
F I S H E R I E S (A M E N D M E N T) R E G U L A T I O N S 2 0 2 0

The Administrator makes the following Regulations in exercise of the power under section 40 of the Fisheries Ordinance 2012(a).

Citation

1. These Regulations may be cited as the Fisheries (Amendment) Regulations 2020.

Commencement

2. These Regulations come into force on 1 January 2021 at 1:00 a.m.

Amendment of the Fisheries Regulations 2012

3. The Fisheries Regulations 2012(b) are amended in accordance with regulations 4 to 9.

Amendment of regulation 7 (sale of fish taken by person fishing recreationally, etc prohibited)

4. In regulation 7(2)(a) for “the Fiscal Officer has issued a permit” substitute “a permit has been issued”.

Amendment of regulation 9 (fishing competitions and tourist fishing prohibited without permit)

5. In regulation 9—
 - (a) in paragraph (2), omit “from the Fiscal Officer”, and
 - (b) after paragraph (6), insert—
 - “(7) The function of issuing a permit referred to in paragraph (2) is a conferred function for the purposes of the Conferral of Protocol Functions on the Republic Ordinance 2020(c).
 - (8) To the extent that section 5 of the Conferral of Protocol Functions on the Republic Ordinance 2020 provides that a function referred to in paragraph (7) is not exercisable by an officer of the Republic, that function is conferred on the Fiscal Officer.”.

Amendment of regulation 25A (tourist fishing)

6. In regulation 25A(1)(a) omit “by the Fiscal Officer”.

(a) Ordinance 23/2012, as amended by Ordinances 8/2016 and 21/2016
(b) P.I. 22/2012, as amended by P.Is. 26/2013, 44/2013, and 19/2014
(c) Ordinance 46/2020

Regulation 47 (unloading fish caught outside the Areas or the Republic prohibited without permit) substituted

7. For regulation 47 substitute—

“47.—(1) Where a vessel fishes outside the territorial waters of the Areas or the Republic, a person must not unload the catch of the vessel in the Areas unless—

- (a) authorised by a permit; and
- (b) every condition imposed on that permit is complied with.

(2) The function of issuing a permit referred to in paragraph (1)(a) is a conferred function for the purposes of the Conferral of Protocol Functions on the Republic Ordinance 2020.

(3) To the extent that section 5 of the Conferral of Protocol Functions on the Republic Ordinance 2020 provides that a function referred to in paragraph (2) is not exercisable by an officer of the Republic, that function is conferred on the Fiscal Officer.”.

Amendment of regulation 52 (importing, etc live fish)

8. In regulation 52—

- (a) in paragraph (1), for “a permit issued by the Fiscal Officer”, substitute “a permit”, and
- (b) after paragraph (3), insert—

“(4) The function of issuing a permit referred to in paragraph (1) 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 paragraph (7) is not exercisable by an officer of the Republic, that function is conferred on the Fiscal Officer.”.

Amendment of regulation 55 (review by Chief Officer)

9. In regulation 55, for paragraph (2) substitute—

“(2) The decisions are—

(a) a decision in respect of a permit under regulation 9(2) (fishing competitions and tourist fishing prohibited without permit) which, by virtue of regulation 9(8), has been made by the Fiscal Officer;

(b) a decision in respect of a permit under regulation 47 (unloading fish caught outside the Areas or the Republic prohibited without permit) which, by virtue of regulation 47(3), has been made by the Fiscal Officer;

(c) a decision to issue a notice under regulation 50(1) (Fiscal Officer may prohibit departure to sea of unlicensed vessels found with fishing gear);

(d) a decision in respect of a permit under regulation 52(1) (importing, etc live fish) which, by virtue of regulation 52(5) has been made by the Fiscal Officer.”.

Dated this 18th day of December 2020.

R. Thomson,
Administrator,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. This explanatory note relates to the Fisheries (Amendment) Regulations 2020 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.

2. This note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations.

3. The Regulations amend the Fisheries Regulations (the “principal Regulations”).

4. Regulations 5, 7 and 8 of the Regulations amend Regulations 9, 47 and 52 of the principal Regulations to provide that the function of issuing a permits is 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.

5. Regulation 9 of the Regulations amends Regulation 55 of the principal Regulations so that the Chief Officer may review such decisions as have been made under regulations 9, 47 and 52 by the Fiscal Officer.

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