

Island of Guernsey

Ordinance of the States **XXXV**

Made 17th December, 1969.
Came into Operation 17th December, 1969.

1969

The Fishing Ordinance, 1969

THE STATES, in pursuance of their Resolution of the twenty-fourth day of September, nineteen hundred and sixty-nine, and on the representations of the States Sea Fisheries Committee, hereby order:—

1. A person shall not import into, export from, take in, or have in his possession, buy, sell or offer for sale in, this Island any fish of a kind specified in the first column of the First Schedule to this Ordinance which is of a size less than that specified in the second column of that Schedule opposite the reference in the first column of that Schedule to that kind of fish.

Restriction on import etc. of certain fish of less than the specified minimum size.

2. A person shall not export sandeels from this Island.

Prohibition on the export of sandeels.

3. (1) A person shall not export fish from this Island unless he holds a licence granted by the Committee under this section authorising him to export fish from this Island (hereafter in this Ordinance referred to as "a fish export licence").

Licence to export fish.

(2) Any person desirous of obtaining a fish export licence shall make application in that behalf to the Committee which shall be in such form and shall be accompanied by such information as the Committee may, from time to time, require.

(3) Upon receipt of an application made in accordance with the provisions of the last preceding subsection for the grant of a fish export licence, the Committee may—

- (a) grant or refuse to grant the licence; or
- (b) grant the licence subject to such conditions as the Committee may think it necessary or expedient to impose.

(4) The Committee may at any time revoke a fish export licence and may from time to time revoke or vary any condition attached to such licence.

Returns.

4. Every person to whom a fish export licence has been granted under the last preceding section and intending to export from this Island a consignment of shellfish shall, before the consignment is loaded on to a ship or an aircraft, furnish to the Chief Revenue Officer a return in writing in such form and containing such information relating to the consignment as the Committee may, from time to time, require.

Close season
for ormers,
lady crabs,
shrimps and
sandeels.

5. (1) A person shall not take, have in his possession, buy, sell or offer for sale in this Island any ormers, other than preserved ormers, at any time except on the day of each new moon and on the three days next following and on the day of each full moon and on the three days next following during the period commencing on the first day of December in each year and ending on the thirtieth day of April next following, both dates inclusive:

Provided that any person found to be in possession of, or buying, selling or offering for sale, ormers on the first or second day of May or on the fourth or fifth day next following a new moon or full moon during the period specified in this subsection shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that those ormers were not taken after the thirtieth day of April or after the third day next following the new moon or full moon, as the case may be.

(2) A person shall not take, have in his possession, buy, sell or offer for sale in this Island any crabs commonly known as "lady crabs", other than preserved "lady crabs", during the period commencing on the first day of May in each year and ending on the ninth day of October next following, both dates inclusive:

Provided that any person found to be in possession of, or buying, selling or offering for sale, such crabs on the first or second day of May shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that the crabs were not taken after the thirtieth day of April.

(3) A person shall not take, have in his possession, buy, sell or offer for sale in this Island any shrimps, other than preserved shrimps, during the period commencing on the first day of March in each year and ending on the thirtieth day of June next following, both dates inclusive:

Provided that any person found to be in possession of, or buying, selling or offering for sale, shrimps on the first or second day of March shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that the shrimps were not taken after the last day of February.

(4) A person shall not take, have in his possession, buy, sell or offer for sale in this Island any sandeels, other than imported sandeels, during the period commencing on the first day of February in each year and ending on the thirty-first day of May next following, both dates inclusive:

Provided that any person found to be in possession of, or buying, selling or offering for sale, such sandeels on the first or second day of February shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that the sandeels were not taken after the thirty-first day of January.

(5) Notwithstanding anything in this section contained, a person shall not take ormers, crabs commonly known as "lady crabs" or shrimps at any time between the hours of sunset and sunrise.

Minimum
mesh size of
trammel
nets.

6. A person shall not set for more than one hour at a time in any of the bays of this Island any trammel net or part of a trammel net unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge two millimetres thick and seventy-five millimetres in width will pass easily through the mesh whether the net is wet or dry.

Minimum
mesh sizes
of seine
and trawl
nets.

