

# PROJET DE LOI

ENTITLED

## **The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. X of 2012; as amended by the: Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017 (No. II of 2017); European Union (SMEFF) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 (G.S.I. No. 10 of 2020); European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 (G.S.I. No. 163 of 2020); European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021 (G.S.I. No. 26 of 2021); European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021 (G.S.I. No. 151 of 2021); European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022 (G.S.I. No. 7 of 2022); European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2023 (G.S.I. No. 6 of 2023).

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## **The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012**

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# PROJET DE LOI

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## **The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012**

**THE STATES**, in pursuance of their Resolution of the 6<sup>th</sup> day of March, 2012<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### PART I

#### PROHIBITION OF UNLICENSED FISHING [BY BRITISH FISHING BOATS]

##### **Prohibition of fishing without a licence.**

**1.** (1) Subject to subsection (2), fishing for any sea fish within Bailiwick fishery limits by British fishing boats is prohibited unless authorised by a licence granted by the States of Guernsey [Committee for Economic Development] ("**the [Committee]**") and for the time being in force.

(2) The prohibition in subsection (1) does not apply to fishing –

- (a) for salmon or migratory trout,
- (b) by any vessel used wholly for the purpose of conveying persons wishing to fish for pleasure,
- (c) for common eels (*Anguilla anguilla*) by any vessel whose length is not more than 10 metres,

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<sup>a</sup> Article I of Billet d'État No. V of 2012.

- (d) by any vessel whose length is not more than 10 metres and which does not have an engine to power it.
- (3) The [Committee] may by regulation amend subsection (2).
- (4) Nothing in subsection (1) –
- (a) restricts the carrying on of any operations which, under the authority of the [Committee], are conducted for the purpose of scientific investigation or for the purpose of transplanting sea fish from one fishing ground to another, or
  - (b) restricts the landing of sea fish caught in the course of any such operations.
- (5) Subsection (4) has effect in addition to, and not in derogation from, any express saving or exemption provided by or under this Law or any other enactment.
- (6) The [Committee] may make regulations in respect of applications for authority under subsection (4), and any such regulations may include provision as to –
- (a) the manner in which, and time before which, any such application is to be made, and
  - (b) the charging of a reasonable fee by the [Committee] for dealing with an application (and section 5(4) applies with appropriate modifications in relation to regulations

under this paragraph as it applies in relation to regulations under section 5(3)).

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**NOTES**

*In the Heading to Part I, the words in square brackets were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 2, with effect from 11 p.m. on 31st December, 2020.*

*In section 1, the words, first "Committee for Economic Development" and, second, "Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 1(a) and section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

*The following cases have referred to this Law:*

*Channing v. The States of Guernsey* (2015) (Unreported, Royal Court, 19th February) (Guernsey Judgment No. 9/2015);

*Steve Channing v The States of Guernsey* (2015) (Unreported, Court of Appeal, 30th September) (Guernsey Judgment No. 48/2015).

*The following cases referred to the Sea Fish Licensing (Guernsey) Ordinance, 2003:*

*Jersey Fishermen's Association Limited et al v States of Guernsey* (2004) (Unreported, Royal Court, 29th June) (Guernsey Judgment No. 30/2004);

*States of Guernsey v Jersey Fishermens Association Limited et al* (2004) (Unreported, Court of Appeal, 8th July) (Guernsey Judgment No. 32/2004);

*States v. Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell* 2005–06 GLR 226;

*Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell v. States* 2007–08 GLR 36.

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**General provisions as to licences.**

2. (1) A licence 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 –

*Consolidated text*

- (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.

(2) A licence may authorise fishing unconditionally or subject to such conditions as may appear to the [Committee] to be necessary or expedient for the regulation of sea fishing (including conditions which do not relate directly to 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.

(3) The conditions subject to which a licence may be granted include conditions imposed for the purposes of –

- (a) conserving or enhancing the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas, or
- (b) conserving flora or fauna which are dependent on, or

associated with, a marine or coastal environment.

(4) The conditions subject to which a licence may be granted may differ as between different vessels or between vessels of different descriptions.

(5) The licensing powers conferred on the [Committee] by this Law 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 may appear to the [Committee] to be necessary or expedient for the regulation of sea fishing.

(6) A licence under this section –

(a) may be varied from time to time, and

(b) may be revoked or suspended if it appears to the [Committee] –

(i) to be necessary or expedient for the regulation of sea fishing, or

(ii) to be appropriate in a case where there is an offence under this Law or any other enactment relating to the regulation of sea fishing.

(7) Where a condition of a licence prohibits fishing in a specified area for a specified description of sea fish, there must, except so far as the conditions of the licence provide otherwise, be returned to the sea forthwith –

(a) any fish of that description taken on board a fishing boat in contravention of the condition, and

- (b) any fish of that description taken on board a fishing boat in that area in the course of fishing for sea fish of a different description,

but, where the condition applies only to fishing by a specified method or during a specified period or by boats of a specified description, paragraph (b) applies only if the fish are caught by that method, during that period or by a boat of that description.

(8) If a licence is varied, revoked or suspended the [Committee] may, if it considers it appropriate in all the circumstances of the case, refund the whole or any part of any charge made for the licence.

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**NOTES**

*In section 2, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

*The following case has referred to section 2:*

*Steve Channing v The States of Guernsey (2015) (Unreported, Court of Appeal, 30th September) (Guernsey Judgment No. 48/2015).*

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**Matters to be taken into account and duty to consult.**

3. (1) In deciding whether or not to grant a licence the [Committee] shall take into account any relevant factor, including (without limitation) –

- (a) the record of the applicant in fishing in Bailiwick fishery limits, whether during any particular period or otherwise,
- (b) whether the vessel in respect of which the application is

made is registered –

- (i) in the Bailiwick,
- (ii) in Jersey or the Isle of Man, or
- (ii) in the UK under Part II of the Merchant Shipping Act 1995<sup>b</sup>,

or was so registered during any particular period,

- (c) the terms of any fisheries management agreement or memorandum of understanding for the time being in force and made between all or any of the following parties and/or any other persons or bodies –

- (i) the [Committee], the General Services Committee of the States of Alderney and the [Agriculture, Environment, Sea Fisheries & Pilotage Committee] of the Chief Pleas of Sark,
- (ii) the Department for the Environment, Food and Rural Affairs and the devolved administrations of Scotland, Wales and Northern Ireland,
- (iii) the Marine Management Organisation,
- (iv) the authorities of Jersey and of the Isle of Man,

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**b** An Act of Parliament (1995 c. 21).

- (d) the provisions of any enactment, subordinate legislation or enforceable Community restriction relating to sea fishing having effect within the Bailiwick.

(2) Before the [Committee] grants, varies (whether by imposing, varying or rescinding any condition of the licence or otherwise), revokes or suspends a licence, it shall consult the Bailiwick Fisheries Management Commission ("**the Commission**").

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**NOTES**

*In section 3,*

*the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;*

*the words in the third pair of square brackets in subsection (1) were substituted by the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017, section 2, Schedule, paragraph 2, with effect from 18th January, 2017.*

*The following case has referred to section 3:*

*Steve Channing v The States of Guernsey (2015) (Unreported, Court of Appeal, 30th September) (Guernsey Judgment No. 48/2015).*

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**Provision of information.**

4. The [Committee] may require the master, owner and charterer (if any) of a vessel named in a licence to provide the [Committee] with such information, in such form and manner, and within such time or at such times and intervals, as it may direct.

