

GUERNSEY STATUTORY INSTRUMENT2004 No. 4**The Sea Fish Licensing (Licences and Notices)
(Bailiwick of Guernsey) Regulations, 2004**

<i>Made</i>	<i>12 January, 2004</i>
<i>Coming into operation</i>	<i>1st February, 2004</i>
<i>Laid before the States</i>	<i>February, 2004</i>

THE STATES SEA FISHERIES COMMITTEE, in exercise of the powers conferred on them by section 5 of, respectively, the Sea Fish Licensing (Guernsey) Ordinance, 2003^a, the Sea Fish Licensing (Alderney) Ordinance, 2003 and the Sea Fish Licensing (Sark) Ordinance, 2003, and of all other powers enabling them in that behalf, hereby make the following Regulations:-

Citation, commencement and interpretation.

1. (1) These Regulations may be cited as the Sea Fish Licensing (Licences and Notices) (Bailiwick of Guernsey) Regulations, 2004 and shall come into force on the 1st February, 2004.

(2) In these Regulations -

"**Bailiwick**" means the Bailiwick of Guernsey;

"**Committee**" means the States of Guernsey Sea Fisheries Committee;

^a

Ordinance No. 3 of 2003.

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

“fishing boat” means any fishing boat or other vessel in respect of which a licence may be granted;

“licence” means a licence granted by the Committee under section 1 of any of the following enactments -

- (a) the Sea Fish Licensing (Guernsey) Ordinance, 2003,
- (b) the Sea Fish Licensing (Alderney) Ordinance, 2003,
or
- (c) the Sea Fish Licensing (Sark) Ordinance, 2003,

and includes a licence which contains a notice;

“nominee” means -

- (a) an individual resident in any part of the British Islands, or
- (b) a body incorporated in -
 - (i) any part of the British Islands, or
 - (ii) a member State other than the United Kingdom and having a place of business in the British

Islands,

appointed by the owner or charterer of a fishing boat to receive, on his behalf, licences and notices communicated in accordance with these Regulations;

“notice” means any notice of variation, suspension or revocation of a licence, whether the licence was granted before or after the coming into force of these Regulations.

(3) Expressions other than those set out in paragraph (2) have the same meaning as in the Sea Fish Licensing (Guernsey) Ordinance, 2003.

(4) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these regulations throughout the Bailiwick.

(5) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Communication of licences and notices.

2. (1) A licence shall be granted to the owner or charterer of a fishing boat by being communicated to a nominee -

(a) personally;

(b) by sending it to him by post at his address or place of

^b Ordres en Conseil Vol. XIII, p. 355.

business;

- (c) by leaving it at his address or place of business or in the hands of any person there, or
- (d) by transmitting it to him by electronic means at his address or place of business.

(2) A notice shall be effected by being communicated -

- (a) to a nominee, in a manner specified in paragraph (1);
- (b) to the master of the fishing boat in respect of which the licence is granted -
 - (i) personally, while he is on board the boat, or
 - (ii) by transmitting it to him by electronic means while he is on board the boat, or
- (c) in accordance with paragraph (3).

(3) A notice which varies, suspends or revokes -

- (a) all licences;
- (b) all licences authorising fishing for one or more specified descriptions of sea fish;
- (c) all licences authorising fishing in one or more

specified areas;

- (d) all licences authorising fishing by a specified method or methods; or
- (e) all licences authorising fishing by reference to a combination of two or more of the matters referred to in subparagraphs (b) to (d),

may be communicated -

- (i) where the notice is to be given to a person in Guernsey, by being published in La Gazette Officielle;
- (ii) where the notice is to be given to a person in Alderney, by being published in the Alderney Official Gazette;
- (iii) where the notice is to be given to a person in Sark, by being exhibited on one of the official notice boards in Sark.

(4) A notice published in accordance with paragraph (3) shall either -

- (a) provide that it applies to all licences, or
- (b) specify those licences to which it relates by reference to species, area or method or any combination thereof,

but shall not be required to specify the name or port letters and number, or the name of any owner or charterer, of any fishing boat.

Delivery of licences and giving of notices.

3. (1) A licence or notice communicated personally shall be treated as delivered or given immediately upon being communicated.

(2) Subject to paragraph (5), a licence or notice communicated by post shall be treated as delivered or given 48 hours after the end of the day on which it was posted.

(3) A licence or notice communicated by leaving it at a nominee's address or place of business or in the hands of a person there or by transmission by electronic means shall be treated as delivered or given 24 hours after the time of such communication.

(4) A notice communicated in accordance with regulation 2(3) shall be treated as given at the end of the day on which it is published.

(5) Where a licence or notice -

(a) is communicated by post, and

(b) would be treated as delivered or given, in accordance with this Regulation, on a day which in the place where it is delivered or given is a non-business day

within the meaning of section 1(1) of the Bills of Exchange (Guernsey) Law, 1958^c,

the licence or notice shall instead be treated as delivered or given at the end of the next day thereafter which is not a non-business day.

Time at which licences and notices have effect.

4. Subject to Regulation 5 -

- (a) a licence which is communicated in accordance with Regulation 2(1), and a notice which is communicated in accordance with Regulation 2(2)(b), shall have effect at the time that it is treated as delivered or given in accordance with Regulation 3;
- (b) a notice which is communicated in accordance with Regulation 2(2)(a) shall have effect 24 hours after the time that it is treated as delivered or given in accordance with Regulation 3; and
- (c) a notice which is communicated in accordance with Regulation 2(3) shall have effect 48 hours after the time that it is treated as given in accordance with Regulation 3.

^c Ordres en Conseil Vol. XVII, p. 385; section 1(1) was amended by Order in Council No. XI of 1993.

Special provision for taking effect of certain licences and notices.

5. (1) A licence or notice which is communicated by more than one of the methods specified in regulation 2 shall have effect at the earliest of the times corresponding to each such method specified in regulation 4.

(2) A licence or notice which purports on its face to have effect at a time later than that at which it would be treated as having effect in accordance with regulation 4 shall have effect at the time shown on its face.

Dated this 12th day of January, 2004.



C. LE PELLECY

President of the States Sea Fisheries Committee

For and on behalf of the Committee.

EXPLANATORY NOTE.

(This note is not part of the Order)

These regulations prescribe, for the purposes of section 5 of the Sea Fish Licensing (Guernsey) Ordinance, 2003, the Sea Fish Licensing (Alderney) Ordinance, 2003 and the Sea Fish Licensing (Sark) Ordinance, 2003 -

(a) the manner in which a licence to fish under those Ordinances is to be

granted or a variation, suspension or revocation is to be effected; and

- (b) the time when a licence or a variation, suspension or revocation shall have effect.