

Island of Guernsey

Ordinance of the States **XXVI**

1973

Made	30th May, 1973.
Came into Operation ...	30th May, 1973.

The Fishing (Ormers Prohibition) Ordinance, 1973

THE STATES, in pursuance of their Resolution of the twenty-eighth day of March, nineteen hundred and seventy-three, hereby order:—

1. (1) Subject to the provisions of section three of this Ordinance and notwithstanding anything contained in the Fishing Ordinance, 1969(a), a person shall not, during the period commencing on the first day of December, nineteen hundred and seventy-three, and ending on the thirtieth day of November, nineteen hundred and seventy-six, both days inclusive, import into, export from, take in, or have in his possession, buy, sell or offer for sale in this Island any ormer.

Prohibition
on the
taking etc.,
of ormers.

(2) Any person who contravenes or attempts to contravene the provisions of the last preceding subsection shall be guilty of an offence and liable, on

(a) Recueil d'Ordonnances Tome XVI, pp. 188 and 464;
Tome XVII, p. 44; No. XXII of 1972.

conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and the Court may, in addition, order the seizure, destruction or other disposal of the ormer to which the conviction relates at the expense of the convicted person and in the case of a conviction relating to the taking of any ormer the Court may, in addition, order the seizure, destruction or other disposal of any equipment or other apparatus whatsoever used in connection with such taking at the expense of the convicted person.

Powers of inspection.

2. (1) An officer of police or any person authorised in writing in that behalf by the Committee may open any basket, box, barrel, packet or other container or wrapping which he has reasonable cause to believe contains any ormer and may inspect the contents of such basket, box, barrel, packet or other container or wrapping and may seize any ormer which he has reasonable cause to believe has been imported into or is to be exported from this Island or has been taken or is possessed in contravention of the provisions of subsection (1) of the last preceding section.

(2) Any person who wilfully obstructs an officer of police or a person authorised as aforesaid in the exercise of any of his powers under the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Exemptions.

3. The provisions of section one of this Ordinance shall not apply—

- (a) to a servant or agent of the Committee when acting for or on behalf of the Committee;
- (b) to any act done for the purpose of scientific investigation or of re-stocking the territorial waters adjacent to this Island with ormers by a person approved by the Committee;
- (c) to the taking and possession of any ormer intended for use for propagation or cultivation under artificial conditions by a person approved by the Committee subject to such taking, possession, propagation or cultivation, as the case may be, being in accordance with any directions which may from time to time be given by the Committee;
- (d) to the possession, sale, offer for sale or purchase by any person of any ormer propagated or cultivated under artificial conditions in accordance with the provisions of the last preceding paragraph subject to such possession, sale, offer for sale or purchase, as the case may be, being in accordance with any directions which may from time to time be given by the Committee.

4. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“the Committee” means the States Sea Fisheries Committee;

“officer of police” means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the said Island;

- “ormer” includes any preserved ormer;
 “preserved” means cooked, pickled or deep frozen;
 “this Island” means any of the Islands of Guernsey, Herm and Jethou and includes the islets and rocks and the territorial waters adjacent thereto.

(2) 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.

Citation. 5. This Ordinance may be cited as the Fishing (Ormers Prohibition) Ordinance, 1973.

Duration. 6. This Ordinance shall cease to have effect on the first day of December, nineteen hundred and seventy-six.

R. H. VIDELO,
 Her Majesty's Greffier.

Copies may be purchased from
 Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 3p