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**NOTE**

*In section 4, the word "Committee" in square brackets, wherever occurring,*

*was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

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**Regulations as to licences and charges for licences.**

5. (1) The [Committee] may by regulation make provision as to –
- (a) the manner in which a licence is to be granted or a variation, suspension or revocation effected,
  - (b) the time when a licence or a variation, suspension or revocation has effect.
- (2) Without prejudice to the generality of subsection (1), regulations thereunder may include provision –
- (a) for documents to be delivered, or notices to be given, to the nominees of persons to whom licences are granted,
  - (b) for documents or notices to be treated as delivered or given if they are posted or otherwise communicated in accordance with the regulations,
  - (c) for notices to be given by publication in newspapers or on websites,
  - (d) as to the transitional effects of variations.
- (3) The [Committee] may by regulation prescribe charges for the granting of a licence.

- (4) Regulations under subsection (3) may –
- (a) specify a maximum charge and different maxima in relation to different classes of licence,
  - (b) make provision for no charge to be payable in such circumstances as may be specified in the regulations,
  - (c) make provision for the amount of any charge to be specified in, or determined in accordance with the provisions of, the regulations, and
  - (d) specify different charges, and make different provision, in relation to different classes of licence.

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**NOTES**

*In section 5, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

*The following Regulations have been made under section 5:*

*Sea Fish Licensing (Documents and Notices) (Bailiwick of Guernsey) Regulations, 2015.*

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[ [PART IA  
EU FISHING BOATS]

**Prohibition of fishing in the authorised zone without an interim authorisation.**

**5A.** [ (1) Fishing for any fish within the authorised zone by EU fishing boats is prohibited unless authorised by –

- (a) on or before 31<sup>st</sup> January 2022, an interim authorisation,
- (b) on or after 1<sup>st</sup> February 2022, a licence,

granted by the Committee and for the time being in force.]

- (2) For the purposes of [this Part and Part IAA] –

the "**authorised zone**" means the area of territorial sea lying seaward of 6 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the Bailiwick of Guernsey is measured between the designated line clockwise to a demarcation line drawn north-east from Alderney Lighthouse,

the "**designated line**" means the series of straight lines joining, in the sequence given, Points 1 to 13 indicated in Schedule 3 to the Territorial Sea Act 1987<sup>ba</sup>, as extended by the Territorial Sea Act 1987 (Guernsey) Order 2019<sup>bb</sup>, as those points relate to the area of territorial sea lying seaward of six nautical miles, and

[ "**EU fishing boat**" means a fishing boat which is registered in accordance with the relevant national legislation relating to the registration of fishing boats of a Member State of the European Union, and]

[ ...]

[ "**interim authorisation**" means an interim authorisation granted by

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**ba** An Act of the Westminster Parliament (c. 49).

**bb** United Kingdom Statutory Instrument No. 2019/1108.

the Committee pursuant to this Law as it had effect before 1<sup>st</sup> February 2022.]

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**NOTES**

*Part IA and section 5A thereof were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020.<sup>1</sup>*

*The Title to Part IA was substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 2, with effect from 24th November, 2021.*

*In section 5A,*

*first, subsection (1) and, second, the words in the first pair of square brackets in subsection (2) were substituted, third, the definition of the expression "EU fishing boat" therein was inserted and, fourth, the words omitted in square brackets immediately after that definition as so inserted were repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 3, respectively paragraph (a), paragraph (b)(i), paragraph (b)(ii) and paragraph (b)(iii), with effect from 24th November, 2021;*

*the definition of the expression "interim authorisation" in subsection (2) was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022, regulation 2, with effect from 1st February, 2022.*

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**[Access to and prohibition of fishing in Bailiwick fishery limits outside of the authorised zone.**

**5B.** (1) Fishing or attempting to fish for any fish in Bailiwick fishery limits outside the authorised zone by [EU fishing boat]s is prohibited.

(2) [ An EU] [fishing boat] must not enter Bailiwick fishery limits outside the authorised zone except for a purpose recognised by international law or by any international agreement or arrangement to which the United Kingdom is a party or which otherwise applies in relation to the Bailiwick.

(3) [ An EU] [fishing boat] that enters Bailiwick fishery limits for a purpose mentioned in subsection (2) must return outside Bailiwick fishery limits as soon as the purpose has been fulfilled.

(4) At any time when [an EU] [fishing boat] is within Bailiwick fishery limits outside the authorised zone, its fishing gear shall be stowed securely and in such a manner that it shall not be capable of being used for fishing.

(5) This section is in addition, and without prejudice, to any other enactment in relation to the prohibition of fishing by [EU fishing boat]s, whether identified by nationality or otherwise, in Bailiwick fishery limits or the territorial seas adjacent to any island of the Bailiwick.]

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**NOTES**

*Section 5B was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020.<sup>2</sup>*

*In section 5B,*

*the words "An/an EU" in square brackets, wherever occurring, were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022, regulation 3, with effect from 1st February, 2022;*

*the words "EU fishing boat" and "fishing boat" in square brackets, wherever occurring, were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 4, with effect from 24th November, 2021.*

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**[General provisions as to interim authorisations.**

**5C.** ...]

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**NOTE**

*Section 5C (which was previously inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020) was repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 5, with effect from 24th November, 2021.<sup>3</sup>*

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**[Effect of interim authorisations.]**

**5D.** ...]

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**NOTE**

*Section 5D (which was previously inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020) was repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 5, with effect from 24th November, 2021.<sup>4</sup>*

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**[Matter to be taken into account.]**

**5E.** ...]

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**NOTE**

*Section 5E (which was originally inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020) was repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 5, with effect from 24th November, 2021.*

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**[Provision of information.]**

**5F.** ...]

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**NOTE**

*Section 5F (which was originally inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020) was repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 5, with effect from 24th November, 2021.*

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**[Regulations as to interim authorisations and charges for interim authorisations.**

**5G.** ...]

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**NOTE**

*Section 5G (which was originally inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020) was repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 5, with effect from 24th November, 2021.*

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**[Territorial seas adjacent to Alderney and Sark.**

**5H.** For the avoidance of doubt, the provisions of section 18 do not prohibit the exercise of any power under this Part [or Part IAA] in relation to Bailiwick fishery limits which were not the territorial seas adjacent to Alderney and Sark at the commencement of this Law.]

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**NOTES**

*Section 5H was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 3, with effect from 11 p.m. on 31st December, 2020.*

*In section 5H, the words in square brackets were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 6, with effect from 24th November, 2021.*

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[PART IAA

## LICENCES FOR EU FISHING BOATS

### **General provisions as to licences for EU fishing boats.**

**5HA.** (1) Where a licence is granted under section 5A, that licence shall be granted to the owner or charterer in respect of a named EU fishing boat.

(2) A licence may only authorise fishing in the authorised zone, but may also be limited by reference to any factor which the Committee thinks fit for the purposes of the regulation of sea fish, in particular –

- (a) the area within the authorised zone in 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,
- (d) the method of sea fishing, or
- (e) any factor determined by the Committee in relation to, and for the purposes of, the Trade and Cooperation Agreement.

(3) A Licence may authorise fishing subject to such conditions as may appear to the Committee to be necessary or expedient for the regulation of sea fishing (including conditions which do not relate directly to 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.

(4) The conditions subject to which a licence may be granted include conditions imposed for the purposes of –

(a) conserving or enhancing the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas, or

(b) conserving flora or fauna which are dependent on, or associated with, a marine or coastal environment.

(5) The conditions subject to which a licence may be granted may differ as between different vessels or between vessels of different descriptions.

