

**Memorandum for Executive Council**

**SUBJECT**

**Fisheries Bill, 2021**

Memorandum by the Chairman of the Economic Development  
Committee

**ADVICE SOUGHT**

1. **Executive Council is asked to consider and advise whether the attached Fisheries Bill (Annex A) should be printed, published and presented as Government business at the formal meeting of the Legislative Council to be held at the end of July 2021.**

**BACKGROUND &  
CONSIDERATIONS**

2. The setting of fisheries management priorities at the start of the Blue Belt Project identified that St Helena's fisheries law was in need of reform in a number of areas in order to improve the regulation of fishing and related activities within St Helena's fisheries limits. As a result, this key action was carried in St Helena's 2017-2025 Fisheries Sector Strategy for implementation.
3. A Sub-committee was appointed by the Governor under the Economic Development Committee (EDC) to lead revision of St Helena's fisheries legislation. The group comprised an EDC member, Environment, Natural Resources and Planning (ENRP) officers, fisheries stakeholder representatives and a representative from the Attorney General's Chambers to support the group.
4. Fisheries management and fishing licencing policy used to inform the development of the Bill was adopted by the Economic Development Committee in January 2020.
5. The Bill seeks to replace the St Helena Fishery Limits Ordinance, 1977 rather than simply making changes to it as originally envisaged in 2017. The purpose of the Bill is to provide a framework for modern regulation of fishing and related activities within St Helena's fisheries limits.
6. The Bill legislates in the following areas:
  - i. *Fisheries Limits and Fishing Zones*: This section establishes the Fisheries Limits as up to the 200nm EEZ, being the geographical extent of our sovereign rights in fisheries law. An 'inshore fishing zone' (0-30 nm out from the baseline) and an 'offshore fishing zone' (30 – 200 nm out from the baseline) is established for ease

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of reference and with a view to allowing appropriately segregated management controls over the fisheries.

- ii. *An Advisory Board*: This Board is intended to be a technical forum for review of fisheries data, management and controls and is empowered to give advisory advice on request.
- iii. *Fisheries Officers and Responsibilities*: The Governor is to appoint a Chief Fisheries Officer who may then appoint subordinate fisheries protection officers and may delegate to them any of his powers and duties under the Ordinance.
- iv. *Fishing Licences*: The starting point for licenced fishing is that all fishing within the fisheries limits requires a licence except for traditional rock fishing and for spear fishing to or from the shore that does not involve the use of a vessel. This section provides for the various types of licences that will be operational, the conditions attached to licences, the period of time they may be issued for, who may vary, amend or revoke a licence and licencing of a foreign fishing vessel.
- v. *Restrictions on Fishing and Related Operations*: This section provides for prohibited methods of fishing, establishing total allowable catch limits for specified species in a specified period, implementing fishing control notices and licencing deployment of fish aggregating devices.
- vi. *Restrictions Relating to Spear Fishing and Fishing with Scuba Equipment*: This section of the Bill incorporates provisions of the Spear Guns Control Ordinance, 2014, with a view to keeping our main fisheries law under a single ordinance.
- vii. *Transshipment*: This section prohibits transshipment at sea within St Helena's fishery limits. As St Helena's fisheries comprise a number of International Commission for the Conservation of Atlantic Tunas (ICCAT) managed species and fall within the ICCAT Convention area, this provision is aligned with their 2017 Transshipment Recommendation. This is a fisheries enforcement control to ensure that fish found on a vessel is actually fish caught by that vessel.
- viii. *Enforcement*: This section provides powers available to the Chief Fisheries Officer and Fisheries Protection Officers for enforcement of the fisheries offences by investigation, inspection, collection of evidence and submission to a judicial process.
- ix. *Appeals*: This section provides for appeals against refusal of licence or permission or conditions: Allows a person to appeal to the Magistrates Court against a licence decision, revocation, variation or condition of licence.

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- x. *Offences*: This section is proposed for offences in connection with: fishing without licence or in breach of licence; restrictions on fishing and related operations; possession and use of spear gun; transshipment; illegal, unreported or unregulated (IUU) fishing; makes it an offence for a person to conduct business directly related to IUU fishing; unstowed fishing gear; discarding of plastic, fishing gear or other material; false information and falsifying documents; and offences in relation to enforcement officers.
  - xi. *Miscellaneous*: This section grants power to the Governor in Council to make regulation and, without limiting that power sets out certain regulation that can be made. This section also makes provision for various repeal, amendment and transitional provisions for associated Ordinances.
7. The law applying to St Helena ships on the High Seas is a separate matter dealt with by the High Seas Fishing Ordinance, 2001.
8. Enactment of a new Fisheries Ordinance will:
- i. Repeal the Fishery Limits Ordinance (1977); the Conservation and Management of Fishery Resources Ordinance (2003) and the Spear Guns Control Ordinance, 2014.
  - ii. Result in amendment to the High Seas Fishing Ordinance (2001), and Environmental Protection Ordinance (2016).
9. There will be a funding requirement to enable observer coverage for fishing activities, particularly for offshore commercial fishing as the need arises, however, in order to implement the Bill there are no significant financial implications expected beyond current levels of financial resources for fisheries law administration and compliance and enforcement activities.

