

Statutory Document No. 2018/0336

*Fisheries Act 2012*

# SEA FISHING LICENSING (NO. 2) REGULATIONS 2018<sup>1</sup>

*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.<sup>1</sup>

## 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>2</sup> or in the United Kingdom or Channel Islands under equivalent legislation that holds a valid UK fishing licence;<sup>2</sup>

“**foreign country**” means a country or territory other than the Isle of Man, Channel Islands or the United Kingdom;<sup>3</sup>

“**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

<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> GC 392/91

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;<sup>4</sup>

**“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;<sup>5</sup>

**“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;<sup>6</sup>

**“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<sup>7</sup>

**“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.<sup>8</sup>

#### 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.<sup>9</sup>

#### 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 or any named qualifying foreign fishing vessel and—
- (a) is issued with effect from a date determined by the Department; and
  - (b) expires on 31 March 2021, unless the circumstances set out in paragraph (3) apply before that expiry, in which case the licence expires with immediate effect.<sup>10 11</sup>
- (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 £331.<sup>12</sup>
- (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 £42 is payable for the issue of a replacement sea fishing licence.<sup>13</sup>
- (7) A fee of £27 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).<sup>14</sup>

## 6 Revocations

The Sea Fishing Licensing Regulations 2018<sup>3</sup> are revoked.

MADE 20 DECEMBER 2018

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<sup>3</sup> SD 2018/0051.

## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.
- <sup>2</sup> Definition of “British fishing vessel” substituted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>3</sup> Definition of “foreign country” inserted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>4</sup> Definition of “non-IOM sea fishing licence” inserted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>5</sup> Definition of “qualifying foreign fishing vessel” inserted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>6</sup> Definition of “recreational fishing vessel” inserted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>7</sup> Definition of “territorial waters” substituted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>8</sup> Definition of “valid sea fishing licence” inserted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>9</sup> Reg 4 substituted by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>10</sup> Subpara (b) amended by SD2019/0511.
- <sup>11</sup> Para (2) amended by SD2020/0600 with effect from 31/12/2020 at 23:00.
- <sup>12</sup> Para (4) amended by SD2019/0511.
- <sup>13</sup> Para (6) amended by SD2019/0511.
- <sup>14</sup> Para (7) amended by SD2019/0511.