(6) A licence under section 5A –

(a) may be varied from time to time,

(b) may be suspended or revoked if it appears to the Committee –

(i) to be necessary or expedient for the regulation of sea fishing,

(ii) to be appropriate in a case where there is an offence under this Law or any other enactment

relating to sea fishing, or

- (iii) to be necessary or expedient to protect the interests of the Bailiwick (whether environmental, economic or other),
- (c) where it is granted before February 2022, shall only come into force on 1<sup>st</sup> February 2022, and
- (d) shall only be valid [for a maximum of two years from the date specified in the licence].

(7) Where a condition of a licence prohibits fishing [(in a specified area or generally, as the case may be)] for a specified description of sea fish, there must, except so far as the conditions of the licence provide otherwise, be returned to the sea forthwith –

- (a) any fish of that description taken on board an EU fishing boat in contravention of the condition, and
- (b) any fish of that description taken on board a fishing boat [(whether in that area or generally, as the case may be)] in the course of fishing for sea fish of a different description,

but, where the condition applies only to fishing by a specified method or during a specified period or by boats of a specified description, paragraph (b) applies only if the fish are caught by that method, during that period or by a boat of that description.

(8) Where any fish of any description, other than that specified in a licence granted under section 5A, has been taken on board –

- (a) an EU fishing boat fishing in accordance with such a licence, and
- (b) in an area where only fish of a specified description may be taken on board,

that fish must be returned to the sea forthwith.

(9) If a licence is varied, revoked or suspended, the Committee may, if it considers it appropriate in all the circumstances of the case, refund the whole or any part of any charge made for that licence.

(10) For the avoidance of doubt –

- (a) sections 6 (powers of British sea-fishery officers for enforcement of Law), 7 (powers of entry, search and seizure), and 8 (exclusion of liability of British sea-fishery officers), and
- (b) section 11 (false statements),

shall have effect in relation to licences granted under section 5A as they do in relation to licences granted under section 1.]

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**NOTES**

*Part IAA and section 5HA thereof were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 7, with effect from 24th November, 2021.*

*In section 5HA,*

*the words in square brackets in subsection (6) were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2023, regulation 2, with effect from 24th January, 2023;*

*the words in the first and second pairs of square brackets in subsection (7) were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022, regulation 5, respectively paragraph (a) and paragraph (b), with effect from 1st February, 2022.*

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**Effect of licences.**

**5HB.** For the avoidance of doubt –

- (a) a licence granted under section 5A is a valid fishing authorisation for the purposes of Regulation (EU) 2017/2403 and
- (b) the grant of a licence under section 5A is not a recognition of any right of –
  - (i) an EU fishing boat, or
  - (ii) the master, owner or charterer (if any) of any such boat to fish in Bailiwick fishery limits otherwise than by virtue of that licence.]

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**NOTE**

*Section 5HB was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 7, with effect from 24th November, 2021.*

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**Matters to be taken into account.**

**5HC.** In deciding whether or not to grant a licence, the Committee shall take

into account only if an EU fishing boat –

- (a) is identified by the European Union (whether by inclusion on a list or otherwise), and
- (b) represents a qualifying vessel for the purposes of Article 502 of the Trade and Cooperation Agreement.]

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**NOTE**

*Section 5HC was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 7, with effect from 24th November, 2021.*

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**[Provision of information.]**

**5HD.** The Committee may require the master, owner and charterer (if any) of an EU fishing boat named in a licence to provide the Committee with such information, in such form and manner, and within such time or at such times and intervals, as it may direct.]

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**NOTE**

*Section 5HD was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 7, with effect from 24th November, 2021.*

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**[Regulations as to licences and charges for licences.]**

**5HE.** (1) Section 5 shall have effect in relation to licences granted under section 5A as it does in relation to licences granted under section 1.

- (2) For the avoidance of doubt –

- (a) the Sea Fish Licensing (Documents and Notices) (Bailiwick of Guernsey) Regulations, 2015 shall have effect in relation to any document or notice required to be given or delivered under, or for the purposes of, this Part or Part IA, and
- (b) any reference in those Regulations to a "British fishing boat" shall also include an EU fishing boat.]

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**NOTE**

*Section 5HE was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No.3) Regulations, 2021, regulation 7, with effect from 24th November, 2021..*

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[PART IB  
FOREIGN FISHING BOATS

**Prohibition on fishing in Bailiwick fishery limits by foreign fishing boats.**

**5I.** (1) Fishing or attempting to fish for any fish within Bailiwick fishery limits by foreign fishing boats is prohibited.

(2) A foreign fishing boat must not enter Bailiwick fishery limits except for a purpose recognised by international law or by any international agreement or arrangement to which the United Kingdom is a party or which otherwise applies in relation to the Bailiwick.

(3) A foreign fishing boat that enters Bailiwick fishery limits for a purpose mentioned in subsection (2) must return outside Bailiwick fishery limits as soon as the purpose has been fulfilled.

(4) For the purposes of this section, "**foreign fishing boat**" means

a fishing boat other than a British fishing boat or [an EU] [fishing boat].

(5) This section is in addition, and without prejudice, to any other enactment in relation to the prohibition of fishing by foreign fishing boats in Bailiwick fishery limits or the territorial sea of any of the islands of the Bailiwick.]

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## NOTES

*Part IB, and section 5I thereof, were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 4, with effect from 11 p.m. on 31st December, 2020.*

*In section 5I,*

*the words in the first pair of square brackets in subsection (4) were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022, regulation 3, with effect from 1st February, 2022;*

*the words in the second pair of square brackets in subsection (4) were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 8, with effect from 24th November, 2021.*

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## [PART IC

### IMPLEMENTATION OF INTERNATIONAL OBLIGATIONS

#### **Power to make regulations.**

**5J.** (1) The States of Guernsey Policy & Resources Committee, after consultation with the Committee, may by regulations make such provision as it considers necessary or expedient for purposes of the implementation of any international obligation relating to fisheries, fishing, or aquaculture.

(2) Regulations made under subsection (1) may include provision about, but not be limited to –

*Consolidated text*

- (a) the quantity of sea fish that may be caught,
- (b) the amount of time that fishing boats may spend at sea,
- (c) the landing of sea fish,
- (d) bycatch,
- (e) catching, landing or selling sea fish that are below a certain size,
- (f) setting and enforcing targets relating to marine stocks,
- (g) the design of sea fishing equipment,
- (h) the use of sea fishing equipment,
- (i) the retrieval of lost or discarded sea fishing equipment,
- (j) methods of sea fishing,
- (k) the processing of sea fish,
- (l) the use to which a Bailiwick authority or any committee of a Bailiwick authority may put information obtained in the exercise of their functions under any regulations,
- (m) the marketing of fishery products (including labelling),
- (n) keeping, disclosing or publishing accounts, records or other documents or information by persons involved in

–

- (i) commercial fish or aquaculture activities, or
- (ii) monitoring, or enforcing, compliance with the regulation of commercial fish or aquaculture activities,
- (o) the use in aquaculture, or transport of aquatic organisms that are members of an alien species or a locally absent species, and
- (p) monitoring, or enforcing, compliance with the regulation of any of the matters mentioned in the preceding paragraphs of this subsection.

(3) Without limiting the power set out in subsection (1), regulations made under that subsection may make different provision in relation to –

- (a) different descriptions of sea fish or other animals,
- (b) different descriptions of fishing boat, or
- (c) different areas of the sea.

(4) For the avoidance of doubt, and without prejudice to section 22, regulations made under subsection (1) may apply to all vessels irrespective of the country or territory in which they are registered, or to vessels registered in any particular country or territory, or to vessels of any class or description.

