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Ordinance of the Chief Pleas

entitled

The Fishing (Amendment) (Sark) Ordinance, 1989

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 18th day of January 1989 hereby order:-

Amendments to  
Ordinance of  
1958.

1. The Fishing (Sark) Ordinance, 1958, is hereby further amended, as follows:-

- (a) section 3(2) thereof is repealed;
- (b) subsections (2) and (3) of section 7 thereof are repealed;
- (c) immediately after section 7A thereof there is inserted the following additional section numbered "7B" -

"Access to and fishing in territorial waters.

7B.(1) Subject to the provisions of subsection (4) of this section a foreign fishing boat shall not enter any part of the territorial waters adjacent to this Island except for a purpose recognised by international law or by any convention for the time being in force in this Island between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those waters for such a purpose -

- (a) shall return outside those waters

as soon as the  
purpose has been  
fulfilled; and

(b) shall not fish or  
attempt to fish  
while within  
those waters.

(2) Subject to the provisions of subsection (4) of this section a foreign fishing boat shall not fish or attempt to fish within any part of the territorial waters adjacent to this Island.

(3) Subject to the provisions of subsection (4) of this section at any time when a foreign fishing boat is within any part of the territorial waters adjacent to this Island then, its fishing gear shall be stowed securely and in such a manner that it shall not be capable of being used for fishing.

(4) Nothing in this section shall affect the operation of any order for the time being in force in this Island made under section 2(1) of the Fishery Limits Act 1976 designating any country outside the United Kingdom, the

Channel Islands and the Isle of Man and, in relation to it, areas within any part of the territorial waters adjacent to this Island being part of the British fishery limits in which, and descriptions of fish for which, fishing boats registered in that country may fish.";

(d) section 8 thereof is repealed and the following section is substituted therefor -

"Powers of the Constable. 8. The Constable may -

- (a) detain any person who has committed, or whom he has reasonable cause to suspect of having committed, an offence under any of the provisions of this Ordinance;
- (b) stop, board and enter and search any boat or vehicle used in taking or conveying fish;
- (c) enter and search

any premises used  
by way of trade  
for carrying on  
any business in  
connection with  
the treatment,  
storage or sale  
of fish;

- (d) search for and  
examine any fish,  
net, explosive,  
diving apparel or  
equipment or  
other apparatus  
whatsoever used  
in taking or  
conveying fish,  
or any matter the  
deposit of which  
is prohibited or  
regulated under  
any of the  
provisions of  
this Ordinance,  
in any place,  
whether on board  
a boat, in a  
vehicle or  
elsewhere, and  
whether in a

receptacle or  
not;

(e) seize any fish  
which he has  
reasonable cause  
to suspect is to  
be exported from  
this Island or  
has been landed,  
taken, bought,  
sold, offered for  
sale or is  
possessed in  
contravention of  
any of the  
provisions of  
this Ordinance;

(f) seize any fish,  
net, explosive,  
diving apparel or  
equipment or  
other apparatus  
whatsoever which  
he has reasonable  
cause to suspect  
has been used or  
carried or is  
being used or  
carried in  
contravention of



corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”;

(f) section 9 thereof is repealed and the following section is substituted thereof -

“Offences and penalties. 9. Any person who contravenes or attempts to contravene any of the provisions of this Ordinance or who wilfully obstructs the Constable in the exercise of any of his powers under any of the provisions of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment and the Court may, in addition, order the seizure, destruction or other disposal of the fish and of any equipment or other apparatus whatsoever to which the conviction relates at the expense of the convicted person.

(g) section 10 thereof is repealed and the following section is substituted therefor -

"Interpretation. 10.(1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"the Constable"

includes the  
Vingtenier and any  
police officers  
detailed for duty  
in accordance with  
the provisions of  
section 25 of the  
Reform (Sark) Law,  
1951;

"the Court" means the  
Court of the  
Seneschal;

"fish" means fish of  
any kind found in  
the sea, whether  
alive or dead,  
including shell-  
fish, and any part  
of any such fish;

"fishing-boat" means a  
vessel of whatever

size, and in whatever way propelled, which is for the time being used in fishing;

"foreign fishing boat"

means a fishing boat which is not -

(a) registered in the United Kingdom, the Channel Islands or the Isle of Man; or

(b) exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894; or

(c) owned wholly by a person who is (within the meaning of the Merchant Shipping Act 1894) quali-

fied to own a

British ship;

"this Island" means

any of the Islands

of Sark and

Brecqhou and

includes the islets

and rocks and the

territorial waters

adjacent thereto;

"shellfish" includes

crustaceans and

molluscs of any

species and any

spat or spawn of

shellfish;

"vehicle" means a

mechanically

propelled vehicle

intended or adapted

for use on a public

highway and

includes a trailer

drawn thereby, an

animal drawn

vehicle, a bicycle

and a tricycle;

"vessel" includes any

ship or boat or any

other description

of vessel used in  
navigation.

(2) The Interpretation  
(Guernsey) Law, 1948, shall apply  
to the interpretation of this  
Ordinance as it applies to the  
interpretation of a Guernsey  
enactment.

(3) Any reference in this  
Ordinance to any other enactment  
shall, except where the context  
otherwise requires, be construed  
as including a reference to that  
enactment as amended, repealed or  
replaced, extended or applied by  
or under any other enactment  
including this Ordinance."

Amendment to  
Ordinance of  
1966.

2. In section 1(2) of the Fishing (Sark) Ordinance, 1966,  
the words "ten pounds" are hereby repealed and the words "two  
hundred pounds" are hereby substituted therefor.

Citation.

3. This Ordinance may be cited as the Fishing (Amendment)  
(Sark) Ordinance, 1989

Collective  
title.

4. This Ordinance and the Fishing (Sark) Ordinances, 1958  
to 1986, may be cited together as the Fishing (Sark) Ordinances,  
1958 to 1989

Commencement.

5. This Ordinance shall come into force on the 18th day of  
January 1989