### **FINANCIAL IMPLICATIONS**

### **ECONOMIC IMPLICATIONS**

10. Although the Bill makes provision for fishing regulation to be improved, it enables a range of fishing activities to continue and therefore allows fishing to continue to contribute to St Helena's economy.
11. The Bill provides a number of environmental protections which ensure that St Helena's fisheries are sustainable. The Bill is therefore supporting St Helena's image as a blue and green exemplar. Promoting St Helena's fisheries amongst the most sustainable in the world helps to add value to the fish which is exported.
12. The provisions on transshipment do add costs to offshore operations where an ice vessel is used, since fish cannot be

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transferred from fishing vessels to a vessel with freezing capability. This potentially increases the frequency of journeys to and from the sea mounts and the Island, which increases fuel use and cost. However, this provision is ICCAT required, and therefore is unlikely to be changed in St Helena Policy until ICCAT agree a change at a regional level.

### **CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES**

13. Foreign investors are able to achieve licences for fishing, albeit under certain conditions at the discretion of the Chief Fisheries Officer.
14. The Bill supports the following by providing clear rules for the whole industry:
  - i. Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective.
  - ii. Promote fair, consistent and transparent decision making.

### **PUBLIC/SOCIAL IMPACT**

15. The Bill is expected to have minimal public impact as fishing licencing policy which has informed the Bill has already been consulted on with fisheries stakeholders, and enforcement of a new policy requirement for all fishing activities from a fishing vessel (sports, recreational and commercial) to be licenced has already been implemented since December 2020. A licence fee will eventually be required as part of granting of fishing licences. Traditional rock fishing and spearfishing from the shore is not a licenced fishing activity.

### **ENVIRONMENTAL IMPACT**

16. Overall there will be a positive impact on St Helena's marine environment and resources, as the Bill will regulate fishing and related activities within St Helena's fisheries limits for the purposes of the management and protection of its fisheries resources.
17. The introduction of the new Fisheries Ordinance ensures the sustainable principles of St Helena's category V1 Marine Protected Area (MPA) are upheld in line with IUCN Guidelines.

### **PREVIOUS CONSULTATION/ COMMITTEE INPUT**

18. Consultation with fisheries stakeholders on the draft Bill was undertaken between 1 April and 30 April 2021 and this took the form of providing opportunity for written responses to be provided to the draft Bill. Stakeholders included fishermen across commercial, sports and recreational boat fishing, IPNLF, SHCFA, SHNT and the Blue Belt programme.

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19. Responses received to the draft Bill were considered by the EDC Sub-committee and a number of responses across stakeholders were used in the revision of the draft Bill.
20. EDC approved the Bill at its meeting on 12 July 2021 with minor amendment agreed and the Bill revised as a result.

### **PUBLIC REACTION**

21. The Bill modernises existing fisheries law and as a result of the targeted consultation held for fisheries stakeholders on both fisheries policy and the draft Bill, it is not expected to be controversial. However, even after a period of stakeholder consultation, some stakeholders may have strong views on the best way to modernise particular areas of St Helena's fisheries law.

### **PUBLICITY**

22. If the Bill is approved to be taken to formal Legislative Council, publicity will follow via a press release or covered in the media briefing following the meeting.
23. The Bill will be printed and published before the Formal Legislative Council session which is scheduled to take place at the end of July 2021. This will include being uploaded to the SHG website and distributed via the normal channels

### **SUPPORT TO STRATEGIC OBJECTIVES**

24. The Bill supports the 'Altogether Greener' goal and Strategic Objective 7.1 Promote the Sustainable Management and Use of Natural Resources and the Environment.

### **LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS**

25. Fisheries is one of the priority sectors highlighted in the SEDP. Reforming the legal framework for St Helena's fisheries is a supporting step to the SEDP Goal: 'Sustain and improve our Natural Capital'.

### **IMPLEMENTATION OF POLICY/ LEGISLATION**

26. Implementation of the Bill and new regulations to be developed under it, will be managed through policy and operational procedures by the Environment, Natural Resources and Planning Portfolio.

### **OPEN/CLOSED AGENDA ITEM**

27. This paper is recommended for the Open Session.

**LAH**

Central Support  
Service

*13<sup>th</sup> July 2021*

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