



ST. HELENA

CHAPTER 99

HIGH SEAS FISHING ORDINANCE

Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown

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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 8 of 2001 in force 1 August 2002

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

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CHAPTER 99

ORDINANCE

(Ordinances 8 of 2001)

AN ORDINANCE TO MAKE PROVISION FOR THE IMPLEMENTATION OF THE AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS ADOPTED BY THE CONFERENCE OF THE FOOD AND AGRICULTURAL ORGANISATION OF THE UNITED NATIONS ON THE TWENTY FOURTH DAY OF NOVEMBER 1993 AND THE AGREEMENTS FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS.

Commencement

[1 August 2002]

PART 1

PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the High Seas Fishing Ordinance, 2001, and shall come into force on such day as the Governor may appoint by Notice in the Gazette.

Interpretation

2. In this Ordinance unless the context otherwise requires—
“**Agreements**” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the FAO on the twenty fourth day of November 1993 and the Agreement for the implementation of the provisions of the United Nations Convention on the Law

of the Sea of 10 December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks;

“authorised officer” means the Senior Fisheries Officer and any of the authorised officers provided for under section 3 or any person authorised by or acting under the orders of an authorised officer;

“Senior Fisheries Officer” means the public officer for the time being holding or acting in the office of Senior Fisheries Officer or any person to whom he may delegate functions under section 3(2);

“fish” includes any living marine resource;

“fishing” means—

- (a) the catching or taking of fish; or
- (b) any other activity which can reasonably be expected to result in the catching or taking of fish; or
- (c) any other activity directly related to fishing including the operation of mother ships;

“fishing vessel” means any vessel used or intended for use for the purposes of the commercial exploitation of fish, including mother ships and any other vessels directly engaged in fishing operations;

“St.Helena fishing vessel” means a fishing vessel that is registered under the Merchant Shipping Act 1894 in a port of registry in St.Helena;

“St.Helena fishing waters” means internal waters, the territorial sea, and the St.Helena fishery limits to which the Fishery Limits Ordinance, 1977, applies;

“overseas fishing vessels” means a fishing vessel other than a St.Helena fishing vessel;

“Governor” means the Governor acting in his discretion;

“high seas” means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

“international conservation and management measures” means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea either by global, regional or subregional fisheries organisations, subject to the rights and obligations of their members, or by treaties or other international agreements;

“licensed fishing vessel” means a fishing vessel in respect of which a licence has been granted pursuant to section 7 ; and

“master” includes, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel.

PART II ADMINISTRATION

The Senior Fisheries Officer and authorised officers

3. (1) This Ordinance shall be administered by the Senior Fisheries Officer who shall be responsible for—

- (a) maintaining a record of all fishing vessels in respect of which high seas fishing licences have been issued under this Ordinance, which record shall include all information provided by an applicant under section 6;
- (b) the collection of statistics concerning fish stocks and fishing on the high seas;
- (c) the monitoring, and control of the operations of St.Helena fishing vessels on the high seas;

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- (d) the issue, variation, suspension and revocation of licences for fishing on the high seas;
 - (e) the collection of fees in respect of licences of fishing vessels;
 - (f) the taking of appropriate measures in co-operation with other states for the implementation of the Agreement;
 - (g) the making of such reports to the Governor as the Governor may require or the Senior Fisheries Officer shall consider appropriate;
 - (h) the taking of all such other measures as the Governor may direct or the Senior Fisheries Officer may consider appropriate for the implementation of the Agreement and this Ordinance.
- (2) The Governor may give or may authorise the Senior Fisheries Officer to give such information and make such reports as may be necessary to enable St.Helena to comply with its obligations under the Agreements or either of them.
- (3) Subject to subsection (4), the Senior Fisheries Officer may, and if directed by the Governor shall, in writing authorise any public officer to exercise any or all of the powers of the Senior Fisheries Officer either concurrently with the Senior Fisheries Officer or in the Senior Fisheries Officer's absence subject to such conditions, including territorial restrictions, as may be stipulated in the authorisation.
- (4) The Senior Fisheries Officer shall personally exercise the powers provided for under section 20, but may not exercise those powers in any case without the consent of the Attorney General.
- (5) This Ordinance shall be enforced by authorised officers subject to the direction of the Senior Fisheries Officer and for that purpose authorised officers shall have the powers set out in section 12 and 13.
- (6) The following persons shall be authorised officers—
- (a) sea fishery officers appointed pursuant to the Fishery Limits Ordinance Cap. 88;
 - (b) all members of the St.Helena Police Force;
 - (c) such other public officers as may be prescribed.

