



## ASCENSION

### REVISED EDITION OF THE LAWS, 2017

### ENVIRONMENT AND NATURAL RESOURCES

### **WILDLIFE PROTECTION ORDINANCE, 2013<sup>1</sup>**

*Ordinance A6 of 2013*

*In force 18 October 2013*

*Amended by Ordinances A6 of 2014, A8 of 2016 (w.e.f.21 December 2016)*

*No subsidiary legislation to 1 November 2017*

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### **WILDLIFE PROTECTION ORDINANCE, 2013**

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AN ORDINANCE to protect and preserve the wildlife and habitat of Ascension.

#### **Short title**

1. This Ordinance may be cited as the Wildlife Protection Ordinance, 2013.

#### **Interpretation**

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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.

- 2.** In this Ordinance, unless the context otherwise requires—
- “**conservation**” in relation to wildlife product includes restoration and enhancement of a population or habitat;
- “**fishing limits**” means that part of the Atlantic Ocean extending to 200 nautical miles from the baseline from which the breadth of the territorial waters adjacent to Ascension is measured;
- “**miles**” means international nautical miles of 1,852metres;
- “**prohibited wildlife product**” means any wildlife product listed in the Schedule to this Ordinance and includes any wildlife product which is covered by an order made under section 5;
- “**taking**” in relation to any particular species of wildlife product includes capturing, injuring, damaging or permanently removing from its natural habitat that wildlife product, and grammatical variations are to be construed accordingly;
- “**wildlife product**” means any marine or land vertebrate or invertebrate or part or product derived from it, whether living or dead, and any marine or land plant whether living or dead, and includes the eggs thereof.

### **Protected wildlife product**

- 3.** (1) Subject to subsection (2), it is an offence for a person—
- (a) willfully to take, kill, trade or molest; or
- (b) be in possession of, with the intention of taking, killing, trading or molesting, any prohibited wildlife product.
- Penalty: A fine of £20,000 or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to any person acting with authority of, and in accordance with, a research licence granted under section 4.

### **Protected wildlife research licence**

**4.** (1) The Administrator may grant any person a protected wildlife research licence if the Administrator is satisfied that the purpose of the licence is to advance the conservation of the prohibited wildlife product concerned.

(2) The form and duration of a protected wildlife research licence are as determined by the Administrator, but a licence must in any case not endure for longer than 12 months and may be general or specific.

(3) An applicant for a protected wildlife research licence must supply to the Administrator information as to the nature of the conservation work, the proposed duration, and any other information the Administrator requests, in a form the Administrator requires.

(4) There is payable for and in respect of every protected wildlife research licence a fee in a sum the Administrator determines.

(5) If it appears to the Administrator to be necessary or expedient for the regulation of wildlife conservation, a licence under this section –

(a) may be varied from time to time; and

(b) may be revoked or suspended.

(6) If a licence is varied, revoked or suspended, the Administrator may, if he or she considers it appropriate in all circumstances of the case, refund the whole or part of any fee paid made for the licence.

(7) The Administrator may delegate his or her licensing powers under this section.

(8) Any person whose application for a protected wildlife research licence is refused or granted subject to conditions has the right to make written representations to the Governor.

(9) The Governor may, after considering any representations made under subsection (8), and acting in his or her discretion, either confirm or revoke the decision and may give any ancillary directions he or she considers appropriate.

### **Marine protection: power to declare prohibited areas and closed seasons**

5. (1) The Administrator may, and if so directed by the Governor must, from time to time by order published in the *Gazette* declare—

- (a) any area of the fishing limits to be a prohibited area—
  - (i) for the taking of any particular species or all species of wildlife products; or
  - (ii) for the taking of any particular species or all species of wildlife products by particular means;
- (b) any period to be a closed season for any particular species of wildlife product, either generally or in any particular area or areas of the fishing limits.

- (2) It is an offence for a person to –
  - (a) fail to comply with the requirement of any order made under this section;
  - (b) purchase or be in possession of any wildlife product during a period which is a closed season for that species of wildlife product unless the person proves that the said wildlife product was not taken during the closed season or that the person did not know and took all reasonable steps to establish that the said wildlife product was not taken in the closed season.

### **Evidence**

6. If any prohibited wildlife product is found upon any vessel within the fishing limits or in any vehicle—

- (a) all persons found on board that vessel or in that vehicle are, unless the contrary is proved, deemed to be in possession of that product; and
- (b) that product is, unless the contrary is proved, deemed to have been taken on Ascension or within Ascension fishery limits.

### **Penalty and power of Magistrates' Court**

7. (1) A person who fails to comply with or contravenes any provision of this Ordinance, or any subsidiary legislation made under it, for which no other penalty is provided, commits an offence.

Penalty: A fine of £20,000 or imprisonment for 12 months, or both.

(2) In respect of offences charged under this Ordinance, or under any subsidiary legislation made under it, and despite section 17 of the Magistrates' Court Ordinance, 1968 the

Magistrates' Court has extended jurisdiction to impose any fine up to the maxima specified by or under this Ordinance.

### Forfeitures

8. If any person has been convicted of an offence against this Ordinance, or any subsidiary legislation, the court –

- (a) must order forfeiture of any wildlife product or part of it which has been the subject of the conviction; and
- (b) may, in addition to any other penalty that may be imposed, order any vehicle, vessel, machine, instrument, apparatus, spear gun, pole spear, fishing net, fishing rod, article or material which has been used in the commission of the offence to be forfeited.

### Offence by corporate body

9. If an offence under this Ordinance is committed by a corporate body and is proved to have been committed with the consent or connivance of a person who was at the time a director, manager, secretary or other similar officer of the body, or was purporting to act in any such capacity, that person, as well as the corporate body, commits that offence and is liable to be proceeded against and punished accordingly.

