



S U P P L E M E N T No. 2
T O
T H E S O V E R E I G N B A S E A R E A S G A Z E T T E
No. 1425 of 10th August 2006
L E G I S L A T I O N

ORDINANCE 11 OF 2006

AN ORDINANCE
TO AMEND THE FISHING SHELTERS ORDINANCE 1993

R. H. LACEY
ADMINISTRATOR

14th July 2006.

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 Fishing Shelters (Amendment) Ordinance 2006. Short title.
2. In this Ordinance—
“the principal Ordinance” means the Fishing Shelters Ordinance 1993. Interpretation.
Ordinance 19/1993.
3. Section 2 of the principal Ordinance (interpretation) is amended by substituting for the definition of “vessel” the following new definition—
“vessel” has the meaning given to this term by section 2 of the Fisheries (Consolidation) Ordinance 2005.” Amendment
of section 2 of
the principal
Ordinance.
Ordinance 3/2005.
4. Section 4(3) of the principal Ordinance (regulations) is amended by substituting for the words “five hundred pounds”, the words “two thousand pounds”. Amendment
of section 4 of
the principal
Ordinance.
5. Section 5(3) of the principal Ordinance (use of fishing shelters) is amended by substituting for the words “six months or to the payment of a fine not exceeding five hundred pounds”, the words “twelve months or a fine not exceeding four thousand pounds”. Amendment
of section 5 of
the principal
Ordinance.
6. Section 6(2) of the principal Ordinance (power of customs officers to board vessels) is amended by substituting for the words “five hundred pounds”, the words “two thousand pounds”. Amendment
of section 6 of
the principal
Ordinance.
7. Immediately after section 6 of the principal Ordinance there is inserted the following new section, numbered section 6A— Section 6A inserted
into the principal
Ordinance.

“Fixed penalties.

6A.—(1) The Administrator may by regulations made under this section specify any description of offence contrary to this Ordinance as being an offence in respect of which the Fiscal Officer or any officer duly authorised by the Fiscal Officer for the purposes of this section, may give any person believed to have committed an offence of that description, the option of paying a fixed penalty under this section instead of being prosecuted for the offence in question.

(2) An option given to any person pursuant to subsection (1) above shall be given to him by a notice (“a fixed penalty notice”) which shall—

- (a) describe the offence alleged to have been committed by him;
- (b) state when the offence was alleged to have been committed; and
- (c) state the amount of the fixed penalty which is payable in respect of the alleged offence.

(3) If a person who has been given a fixed penalty notice does not, within 48 hours of being given such notice, discontinue in accordance with the directions of the person giving him the notice, the act (whether of commission or of omission) which gave rise to his being given the notice, then for each day thereafter that he continues or repeats such act he shall be treated as committing a further offence and may be dealt with in relation to any such further offence in like manner as he could be dealt with in relation to the original offence.

(4) Any amount paid pursuant to a fixed penalty notice shall be dealt with in the same way as any amount paid by way of a fine imposed on a conviction for an offence such as is described in the fixed penalty notice concerned.

(5) Where the Fiscal Officer or any other officer receives payment of any amount pursuant to a fixed penalty notice, he shall issue a receipt to the person making the payment giving the following particulars —

- (a) the name of the person who is alleged to have committed the offence to which the fixed penalty notice relates;
- (b) a brief description of the offence described in the fixed penalty notice in question;
- (c) the place where, and the time when, the offence to which the fixed penalty notice relates was committed; and
- (d) the amount of the fixed penalty.

(6) If the amount shown on a fixed penalty notice given under this section is paid before the expiration of the period of 14 days starting from the date of the giving of the notice, then no criminal prosecution shall be brought against the person to whom the fixed penalty notice was given in respect of the offence described in the fixed penalty notice.

(7) No prosecution shall be commenced or continued against any person in respect of any offence to which a receipt such as is described in subsection (5) above relates, and the production of such a receipt to a Court shall be conclusive evidence as to the matters mentioned therein.

(8) The payment by any person of a fixed penalty pursuant to a fixed penalty notice given under this section shall not constitute a conviction, but if the person to whom the fixed penalty notice was addressed is subsequently convicted of an offence similar to the one described in the fixed penalty notice, the convicting Court may take account of that payment when determining the appropriate penalty for the offence before it.”.

8. This Ordinance shall come into force on the day of its publication in the Gazette. Commencement.

17th July 2006

(SBA/AG/2/AG/FI/279)

P. D. Draycott

Chief Officer.

