

Draft  
Ordinance of the Chief Pleas  
entitled

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

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 19th day of January, 2000, 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. The provisions of sections 17 to 21 of the Fishing (Sark) Ordinance, 1996 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 Fishing (Sark) Ordinance, 1996; and any reference (however expressed) in the said sections 17 to 21 to fish shall be deemed to include a reference to small cetaceans and basking sharks.

**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) the Constable or the Vingtenier; 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 Sark Sea Fisheries Committee;

"contravene" includes failure to comply, and cognate expressions shall be construed accordingly;

"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(a) 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.

**Extent.**

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

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(a) Ordres en Conseil Vol. XIII, p. 355.

**Citation.**

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