

Statutory Document No. 2020/0600



*Fisheries Act 2012*

## SEA FISHING LICENSING (AMENDMENT) (NO. 2) REGULATIONS 2020

*Laid before Tynwald:*

*Coming into Operation: in accordance with regulation 2*

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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 (Amendment) (No. 2) Regulations 2020.

### **2 Commencement**

These Regulations come into operation on IP completion day<sup>1</sup>.

### **3 Interpretation**

In these Regulations —

“**the principal Regulations**” means the Sea Fishing Licensing (No. 2) Regulations 2018<sup>2</sup>; and

“**IP completion day**” has the same meaning as in the European Union and Trade Act 2019.

### **4 Regulation 3 (interpretation) amended**

For Regulation 3 of the principal Regulations substitute —

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<sup>1</sup> 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.

<sup>2</sup> SD 2018/0336 as amended by SD 2019/0511 and SD 2020/0519.

### 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 1991<sup>3</sup> or in the United Kingdom or Channel Islands under equivalent legislation that holds a valid UK fishing licence;

“**foreign country**” means a country or territory other than the Isle of Man, Channel Islands or the United Kingdom;

“**non-IOM sea fishing licence**” means an official document issued by a foreign country that confers authority for the right to undertake sea fishing from a named fishing vessel within the area of sea that is regulated by that country in accordance with any conditions attached to that official document;

“**qualifying foreign fishing vessel**” means a fishing boat which is a fishing vessel —

- (a) that is registered in a foreign country in accordance with legislation equivalent to the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991;
- (b) in respect of which a non-IoM sea fishing licence is held; and
- (c) from which sea fishing within the territorial waters has legally been undertaken on more than 10 days in any of the three 12 month periods ending on 31 January on, or between, 1 February 2017 and 31 January 2020;

“**recreational fishing vessel**” means a fishing boat that is undertaking, or intending to undertake, sea fishing solely for the purpose of recreation and not for any commercial purpose or purpose connected with making a profit;

“**territorial waters**” means those waters lying within 12 nautical miles of the baselines 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 for such baselines adjacent to the United Kingdom; and

“**valid sea fishing licence**” means a sea fishing licence granted by the Department in accordance with these Regulations that has not expired in accordance with regulation 5(2)(b) or become invalid in accordance with regulation 5(5) of these Regulations. **22**.

## 5 Regulation 4 (restriction on fishing) amended

- (1) Regulation 4 of the principal Regulations is amended as follows.

<sup>3</sup> GC 392/91.

(2) For regulation 4 substitute —

**4. Restriction on fishing**

- (1) No person may fish for, take or kill sea-fish in territorial waters from any fishing vessel or fishing boat unless the fishing vessel or fishing boat is —
- (a) a British fishing vessel or a qualifying foreign fishing vessel;  
or
- (b) a recreational fishing vessel.
- (2) A British fishing vessel or a qualifying foreign fishing vessel must not fish for, take or kill sea-fish in territorial waters except as authorised by, and in accordance with the conditions of, a valid sea fishing licence. **22**.

**6 Regulation 5 (applications for, duration and transfer of licences) amended**

- (1) Regulation 5 of the principal Regulations is amended as follows.
- (2) In paragraph (2), after “British fishing vessel” insert **23** or any named qualifying foreign fishing vessel **24**.

**7 Revocation**

The Sea Fishing Licensing (Amendment) Regulations 2019<sup>4</sup> are revoked.

**MADE 24 DECEMBER 2020**

**GEOFFREY BOOT**

*Minister for Environment, Food and Agriculture*

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<sup>4</sup> SD 2019/0386.

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

These Regulations amend the Sea Fishing (Licensing) (No. 2) Regulations 2018 [SD 2018/0336], the “principal Regulations”.

These Regulations provide for sea fishing licences to be issued to qualifying fishing vessels that have legally fished in Manx territorial waters for more than 10 days in any one of the following 12 month periods –

- 1 February 2017 to 31 January 2018;
- 1 February 2018 to 31 January 2019; or
- 1 February 2019 to 31 January 2020.

These Regulations also make provision to exempt recreational sea fishing on a non-commercial basis from the need to obtain a sea fishing licence.

Finally, these Regulations also update the definition of valid sea fishing licence used in the principal Regulations for enforcement purposes.

The Sea Fishing Licensing (Amendment) Regulations 2019 [SD 2019/0386], which previously made similar amendments but had not yet come into operation, are accordingly revoked.