

ROYAL COURT

137.

4th August, 1992

Before: P.R. Le Cras, Esq., Lieutenant Bailiff,  
and Jurats Bonn and Le Ruez

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Representation of the Attorney General, re  
contravention by Claude Bertot of section 6(2) of  
the Sea Fisheries Act 1968, as extended to Jersey  
by the Sea Fisheries (Channel Islands) Order, 1973.

AGE: 23

PLEA:

Facts admitted.

DETAILS:

On the 12th June 1992, Fisheries Officer Smlth found strings of pots containing bait and a catch of spider crabs in the vicinity of Les Ecréhous, 400 yards or so inside the exclusive fishery limits. The defendant, master of a French fishing vessel, admitted they were his but explained that his radar was broken and claimed that a Jersey fisherman had told him he was outside the limits. On the 7th April 1992, the defendant had been warned of the consequences of setting his fishing gear in the same vicinity by the same Officer. On the 10th April 1992, Dr. Bossy had written to the defendant to confirm the warning.

MITIGATION:

Co-operative with Fisheries Officer. Advocate Fielding for the defendant contrasted the cases cited for the Crown and complained of the unsatisfactory state of the law under which the defendant was charged. He submitted that it was unclear whether the Officer lawfully seized the fishing gear in the sea as had been done or lawfully released the catch of crabs as had been done.

PREVIOUS CONVICTIONS:

23.10.90 Fined £750 by Magistrate for undersized fishing. Art. 6(4) Sea Fisheries (Jersey) Law, 1962.

CONCLUSIONS:

£400 or 2 months Imp.  
Forfeiture of the seized string of pots.  
Costs £250 to include Interpreter's fees.

**SENTENCE AND OBSERVATIONS  
OF THE COURT:**

Conclusions granted. Rejecting Counsel's submissions the Court accepted the Attorney General's submission that under the common law, the Officer had a duty to seize the string of pots as part of the evidence of the commission of the offence.

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**The Solicitor General.**

**Advocate R.G.S. Fielding for the defendant.**

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**JUDGMENT**

**THE LIEUTENANT BAILIFF:** We note the points raised by Advocate Fielding as to the seizure of the equipment, but we find that the officers were perfectly justified in seizing the string of pots by way of evidence.

We are quite satisfied that the accused knew where he was as what he was doing. The Court notes that he had previously been warned but against that we note that he was co-operative throughout.

We have no hesitation in granting the conclusions sought by the learned Solicitor General. That is a fine of £400, or three months' imprisonment in default; the confiscation of the arrest string of pots, and £250 by way of costs which are to include those of the interpreter. Mr. Fielding, you shall have your legal aid costs.

**Authorities**

A.G. -v- Perron (10th November, 1989) Jersey Unreported.

A.G. -v- Le Couillard (17th August, 1990) Jersey Unreported.

A.G. -v- Perrée (19th April, 1991) Jersey Unreported.