
FISH FARMING ORDINANCE 2001

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Fish Farming Ordinance 2001	18/2001	20/09/2001
Fish Farming (Amendment) Ordinance 2003	12/2003	17/04/2003
Fish Farming (Amendment) Ordinance 2012	14/2012	01/07/2012
Criminal Procedure Ordinance 2016	9/2016	01/05/2016

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FISH FARMING ORDINANCE 2001

An Ordinance to provide for the control of matters related to Aquaculture

Short title

1. This Ordinance may be cited as the Fish Farming Ordinance 2001.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“appropriate Republican law” means the Aquaculture Law No. 117(I)/2000 as amended or substituted from time to time and includes any regulations or orders made thereunder;

“aquatic species” means any live species of aquatic flora and fauna, including all aquatic plants and animals, fish, shellfish, molluscs, crabs, their fry and eggs;

“fish farm” means any place or any establishment where aquatic species are bred or reproduced for the purposes of sale;

“fish farming” means all forms of aquaculture including the breeding, rearing or cultivating of aquatic species for sale;

“means of transport” means any form of transport used or capable of being used for the transport of persons or goods by land, sea or air;

“permit” means a permit for the establishment and operation of a fish farm granted under the provisions of this Ordinance or deemed to have been so granted under section 24;

“pollution” has the meaning assigned to it by the Control of Water Pollution Ordinance(a);

“the Committee” means the Advisory Committee for Aquaculture established under the appropriate Republican law.

Advisory Committee for Aquaculture

3. On any matter of policy relating to fish farming, the Fiscal Officer shall have regard to any relevant opinion, advice or recommendation of the Committee.

Permit for the establishment and operation of a fish farm

4.—(1) Notwithstanding the provisions of any other Ordinance or regulations, a person shall not establish or operate a fish farm without a permit granted to him by the Fiscal Officer under the provisions of this Ordinance.

~~(2) A permit shall be granted upon an application submitted by an interested person and accompanied by any documents or information that the Fiscal officer may require. (b)~~

(2) A permit such as is described in subsection (1) shall be granted to an applicant on his making an application in accordance with the procedure prescribed by regulations made under section 23:

Provided that if an application relates to a fish farm which is to be operated in a sea area of the Areas, the application shall not be accepted unless it is submitted following a notice which has been published in accordance with section 5.

(a) Ordinances 7/1998 and 11/1999

(b) Repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

Environmental impact statement (a)

Notice of intention to grant permits for fish farms in sea areas.

~~5.—(1) Within one month of the date of the submission of an application such as is referred to in section 4(2), the Fiscal Officer shall require the applicant to prepare and submit to him a written statement of the impact on the environment (“an environmental impact statement”) by reason of the proposed establishment and operation of the fish farm to which the application relates.~~

~~(2) An environmental impact statement shall include prescribed particulars but the Fiscal Officer may in addition require such further particulars to be included as he deems necessary with respect to any particular application. (b)~~

5.—(1) The Fiscal Officer may, with the consent of the Chief Officer, by notice published in the Gazette and in at least two daily newspapers published in the Island of Cyprus and circulated in the Areas, publicise his intention to grant a specified number of permits for the establishment and operation of fish farms in a sea area of the Areas and shall include in such a notice an invitation to interested persons to submit their applications for such a permit.

(2) A notice such as is referred to in subsection (1) may contain such additional information as the Fiscal Officer may consider to be useful to interested persons and the general public, including information relating to the places or the areas in which the establishment and the operation of the fish farms will be permitted and the conditions which may be imposed upon the granting of a permit.

