

Island of



Alderney

Ordinance of the States

I
2000

Made 1st March 2000

Coming into operation 1st March 2000

THE FISHING (CONSERVATION OF SMALL CETACEANS) (ALDERNEY) ORDINANCE, 2000

THE STATES OF ALDERNEY, in exercise of the powers conferred upon them by section 46 of the Government of Alderney Law, 1987, as amended(a), hereby order :—

1. (1) No person shall land, import, export, take, kill, injure, buy, sell or have in his possession any small cetacean or basking shark.

**Conservation of
small cetaceans.**

(2) A person who takes any small cetacean or basking shark in contravention of subsection (1) shall return it to the sea forthwith.

(3) A person who contravenes or attempts to contravene any provision of this section is guilty of an offence.

2. Sections 5, 6 and 7 of the Fishing (Alderney) (Amendment) Ordinance, 1980 shall apply in relation to a contravention or attempted contravention of, or offence under, the provisions of this Ordinance as they apply in relation to a contravention or attempted contravention of, or offence under, the provisions of

Enforcement.

(a) Ordres en Conseil Vol. XXX. p.37; Vol. XXXI, pp.83 and 306; No. XI of 1993; No. IX of 1995; No. IV of 1996; and No. ... IV of 1998.

the Fishing (Alderney) (Amendment) Ordinance, 1980; and, in the said sections 5, 6 and 7, any reference (however expressed)–

- (a) to fish, shall be deemed to include a reference to small cetaceans and basking sharks;
- (b) to a licence under that Ordinance, shall be deemed to include a reference to a licence under this Ordinance.

Exemptions

3. Nothing in this Ordinance applies to–

- (a) a member, officer, servant or agent of the Committee when acting for and on behalf of the Committee;
- (b) an officer of police acting in the course of his duties; or
- (c) any act done for the purpose of scientific investigation under the authority of and in accordance with the conditions of a licence of the Committee.

Interpretation.

4. (1) In this Ordinance, except where the context otherwise requires–

“**basking shark**” means a shark of the species *Cetorhinus maximus*;

“**Committee**” means the States of Alderney General Services Committee;

“**contravene**” includes failure to comply, and cognate expressions shall be construed accordingly;

“**officer of police**” means a member of the salaried police force of the Island of Guernsey or, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987;

“**sell**” includes expose or offer for sale;

“**small cetacean**” means any species, subspecies or population of toothed whales *Odontoceti* other than sperm whale *Physeter macrocephalus*.

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

(3) Any reference in this Ordinance to another enactment or Ordinance is a reference thereto as from time to time amended, replaced or re-enacted (in either case, with or without modification), extended or applied.

5. This Ordinance shall have effect in the Island of Alderney, the islets, rocks and dependencies thereof and the territorial water adjacent thereto. **Extent.**

6. This Ordinance may be cited as the Fishing (Conservation of Small Cetaceans) (Alderney) Ordinance, 2000. **Citation.**

D.V. JENKINS
Clerk of the States