

Ordinance of the Chief Pleas *Sec Nos. 22 and 30 for amendments.*

entitled

The Fishing (Sark) Ordinance, 1958

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the fifteenth day of January, nineteen hundred and fifty-five, and of the twenty-fourth day of April, nineteen hundred and fifty-seven, hereby order:-

1. A person shall not import into, export from, or take, have in his possession, buy, sell or offer for sale in, this Island:-

- (a) whittings or dabs measuring less than eight inches in length;
- (b) soles measuring less than nine and a half inches in length;
- (c) plaice, lemon soles or megrims measuring less than ten inches in length;
- (d) haddock measuring less than eleven inches in length;
- (e) witches measuring less than eleven and a half inches in length;
- (f) turbot, brill, cod or hake measuring less than twelve inches in length or skate (ray) measuring less than twelve inches in breadth;
- (g) ormers measuring less than three inches along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell;
- (h) crabs commonly known as "lady crabs" measuring less than two inches along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell;
- (i) crabs commonly known as "chancres" measuring less than five and a half inches along a horizontal plane between perpendiculars at the extremities of a line drawn between the most distant extremities of the shell; or
- (j) lobsters or crayfish measuring less than nine inches from the tip of the beak to the end of the tail.

2. (1) A person shall not in this Island take, have in his possession, buy, sell or offer for sale:-

- (a) ormers, other than preserved ormers, at any time except on the day of each new moon and on the three days next following

and on the day of each full moon and on the three days next following during the period commencing on the tenth day of October in each year and ending on the thirtieth day of April next following, both days inclusive:

PROVIDED that any person found to be in possession of, or buying, selling or offering for sale, ormers on the first or second days of May or on the fourth or fifth days next following a new moon or full moon during the above-specified period shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that those ormers were not taken after the thirtieth day of April or after the third day next following the new moon or full moon, as the case may be;

(b) crabs commonly known as "lady crabs", during the period commencing on the first day of May in each year and ending on the ninth day of October next following, both days inclusive: PROVIDED that any person found to be in possession of, or buying, selling or offering for sale, such crabs on the first or second days of May shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that the crabs were not taken after the thirtieth day of April;

(c) shrimps, other than preserved shrimps, during the period commencing on the first day of March in each year and ending on the thirtieth day of June next following, both days inclusive: PROVIDED that any person found to be in possession of, or buying, selling or offering for sale, shrimps on the first or second days of March shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that the shrimps were not taken after the last day of February.

(2) Notwithstanding the provisions of the last preceding subsection, a person shall not at any time take ormers, crabs commonly known as "lady crabs" or shrimps between the hours of sunset and sunrise.

3. (1) During the period commencing on the tenth day of October in each year and ending on the thirtieth day of April next following, a person shall not, while he is totally or partially submerged in the territorial waters of this Island with the aid of submarine breathing apparatus, take fish of any kind whatsoever.

(2) Any person who contravenes or attempts to contravene the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

*Repealed by Ordinance of 1966  
p. 22*

4. During the period mentioned in the last preceding section, a person who, on surfacing after having been totally or partially submerged in the territorial waters of this Island with the aid of submarine breathing apparatus, is found to have in his possession any fish shall be deemed to have contravened the provisions of the last preceding section unless he is able to prove that he did not take the fish while he was so totally or partially submerged.

5. A person shall not set, for more than one hour at a time, in the bays of this Island any trammel net of a mesh less than three inches from knot to knot when closed.

6. (1) A person shall not use any seine or cast net with a mesh less than three inches from knot to knot when closed.

(2) The provisions of the last preceding subsection shall not apply to seines backed with a linen or cotton cloth in the centre when used for fishing for sand-eels, or seines when used for fishing for smelt (roselet), or seines when used for fishing for garfish (longnose) or sardines, save that a person shall not use any net for fishing for smelt (roselet) with a mesh of less than one inch from knot to knot when closed.

(3) A person shall not sell or offer for sale in this Island sand-eels during the period commencing on the first day of February in each year and ending on the thirty-first day of May next following, both days inclusive.

(4) A person shall not sell or offer for sale in this Island smelt (roselet) during the period commencing on the first day of May in each year and ending on the fifteenth day of November next following, both days inclusive.

7. A person shall not make use of dynamite or any other explosive to

take or destroy fish or be in possession of dynamite or any other explosive for the purpose of taking or destroying fish.

8. The Constable or the Vingtenier may open any basket, box, barrel, packet or other container or wrapping which he has reasonable cause to believe contains any of the kinds of fish or any explosive to which this Ordinance applies and he may inspect the contents of such basket, box, barrel, packet or other container or wrapping and may seize any such fish which he has reasonable cause to believe have been taken or are possessed in contravention of any of the provisions of this Ordinance or any such explosive.

9. Except where otherwise specially provided, any person who contravenes any of the provisions of this Ordinance or who obstructs the Constable or the Vingtenier in the execution of his duties under this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds or imprisonment not exceeding one month or both, and the Court may, in addition thereto, order the seizure, destruction or other disposal of the fish, trammel, seine, or other net or explosive to which the conviction relates at the expense of the convicted person.

10. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them -

"fish" includes shellfish and ormers;

"this Island" means any of the Islands of Sark and Breoghou and includes the islets and rocks adjacent thereto and the territorial waters thereof;

"preserved" means cooked, pickled or deep frozen.

"Submarine breathing apparatus" includes the apparatus commonly known as a "snorkel" and any other diving device.

11. The enactments set out in the Schedule to this Ordinance are hereby repealed.

12. This Ordinance shall come into force on the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and fifty-eight.

SCHEDULE

Section eleven

The Ordinance relating to lobsters and chancres of the first day of October, eighteen hundred and seventy-nine.

The Ordinance prohibiting the use of dynamite for destroying fish of the thirtieth day of September, eighteen hundred and ninety-six.

The Ordinance entitled "Ordonnance relative aux pecheurs" of the fourth day of April, eighteen hundred and ninety-nine.

The Ordinance relating to stop nets of the nineteenth day of January, nineteen hundred and sixteen.

The Ordinance of the twenty-sixth day of April, nineteen hundred and sixteen, amending the Ordinance relating to stop nets of the nineteenth day of January, nineteen hundred and sixteen.

The Ordinance entitled "Ordonnance relative à la Pêche" of the fourth day of December, nineteen hundred and seventeen.

The Ordinance entitled "Loi relative à la pêche le jour du Dimanche" of the seventh day of April, nineteen hundred and twenty-six.

The Ordinance entitled "Ordonnance relative à la protection des ormers" of the seventh day of April, nineteen hundred and twenty-six.

The Ordinance relating to ormers of the twenty-ninth day of January, nineteen hundred and thirty-six.