

Island of Guernsey

Ordinance of the States **XXII**

1972

Made 26th April, 1972.
Came into Operation ... 26th April, 1972.

The Fishing (Amendment) (No. 3) Ordinance, 1972

THE STATES, in pursuance of their Resolution of the twenty-sixth day of January, nineteen hundred and seventy-two and the twenty-ninth day of March, nineteen hundred and seventy-two, hereby order:—

1. The Fishing Ordinance, 1969, as amended^(a), is hereby further amended as follows:—

Amend-
ments to
Ordinance
of 1969.

- (a) section eleven thereof and the marginal note thereto are repealed and the following section and marginal note are substituted therefor—

“ Diving for
lobster,
crawfish,
crab,
scallop
and omer
prohibited
in certain
areas.

11. (1) A person shall not take
by diving—

- (a) any crawfish in any part
of the territorial waters of
this Island;
(b) any scallop in any part
of the territorial waters of

^(a) Recueil d'Ordonnances Tome XVI, pp. 188 and 464;
No. XI of 1971; Nos. XVII and XVIII of 1972.

this Island lying within the area bounded by the west, north and east coasts of the Island of Guernsey, an imaginary line drawn at a distance of one quarter of a mile from the shore of the Island of Guernsey measured from the low water mark of ordinary spring tides and two imaginary lines drawn from the coast of the Island of Guernsey to the first aforesaid imaginary line respectively, namely—

- (i) an imaginary line drawn south-west from the most southerly of the British Broadcasting Corporation's television masts, in the parish of Torteval, from the point where such line meets the west coast of the Island of Guernsey to the point where such line meets the first aforesaid imaginary line drawn at a distance of one quarter of a mile from the shore of the Island of Guernsey measured as aforesaid; and

- (ii) an imaginary line drawn from the Belvedere Light through the Castle Breakwater Light, in the parish of Saint Peter Port, from the point where such line meets the east coast of the Island of Guernsey to the point where such line meets the first aforesaid imaginary line drawn at a distance of one quarter of a mile from the shore of the Island of Guernsey measured as aforesaid;
- (c) any lobster, crab or ormer in any part of the territorial waters of this Island lying within the area bounded by the west, north and east coasts of the Island of Guernsey, the limits of the said territorial waters and two imaginary lines drawn from the coast of the Island of Guernsey to the limits of the said territorial waters respectively, namely—
- (i) an imaginary line drawn south-west from the most south-

erly of the British Broadcasting Corporation's television masts, in the parish of Torteval, from the point where such line meets the west coast of the Island of Guernsey to the point where such line meets the limits of the said territorial waters; and

- (ii) an imaginary line drawn from the Belvedere Light through the Castle Breakwater Light, in the parish of Saint Peter Port, from the point where such line meets the east coast of the Island of Guernsey to the point where such line meets the limits of the said territorial waters:

Provided that it shall not be an offence for a person to take by diving any lobster, crab or scallop in any part of the territorial waters of this Island in which the taking of such lobster, crab or scallop, as the case may be, is prohibited under this subsection if he can prove that he did not take by diving such

lobster, crab or scallop otherwise than—

- (i) while using an apparatus known as “a snorkel”; and
- (ii) for consumption by himself or a member of his household.

(2) In proceedings in respect of a contravention of subsection

(1) of this section—

- (a) if any lobster, crawfish, crab, scallop or ormer is found in the possession or control of a person using a boat as a base for diving, such lobster, crawfish, crab, scallop or ormer shall be deemed to have been taken by diving and if such boat is in any part of the territorial waters of this Island in which the taking by diving of such lobster, crawfish, crab, scallop or ormer, as the case may be, is prohibited under subsection (1) of this section, it shall be deemed that any diver in the water who is using such boat as a base for diving is in the said part of the said territorial waters;
- (b) if a person is found taking or having in his possession any lobster, crawfish,

crab, scallop or ormer in any part of the territorial waters of this Island in which the taking by diving of such lobster, crawfish, crab, scallop or ormer, as the case may be, is prohibited under subsection (1) of this section, the onus of proof that such lobster, crawfish, crab, scallop or ormer was not taken by diving in the said part of the said territorial waters shall lie with such person;

- (c) if any lobster, crawfish, crab, scallop or ormer is found in the possession or control of a person using a boat as a base for diving and such boat is in any part of the territorial waters of this Island in which the taking by diving of such lobster, crawfish, crab, scallop or ormer, as the case may be, is prohibited under subsection (1) of this section, the onus of proof that such boat was not in the said part of the said territorial waters shall lie with such person.”.

(b) in subsection (1) of section sixteen thereof—

(i) immediately after the definition of the expression "the Committee" there is inserted the following additional definition—

" "mile" means nautical mile;";

(ii) immediately after the definition of the expression "submarine breathing apparatus" there is inserted the following additional definition—

" "take by diving" means to gain possession or control of any lobster, crawfish, crab, scallop or ormer by a person while he is totally or partially submerged and breathing with the aid of submarine breathing apparatus or wearing a diving suit, a face visor, a mask or goggles and the expressions "the taking by diving", "taken by diving", "diver" and "diving" shall be construed accordingly;";

(c) the Third Schedule thereto is repealed.

2. The Fishing (Amendment) Ordinance, 1972 Repeals.
and the Fishing (Amendment) (No. 2) Ordinance, 1972, are hereby repealed.

3. This Ordinance may be cited as the Fishing Citation.
(Amendment) (No. 3) Ordinance, 1972.

4. This Ordinance and the Fishing Ordinances, Collective
1969 to 1971, may be cited together as the Fishing title.
Ordinances, 1969 to 1972.

R. H. VIDELO,

Her Majesty's Greffier.