

Statutory Document No. 2018/0336

*Fisheries Act 2012*

SEA FISHING LICENSING (NO. 2) REGULATIONS 2018

Laid before Tynwald: 15 January 2019

Coming into Operation: 1 April 2019

The Department of Environment, Food and Agriculture makes the following Regulations under sections 37 and 73(1)(b) of the Fisheries Act 2012, having —

- (a) consulted in accordance with section 83(2) and (5)(a) of that Act; and
- (b) satisfied itself as required under section 83(5)(b) of that Act.

1 Title

These Regulations are the Sea Fishing Licensing (No. 2) Regulations 2018.

2 Commencement

These Regulations come into operation on 1 April 2019.¹

3 Interpretation

In these Regulations —

“**British fishing vessel**” means a fishing boat which is a fishing vessel registered in the Isle of Man under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991², or in the United Kingdom or Channel Islands under equivalent legislation and holding a valid UK fishing licence; and

“**territorial waters**” means those waters lying within 12 nautical miles of the baseline from which the breadth of the territorial sea adjacent to the Isle of Man is measured, but not extending beyond a line every point of which is equidistant from the nearest points of such baselines adjacent to the United Kingdom.

¹ Section 83(3) of the Fisheries Act 2012 specifies that regulations shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which they are laid or at the next following sitting resolves that they shall be annulled, the regulations shall cease to have effect.

² GC 392/91.

4 Restriction on fishing

No person may fish for, take or kill sea-fish in territorial waters from any British fishing vessel other than under the authority of and in accordance with the conditions of a valid sea fishing licence issued by the Department.

5 Applications for, duration and transfer of licences

- (1) An application for, or renewal of, a sea fishing licence must be made in paper or electronic form as required by the Department and must be accompanied by the fee specified in paragraph (4) which is refundable if a licence is not granted.
- (2) A sea fishing licence granted under this regulation relates to a named British fishing vessel and —
 - (a) is issued with effect from a date determined by the Department; and
 - (b) expires on 31 March 2020, unless the circumstances set out in paragraph (3) apply before that expiry, in which case the licence expires with immediate effect.
- (3) The circumstances are —
 - (a) ownership of the vessel is transferred; or
 - (b) the vessel sinks, is scrapped or is for any other reason deregistered.
- (4) The fee for a sea fishing licence granted under this regulation is £324.
- (5) A sea fishing licence becomes invalid if there is any change to —
 - (a) nominee details;
 - (b) ownership details;
 - (c) sea fishing licence details made at the licence-holder's request;
 - (d) vessel's registration details, including name, port of registration, port letters and numbers or register number; or
 - (e) vessel's technical details, including length, breadth, tonnage or engine power.
- (6) In any of the circumstances specified in paragraph (5), a fee of £41 is payable for the issue of a replacement sea fishing licence.
- (7) A fee of £26 is payable for the issue of a replacement or duplicate sea fishing licence for any reason other than those circumstances referred to in paragraph (5).

6 Revocations

The Sea Fishing Licensing Regulations 2018³ are revoked.

MADE 20 DECEMBER 2018

GEOFFREY BOOT

Minister for Environment, Food and Agriculture

³ SD 2018/0051.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations stipulate that commercial fishing for sea-fish in the territorial sea of the Isle of Man by any British fishing vessel is prohibited otherwise than in accordance with a sea fishing licence granted by the Department. A sea fishing licence may contain conditions and limitations as provided for by section 38 of the Fisheries Act 2012.

The Regulations set out the application process for a sea fishing licence and set a fee of £324 for a sea fishing licence issued between 1 April 2019 and 31 March 2020. A £41 fee is prescribed for the issue of a replacement licence which is required if there is any change to nominee details, ownership details, conditions of the sea fishing licence made at the licence-holder's request, the vessel's registration details or the vessel's technical details. A fee of £26 is prescribed for the issue of a duplicate or replacement licence required for any reason other than the changes mentioned above.

The Regulations replace and revoke the Sea Fishing Licensing Regulations 2018 [SD 2018/0051].