(3) If the Fiscal Officer revokes or does not renew a permit for a fish farm in a sea area, a permit may be granted in respect of the same area to another person after a notice is published in accordance with subsection (1) (but without the need to obtain the Chief Officer’s consent for publication). (c)

Preconditions for the grant and form of, and fees for, permit

~~6.—(1) A permit such as is referred to in section 4 shall not be granted, unless—~~

- ~~(a) the applicant furnishes all particulars and documents requested from him;~~
- ~~(b) the applicant has secured all the necessary approvals concerning the use of the site and water for the establishment and operation of the proposed fish farm to which the application relates;~~
- ~~(c) the environmental impact statement which the Fiscal Officer will have required from the applicant includes all the necessary particulars and its contents have been approved. (d)~~

6.—(1) A permit such as is referred to in section 4 shall not be granted, unless—

- (a) the applicant has produced to the Fiscal Officer all particulars and documents requested of him whether such request is made before or after the submission of his application;*
- (b) the applicant has obtained all approvals required under any legislation in respect of the construction of the fish farm in question, including approvals in respect of the use of the site and of water; and*
- (c) the construction works and plant of the fish farm are all in conformity with all legislation relevant to their construction and installation.*

(2) The form of a permit and the fees for its grant shall be as prescribed.

(a) Heading repealed and replaced by Ordinance 14/2012 – 1 July 2012

(b) Section 5 repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

(c) Subsection (3) inserted by Ordinance 14/2012 – 1 July 2012

(d) Section 6(1) repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

Period of validity of permit

7. The period of validity of a permit shall be as prescribed.

Imposition of conditions

8.—(1) Subject to the provisions of any other Ordinance, the Fiscal officer may, upon the grant or renewal of a permit, impose any conditions he deems necessary regarding the following matters—

- ~~(a) the area or the site within which the fish farm is to be operated;~~ (a)
- (a) *the layout of the fish farm to which the permit relates;*
- (b) ~~the construction works~~ (b) installations, equipment and the machinery and the manner of maintenance thereof at the fish farm;
- (c) ~~the time within which those construction works are to be completed and~~ (c) the operation of the fish farm is to be commenced;
- (d) the aquatic species and the quantity thereof which are to be introduced to the fish farm;
- (e) the composition, quality and quantity of feed to be used in the fish farm;
- (f) the use and control of pharmaceutical preparations or drugs or the prohibition on the use thereof, based on the recommendations of the Director of the Department of Veterinary Services of the Republic;
- (g) the notifications to be given by the applicant or his representatives or employees to the Director of the Department of Veterinary Services of the Republic of the symptoms observed at the fish farm of any disease;
- (h) the destruction or disposal of dead fish or any waste emanating from the operation of the fish farm;
- (i) the removal from or to the fish farm of any type of fish;
- (j) the control of the quality of the water used at the fish farm;
- (k) the insurance cover against third party risks of the installations at the fish farm;
- (l) the maintenance of a register regarding the content of the fish farm and of the activities there;
- (m) the furnishing of any information and statistical data regarding the activities of the applicant in the field of fish farming.

(2) Notwithstanding the following provisions of this Ordinance, the Fiscal Officer shall, when considering an application for the grant of a permit, have regard to and apply any Ordinance or regulation or any decision of the Administrator from time to time in force regarding matters concerning the environmental impact arising from the establishment or operation of any work in connection with the proposed fish farm.

(3) When considering any application for the grant or renewal or the revocation of a permit, the Fiscal Officer shall seek the expert opinion of the Director of the Department of Veterinary Services of the Republic on matters relating to the prevention and control of the spread of diseases of aquatic species.

Information to Fiscal Officer

9. Notwithstanding any other provisions of this Ordinance, the Fiscal Officer may, at any time, require the holder of a permit to furnish him in writing with any information regarding the fish farm or the production of any products of the fish farm.

(a) Repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

(b) Deleted by Ordinance 12/2003 – came into force on 17 April 2003

(c) Deleted by Ordinance 12/2003 – came into force on 17 April 2003

Alterations to a fish farm

10. Any alterations with regard to the development of the site of a fish farm or to the installations or equipment or maintenance thereof at a fish farm, which are not in accordance with the conditions of the permit or the prior written consent of the Fiscal Officer are hereby prohibited.

