

FISHERIES BILL - ANNEX B: COMPARISON OF OFFENCES AND TARRIFS

The Fisheries Bill sub-committee considered levels of penalty to recommend to accompany the offences created by the Bill but recognises this is primarily a matter for legislators.

In recommending levels of sanction some approximate reference could be made to certain offences elsewhere in the law of Saint Helena or otherwise Ascension, the Falklands or the United Kingdom although the fisheries regime in other countries does not make for exact comparison.

Above all it seems inevitable that an offence may cover a vast spectrum of seriousness, harm or criminal motive. For example, fishing without a licence may be a minor matter if it concerns a single fish, and a significant matter if it includes tens or hundreds of tons of fish: in either case the offence is of fishing without a licence.

Additionally, largely similar actions may be covered by closely related offences; for example, fishing without a licence at all may be similar in fact and in harm to fishing in breach of licence conditions or to fishing by prohibited fishing methods.

Section	Nature of Offence	Approximate comparison	Recommended Level
74	Transshipment (NB: other than bait fish or for landing of fish at Ruperts or James Bay)	(Falklands: Level 8 fine (£25,000) (Ascension: £100,000)	Fine of £2,000,000 (to show increase in severity from simply fishing without a licence.)
76	Unstowed Fishing Gear	(Ascension £100,000) (Current St Helena for foreign fishing vessels £1,000,000 or unlimited fine)	Fine of: £2,000,000
72(1)	Fishing by a prohibited fishing method	(not necessarily a distinct offence elsewhere).	Fine of: £2,000,000 on indictment £25,000 on summary conviction
71(1)	Fishing without a licence (NB: This offence does not apply to for traditional rock fishing or spear fishing from shore)	(Current St Helena sentence £1,000) (Current St Helena sentence for breach of access provisions for a foreign fishing vessel for FFV £1,000,000 or unlimited fine) (Ascension (individual) £5,000) Falklands (various) £250,000 - £625,000) (6m -3y	Fine of: £1,000,000 on indictment. £25,000 on summary conviction

		imprisonment) UK (various) fine £5,000 - unlimited).	
71(2)	Offence of master, owner and charterer if fishing vessel is used to fish without a licence.	Ascension (vessel) £2,000,000 Ascension (breach of licence 1,000,000)	Fine of: £1,000,000 on indictment. £25,000 on summary conviction
71(3)	Breach of fishing licence conditions	(current St Helena £1,000) (Ascension 1,000,000) (Falklands (general) £10,000)	Fine of: £1,000,000 on indictment. £25,000 on summary conviction
75	IUU and connected business Offences	(Ascension £100,000) Not otherwise a comparable offence	Fine of: £1,000,000 on indictment. £25,000 on summary conviction
73	Prohibited use of scuba	Speargun Ordinance currently prescribed £5,000 / 6 month penalty. Environmental Protection Ordinance (s20) sets a tariff of £50,000 or 12 months imprisonment, or both, for molesting protected animals	Fine: £50,000 or twelve months imprisonment.
79(1)	Failure to comply	(current St Helena Fishery Limits £500) Environmental Protection Ordinance £50,000 or 12 months imprisonment (Falklands (£25,000) - £50,000 / 6 months)	Fine of: £50,000 and 12 months imprisonment
79(5)	Assault Enforcement Officer	(Ascension £50,000) (Falklands £50,000 / 6 months) (UK (various) £50,000 (St Helena police £500 or 6m)	Fine of: £50,000 and 12 months imprisonment
79(6)	Falsely pretends to be an enforcement officer.	(Falklands £50,000 / 6 months)	Fine of: £50,000 and 12 months imprisonment
79(1)	Prevent another from complying	(Ascension £50,000) (Falklands £50,000 / 6 months)	Fine of: £50,000 and 12 months

			imprisonment
78	Provide false information or documents	(e.g. St Helena EPO £25,000) (Falklands £50,000 / 6 months) Ascension (£100,000)	Fine of: £50,000
79(4)	Intentionally obstructs an Enforcement Officer	(Current St Helena £500) (e.g. St Helena EPO £25,000) (Ascension £50,000) (Falklands £50,000 / 6 months) (UK (various) £50,000)	Fine of: £50,000
72(4)	Placing or keeping a Fish Aggregating Device without licence (or failing to remove same)	(Ascension £100,000)	Fine of: £25,000
72(2)	Fishing in contravention of a Fishing Control Notice	(not necessarily a distinct offence elsewhere).	Fine of: £25,000
80	Offence for which no other penalty is provided	(current St Helena (£1,000) St Helena EPO 1 st , £2500; 2 nd £5,000	Fine of up to £10,000
77	Discarding Plastic	(EPO litter £1,000)	Fine of up to £10,000