PART III

LICENSING OF FISHING ON THE HIGH SEAS

Prohibition of fishing on the high seas without a licence

4. (1) No St.Helena fishing vessel shall be used for fishing on the high seas except under the authority of a high seas fishing licence.
- (2) Where a fishing vessel is used in contravention of subsection (1) the master, the owner and the charterer shall each commit an offence and be liable on summary conviction to a fine not exceeding £50,000.

Vessels eligible for high seas fishing licences

5. (1) Subject to subsection (2) any St.Helena fishing vessel shall be eligible for a high seas fishing licence except where the vessel has been authorised to be used for fishing on the high seas by another state and that state has either—
- (a) suspended such authorisation and such suspension has not expired; or
 - (b) withdrawn such authorisation within the three years preceding the application;
- because the fishing vessel has undermined the effectiveness of international conservation and management measures.
- (2) The exceptions contained in subsection (1) shall not apply to a vessel where—

- (a) ownership of that vessel has changed since such suspension or withdrawal of authorisation and the new owner has provided evidence, to the satisfaction of the Senior Fisheries Officer that the previous owner, charterer or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or
- (b) the Senior Fisheries Officer has decided, after taking into account all relevant facts, that the grant of a fishing licence in respect of the vessel will not undermine the object and purpose of the Agreement.

Applications and fees

6. An application for the grant of a high seas fishing licence shall be—
- (a) made in the prescribed manner;
 - (b) accompanied by such information and documents as may be prescribed; and
 - (c) accompanied by the prescribed application fee.

Grant of high seas fishing licences and conditions relating to licences

7. (1) A high seas fishing licence shall be granted by the Senior Fisheries Officer to the master, owner or charterer in respect of a specified fishing vessel.

(2) Subject to any directions given to the Senior Fisheries Officer by the Governor, the issue of each high seas fishing licence shall be in the discretion of the Senior Fisheries Officer.

(3) A high seas fishing licence may authorise a vessel to be used for fishing generally or may confer limited authority by reference in particular to—

- (a) the area in which fishing is authorised;
- (b) the period, times or particular voyages during which fishing is authorised;
- (c) the descriptions, quantities, size and presentation of fish which may be taken; or
- (d) the method of fishing.

(4) A high seas fishing licence shall be subject to the following conditions—

- (a) the licensed fishing vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
- (b) such records of fishing operations shall be kept on board the licensed fishing vessel and such returns shall be submitted to the Senior Fisheries Officer concerning areas of fishing, catches and landings of fish and such other matters as are stipulated in the licence or shall be notified by the Senior Fisheries Officer to the person to whom the licence is granted;
- (c) the licensed fishing vessel shall not engage in activities which undermine the effectiveness of international conservation and management measures and in particular such activities as may be prescribed.

(5) A high seas fishing licence shall authorise fishing subject to such further conditions as may appear to the Senior Fisheries Officer to be necessary or expedient for the conservation or management of species of living marine resources in the high seas and as may be specified by him in writing.

(6) If a licence condition referred to in subsection (4) or (5) is broken, the master, the owner and the charterer of the fishing vessel concerned in such breach shall each commit an offence and be liable on summary conviction to a fine not exceeding £50,000.

(7) A high seas fishing licence may be—

- (a) varied from time to time; or
- (b) revoked or suspended;

if this appears to the Senior Fisheries Officer to be necessary or expedient for the conservation or management of living marine resources in the high seas.

(8) If a high seas fishing licence is varied, revoked or suspended the Senior Fisheries Officer may, if it is considered appropriate when taking into account the circumstances of the case, refund the whole or any part of the fee charged for the licence.