(5) For the avoidance of doubt the power conferred by subsection

(1) –

- (a) is in addition to, and without prejudice to, any power to make similar provision in any other enactment,
- (b) includes the power to make provision as to the creation and punishment of offences in respect of contraventions of the regulations and as to the creation of new duties, obligation, liabilities and remedies, penalties, sanctions and other consequences, but does not include power –
  - (i) to provide for offences to be triable only on indictment,
  - (ii) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate’s Court by section 9 of the Magistrate’s Court (Guernsey) Law, 2008, or
  - (iii) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years, and
- (c) includes the power to direct that any provision of this Law or of any other enactment shall have effect with such exceptions, adaptations and modifications as may be specified in the regulations.

(7) Where a licence condition or condition contained in an interim

authorisation is in conflict with any provision of a regulation made under subsection (1), the latter shall prevail and the licence condition or condition contained in an interim authorisation is amended accordingly.]

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**NOTE**

*Part IC, and section 5J thereof, were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 4, with effect from 11 p.m. on 31st December, 2020.*

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**[Section 5J: interpretation.]**

**5K.** (1) In this Part –

**"aquaculture"** means the breeding, rearing, growing or cultivation of –

- (a) any fish or other aquatic animal,
- (b) seaweed or any other aquatic plant or
- (c) any other aquatic organism,

**"aquaculture activities"** means (whether or not carried out in the course of a business or employment) –

- (a) aquaculture,
- (b) harvesting aquaculture organisms,
- (c) operating vessels for harvesting or processing aquaculture organisms,

- (d) storing or transporting aquaculture organisms,
- (e) loading and unloading aquaculture organisms, or
- (f) processing aquaculture organisms,

**"aquaculture organism"** means an aquatic organism resulting from aquaculture,

**"Bailiwick authority"** means the States of Guernsey, the States of Alderney and the Chief Pleas of Sark,

**"bycatch"** means –

- (a) fish that are caught in the course of fishing for fish of a different description, or
- (b) animals other than fish that are caught in the course of fishing,

**"commercial aquaculture activities"** means –

- (a) any aquaculture activity carried out in the course of a business or employment or
- (b) selling aquaculture organisms (whether wholesale or retail),

**"commercial fish activities"** means –

- (a) any fish activity carried out in the course of a business or employment, or
- (b) selling fish or fish products (whether wholesale or retail),

**"commercial fish or aquaculture activities"** means commercial fish activities or commercial aquaculture activities,

**"fish activities"** means (whether or not carried out in the course of a business or employment) –

- (a) catching fish,
- (b) operating vessels for catching or processing fish,
- (c) transporting fish or fish products,
- (d) loading and unloading fish or fish products, or
- (e) processing fish,

**"fish and aquaculture activities"** means fish activities and aquaculture activities,

**"fishery products"** means –

- (a) fish or other aquatic organisms resulting from fishing or aquaculture, or
- (b) products derived from aquatic organisms within

paragraph (a),

**"implementation"**, in relation to an international obligation, includes the enforcement or enactment of the international obligation, and the securing of the administration, execution, recognition, exercise or enjoyment of the international obligation, in or under domestic law and cognate expressions shall be construed accordingly,

**"international obligation"** includes –

- (a) any obligation that arises or may arise under an international agreement or arrangement –
  - (i) to which all or any part of the Bailiwick is a party, or
  - (ii) which otherwise extends to or applies in all or any part of the Bailiwick, and
- (b) a regional fisheries management obligation,

**"the marine and aquatic environment"** includes –

- (a) the natural beauty or amenity of marine or coastal areas, or of inland waters or waterside areas,
- (b) features of archaeological or historic interest in those areas, and
- (c) flora and fauna which are dependent on, or associated with, a marine or coastal, or aquatic or waterside,

environment,

**"marine stocks"** means stocks of available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life,

**"processing"**, in relation to –

- (a) fish or any other aquatic organism, includes preserving or preparing the organism, or producing any substance or article from it, by any method for human or animal consumption, and
- (b) without prejudice to paragraph (a), shellfish, includes shucking,

**"regional fishing management agreement"** means an international agreement (including an international agreement to which the Bailiwick is not a party) the sole or main purpose of which is the conservation or management of –

- (a) straddling stocks,
- (b) stocks of highly migratory stocks, or
- (c) any other marine stocks,

**"regional fishing management obligation"** means a requirement imposed on, or a recommendation made to, the United Kingdom or the Bailiwick (whether directly or indirectly) –

- (i) by, or pursuant to, a regional fisheries management agreement, or
- (ii) by a regional fisheries management organisation,

**"regional fisheries management organisation"** means an organisation (including an organisation of which the Bailiwick is not a member) established pursuant to a regional fisheries management agreement, and

**"sea fishing equipment"** means –

- (a) fishing nets or any other equipment used in the course of sea fishing (including, for example, equipment used to navigate, or to deter animals that are not intended to be caught), or
  - (b) equipment used to monitor sea fishing.
- (2) For the purposes of this Part an aquatic organism is –
- (a) a member of an **"alien species"** if –
    - (i) it is located outside the known natural range, and the area of the natural dispersal potential, of the species or subspecies of which it is a member,
    - (ii) it is a polyploid organism, or

- (iii) it is a member of a fertile artificially hybridised species or subspecies, and
- (a) a member of an "**locally absent species**" if –
  - (i) within the known natural range of the species or subspecies of which it is a member, and
  - (ii) in an area in which that species or subspecies is absent (in a wild state).]

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**NOTE**

*Section 5K was inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 4, with effect from 11 p.m. on 31st December, 2020.*

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[PART ID

FISHING OUTSIDE BAILIWICK FISHERY LIMITS BY BAILIWICK FISHING  
BOATS

**Prohibition on fishing outside Bailiwick fishery limits by Bailiwick fishing boats without a licence.**

**5L.** (1) Fishing for any fish outside Bailiwick fishery limits by a Bailiwick fishing boat is prohibited unless authorised by the required licence and for the time being in force.

(2) For the purposes of this section –

a "**Bailiwick fishing boat**" means a British fishing boat which is registered in the Bailiwick,

**"relevant licensing authority"** means each authority which has responsibility to issue required licences for the area in which that fishing takes place, and

**"required licence"** means a licence or any other type of authorisation issued by the relevant licensing authority necessary for a Bailiwick fishing boat to fish in the said area for the species and using the methods employed.]

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**NOTE**

*Part ID, and section 5L thereof, were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 4, with effect from 11 p.m. on 31st December, 2020.*

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PART II

BRITISH SEA-FISHERY OFFICERS

**Powers of British sea-fishery officers for enforcement of Law.**

6. (1) For the purpose of enforcing the provisions of this Law a British sea-fishery officer may exercise the powers conferred by subsections (2) to (4) in relation to –

- (a) any [...] fishing boat within Bailiwick fishery limits,
- (b) any British fishing boat registered in the Bailiwick anywhere outside those limits.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of, or disembarkation from, the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry, and ask any question, which appears to him to be necessary for the purpose mentioned in subsection (1) and, in particular –

(a) he may search for and examine, and may test, any equipment of the boat, including the satellite tracking device and the fishing gear, and may search for and examine any fish on the boat, and require persons on board the boat to do anything which appears to him to be necessary for facilitating such a search, examination or test,

(b) he may require any person on board the boat to produce any document relating to –

(i) the boat or its equipment,

(ii) any fishing operations or other operations ancillary thereto, or

(iii) the persons on board,

which is in his custody or possession,

(c) he may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search,

(d) he may –

- (i) inspect,
- (ii) take copies of, and
- (iii) retain in his possession while he completes any search, examination, inspection and test provided for under this section,

any such document produced to him or found on board,

- (e) without prejudice to paragraphs (c) and (d), he may require the master and any person for the time being in charge of the boat to render any such document on a computer system or navigation system into a visible and legible form, including requiring any such document to be produced in a form in which it may be taken away, and
- (f) where the boat is one in relation to which he has reason to suspect that an offence under this Law has been committed, he may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in paragraph (f) permits any document required by law or by a condition of a licence to be carried on board the boat to be seized and detained except while the boat is detained in port.

