
F I S H E R I E S (A M E N D M E N T) O R D I N A N C E 2 0 1 6

An Ordinance to amend the Fisheries Ordinance 2012

M. Wigston
ADMINISTRATOR

04 March 2016

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Fisheries (Amendment) Ordinance 2016.

Commencement

2. This Ordinance comes into force on 1 May 2016.

Amendment of the Fisheries Ordinance 2012

3. The Fisheries Ordinance 2012(a) is amended as follows.

Amendment of section 17

4. In section 17 (power to arrest without warrant) for subsections (5) to (10) substitute—
“(5) The arrested person—
(a) may be detained by a customs officer for a period of up to six hours for the purpose of investigating the offence; and

(a) Ordinance 23/2012.

(b) must, unless released, be delivered within that period to a police station or into the custody of a police officer for delivery to a police station.

(6) The arrested person must be detained or released by the police in accordance with section 23 of the Criminal Procedure Ordinance 2016 (arrest without warrant: disposal of persons arrested)(a) as if the arrest by the customs officer had been an arrest without a warrant by a police officer, without the need for any second arrest; and for the purposes of that Ordinance, the arrest must be treated as having been made at the time the person was arrested under this section (see also subsection (7)(c)).

(7) The following provisions of the Criminal Procedure Ordinance 2016 apply in relation to an arrest made by a customs officer, or to a customs officer's power of arrest, under this section—

- (a) section 16 (arrest) applies as if any reference to a police officer were a reference to a customs officer;
- (b) section 17 (search of arrested person) applies as if any reference in those provisions to a police officer were a reference to a customs officer;
- (c) section 23 (arrest without warrant: disposal of persons arrested) applies as if—
 - (i) the reference in subsection (1) to a police officer were a reference to a customs officer; and
 - (ii) any function conferred on the officer in charge of the police station were conferred—
 - (aa) after consulting the officer in charge of the police station, on the relevant customs officer; or
 - (ab) after consulting the relevant customs officer, on the officer in charge of the police station;
- (d) section 30 (power to remand in police custody, etc) applies as if the reference in subsection (3) to a police officer of the rank of inspector or above were to either—
 - (i) the relevant customs officer;
 - (ii) a person acting on behalf of the relevant customs officer; or
 - (iii) a police officer of the rank of inspector or above.

(8) In this section “relevant customs officer” means the officer who made the arrest or any other officer nominated by the Fiscal Officer.

(9) This section does not limit any power of arrest apart from the power in this section.”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Fisheries (Amendment) Ordinance 2016 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The Ordinance amends the Fisheries Ordinance 2012. It amends section 17 to change the process which must be followed after an arrest made by a customs officer, when acting in the capacity as a fisheries officer, under that section.
3. The Ordinance applies provisions of the Criminal Procedure Ordinance 2016 to such an arrest. It also updates other old references to repealed legislation in the Fisheries Ordinance 2012, by replacing them with references to provisions of the Criminal Procedure Ordinance 2016.