Period of validity of high seas fishing licences

8. (1) Subject to subsection (2), the period of validity of a high seas fishing licence shall be one year or such other period as may be specified in the licence.

(2) A high seas fishing licence shall cease to be valid if the vessel in respect of which it was issued ceases to be registered at a port in St. Helena.

PART IV INTERNATIONAL COOPERATION

High seas fishing information

9. The Senior Fisheries Officer may require any fisherman or person owning or working on a St. Helena fishing vessel, that is used for fishing on the high seas, to provide the Senior Fisheries Officer with information or make returns in such form and or such other matters relating to fishing operations with which such person is connected as may be stated in any such requirement.

Exchange of information with other states

10. (1) The Senior Fisheries Officer if so authorised by the Governor may make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other countries that are parties to the Agreements or either of them or to which the Agreements have or either of them has been applied to enable St. Helena and such other countries better to implement the objects of the Agreements or either of them.

(2) Without derogating from the generality of arrangements made under subsection (1), the Senior Fisheries Officer in particular may where there is reason to believe that a foreign fishing vessel has engaged in activities that undermine international conservation and management measures—

- (a) provide to the appropriate authorities of the flag of the overseas fishing vessel concerned such information, including evidentiary material, relating to those activities, as may be necessary to assist the flag state in identifying the vessel; and
- (b) when such overseas fishing vessel is voluntarily in a port of St. Helena promptly notify the appropriate authorities of the flag state of the vessel accordingly.

PART V ENFORCEMENT

General powers at sea of authorised officers

11. (1) For the purpose of enforcing this Ordinance an authorised officer may exercise the following powers with respect to any St. Helena fishing vessel on the high seas and in St. Helena fishing waters—

- (a) an authorised officer may cause a vessel to be stopped;
- (b) an authorised officer may require the master to stop fishing and take the fishing gear of the vessel back on board;

- (c) an authorised officer may require the master to facilitate the boarding of the vessel by all appropriate means;
- (d) an authorised officer may board a vessel with such other persons as may be required to assist in the exercise of the officers powers under this section;
- (e) an authorised officer may require the master, the crew or any of them to produce and the officer may examine and take copies of any certificates of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession or control on board the vessel;
- (f) an authorised officer may muster the crew of the vessel;
- (g) an authorised officer may require the master to appear and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e);
- (h) an authorised officer may make any search, examination or enquiry which shall be considered necessary to find out whether any provision of this Ordinance has been contravened;
- (i) an authorised officer may take or require the master to take the vessel to any place, port or harbour in St.Helena for the purpose of the carrying out of any search, examination or enquiry;
- (j) in the case of any person who appears to an authorised officer to have committed any offence against this Ordinance the officer may without summons, warrant or other process, take the suspected offender and take or require the master of the vessel to take the vessel in respect of which it appeared that there has been an offence together with the crew thereof to a port or harbour in St.Helena and bring the offender or offenders before a competent court and detain the offender and the offenders and the vessel in St.Helena until the alleged offence has been adjudicated upon;
- (k) an authorised officer may, having regard to the safety of the vessel, take steps to immobilise any fishing vessel seized, taken or detained in accordance with this section for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 12 or 13 or by the court;
- (l) in the case of any offence against section 4 an authorised officer may seize any vessel together with its equipment, stores and cargo which the officer believes has been used in the commission of such offence or in respect of which the officer believes such offence has been committed;
- (m) an authorised officer may seize any fishing gear, instruments or appliances which the officer believes has been used in the commission of such offence;
- (n) an authorised officer may seize any fish which the officer believes has been taken or fish products produced in the commission of such offence;
- (o) an authorised officer may seize or take copies of any documents which the officer believes are relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) an authorised officer may use such force as may be reasonably necessary.

