

## FISHERIES (AMENDMENT) BILL 2012

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### Explanatory Memorandum

1. This Bill is promoted by Mr Gawne.
2. The purpose of the Bill is to make two minor amendments to the Fisheries Act 2012 in accordance with an undertaking given in connection with the grant of Royal Assent to that Act.
3. Clause 1 provides for the short title of the resulting Act.
4. Clause 2 introduces the amendments to the 2012 Act.
5. Clause 3 adds a defence to section 28 of the 2012 Act. The result is that it will cease to be an offence to have possession of implements for taking fish in proximity to a river-bank if the accused can show that he or she had lawful excuse for its possession.
6. Clause 4 amends section 81 of the 2012 Act to transfer responsibility for decisions about the disposal of equipment seized during investigations which do not result in convictions from the Department to a justice of the peace.
7. The amendments will have no impact on Government revenues or expenditure.
8. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.





*Ellan Vannin*

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*Ellan Vannin*

## FISHERIES (AMENDMENT) BILL 2012

1 **A BILL** to amend the Fisheries Act 2012; and for connected purposes.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

2 **1 Short title**

3 The short title of this Act is the Fisheries (Amendment) Act 2013.

4 **2 Amendment of the Fisheries Act 2012**

5 The *Fisheries Act 2012* is amended as follows.

6 **3 Use or possession of certain devices or equipment: section 28 amended**

7 In section 28(1) after “Any person who,” insert “without lawful excuse and”.

8 **4 Disposal of forfeitures: section 81 amended**

9 (1) Amend section 81 (disposal of forfeitures) as follows.

10 (2) In subsection (2) for “the Department” substitute “ a justice”;

11 (3) In subsection (3)—

12 (a) in the opening words for “the Department” substitute “a justice”;

13 and

14 (b) in paragraphs (a) and (b) for “the Department” substitute “the

15 justice”.

16 **5 Automatic repeal**

17 (1) This Act is repealed on the day after its promulgation.

18 (2) The repeal does not affect the continuing operation of the amendments

19 made by sections 2 to 4.

IN THE KEYS

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**FISHERIES (AMENDMENT) BILL 2012**

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A **BILL** to amend the Fisheries Act 2012; and for connected purposes.

Approved by the Council of Ministers  
for introduction in the House of Keys.

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MR GAWNE

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DECEMBER 2012