/2020 (R&O.187/2020)	11 p.m. on 31 December 2020
Sea Fisheries (TCA – Licensing of Fishing Boats) (Amendment of Law and Regulations) (Jersey) Regulations 2021	R&O.54/2021	30 April 2021

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Regulation 1 amended by R&O.78/2006, R&O.132/2013, R&O.54/2021*
- ³ *Regulation 2 heading amended by R&O.78/2006, substituted by R&O.54/2021*
- ⁴ *Regulation 3 heading amended by R&O.78/2006, substituted by R&O.54/2021*
- ⁵ *Regulation 3A inserted by R&O.37/2009*
- ⁶ *Regulation 3A(2) amended by R&O.54/2021*
- ⁷ *Regulation 3A(3) substituted by R&O.54/2021*
- ⁸ *Regulation 4 substituted by R&O.54/2021*
- ⁹ *Regulation 4A inserted by R&O.78/2006, deleted by R&O.54/2021*
- ¹⁰ *Regulation 5 amended by R&O.19/2020*
- ¹¹ *Regulation 6 substituted by R&O.132/2013*
- ¹² *Regulation 6(1) amended by R&O.54/2021*
- ¹³ *Regulation 7 substituted by R&O.74/2011*
- ¹⁴ *Regulation 7(1) amended by R&O.54/2021*
- ¹⁵ *Regulation 7(2) amended by R&O.54/2021*
- ¹⁶ *Regulation 7(3) amended by R&O.54/2021*
- ¹⁷ *Regulation 7(4) amended by R&O.54/2021*
- ¹⁸ *Regulation 8(1) substituted by R&O.57/2007, R&O.54/2021*
- ¹⁹ *Regulation 8(1A) inserted by R&O.57/2007, deleted by R&O.54/2021*
- ²⁰ *Regulation 8(1B) inserted by R&O.57/2007, amended by R&O.54/2021*
- ²¹ *Regulation 8(4) inserted by R&O.54/2021*
- ²² *Regulation 9 amended by R&O.78/2006, R&O.54/2021*
- ²³ *Regulation 9A inserted by R&O.78/2006, amended by R&O.54/2021*
- ²⁴ *Regulation 10(1) amended by R&O.78/2006, R&O.54/2021*
- ²⁵ *Regulation 10(2) amended by R&O.78/2006, R&O.54/2021*
- ²⁶ *Regulation 10(3) substituted by R&O.132/2013*
- ²⁷ *Regulation 10(4) substituted by R&O.132/2013*
- ²⁸ *Regulation 10(5) substituted by R&O.132/2013*
- ²⁹ *Regulation 10(6) inserted by R&O.132/2013, amended by R&O.54/2021*
- ³⁰ *Regulation 11 substituted by R&O.78/2006, amended by R&O.54/2021*
- ³¹ *Regulation 12 substituted by R&O.78/2006, amended by R&O.54/2021*
- ³² *Regulation 12A inserted by R&O.92/2006*
- ³³ *Regulation 12A(2) deleted by R&O.132/2013*
- ³⁴ *Regulation 12A(6) inserted by R&O.54/2021*
- ³⁵ *Regulation 12A(7) inserted by R&O.54/2021*
- ³⁶ *Regulation 13(1) amended by R&O.78/2006, R&O.54/2021*
- ³⁷ *Regulation 13(2) amended by R&O.78/2006, R&O.54/2021*
- ³⁸ *Regulation 13(3) amended by R&O.78/2006, R&O.54/2021*
- ³⁹ *Regulation 14 deleted by R&O.54/2021*