

GUERNSEY STATUTORY INSTRUMENT

2022 No. 88

**The Fishing (Control of First Sale and Purchase)
(Guernsey) Order, 2022**

<i>Made</i>	<i>8th December, 2022</i>
<i>Coming into operation</i>	<i>30th January, 2023</i>
<i>Laid before the States</i>	<i>, 2023</i>

THE COMMITTEE FOR ECONOMIC DEVELOPMENT, in exercise of the powers conferred on it by sections 1(4) and 26 of the Fishing Ordinance, 1997^a, hereby orders:-

Prohibition on sale of prescribed first sale fish.

1. (1) Subject to the provisions of paragraph (2), no person shall sell prescribed first sale fish in the Islands.

(2) The prohibition in paragraph (1) does not apply to the sale of prescribed first sale fish -

^a Recueil d'Ordonnances Tome XXVII, p. 334; this enactment has been amended.

- (a) which was landed by a licensed fishing vessel, or
- (b) by a person (an "**authorised fish seller**") under the authority of, and in accordance with, the conditions of an authorisation granted by the Committee under article 3.

Prohibition of purchase of prescribed first sale fish.

2. (1) Subject to the provisions of paragraph (2), no person shall purchase prescribed first sale fish in the Islands.

(2) The prohibition in paragraph (1) does not apply to the purchase of prescribed first sale fish -

- (a) which was landed by a licensed fishing vessel, or
- (b) from an authorised fish seller under the authority of, and in accordance with, the conditions of an authorisation granted by the Committee under article 3.

(3) In any proceedings for an offence in respect of a contravention of this article, it shall be a defence for a person ("P") to show that -

- (a) P did not know, and
- (b) it was not reasonable for P to suspect,

that the prescribed first sale fish had not been landed by a licensed fishing vessel or sold by an authorised fish seller.

Authorisation of fish sellers.

3. (1) The Committee may authorise a person to sell prescribed first sale fish in the Islands in accordance with the provisions of this article.

(2) This article and Part II of the 1997 Ordinance (except for sections 19 and 20) shall apply in respect of authorisations granted under this article as if an authorisation were a licence and -

- (a) references to "licence" in Part II of the 1997 Ordinance shall be read accordingly, and
- (b) the reference in section 23 of the 1997 Ordinance to the factors specified in section 19 of that Ordinance shall be read as a reference to the factors specified in paragraph (3).

(3) In the exercise of its powers under this article, the Committee may make such decisions as appear to it to be necessary or expedient for the regulation of fishing, including the sale of fish, in the Islands and may, in making any such decision, take into account any relevant factor, including (without limitation) -

- (a) the conservation of fish stocks,
- (b) the record of the applicant, and any person associated with the applicant, in fishing in Bailiwick fishery limits, whether during any particular period or otherwise, and

- (c) the record of the applicant, and any person associated with the applicant, in complying with the conditions of any previous authorisation granted under this article.

Interpretation.

4. In this Order –

"**authorised fish seller**" has the meaning given in article 1(2)(b),

"**licensed fishing vessel**" means a fishing vessel in respect of which a licence has been issued under the provisions of Part I of the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012^b,

"**prescribed first sale fish**" means any species of fish specified in the Schedule to this Order,

"**the 1997 Ordinance**" means the Fishing Ordinance, 1997,

and other expressions, unless the context requires otherwise, have the same meanings as in the 1997 Ordinance.

Citation.

5. This Order may be cited as the Fishing (Control of First Sale and Purchase) (Guernsey) Order, 2022.

Commencement.

6. This Order comes into force on the 30th day of January, 2023.

^b Order in Council No. X of 2012; this enactment has been amended.

Dated this 8th day of December, 2022

A handwritten signature in blue ink, appearing to be 'N. R. Inder', written in a cursive style.

DEPUTY N. R. INDER

President of the Committee *for* Economic Development

For and on behalf of the Committee

SCHEDULE

Article 4

PRESCRIBED FIRST SALE FISH

Name of Fish

Bass (*Dicentrarchus labrax*)
Black sea bream (*Spondylionoma cantharus*)
Brill (*Scophthalmus rhombus*)
Cod (*Gadus morhua*)
Conger eel (*Conger conger*)
Dab (*Limanda limanda*)
Flounder (*Platichthys flesus*)
Grey mullet (*Mugilidae*)
Haddock (*Melanogrammus aeglefinus*)
Hake (*Merluccius Merluccius*)
Herring (*Clupea harengus*)
Horse mackerel (*Trachurus trachurus*)
Lemon sole (*Microstomus kitt*)
Mackerel (*Scomber scombrus*)
Megrin (*Lepidorhombus spp.*)
Plaice (*Pleuronectes platessa*)
Pollack (*Pollachius pollachius*)
Red mullet (*Mullus surmuletus/Mullus barbatus*)
Red sea bream (*Pagellus bogaraveo*)
Saithe (*Pollachius virens*)
Shad (*Alosa spp.*)
Skate/Ray (*Raja spp., Dasyatis pastinacea, Myliobatis aquila, Torpedo marmorata*)
Sole (*Solea solea/solea lascaris*)
Turbot (*Psetta maxima*)
Whiting (*Merlangius merlangius*)
Witch Flounder (*Glyptocephalus cynoglossus*)

Crawfish (*Palinurus elephas*)
Edible crab (*Cancer pagurus*)
European lobster (*Homarus gammarus*)
Lady crab (*Macropipus puber*)
Scallop (*Pecten maximus*)
Spider crab (*Maia squinado*)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits the sale and purchase of prescribed first sale fish in the Islands of Guernsey, Herm and Jethou, except where the fish in question was landed by a licensed fishing vessel or sold by a person authorised by the Committee under article 3 of the Order.

It is an offence under section 30 of the Fishing Ordinance, 1997 for a person to contravene any provision of the Order. The Order provides a defence in any proceedings for a contravention of article 2 (prohibition of purchase of prescribed first sale fish) for a person to show that they did not know, and that it was not reasonable for them to suspect, that the prescribed first sale fish had not been landed by a licensed fishing vessel or sold by an authorised fish seller.

The Schedule to the Order specifies the species of fish which are prescribed first sale fish for the purposes of the Order.

This Order comes into force on the 30th January 2023.