



**ST HELENA**

**REVISED EDITION OF THE LAWS, 2017**

**ENVIRONMENT AND NATURAL RESOURCES**

**HIGH SEAS FISHING ORDINANCE, 2001<sup>1</sup>**

*Ordinance 8 of 2001  
In force 1 August 2002*

*No amendments to 1 November 2017*

*No subsidiary legislation to 1 November 2017*

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**HIGH SEAS FISHING ORDINANCE, 2001**

**ARRANGEMENT OF SECTIONS**

**PART 1  
PRELIMINARY**

1. Short title and commencement
2. Interpretation

**PART II  
ADMINISTRATION**

3. The Senior Fisheries Officer and authorised officers

**PART III  
LICENSING OF FISHING ON THE HIGH SEAS**

4. Prohibition of fishing on the high seas without a licence
5. Vessels eligible for high seas fishing licences
6. Applications and fees
7. Grant of high seas fishing licences and conditions relating to licences
8. Period of validity of high seas fishing licences

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

**PART IV  
INTERNATIONAL COOPERATION**

9. High seas fishing information
10. Exchange of information with other States

**PART V  
ENFORCEMENT**

11. General powers at sea of authorised officers
12. Security for release of a fishing vessel
13. Disposal of seized fish and other perishables
14. Arrested persons and disposal of vessels and other things detained or seized

**PART VI  
PROHIBITIONS AND OFFENCES**

15. Prohibition of activities that undermine the effectiveness of international conservation and management measures
16. Obstruction of authorised officers, false information and alteration of licences
17. Other offences penalties and proceedings

**PART VII  
COURT PROCEEDINGS, PENALTIES AND COMPOUND OF OFFENCES**

18. Jurisdiction of the court
19. Forfeiture of licence and disqualification
20. Administrative penalty
21. Detention of forfeiture of fishing vessel on failure to pay secure fine

**PART VII  
REGULATIONS**

22. Regulations

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 24th November 1993 and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory fish stocks.

**PART 1  
PRELIMINARY**

**Short title and commencement**

1. This Ordinance may be cited as the High Seas Fishing Ordinance, 2001, and comes into force on a day the Governor appoints 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 24th November 1993 and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 relating to the Conservation of Straddling Fish Stocks and Highly Migratory Fish Stocks;

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

“**fish**” includes any living marine resource;

“**fishing**” means—

- (a) the catching or taking of fish;
- (b) any other activity which can reasonably be expected to result in the catching or taking of fish; and
- (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;

“**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 or she delegates functions under section 3(3);

“**St Helena fishing vessel**” means a fishing vessel that is registered under the Merchant Shipping Act 1894 (U.K.), as amended or replaced by any Act that applies to St Helena, 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 vessel**” means a fishing vessel other than a St Helena fishing vessel;

“**Governor**” means the Governor acting in his or her 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 sub-regional 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 is to be administered by the Senior Fisheries Officer, who is 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 must 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;
- (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 Agreements;
- (g) the making of any reports to the Governor that the Governor requires or the Senior Fisheries Officer considers appropriate;
- (h) the taking of any other measures the Governor directs or the Senior Fisheries Officer considers appropriate for the implementation of the Agreements and this Ordinance.

**(2)** The Governor may give or authorise the Senior Fisheries Officer to give any information and make any reports 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 must, 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 any conditions, including territorial restrictions, that are stipulated in the authorisation.

**(4)** The Senior Fisheries Officer must 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 must be enforced by authorised officers subject to the direction of the Senior Fisheries Officer and for that purpose authorised officers have the powers set out in section 12 and 13.

**(6)** The following persons are authorised officers—

- (a) sea fishery officers appointed pursuant to the Fishery Limits Ordinance, 1977;
- (b) all members of the St Helena Police Service;
- (c) any other public officers that are 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 may be used for fishing on the high seas except under the authority of a high seas fishing licence.

**(2)** If a fishing vessel is used in contravention of subsection (1) the master, the owner and the charterer each commits an offence.

Penalty: A fine of £50,000 on summary conviction.

### **Vessels eligible for high seas fishing licences**

**5. (1)** Subject to subsection (2), any St Helena fishing vessel is eligible for a high seas fishing licence unless 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 the suspension has not expired; or
- (b) withdrawn such authorisation within the 3 years preceding the application,

on the ground that the fishing vessel has undermined the effectiveness of international conservation and management measures.

**(2)** The exceptions contained in subsection (1) do not apply to a vessel if—

- (a) ownership of the vessel has changed since the 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 Agreements.

### **Applications and fees**

**6.** An application for the grant of a high seas fishing licence must be—

- (a) made in the prescribed manner;
- (b) accompanied by the prescribed information and documents; 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 if granted is 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 is 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 the—

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

**(4)** A high seas fishing licence is subject to the following conditions—

- (a) the licensed fishing vessel must be marked in accordance with the FAO Standard

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

(5) A high seas fishing licence authorises fishing subject to any further conditions that 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 that are specified by him or her 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 the breach each commits an offence.

