



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

SPEAR GUNS CONTROL ORDINANCE, 2014¹

*Ordinance 8 of 2014
In force 20 August 2014*

No amendments to 1 November 2017

Subsidiary legislation:

SPEAR GUNS CONTROL ORDER, 2014

Legal Notice 23 of 2014

SPEAR GUNS CONTROL ORDINANCE, 2014

ARRANGEMENT OF SECTIONS

1. Short title and commencement
2. Interpretation
3. Prohibited or restricted areas
4. Control of possession and use of spear guns
5. Chief Environmental Officer may approve research
6. Offence
7. *Omitted*

AN ORDINANCE to control the possession and use of spear guns in the territorial waters of St Helena; and for connected or incidental matters.

Short title and commencement

1. This Ordinance may be cited as the Spear Guns Control Ordinance, 2014 and come into force on 20 August 2014

Interpretation

2. In this Ordinance—

¹ 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.

“closed season” means the period between 1st January and 31st March in any year;

“prohibited area” includes all of the areas determined by the Governor in Council under section 3;

“scuba equipment” includes any self-contained underwater breathing apparatus other than a snorkel;

“snorkel” means a device comprising a tube not more than 18 inches long which enables any person, whilst completely or partially submerged beneath the water, to breathe natural air without the use of a compressor or any artificial substitute for natural air;

“spear gun” includes a hand held spear or lance and a hand held weapon designed to discharge a spear or lance.

Prohibited or restricted areas

3. The Governor in Council may by order determine prohibited areas for the purposes of this Ordinance.

Control of possession and use of spear guns

4. (1) Except in accordance with an approval granted under section 5, no person may—

- (a) while equipped with scuba equipment, use or have in possession a spear gun for the purpose of taking any marine life in the territorial waters of St Helena;
- (b) while equipped with a snorkel, use or have in possession a spear gun for the purpose of taking any marine life in the territorial waters of St Helena during a closed season;
- (c) on or within 20 metres of any tidal water or upon any beach or foreshore or while swimming or while in any vessel, use or have in possession a spear gun during a closed season;
- (d) at any time use or have in possession a spear gun in a prohibited area.

(2) If a spear gun is found upon any vessel, every person aboard the vessel is deemed, unless the contrary is proved, to have been in possession at all relevant times of the spear gun.

Chief Environmental Officer may approve research

5. (1) The Chief Environmental Officer may grant approval, to suitably qualified persons, to carry on activities which otherwise would be in contravention of section 4, if satisfied that such approval is desirable for scientific purposes and would facilitate the collection of marine specimens in furtherance of such purpose.

(2) A person who is granted an approval under this section must, if so required as a condition of the approval, submit to the Chief Environmental Officer a report setting out the number and types of all marine specimens that are collected.

Offence

6. (1) A person who contravenes section 4(1) commits an offence.
Penalty: A fine of £5,000 or imprisonment for 6 months, or both

(2) If a person is convicted of an offence under subsection (1), the convicting court may, in addition to imposing any fine in respect of the offence, order that the spear gun involved in the commission of the offence be forfeited to the Crown.

(3) A person does not commit an offence under section 4(1)(d) if the person has a spear gun in his or her possession on a vessel solely for the purpose of conveying the spear gun through a prohibited area to an area that is not a prohibited area.

(4) The burden of proving that a person has a spear gun in his or her possession for the purpose mentioned in subsection (3) is upon the person found in possession of the spear gun.

Repeal

7. *Omitted as spent.*

SPEAR GUNS CONTROL ORDINANCE, 2014

SPEAR GUNS CONTROL ORDER, 2014 (Section 3)

Citation

1. This Order may be cited as the Spear Guns Control Order, 2014.

Prohibited areas

2. The areas set out in the Schedule are prohibited areas for purposes of the Ordinance.

SCHEDULE

<u>Area</u>	<u>Description</u>
(1) Jamestown Harbour	All that area of coastal water enclosed by a line commencing at the edge of the Wharf by the middle landing steps thence along a line due west at 270° for 50 metres to an unmarked point thence due north for approximately 150 metres to a second unmarked point thence along a line at 090° due east for approximately 75 metres to a rock known as The Needles Eye thence in a generally southerly direction along the cliff edge of the Wharf to the starting point.
(2) Lemon Valley	All that area of coastal water comprised within a radius of 50 metres from the landing place.
(3) Between and including Long Ledge and Billy May's Revenge	All that area of coastal water enclosed by a line

commencing at a point off the shoreline 495 metres (on a bearing of 228°) from Red Rock, thence along a bearing 320° for 350 metres, thence along a bearing of 235° for 700 metres, thence along a bearing of 165° for approximately 300 metres (to a point off the shoreline approximately ten metres to the South West of Billy May's Revenge) thence in a generally North Easterly direction along the shoreline back to the starting point.

- (4) Ruperts Bay All that area of coastal water comprised within a radius of 50 metres from the beach
 - (5) Sites of historic wrecks All that area of water which falls within a "restricted area" as determined under the Protection of Wrecks and Marine Archaeological Heritage Ordinance, 2014.
-