

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* ECONOMIC DEVELOPMENT

**CONTROL OF THE FIRST SALE AND PURCHASE OF FISH AND SHELLFISH LANDED IN
GUERNSEY**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Control of the first sale and purchase of fish and shellfish landed in Guernsey' dated 8th February 2021, they are of the opinion:-

1. To approve the proposals to introduce legislation amending the Fishing Ordinance, 1997 as set out in out in Section 4 of this Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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GUERNSEY

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port
Guernsey

8th February, 2021

Dear Sir,

1 Executive Summary

- 1.1 Commercial fishing in Guernsey waters is regulated and the relevant fishing vessels have to be registered and licensed. An important aspect of the licensing system is that it allows the Committee to manage fishing activity with the objective of conserving fish stocks for future generations of fishermen.
- 1.2 A person who fishes for sport or pleasure does not have to have a registered and licensed vessel.
- 1.3 The Committee has been aware of that some boatowners who operate unlicensed vessels are regularly selling fish and shellfish in Guernsey, however, the scale of this activity has been brought into sharp focus over the last 12 months.
- 1.4 It is now apparent that this activity does not amount to the occasional sale of a few fish or shellfish that have been caught in excess of any personal requirements by a person who fishes for pleasure, and that the volume of sales from unlicensed vessels is significant.
- 1.5 The Committee believes that the significant volume of landings and sales from unlicensed vessels will not only have a serious effect on the ability of local commercial fishermen to recover from the economic impact of the Covid-19 restrictions, but also adversely impacts its efforts to manage and conserve stocks of local fish and shellfish.

- 1.6 This policy letter therefore proposes the amendment of the Fishing Ordinance, 1997 to insert additional powers allowing the Committee to regulate (a) the first sale of prescribed fish and shellfish landed in Guernsey, and (b) the purchase of prescribed fish and shellfish in a transaction which involves a first sale of those fish and shellfish.

2 Background

- 2.1 In order to fish commercially in Guernsey waters, a fishing vessel has to be registered under the Merchant Shipping Act (with a GU number), and be licenced under the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012. That law also regulates the methods of fishing, the size of catch (quotas) and the traceability of the catch to ensure conservation measures are maintained. These requirements do not apply to vessels used by persons who are fishing solely for pleasure.
- 2.2 Any person who wants to acquire a licence has to purchase an entitlement from an existing fishing boat, go through the process of making an application, have the licence transferred to a vessel and then comply with all of the licence conditions. There are licence conditions on such things as fishing activity including the gear that can be used, catch limits, safety, and record keeping. The relevant vessel would also have to be registered and a GU number obtained.
- 2.3 All of this requires a commercial fisherman to make a significant investment of time and also involves considerable expenditure on a fishing boat, licence, fishing gear and safety equipment. This arrangement creates a clear distinction between vessels used for commercial fishing and those that are used for recreational fishing.
- 2.4 There are, therefore, fishermen who have chosen to invest in registering and licensing a vessel in order to fish commercially (and to make fishing their livelihood) and those who have decided to take advantage of the exemption for vessels that are used for fishing solely for pleasure and who have not had to make the same investments.

3 Sale of fish and shellfish landed by non-commercial fishermen

- 3.1 The Committee has been aware of anecdotal evidence that some fishermen who operate unlicensed vessels have sold fish and shellfish in Guernsey, however, the scale of this activity has been brought into sharp focus in the last twelve months.
- 3.2 With Covid-19 restrictions in place, commercial fishing activity has been much reduced due to the closure of the Bailiwick's borders, however, the Committee began to receive reports that a considerable amount of fish and shellfish were being offered for sale in Guernsey and not by commercial fishermen.

