

~~12th October, 1966.~~

Ordinance of the Chief Pleas

entitled

The Fishing (Sark) Ordinance, 1966

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the fifth day of October, nineteen hundred and sixty-six, hereby order:-

Close season for lobsters and crayfish.

1. (1) A person shall not in this Island take, have in his possession, buy, sell or offer for sale any lobsters, crayfish or crabs of any kind, other than preserved lobsters, crayfish or crabs of any kind, during the period commencing on the first day of November in each year and ending on the thirty-first day of March next following, both days inclusive:

Provided that any person found to be in possession of, or buying, selling or offering for sale any lobsters, crayfish or crabs of any kind on the first or second day of November shall be deemed not to have contravened the provisions of this subsection if that person is able to prove that those lobsters, crayfish or crabs were not taken after the thirty-first day of October.

(2) Any person who contravenes or attempts to contravene the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds or imprisonment for a term not exceeding one month or both, and the Court may, in addition thereto, order the seizure, destruction or other disposal of the lobsters, crayfish or crabs to which the conviction relates, or any equipment or apparatus used in connection with the taking thereof, or both, at the expense of the convicted person.

Amendments to principal Ordinance.

2. The Fishing (Sark) Ordinance, 1958 (hereinafter referred to as "the principal Ordinance") is hereby amended as follows:-

(a) section three thereof is hereby repealed and the following section is hereby substituted therefor -

"3. (1) A person shall not, while he is totally or partially submerged in the territorial waters of this Island and breathing with the aid of a submarine breathing apparatus or wearing a face visor, take fish of any kind.

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(2) Any person who contravenes or attempts to contravene the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds and the Court may, in addition thereto, order the seizure, destruction or other disposal of the fish to which the conviction relates, or any equipment or apparatus used in connection with the taking thereof, or both, at the expense of the convicted person.";

(b) section four thereof is hereby repealed and the following section is hereby substituted therefor -

"4. A person who, on surfacing after having been totally or partially submerged in the territorial waters of this Island and breathing with the aid of a submarine breathing apparatus or wearing a face visor, is found to have in his possession fish of any kind 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.";

(c) the full stop at the end of the expression "preserved" in section ten thereof is hereby repealed and a semi-colon is hereby substituted therefor and immediately thereafter there is hereby inserted the following additional definition -

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

Interpretation. 3. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

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

"preserved" means cooked, pickled or deep frozen.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference

to that enactment as amended, repealed and re-enacted, extended or applied by or under any other enactment including this Ordinance.

Citation,
construction
and
collective
title.

4. (1) This Ordinance may be cited as the Fishing (Sark) Ordinance, 1966, and shall be construed as one with the principal Ordinance.

(2) This Ordinance and the principal Ordinance may be cited together as the Fishing (Sark) Ordinances, 1958 and 1966.

Commencement
and
duration.

5. (1) This Ordinance shall come into force on the first day of November, nineteen hundred and sixty-six.

(2) Section one of this Ordinance shall cease to have effect on the thirty-first day of October, nineteen hundred and ~~sixty-nine~~.

Seventy four
See ordinance of
15.7.1969 at p 30
exp 1979 (No 40)