



Jersey

SEA FISH (CONSERVATION) (CHANNEL ISLANDS BOATS) ORDER 1978

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APPENDIX



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SEA FISH (CONSERVATION) (CHANNEL ISLANDS BOATS) ORDER 1978

Jersey Order in Council 15/1978

SEA FISH (CONSERVATION) (CHANNEL ISLANDS BOATS) ORDER 1978.

(Registered on the 31st day of March, 1978).

At the Court at Buckingham Palace.

1st March, 1978.

PRESENT

The Queen's Most Excellent Majesty in Council.

HER MAJESTY, in exercise of the powers conferred upon Her by section 24(1) of the Sea Fish (Conservation) Act 1967 and section 11(3) of the Fishery Limits Act 1976, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. This Order may be cited as the Sea Fish (Conservation) (Channel Islands Boats) Order 1978 and shall come into operation on 8th March, 1978.

2. Section 4 of the Sea Fish (Conservation) Act 1967 (as substituted by section 3 of the Fishery Limits Act 1976), which deals with the licensing of fishing boats, shall apply in relation to British fishing boats registered in any of the Channel Islands as it applies in relation to British fishing boats registered in the United Kingdom.

N.E. LEIGH,
Clerk of the Privy Council.

ELIZABETH II**1967 CHAPTER 84**

AN ACT to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949) certain enactments which provide for regulating the commercial use of, fishing for, and landing of, sea fish, and for authorising measures for the increase or improvement of marine resources. [27th October, 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -

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Regulation of fishing for sea fish

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[LICENSING OF FISHING BOATS]

4.-(1) The Ministers may by order provide –

- (a) that in any specified area within British fishery limits fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by one of the Ministers;
 - (b) that in any specified area outside those limits fishing by British fishing boats is prohibited unless so authorised.
- (2) Such an order may apply to fishing generally in the specified area or to fishing –
- (a) for a specified description of sea fish;
 - (b) by a specified method;
 - (c) during a specified season of the year or other period; or
 - (d) in the case of an order under subsection (1)(a), by fishing boats registered in a specified country,

and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.

(3) Where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.

(4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section.

Such an order shall specify a maximum charge and may specify different maxima in relation to different classes of licence.

(5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise fishing generally or may confer limited authority by reference to, in particular, –

- (a) the area within which fishing is authorised;
- (b) the periods, times or particular voyages during which fishing is authorised;
- (c) the descriptions and quantities of fish which may be taken; or
- (d) the method of sea fishing.

(6) A licence under this section may authorise fishing either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions –

- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed); or
- (b) as to the use to which the fish taken may be put:

and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.

(7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails to comply with such a requirement is guilty of an offence under this subsection.

(8) The licensing powers conferred by this section may be exercised so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Ministers necessary or expedient for the regulation of sea fishing.

(9) A licence under this section –

- (a) may be varied from time to time; and
- (b) may be revoked or suspended, if this appears to the Minister who granted the licence to be necessary or expedient for the regulation of sea fishing.

(10) If a licence is varied, revoked or suspended the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.

(11) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.

(12) In this section “British fishing boat” means a fishing boat which is registered in the United Kingdom or is British-owned, and “foreign fishing boat” means a fishing boat which is not so registered or owned.]²

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ISLE OF MAN AND CHANNEL ISLANDS

24.-(1) Her Majesty may by Order in Council direct that, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, the following provisions of this Act, that is to say –

- (a) sections 1, 3, 4, 5, 9(1), (2) and (3) and 14;
- (b) section 11, so far as it relates to offences under section 1, 3, 4 or 5; and
- (c) sections 15 and 16, so far as they relate to the enforcement of section 1, 3, 4 or 5 or of orders made thereunder;

shall apply in relation to British fishing boats registered in the Isle of Man or any of the Channel Islands as those provisions apply in relation to British fishing boats registered in the United Kingdom.

(2) Her Majesty may by Order in Council direct that, subject as aforesaid, the following provisions of this Act, that is to say, –

- (a) the provisions mentioned in subsection (1) above, and
- (b) section 2, sections 11(1) and 13, so far as they relate to an offence under section 2, and section 16, so far as it relates to the enforcement of section 2, and
- (c) section 9(4), (5), (6) and (7),

shall extend to the Isle of Man or any of the Channel Islands.

(3) An Order in Council under subsection (1) or (2) of this section may be varied or revoked by a subsequent Order thereunder.

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CITATION AND COMMENCEMENT

² Section substituted by the Fishery Limits Act 1976.

26. This Act may be cited as the Sea Fish (Conservation) Act 1967 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

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