

GUERNSEY STATUTORY INSTRUMENT

2015 No. 47

**THE SEA FISH LICENSING (DOCUMENTS AND NOTICES)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2015**

Made 16th July, 2015
Coming into operation 16th July, 2015
Laid before the States , 2015

THE STATES COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 5 and 22 of the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012^a, and all other powers enabling them in that behalf, hereby makes the following Regulations:-

Service of licences and notices.

1. (1) Any document to be given or delivered under, or for the purposes, of the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 ("**the Law**") may be given or delivered -

- (a) on an individual, by being delivered to him, or by being left at, or sent by post to, his usual or last known place of abode, or by being transmitted to his relevant electronic address,
- (b) on a company with a registered office in the Bailiwick, by being left at, or sent by post to, its registered office, or by being transmitted to its relevant electronic address,
- (c) on a company without a registered office in the Bailiwick, by being left at, or sent by post to -
 - (i) its principal or last known principal place of business in the Bailiwick, or
 - (ii) if there is no such place, its registered or principal office or last known registered or principal office elsewhere,

^a Order in Council No. X of 2012.

or by being transmitted to its relevant electronic address,

- (d) on an unincorporated body -
 - (i) by being given or delivered to any partner, member of the committee or other similar body, manager, director or other officer thereof in accordance with subparagraph (a), or
 - (ii) by being left at, or sent by post or transmitted to -
 - (A) the body's principal or last known principal place of business in the Bailiwick, or
 - (B) if there is no such place, its principal or last known principal place of business elsewhere,

or by being transmitted to its relevant electronic address, or

- (e) on the Department by being left at, or sent by post to, the offices of the Department at Raymond Falla House, Longue Rue, St. Martin, Guernsey, GY1 6AF or by being transmitted to its relevant electronic address.

(2) In addition to the methods of service in paragraph (1), a notice may be given by publishing it -

- (a) on the States of Guernsey official website^b,
- (b) in La Gazette Officielle,
- (c) in the Alderney Gazette, or
- (d) on one of the official notice boards in Sark.

^b <http://www.gov.gg>.

(3) If a person notifies the Department or a British sea-fishery officer of an address or electronic address for service for the purposes of the Law, any document to be given or delivered to him may be -

- (a) given or delivered by being left at, or sent by post to, that address, or
- (b) transmitted to that electronic address.

(4) If service of a document cannot, after reasonable enquiry, be effected in accordance with this regulation, the document shall be deemed as having been delivered -

- (a) by being published by the Department in such manner and for such period as it thinks fit, or
- (b) by being published in La Gazette Officielle on two occasions falling in successive weeks,

and a document delivered under this paragraph is sufficient if addressed to the person for whom it is intended.

(5) Paragraphs (1) to (4) are without prejudice to any other lawful method of service.

(6) Notwithstanding the provisions of paragraphs (1) to (5), (8) and (10) and any other enactment or rule of law in relation to the service of documents, no document to be given or delivered to the Department under or for the purposes of the Law shall be deemed to have been given or delivered until it is received.

(7) If a person upon whom a document is given or delivered under these Regulations is a person under legal disability, the document must be given or delivered to the person's guardian.

(8) A document sent by post is, unless the contrary is shown, deemed for the purposes of the Law to have been received -

- (a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting,

- (b) in the case of a document sent elsewhere, on the seventh day after the day of posting,

excluding in each case any day which is not a working day.

(9) Delivery of a document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(10) A document transmitted to an electronic address shall, unless the contrary is shown, be deemed to have been received when it was transmitted.

Other matters relating to notices.

2. (1) Where a notice is given in accordance with regulation 1(1) or (3), it must either -

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

but it is not required to specify the name or port letters and number, or the name of any master, owner, charterer or nominee (as the case may be), of any British fishing boat.

(2) Where a notice effected by publication in accordance with regulation 1(2) or (4), it must specify the licence to which it relates by reference to the licence number, to the name of port letters and number of any British fishing boat in respect of which those licences were granted.

Repeal.

3. The Sea Fish Licensing (Licences and Notices) (Bailiwick of Guernsey) Regulations, 2004 are hereby repealed so far as they apply to the Bailiwick fishery limits.

Interpretation.

4. (1) In these Regulations, unless the context otherwise requires -

"**Alderney Gazette**" means the Alderney Official Gazette established under the Official Gazette (Alderney) Law, 1994^c,

"**by post**" means by special delivery post, recorded delivery service or ordinary letter post,

"**Department**" means the States of Guernsey Commerce and Employment Department,

"**document**" does not include a summons,

"**electronic address**" includes, without limitation, an e-mail address and telecommunications address, and "**relevant electronic address**" means an electronic address -

- (i) with which, in the opinion of the person effecting service, the person concerned has a personal, business or other connection, and
- (ii) a document transmitted to which is likely to come to his attention,

"**La Gazette Officielle**" means La Gazette Officielle established under the Law entitled Loi par rapport à la Publication des Annonces Officielles, registered on the Records of the Island on the 21st March, 1936^d,

"**notice**" means any notice of variation, conditions, schedule, suspension or revocation of a licence, whether that licence was granted before or after the coming into force of these Regulations,

^c Ordres en Conseil Vol. XXXV(1), p. 421.

^d Ordres en Conseil Vol. X, p. 304.

"**transmitted**" means transmitted by electronic communication, facsimile transmission or other similar means which produce or enable the production of a document containing the text of the communication,

and other expressions, unless the context requires otherwise, have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^e shall apply to the interpretation of these Regulations throughout the Bailiwick as it applies to the interpretation of an enactment.

Citation.

4. These Regulations may be cited as the Sea Fish Licensing (Documents and Notices) (Bailiwick of Guernsey) Regulations, 2015.

Commencement.

5. These Regulations shall come into force on 16th day of July, 2015.

Dated this 16th day of July 2015



Deputy K. A STEWART

Minister of the Commerce and Employment Department
For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to licences granted, varied, suspended or revoked under the provisions of the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 and make provision for the manner in which documents are to be delivered, or notices to be given, for documents or notices to be treated as delivered or given if they are posted or otherwise communicated in accordance with the Regulations and for notices to be given by publication in newspapers or on websites.

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