

No. 58

**THE FISHING SHELTERS ORDINANCE 1993**

(Ordinance 19 of 1993 as amended by Ordinance 11 of 2006)

**REGULATIONS UNDER SECTION 4 AND 6A**

In exercise of the powers conferred upon him by sections 4 and 6A of the Fishing Shelters Ordinance 1993<sup>(a)</sup>, the Administrator hereby makes the following Regulations:—

**Citation**

1. These Regulations may be cited as the Fishing Shelters (Regulation, Management and Operation) Regulations 2006.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“facilities”, in relation to a fishing shelter includes any buoy, jetty, boat-yard, bollard, pier, boat and any other movable or immovable property which may be available for use within the fishing shelter;

“Fiscal Officer” includes any person appointed by the Fiscal Officer to perform any of the duties imposed, or to exercise any of the powers given to the Fiscal Officer by, or for the purposes of, these Regulations;

“master” in relation to any vessel includes any person for the time being having charge of, or responsibility for, the vessel;

“fishing licence” has the meaning given to that expression by section 2 of the Fisheries (Consolidation) Ordinance 2005<sup>(b)</sup>;

“the Ordinance” means the Fishing Shelters Ordinance 1993<sup>(c)</sup>.

**Speed limit and mooring requirements for fishing shelters**

3.—(1) A person shall not sail a vessel into, out of, or within any fishing shelter at a speed exceeding 5 knots.

(2) A person shall comply with any direction given to him by the Fiscal Officer concerning the place where, and the method by which he is to moor, move, remove or otherwise berth a vessel within a fishing shelter, but a person’s compliance with any such direction shall not in itself absolve him from any civil or criminal breach for which he may become liable by reason of the manner in which he handles his vessel inside or outside the fishing shelter or in the course of mooring, moving, removing or otherwise berthing the vessel.

(3) A person shall not anchor any vessel outside a fishing shelter within 100 metres of its entrance.

(4) The master of a vessel shall ensure that his vessel is securely moored at any time that it is stationary within a fishing shelter.

(5) Where the Fiscal Officer considers it necessary to do so, he may direct the master of a vessel which is moored in a fishing shelter to moor it in a different place or to use a different method for mooring it.

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(a) Ordinance 19 of 1993; section 6A is inserted by Ordinance 11 of 2006.

(b) Ordinance 3 of 2005.

(c) Ordinance 19 of 1993; amended by Ordinance 11 of 2006.

(6) Where the master of a vessel does not comply with any direction given to him under paragraph (5) above, the Fiscal Officer may himself moor the vessel in a different place or use a different method for mooring it. The Fiscal Officer shall not be liable for any damage which may thereby be caused and he may recover any costs incurred by him from the master of the vessel. If the vessel is moved to a place outside the fishing shelter, then that place shall be secured and shall be guarded at the expense and risk of the master of the vessel.

(7) A person shall not change the place where a vessel is moored within a fishing shelter, or the method of the vessel's mooring, without the consent of the Fiscal Officer.

#### **Entitlement to use fishing shelter and further restrictions on use**

4.—(1) The owner or the master of any vessel using a fishing shelter must be a resident of the Areas or of the Republic, unless the Fiscal Officer allows, subject to such conditions as he may impose, a person who is not such a resident to use a fishing shelter.

(2) The master of a vessel berthed in a fishing shelter must maintain the vessel in a sea-worthy condition, unless, subject to such conditions as he may impose, the Fiscal Officer otherwise allows.

(3) The master of a vessel shall be liable for any damage caused to a fishing shelter or to any facilities within a fishing shelter arising from the presence of the vessel in the fishing shelter.

(4) A person who, for whatever purpose, uses a fishing shelter or any facilities in a fishing shelter, does so at his own risk.

#### **Residence on vessel at fishing shelter**

5. A person shall not reside on a vessel berthed in a fishing shelter unless he has a permit to do so from the Fiscal Officer.

#### **Use of vehicles in fishing shelter**

6.—(1) A person may not bring any vehicle into a fishing shelter except with the permission of the Fiscal Officer and subject to such conditions as the Fiscal Officer may impose.