Refusal to grant or renew a permit or restrictions on grant or renewal of permit

11.—(1) The Fiscal Officer may refuse to grant or renew any permit, if he has reason to believe that the activities of the applicant in the field of fish farming—

- (a) are likely, in the expert opinion of the Director of the Department of Veterinary Services of the Republic, to lead to the communication of any disease to any aquatic species;
- (b) are likely to increase the risk of pollution of the environment or change the character thereof;
- (c) are incompatible with any activity for the protection or preservation of the environment or character thereof;
- (d) are likely adversely to affect the volume of traffic or the carrying out of any development works in the vicinity of the fish farm;
- (e) are incompatible or do not comply with any condition of the permit; or
- (f) are otherwise contrary to the public interest.

(2) If, when considering an application for the renewal of a permit, the Fiscal Officer finds that there exists any of the reasons referred to in paragraphs (c), (d) and (e) of subsection (1) above, he may reject the application, or renew it, and impose such new conditions as he deems necessary.

Revocation of permit

12.—(1) The Fiscal Officer may revoke a permit if he finds that any of the following reasons exist—

- (a) on the basis of the expert opinion of the Director of the Department of Veterinary Services of the Republic, there has been an outbreak of disease in one or more aquatic species in the fish farm to which the permit relates, or by reason of the manner of operation of the fish farm in question, there exists a serious risk of the spread of contagious diseases affecting aquatic species;
- (b) the permit holder has breached or is in breach of any conditions of his permit;
- (c) the permit holder has ceased to engage in fish farming;
- (d) a period of six months has elapsed from the date of the grant of a permit and the fish farm to which the permit relates is not in full operation or the volume of production there does not meet the condition of the permit relating to production;
- (e) the continued operation of the fish farm prejudices the public interest.

(2) The Fiscal Officer may, instead of revoking the permit in the cases referred to in subsection (1) above, impose on the permit holder any further conditions that the Fiscal Officer deems necessary with regard to the operation of the fish farm and with which additional conditions the permit holder shall be obliged to comply.

Removal of fish farm

13.—(1) Notwithstanding the following provisions of this Ordinance, the Fiscal Officer may order the removal of any fish farm to another site if he thinks that this is necessary by reason of an infringement of any condition of the related permit or for reasons of public security or for the protection of the rights and freedoms of others or for the development or use of any property or site for the benefit of the public;

Provided that nothing in this subsection shall affect the application of the Environmental Impact Assessment Ordinance 2003(a). (b)

(2) The Fiscal Officer may revoke a permit if the owner or the person in control of the fish farm in question fails to remove the fish farm in compliance with an order made under subsection (1) above.

(3) Where the Fiscal Officer orders the removal of a fish farm by reason of the infringement of any condition of the related permit, the expenses of such removal shall be borne by the owner of the fish farm or by the person responsible for its operation or by both such persons.

(4) Where such order to remove a fish farm is made for reasons other than those referred to in subsection (3) above the expense of such removal shall be borne by the Administration.

Appeal against a decision of the Fiscal Officer

14.—(1) Any interested person who is not satisfied by a decision of the Fiscal Officer made under this Ordinance, whether it relates to a refusal to grant or renew a permit, or to the revocation of a permit or to the removal of a fish farm, may, within thirty days of the date the said decision is notified to him submit an appeal to the Chief Officer in writing setting out the reasons for the appeal.

(2) As soon as is reasonably possible the Chief Officer shall consider such appeal after hearing the appellant or giving him an opportunity to support the reasons on which the appeal is based and the decision of the Chief Officer on the appeal shall be issued and notified to the appellant.

(3) For the purposes of his consideration of an appeal the Chief Officer may assign to one or more of his officers the investigation of certain matters concerning the appeal and require such officers to submit to him a relevant report, before making his decision.

(4) A decision of the Fiscal Officer to refuse to grant or to renew a permit or to revoke a permit or to remove a fish farm shall not take effect—

- (a) until a period of thirty days have elapsed from the date of the decision and no appeal against the decision has been brought under subsection (1) above;
- (b) where an appeal against the decision is brought under subsection (1) above, unless and until that appeal has been decided against the appellant.

Transfer of permit

15.—(1) No permit may be transferred to a third party without the written consent of the Fiscal Officer.

