
**SEA BATHERS (PROTECTION) (SEA BATHING
AREAS) (AMENDMENT) ORDER 2015**

This Order is made by the Chief Officer in exercise of powers under section 4 of the Sea Bathers (Protection) Ordinance 2014(a).

Citation

1. This Order may be cited as the Sea Bathers (Protection) (Sea Bathing Areas) (Amendment) Order 2015.

Commencement

2. This Order comes into force on 31 March 2015.

Amendment of the Sea Bathers (Protection) (Sea Bathing Areas) Order 2014

3. The Sea Bathers (Protection) (Sea Bathing Areas) Order 2014(b) is amended in accordance with articles 4, 5 and 6.

Article 3 (periods of application) substituted

4. For article 3, substitute—

“3.—(1) Subject to paragraph (2), this Order applies each year from 1 May to 31 October.

(2) In relation to the sea bathing area specified in paragraph 3A of Part 1 of the Schedule (Long Beach (Paramali)), this Order applies from 1 May 2015 to 31 October 2015.”.

Article 5 (indication of sea bathing areas) substituted

5. For article 5, substitute—

“5. The Fiscal Officer must arrange for the parts of the sea that fall within a sea bathing area to be marked by clearly visible buoys and, as far as reasonably practicable, the buoys must be in place throughout the period that this Order applies to the sea bathing area.”.

Amendments to the Schedule (description of parts of the sea – sea bathing areas)

6.—(1) The Schedule is amended in accordance with this article.

(a) Ordinance 11/2014.

(b) P.I. 9/2014.

(2) After paragraph 3, insert—

“3A. Long Beach (Paramali)—

- (a) the line joining the position latitude 34° 39.743' N, longitude 32° 48.024' E (“point A”) to the position latitude 34° 39.715' N, longitude 32° 48.017' E (“point B”);
- (b) the line joining point B to the position latitude 34° 39.735' N, longitude 32° 47.940' E (“point C”);
- (c) the line joining point C to the position latitude 34° 39.764' N, longitude 32° 47.949' E (“point D”); and
- (d) the waters inshore, from and perpendicular to the line joining point A to point D, to the waterline.”.

(3) Paragraph 6 is omitted (Tunnel Beach (Kingsman’s Cove)).

(4) For paragraphs 8(a) and (b) (Lady’s Mile Beach), substitute—

- “(a) the line joining the position latitude 34° 38.429' N, longitude 33° 00.664' E (“point A”) to the position latitude 34° 38.423' N, longitude 34° 00.760' E (“point B”);
- (b) the line joining point B to the position latitude 34° 35.997' N, longitude 33° 00.575' E;”.

(5) For paragraph 9 (Sub Aqua Club Beach) substitute—

- “(a) the line joining the position latitude 34° 34.605' N, longitude 33° 01.675' E (“point A”) to the position latitude 34° 34.643' N, longitude 33° 01.765' E (“point B”);
- (b) the line joining point B to the position latitude 34° 34.603' N, longitude 33° 01.794' E (“point C”);
- (c) the line joining point C to the position latitude 34° 34.571' N, longitude 33.01.688' E (“point D”); and
- (d) the waters inshore, from and perpendicular to the line joining point A to point D, to the waterline.”.

Dated this 18 of March 2015

P. Rushbrook,
Chief Officer,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Order)

1. This explanatory note relates to the Sea Bathers (Protection) (Sea Bathing Areas) (Amendment) Order 2015 (the “Order”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order.
2. The Order is made by the Chief Officer under section 4 of the Sea Bathers (Protection) Ordinance 2014 (“the Ordinance”) which empowers the Chief Officer to specify sea bathing areas that are reserved for the use of sea bathers for a specified period (“sea bathing period”) each year. It amends the Sea Bathers (Protection) (Sea Bathing Areas) Order 2014 (“the principal Order”).
3. Article 4 of the Order substitutes a new article 3 into the principal Order, the effect of which is to commence the sea bathing period on 1 May each year instead of 1 April. This includes the sea bathing area at Tunnel Beach (specified at paragraph 5 of the Schedule to the principal Order) which was previously a sea bathing area all year round. The new article 3 creates an exception to for the sea bathing area at Long Beach (Paramali) (specified in paragraph 3A of the Schedule to the principal Order) which is only a sea bathing area during the current year, namely from 1 May 2015 to 31 October 2015.
4. Article 5 substitutes a new article 5 into the principal Order. The new article 5 retains the requirement for the Fiscal Officer to arrange for buoys to demarcate the parts of the sea that fall within a sea bathing area, but the requirement to do so throughout the sea bathing period is qualified in that it only applies so far as reasonably practicable to do so. This is to provide for weather conditions making it difficult to deploy the buoys or other circumstances where buoys may move, be damaged or need replacing during a sea bathing period.
5. Article 6 makes amendments to the Schedule to the principal Order by removing a sea bathing area at Tunnel Beach (Kingsman’s Cove), reducing the sea bathing area at Lady’s Mile Beach, extending it at the Sub Aqua Club Beach and adding a new sea bathing area at Long Beach (Paramali).
6. With limited exceptions, it is an offence under section 5 of the Ordinance for a boat or a motor vehicle to be in a sea bathing area. If convicted of such an offence, a person is liable to a term of imprisonment not exceeding 6 months or a fine of up to €854 or to both.
7. Fishing in a sea bathing area is an offence under regulations 12 and 53 of the Fisheries Regulations 2012. The offence is punishable, on a first conviction, by a fine of up to €8,543 and, any subsequent conviction, by a term of imprisonment not exceeding 6 months or a fine of up to €8,543 or to both.

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