



Jersey

SEA FISHERIES (AMENDMENT No. 2) (JERSEY) LAW 2012

Arrangement

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A LAW to amend further the Sea Fisheries (Jersey) Law 1994

Adopted by the States

15th September 2011

Sanctioned by Order of Her Majesty in Council

17th October 2012

Registered by the Royal Court

26th October 2012

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, the “principal Law” means the Sea Fisheries (Jersey) Law 1994¹.

2 Long title amended

In the long title of the principal Law, after the words “licensing of fishing boats,” there shall be inserted the words “for controls on the possession and sale of sea fish,”.

3 Article 1 amended

In Article 1(1) of the principal Law, after the definition of “Minister”, there shall be inserted the following definition –

“ ‘Order’ means an Order made under this Law by the Minister;”.

4 Article 2 amended

In Article 2 of the principal Law –

(a) for paragraph (4) there shall be substituted the following paragraphs –

“(4) Without limiting the operation of paragraphs (4A) to (4D), Regulations made under this Article may be framed so as to apply only to such descriptions or sexes of sea fish, to such areas, during such periods, or according to such other parameter or factor, as may be provided for in those Regulations.

(4A) Regulations made under paragraph (1)(a) or (b) may make provision for the Minister to specify by Order –

- (a) the description, or sex, of sea fish;
- (b) the area of the sea;
- (c) the period; or
- (d) any other parameter, or factor, of a class prescribed by those Regulations,

to, during or according to which those Regulations shall apply.

(4B) The Minister may make Orders for the purposes of Regulations referred to in paragraph (4A).

(4C) Regulations made under this Article shall apply to the description, or sex, of sea fish, to the area of the sea, during the period, and according to the parameters or factors, to the extent that those matters are specified in those Regulations.

(4D) Regulations made under paragraph (1)(a) or (b) shall apply to the description, or sex, of sea fish, to the area of the sea, during the period, and according to the parameters or factors, specified by an Order under paragraph (4B) to the extent that those matters are not specified in those Regulations.”;

(b) for paragraph (6) there shall be substituted the following paragraph –

“(6) An Order, or Regulations, made under this Article may not be made so as prejudicially to affect any right on, to or over any portion of the sea or the sea-shore enjoyed by any person under any enactment or grant from the Crown, without the consent of that person.”.

5 Article 11 amended

In Article 11(2) of the principal Law for the words “such exemption” there shall be substituted “any such exemption”.

6 Article 16 amended

In Article 16 of the principal Law –

- (a) in paragraph (1)(b), (c), (d), (p), (q), (r) and (s) for the words “fishing boat” wherever occurring there shall be substituted the word “vessel”;
- (b) in paragraph (1)(s)(i), (ii) and (iii) for the word “boat” wherever occurring there shall be substituted the word “vessel”;
- (c) in paragraphs (2) and (7) for the words “fishing boat” wherever occurring there shall be substituted the word “vessel”;

- (d) in paragraph (2)(a) and (b) for the word “boat” wherever occurring there shall be substituted the word “vessel”;
- (e) in paragraph (4) for the word “boat” there shall be substituted the word “vessel”;
- (f) in paragraph (5) for the word “boat” wherever occurring there shall be substituted the word “vessel”;
- (g) for paragraph (11)(a) there shall be substituted the following sub-paragraph –
 - “(a) in Jersey or within the territorial sea, in relation to any vessel, whether it is a fishing boat or not; or”.

7 Article 30 amended

Article 30(2)(b) of the principal Law shall be repealed.

8 Citation

This Law may be cited as the Sea Fisheries (Amendment No. 2) (Jersey) Law 2012.

9 Commencement

This Law shall come into force on the 28th day after it is registered.

M.N. DE LA HAYE

Greffier of the States

¹

chapter 14.825