

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Fishing (Sark) Ordinance, 1996 *

[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, La Chasse Marette, Sark, GY10 ISF.

© Chief Pleas of Sark

* Sark Ordinance No. 108; as amended by the Scallops (Sark) Ordinance, 1998 (No. 111); the Fishing (Sark) (Amendment) Ordinance, 2000 (Sark Ordinance No. 116); the Fishing (Sark) (Amendment) Ordinance, 2008 (Sark Ordinance No. 165); the Fishing (Sark) (Amendment) Ordinance, 2009 (Sark Ordinance No. 176); the Fishing (Sark) (Amendment) Ordinance, 2010 (Sark Ordinance No. 183); the Fishing (Sark) (Amendment) Ordinance, 2013 (Sark Ordinance No. VII of 2014); the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017 (Sark Ordinance No. I of 2017); the Fishing (Sark) (Amendment) Ordinance, 2018 (Sark Ordinance No. V of 2018); the Fishing (Sark) (Amendment) Ordinance, 2019 (Sark Ordinance No. IV of 2019). This Ordinance is applied, in part, by the Fishing (Conservation of Small Cetaceans) (Sark) Ordinance, 2000 (Sark Ordinance No. 117) to contraventions or attempted contraventions of, or offences under, the provisions of that Ordinance. See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

The Fishing (Sark) Ordinance, 1996

ARRANGEMENT OF SECTIONS

1. Minimum Size of Fish.
- 1A. Prohibition on possession etc. of crawfish.
2. Prohibition on the export of ormers, sand-eels, smelt and wrasse.
3. Prohibition on landing, sale and export of lobster tails and lobster and crab claws.
4. Close season for lobsters and crabs.
5. Close season for ormers.
6. Prohibition on diving for or harpooning fish.
7. Prohibition on dredging for fish.
8. Restrictions on shucking of shellfish.
9. Restrictions on trawling for fish.
10. Prohibition on beam trawlers.
11. Maximum engine power for trawling.
12. Restriction on pots.
13. Prohibition on use and carrying of certain devices.
14. Use of explosives, etc., prohibited.
15. Exceptions for scientific research.
16. Access to and fishing in territorial waters.
17. Powers of the Constable.
18. Penalties.
19. Offences involving the use of a boat.
20. Offences by bodies Corporate.
21. Exemption of Liability.
22. Interpretation.
23. Repeals.
24. Commencement.

FIRST SCHEDULE	Minimum size of certain fish.
SECOND SCHEDULE	Ordinances Repealed.

(Approved by Chief Pleas on 2nd October, 1996.)

The Fishing (Sark) Ordinance, 1996

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the 5th day of October 1994 hereby order: –

Minimum Size of Fish.

1. A person shall not import into, export from, or take, have in his possession, buy, sell or offer for sale in, this Island any fish of a species specified in the first column of the First Schedule to this Ordinance which is of a size less than that specified in the second column of that Schedule opposite the reference in the first column of that Schedule to that species of fish.

NOTE

The following case has referred to this Ordinance:

Law Officers of the Crown v. The Constables of Sark and Gilman
(2004) (Unreported, Royal Court, 19th January) (Guernsey Judgment No. 3/2004).

[Prohibition on possession etc. of crawfish.

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

NOTE

Section 1A and the corresponding entry in the Arrangement of Sections were inserted by the Fishing (Sark) (Amendment) Ordinance, 2018, respectively section 3 and section 2(a), with effect from 11th April, 2018.

Prohibition on the export of ormers, sand-eels[, smelt and wrasse].

2. A person shall not, at any time, export ormers, sand-eels[, smelt or live wrasse] from this Island.

NOTE

In section 2, the words in square brackets therein, and in the marginal note thereto, were substituted by the Fishing (Sark) (Amendment) Ordinance, 2019, section 2, respectively paragraph (b) and paragraph (a), with effect from 1st May, 2019.

Prohibition on landing, sale and export of lobster [...] tails and lobster and crab claws.

3. A person shall not –

- (a) land in, or export from, this Island the tail of any lobster [...] or the claw of any lobster, edible crab or spinous spidercrab, the tail or the claw of which, as the case may be, is separated from such lobster, edible crab or spinous spider crab,
- (b) sell or offer for sale in this Island the tail of any lobster [...] or the claw of any lobster, edible crab or spinous spider crab, the tail or the claw of which, as the case may be, is separated from such lobster, edible crab or spinous spider crab unless such tail or claw, as the case may be, is in the form of a processed product designated and approved in writing by the Committee.

