
STATUTORY INSTRUMENTS

1973 No. 1319

SEA FISHERIES

The Sea Fisheries (Channel Islands) Order 1973

Made - - - - *27th July 1973*
Coming into Operation *1st October 1973*

At the Court at Buckingham Palace, the 27th day of July 1973

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 21(1)(a) of the Sea Fisheries Act 1968, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Sea Fisheries (Channel Islands) Order 1973 and shall come into operation on 1st October 1973.

2. In this Order the expression “the Channel Islands” means Jersey and Guernsey and the words “Jersey” and “Guernsey” mean the Bailiwicks of Jersey and of Guernsey respectively and the waters adjacent thereto within the fishery limits of the British Islands.

3. Sections 5 to 14, 16, 17, 19, 22 and 23 of the Sea Fisheries Act 1968, and Part II of Schedule 1 and Part II of Schedule 2 to that Act, shall extend to the Channel Islands subject to the exceptions, adaptations and modifications specified in the case of Jersey in Part I of the Schedule to this Order and in the case of Guernsey in Part II of the Schedule.

W.G. Agnew

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SCHEDULE

“EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF CERTAIN PROVISIONS OF THE SEA FISHERIES ACT 1968 TO THE CHANNEL ISLANDS” Article 3

PART I

JERSEY

1. In section 5(4) the words “on summary conviction” shall be omitted.
2. In section 6(4) after the word “Ministers” there shall be inserted the words “whether before or after the coming into operation of the Sea Fisheries (Channel Islands) Order 1973”.
3. In section 6(5) in paragraph (a) the words “on summary conviction” and the words from “and (c)” to the end of the subsection shall be omitted.
4. In section 7(4) after the word “Ministers” there shall be inserted the words “whether before or after the coming into operation of the Sea Fisheries (Channel Islands) Order 1973”.
5. At the end of section 7(5) there shall be added the following paragraph:—

“(d) and, in relation to Jersey, the Harbours and Airports Committee of the States of Jersey.”.
6. In section 10(4) the words “on summary conviction” shall be omitted.
7. For section 12 there shall be substituted the following section:—

“**12.** Where a fine is imposed on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under section 5, 6 or 10 of this Act, the court may—

 - (a) authorise Her Majesty's Viscount to seize and detain the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and
 - (b) if the boat is a foreign fishing boat, order it to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such authority, whichever occurs first.”.
 8. In section 13(1) for the words “England and Wales or Northern Ireland” there shall be substituted the word “Jersey”.
 9. Section 13(2) shall be omitted.
 10. In section 13(3) the words “by a magistrates' court or sheriff” shall be omitted.
 11. In section 14 after the words “United Kingdom” there shall be inserted the words “or in Jersey”.
 12. For section 17 there shall be substituted the following section:

“**17.** Fishing boats or fishing gear lost or abandoned at sea and either—

 - (a) found or taken possession of within the territorial waters of the British Islands adjacent to Jersey; or
 - (b) found or taken possession of beyond those waters and brought within those waters;

shall be treated as wreck for the purposes of Article 2 of the Seigniorial Rights (Abolition) (Jersey) Law, 1966.”.

13. In section 19(1)—
- (a) in the definition of “British fishing boat” after the words “United Kingdom” there shall be inserted the words “in the Isle of Man or any of the Channel Islands”;
 - (b) after the definition of “convention area” there shall be inserted the following definition:—
““court” means the Royal Court or the Police Court;” means the Royal Court or the Police Court;”;
 - (c) for the definition of enactment there shall be substituted the following definition:—
““enactment” includes an enactment of the State of Jersey;” includes an enactment of the State of Jersey;”;
 - (d) in the definition of “outer belt” the words “subject to subsection (2) below” shall be omitted.
14. Section 19(2) shall be omitted.
15. In section 22(1) and (2) before the word “Schedule” where it first appears there shall be inserted the words “Part II of”.
16. Section 22(3) and (4) shall be omitted.
17. Section 23(2) and (3) shall be omitted.
18. In Part II of Schedule 1 all except paragraphs 23, 31, 32, 33, 36 and 38 shall be omitted.
19. In Part II of Schedule 2 all references except those to the Sea Fisheries Act 1868, the Sea Fisheries Act 1883, the Fisheries Act 1891, the Sea Fish Industry Act 1959, the Sea Fish Industry Act 1962, the Fishery Limits Act 1964 and the Sea Fish (Conservation) Act 1967 shall be omitted.