(2) Where a permit is lawfully transferred under subsection (1) above, the Fiscal Officer may impose on the new permit holder any of the conditions provided for in section 8 or he may modify any of the conditions imposed on the previous permit holder.

(3) *A fee prescribed in regulations is payable on the transfer of a permit. (c)*

Powers of the Fiscal Officer

16. The Fiscal Officer may—

- (a) enter any place (other than a dwelling house) used solely for the purposes of fish farming and carry out an inspection of the installations and products of the fish farm;
- (b) stop, enter and search any means of transport in respect of which there is reasonable suspicion that it carries fish farming products, produced in the Areas or the Republic without a permit in breach of the provisions of this Ordinance, or, as the case may be, the corresponding laws of the Republic;

(a) Ordinance 11/2003

(b) Proviso inserted by Ordinance 12/2003 – came into force on 17 April 2003

(c) Subsection (3) is inserted by Ordinance 14/2012 – came into force on 1 July 2012

- (c) seize any fish farming products in respect of which there is reasonable suspicion that they were produced in the Areas or the Republic in breach of the provisions of this Ordinance, or, as the case may be, the corresponding laws of the Republic *or may prohibit the removal of such fish farming products for a fish farm*; **(a)**
- (d) seize any means of transport or any other thing in respect of which there is reasonable suspicion that it has been used to commit any offence under this Ordinance;
- (e) participate in the application of any measures deemed necessary on the advice of the Director of the Department of Veterinary Services of the Republic by way of seizure and destruction of fish farming products, for the purpose of preventing the spread or of combatting any disease of aquatic species;
- (f) order the termination of any activity relating to fish farming, where there is reasonable suspicion that such activity has been undertaken in breach of the provisions of this Ordinance.

Seized items

17.—(1) Any fish farming products ~~seized under the provisions of this Ordinance~~ *which have been seized or whose removal is prohibited under the provisions of this Ordinance* and **(b)** which are liable to perish within a short time, may be sold by the Fiscal Officer and the proceeds of their sale shall remain in his possession until the conclusion of the relevant judicial procedure with regard to such products.

(2) If any fish farming products ~~seized by the Fiscal Officer~~ *which have been seized by the Fiscal officer or whose removal is prohibited* **(c)** under the provisions of this Ordinance are liable to decay within a short time and it has not been possible to sell them or they are unfit to be sold, the Fiscal Officer may destroy such products in any manner he deems proper and the expenses of such destruction shall be borne by the owner of the products.

(3) Any means of transport or any other thing, seized under the provisions of this Ordinance, shall be kept in accordance with the directions of the Fiscal Officer pending the trial by the Court of the related offence or until a decision not to prosecute has been taken.

(4) *In order for the sale or destruction by the Fiscal Officer of any fish farming products to be carried out under subsection (1) or (2) above, an order is required from the Court trying the criminal offence relating to the products, and in considering whether to issue such an order the Court shall apply, subject to appropriate modifications, ~~(d) section 32 of the Criminal Procedure Ordinance~~ **(d)** ~~section 32 of the Criminal Procedure Ordinance~~ **(e)** ~~(which relates to detention or disposal of things seized under search warrant) section 46 of the Criminal Procedure Ordinance 2016 (disposal of seized items)~~ **(f)**. **(g)***

Offences and penalties

18.—(1) Any person who operates a fish farm, without a valid permit under the provisions of this Ordinance, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding one year or to a fine not exceeding five thousand pounds (£5.000) or to both such penalties.

(2) Any holder of a permit who does not comply with any condition imposed upon him under the provisions of this Ordinance shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding two months or to a fine not exceeding two thousand pounds (£2.000) or to both such penalties.

(a) Text inserted by Ordinance 12/2003 – came into force on 17 April 2003
 (b) Text deleted and new text inserted by Ordinance 12/2003 – came into force on 17 April 2003
 (c) Text deleted and new text inserted by Ordinance 12/2003 – came into force on 17 April 2003
 (d) Subsection (4) inserted by Ordinance 12/2003 – came into force on 17 April 2003
 (e) Cap.155 (Laws of Cyprus) as amended by Ordinances 4/1960, 19/1963, 1/1966, 2/1972, 2/1973, 10/1975, 4/1978, 11/1979, 22/1987, 4/1992, 8/1996, 1/1997 and 27/1999.
 (f) Ordinance 9/2016
 (g) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(3) Any person who enters the premises of a fish farm without being duly authorised by the holder of the permit relating to the fish farm or by the Fiscal Officer, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding one month or to a fine not exceeding five hundred pounds (£500) or to both such penalties.