- (4) Where it appears to a British sea-fishery officer that an offence

under this Law has at any time been committed within Bailiwick fishery limits, he may –

- (a) require the master of the boat in relation to which the offence was committed to take, or the officer may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port, and
- (b) detain or require the master to detain the boat in the port,

and where a British sea-fishery officer detains or requires the detention of a boat he must serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

(5) The powers which may be exercised by a British sea-fishery officer under this Law in respect of any fishing boat include power to –

- (a) require any person on board the boat to produce –
  - (i) any automatic recording equipment or transmitting equipment used or purported to be used in accordance with an enforceable Community restriction relating to sea fishing or a condition of a licence,
  - (ii) any record produced by means of such equipment, or partly by those means and partly by other means,

- (b) search the boat for any such equipment or record, and require any person on board the boat to do anything which appears to the officer to be necessary to facilitate the search,
- (c) examine and take copies of any such record,
- (d) seize and detain any such equipment or record for the purpose of enabling that equipment or record, or any record that may be produced by means of that equipment, to be used as evidence in proceedings for any offence,

but nothing in this subsection permits anything required by law or by a condition of a licence to be carried on board the boat to be seized and detained except while the boat is detained in port.

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**NOTE**

*In section 6, the word omitted in square brackets in subsection (1)(a) was repealed by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 4 (the second regulation 4), with effect from 11 p.m. on 31st December, 2020.*

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**Powers of entry, search and seizure.**

7. (1) A British sea-fishery officer may seize –
- (a) any fish in respect of which an offence under this Law has been or is being committed where the fish are on the fishing boat with or upon which the offence was or is being committed or are in the ownership or custody of, or under the control of, the owner, master or

charterer (if any) of the fishing boat, and

- (b) any net or other fishing gear used in contravention of this Law or any licence.

(2) A British sea-fishery officer, a person authorised in that behalf by the [Committee] in writing or a special constable may, for the purpose of ascertaining whether an offence under this Law has been committed –

- (a) enter at any reasonable time any premises (other than a dwelling house) used for carrying on any business in connection with –

- (i) the operation of fishing boats or activities connected therewith or ancillary thereto, or

- (ii) the treatment, storage or sale of sea fish,

- (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, sale or disposal of any sea fish, and

- (c) take copies of any such document,

and, if he has reason to suspect that an offence under this Law has been committed, he may also –

- (i) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary

for facilitating the search, and

- (ii) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings in relation to the offence.

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**NOTE**

*In section 7, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

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**Exclusion of liability of British sea-fishery officers.**

8. (1) A British sea-fishery officer, a person authorised by the [Committee] under section 7(2) or a special constable is not liable in any civil or criminal proceedings for anything done or omitted to be done in the exercise or purported exercise of the powers conferred on him by this Law if the court is satisfied that the thing was done or omitted to be done in good faith and that there were reasonable grounds for doing or omitting to do it.

(2) Subsection (1) does not prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>c</sup>.

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**NOTE**

*In section 8, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

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<sup>c</sup> Ordres en Conseil Vol. XL p. 396 as amended by Order in Council No. 1 of 2005 and G.S.I. No. 27 of 2006.

PART III  
PROCEEDINGS, ETC

**Penalties.**

9. (1) Where a fishing boat is used in contravention of section 1(1) [5A, B, 5I or 5L], the master, owner and charterer (if any) are each guilty of an offence and liable –

- (a) on conviction on indictment, to a fine,
- (b) on summary conviction, to a fine not exceeding £50,000.

(2) Where a licence condition [(whether contained in a licence granted under section 1[, a licence granted under section 5K] or a required licence as defined by section 5L) or condition of an interim authorisation] is contravened, the master, owner and charterer (if any) of the vessel named in the licence are each guilty of an offence and liable –

- (a) on conviction on indictment, to a fine,
- (b) on summary conviction, to a fine not exceeding £50,000.

(3) A person who fails without reasonable excuse to comply with a requirement imposed under [section 4, section 5F or section 5HD] is guilty of an offence and liable –

- (a) on conviction on indictment, to a fine,

- (b) on summary conviction, to a fine not exceeding level 5 on the uniform scale.

(4) Where [section 2(7), section 5C9, or section 5HA(7) or (8)] is contravened in the case of any fishing boat, the master, owner and charterer (if any) are each guilty of an offence and liable –

- (a) on conviction on indictment, to a fine,
- (b) on summary conviction, to a fine not exceeding £50,000.

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**NOTES**

*In section 9,*

*the words in square brackets in, first, subsection (1) and second, subsection (2) were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 5, respectively paragraph (a) and paragraph (b), with effect from 11 p.m. on 31st December, 2020;*

*first, the words in square brackets within the square brackets in subsection (2), second, the words in square brackets in subsection (3) and, third, the words in square brackets in subsection (4) were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 9, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 24th November, 2021.<sup>5</sup>*

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**Offences in relation to British sea-fishery officers.**

- 10.** (1) A person who –
- (a) fails without reasonable excuse to comply with a requirement imposed by, or to answer a question asked

by, a British sea-fishery officer, a person authorised by the [Committee] under section 7(2) or a special constable under this Law,

- (b) prevents or attempts to prevent another person from complying with any such requirement or answering any such question,
- (c) assaults a British sea-fishery officer, a person authorised by the [Committee] under section 7(2) or a special constable who is exercising any power conferred by this Law, or
- (d) wilfully obstructs a British sea-fishery officer, a person authorised by the [Committee] under section 7(2) or a special constable in the exercise of any such power,

is guilty of an offence and liable –

- (i) on conviction on indictment, to a fine, or
- (ii) on summary conviction, to a fine not exceeding level 5 on the uniform scale,

and in the case of an assault under paragraph (c) the offender is liable, instead of or in addition to such a fine, to imprisonment for a term not exceeding two years on conviction on indictment or six months on summary conviction.

(2) Where a fine is imposed on the master, owner or charterer or a member of the crew of a fishing boat who is convicted of an offence under this section the court may by order authorise Her Majesty's Sheriff to seize, detain and sell

the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine.

- (3) In subsection (2) "**Her Majesty's Sheriff**" means –
- (a) where the order referred to in that subsection is made by the Court of Alderney, the Greffier appointed under section 20 of the Government of Alderney Law, 2004<sup>d</sup>, and
  - (b) where the order is made by the Court of the Seneschal, the Prévôt.

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**NOTE**

*In section 10, the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.*

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**False statements.**

**11.** A person who, for the purpose of obtaining a licence, or in purported compliance with a requirement imposed by or under this Law, or in response to a question asked under this Law –

- (a) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,

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<sup>d</sup> Order in Council No. III of 2005; amended by the Government of Alderney (Amendment) Law, 2010 (No. XXII of 2010).

- (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (c) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

is guilty of an offence and liable –

- (i) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine, or to both,
- (ii) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the uniform scale, or to both.

