

Statutory Document No. 2015/0070

*Fisheries Act 2012*

## SEA FISHING LICENSING REGULATIONS 2015

*Laid before Tynwald:* 17 March 2015

*Coming into Operation:* 1 April 2015

The Department of Environment, Food and Agriculture makes the following Regulations under section 36, 37 and 73(1)(b) of the Fisheries Act 2012, having —

- (a) consulted in accordance with section 83(2) and (5)(a) of that Act; and
- (b) satisfied itself as required under section 83(5)(b) of that Act.

### 1 Title

These Regulations are the Sea Fishing Licensing Regulations 2015.

### 2 Commencement

These Regulations come into operation on 1 April 2015.

### 3 Interpretation

In these Regulations —

“British fishing vessel” means a fishing vessel which is registered in the Isle of Man under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991, or in the United Kingdom or Channel Islands under equivalent legislation and holding a valid UK fishing licence;

“demersal fish” means all sea-fish other than salmon, migratory trout, mackerel, clupeoid fishes, sand eels, Norway pout, smelts, eels, great weevers, crustaceans and molluscs (other than squid);

“territorial waters” means those waters lying within 12 nautical miles of the baseline from which the breadth of the territorial sea adjacent to the Isle of Man is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines adjacent to the United Kingdom.

#### 4 Restriction on fishing

No person may fish for, take or kill sea-fish in territorial waters from any British fishing vessel other than under and in accordance with the conditions of a sea fishing licence issued by the Department.

#### 5 Applications for, duration and transfer of licences

- (1) An application for, or renewal of, a licence must be made in paper or electronic form as the Department requires and must be accompanied by the required fee, such fee being refundable where a licence is not granted.
- (2) A licence granted under this Regulation relates to a named British fishing vessel —
  - (a) is issued with effect from a date determined by the Department; and
  - (b) expires on 31 March 2017, unless the circumstances set out in paragraph (3) apply before such expiry, in which case the licence expires with immediate effect.
- (3) The circumstances are —
  - (a) ownership of the vessel is transferred; or
  - (b) the vessel sinks, is scrapped or is for any other reason deregistered.
- (4) Subject to paragraph (5), the fee for a licence granted under this Regulation shall be £457.
- (5) Where a licence is granted following an application made after 31 March 2016 only 50% of the amount shall be payable.
- (6) An additional fee of £36 shall be payable if, during the currency of the licence, there is any change to the —
  - (a) owner's details;
  - (b) vessel's registration details, including name, port of registration, port letters and numbers or RSS number; or
  - (c) vessel's technical details, including length, breadth, tonnage or engine power.

#### 6 Amendment of the Technical Measures Bye-Laws 2000

- (1) The Sea-Fisheries (Technical Measures) Bye-Laws 2000<sup>1</sup> shall be amended as follows.
- (2) After bye-law 20 insert —  
**20A. Restrictions on diving or hand gathering of king scallops**

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<sup>1</sup> SD 709/00

- (1) No person may take, kill or land no more than 18 king scallops, by any means including diving, in any one day during the period from 1 November to the following 31 May (both days inclusive).
- (2) The taking of king scallops outside the dates referred to in paragraph (1) is prohibited. 

## 7 Revocations

The following are revoked —

- (a) Bye-laws 3 and 4 of the Sea-Fisheries (Licensing, Etc.) Bye-Laws 2004<sup>2</sup>;
- (b) The Sea Fisheries (Queen Scallop Fishing) Regulations 2014<sup>3</sup>;
- (c) The Sea Fisheries (King Scallop Fishing) Regulations 2014<sup>4</sup>

**MADE 27<sup>TH</sup> FEBRUARY 2015**

**RICHARD RONAN**

*Minister for Environment, Food and Agriculture*

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<sup>2</sup> SD 784/04

<sup>3</sup> SD 2014/0191

<sup>4</sup> SD 2014/0342

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations stipulate that commercial fishing for sea-fish in the territorial sea of the Isle of Man is prohibited otherwise than in accordance with a sea fishing licence granted by the Department and this licence may contain such conditions and limitations provided for in section 38 of the Fisheries Act 2012.

Regulations 1 and 2 set out the title and commencement of the Regulations.

Regulation 3 contains relevant interpretations.

Regulation 4 indicates that a licence is required to fish in the territorial waters of the Island and that licence will stipulate what type of sea-fish may be fished for.

Regulation 5 makes provision for the application process and method of application, the period of and the cost of the licence granted. Provision exists for a reduction in cost of the licence where an application is made part way through the two year period for which the licence is valid. In respect of a vessel which is sold, transferred or scrapped the licence issued in respect of that vessel expires. Provision to levy a charge where a licence is required to be amended during the licence period is also included.

Regulation 6 inserts a provision concerning the taking of king scallops by hand gathering or by diving and restricts the amount of king scallops that may be taken by this method to 18 per day. The provision is inserted into the Technical Measures Bye-Laws and ensures that king scallops may only be taken during the period for which commercial king scallop fishing may take place. This is a temporary measure and is required to continue the restriction until new provisions pertaining specifically to recreational fishing are drafted.

Regulation 7 contains revocations.