

ORDER IN COUNCIL

**IV
1992**

ratifying a Projet de Loi

ENTITLED

The Fishing (Amendment) (Bailiwick of Guernsey) Law, 1992

(Registered on the Records of the Island of Guernsey
on the 25th August, 1992.)



1992

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 25th day of August, 1992 before Graham Martyn Dorey, Esquire, Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe and John Richard Rowe Henry, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 4th June, 1992, approving and ratifying a *Projet de Loi* entitled “The Fishing (Amendment) (Bailiwick of Guernsey) Law, 1992”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney and to the SÉNÉSCHAL of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 4th day of June 1992

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the affairs of Guernsey and Jersey dated the 30th day of April 1992 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 27th day of September 1990, the States of Deliberation at a meeting held on the 27th day of September 1990, approved a Bill or “Projet de Loi” entitled “The Fishing (Amendment) (Bailiwick of Guernsey) Law, 1992”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 3rd day of April, 1991, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 16th day of January, 1991, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled

“The Fishing (Amendment) (Bailiwick of Guernsey) Law, 1992”, and to order that the same shall have force of law in the Bailiwick of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Deney

(No.IV - 1992)

PROJET DE LOI

ENTITLED

The Fishing (Amendment) (Bailiwick of Guernsey) Law, 1992

THE STATES, in pursuance of their Resolution of the 26th day of September, 1990(a), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. In the Fishing (Bailiwick of Guernsey) Law, 1989(b)— Amendment
of Law of
1989.

(a) for section 1 substitute—

“Unlawful
fishing.

1. If within fishery limits there is a contravention of an enforceable Community restriction relating to sea fishing, the master, owner and charterer of any relevant fishing boat are each guilty of an offence.”;

(b) in sections 7 and 8 for “Ordinance”, wherever appearing, substitute “order”;

(c) in section 8 for “States”, wherever appearing, substitute “Committee”;

(d) after section 8(2) insert—

(a) Article I of Billet d'Etat No. XVII, 1990.

(b) Ordres en Conseil No. XXVIII, 1989.

“ (3) An order under subsection (1) shall be laid before a meeting of the States as soon as possible after being made and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new order.”;

(e) in section 9(1)—

(i) after the definition of “the Bailiwick” insert—

““the Committee” means the States Sea Fisheries Committee or such other committee of the States as the States may prescribe by Ordinance;

“contravention” includes failure to comply and cognate expressions shall be construed accordingly;”;

(ii) in the definition of “enforceable Community restriction” after “a restriction” insert “or obligation”;

(iii) in the definition of “fishing boat” after “thereto” insert “or any activity preparatory to or undertaken subsequent to or in connection with any such operations”;

(iv) after the definition of “penalties” insert—

““relevant fishing boat”, in section 1,
means any fishing boat upon
which, in relation to which or in
relation to the gear, catch, crew
or use of which the contravention
in question took place;”.

2. This Law may be cited as the Fishing Citation.
(Amendment) (Bailiwick of Guernsey) Law, 1990.

K. H. TOUGH,
Her Majesty's Greffier.