(4) Any person who interferes in the operation or handling of the installations of a fish farm or of any part or section thereof without being duly authorised by the holder of the permit relating to the fish farm or by the Fiscal Officer, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds (£3.000) or to both such penalties.

(5) Any person who deposits any aquatic species in the territorial waters of the Areas or in a dam, reservoir, river or lake, without the permission of the Fiscal Officer, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds (£3.000) or to both such penalties.

~~(6) Any person who obstructs an officer of the Administration or any other person authorised by the Chief Officer in the execution of his duties assigned to him for the purposes of this Ordinance, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds (£3.000) or to both such penalties. (a)~~

(6) Any person who obstructs the Fiscal Officer or any other officer of the Areas in the exercise of his powers or the performance of his duties under this Ordinance, or who refuses or fails to comply with any direction, order or prohibition made by the Fiscal Officer under this Ordinance, shall be guilty of an offence and on conviction shall be liable to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds or to both such penalties.

~~(7) Any breach of any provision of this Ordinance for which no penalty is provided under the subsections (1) to (6) above of this section, shall be an offence punishable with a fine not exceeding five hundred pounds (£500).~~

(7) At any stage during a trial for an offence under subsection (1) or (2) above the Court may issue an order for the cessation of the operation of the fish farm concerned and for the sale or other disposal of any plant there, in accordance with such directions as are included in the order of the Court.

(8) Any person who contravenes any provision of this Ordinance or of any regulations made under this Ordinance shall be guilty of an offence and if no other penalty is provided for such offence, he shall be liable on conviction to imprisonment not exceeding three months or to a fine not exceeding two thousand pounds or to both such penalties. (b)

Fishing within 100 metres of fish farms in sea areas prohibited (c)

18ZA.—(1) A person commits an offence if the person takes or attempts to take fish within 100 metres of a fish farm in a sea area with any of the following—

- (a) a spear gun;
- (b) a compressed air diving apparatus (an aqualung);
- (c) a light or other lighting device;
- (d) a net;
- (e) a longline;
- (f) a handline;
- (g) any other fishing gear that includes a hook or a metal device for fishing.

(a) Subsections (6) and (7) repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

(b) Subsection (8) inserted by Ordinance 12/2003 – came into force on 17 April 2003

(c) Section 18ZA inserted by Ordinance 14/2012 – came into force on 01 June 2012

(2) A person who is convicted of an offence under subsection (1) is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding €8,543 or to both.

Compounding offences (a)

18A.—(1) Where the Fiscal Officer has reasonable cause to believe that a person (“the offender”) has committed an offence under subsection (2) or (5) of section 18, under section 18AZ (b) or contrary to any regulation made under this Ordinance, he may compound the offence on payment by the offender of such amount (not exceeding the amount of the fine which could be imposed on a conviction for the offence) as the Fiscal Officer may specify.

(2) If, after the Fiscal Officer has compounded any offence and after the expiration of such reasonable period of time as the Fiscal Officer may have directed for the offender to cease the conduct which had led the Fiscal Officer to believe that the offender had committed an offence such as is described in subsection (1) above, the offender does not cease such conduct, or if he repeats it, then for each day that the offender continues or repeats such conduct, the Fiscal Officer may consider the offender to have committed a further offence which the Fiscal Officer may compound under subsection (1) above or for which the offender may be prosecuted.

(3) Any amount paid pursuant to subsection (1) or (2) shall be treated as if it were a fine imposed on a conviction for the relevant offence.

(4) On receiving payment of any amount under this section the Fiscal Officer shall issue a receipt to the offender showing the following particulars—

- (a) the name of the offender;
- (b) a brief description of the offence being compounded;
- (c) the place and date that the offence being compounded was committed; and
- (d) the amount paid.