**Supplementary provisions in relation to criminal proceedings.**

**12.** (1) Subject to the following provisions of this section, the court by or before which a person is convicted of an offence under section 9(1) or 9(2) may –

- (a) order that the owner or charterer (if any) of the vessel

used to commit the offence or, as the case may be, the vessel named in the licence of which a condition is contravened, be disqualified for a specified period from holding a licence in respect of that vessel, and

- (b) order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence.

(2) A person guilty of an offence under section 9(1) or 9(2) is liable, subject to subsection (3), on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(3) A person is not liable to a fine under subsection (2) in respect of an offence if, under subsection (1), the court orders the forfeiture of the fish in respect of which the offence was committed; and, where a fine is imposed under subsection (2) in respect of an offence, the court does not have power under subsection (1) to order the forfeiture of the fish in respect of which the offence was committed.

(4) Subject to subsection (3), any fine to which a person is liable under subsection (2) in respect of an offence is in addition to any other penalty (pecuniary or otherwise) to which he is liable in respect of that offence under this Law or any other enactment.

**Offences committed by bodies corporate.**

**13.** (1) Where an offence under this Law is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) any director, manager, secretary or other similar officer

of the body corporate, or

- (b) any person purporting to act in any such capacity,

he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

**Offences committed by unincorporated bodies.**

**14.** (1) Where an offence under this Law is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) in the case of a partnership, any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or
- (c) any person purporting to act in any capacity described in paragraph (a) or (b),

he as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where an offence under this Law is alleged to have been

committed by an unincorporated body, proceedings for the offence shall be brought in the name of the body and not in the name of any of its members.

(3) A fine imposed on an unincorporated body on its conviction of an offence under this Law shall be paid from the funds of the body.

**Evidence.**

**15.** (1) In any civil or criminal proceedings a written statement purporting to be a report made by a British sea-fishery officer, a person authorised by the [Committee] under section 7(2) or a special constable on matters ascertained in the course of exercising his powers under this Law is admissible as evidence to the like extent as oral evidence to the like effect by him.

(2) Where automatic recording equipment –

- (a) is used or purported to be used in accordance with [Preserved EU Law] relating to sea fishing or a condition of a licence, or
- (b) is used to record information transmitted or derived from equipment used or purported to be used in accordance with such a restriction or condition,

any record produced by means of the automatic recording equipment, or partly by those and partly by other means, is, in any proceedings for an offence under this Law, evidence of the matters appearing from the record.

(3) In any proceedings for an offence under this Law, any document which constitutes or contains –

- (a) an entry in any logbook kept, or purported to be kept,

under [Preserved EU Law] relating to sea fishing or a condition of a licence, by the master of a vessel,

(b) a declaration made, or purported to be made, under such a restriction or condition –

(i) as to fish landed, by the master of a vessel or by an agent,

(ii) as to trans-shipment, by the master of a vessel,

(c) information provided, or purported to be provided –

(i) under [Preserved EU Law] relating to sea fishing or a condition of a licence, by the master, owner or charterer (if any) of a vessel or by an agent,

(ii) under a requirement imposed under section 4[, section 5F or section 5HD], by the master, owner or charterer (if any) of a vessel,

is admissible as evidence of the matters stated therein or appearing therefrom.

(4) Subsections (1), (2) and (3) are in addition to, and not in derogation from, any other enactment or rule of law relating to the reception or admissibility of documentary evidence.

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**NOTES**

*In section 15,*

*the word in square brackets in subsection (1) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;*

*first, the words "Preserved EU Law" in square brackets, wherever occurring in subsections (2), and (3)(a) and (c)(i) were substituted and, second, the words in square brackets in subsection (3)(c)(ii) were inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 10, respectively paragraph (a) and paragraph (b), with effect from 24th November, 2021.*

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**Jurisdiction of court to try offences.**

16. Proceedings for an offence under this Law may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the Bailiwick.

PART IV  
APPEALS

**Right of appeal.**

17. (1) A person aggrieved by a decision of the [Committee] –
- (a) to refuse an application by him for a licence,
  - (b) to vary, suspend or revoke his licence, or
  - (c) to impose, vary or rescind any condition in respect of his licence,

may appeal to the Royal Court against the decision.

- (2) The grounds of an appeal under this section are that –
- (a) the decision was *ultra vires* or there was some other

error of law,

- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(3) An appeal under this section shall be instituted –

- (a) within a period of 28 days immediately following the date of the [Committee]'s decision, and
- (b) by summons served on the [President] of the [Committee] stating the grounds and material facts on which the appellant relies.

(4) The [Committee] may, where an appeal under this section has been instituted, apply to the Royal Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and upon hearing such an application the Royal Court may –

- (a) dismiss the appeal or dismiss the application (in either case upon such terms and conditions as the Royal Court may direct), or
- (b) make such other order as the Royal Court considers just,

and the provisions of this subsection are without prejudice to –

- (i) the inherent powers of the Royal Court, and
- (ii) the provisions of rule 52 of the Royal Court Civil Rules, 2007<sup>e</sup>.

(5) On an appeal under this section the Royal Court may –

- (a) set the decision of the [Committee] aside and, if the Royal Court considers it appropriate to do so, remit the matter to the [Committee] with such directions as the Royal Court thinks fit, or
- (b) confirm the decision, in whole or in part.

(6) On an appeal under this section against a decision described in subsection (1)(b) or (c), the Royal Court may, upon the application of the appellant, and on such terms as the Royal Court thinks just, order that the decision or any part of the decision shall not have effect pending the determination of the appeal.

(7) In this section "**the Royal Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats.

(8) An appeal from a decision of the Royal Court made under this section lies, with leave of the Royal Court or the Court of Appeal, to the Court of Appeal on a question of law.

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<sup>e</sup> O.R.C. No. IV of 2007; amended by No. II of 2008.

(9) Section 21 of the Court of Appeal (Guernsey) Law, 1961<sup>f</sup> ("powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under this section as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

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**NOTES**

*In section 17, the words, first, "Committee" and, second, "President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 2 and section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016.*

*The following cases have referred to section 17:*

*Channing v. The States of Guernsey* (2015) (Unreported, Royal Court, 19th February) (Guernsey Judgment 9/2015);

*Steve Channing v The States of Guernsey* (2015) (Unreported, Court of Appeal, 30th September) (Guernsey Judgment No. 48/2015).

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**PART V**  
**MISCELLANEOUS**

**Exclusion of territorial seas adjacent to Alderney and Sark.**

**18.** (1) This Law does not apply to the territorial seas adjacent to Alderney and Sark.

(2) However, the States of Alderney and the Chief Pleas of Sark may respectively by Ordinance provide that this Law or any of its provisions shall extend to the territorial seas adjacent to Alderney or Sark (as the case may be) subject to such exceptions, adaptations and modifications as may be prescribed in the

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<sup>f</sup> Ordres en Conseil Vol. XVIII, p. 315.

Ordinance.

(3) The expression "**the territorial seas adjacent to Alderney and Sark**" is a reference to those seas as they are delimited at the date of commencement of this Law (that is, notwithstanding any extension of the limits of the territorial seas that may occur after that date, they extend to a line not exceeding 3 miles from the baselines from which the breadth of the territorial seas adjacent to those islands is measured, but not, in the case of Sark, beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines adjacent to Guernsey, Herm and Jethou).

**Interpretation.**

**19.** (1) In this Law, unless the context requires otherwise –

**"Bailiwick"** means the Bailiwick of Guernsey,

[ "**Bailiwick fishery limits**" extend to the seaward limits of the territorial sea adjacent to the Bailiwick of Guernsey as extended by the Territorial Sea Act 1987 (Guernsey) Order 2019,]

[ ...]