### Regulations

10. (1) The Governor may make regulations generally for carrying the provisions of this Ordinance into effect.

(2) Whenever any wildlife product of Ascension appears to be threatened for whatever reason, the Governor may make regulations for any such matters or things as may appear advisable for the prevention or mitigation of the threat.

### Repeal

11. The Wildlife Protection Ordinance, Cap. A27 is repealed.

## SCHEDULE

(Section 2)

### PROHIBITED WILDLIFE PRODUCTS

<i>Item no.</i>	<i>Common name</i>	<i>Scientific name</i>
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#### Reptiles

1	Green turtles	<i>Chelonia mydas</i>
2	Hawksbill turtles	<i>Eretmochelys imbricata</i>

#### Birds

3	Ascension Island frigate birds	<i>Fregata aquila</i>
4	Masked boobies	<i>Sula dactylatra</i>
5	Brown boobies	<i>Sula leucogaster</i>

6	Red-footed boobies	<i>Sula sula</i>
7	Sooty terns, also known as Wideawake terns	<i>Onychoprion fuscatus</i>
8	Fairy terns, also known as white terns	<i>Gygis alba</i>
9	Black noddies	<i>Anous minutus</i>
10	Brown noddies	<i>Anous stolidus</i>
11	Red-billed tropic birds	<i>Phaethon aethereus</i>
12	Yellow-billed tropic birds	<i>Phaethon lepturus</i>
13	Storm petrels	<i>Oceanodroma spp.</i>

### Mammals

14	Bottlenose dolphin	<i>Tursiops truncatus</i>
15	Humpback whale	<i>Megaptera novaeangliae</i>

### Fish

16	Ascension snake eel	<i>Ichthyapus insularis</i>
17	Ascension scorpionfish	<i>Scorpaena ascensionis</i>
18	St Helena deepwater scorpion fish	<i>Pontinus nigropunctatus</i>
19	Ascension red scorpionfish	<i>Scorpaenodes insularis</i>
20	Resplendent angelfish	<i>Centropyge resplendens</i>
21	Ascension hawkfish	<i>Amblycirrhites earnshawi</i>
22	Lubbock's gregory also known as yellowtail damselfish	<i>Stegastes lubbocki</i>
23	Auxillary spot cardinalfish	<i>Apogon axillaris</i>
24	St Helena wrasse	<i>Thalassoma sanctaehelenae</i>
25	Ascension wrasse	<i>Thalassoma ascensionis</i>
26	Ascension goby	<i>Priolepis ascensionis</i>
27	St Helena butterflyfish	<i>Chaetodon sanctaehelenae</i>
28	Bicolour butterflyfish also known as hedgehog butterflyfish	<i>Prognathodes dichrous</i>
29	Saint Helena sharpnose pufferfish	<i>Canthigaster sanctaehelenae</i>
30	Marmalade razorfish	<i>Xyrichtys blanchardi</i>
31	Yellow razorfish	<i>Xyrichtys sanctaehelenae</i>
32	Atlantic goliath grouper	<i>Epinephelus itajara</i>
33	Dog snapper	<i>Lutjanus jocu</i>
34	Mottled blenny	<i>Scartella nuchifilis</i>
35	St Helena flounder	<i>Bothus mellissi</i>
36	Island hogfish	<i>Bodianus insularis</i>
37	Strigate parrotfish	<i>Sparisoma strigatum</i>
38	St Helena sea perch	<i>Serranus sanctaehelenae</i>
39	Ascension seabream	<i>Diplodus sargus ascensionis</i>

### Sharks & rays

40	Whale shark	<i>Rhincodon typus</i>
41	Hammerhead shark	<i>Sphyrna spp.</i>
42	Tiger Shark	<i>Galeocerdo cuvier</i>
43	Galapagos shark	<i>Carcharhinus galapagensis</i>
44	Oceanic whitetip shark	<i>Cacharhinus longimanus</i>
45	Blue shark	<i>Prionace glauca</i>
46	Shortfin Mako shark	<i>Isurus oxyrinchus</i>
47	Bigeye Thresher shark	<i>Alopias superciliosus</i>

48	Six gill shark	<i>Hexanchus griseus</i>
49	Silky shark	<i>Carcharhinus falciformis</i>
50	Dusky Shark	<i>Carcharhinus obscurus</i>
51	Crocodile shark	<i>Pseudocarcharias kamoharai</i>
51	Cookie Cutter shark	<i>Isistius brasiliensis</i>
53	Pygmy shark	<i>Eurotomiscrus bispinatus</i>
54	Manta ray	<i>Manta spp.</i>
55	Devil ray	<i>Mobula tarapacana</i>

#### Invertebrates

56	Land crabs	<i>Johngarthia lagostoma</i>
57	Procaris shrimps	<i>Procaris ascensionis</i>
58	Typhlatya shrimps	<i>Typhlatya rogersi</i>
59	Female Spiny Lobster carrying eggs (berried female)	<i>Panulirus echinatus</i>
60	Giant pseudoscorpion	<i>Garypus titanius</i>
61	Green wire coral	<i>Stichopathes occidentalis</i>
62	Black fan coral	<i>Antipathella wollastoni</i>
63	Black coral	<i>Tanacetipathes sp</i>

#### Plants

64	Ascension Island parsley fern	<i>Anogramma ascensionis</i>
65	Marattia fern	<i>Ptisana purpurascens</i>
66	Pteris fern	<i>Pteris adscensionis</i>
67	Stenogrammatis fern	<i>Stenogrammatis ascensionense</i>
68	Ascension Island spleenwort	<i>Asplenium ascensionis</i>
69	Ascension Island spurge	<i>Euphorbia origanoides</i>
70	Sporobolus grass	<i>Sporobolus caespitosus</i>

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