NOTE

In section 3, the words omitted in square brackets were repealed by the Fishing (Sark) (Amendment) Ordinance, 2018, section 4, with effect from 11th April, 2018.¹

Close season for lobsters[...] and crabs [...].

4. (1) A person shall not in this Island take, have in his possession, buy, sell or offer for sale any lobsters[...] or crabs of any kind[...], during the period commencing on the twentieth day of October in each year and ending on the twentieth 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[...] or crabs of any kind[...], between the twenty-first day of October and the 2nd day of November, both days inclusive, shall be deemed not to have contravened the provisions of this section if that person is able to prove that those lobsters[...] or crabs were not taken after the twentieth day of October.

(2) Subsection (1) shall not apply to preserved lobsters[...] or crabs of any kind.

[(3) Notwithstanding the provisions of subsection (1), a person may in this Island have in his possession any lobster [...] of any kind, or any brown crab or spider crab, during the period specified in that subsection provided that –

(a) the lobster[...] or crab was taken outside this Island,
and

(b) the lobster[...] or crab is stored or is being transported for storage in the designated area known as Les Laches approved for the time being by the Committee.

(4) For the avoidance of doubt, subsection (3) is without prejudice to section 1 ("minimum size of fish").]

NOTES

In section 4,

the words and punctuation omitted in, first, the first pair of square brackets in the marginal note thereto, the first pair of square brackets in subsection (1), the first and third pairs of square brackets in the proviso to subsection (1), square brackets in subsection (2), square brackets in paragraph (a) and paragraph (b) of subsection (3) and, second, the words omitted in the first pair of square brackets in subsection (3) were repealed by the Fishing (Sark) (Amendment) Ordinance, 2018, section 5, respectively paragraph (a) and paragraph (b), with effect from 11th April, 2018;²

the words, parentheses and punctuation omitted in, first, the second pair of square brackets in the marginal note thereto, second, in the second pair of square brackets in subsection (1) and, third, in the second pair of square brackets in the proviso to subsection (1) were repealed by the Fishing (Sark) (Amendment) Ordinance, 2008, section 1, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 26th March, 2008;

subsection (3) and subsection (4) were inserted by the Fishing (Sark) (Amendment) Ordinance, 2013, section 1, with effect from 23rd October, 2013.

The following case has referred to section 4:

Law Officers of the Crown v. The Constables of Sark and Gilman (2004) (Unreported, Royal Court, 19th January) (Guernsey Judgment No. 3/2004).

Close season for ormers.

5. (1) A person shall not in this Island take, have in his possession, buy, sell or offer for sale 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 of April or after the third day next following the new moon or full moon, as the case may be.

(2) Notwithstanding the provisions of the last preceding subsection a person shall not at any time take ormers between the hours of sunset and sunrise.

Prohibition on diving for or harpooning fish.

6. (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.

(2) Any 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 subsection unless he is able to prove that he did not take the fish while he was so totally or partially submerged.

(3) If any fish is found in the possession or control of a person using a boat as a base for diving and such boat is within any part of the territorial waters in which the taking by diving of such fish is prohibited under subsection (1) of this section, the onus of proof that such boat was not in the said part of the territorial waters shall lie with such person.

[(3A) The preceding provisions of this section shall not apply to the taking of scallops under the authority of, and in accordance with the terms and conditions of, a licence granted under section 4 of the Scallops (Sark) Ordinance, 1998.]

(4) A person shall not, within the territorial waters of this Island,

take fish of any kind by the use of a harpoon, spear or similar object.

NOTE

In section 6, subsection (3A) was inserted by the Scallops (Sark) Ordinance, 1998, section 12(1), with effect from 1st March, 1998.

Prohibition on dredging for fish.

7. A person shall not use or cause or permit any other person to use any boat within the territorial waters of this Island for the purpose of fishing by any method of dredging whatsoever.

Restrictions on shucking of shellfish.

8. (1) A person shall not, within the territorial waters of or in this Island –

[(a) subject to subsection (2), shuck on board any boat within the said territorial waters any molluscan shellfish,]

(b) land any molluscan shellfish shucked in contravention of paragraph (a),

(c) subject to the provisions of subsections (2) and (3), retain on board a boat, land or be in possession of any molluscan shellfish which, by virtue of damage to its shell is smaller than the minimum prescribed size for that species.

