

ROYAL COURT  
(Samedi Division)

3rd August, 1995

157.

Before: The Bailiff, and  
Jurats Bonn and de Veulle

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The Attorney General

- v -

Claude Bertot

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| 1 infraction of  | Article 6(1) of the Sea Fisheries (Jersey) Law, 1994. (Count 1). |
| 1 infraction of  | Article 16(a) of the said Law. (Count 2).                        |
| 2 infractions of | Article 16(c) of the said Law. (Counts 3, 4).                    |

PLEA:

Count 1 : facts denied.  
Counts 2, 3, 4 : facts admitted.

DETAILS OF OFFENCE:

On being requested south of the Ecrehous to stop for a routine search, Bertot accelerated away just as the Fisheries Officer was about to get on board. He then circled whilst sorting through his catch and throwing at least three lobsters over the side. He then stopped and allowed the Fisheries Officer on board who ordered him to go to St. Helier. Bertot refused and took off at high speed towards France. He helmed in such a manner that the Officer could not inspect the catch. For two hours he refused, despite repeated requests, to take the vessel to Jersey but insisted on returning to Portbail, France. Eventually the Fisheries Officer was forced to leave the boat just before it returned to Portbail. The original manoeuvre when the Fisheries Officer was getting on board was potentially dangerous.

DETAILS OF MITIGATION:

Bertot was of nervous disposition and had panicked, not acting rationally. He had radioed through to his father who had advised him to return to Portbail. Bertot was wholly under the influence of his father. This was not a kidnapping as, after the initial spurt, the Fisheries Officer had been free to leave at any time but had chosen to remain. Bertot had returned voluntarily to the jurisdiction and had pleaded guilty. The delay in pleading guilty was caused by legal considerations and was not Bertot's fault.

PREVIOUS CONVICTIONS:

One for catching undersized lobster and one for fishing inside Jersey's exclusive fishery limits.

CONCLUSIONS:

Count 1 : adjourned to 6th November, 1995.  
Count 2 : £2,000 fine.  
Count 3 : £1,000 fine.  
Count 4 : £250 fine.  
£200 costs; 4 months' imprisonment in default of payment.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. It was fundamental that the instructions of Fisheries Officers be obeyed.

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The Attorney General.  
Advocate P.S. Landick for the Defendant.

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JUDGMENT

5 THE BAILIFF: All fishermen have a clear duty to comply with the instructions of Sea Fisheries Officers. Your activities were dangerous and were an affront to the responsible fishermen of Jersey and of France. The Court will not tolerate such treatment of Fisheries Protection Officers.

10 We take into account in mitigation the advice which you apparently received from your father to return to France. That was bad advice and we also take into account the fact that you returned voluntarily to Jersey to admit the infractions.

15 Your advocate has said everything which could be said on your behalf. At the end of the day the Court believes that you know very well that it is your duty to respect Sea Fisheries Officers and to obey their instructions.

20 The Attorney General's conclusions are granted. You are fined, on charge 2, the sum of £2,000 or, in default of payment, four months' imprisonment. You are fined, on charge 3, £1,000 or, in default, four months' imprisonment, concurrent. On charge 4, you are fined £250 or, in default, four months' imprisonment, concurrent; making a total of £3,250 and you are ordered to pay costs of £200.

No Authorities.