[ "**Bailiwick fishing boat**" has the meaning given in section 5L(4),]

**"British fishing boat"** means a fishing boat which is –

- (a) registered in the Bailiwick,
- (b) registered in Jersey or the Isle of Man,
- (c) registered in the United Kingdom under Part II of the

Merchant Shipping Act 1995<sup>h</sup>,

- (d) where the boat would otherwise be required to be registered in a place mentioned in paragraph (a), (b) or (c), exempted from registration by the laws of that place, or
- (e) British owned,

**"British owned"**, in relation to a fishing boat, means owned by a person who is for the purposes of Part II of the Merchant Shipping Act 1995 a person qualified to own a British ship, or owned by two or more persons any one of whom is for those purposes a person so qualified,

**"British sea-fishery officer"** means a person who is, by virtue of section 7 of the Sea Fisheries Act 1968<sup>i</sup>, a British sea-fishery officer (including, for the avoidance of doubt, a person appointed as a British sea-fisheries officer in relation to the Bailiwick by the States of Guernsey [Policy & Resources Committee]),

**"Commission"** means the Bailiwick Fisheries Management Commission, and includes any successor body appointed by the [Committee], the General Services Committee of the States of Alderney and the [Agriculture, Environment, Sea Fisheries & Pilotage Committee] of the Chief Pleas of Sark, or by their respective governments,

**"contravention"** includes failure to comply, and related expressions

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<sup>h</sup> An Act of Parliament (1995 c. 21).

<sup>i</sup> An Act of Parliament (1968 c. 77); extended to the Bailiwick of Guernsey by United Kingdom S. I. 1973/1319 as amended by S. I. 1989/2412.

shall be construed accordingly,

"[**Committee**]" means the States of Guernsey [Committee for Economic Development],

"**Department for the Environment, Food and Rural Affairs**" means the Department of Her Majesty's Government of that name and includes any other department in which the functions of that Department as to matters of mutual interest to Her Majesty's Government and the Bailiwick relating to fisheries are for the time being vested,

"**enactment**" includes an Act of Parliament, a Law, an Ordinance and any subordinate legislation,

[ ...]

[ "**EU fishing boat**" has the meaning given in section 5A(2),]

[ ...]

"**fish**" means sea fish,

"**Fisheries Monitoring Centre**" means a fisheries monitoring centre established under article 3.7 of Council Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy<sup>k</sup>,

"**fishing boat**" means a vessel of whatever size and in whatever way propelled for the time being employed in sea fishing or any operations ancillary thereto,

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<sup>k</sup> O.J. No. L 261, 20.10.93, p. 1.

[ "**foreign fishing boat**" has the meaning given in section 5I(4),]

[ ...]

**"General Services Committee"** of the States of Alderney includes any committee of the States of Alderney for the time being performing the functions conferred by or under this Law on the said General Services Committee,

[ "**interim authorisation**" has the meaning given in section 5A(2),]

**"length"**, in relation to a vessel, means the length calculated and measured in accordance with the rules specified in Article 2(1) of Council Regulation (EEC) No. 2930/86 defining characteristics for vessels<sup>1</sup>,

[ "**licence**" (other than in relation to section 5L) means a licence granted by the Committee under section 1 [or under section 5A],]

**"master"** includes, in relation to any vessel, the person for the time being in command or charge of the vessel,

**"median line"** means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the Bailiwick is measured and the corresponding baselines of the Bailiwick of Jersey,

**"migratory trout"** means trout which migrate to or from the sea,

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<sup>1</sup> O.J. No. L 274, 25.9.86, p. 1.

**"mile"** means an international nautical mile of 1852 metres,

[ **"Preserved EU Law"** has the meaning given in section 3 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018,]

**"required information"** means data relating to –

- (a) the fishing boat's identification,
- (b) the most recent geographical position of the fishing boat expressed in degrees and minutes of latitude and longitude within a margin of error of less than 500 metres and within a confidence interval of 99%, and
- (c) the date and time of the fixing of that position,

**"Royal Court"**: see section 17(7),

**"satellite tracking device"** means a device for sending required information to a Fisheries Monitoring Centre from a fishing boat via a satellite and land earth station,

**"salmon"** includes any fish of the salmon species,

**"sea fish"** means fish of any kind found in the sea, fresh or cured, including shellfish, and any parts of any such fish,

**"[Agriculture, Environment, Sea Fisheries & Pilotage Committee]"** of the Chief Pleas of Sark includes any committee of the Chief Pleas of Sark for the time being performing the functions conferred by or under this Law on the said [Agriculture, Environment, Sea Fisheries &

Pilotage Committee],

**"shellfish"** includes crustaceans and molluscs of any kind and any spat or spawn of shellfish,

**"special constable"** means –

- (a) in relation to Guernsey, Herm and Jethou, and within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to Alderney –
  - (i) within the limits of his jurisdiction, a special constable appointed under section 47 of the Government of Alderney Law, 2004, and
  - (ii) any person authorised by the General Services Committee for the purposes of section 5 of the Fishing (Alderney) (Amendment) Ordinance, 1980,
- (c) in relation to Sark –
  - (i) within the limits of his jurisdiction, a special constable appointed by the Court of the Seneschal, and
  - (ii) the Constable, Assistant Constables and Vingtenier,

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

**"territorial seas adjacent to Alderney and Sark"**: see section 18,

[ ...]

[ **"the Trade and Cooperation Agreement"** means the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed at Brussels and London on 30<sup>th</sup> December 2020,]

**"vessel"** includes any ship or boat or any other description of vessel used in navigation,

**"uniform scale"** means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989<sup>m</sup>.

(2) The States of Deliberation may by Ordinance, following consultation by the [Committee] with the General Services Committee of the States of Alderney and the [Agriculture, Environment, Sea Fisheries & Pilotage Committee] of the Chief Pleas of Sark, amend subsection (1) by varying or removing any definition contained in it or adding a definition to it.

(3) In this Law any reference to a logbook, declaration, document

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<sup>m</sup> Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. XVIII of 2009; Recueil d'Ordonnances Tome XXV, p. 344; Tome XXVIII, p. 89 and Tome XXXI, p. 542.

or required information includes, in addition to a logbook, declaration, document or required information in writing –

- (a) any map, plan, graph or drawing,
- (b) any photograph,
- (c) any data, however reproduced, received by a Fisheries Monitoring Centre from a satellite tracking device,
- (d) any disc, tape, soundtrack or other device in which sounds or other data (not being visual aids) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom, and
- (e) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(4) The Interpretation (Guernsey) Law, 1948<sup>n</sup> applies to the interpretation of this Law throughout the Bailiwick.

(5) Any reference in this Law to any enactment, subordinate legislation, rule of court or [Preserved EU Law] is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied.

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<sup>n</sup> Ordres en Conseil Vol. XIII, p. 355.