(2) No offence is committed under subsection (1)(a) if the person charged can prove that he shucked the shellfish for immediate consumption on board

the boat by himself or by another.

(3) No offence is committed under subsection 1(c) if the size of the molluscan shellfish, despite damage to its shell, is greater than the minimum prescribed size for that species and the body remains properly attached to the shell.

(4) When any person is charged with an offence under subsection 1(a) or (b) of this section the onus of proof that the molluscan shellfish was not taken within the territorial waters shall lie with such person.

NOTE

In section 8, paragraph (a) of subsection (1) was substituted by the Scallops (Sark) Ordinance, 1998, section 12(2), with effect from 1st March, 1998.

Restrictions on trawling for fish.

9. A person shall not, during the period commencing on the twenty-first day of March each year and ending on the nineteenth day of October next following, both days inclusive, use or cause or permit any other person to use any boat for the purpose of fishing by any method of trawling whatsoever within any part of the territorial waters of this Island lying within any of the areas bounded respectively by the foreshore of this Island and –

- (a) an imaginary line drawn from the navigational light placed at the north end of Le Bec du Nez to La Neste west of Brecqhou,
- (b) an imaginary line drawn from La Neste to the north-western point of La Moie de la Fontaine,
- (c) an imaginary line drawn from the south-western point

of La Moie de Brenière to the south-eastern point of La Conchée,

- (d) an imaginary line drawn from the south-eastern point of La Conchée to the north-eastern point of Les Burons,
- (e) an imaginary line drawn from the north-eastern point of Les Burons to the north-eastern point of La Petite Moie, and
- (f) an imaginary line drawn from the northern-east point of La Petite Moie to the navigational light at Le Bec du Nez.

Prohibition on beam trawlers.

10. A person shall not use or cause or permit any other person to use any boat carrying a beam trawl within the territorial waters of this Island for the purpose of fishing unless the overall length of the permanent structure of such boat does not exceed 8.50 metres.

Maximum engine power for trawling.

11. A person shall not, at any time, within the territorial waters of this Island, use or cause or permit any other person to use, any boat for the purpose of fishing by any method of trawling whatsoever, the engine power of which exceeds 221 kiloWatts (300 HP) or its equivalent, as detailed in the boat's registration documents.

Restriction on pots.

12. A person shall not place or leave a pot intended or adapted for use for taking fish of any kind in the territorial waters of this Island during the period commencing on the twentieth day of October in each year and ending on the

twentieth day of March next following, both days inclusive.

NOTE

The following case has referred to section 12:

Law Officers of the Crown v. The Constables of Sark and Gilman
(2004) (Unreported, Royal Court, 19th January) (Guernsey Judgment No. 3/2004).

[Prohibition on use and carrying of certain devices.

13. (1) No person shall in the territorial waters of this Island use or cause or permit to be used, or carry on any vessel, any device which is designed, adapted or capable of being used for the taking of crustaceans and which is designed or adapted for the purpose of preventing or obstructing a crustacean which has entered the device from leaving it.

(2) It is a defence for a person charged with an offence of carrying on any vessel any device mentioned in subsection (1) to prove that, on the occasion of the alleged offence, the device in question had not and was not going to be used in the territorial waters of this Island.]

NOTES

Section 13 was substituted by the Fishing (Sark) (Amendment) Ordinance, 2010, section 1(1), with effect from 1st May, 2010.

The following case has referred to section 13:

Law Officers of the Crown v. The Constables of Sark and Gilman
(2004) (Unreported, Royal Court, 19th January) (Guernsey Judgment No. 3/2004).

Use of explosives, etc., prohibited.

14. A person shall not in this Island make use of dynamite or any other

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

Exceptions for scientific research.

15. Notwithstanding any provision in this Ordinance, the Committee may, in writing, authorise a person to dive for fish or to fish in the territorial waters of this Island for the purposes of scientific research.

Access to and fishing in territorial waters.

16. (1) Subject to the provisions of subsection (4) of this section a foreign fishing boat shall not enter any part of the territorial waters of this Island except for a purpose recognised by international law or by any convention for the time being in force in this Island between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those waters for such a purpose –

- (a) shall return outside those waters as soon as the purpose has been fulfilled, and
- (b) shall not fish or attempt to fish while within those waters.

