

**ORDINANCE
OF THE STATES OF ALDERNEY**

ENTITLED

**The Fishing (Conservation of Small Cetaceans) (Alderney)
Ordinance, 2000 ***

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.

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* Alderney Ordinance No. I of 2000; as amended by the Government of Alderney (Amendment) Law, 2000 (No. I of 2000, Ordres en Conseil Vol. XL, p. 15). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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ARRANGEMENT OF SECTIONS

1. Conservation of small cetaceans.
2. Enforcement.
3. Exemptions.
4. Interpretation.
5. Extent.
6. Citation.

(Made on the 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: –

Conservation of small cetaceans.

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

(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.

Enforcement.

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 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

^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.

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 [or deemed to be appointed pursuant to the provisions of an Ordinance made under section 46A] 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 the 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.

NOTES

In section 4, the words in square brackets in the definition of the expression "officer of police" in subsection (1) were substituted by the Government of Alderney (Amendment) Law, 2000, section 2, with effect from 19th June, 2002.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

^b Ordres en Conseil Vol. XIII, p. 355.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Extent.

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

Citation.

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

NOTE

The Ordinance was made and came into operation on 1st March, 2000.