(5) Following the compounding of an offence, payment of the amount required and the issue of a receipt such as is referred to above in respect of the compounded offence, no further proceedings in relation to that offence may be instituted: in the event that any such proceedings are instituted, the production before the Court of a receipt such as is referred to in subsection (4) above in respect of the offence shall constitute full proof of the facts stated therein and shall entitle the accused to an acquittal in those proceedings.

(6) The compounding of an offence and the payment of the amount required in accordance with the above provisions shall not be considered as a conviction. But in the event of the conviction of the offender subsequently for a similar offence, the Court may be informed about the offence previously compounded and may take it into account for the purposes of determining the sentence for the offence for which the offender is then before the Court.

Right to fish

19. No provision of this Ordinance shall be construed as granting a right or authority to any person to fish within or under the installations of any fish farm in a manner which does not comply with the provisions of this Ordinance or with the Fisheries (Consolidation) Ordinance.(c)

(a) Section 18A inserted by Ordinance 12/2003 – came into force on 17 April 2003
(b) Text inserted by Ordinance 14/2012 – came into force on 1 July 2012
(c) Ordinances, 2/1982, 3/1991 and 5/1994

Diseases and drugs

20. On any matter which concerns animal diseases or the use of pharmaceutical preparations in fish farming, the Fiscal Officer shall have regard to any relevant opinion, advice or recommendation of the Director of the Department of Veterinary Services of the Republic.

Permission to use sea site for fish farming

21. The Administrator may grant permission to use a sea site within the territorial waters of the Areas for the purpose of fish farming subject to and in accordance with the prescribed conditions, procedure and fees.

Information to be treated as confidential

22. Any trade or economic information concerning a fish farm, coming to the knowledge of the Fiscal Officer or any officer of the Administration in the course of exercising their powers or duties under this Ordinance and any regulations made under it, shall be confidential and shall not be disclosed to anyone, except in the following cases—

- (a) with the written consent of the holder of the permit relating to the fish farm;
- (b) for the purposes of a prosecution of an offence under this Ordinance;
- (c) when it is necessary for the purposes of implementing a programme of the Areas or of the Republic relating to the protection of the environment or the prevention or combat of animal diseases in the vicinity of the fish farm.

Regulations

23.—(1) The Administrator may make regulations in relation to any matter which may be prescribed under this Ordinance and generally for the more effective application of this Ordinance and for putting it into effect.

(2) Without prejudice to the generality of subsection (1) above, the Administrator may make regulations to provide for the following matters—

- (a) the procedure for the grant or renewal of a permit, the form of the application for a permit or the renewal of a permit, and the fees payable for a permit or renewal of a permit;
- (b) the period of validity of a permit, having regard to the type or the size of the fish farm or its site;
- (c) ~~the necessary particulars to be included in an environmental impact statement such as is described in section 5 and the procedure and time for the submission of an environmental impact statement;~~ (a)
 - (c) *the prohibition of fishing near a fish farm operating in a sea area and the imposition of penalties not exceeding imprisonment of six months and a fine of five thousand pounds for a breach of such prohibition;*
- (d) particulars regarding the equipment, the construction and the machinery of a fish farm and the operation of the relevant installations;
- (e) the control of the waste of fish farms;
- (f) the collection by the Fiscal Officer of information or data concerning fish farming;
- (g) the establishment of safety zones and the installation of suitable signs for the safety of navigation in sea areas where fish farm installations are situated;
- (h) the areas within which fish farms and related installations may be established;
- (i) the ways and means of controlling the quantity and quality of the feed used in fish farms and the imposition of duties and charges in the cases where specified feed is used;

(a) Paragraph (c) repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

- (j) the movement of fish farming products in the Areas;
- (k) the control of risks to wild life arising from fish farming;
- (l) the control of the quality of fish farming products;
- (m) the conditions for granting permission by the Administration to use sea sites for the purposes of fish farming, and the procedure for submitting and approving applications therefor;
 - (ma) *the drawing up and the implementation by the owner of a fish farm of a programme for the operation of the fish farm;* (a)
 - (mb) *the giving of directions by the Fiscal Officer in respect of the layout and location of the plant and equipment of a fish farm operating in a sea area;*
 - (mc) *the procedure for granting a permit to expand production;* (b)
- (n) measures for the protection of the environment from activities connected with fish farms, including the payment of any expenses for environmental control.

