

31 OCT 1997

GUERNSEY STATUTORY INSTRUMENT

GUERNSEY

1997 -- No. 29

The Fishing (Restrictions on the Use of Trot Line and Set Net) Order, 1997.

Made 30th October, 1997
Laid Before the States , 1997
Coming into operation on 1st November, 1997

THE STATES SEA FISHERIES COMMITTEE, in exercise of the powers conferred upon it by sections 4 and 7 of the Fishing Ordinance, 1997(a), hereby orders:-

Restrictions on use etc. of trot line and set net.

1. A person shall not use, place or set any trot line or set net within the restricted waters or on the foreshore during-

- (a) the period commencing on the 1st day of May in each year and ending on the 30th day of September next following, both dates inclusive:
- (b) the period commencing on the 1st day of October in each year and ending on the 30th day of April in the year next following, both dates inclusive:

PROVIDED THAT the provisions of this paragraph shall not apply to any trot line or set net used, placed or set below the line of the halfway mark of the tide and exposed to the open air during any period not exceeding one hour per tide.

(a) Ordinance No. XXV of 1997.

Prohibited nets, trot lines and set nets.

2. Subject to section 3, a person shall not use, place or set within the restricted waters or on the foreshore-

- (a) any net-
 - (i) of a mesh size which does not correspond to any of the categories set out in the Schedule to this Order, where the catch obtained by using such a net contains a percentage of species for that category of not less than 70% of the live weight of the catch retained on board after sorting, or
 - (ii) having attachments of any kind, the purpose or effect of which is to restrict the mesh size of the net:
- (b) any fishing line, other than a trot line, which -
 - (i) has one or more hooks attached to it, and
 - (ii) is left set free, without means of anchoring, for any period of time.
- (c) any fishing line, trot line or set net which, in the opinion of an officer of police or a person authorised in writing by the Committee-
 - (i) may endanger public safety within territorial waters or on the foreshore of the Islands, or
 - (ii) is not adequately marked with a vessel registration number, or a gear serial number, as the case may be, of the person responsible for the use, placement or setting of the line, trot line or set net.

Control of beach seining.

3. Fishing by the method known as beach seining where-

- (a) the net used in respect of the target species is of a mesh size-
 - (i) in the case of the species commonly known as sandeel (*Ammodytidae*), of not less than 5 millimetres, or
 - (ii) in the case of all other species, of not less than 100 millimetres;and

- (b) the catch obtained contains a percentage of the target species-
- (i) in the case of sandeel, of not less than 90%, or
 - (ii) in the case of all other species, of not less than 70%,
- of the live weight of the catch retained after sorting,

shall be permitted within the restricted waters.

Gear serial numbers.

4. (1) Upon application to it in writing by any person intending to use set nets or trot lines, the Committee shall issue to that person a gear serial number.
- (2) The Committee shall maintain a register of gear serial numbers ("the register"), against which the name and address of the person issued with the corresponding number shall be recorded.
- (3) Where the name or address of a person holding a gear serial number ceases to be correct, that person must, within 28 days, notify the Committee of the alterations that are required to the register.
- (4) A person who without reasonable excuse fails to comply with the duty under paragraph (3) is guilty of an offence.
- (5) In the event of a person holding a gear serial number no longer wishing to retain it, he shall notify the Committee in writing to that effect and the Committee shall delete the entry in the register corresponding to that gear serial number.

Interpretation.

5. (1) In this Order, unless the context otherwise provides-

"gear serial number" means a number used for marking set nets and trot lines issued by the Committee under article 4;

"lowest predicted tidal level" means the lowest depth of tide relative to chart datum level over the period of time during which the trot line or set net is used, placed or set, as predicted by the Hydrographic Office, Ministry of Defence, Taunton, Somerset;

“restricted waters” means any area of the sea which is within territorial waters and the boundaries of which are from time to time determined by the Committee and-

- (a) marked on a map of the territorial waters kept by the Committee for the purposes of this Order; and
- (b) shown in a written statement identifying the areas of territorial waters in question;

and the map, the written statement and copies of each shall be dealt with in accordance with the provisions of section 6 of the Fishing Ordinance, 1997 as if referred to controlled waters;

and any other expression shall have the same meaning as in the Fishing Ordinance, 1997.

(2) The Interpretation (Guernsey) Law, 1948(b) applies to the interpretation of this Order as it applies to the interpretation of an enactment.

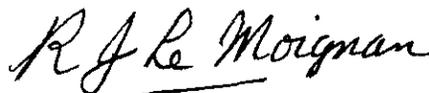
Citation.