Security for release of a fishing vessel

12. (1) Where a fishing vessel is taken, seized or detained under this Ordinance and an information or charge is laid against the master, the owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, the owner or the

charterer or the agent of the owner or of the charterer of the vessel may at any time before the determination of the information or charge apply to the court by which the information or charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

- (2) On hearing the application the court shall either—
 - (a) being satisfied that reasonable security has been given to the Crown in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Crown may recover under section 19 order the release of the fishing vessel; or
 - (b) order the release of the fishing vessel on the execution by any suitable person or persons approved by the court for the purpose of a reasonable bond in favour of the Crown in the prescribed form and conditioned in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 19.
- (3) Notwithstanding subsection (2) the court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.
- (4) The condition of the bond shall be that if—
 - (a) the defendant is found not guilty of the information or charge; or
 - (b) the defendant, on being convicted of the information or charge, pays in full within fourteen days after conviction the amount of the fine imposed by the court and the amount of all costs and expenses due by the defendant to the Crown under section 19 then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.
- (5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.
- (6) In this section “fishing vessel” includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Ordinance and is detained on board the vessel in the custody of the Crown.

Disposal of seized fish and other perishables

13. (1) Where any fish or other things of a perishable nature are seized under section 11 the Senior Fisheries Officer may, notwithstanding any other provision of this Ordinance, either—

- (a) return the fish or other thing to the person from whom it was seized on receiving security that is, in the opinion of the Senior Fisheries Officer adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amounts shall be adjudged by the court to be forfeited to the Crown; or
- (b) cause the sale of the fish or other thing at its reasonable market value and if court proceedings are instituted pay the proceeds of sale into court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or if no proceedings are instituted, release the proceeds to the person from whom the fish or thing was seized in accordance with section 12.

(2) Where any live fish has been seized in accordance with section 11 it may be released or destroyed at the discretion of the seizing officer where the officer considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.

Arrested persons and disposal of vessels and other things detained or seized

14. (1) Any person arrested and, subject to section 13, any vessel, article or thing arrested, detained or seized shall be brought before or under the jurisdiction of a court of competent jurisdiction without undue delay.

(2) Where any person arrested is released without charge or the prosecution of that person is not proceeded with within thirty days of the arrest any vessel, article or thing arrested detained or seized when in the possession of or under the control of that person or the proceeds of sale thereof shall, subject to section 13 (2), be returned to that person.

(3) Where the court holds any vessel, article or thing arrested, detained or seized under section 11 and a person who has been properly charged with an offence in relation thereto within ninety days of the arrest, detention or seizure fails to appear to answer the charge the Senior Fisheries Officer may apply to the court for such vessel, article or thing to be forfeited to the Crown and the court shall make such order as it shall consider just.

(4) Where the court fails or refuses to make an order for forfeiture under subsection (3) the Senior Fisheries Officer may appeal to the Supreme Court the decision of which shall be final.

(5) Subject to subsection (6), where a vessel, article or thing is arrested detained or seized under section 11 and no person is arrested the vessel, article or thing, shall be returned to the owner or the person having possession care or control of it at the time of arrest, detention or seizure.

(6) If the lawful owner of a vessel, article or thing, arrested, detained or seized under section 11 cannot be traced within thirty days of such seizure it shall be forfeit to the Crown and be disposed of as the Senior Fisheries Officer shall consider fit and any proceeds of sales thereof shall be paid into the Consolidated Fund.

(7) Where a vessel article or thing has been arrested, detained or seized under section 11 and the Court does not order the forfeiture of that vessel, article or thing, it, or any proceeds realised from its disposal, shall be returned to the owner thereof or the person having the possession care or control of it at the time of arrest, detention or seizure.

(8) Where the owner of a vessel, article or thing or the person having the possession, care or control of it at the time of its arrest, detention or seizure is convicted of an offence under this Ordinance and a fine is imposed—

- (a) the vessel, article or thing may be detained until the fine is paid; or
- (b) the vessel, article or thing may be sold in satisfaction of the fine; or
- (c) any proceeds realised from its disposal under section 14 may be applied in payment of the fine.

(9) The Senior Fisheries Officer may cause any fish, vessel or any fishing gear found or seized and at the officer's disposal to be destroyed if it is considered fit to do so.

PART VI
PROHIBITIONS AND OFFENCES

Prohibition of activities that undermine the effectiveness of international conservation and management measures

15. (1) No fishing vessel registered at a port in St. Helena, whether or not it is required to be licensed under this Ordinance, shall engage in any activity on the high seas that undermines the effectiveness of international conservation and management measures.

