



Jersey

SEA FISHERIES (LICENSING OF FISHING BOATS) (AMENDMENT) (JERSEY) REGULATIONS 2006

Arrangement

Regulation

1	Interpretation.....	3
2	Regulation 1 amended.....	3
3	Regulation 2 amended.....	3
4	Regulation 3 amended.....	4
5	Regulation 4A inserted.....	4
6	Regulation 6 amended.....	4
7	Regulation 7 amended.....	4
8	Regulation 8 amended.....	5
9	Regulation 9 amended.....	5
10	Regulation 9A inserted.....	5
11	Regulation 10 amended.....	5
12	Regulation 11 amended.....	6
13	Regulation 12 amended.....	6
14	Regulation 13 amended.....	7
15	Citation and commencement.....	7



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Made

19th July 2006

Coming into force

16th August 2006

THE STATES, in pursuance of Articles 7, 12, 13, 26 and 29 of the Sea Fisheries (Jersey) Law 1994¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003².

2 Regulation 1 amended

In Regulation 1 of the principal Regulations, after the definition of “fishing boat licence” there shall be inserted the following definition –

“ ‘fishing permit’ means a fishing permit granted as referred to in Regulation 2;”.

3 Regulation 2 amended

In Regulation 2 of the principal Regulations –

- (a) in the heading, for the words “access permits” there shall be substituted the word “permits”;
- (b) after paragraph (6), there shall be inserted the following paragraph –

“(6A) In any part of the Area, being a part that is within the territorial sea, fishing with beam trawls by any fishing boat is prohibited unless authorized by a fishing permit that has been granted by the Minister or an authority of the French Republic and is in force in respect of the boat and the Area.”;
- (c) in paragraph (7), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;

- (d) in paragraph (7), for the words “that licence or permit” there shall be substituted the words “that licence, access permit or fishing permit”.

4 Regulation 3 amended

In Regulation 3 of the principal Regulations –

- (a) in the heading, for the words “licences and access permits” there shall be substituted the words “licences and permits”;
- (b) after paragraph (2) there shall be inserted the following paragraph –
- “(2A) In any part of the Area, being a part that is within the territorial sea of France, fishing with beam trawls by a Jersey fishing boat is prohibited unless authorized by a fishing permit that has been granted by the Minister and is in force in respect of that boat and the Area.”;
- (c) in paragraph (3), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (d) in paragraph (3), for the words “that licence or permit” there shall be substituted the words “that licence, access permit or fishing permit”.

5 Regulation 4A inserted

After Regulation 4 of the principal Regulations, there shall be inserted the following Regulation –

“4A Requirement to carry fishing permit

If a fishing permit is in force in respect of a boat, the permit shall be carried on the boat –

- (a) in the case of a Jersey fishing boat, whenever it is in the Area;
- (b) in the case of a French fishing boat, whenever it is in a part of the Area, being a part that is within the territorial sea; or
- (c) in the case of a British (but not Jersey) fishing boat, whenever it is in a part of the Area that is within the territorial sea.”.

6 Regulation 6 amended

In Regulation 6 of the principal Regulations, after paragraph (2) there shall be added the following paragraph –

- “(3) There shall be one class of fishing permit.”.

7 Regulation 7 amended

In Regulation 7 of the principal Regulations –

- (a) in paragraph (2), after the words “access permit” there shall be inserted the words “or a fishing permit (or both of them)”;

- (b) in paragraph (3)(a), for the words “licence or permit” there shall be substituted the words “licence, access permit or fishing permit”;
- (c) in paragraph (3)(b), for the words “licence or permit”, in both places where they appear, there shall be substituted the words “licence, access permit or fishing permit”;
- (d) for paragraph (4), there shall be substituted the following paragraph –
 - “(4) If, instead of (or on the expiry of) that licence, access permit or fishing permit, any other licence, access permit or fishing permit is granted subsequently to the same person in respect of the same fishing boat, no charge shall be payable for the grant of the subsequent licence, access permit or fishing permit.”.

8 Regulation 8 amended

In Regulation 8(1) of the principal Regulations, for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”.

9 Regulation 9 amended

In Regulation 9 of the principal Regulations, for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”.

10 Regulation 9A inserted

After Regulation 9 of the principal Regulations, there shall be inserted the following Regulation –

“9A Limit on grant of fishing permit

For the purposes of –

- (a) Regulations 2(6A) 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 Area, being a fishing permit required by Regulations 2(6A) 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.”.

11 Regulation 10 amended

In Regulation 10 of the principal Regulations –

- (a) in paragraph (1), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;

- (b) in paragraph (1), for the words “the licence or permit” there shall be substituted the words “the licence, access permit or fishing permit”;
- (c) in paragraph (2), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (d) in paragraph (4)(a), for the word “permits” there shall be substituted the words “all permits”;
- (e) after paragraph (4) there shall be added the following paragraph –
 - “(5) In this Regulation –
 - (a) in paragraph (3), ‘all permits’ means all access permits and all fishing permits; and
 - (b) in paragraph (4), ‘all permits’ means all access permits and all fishing permits.”.

12 Regulation 11 amended

For Regulation 11 of the principal Regulations there shall be substituted the following Regulation –

“11 Delivery or notification by several modes

Subject to Regulation 12, if –

- (a) a licence, an access permit or a fishing permit; or
- (b) a notice of the variation, suspension or revocation of a licence, an access permit 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, access permit 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, access permit or fishing permit or notice is delivered or given.”.

13 Regulation 12 amended

For Regulation 12 of the principal Regulations there shall be substituted the following Regulation –

“12 Deferred effect

Where –

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

specifies on its face that the licence, access permit 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, access permit or fishing permit or notice is delivered or given, the licence, access permit or fishing permit, or the variation, suspension or revocation, shall take effect at the time shown on the face of the licence, access permit, fishing permit or notice.”.

14 Regulation 13 amended

In Regulation 13 of the principal Regulations –

- (a) in paragraph (1), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (b) in paragraph (1), for the words “the licence or permit” there shall be substituted the words “the licence, access permit or fishing permit”;
- (c) in paragraph (2), for the words “a licence or permit” there shall be substituted the words “a licence, an access permit or a fishing permit”;
- (d) in paragraph (2), for the words “the licence or permit” there shall be substituted the words “the licence, access permit or fishing permit”;
- (e) in paragraph (3), for the words “A licence or permit” there shall be substituted the words “A licence, an access permit or a fishing permit”;
- (f) in paragraph (3)(c), for the words “licence or permit” there shall be substituted the words “licence, access permit or fishing permit”;
- (g) for paragraph (3)(d) there shall be substituted the following subparagraph –
 - “(d) the licence, access permit or fishing permit expires.”.

15 Citation and commencement

These Regulations may be cited as the Sea Fisheries (Licensing of Fishing Boats) (Amendment) (Jersey) Regulations 2006 and shall come into force 4 weeks after they are made.

A.H. HARRIS

Deputy Greffier of the States

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- ¹ *chapter 14.825*
² *chapter 14.825.56*