(3) Any regulation made under this Ordinance may make different provisions for different cases or classes of case and may contain such incidental, supplementary or transitional provisions as appear to the Administrator to be necessary or expedient for the purposes of this Ordinance or the regulations.

Fish farms operating when Ordinance comes into force

~~24. Any fish farms operating lawfully on the date of commencement of this Ordinance, under and by virtue of the provisions of the Fisheries (Consolidation) Ordinance (c) and regulations made thereunder, shall be subject to the provisions of this Ordinance and shall be deemed to have been granted in respect of such fish farm a permit under this Ordinance with a period of validity of three years from the date provided that the total annual production of such fish does not exceed three hundred tons of fish. (d)~~

24.—(1) Notwithstanding the provisions of sections 4 to 7 and subject to the provisions of subsection (2) below, a fish farm in operation on 20th September 2001 in accordance with a permit issued under the provisions of the Fisheries (Consolidation) Ordinance 1982 and the regulations made thereunder, may continue to be operated, subject to the provisions of this Ordinance, and shall be treated as if a permit issued in accordance with this Ordinance and valid until 21st August 2003 had been granted in respect of it. For the continued operation of such a fish farm after that date, a renewal of the permit is required in accordance with the relevant regulations.

(2) In respect of fish farms which were operating in the sea area of the Areas on 20th September 2001, the following provisions shall apply—

- (a) if the fish farm is being operated in an area of the sea outside the area of a port and its operator is not required to pay any fees for using the area of the sea, he may continue to operate the fish farm in the same area (or at such other site to which he may have been ordered to move under section 13(1)) without having to pay any fees until 31st December 2003;*
- (b) after that date the operation of the fish farm shall cease unless—*
 - (i) the Administrator grants a permit for the sea area in question to be used for fish farming, following an application by the operator to the Fiscal Officer made no later than 30th June 2003; and*
 - (ii) the Fiscal Officer issues a permit for the operation of the fish farm;*

(a) (ma) and (mb) inserted by Ordinance 12/2003 – came into force on 17 April 2003
 (b) (mc) inserted by Ordinance 14/2012 – came into force on 1 July 2012
 (c) Ordinances 2/1982, 3/1991 and 5/1994. P.Is. 41/1991, 52/1991 and 40/1994
 (d) Repealed and replaced by Ordinance 12/2003 – came into force on 17 April 2003

- (c) *in relation to the issuing of a permit such as is described in paragraph (b)(ii) above, the Fiscal Officer shall have regard to the provisions of sections 4,7,8,9,11, 13 and 20 and to any regulations made under section 23;*
- (d) *upon the granting of a permit such as is described in paragraph (b)(i) above, the Administrator may impose such conditions in respect of the use of the sea area as he considers appropriate, including conditions relating to safety and protection of the environment.*

Limitation on grant of permission for fish farming within territorial waters

25. No new permission for fish farming within the territorial waters of the Areas shall be granted under this Ordinance before regulations relating to such fish farming have been made under sections 21 and 23(2)(m).

Repeal

26. Paragraph (h) of subsection (2) of section 6 of the Fisheries (Consolidation) Ordinance 1982 is hereby repealed and any regulations made thereunder are hereby revoked but without prejudice to anything done or left undone thereunder.

Delegation of functions to the Republic (a)

27. *The Fiscal Officer's functions in the following provisions are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(b)—*

- (a) *sections 3 to 6;*
- (b) *sections 8 to 13;*
- (c) *sections 15 to 17;*
- (d) *section 20;*
- (e) *section 22."*

(a) Section 27 inserted by ordinance 14/2012 – came into force on 1 July 2014
(b) Ordinance 17/2007