(2) The Governor in Council may, by regulations, prescribe certain activities as being activities that undermine the effectiveness of international conservation and management measures.

(3) Where a vessel contravenes subsection (1) the master, the owner and the charterer shall each commit an offence and be liable on conviction to a fine not exceeding £100,000.

Obstruction of authorised officers, false information and alteration of licences

16. (1) Any person who—

- (a)* assaults, resists or wilfully obstructs an authorised officer when acting in the exercise of the officer's powers under this Ordinance; or
- (b)* refuses or neglects to comply with any order, requisition or direction lawfully made or given in pursuance of this Ordinance; or
- (c)* without reasonable excuse fails to:—
 - (i)* answer any question asked by an authorised officer ; or
 - (ii)* give any information or produce any thing required to be given or produced in pursuance of this Ordinance;
- (d)* fails to allow a search or inspection under this Ordinance; or
- (e)* prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, producing any thing or allowing a search or inspection;

commits an offence and shall be liable on conviction to a fine not exceeding £10,000.

(2) Any person who—

- (a)* for the purpose of obtaining a licence; or
- (b)* for purported compliance with a requirement to furnish any information under this Ordinance,

knowingly or recklessly provides information which is false in any material particular commits an offence and shall be liable on conviction to a fine not exceeding £10,000.

(3) Any person who without lawful authority alters a licence granted under this Ordinance commits an offence and on conviction shall be liable to a fine not exceeding £50,000.

Other offences, penalties and proceedings

17. (1) Any person who contravenes any provision of this Ordinance where no offence is specifically provided commits an offence.

(2) Any person who commits an offence against this Ordinance for which no penalty is specifically provided shall be liable on conviction to a fine not exceeding £10,000.

(3) Where any person is convicted of an offence against this Ordinance the court may in addition to any other penalty that it may impose order that any fishing gear, instruments or appliances used in the commission of such offence and any fish on board a fishing vessel or the

proceeds of sale thereof, if already sold, shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Governor, acting in his discretion, may direct.

(4) For the purpose of any proceedings under this Ordinance any fish found on board a fishing vessel shall be presumed to have been caught—

(a) on the high seas; and

(b) within the vicinity of the vessel at the time the fish is found where the licence to fish specifying the vessel restricts fishing to a particular area of the high seas;

unless the contrary is proved.

(5) An attempt to commit an offence under this Ordinance shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(6) Any master or other person who transships, receives on board a fishing vessel, transports, sells, offers for sale, processes or in any other manner deals with fish caught in contravention of this Ordinance commits an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Ordinance or conspires to commit such offence commits the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) When a person is convicted on a second or further occasion of an offence against this Ordinance he shall be liable to double the normal penalty for that offence.

(9) A certificate purporting to be signed by the Senior Fisheries Officer or any officer authorised by the Senior Fisheries Officer for that purpose to the effect that on a date specified in the certificate—

(a) a fishing vessel specified in that certificate was not licensed under this Ordinance;

(b) the accused person or any other named person was not the holder of a licence under this Ordinance; or

(c) a person was the holder of a licence or permit under this Ordinance,

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

PART VII

COURT PROCEEDINGS, PENALTIES AND COMPOUNDING OF OFFENCES

Jurisdiction of the Court

18. All penalties, offences and proceedings under this Ordinance may be recovered, prosecuted and taken before the Magistrate's Court and the Court shall have power to impose any fine provided for by this Ordinance.

Forfeiture of licence and disqualification

19. Where a person is convicted of an offence against this Ordinance the court may, in addition to any other penalty, order that any licence granted under this Ordinance to which the conviction relates and also any fees paid for such licence be forfeited and that such person be disqualified from the day of conviction from holding a licence for a period not exceeding three years.

Administrative penalty

20. (1) Where the Senior Fisheries Officer has reasonable cause to believe that—

(a) an offence against this Ordinance has been committed by any person; and

(b) the offence is of a minor nature; or

(c) having regard to the previous conduct of the person concerned and of the vessel if a vessel is involved,
and it would be appropriate to impose a penalty under this section, the Senior Fisheries Officer may cause a notice in writing in accordance with subsection (2) in the prescribed form to be served on that person.

