



Statutory Document No. 784/04

THE SEA-FISHERIES ACT 1971

THE SEA-FISHERIES (LICENSING, ETC.) BYE-LAWS 2004

Approved by Tynwald 15th December 2004

Coming into operation 21st October 2004

WHEREAS the Department of Agriculture, Fisheries and Forestry has –

- (a) consulted such organisations and authorities as is required by section 2(2A)(a) of the Sea-Fisheries Act 1971¹;
- (b) satisfied itself as required by section 2(2A)(b) of that Act; and
- (c) obtained the concurrence of the Secretary of State to the making of the following Bye-laws,

AND in exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 2 of the Sea-Fisheries Act 1971, and of all other enabling powers, the following Bye-laws are hereby made:-

1. Citation, commencement and application

(1) These Bye-laws may be cited as the Sea-Fisheries (Licensing, Etc.) Bye-laws 2004 and, subject to section 3(1) of the Sea-Fisheries Act 1971 and bye-law 3(2), shall come into operation on the 21st October 2004.

(2) Subject to paragraph (3), these Bye-laws shall not apply to fishing for, taking or killing sea-fish in the experimental area within the meaning given by the Sea-Fisheries (Experimental Area) Bye-laws 20032.

¹ 1971 c.18; section 2 was amended by the Fisheries Act 1983, the Treasury Act 1985, the Statute Law Revision Act 1986, the Territorial Sea (Consequential Provisions) Act 1991, the Agriculture and Fisheries (Miscellaneous Provisions) Act 1998, the Agriculture (Miscellaneous Provisions) Act 2000; and by GC 121/86

² SD 422/03; bye-law 2 was amended by SD 838/03

- (3) Paragraph (2) shall not apply in relation to fishing for, taking or killing –
- (a) crabs, crawfish, lobster or whelks by means of pots; or
 - (b) any sea-fish by means of rod and line.

2. Interpretation

In these Bye-laws –

“British fishing vessel” means fishing vessels which are registered in the Island under The Merchant Shipping (Registration of Fishing Vessels) Regulations 1991¹, or in the United Kingdom or the Channel Islands under equivalent legislation;

“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 sea” means those waters lying within 12 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;

LICENSING

3. Licensing

No person shall fish for profit in the territorial sea from any British fishing vessel unless authorised by a licence granted by the Department.

4. Applications for licences, etc.

A person requiring a licence under these Bye-laws shall make written application to the Department and shall supply the Department with such information relating to the application and the intended fishing activities as the Department may require.

¹ SD 392/91

FISHING RIGHTS ACCORDED BY THE LONDON CONVENTION 1964

5. Fishing boats registered in France, Belgium and the Republic of Ireland

(1) The areas in which fishing boats registered in France, Belgium and the Republic of Ireland may fish in the territorial sea shall be as set out in the section of the Schedule relevant to each state and shall be the areas which lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the first column of Schedule 1 in respect of such areas.

(2) The descriptions of sea-fish for which such fishing boats may fish shall be those specified in the second column of the Schedule in respect of each such area.

OFFENCES AND PENALTIES

6. Offences

Any person who contravenes bye-law 3(1), 5(1) or 5(2) shall be guilty of an offence and shall be liable –

- (a) on summary conviction to a fine of £50,000; and
- (b) on conviction on information to a fine.

**FISHING IN THE TERRITORIAL SEA BY FISHING VESSELS REGISTERED IN
FRANCE, BELGIUM AND THE REPUBLIC OF IRELAND**

SECTION 1. FISHING VESSELS REGISTERED IN BELGIUM

<i>Column 1</i>	<i>Column 2</i>
Demarcation lines, landmarks and directions	Descriptions of sea-fish
1. Chicken Rock Lighthouse – West	Demersal fish
2. Douglas Lighthouse – South-east	

SECTION 2. FISHING VESSELS REGISTERED IN FRANCE

<i>Column 1</i>	<i>Column 2</i>
Demarcation lines, landmarks and directions	Descriptions of sea-fish
1. Jurby Head Church – West	Demersal fish
2. Chicken Rock Lighthouse – South-east	

SECTION 3. FISHING VESSELS REGISTERED IN THE REPUBLIC OF IRELAND

<i>Column 1</i>	<i>Column 2</i>
Demarcation lines, landmarks and directions	Descriptions of sea-fish
1. Point of Ayre Lighthouse – North-east	Demersal fish; nephrops
2. Chicken Rock Lighthouse – South	
1. Jurby Head Church – West	Herring
2. Chicken Rock Lighthouse – South	

MADE 21st October 2004

R. W. Henderson

Minister for Agriculture, Fisheries and Forestry

EXPLANATORY NOTE

(This note is not part of the Bye-laws)

These Bye-laws –

- prohibit British fishing vessels from fishing for profit in the territorial sea unless authorised by a licence granted by the Department, and (bye-law 3);
- provide for application for licences to be made to the Department (bye-law 4);
- set out the fishing rights, as accorded under the terms of the London Convention 1964, of fishing vessels registered in Belgium, France and the Republic of Ireland in specified areas of the territorial sea and for specified species in those areas (bye-law 5 and the Schedule);
- provide offences for contravention of the provisions of the Bye-laws in respect of –
 - British fishing vessels fishing other than under the authority of a licence issued by the Department;
 - fishing vessels registered in Belgium, France or the Republic of Ireland fishing other than in specified areas, or for other than specified species,and set out penalties (bye-law 6).

