



Jersey

**SEA FISHERIES (UNDERWATER
FISHING) (JERSEY)
REGULATIONS 2003**

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SEA FISHERIES (UNDERWATER FISHING) (JERSEY) REGULATIONS 2003

Arrangement

Regulation

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SEA FISHERIES (UNDERWATER FISHING) (JERSEY) REGULATIONS 2003¹

THE STATES, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994,² have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations –

“breathing apparatus” includes any apparatus used to enable or facilitate respiration under water;

“permit” means a permit granted under Regulation 3 and “permit holder” shall be construed accordingly;

“shellfish” does not include crabs.

2 Restriction on underwater fishing

- (1) Except as provided in paragraph (2), it is an offence for any person, while totally or partially submerged and breathing with the aid of breathing apparatus, or wearing a face visor, a mask or goggles, to take any shellfish from the sea.
- (2) Paragraph (1) does not apply to –
 - (a) any person taking shellfish from the sea under the authority of the Minister, for the purpose of scientific investigation or for the purpose of transplanting shellfish from one fishing ground to another; or
 - (b) any permit holder taking scallops from the sea in accordance with any conditions applicable to the permit.

3 Permits for underwater fishing of scallops

- (1) The Minister may, if he or she thinks fit, and upon receipt of such particulars as he or she may require and such fee as he or she has, by Order, prescribed, grant any person a permit authorizing him or her to take scallops from the sea or from a specified portion of the sea while totally or partially submerged and breathing with the aid of breathing apparatus, or wearing a face visor, a mask or goggles.
- (2) The Minister may, by Order, prescribe fees for the purposes of this Regulation, and different fees may be prescribed in respect of applications for permits relating to different classes of activity and according to such other factors as the Minister thinks fit.
- (3) A permit may be granted under paragraph (1) subject to such conditions as the Minister thinks fit, including, without prejudice to the generality of the foregoing, conditions as to –
 - (a) the duration of the permit;
 - (b) the part of the sea to which the permit relates;
 - (c) the periods during which scallops may be taken;
 - (d) the quantity of scallops that may be taken within a period;
 - (e) the use to which scallops taken may be put; and
 - (f) the maintenance of records of the date, place and quantity of scallops taken,and different conditions may be applied in respect of different permits and different classes of permits.

4 Repeal and saving

- (1) The Shellfish (Underwater Fishing) (Jersey) Regulations 2001 are repealed.
- (2) A permit that, but for the repeal of those Regulations, would have continued in force shall be taken to have been granted under these Regulations and shall remain in force until such day as it would have expired but for that repeal unless it is sooner revoked or suspended.

5 Citation

These Regulations may be cited as the Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003	R&O.104/2003	1 January 2004
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005

Table of Endnote References

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- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 14.825*