(2) A person shall not leave a boat-trailer or any other means of transporting vessels on land in a fishing shelter without a permit authorising him to do so from the Fiscal Officer.

(3) The Fiscal Officer may order the removal from a fishing shelter of any vehicle, boat-trailer or any other means of transporting vessels on land which is present there otherwise than as permitted under paragraphs (1) and (2) above, and if the person who for the time being has control of the vehicle, boat-trailer or other means of transporting vessels on land fails to move it, or if he cannot be found, then the Fiscal Officer may himself remove it, or appoint some other person to remove it. Neither the Fiscal Officer nor any other person whom the Fiscal Officer may appoint to remove any thing under this paragraph shall be liable for any loss or damage arising from such removal provided that the person carrying out the removal takes all reasonable steps to prevent any such loss or damage.

#### **Restrictions on placing nets, bathing or diving in fishing shelters**

7.—(1) A person shall not place any nets into the waters within a fishing shelter or into the waters outside of a fishing shelter within a distance of 100 metres from its entrance.

(2) A person shall not bathe in the waters within a fishing shelter or in the waters outside of a fishing shelter within a distance of 100 metres from its entrance.

(3) A person shall not dive in the waters within a fishing shelter or in the waters outside of a fishing shelter within a distance of 100 metres from its entrance, unless he has a permit from the Fiscal Officer authorising him to do so.

### **Unloading of vessels**

**8.**—(1) A person shall not bring any vessel onto land forming part of a fishing shelter or unload anything from any vessel onto such land for any purpose, without a permit authorising him to do so from the Fiscal Officer.

(2) A person shall not leave or abandon any equipment on any land forming part of a fishing shelter in such a way as to obstruct ready access to any of the facilities available there.

(3) A person shall not deposit any refuse in the waters of a fishing shelter, nor any other form of waste which may pollute those waters.

(4) The master of a vessel shall arrange for any form of waste from his vessel which may pollute the waters of a fishing shelter to be deposited in such receptacles as may be provided at the fishing shelter for the disposal of such waste.

(5) The owner of any vessel or other object which may have been sunk or otherwise abandoned in a fishing shelter shall arrange for the re-floating or removal of the vessel or other object. If the owner does not do so within a reasonable time, the Fiscal Officer may, without being liable for any loss or damage which may thereby be caused, arrange for the work to be done and recover the costs of the work from the master or owner of the vessel or other object. If the Fiscal Officer is unable to trace the master or owner then he shall arrange for the work to be done.

### **Obligations where owner of vessel holds fishing licence**

**9.**—(1) The master of a vessel in respect of which there is a fishing licence permitting the taking of fish for the purpose of profit, shall obtain from the Fiscal Officer a berthing permit in respect of a specific fishing shelter, either before or when he uses the fishing shelter for the first time.

(2) The master of a vessel who holds a permit under paragraph (1) above is not authorised under that permit to use any fishing shelter other than the one specified in that permit.

(3) A person holding a permit under this regulation may not transfer it to any other person.

### **Carrying out works in a fishing shelter**

**10.**—(1) A person shall not erect in, or bring into, a fishing shelter any landing-stage, raft, platform, jet-ski or other form of pleasure craft without a permit from the Fiscal Officer authorising him to do so.

(2) A public authority shall only carry out any works in a fishing shelter or install there any appliance, equipment or other thing for

the purposes of supplying water, electricity or any other facility, if it has a licence from the Fiscal Officer authorising it to do so, and it shall comply with any conditions which the Fiscal Officer may impose in connection with such a licence.

### **No liability of Fiscal Officer for accident or damage**

**11.** The Fiscal Officer shall not be liable for any loss or damage to any property or for any injury sustained by any person in a fishing shelter.

### **Fixed Penalty offences**

**12.** Each of the offences described in the first column of the Table below is specified as an offence in respect of which the Fiscal Officer or for the purposes of section 6A of the Ordinance, may give any person believed to have committed an offence of that description, the option of paying a fixed penalty in the amount shown in the second column of the Table in relation to an offence of that description, instead of being prosecuted for the offence in question.

