
FISH FARMING (AMENDMENT) ORDINANCE 2012

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FISH FARMING (AMENDMENT) ORDINANCE 2012

An Ordinance to amend the Fish Farming Ordinance 2001

G. E. STACEY
ADMINISTRATOR

14th June 2012.

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

1. Short title

This Ordinance may be cited as the Fish Farming (Amendment) Ordinance 2012.

2. Commencement

This Ordinance comes into force on 1 July 2012.

3. Fish Farming Ordinance 2001 amended

The Fish Farming Ordinance 2001(a) is amended in accordance with sections 4 to 10.

4. Heading above section 5 substituted

The heading above section 5 is repealed and the following heading substituted: “**Notice of intention to grant permits for fish farms in sea areas**”.

5. Section 5 amended (notice of intention to grant permits for fish farms in sea areas)

Section 5 is amended by adding the following subsection—

- “(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).”

6. Section 15 amended (transfer of permit)

Section 15 is amended by adding the following subsection—

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

7. New section 18ZA inserted

The following new section is inserted after section 18—

“18ZA. Fishing within 100 metres of fish farms in sea areas prohibited

- (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.
- (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.”

8. Section 18A amended (compounding offences)

Section 18A(1) is amended by inserting “under section 18ZA,” after “section 18,”.

9. Section 23 amended (regulations)

Section 23(2) is amended by inserting the following paragraph after paragraph (mb)—

“(mc) the procedure for granting a permit to expand production;”.

10. New section 27 added

The following new section is added—

“27. Delegation of functions to the Republic

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.”

Notes

- (a) Ordinance 18/01, as amended by Ordinance 12/03.
(b) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Fish Farming (Amendment) Ordinance 2012 (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 and should be read in conjunction with the Ordinance.
2. The Ordinance amends the Fish Farming Ordinance 2001 (the “principal Ordinance”). Most of the amendments reflect amendments made to the corresponding law of the Republic of Cyprus by law 18(I)/2010.
3. Under section 5 of the principal Ordinance, notice in the Gazette and in newspapers must be given if the Fiscal Officer intends to grant a permit for fish farms in sea areas. The amendment to section 5 provides that the consent of the Chief Officer for such a notice is not required in relation to a sea area for which a permit was previously granted but has since been revoked or not renewed.
4. Section 15 of the principal Ordinance is amended to provide that a fee, prescribed in regulations, is payable on the transfer of a permit.
5. New section 18ZA of the principal Ordinance prohibits certain types of fishing within 100 metres of a fish farm in a sea area. The offence was previously part of the law of the Areas by virtue of the adoption of Republic of Cyprus public instrument no. 533 of 2002 under the Fish Farming (General) Regulations 2004.
6. Section 23 of the principal Ordinance is amended by permitting regulations to be made that provide for granting a permit to expand production on fish farms.
7. The Delegation of Functions to the Republic Ordinance 2007 currently provides that certain functions placed on the Fiscal Officer are qualified delegated functions for the purposes of that Ordinance. (An officer of the Republic must not carry out a qualified delegated function without first consulting the officer of the Areas on whom the function is placed.) In accordance with current drafting practice, this is made clear on the face of the principal Ordinance (see new section 27 of the principal Ordinance).