Penalty: A fine of £50,000 on summary conviction.

- (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 is one year or some other period specified in the licence.

(2) A high seas fishing licence ceases 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 a form and about such matters relating to fishing operations with which the fisherman or person is connected as are stated in the requirement.

### **Exchange of information with other states**

**10. (1)** The Senior Fisheries Officer, if so authorised by the Governor, may make appropriate arrangements to enable the Senior Fisheries Officer 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 in order to enable St Helena and such other countries better to implement the objects of the Agreements or either of them.

**(2)** Without limiting the arrangements that may be 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 State of the overseas fishing vessel concerned any information, including evidentiary material, relating to those activities, that is 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)* cause the vessel to be stopped;
- (b)* require the master to stop fishing and take the fishing gear of the vessel back on board;
- (c)* require the master to facilitate the boarding of the vessel by all appropriate means;
- (d)* board the vessel with any other persons required to assist in the exercise of the officer's powers under this section;
- (e)* require the master, the crew or any of them to produce any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught or other document relating to the vessel and to the crew or any member of it or to any person on board the vessel which is in their respective possession or control on board the vessel;
- (ea)* examine and take copies of any document produced pursuant to paragraph (e);
- (f)* muster the crew of the vessel;
- (g)* 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)* make any search, examination or enquiry which the officer considers necessary to find out whether any provision of this Ordinance has been contravened;
- (i)* 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 the officer to have committed any offence against this Ordinance - 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 appears that there has been an offence together with its crew 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) 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 - seize the vessel involved together with any of its equipment, stores and cargo which the officer believes has been used in the commission of the offence or in respect of which the officer believes the offence has been committed;
- (m) seize any fishing gear, instruments or appliances which the officer believes has been used in the commission of such offence;
- (n) seize any fish which the officer believes has been taken, or any fish products which the officer believes have been produced in the commission of such offence;
- (o) 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 is reasonably necessary.

### **Security for release of a fishing vessel**

**12.** (1) If a fishing vessel is taken, seized or detained under this Ordinance and a charge is brought against the master, owner or charterer of the vessel in respect of the offence for which the vessel has been detained, the master, owner or charterer or the agent of the owner or charterer of the vessel may at any time before the determination of the charge apply to the court by which the 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 must either—
  - (a) if satisfied that reasonable security has been given to the Crown in respect of the total 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 total 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) The court may, if satisfied that there are special circumstances to justify it doing so, order that the bond contemplated by subsection (2)(b) must be in a specified amount that is less than the amount required by that subsection.

- (4) The condition of the bond is that if—
  - (a) the defendant is found not guilty of the offence; or



- (b) the defendant, on being convicted of the offence, pays in full within 14 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, the bond becomes of no effect but that otherwise the bond remains in full force and effect.

(5) The amount specified in the bond is 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 -
- (a) all equipment on board or used by the vessel; and
- (b) 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) If any fish or other things of a perishable nature are seized under section 11 the Senior Fisheries Officer may 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 that equivalent value if that amount is 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 -
- (i) 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
- (ii) 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) If any live fish has been seized in accordance with section 11 it may be released or destroyed at the discretion of the seizing officer if the officer considers such act desirable in order to prevent undue suffering to the fish 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 must be brought before or under the jurisdiction of a court of competent jurisdiction without undue delay.

(2) If any person arrested is released without charge or the prosecution of that person is not proceeded with within 30 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 of it must, subject to section 13 (2), be returned to that person.

(3) If 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 to it within 90 days of the arrest, detention or seizure fails to appear to answer the charge, the Senior Fisheries Officer may apply to the court for the vessel, article or thing to be forfeited to the

Crown and the court must make an order it considers just.

(4) If the court fails or refuses to make an order for forfeiture under subsection (3) the Senior Fisheries Officer may appeal to the Supreme Court, whose decision is final.

(5) Subject to subsection (6), if a vessel, article or thing is arrested detained or seized under section 11 and no person is arrested, the vessel, article or thing must be returned to the owner or the person having possession care or control of it at the time of the 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 30y days of the arrest, detention or seizure it is forfeited to the Crown and must be disposed of as the Senior Fisheries Officer considers fit and any proceeds of sale of the vessel, article or thing must be paid into the Consolidated Fund.

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

(8) If 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;
- (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 fishing gear that has been found or seized under this Part and that is at the officer's disposal to be destroyed if the officer thinks fit.

## 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, may 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) If a vessel contravenes subsection (1) the master, the owner and the charterer each commits an offence.

Penalty: A fine of £100,000 on summary conviction.

