

Island of  Guernsey

Ordinance of the States **XXXVII**  
1988

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Made ... .. 24th October, 1988.  
Coming into operation ... 24th October, 1988.  
Laid before the States ... 15th December, 1988.

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**The Fishing (Amendment) (No. 2)  
Ordinance, 1988**

THE STATES LEGISLATION COMMITTEE,  
in exercise of the powers conferred upon them by  
Article 66(3) of the Reform (Guernsey) Law, 1948(a),  
and on the representations of the States Sea Fisheries  
Committee, hereby order:—

1. The Fishing Ordinance, 1988(b), is hereby  
amended as follows:—

Amend-  
ments to  
Ordinance  
of 1988.

- (a) immediately after section 19 thereof there is  
inserted the following additional section  
numbered “19A”—

“Access to  
and fishing  
in con-  
trolled  
waters.

19A. (1) Subject to the pro-  
visions of subsection (4) of this  
section a foreign fishing boat  
shall not enter the controlled  
waters except for a purpose

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(a) Ordres en Conseil Vol. XIII, p. 288.  
(b) No. XXVI of 1988.

recognised by international law or by any convention for the time being in force in this Island between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those waters for such a purpose—

- (a) shall return outside those waters as soon as the purpose has been fulfilled; and
- (b) shall not fish or attempt to fish while within those waters.

(2) Subject to the provisions of subsection (4) of this section a foreign fishing boat shall not fish or attempt to fish within the controlled waters.

(3) Subject to the provisions of subsection (4) of this section at any time when a foreign fishing boat is within the controlled waters then, its fishing gear shall be stowed securely and in such a manner that it shall not be capable of being used for fishing.

(4) Nothing in this section shall affect the operation of any order for the time being in

force in this Island made under section 2(1) of the Fishery Limits Act 1976 designating any country outside the United Kingdom, the Channel Islands and the Isle of Man and, in relation to it, areas within the controlled waters being part of the British fishery limits in which, and description of fish for which, boats registered in that country may fish.”;

- (b) in section 34 thereof the words “ he shall be guilty of an offence and liable, on conviction,

to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment ” are repealed and the following words are substituted therefor—

“ he shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months;
- (ii) on conviction on indictment, to a fine not exceeding two thousand pounds or to imprisonment for a term not exceeding six months;

or to both such fine and such imprisonment ”;

- (c) in section 37(1) the definition of the expression “ the Court ” is repealed and the following definition is substituted therefor—

“ “ the Court ” means—

- (a) as regards a summary conviction, the Magistrate’s Court constituted under the Magistrate’s Court (Guernsey) Law, 1954(a);
- (b) as regards a conviction on indictment, the Royal Court;”;
- (d) in section 37(1) thereof immediately after the definition of the expression “ fish export licence ” there is inserted the following additional definition—

“ “ foreign fishing boat ” means a boat which is not—

- (a) registered in the United Kingdom, the Channel Islands or the Isle of Man; or
- (b) exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894; or
- (c) owned wholly by a person who is (within the meaning of the Merchant Shipping Act 1894) qualified to own a British ship;”.

Extent. 2. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation. 3. This Ordinance may be cited as the Fishing (Amendment) (No. 2) Ordinance, 1988.

Commence-  
ment. 4. This Ordinance shall come into force on the 24th day of October, 1988.

K. H. TOUGH,

Her Majesty’s Greffier.

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Her Majesty’s Greffier, Royal Court House, Guernsey.

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