
STATUTORY INSTRUMENTS

1989 No. 2412

SEA FISHERIES

**The Sea Fisheries (Channel Islands) (Amendment) Order
1989**

Made - - - - - *19th December 1989*

Coming into force *1st February 1990*

At the Court at Buckingham Palace, the 19th day of December 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 21(1)(a) and (2) of the Sea Fisheries Act 1968(a), including that section as extended by section 46(7) of the Fisheries Act 1981(b), 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) (Amendment) Order 1989 and shall come into force on 1st February 1990.
2. The Sea Fisheries (Channel Islands) Order 1973(c) shall, to the extent that it relates to the Bailiwick of Guernsey, be amended in accordance with the provisions of the Schedule to this Order.

G. I. de Deney
Clerk of the Privy Council

Article 2

SCHEDULE

AMENDMENTS TO THE SEA FISHERIES (CHANNEL ISLANDS)
ORDER 1973

1. In article 2 the words "and the waters adjacent thereto within the fishery limits of the British Islands" shall be omitted.

2.—(1) In article 3, there shall be inserted, at the beginning, "(1)".

(2) In paragraph (1) of article 3 as so amended –

(a) for "the Channel Islands" there shall be substituted "Jersey", and

(b) the words "in the case of Jersey" and "and in the case of Guernsey in Part II of the Schedule" shall be omitted.

(3) After article 3(1) as so amended there shall be inserted the following paragraph:

"(2) The following provisions of the Sea Fisheries Act 1968(a) shall extend to Guernsey subject to the exceptions, adaptations and modifications specified in Part II of the Schedule to this Order:

(a) section 5 (regulation of conduct of fishing operations)(b);

(b) section 7 (sea-fishery officers)(c);

(c) section 8 (general powers of British sea-fishery officers)(d);

(d) section 9 (powers of sea-fishery officers to enforce conventions)(e);

(e) section 10 (miscellaneous provisions as to sea-fishery officers)(f);

(f) section 11 (evidence);

(g) section 12(1) (recovery of fines)(g);

(h) section 14 (jurisdiction to try offences)(h);

(i) section 17 (fishing boats and gear lost or abandoned at sea);

(j) section 19 (interpretation)(i);

(k) section 22 (minor and consequential amendments and repeals, and savings)(j);

(l) section 23(1) (short title);

(m) Part II of Schedule 1 (amendments)(k); and

(n) Part II of Schedule 2 (repeals)."

3. For Part II of the Schedule there shall be substituted the following Part:

(a) Section 6 was repealed (with a saving for orders made thereunder) by Schedule 4 to the Fishery Limits Act 1976 (c.86), section 13 was repealed in part by Schedules 1 and 4 to that Act and section 16 was repealed by Schedule 5 to the Fisheries Act 1981.

(b) Subsections (1) to (4) were amended by section 4 of and Schedules 1 and 2 to the Fishery Limits Act 1976 and subsection (4) was further amended by section 32 of the Magistrates' Courts Act 1980 (c.43) and section 24 of the Fisheries Act 1981.

(c) Subsection (1)(e) and (f) were repealed by section 26 of and Schedule 5 to the Fisheries Act 1981.

(d) Subsections (1), (5) and (6) were amended by section 2 of and Schedule 2 to the Fishery Limits Act 1976 and subsections (3) and (4) were amended by section 26 of the Fisheries Act 1981.

(e) Subsection (1) was amended by Schedule 2 to the Fishery Limits Act 1976.

(f) Subsections (2) and (3) were amended by Schedule 2 to the Fishery Limits Act 1976, subsections (1), (2) and (4) were amended by sections 24 and 26 of the Fisheries Act 1981 and subsection (2A) was inserted by section 26 of that Act of 1981.

(g) Amended by section 2 of the Fishery Limits Act 1976.

(h) Amended by section 2 of the Fishery Limits Act 1976.

(i) Subsection (1) was amended by Schedule 2 to the Fishery Limits Act 1976, Schedule 6 to the Sea Fish Industry Act 1970 (c.11) and Schedule 6 to the Merchant Shipping Act 1988 (c.12) and subsection (2) was repealed by Schedule 4 to that Act of 1976.

(j) Subsections (3) and (4) were repealed by Schedule 6 to the Sea Fish Industry Act 1970.

(k) Repealed in part by Schedules 2 and 4 to the Fishery Limits Act 1976.

“PART II – GUERNSEY

1. Unless the context otherwise requires, any reference to the Sea Fisheries Act 1968 or to any other enactment shall be construed as a reference to that Act or that enactment, as the case may be, as it has effect in Guernsey.
2. Unless the context otherwise requires, any reference to British fishery limits adjacent to Guernsey shall be construed as a reference to that part of those limits not exceeding 12 international nautical miles of 1,852 metres from the baselines from which the breadth of the territorial sea adjacent to Guernsey is measured.
3. In section 5, after subsection (1) there shall be inserted the following subsection:
 “(1A) Any order made under subsection (1) above shall not come into force in Guernsey until registered in the Royal Court of Guernsey.”
4. In section 7 –
 - (a) in subsection (4), after “Ministers” there shall be inserted “whether before or after the coming into force of the Sea Fisheries (Channel Islands) (Amendment) Order 1989”, and
 - (b) in subsection (5) there shall be added at the end “and (d) in relation to Guernsey, the States Civil Service Board”.
5. In section 10 –
 - (a) after “British fishery limits” wherever occurring there shall be inserted “adjacent to Guernsey”, and
 - (b) after “British fishing boat” wherever occurring there shall be inserted “registered in Guernsey”.
6. In section 12(1) –
 - (a) the words “by a magistrates’ court in England and Wales or Northern Ireland” shall be omitted;
 - (b) for paragraph (a) there shall be substituted the following paragraph:
 “(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”, and
 - (c) in paragraph (b), for “any such warrant” there shall be substituted “such authority”.
7. In section 14, after “United Kingdom” there shall be inserted “or in Guernsey”.
8. 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 adjacent to Guernsey, or
 - (b) found or taken possession of beyond those waters and brought within those waters, shall be treated as wreck.”
9. In section 19(1)–
 - (a) in the definition of “British fishing boat”, after “United Kingdom” there shall be inserted “or 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;”, and
 - (c) for the definition of “enactment” there shall be substituted the following definition:
 “ ‘enactment’ includes any enactment in force in Guernsey or in any part thereof;”.
10. In Part II of Schedule 1, paragraphs 24 to 30, 34, 35, 37 and 39 shall be omitted.
11. In Part II of Schedule 2, the entries relating to the Sea Fisheries (Scotland) Amendment Act 1885(a), the Illegal Trawling (Scotland) Act 1934(b), the Sea Fish Industry Act 1938(c), the Sea Fish Industry Act 1951(d), the Sea Fisheries Regulation Act 1966(e) and the Sea Fisheries (Shell Fish) Act 1967(f) shall be omitted.”

(a) 1885 c.70. (b) 1934 c.18. (c) 1938 c.30. (d) 1951 c.30. (e) 1966. c.38. (f) 1967 c.83.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sea Fisheries (Channel Islands) Order 1973, to the extent that it relates to the Bailiwick of Guernsey, so as to extend there the amendments made to the Sea Fisheries Act 1968 by the Fishery Limits Act 1976 and the Fisheries Act 1981 and to make other minor amendments to that Order.