- 3.3 A meeting between a Member of the Committee and representatives of the commercial fishing industry was convened to verify those reports.
- 3.4 The Committee has also been made aware, and has verified, that there are a number of unlicensed fishing vessels that are fitted with the type of gear that it would expect to find on a licensed, commercial vessel. It is the type of gear that would not be required if a person was only fishing for pleasure for personal and family consumption.
- 3.5 It is now apparent that this activity does not amount to the occasional sale of a few fish or shellfish that have been caught in excess of any personal requirements by a person who fishes for pleasure, and that the volume of sales from unlicensed fishing vessels is significant.
- 3.6 As with other sectors of the Guernsey economy, the local commercial fishing industry will have to recover from the impact of Covid-19 and the local market for fish and shellfish, at least in the short-term, will be a vital foundation from which recovery can be built.
- 3.7 The Committee is concerned that the sale of fish and shellfish landed from unlicensed vessels will erode the local market for products landed from licensed vessels and that this could have a serious impact on the ability of the local commercial fishing industry to recover from the economic impact of Covid-19.
- 3.8 The Committee strongly believes, as a matter of principle, that it is unjust that a person who has used the exemption on pleasure fishing activity (and therefore avoided the investments that are necessary to obtain a commercial fishing licence and register a fishing vessel) should be able to exploit that situation, and benefit financially, and in doing so, potentially affect the livelihood of the fishermen who have invested in their commercial business.
- 3.9 The Committee is also concerned that extensive fishing activity from unlicensed vessels will significantly undermine any measures that are put in place through the licensing system to manage the Guernsey fishery and conserve stocks for future generations.
- 3.10 The Committee therefore recommends the amendment of the Fishing Ordinance, 1997 to introduce stricter controls on the first sale of fish and shellfish landed in Guernsey and also the purchase of fish and shellfish in a transaction that involves such a first sale.

4 Proposed control of first sale and first purchase of fish and shellfish landed in Guernsey

- 4.1 Under the current legislative framework, the control of sales from unlicensed vessels is not easy to enforce because it is necessary to evidence a direct link

between, for example, a fish caught by an individual and the fish actually sold by that person. In effect a fish caught by person X is the exact same fish sold and purchased by person Y.

- 4.2 The Committee therefore considers that there needs to be a clearer link between the activities of selling and buying and a potential offence of unlicensed fishing.
- 4.3 Section 1 of the Fishing Ordinance, 1997 provides certain powers for the control of e.g. taking, buying or selling fish of a prescribed species which is of a size less than the minimum size prescribed.
- 4.4 The Committee proposes that an additional power should be inserted which would allow it, by Order, to regulate the import, export, taking, buying and selling of any fish which is of a prescribed species.
- 4.5 The Committee would then make an Order that would prohibit the first sale of fish or shellfish, unless that fish or shellfish had been landed by a fishing vessel licensed under the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 or the person selling the fish or shellfish is authorised to do so by the Committee.
- 4.6 Such an Order would also prohibit a person from making a first purchase of fish or shellfish unless either it had been landed from a licensed fishing vessel or the person selling the fish or shellfish was authorised by the Committee.
- 4.7 The prescribed species under the Order would include those fish already regulated under Section 1 of the Fishing Ordinance 1997 such as bass, brill, Pollack, and shellfish such as crabs, European lobsters and scallops.
- 4.8 It is important to make it clear that the proposed controls would only apply to the first sale and purchase after fish or shellfish had been landed in Guernsey. All subsequent sales and purchases would not be regulated.
- 4.9 The Committee would also like to emphasise that these proposals will not affect fishermen who fish for pleasure and their ability to provide catches for family and friends. Furthermore, there would be nothing to prevent a fisherman who currently sells fish caught using an unlicensed vessel from seeking to licence and register that vessel in order to continue to make such sales.
- 4.10 The Committee believes that these proposed measures, including restrictions on first purchases, will address the issues described above and protect the commercial fishing industry at a time when it is facing a number of significant challenges. The measures will also serve to clarify the distinction between fishermen who invest in vessels and equipment in order to fish on a commercial basis and those who fish for pleasure.

5 Financial implications

- 5.1 The Committee considers that the introduction to the measures proposed in the policy letter will; not require additional resources, financial or otherwise.

6 Compliance with Rule 4

- 6.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 6.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 6.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 6.4 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee *for* Economic Development to protect, promote and develop all sectors of business, including living marine resources such as fishing.

Yours faithfully

N R Inder
President

S J Falla
Vice-President

A Kazantseva-Miller
N G Moakes
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8th February 2021

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Dear Deputy Ferbrache,

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee for Economic Development requests that the proposition entitled '*Control of the first sale and purchase of fish and shellfish landed in Guernsey*' be considered at the next available States of Deliberation meeting to be held on 24th March 2021.

Commercial fishing in Guernsey waters is regulated and the relevant fishing vessels have to be registered and licensed. However the Committee has become aware that some boat owners who operate unlicensed vessels are regularly selling fish and shellfish in Guernsey. The Committee is therefore, as a matter of urgency, proposing measures that will support its efforts to manage and conserve stocks of local fish and shellfish, and will protect the livelihoods of commercial fisherman who invest in their licensed fishing vessels and who need every assistance to help their industry and their livelihoods to recover from the impact of Covid-19.

I would therefore be grateful if the Policy & Resources Committee would consider the Committee's request for this item to be debated at the States of Deliberation's meeting on 24th March 2021.

Yours sincerely



N R Inder
President