### **Obstruction of authorised officers, false information and alteration of licences**

- 16. (1)** It is an offence for a person to—
- (a) assault, resist or wilfully obstruct an authorised officer when acting in the exercise of the officer's powers under this Ordinance;
  - (b) refuse or neglect to comply with any order, requisition or direction lawfully made or given pursuant to this Ordinance;
  - (c) without reasonable excuse fail 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 pursuant to this Ordinance;
  - (d) fail to allow a search or inspection under this Ordinance; or
  - (e) prevent or attempt to prevent another person from complying with any order, requisition or direction, answering any question, producing any thing or allowing any search or inspection lawfully given, put or requested under this Ordinance.

Penalty: A fine of £10,000 on summary conviction.

- (2)** It is an offence for a person—
- (a) for the purpose of obtaining a licence; or
  - (b) for purported compliance with a requirement to provide any information under this Ordinance,

knowingly or recklessly to provide information which is false in any material particular.

Penalty: A fine of £10,000 on summary conviction.

**(3)** Any person who without lawful authority alters a licence granted under this Ordinance commits an offence.

Penalty: A fine of £50,000 on summary conviction.

### **Other offences, penalties and proceedings**

**17. (1)** A person, not purporting to act under powers conferred by this Ordinance, who contravenes any provision of this Ordinance where no offence is specifically provided commits an offence.

Penalty: A fine of £10,000 on summary conviction.

**(2)** A person who commits an offence under this Ordinance for which no penalty is specifically provided is liable on conviction to a fine of £10,000 on summary conviction.

**(3)** On convicting a person of an offence under this Ordinance the court may in addition to any other penalty that it may impose order that any fishing gear, instrument or appliance used in the commission of the offence and any fish on board a fishing vessel or the proceeds of sale of it, if already sold, are forfeited to the Crown and are to be disposed of in a manner the Governor, acting in his or her discretion, directs.

**(4)** For the purpose of any proceedings under this Ordinance, unless the contrary is proved, any fish found on board a fishing vessel is 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 if the licence to fish

specifying the vessel restricts fishing to a particular area of the high seas.

(5) An attempt to commit an offence under this Ordinance is 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.

Penalty: As provided in subsection (2).

(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) A person convicted on a second or further occasion of an offence against this Ordinance is liable to double the maximum 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,

Is, in the absence of proof to the contrary, 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 Magistrates' Court and the court may impose any fine provided for by this Ordinance.

#### **Forfeiture of licence and disqualification**

19. If 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 the person be disqualified from the day of conviction from holding a licence for a period not exceeding 3 years.

#### **Administrative penalty**

20. (1) If the Senior Fisheries Officer has reasonable cause to believe that an offence against this Ordinance has been committed by any person, but that -

- (a) the offence is of a minor nature; or
- (b) having regard to the previous conduct of the person concerned and of the vessel (if

a vessel is involved), it would be appropriate to impose a penalty under this section rather than prosecute the offender,  
 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) must 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 fully and fairly to inform the person of the allegation against the person); and
- (c)* any other matters (not being previous convictions) that the Senior Fisheries Officer considers relevant to the imposition of a penalty,

and must be endorsed with a statement setting out the provisions of this section.

**(3)** A person on whom a notice under subsection (1) is served may within 30 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 must be dealt with by the court, in which—

- (a)* no further proceedings may be taken under this section by the Senior Fisheries Officer; and
- (b)* nothing in this section prevents the subsequent bringing of a 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 are to 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 the person wishes the Senior Fisheries Officer to take into account in imposing any penalty under this section.

**(5)** If a person on whom a notice under subsection (1) is served does not within 30 days after the notice is served on the person—

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

the person is on the expiration of that period to be considered to have admitted the offence.

**(6)** If 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 the person under subsection (4), may impose a monetary penalty on the person in respect of the offence not exceeding 1/3 of the maximum penalty to which the person would be liable if convicted of the offence by the court.

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

**(8)** A person on whom a penalty is imposed under this section must pay the amount

of the penalty to the Crown within 30 days after the notice of the penalty is served on the person in accordance with subsection (7).

(9) Without affecting the requirement of subsection (8), a penalty imposed under this section is 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) If an offence has been admitted or is considered to have been admitted under this section no charge may be brought in respect of the offence against any person by whom it has been admitted or considered to have been admitted

(11) This section does not 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 charge has already been brought.

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

21. (1) Whenever 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 -

(a) if no security has been given to the Crown, or the court considers that insufficient security has been given to the Crown, the court may order that in default of immediate payment the defendant must give security for the payment of the amount due; and

(b) if such security, to the satisfaction of the court, is not given, the court may order the detention of the fishing vessel concerned in the contravention and such fishing vessel may accordingly be detained in St Helena until the amount due is paid or sufficient security is given to the satisfaction of the court.

(2) If a fine is not paid or security is not given within 30 days of the order of the court or a longer period the court decides, the court may order that in the case of an offence against section 4 any vessel and its equipment used in the commission of the offence be forfeited to the Crown and disposed of in a manner Governor acting in his or her discretion directs.

### **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 limiting 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 forms 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 are to be considered to be activities that undermine the effectiveness of international conservation and management measures.
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