**NOTES**

*In section 19,*

*first, the definition of the expression "Bailiwick fishery limits" in subsection (1) was substituted and, second, the words omitted in square brackets immediately after that definition were substituted in accordance with the provisions of the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 8, respectively paragraph (a)(iii) and paragraph (a)(ii), with effect from 11 p.m. on 31st December, 2020;*

*first, the definitions of the expressions "'Bailiwick fishing boat" and "foreign fishing boat" in subsection (1) were inserted and, second, the definition of the expression "licence" in that subsection was substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 6, respectively paragraph (a) and paragraph (c), with effect from 11 p.m. on 31st December, 2020;<sup>6</sup>*

*the words in square brackets in the definition of the expression "British sea-fishery officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;*

*the words in, first, the first and, second, the second pairs of square brackets in the definition of the expression "Committee" in subsection (1) and, third, the word "Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 2, section 2, Schedule 1, paragraph 1(a) and section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;*

*the words "Agriculture, Environment, Sea Fisheries & Pilotage Committee" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017, section 2, Schedule, paragraph 2, with effect from 18th January, 2017;*

*first, the words omitted in square brackets immediately after the definition of the expression "enactment" in subsection (1) were repealed, second, the definition of the expression "EU fishing boat" therein was inserted, third, the words omitted in square brackets immediately preceding the definition of the expression "fish", the words omitted in square brackets immediately preceding the definition of the expression "General Services Committee" and the words omitted in square brackets immediately after the definition of the expression "territorial seas adjacent to Alderney and Sark" in that subsection were repealed, fourth, the words in the square brackets within the definition of the expression "licence", fifth, the definition of the expression "Preserved EU Law" in subsection (1) and, sixth, the definition of the expression "the Trade and Cooperation Agreement" therein were all*

*inserted and, seventh, the words in square brackets in subsection (5) were substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 11, respectively paragraph (a)(i), paragraph (a)(ii), paragraph (a)(iii), paragraph (a)(v), paragraph (a)(vi), paragraph (a)(vii) and paragraph (b), with effect from 24th November, 2021;*<sup>7</sup>

*the definition of the expression "interim authorisation" in subsection (1) was substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022, regulation 5, with effect from 1st February, 2022.*<sup>8</sup>

*The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

*The functions, rights and liabilities of the Sea Fisheries Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Agriculture, Environment, Sea Fisheries & Pilotage Committee and its Chairman by the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017, section 1, Schedule, paragraph 2, with effect from 18th January, 2017, subject to the savings and transitional provisions in section 3 of the 2017 Ordinance.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

*The European Communities (Bailiwick of Guernsey) Law, 1973 has since been repealed by the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, section 1, with effect from 11 p.m. on 31st December, 2020, subject to the saving in section 2 of the 2018 Law.*

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**Repeal.**

20. The Sea Fish Licensing (Guernsey) Ordinance, 2003<sup>P</sup> is repealed.

**Savings and transitional provisions.**

21. (1) Any subordinate legislation made or other thing done under an enactment repealed by this Law, or having effect as if so made or done, which could have been made or done under this Law shall have effect, after the date of commencement of this Law, as if made or done under this Law.

(2) Anything in the process of being done under an enactment repealed by this Law on the date of commencement of this Law may, to the extent that the same is required or authorised to be done under this Law, be continued under this Law.

(3) Any reference in an enactment (however expressed) to –

- (a) a British fishing boat licensed, under and within the meaning of an enactment repealed by this Law, to fish for sea fish within Bailiwick fishery limits or any part thereof, or
- (b) a licence or licensed (or any related expression) under and within the meaning of an enactment repealed by this Law,

shall be construed after the date of commencement of this Law as a reference to (as the case may require) –

- (i) a British fishing boat licensed to fish for sea fish within Bailiwick fishery limits or any part

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<sup>P</sup> Recueil d'Ordonnances Tome XXIX, p. 253.

thereof, or

- (ii) a licence or licensed (or the equivalent related expression),

under and within the meaning of this Law.

(4) A person who immediately before the commencement of this Law held a licence under and within the meaning of an enactment repealed by this Law shall on the commencement of this Law be deemed to hold a licence under and within the meaning of this Law, the provisions of which shall apply accordingly; and any conditions, restrictions or obligations subject to which he was licensed under the repealed enactment shall apply in respect of the licence under this Law which he is deemed to hold by virtue of this subsection.

(5) A reference, however expressed, in any enactment to an enactment or a provision of an enactment repealed by this Law shall, unless the contrary intention appears, be construed as a reference to this Law or (as the case may be) the corresponding provision of this Law.

(6) This section is in addition to and not in derogation from section 19 of the Interpretation (Guernsey) Law, 1948.

**General provisions as to Ordinances and regulations.**

22. (1) An Ordinance or regulations under this Law –
- (a) may be amended or repealed by a subsequent Ordinance or subsequent regulations, as the case may be, hereunder,
  - (b) may contain such consequential, incidental,

supplemental and transitional provision as may appear to be necessary or expedient, and

- (c) shall, in the case of regulations, be laid before a meeting of the States of Deliberation as soon as possible after being made; and if at that or the next meeting the States of Deliberation resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make an Ordinance or regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
  - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Regulations of the [Committee] under this Law shall be made after consultation with the General Services Committee of the States of Alderney and the [Agriculture, Environment, Sea Fisheries & Pilotage Committee] of the Chief Pleas of Sark.

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**NOTES**

*In section 22,*

*the words in the first pair of square brackets in subsection (3) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;*

*the words in the second pair of square brackets in subsection (3) were substituted by the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017, section 2, Schedule, paragraph 2, with effect from 18th January, 2017.*

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**Extent.**

23. Subject to the provisions of section 18, this Law has effect throughout the Bailiwick.

**Citation.**

24. This Law may be cited as the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012.

**Commencement.**

25. This Law shall come into force on the day appointed by the States of Deliberation by Ordinance; and different days may be appointed for different provisions, different purposes and different areas of Bailiwick fishery limits.

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**NOTE**

*The Law was brought into force on 1st February, 2013 by the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 (Commencement) Ordinance, 2012, section 1.*

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<sup>1</sup> Part IA and section 5A thereof were originally inserted by the European Union (SMEFF) (Bailiwick of Guernsey) (Brexit) Regulations, 2020, regulation 2, with effect from 31st January, 2020.

<sup>2</sup> Section 5B was originally inserted by the European Union (SMEFF) (Bailiwick of Guernsey) (Brexit) Regulations, 2020, regulation 2, with effect from 31st January, 2020.

<sup>3</sup> Section 5C was originally inserted by the European Union (SMEFF)

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(Bailiwick of Guernsey) (Brexit) Regulations, 2020, regulation 2, with effect from 31st January, 2020. Prior to its repeal, section 5C was amended by the European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021, regulation 1(2), with effect from 11 p.m. on 31st March, 2021

<sup>4</sup> Section 5D was originally inserted by the European Union (SMEFF) (Bailiwick of Guernsey) (Brexit) Regulations, 2020, regulation 2, with effect from 31st January, 2020.

<sup>5</sup> The words in square brackets in, first, subsection (3) and, second, subsection (4) were previously amended, in part, by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 5, respectively paragraph (c) and paragraph (d), with effect from 11 p.m. on 31st December, 2020.

<sup>6</sup> The definition of the expression "licence" was previously amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.

<sup>7</sup> The words omitted in square brackets immediately preceding the definition of the expression "fish" were originally inserted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 6(a), with effect from 11 p.m. on 31st December, 2020; the words omitted in square brackets immediately preceding the definition of the expression "General Services Committee" were originally inserted by the European Union (SMEFF) (Bailiwick of Guernsey) (Brexit) Regulations, 2020, regulation 3(a), with effect from 31st January, 2020 and substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 6(b), with effect from 11 p.m. on 31st December, 2020; and the words omitted in square brackets immediately after the definition of the expression "territorial seas adjacent to Alderney and Sark" were originally inserted by the European Union (SMEFF) (Bailiwick of Guernsey) (Brexit) Regulations, 2020, regulation 3(b), with effect from 31st January, 2020.

<sup>8</sup> The definition of the expression "interim authorisation" in subsection (1) was originally substituted by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 6(a), with effect from 11 p.m. on 31st December, 2020; and subsequently amended by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021, regulation 11(a)(iv), with effect from 24th November, 2021.