(2) Subject to the provisions of subsection (4) of this section a foreign fishing boat shall not fish or attempt to fish within any part of the territorial waters of this Island.

(3) Subject to the provisions of subsection (4) of this section, at any time when a foreign fishing boat is within any part of the territorial waters of this Island then its fishing gear shall be stowed securely and in such a manner that it shall not be capable of being used for fishing.

(4) Nothing in this section shall affect the operation of any order for the time being in force in this Island made under section 2(1) of the Fishery Limits Act 1976 designating any country outside the United Kingdom, the Channel Islands and the Isle of Man and, in relation to it, areas within any part of the territorial waters of this Island being part of the British fishery limits in which, and descriptions of fish for which, fishing boats registered in that country may fish.

Powers of the Constable.

17. The Constable may –

- (a) detain any person who has committed, or whom he has reasonable cause to suspect of having committed, an offence under any of the provisions of this Ordinance,
- (b) stop, board and enter and search any boat or vehicle used in taking or conveying fish,
- (c) enter and search any premises used by way of trade for carrying on any business in connection with the treatment, storage or sale of fish,
- (d) search for and examine any fish, net, explosive, substance, diving apparel or equipment or other apparatus whatsoever used in taking or conveying fish, or any matter the deposit of which is prohibited or regulated under any of the provisions of this Ordinance, in any place, whether on board a boat, in a vehicle or elsewhere, and whether in a receptacle or not,
- (e) seize any fish which he has reasonable cause to suspect

is to be exported from this Island or has been landed, taken, bought, sold, offered for sale or is possessed in contravention of any of the provisions of this Ordinance,

- (f) seize any fish, net, explosive, substance, diving apparel or equipment or other apparatus whatsoever which he has reasonable cause to suspect has been used or carried or is being used or carried in contravention of any of the provisions of this Ordinance,
- (g) open, inspect and seize any pot which he has reasonable cause to believe has been placed or left in contravention of the provisions of this Ordinance or may inspect and seize any fish found therein, or both.

NOTE

In accordance with the provisions of the Fishing (Conservation of Small Cetaceans) (Sark) Ordinance, 2000, section 2, with effect from 19th January, 2000 –

- (i) *the provisions of this section shall apply in relation to a contravention or attempted contravention of, or offence under, the provisions of that Ordinance as they apply in relation to a contravention or attempted contravention of, or offence under, this Ordinance; and*
 - (ii) *any reference (however expressed) in this section to fish shall be deemed to include a reference to small cetaceans and basking sharks.*
-

Penalties.

18. Any person who contravenes or attempts to contravene any of the provisions of this Ordinance or who wilfully obstructs the Constable in the exercise

of any of his powers under any of the provisions of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 4 on the Sark uniform scale of fines or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment and the Court may, in addition, order the seizure, destruction or other disposal of the fish and of any equipment or other apparatus whatsoever to which the conviction relates at the expense of the convicted person.

NOTE

In accordance with the provisions of the Fishing (Conservation of Small Cetaceans) (Sark) Ordinance, 2000, section 2, with effect from 19th January, 2000 –

- (i) the provisions of this section shall apply in relation to a contravention or attempted contravention of, or offence under, the provisions of that Ordinance as they apply in relation to a contravention or attempted contravention of, or offence under, this Ordinance; and*
 - (ii) any reference (however expressed) in this section to fish shall be deemed to include a reference to small cetaceans and basking sharks.*
-

Offences involving the use of a boat.

19. Where a person has been convicted of an offence under this Ordinance involving the use of a fishing boat, every person who, at the time of the commission of the offence, was on board such boat or was the master, the owner or the charterer (if any) of such boat, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

NOTE

In accordance with the provisions of the Fishing (Conservation of Small Cetaceans) (Sark) Ordinance, 2000, section 2, with effect from 19th January,

2000 –

- (i) *the provisions of this section shall apply in relation to a contravention or attempted contravention of, or offence under, the provisions of that Ordinance as they apply in relation to a contravention or attempted contravention of, or offence under, this Ordinance; and*
 - (ii) *any reference (however expressed) in this section to fish shall be deemed to include a reference to small cetaceans and basking sharks.*
-

Offences by bodies Corporate.

20. Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

NOTE

In accordance with the provisions of the Fishing (Conservation of Small Cetaceans) (Sark) Ordinance, 2000, section 2, with effect from 19th January, 2000 –

- (i) *the provisions of this section shall apply in relation to a contravention or attempted contravention of, or offence under, the provisions of that Ordinance as they apply in relation to a contravention or attempted contravention of, or offence under, this Ordinance; and*
 - (ii) *any reference (however expressed) in this section to fish shall be deemed to include a reference to small cetaceans and basking sharks.*
-

Exemption of Liability.

21. The Constable shall not be liable to any civil or criminal proceedings

for anything done in the purported exercise of the powers conferred on him by section 18 of this Ordinance if the Court is satisfied that the act was done in good faith and with reasonable skill and care and that there were reasonable grounds for doing it.

NOTE

In accordance with the provisions of the Fishing (Conservation of Small Cetaceans) (Sark) Ordinance, 2000, section 2, with effect from 19th January, 2000 –

- (i) the provisions of this section shall apply in relation to a contravention or attempted contravention of, or offence under, the provisions of that Ordinance as they apply in relation to a contravention or attempted contravention of, or offence under, this Ordinance; and*
 - (ii) any reference (however expressed) in this section to fish shall be deemed to include a reference to small cetaceans and basking sharks.*
-

Interpretation.

22. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say –

"the Committee" means the Sark [Agriculture, Environment, Sea Fisheries & Pilotage Committee],

"the Constable" includes the Vingtenier, [Assistant Constable(s) (Sea Fisheries),] and any duly authorised member of the salaried police force of the Island of Guernsey,

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

"the Court" means the Court of the Seneschal,

"face visor" includes goggles,

"fish" means fish of any kind found in the sea, whether alive or dead, including shell-fish, and any part of such fish,

"fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being used in fishing,

"foreign fishing boat" means a fishing boat which is not –

- (a) registered in the United Kingdom, the Channel Islands or the Isle of Man, or
- (b) exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894, or
- (c) owned wholly by a person who is (within the meaning of the Merchant Shipping Act 1894) qualified to own a British ship,

"this Island" means the Island of Sark and includes the islets and rocks and the territorial waters adjacent thereto,

[...]

"preserved" means cooked, pickled or deep frozen,

"shellfish" includes crustaceans and molluscs of any species and any spat or spawn of shellfish,

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

"vehicle" means a mechanically propelled vehicle intended or adapted for use on a public highway and includes a trailer drawn thereby, an animal drawn vehicle, a bicycle and a tricycle.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as it applies to the interpretation of a Guernsey enactment.

(3) 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.

NOTES

In section 22,

the words in square brackets in the definition of the expression "the Committee" were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 2, with effect from 14th January, 2017;

the words in square brackets in the definition of the expression "the Constable" in subsection (1) were inserted by the Fishing (Sark) (Amendment) Ordinance, 2009, section 1, with effect from 22nd April, 2009;

the words omitted in square brackets in subsection (1) were repealed by the Fishing (Sark) (Amendment) Ordinance, 2010, section 1(2), with effect from 1st May, 2010.

The functions, rights and liabilities of the Sea Fisheries Committee and of its Chairman arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Agriculture, Environment, Sea Fisheries & Pilotage Committee and its Chairman by the Sark Machinery of Government

(Transfer of Functions) Ordinance, 2017, section 1, Schedule 1, paragraph 2, with effect from 14th January, 2017, subject to the savings and transitional provisions in section 3 of the 2017 Ordinance.

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.

Section 373 of the Merchant Shipping Act 1894, as it applies to the Bailiwick of Guernsey, has since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part I, with effect from 1st February, 2009, subject to, first, the savings and transitional provisions in section 296 of, and paragraph 1 of Schedule 11 to, the 2002 Law and, second, the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.