7. (1) Subject to the provisions of the next succeeding subsection, there shall not be carried in any fishing boat in any of the territorial waters of this Island any net or part of a net of a type specified in the first column of the Second Schedule to this Ordinance unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge two millimetres thick, and of a width specified in the second column of that Schedule opposite the reference in the first column of that Schedule to

that type of net, will pass easily through the mesh whether the net is wet or dry.

(2) In proceedings in respect of a contravention of subsection (1) of this section it shall be a sufficient defence to prove that the net to which the proceedings relate—

- (a) was being carried solely for the purpose of fishing in waters other than any of the territorial waters of this Island;
- (b) had in no part of its cod-end meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge two millimetres thick and fifty millimetres in width would pass easily through it whether the net was wet or dry, and that it was being carried solely for the purpose of fishing for herring, mackerel, garfish (longnose), smelt, sand-smelt (roselet), pout, eels, shrimps, prawns or molluscs, other than squids; or
- (c) was made of polyamide or polyester fibres backed with linen or cotton cloth in the centre and was being carried solely for the purpose of fishing for sandeels.

8. (1) Subject to the provisions of the next succeeding subsection, a person shall not use any device by means of which the mesh in any part of a seine, trammel or trawl net is obstructed or otherwise diminished in effect. Attachments
to nets.

(2) The provisions of the last preceding subsection shall not be taken to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

Use of explosives prohibited.

9. A person shall not make use of dynamite or any other explosive to take or destroy fish or be in possession of dynamite or any other explosive for the purpose of taking or destroying fish.

Use of net to catch crawfish prohibited. Diving for ormers prohibited in certain areas.

10. A person shall not in this Island use any net for the purpose of taking crawfish.

11. (1) A person shall not, while he is totally or partially submerged and breathing with the aid of submarine breathing apparatus, or wearing a diving suit, a face visor, a mask or goggles, take ormers in those parts of the territorial waters of this Island specified in paragraph one, paragraph two and paragraph three of the Third Schedule to this Ordinance.

(2) A person who, on surfacing after having been totally or partially submerged and breathing with the aid of submarine breathing apparatus or wearing a diving suit, a face visor, a mask or goggles in the said part of the said territorial waters, is found to have in his possession any ormers shall be deemed to have contravened the provisions of subsection (1) of this section unless he can prove that he did not take the ormers while he was so totally or partially submerged.

Prohibited fishing areas.

12. (1) The Committee may, from time to time, by order designate any area within the territorial waters of this Island to be used for experimental purposes in relation to any kind of fish and may prohibit the taking within that area of such kind of fish as shall be specified in the order.

(2) Every order made under subsection (1) of this section shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the order be annulled,

the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Committee of any new order.

13. (1) A person shall not deposit in the territorial waters of this Island or on the foreshore of this Island, molluscan shellfish taken from any shellfish bed to which any prohibition imposed by an order for the time being in force and made or deemed to have been made under section twelve of the Sea Fisheries (Shellfish) Act 1967 relates.

Control of deposit of certain molluscan shellfish.

(2) For the purposes of subsection (1) of this section a person shall be taken to deposit shellfish in the territorial waters of this Island if he causes the shellfish to enter those waters; and the reference in that subsection to depositing shellfish on the foreshore of this Island includes a reference to throwing down, dropping or otherwise discharging the shellfish on that foreshore.

14. (1) An officer of police or any person authorised in writing in that behalf by the Committee may open any basket, box, barrel, packet or other container or wrapping which he has reasonable cause to believe contains any fish or any explosive to which any of the provisions of this Ordinance or any order made thereunder apply and may inspect the contents of such basket, box, barrel, packet or other container or wrapping and may seize any such fish which he has reasonable cause to believe are to be exported from this Island or have been taken or are possessed in contravention of any of the provisions of this Ordinance or of any order made thereunder or any such explosive.

Powers of inspection.

(2) Any person who obstructs an officer of police or a person authorised as aforesaid in the exercise of any of his powers under subsection (1) of this

section shall be guilty of an offence under this Ordinance.

Offences and penalties.

15. (1) Any person who contravenes or attempts to contravene any of the provisions of this Ordinance or any order made thereunder shall be guilty of an offence under this Ordinance.

