S T A T U T O R Y   I N S T R U M E N T S

1989 No. 2407

SEA FISHERIES

The Fishery Limits Act 1976 (Guernsey) Order 1989

Made	-	-	-	*19th December 1989*
Coming into force		-	-	*1st February 1990*

Her Majesty, in pursuance of section 11(3)(a) of the Fishery Limits Act 1976 (**1**), 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 Fishery Limits Act 1976 (Guernsey) Order 1989 and shall come into force on 1st February 1990.

2. Sections 2(2) to (7), 8 and 9 of and Schedules 3 and 4 to the Fishery Limits Act 1976 (**2**)shall extend to the Bailiwick of Guernsey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

G I de Deney
Clerk of the Privy Council 22nd September 1989

(**1**) 1976 c. 86
(**2**) Section 8 was amended by Schedule 6 to the Merchant Shipping Act 1988 (c. 12) which amended the definition of "foreign fishing boat".

SCHEDULE   Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF
PROVISIONS OF THE FISHERY LIMITS ACT 1976 TO THE BAILIWICK OF GUERNSEY

1. Any reference to an enactment shall, unless the contrary intention appears, be construed as a
reference to that enactment as it has effect in the Bailiwick of Guernsey.

2.—(1) In section 2(2) and (3)

    (a) after "subsection (1)" there shall be inserted "of this section as it has effect in the United
Kingdom", and

    (b) after "British fishery limits" there shall be inserted "adjacent to Guernsey".

  (2) In section 2(4), after "British fishery limits" there shall be inserted "adjacent to Guernsey".

  (3) Section 2(5)(c) shall be omitted.

  (4) For section 2(7) there shall be substituted the following subsection:

    "(7) Any order made under this section shall not come into force in Guernsey until
registered in the Royal Court of Guernsey.".

3. In section 8 —

    (a) for the definition of "enactment" there shall be substituted the following definition:

        ""enactment" includes any enactment within the meaning of the Interpretation
(Guernsey) Law 1948 which is for the time being in force in Guernsey or in
any part thereof;";

    (b) in the definition of "foreign fishing boat" for paragraphs (b) and (c) there shall be
substituted the following paragraphs:

        "(b) exempted from registration by regulations under section 373 of the Merchant
Shipping Act 1894 (**3**); or

        (c) owned wholly by a person who is (within the meaning of the Merchant
Shipping Act 1894) qualified to own a British ship;", and

    (c) there shall be inserted —

      (i) after the words "this Act" the following definition:

        ""British fishery limits adjacent to Guernsey" means that part of British fishery limits
not exceeding 12 miles from the baselines from which the breadth of the territorial
sea adjacent to Guernsey is measured;", and

     (ii) after the definition of "foreign fishing boat", the following definition:

        ""Guernsey" means the Bailiwick of Guernsey;".

4. In Schedule 3 —

    (a) in paragraph 1(2), after "section 2(1) of this Act" there shall be inserted "as it has effect
in the United Kingdom";

    (b) paragraphs 2, 3 and 4 shall be omitted;

    (c) in paragraph 5, sub-paragraphs (3) and (4) shall be omitted;

    (d) paragraph 6 shall be omitted;

    (e) in paragraph 7(2), after "British fishery limits" there shall be inserted "adjacent to
Guernsey";

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(**3**) 1894 c. 60

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(f) for paragraph 8 there shall be substituted the following paragraph:

> "**8.** Subject to the foregoing provisions of this Schedule, references in instruments made under enactments to the "fishery limits of the British Islands", the "exclusive fishery limits" and the "outer belt", and to similar references, shall continue to be construed in accordance with the Fishery Limits Act 1964 (**4**)

(g) paragraph 9 shall be omitted.

5. Schedule 4 shall have effect only in relation to enactments which have effect in the Bailiwick of Guernsey.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends sections 2(2) to (7), 8 and 9 of and Schedules 3 and 4 to the Fishery Limits Act 1976 to the Bailiwick of Guernsey with the exceptions, adaptations and modifications specified in the Schedule to the Order.

(**4**)   1964 c. 72