The Merchant Shipping Act 1894, in so far as it applies to the Bailiwick of Guernsey, is prospectively repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part I, save for –

- (i) Part I (sections 1-91), sections 371, 373, 374, 487–491, 503(2), 724–727, 745 of, and the First, Second and Third Schedules to, the Act, repealed by the aforesaid section 296, Schedule 10, Part I, as brought into force by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009, section 2(a), with effect from 1st February, 2009 and subject to, first, the savings and transitional provisions in section 296(3) of, and Schedule 11 to, the 2002 Law and, second, the savings provisions in section 4 of the 2009 Ordinance;*
- (ii) Part II of the Act (excluding sections 251-258), repealed by the aforesaid section 296, Schedule 10, Part I, as brought into force by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2013, section 2(a), with effect from 4th February, 2013 and subject to, first, the savings and transitional provisions in section 296(3) of, and Schedule 11 to, the 2002 Law and, second, the savings in section 5 of the 2013 Ordinance; and*
- (iii) Part VIII of the Act (sections 502-509), repealed by the aforesaid section 296, Schedule 10, Part I, as brought into force by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2012, section 2(a), with effect from 1st October, 2012, subject to, first, the savings and transitional provisions in section 296(3) of, and Schedule 11 to, the 2002 Law and, second, the savings in section 3 of the 2012 Ordinance.*

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.

Repeals.

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

Commencement.

24. This Ordinance shall come into force on the 1st day of December, nineteen hundred and ninety-six.

FIRST SCHEDULE

Section 1

MINIMUM SIZE OF CERTAIN FISH

Species of fish	Minimum Size
Blue Ling	Seventy centimetres in length
Conger eel	Fifty-eight centimetres in length
Bass	Thirty-six centimetres in length
Cod, Saithe	Thirty-five centimetres in length
Haddock, Hake, Turbot, Brill, Pollack, Shad	Thirty centimetres in length
Witch Flounder	Twenty-eight centimetres in length
Plaice, Megrim, Red Seabream, Flounder, Lemon Sole	Twenty-five centimetres in length
Sole	Twenty-four centimetres in length
Whiting, Black Sea-bream	Twenty-three centimetres in length
Grey Mullet, Herring, Mackerel	Twenty centimetres in length
Dab, Red Mullet, Horse Mackerel (scad)	Fifteen centimetres in length
Skate (Ray)	[36 centimetres] in breadth
Crabs, commonly known as "Chancres"	Fourteen centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell

Crabs, commonly known as "Lady Crabs"	[65 millimetres] along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell
Crabs, commonly known as "Spider Crabs"	A carapace length of [13 centimetres], being the length measured from between the two horns protecting the eye sockets to the rear end of the body shell along the centre line of the body shell
Lobsters	A carapace length of [87 millimetres], being the length measured from the rear of either eye socket to the rear end of the body shell along a line parallel to the centre line of the body shell
[...]	[...]
Escallops, other than those commonly known as "Queen Escallops"	Ten centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell
Ormers	Eight centimetres along a horizontal plane between perpendiculars at the extremities of a line drawn between the two most distant extremities of the shell
Clams	Forty millimetres measured along the maximum length of the shell

NOTE

In the First Schedule,

the figures and words in the first, second, third and fourth pairs of square brackets in the second column were substituted by the Fishing (Sark) (Amendment) Ordinance, 2000, section 1, respectively paragraph (a),

Consolidated text

paragraph (b), paragraph (c) and paragraph (d), with effect from 19th January, 2000;

the words omitted in the first pair of square brackets in the first column and the fifth pair of square brackets in the second column were repealed by the Fishing (Sark) (Amendment) Ordinance, 2018, section 6, with effect from 11th April, 2018.

SECOND SCHEDULE
ORDINANCES REPEALED

Section 23

The Fishing (Sark) Ordinance, 1958

The Fishing (Sark) Ordinance, 1966

The Fishing (Amendment) (Sark) Ordinance, 1969

The Fishing (Amendment) (Sark) Ordinance, 1973

The Fishing (Amendment) (Sark) Ordinance, 1974

The Fishing (Amendment) (Sark) Ordinance, 1979

The Fishing (Amendment) (Sark) Ordinance, 1985

The Fishing (Amendment) (Sark) Ordinance, 1986

The Fishing (Amendment) (Sark) Ordinance, 1989

The Fishing (Amendment) (Sark) Ordinance, 1990

The Fishing (Parlour Pots) (Sark) Ordinance, 1992

The Fishing (Amendment) (Sark) Ordinance, 1995

1 The corresponding entry in the Arrangement of Sections relating to section 3 was amended by the Fishing (Sark) (Amendment) Ordinance, 2018, section 2(b), with effect from 11th April, 2018.

2 The corresponding entry in the Arrangement of Sections relating to section 4 was amended by the Fishing (Sark) (Amendment) Ordinance, 2018, section 2(c), with effect from 11th April, 2018.