

Ordinance 50 of 2020

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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 2 0

An Ordinance to amend the Fisheries Ordinance 2012.

R. Thomson
ADMINISTRATOR

18 December 2020

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 2020.

Commencement

2. This Ordinance comes into force on 1 January 2021 at 1:00 a.m.

Amendment of the Fisheries Ordinance 2012

3. The Fisheries Ordinance 2012^(a) is amended in accordance with sections 4 to 8.

(a) Ordinance 23/2012, as amended by Ordinances 8/2016 and 21/2016.

Amendment of section 3 (interpretation)

4. In section 3 (interpretation)—

- (a) for the definition of “enforceable EU obligation” substitute—

““enforceable EU obligation” means a duty relating to sea fishing from time to time created or arising by or under a Protocol measure and given legal effect by section 4 of the European Union (Withdrawal and Implementation of Protocol) Ordinance 2020(a);”,

- (b) for the definition of “enforceable EU restriction” substitute—

““enforceable EU restriction” means a restriction relating to sea fishing from time to time created or arising by or under a Protocol measure and given legal effect by section 4 of the European Union (Withdrawal and Implementation of Protocol) Ordinance 2020;”, and

- (c) for the definition of “Protocol measure” substitute—

““Protocol measure” has the meaning given in section 3 of the European Union (Withdrawal and Implementation of Protocol) Ordinance 2020;”.

Amendment of section 28 (vessels must not carry items whose use for fishing is prohibited)

5. In section 28—

- (a) in subsection (1) for “the permission of the Fiscal Officer” substitute “permission”,
(b) in subsection (2) for “the permission of the Fiscal Officer” substitute “permission” and
(c) after subsection (3), insert—

“(4) The function of granting permissions referred to in subsections (1) and (2) is a conferred function for the purposes of the Conferral of Protocol Functions on the Republic Ordinance 2020(b).

(5) To the extent that section 5 of the Conferral of Protocol Functions on the Republic Ordinance 2020 provides that a function referred to in subsection (4) is not exercisable by an officer of the Republic, that function is conferred on the Fiscal Officer.”

Amendment of section 32 (building, etc fishing vessel without permission of Fiscal Officer prohibited)

6. In section 32—

- (a) in the heading omit “of Fiscal Officer”,
(b) in subsection (1) for “the permission of the Fiscal Officer” substitute “permission”, and
(c) after subsection (2) insert—

“(3) The function of granting permission referred to in subsection (1) is a conferred function for the purposes of the Conferral of Protocol Functions on the Republic Ordinance 2020.

(4) To the extent that section 5 of the Conferral of Protocol Functions on the Republic Ordinance 2020 provides that a function referred to in subsection (3) is not exercisable by an officer of the Republic, that function is conferred on the Fiscal Officer.”

Section 35 (Fiscal Officer or Chief Constable may compound offences) substituted

7. For section 35 substitute—

(a) Ordinance 45/2020
(b) Ordinance 46/2020

“Power to compound offences

35.—(1) A compounding officer may compound a fisheries offence on such terms as the compounding officer thinks appropriate.

(2) The terms may, in particular, require a person to do one or more of the following—

- (a) pay a sum of money not exceeding the maximum fine for the offence;
- (b) surrender one or more items referred to in section 11(1) to the compounding officer.

(3) The compounding officer may sell, destroy or otherwise dispose of an item surrendered under subsection (2)(b); and, to avoid doubt, the Property (Provisions for Return and Compensation) Ordinance 2004(a) does not apply to such an item.

(4) In this section, the function of a compounding officer is a conferred function for the purposes of the Conferral of Protocol Functions on the Republic Ordinance 2020.

(5) To the extent that section 5 of the Conferral of Protocol Functions on the Republic Ordinance 2020 provides that a function referred to in this section is not exercisable by an officer of the Republic, that function is conferred on the Fiscal Officer or the Chief Constable.”

Amendment of section 39 (review by Chief Officer)

8.—(1) In section 39—

(2) For subsections (d) substitute—

“(d) a decision to refuse permission under section 28(1) or (2) which, by virtue of section 28(5), has been made by the Fiscal Officer;”.

(3) For subsection (e) substitute—

“(e) a decision to refuse permission under section 32(1) which, by virtue of section 32(4) has been made by the Fiscal Officer;”.

(a) Ordinance 36/2004.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Fisheries (Amendment) Ordinance 2020 (“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. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance.

3. The Ordinance amends the Fisheries Ordinance 2012 (“the principal Ordinance”).

4. Section 4 amends the definitions contained in the principal Ordinance to refer to the European Union (Withdrawal and Implementation of Protocol) Ordinance 2020 rather than the European Union (Protocol Measures) 2004 which has been repealed.

5. Sections 5-7 amend sections 28, 32 and 35 of the principal Ordinance to provide that the functions contained therein are conferred on the Republic except where the Conferral of Protocol Functions on the Republic Ordinance 2020 provides otherwise, in which case the function is conferred on the Fiscal Officer and, in the case of section 35, on the Chief Constable.

6. Section 8 amends section 39 of the principal Ordinance so that the Chief Officer may review such decisions as have been made under sections 28 and 32 by the Fiscal Officer.

SBA/AG/2/FI/68.