(2) A notice under subsection (1) shall specify—

- (a) the date and nature of the offence;
- (b) a summary of the facts upon which the allegation that an offence has been committed is based (being sufficient summary fully and fairly to inform the person of the allegation against him); and
- (c) any other matters (not being previous convictions) that the Senior Fisheries Officer considers relevant to the imposition of a penalty,

and shall be endorsed with a statement setting out the provisions of this Section.

(3) Any person on whom a notice under subsection (1) is served may within thirty days after such service by notice in writing in the prescribed form served on the Senior Fisheries Officer require that proceedings in respect of the alleged offence shall be dealt with by the court, in which case the following shall apply—

- (a) no further proceedings shall be taken under this section by the Senior Fisheries Officer; and
- (b) nothing in this section shall be constructed to prevent the subsequent laying of any information or charge in respect of the alleged offence or the conviction of the person of the offence by the Court or the imposition of any penalty or forfeiture under this Ordinance upon such conviction.

(4) Any person on whom a notice under subsection (1) is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the court may by notice in writing served on the Senior Fisheries Officer—

- (a) admit the offence; and
- (b) make submissions to the Senior Fisheries Officer as to the matters that such person wishes the Senior Fisheries Officer to take into account in imposing any penalty under this Section.

(5) Where a person on whom a notice under subsection (1) is served does not within thirty days after the notice is served on him or her—

- (a) require that proceedings in respect of the alleged offence be dealt with by the court; or
- (b) admit the offence,

the person in question shall on the expiration of that period be considered to have admitted the offence.

(6) Where under this section a person admits or is considered to have admitted an offence the Senior Fisheries Officer after taking into account any submissions by that person under subsection (4), may impose a monetary penalty on that person in respect of the offence not exceeding one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the court.

(7) Where the Senior Fisheries Officer imposes a penalty on a person under this section in respect of an offence the Senior Fisheries Officer shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on that person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within thirty days after the notice of the penalty is served on such person in accordance with subsection (7).

(9) Without prejudice to the requirement of subsection (8), a penalty imposed under this section shall be recoverable by the Crown from the person upon whom it has been imposed in the same manner as a fine recoverable on conviction of an offence.

(10) Notwithstanding any other provisions of this Ordinance or any other enactment, where an offence has been admitted or is considered to have been admitted under this section no information or charge may be laid in respect of the offence against any person by whom it has been admitted or considered to have been admitted

(11) Nothing in this section shall apply—

- (a) in respect of any offence or alleged offence under Section 4; or
- (b) to any offence or alleged offence in respect of which any information or charge has already been laid.

Detention or forfeiture of fishing vessel on failure to pay or secure fine

21. (1) If any fine or amount of costs is adjudged to be due by the owner, master or charterer of any fishing vessel in respect of a contravention of any provisions of this Ordinance the court may, if no security or it considers that insufficient security has been given to the Crown, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the court, is not given the court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in St. Helena until the amount due is paid or sufficient security shall be given to the satisfaction of the court.

(2) If a fine is not paid or security is not given within thirty days of the order of the Court or such longer period as the court may determine, the court may order that in the case of any offence against section 4 any vessel and its equipment used in the commission of the offence shall be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Governor acting in his discretion shall direct.

Regulations

22. (1) The Governor in Council may make regulations for the better carrying into effect of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of subsection (1) such regulations may provide for—

- (a) anything which is to be or may be prescribed under this Ordinance;
- (b) the payment of fees on applications for licences and the issue of licences;
- (c) the conditions and procedures of applications for licences and their forms;
- (d) the placing of observers on fishing vessels;
- (e) the provision by applicants for licences and licensees of bonds or other form of security for securing their compliance with the obligations under and the terms and conditions of their licences;
- (f) reports to be made for the purpose of this Ordinance;
- (g) notification of international conservation and management measures recognised by St. Helena;
- (h) activities that shall be considered to be activities that undermine the effectiveness of international conservation and management measures.