**TABLE**

<b>First Column Description of offence</b>	<b>Second Column Fixed penalty</b>
<b>1.</b> Person using a fishing shelter or its facilities without a permit in writing granted by the Chief Officer under section 5 of the Ordinance or in contravention of any conditions subject to which such a permit has been issued, contrary to section 5(3) of the Ordinance.	(a) £20 if the length of the vessel involved does not exceed 6 metres (b) £30 if the length of the vessel involved exceeds 6 metres but does not exceed 9 metres (c) £50 if the length of the vessel involved exceeds 9 metres but does not exceed 12 metres (d) £75 if the length of the vessel involved exceeds 12 metres but does not exceed 15 metres (e) £100 if the length of the vessel involved exceeds 15 metres
<b>2.</b> Person sailing a vessel into, out of or within a fishing shelter at a speed exceeding 5 knots, contrary to regulation 3(1) above.	£50
<b>3.</b> Person anchoring a vessel outside a fishing shelter within 100 metres of its entrance, contrary to regulation 3(3) above.	£20
<b>4.</b> Person changing the place where a vessel is moored within a fishing shelter or changing the method of the vessel's mooring without the consent of the Fiscal Officer, contrary to regulation 3(7) above.	£20

<p><b>5.</b> Master failing to maintain his vessel berthed in a fishing shelter in a sea-worthy condition, contrary to regulation 4(2) above.</p>	<p>£20</p>
<p><b>6.</b> Person residing on a vessel berthed in a fishing shelter without a permit from the Fiscal Officer, contrary to regulation 5 above.</p>	<p>£50</p>
<p><b>7.</b> Person bringing a vehicle into a fishing shelter without the permission of the Fiscal Officer, or person failing to comply with any condition subject to which such permission has been given to him, contrary to regulation 6(1) above.</p>	<p>£50</p>
<p><b>8.</b> Person leaving a boat-trailer or other means of transporting vessels on land in a fishing shelter without a permit from the Fiscal Officer authorising him to do so, contrary to regulation 6(2) above.</p>	<p>£50</p>
<p><b>9.</b> Person placing nets into the waters of a fishing shelter or into the waters outside a fishing shelter but within a distance of 100 metres from its entrance, contrary to regulation 7(1) above.</p>	<p>£30</p>
<p><b>10.</b> Person bathing in the waters within a fishing shelter or in the waters outside a fishing shelter but within a distance of 100 metres from its entrance, contrary to regulation 7(2) above.</p>	<p>£20</p>
<p><b>11.</b> Person diving in the waters within a fishing shelter or in the waters outside a fishing shelter but within a distance of 100 metres from its entrance, contrary to regulation 7(3) above.</p>	<p>£20</p>
<p><b>12.</b> Person bringing a vessel onto land in a fishing shelter or landing any thing there without a permit from the Fiscal Officer authorising him to do so, contrary to regulation 8(1) above.</p>	<p>£75</p>

<p><b>13.</b> Person leaving or abandoning equipment in a fishing shelter so as to obstruct ready access to the facilities available there, contrary to regulation 8(2) above.</p>	<p>£50</p>
<p><b>14.</b> Person depositing refuse in the waters of a fishing shelter or depositing any other form of waste which may pollute the waters of a fishing shelter, contrary to regulation 8(3) above.</p>	<p>£100</p>
<p><b>15.</b> Person erecting in or bringing into a fishing shelter a landing-stage, raft, platform, jet-ski or other form of pleasure craft without a permit from the Fiscal Officer authorising him to do so, contrary to regulation 10(1) above.</p>	<p>£100</p>

### **Revocation of previous Regulations**

**13.** The Fishing Shelters (Regulation, Management and Operation) Regulations 1999<sup>(d)</sup> are revoked.

### **Commencement**

**14.** These Regulations shall come into force on the day of their publication in the Gazette.

Dated this 27th day of July 2006.

By the Administrator's Command,

P. D. Draycott,  
Chief Officer,

(SBA/AG/2/FI/279/1)

Sovereign Base Areas.

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(d) P.I. 33 of 1999.