(2) Any person guilty of an offence under this Ordinance shall be liable, on conviction, to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or to both such fine and imprisonment and the Court may, in addition, order the seizure, destruction or other disposal of the fish, net, explosive or any diving apparel or other equipment whatsoever to which the conviction relates at the expense of the convicted person.

Interpretation.

16. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Committee” means the States Sea Fisheries Committee;

“molluscan shellfish” means molluscan shellfish of any kind, whether alive or dead, and includes any part of a molluscan shellfish and any, or any part of any, brood, ware, half-ware, spat or spawn of such shellfish and the shell or any part of the shell thereof;

“officer of police” means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“preserved” means cooked, pickled or deep frozen;

- “shellfish bed” means any bed or ground used for the propagation or cultivation of shellfish;
- “submarine breathing apparatus” includes the apparatus commonly known as a “snorkel” and any other diving device whatsoever;
- “this Island” means any of the Islands of Guernsey, Herm and Jethou and includes the islets and rocks adjacent thereto and the territorial waters thereof.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as including a reference to that enactment as amended, repealed and replaced, extended or applied by any other enactment.

17. Nothing in this Ordinance contained shall be taken to apply to a servant or agent of the Committee when acting for or on behalf of the Committee nor to acts done for the purpose of scientific investigation by a person approved by the President of the Committee. Exemption.

18. The Ordinances specified in the Fourth Schedule to this Ordinance are hereby repealed. Repeals.

19. This Ordinance may be cited as the Fishing Ordinance, 1969. Citation.

FIRST SCHEDULE Section one

Minimum size of certain fish

Fish	Minimum size
Brill, cod, hake or turbot	Thirty centimetres in length
Dabs	Fifteen centimetres in length
Haddock	Twenty-seven centimetres in length
Lemon soles, megrims or plaice	Twenty-five centimetres in length
Skate (ray)	Thirty centimetres in breadth
Sole	Twenty-four centimetres in length
Witches	Twenty-eight centimetres in length
Whitings	Twenty-five centimetres in length
Crabs, commonly known as "chancres"	Fourteen centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell
Crabs, commonly known as "lady crabs"	Five centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell
Crawfish or lobsters	Twenty-three centimetres from the tip of the beak to the end of the tail
Escallops, other than those commonly known as "Queen Escallops"	Ten centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell
Ormers	Eight centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell.

SECOND SCHEDULE Section seven

Minimum size of mesh of seine and trawl nets

Net	Appropriate width of gauge
Seine net, or part of any trawl net as is made of single twine and contains no manila or sisal	Seventy millimetres
Such part of any trawl net as is made of double twine and contains no manila or sisal	Seventy-five millimetres
Such part of a trawl net as is made of manila or sisal	Eighty millimetres

THIRD SCHEDULE Section eleven

Parts of territorial waters in which diving for oysters prohibited

1. Between an imaginary line drawn due west from the British Broadcasting Corporation's television masts in the parish of Torteval, and an imaginary line drawn due west from No. 10 Martello Tower, Chouet, in the parish of the Vale.
2. Between an imaginary line drawn due west from No. 10 Martello Tower, Chouet, in the parish of the Vale, and an imaginary line drawn due north from Fort Doyle, in the parish of the Vale.
3. Between an imaginary line drawn due north from Fort Doyle, in the parish of the Vale, and an imaginary line drawn due east from Les Terres Point in the parish of Saint Peter Port.

FOURTH SCHEDULE

Section. eighteen

Ordinances repealed

- The Fishing Ordinance, 1955(a).
The Fishing (Exemption) Ordinance, 1961(b).
The Fishing (Amendment) Ordinance, 1964(c).
The Fishing (Amendment) (No. 2) Ordinance,
1964(d).
The Fishing (Amendment) Ordinance, 1967(e).
The Fishing Ordinance, 1968(f).

R. H. VIDELO,

Her Majesty's Greffier.

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- (a) Recueil d'Ordonnances Tome XI, p. 99.
(b) Recueil d'Ordonnances Tome XIII, p. 42.
(c) Recueil d'Ordonnances Tome XIV, p. 33.
(d) Recueil d'Ordonnances Tome XIV, p. 44.
(e) Recueil d'Ordonnances Tome XV, p. 245.
(f) Recueil d'Ordonnances Tome XV, p. 346.

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