



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE

No. 614 of 6th April, 1982.

L E G I S L A T I O N

ORDINANCE 2 OF 1982.

AN ORDINANCE

To CONSOLIDATE AND REGULATE FISHING
IN THE WATERS OF THE SOVEREIGN BASE AREAS.

R. L. DAVIS,

1st April, 1982.

ADMINISTRATOR

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

1. This Ordinance may be cited as the Fisheries (Consolidation) Ordinance, 1982. Short title.

2. In this Ordinance— Interpretation.

“fish” means any aquatic animal whether mammalian or not and shell fish, but does not include sponge ;

“trawler” means a vessel which, for the purpose of taking fish, draws a net or other apparatus along the bottom of the sea ;

“vessel” includes ship, boat, lighter and craft of every kind whether navigated by steam or otherwise, but shall not include a vessel used for catching fish otherwise than for profit.

3.—(1) No vessel shall be used for the purpose of taking fish in the Areas unless a licence has been issued in respect thereof under the provisions of this Ordinance. No vessel to be used for fishing without a licence.

(2) Any person using a vessel in contravention of subsection (1) of this Section of the Ordinance and the owner of such vessel shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

Issue and
expiration
of licence.

4.—(1) Licences required under the provisions of Section 3 of this Ordinance shall be issued by the Fiscal Officer or any officer duly authorised by him. No payment shall be made therefor.

(2) All licences issued under the provisions of this Section of the Ordinance shall expire on the thirty-first day of December next following the issue thereof.

Use of
explosives
or poisons.

5. Any person who —

- (a) takes, stupefies or kills or attempts to take, stupefy or kill any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter ; or
- (b) is found in possession of dynamite or other explosive substance or of noxious or poisonous matter in such circumstances as to satisfy the Judge's Court before which he is tried that he intended to use the dynamite or other explosive substance or the noxious or poisonous matter for the purpose of taking, stupefying or killing fish ; or
- (c) sells, exposes for sale or hawks, or knowingly possesses or transports, fish which has been taken by the use of dynamite or any other explosive substance or by the use of any noxious or poisonous matter,

shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding two years or to a fine not exceeding three thousand pounds or to both such imprisonment and fine.

Regulations.

6.—(1) The Administrator may by Order make Regulations to be published in the Gazette for the better carrying out of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may —

- (a) prescribe the areas and seasons within which the taking of fish is prohibited or restricted ;
- (b) restrict the size of fish which may be taken, landed or sold ;
- (c) prohibit or regulate any practices or methods or the employment of equipment, instrument or any other device or material for taking fish ;
- (d) prescribe the size of nets or of the mesh of nets which may be used for taking fish in the Areas or in any specified part thereof ;
- (e) regulate the licensing of, and the conditions to be observed by, vessels licensed under the provisions of this Ordinance ;
- (f) regulate any other matter relating to the conservation, protection and maintenance of a stock of fish which may be deemed requisite ;

- (g) provide for the imposition of fees for the grant of any licence issued under any regulations made in pursuance of this Section of the Ordinance ;
- (h) provide for the number and the terms and conditions under which fish farms may be established and operated as well as the selection of persons to whom a licence for the establishment of fish farms may be granted ;
- (i) provide for the issue of licences and the imposition of conditions to be attached to such licences (in addition to licences and conditions specifically referred to in this subsection) so as to enable the powers which may be conferred under such Regulations to be exercised more effectively.

(3) Any person contravening any Regulation made under the provisions of this Section or any condition of any licence issued under any such Regulation shall be guilty of an offence and shall on first conviction for such an offence be liable to a fine not exceeding three thousand pounds, and on subsequent conviction for such an offence shall be liable to imprisonment for any term not exceeding six months or to a fine not exceeding three thousand pounds or to both such imprisonment and fine :

Provided that no prosecution shall be brought for any offence under any Regulation relating to trawling except by or with the written consent of the Legal Adviser.

7. Any police officer or Customs officer may, where he has reasonable grounds to suspect that an offence has been or is likely to be committed under the provisions of this Ordinance or any Regulation made thereunder, without warrant :

Powers to
police officers
or Customs
officers.

- (a) enter any premises, other than a dwelling house, during the hours of daylight, or stop any vehicle or board any vessel and search such premises, vehicle or vessel and examine any catch, equipment, instrument or other device or material which may be used for taking fish and measure any fishing net found in such premises, vehicle or vessel ;
- (b) seize and detain, pending a decision thereon, any vessel, catch, equipment, instrument or other device or material which may be used for taking fish in contravention of this Ordinance or any Regulations made thereunder :

Provided that the catch may be sold and the proceeds be detained pending the decision.

8. In addition to or in substitution for any punishment for any contravention of this Ordinance or any Regulations made thereunder, upon conviction of the offender —

Forfeiture and
cancellation
of licence.

- (a) any vessel, equipment, instrument or any other device or material, which in the opinion of the Judge's Court was used or was intended to be used by him for taking, stupefying, killing or poisoning fish, may be adjudged by the Judge's Court to be forfeited ;

- (b) any fish in his possession seized under the provisions of this Ordinance, which in the opinion of the Judge's Court was taken, stupefied, killed or poisoned, or the proceeds of the sale thereof, shall be adjudged by the Judge's Court to be forfeited ;
- (c) any licence issued to him under the provisions of this Ordinance may be cancelled by the issuing authority.

Compounding offences.

9. The Fiscal Officer may compromise and compound any action or proceeding which shall at any time hereafter be necessary or commenced by his authority or under his control against any person for the recovery of penalties incurred under the provisions of this Ordinance on such terms and conditions as he shall in his absolute discretion think proper with full power for him or any of his officers or agents by him duly authorised, in that behalf to accept the penalties so incurred or alleged to have been incurred or any part thereof without action or proceedings brought or commenced for the recovery thereof.

Repeal.
Cap. 135 (Laws
of Cyprus),
Ordinances
28/61, 3/70,
5/72 and 6/81.

10. The Fisheries Ordinance is hereby repealed without prejudice to anything done or left undone thereunder.

1st April, 1982.
(157/2B)

M. D. TIDY,
Chief Officer.