6. This Order may be cited as The Fishing (Restrictions on the Use of Trot Line and Set Net) Order, 1997.

Commencement

7. This Order shall come into force on the 1st November, 1997

Dated this 30TH day of OCTOBER 1997



R J LE MOIGNAN
President of the States Sea Fisheries Committee
for and on behalf of the Committee

SCHEDULE OF SET NETS -
MINIMUM MESH SIZE CATEGORIES

FROM COUNCIL REGULATION 894/97

SPECIES / MESH	10 - 30 mm	50 - 70 mm	90 - 99 mm	100 - 119 mm	120 - 219 mm	>220 mm
PILCHARD	*	*	*	*	*	*
EEL	*	*	*	*	*	*
SPRAT	*	*	*	*	*	*
HORSE MACKEREL		*	*	*	*	*
HERRING		*	*	*	*	*
MACKEREL		*	*	*	*	*
RED MULLET		*	*	*	*	*
GARFISH		*	*	*	*	*
BASS			*	*	*	*
GREY MULLET			*	*	*	*
DAB				*	*	*
HADDOCK				*	*	*
WHITING (2)				*	*	*
FLOUNDER				*	*	*
SOLE				*	*	*
PLAICE				*	*	*
CUTTLEFISH				*	*	*
COD					*	*
POLLACK					*	*
LING					*	*
SAITHE					*	*
HAKE (3)					*	*
SPURDOG					*	*
SPOTTED DOGFISH					*	*
MEGRIM					*	*
LUMPFISH					*	*
OTHERS						* (1)

(1) Catches of Anglerfish taken from ICES Divisions VI and VII and retained on board in excess of 30% of the total catch on board from those areas must be taken with a minimum mesh size of 250 mm or greater.

(2) In ICES divisions VIIe and VIIId, for a period of two years following the entry into force of this regulation, the minimum mesh size will be 90mm.

(3) In ICES divisions VIIe and VIIId, for a period of two years following the entry into force of this regulation, the minimum mesh size will be 110mm

States of Guernsey Sea Fisheries Committee

1. For the purposes of the Fishing (Restrictions on the Use of Trot Line and Set Net) Order, 1997, "restricted waters" lie within areas-

- (a) bounded respectively by the foreshore of the Island of Guernsey and-
 - (i) an imaginary line from the most northern point of Fort Le Marchant in the Parish of the Vale to the most northern point of Fort Pembroke in the Parish of the Vale;
 - (ii) an imaginary line drawn from No. 10 Martello Tower at Chouet in the Parish of the Vale to No. 11 Martello tower in the Parish of the Vale;
 - (iii) an imaginary line drawn from the most northern point of Portinfer headland in the parish of the Vale to the most western point of the rock known as Le Noir Houmet, in the parish of the Vale;
 - (iv) an imaginary line drawn from the most western point of the rock known as Le Noir Houmet in the parish of the Vale to the most western point of the fort at Grandes Rocques in the parish of Castel;
 - (v) an imaginary line drawn from the most western point of the fort at Grandes Rocques in the Parish of the Castel to the most western point of Fort Hommet in the Parish of the Castel;
 - (vi) an imaginary line drawn from the most western point of Fort Hommet in the Parish of the Castel to the most western point of Fort le Crocq headland in the Parish of Saint Saviour;
 - (vii) an imaginary line from the most western point of Fort le Crocq headland in the Parish of Saint Saviour to the most northern point of Le Catiaroc in the Parish of Saint Saviour;
 - (viii) an imaginary line drawn from the most western point of Fort Saumarez in the Parish of Saint Pierre du Bois to the most western point of Pezeries point in the Parish of Torteval;
 - (ix) an imaginary line drawn from the White House on Les Sommeilleuses headland in the Parish of the Forest to the most western point of Black Rock in the Parish of Saint Martin;
 - (x) an imaginary line drawn from the most eastern point of Icart Point in the Parish of Saint Martin to the most northern point of the rock known as Mouilliere in the Parish of Saint Martin;
 - (xi) an imaginary line from the most northern point of the rock known as Mouilliere in the parish of St. Martin to the most western point of Jerbourg point in the parish of St. Martin;

- (xii) an imaginary line drawn from the most Eastern point of Bec du Nez in the Parish of Saint Martin to the most Eastern Point of Fermain Point in the Parish of Saint Peter Port;
 - (xiii) an imaginary line drawn from the most Eastern point of Fermain Point in the Parish of Saint Peter port to the most Eastern point of Les Terres Point in the Parish of Saint Peter Port;
 - (xiv) an imaginary line drawn from the most Eastern point of Les Terres Point in the Parish of Saint Peter Port to the most Eastern point of Castle Cornet in the Parish of Saint Peter Port;
 - (xv) an imaginary line drawn from the most northern point of Salerie battery in the Parish of Saint Peter Port to the most Eastern point of the Longue Hougue reclamation site in the Parish of Saint Sampson; and
- (b) bounded respectively by the foreshore of the Island of Herm and-
- (i) an imaginary line drawn between the most western point of Pointe Sauzebourg and the Vermerette beacon;
 - (ii) an imaginary line drawn between the Vermerette beacon and the most southern point of the rock known as Le Plat Houmet;
 - (iii) an imaginary line drawn from the most southern point of the rock known as Le Plat Houmet to the most southern point of the rock known as Grosse Pierre;
 - (iv) an imaginary line drawn between the most southern point of the rock known as Grosse Pierre and the most southern point of the rock known as Canuette;
 - (v) an imaginary line drawn between the most southern point of the rock known as Canuette and the most eastern point of the rock known as Cacquorobert;
 - (vi) an imaginary line drawn between the most eastern point of the rock known as Cacquorobert and a point due west on the foreshore of the Island of Herm;

2.) This statement shall come into force on the 1st day of November, 1997.

Dated this 30 day of OCTOBER, 1997



R J Le Moignan (signed)
President, States Sea Fisheries Committee