PART II

GUERNSEY

1. At the end of section 5(1) there shall be inserted the following additional subsection:—
“(1) A Any order made under the provisions of the last preceding subsection shall not come into force in the Bailiwick of Guernsey until registered in the Royal Court of Guernsey.”.
2. In section 5(4) the words “on summary conviction” shall be omitted.
3. In section 6(4) after the word “Ministers” there shall be inserted the words “whether before or after the coming into operation of the Sea Fisheries (Channel Islands) Order 1973”.
4. In section 6(5), in paragraph (a) the words “on summary conviction” and the words from “and (c)” to the end of the subsection shall be omitted.
5. In section 7(4) after the word “Ministers” there shall be inserted the words “whether before or after the coming into operation of the Sea Fisheries (Channel Islands) Order 1973”.
6. At the end of section 7(5) there shall be added the following paragraph:—
“(d) and, in relation to Guernsey, the States Civil Service Board.”.
7. In section 10(4) the words “on summary conviction” shall be omitted.
8. For section 12 there shall be substituted the following section:—
“12. Where a fine is imposed on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under section 5, 6 or 10 of this Act, the count may—

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- (a) 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; and
 - (b) if the boat is a foreign fishing boat, order it to be detained for a period not exceeding three months from the date of conviction or until the fine is paid or the amount of the fine is levied in pursuance of such authority, whichever occurs first.”.
9. In section 13(1) for the words “England and Wales or Northern Ireland” there shall be substituted the word “Guernsey”.
10. Section 13(2) shall be omitted.
11. In section 13(3), the words “by a magistrates' court or sheriff” shall be omitted.
12. In section 14 after the words “United Kingdom” there shall be inserted the words “or in the Bailiwick of Guernsey”.
13. For section 17 there shall be substituted the following section:
- “17. Fishing boats or fishing gear lost or abandoned at sea and either—
- (a) found or taken possession of within the territorial waters of the British Islands adjacent to Guernsey; or
 - (b) found or taken possession of beyond those waters and brought within those waters;
- shall be treated as wreck.”
14. In section 19(1)—
- (a) in the definition of “British fishing boat” after the words “United Kingdom” there shall be inserted the words “in the Isle of Man or in any of the Channel Islands”;
 - (b) after the definition of “convention area” there shall be inserted the following definition:—
““court” means the Royal Court or the Magistrate's Court of the Island of Guernsey;” means the Royal Court or the Magistrate's Court of the Island of Guernsey;”;
 - (c) for the definition of “enactment” there shall be substituted the following definition:—
““enactment” includes any enactment in force in the Bailiwick of Guernsey or in any part thereof;” includes any enactment in force in the Bailiwick of Guernsey or in any part thereof;”;
 - (d) in the definition of “outer belt” the words “subject to subsection (2) below” shall be omitted.
15. Section 19(2) shall be omitted.
16. In section 22(1) and (2) before the word “Schedule” where it first appears shall be inserted the words “Part II of”.
17. Section 22(3) and (4) shall be omitted.
18. Section 23(2) and (3) shall be omitted.
19. In Part II of Schedule I all except paragraphs 23, 31, 32, 33, 36 and 38 shall be omitted.
20. In Part II of Schedule 2 all references except those to the Sea Fisheries Act 1868, the Sea Fisheries Act 1883, the Fisheries Act 1891, the Sea Fish Industry Act 1959, the Sea Fish Industry Act 1962, the Fishery Limits Act 1964 and the Sea Fish (Conservation) Act 1967 shall be omitted.”

EXPLANATORY NOTE

This Order extends certain provisions of the Sea Fisheries Act 1968, which regulate sea fishing operations and certain ancillary provisions, to the Channel Islands and to waters adjacent thereto within the fishery limits of the British Islands with exceptions, adaptations and modifications.