



Economic Development Committee (EDC) Minutes

Date: 12 July 2021

Venue: Attorney General's Chambers/Council Chamber

Time: 09.00 am

Present:	Chairman	Hon Lawson Henry
	Members:	Hon Clint Beard
		Hon Cyril Leo
		Hon Miss Christine Scipio
		Director of ENRP Portfolio, Mr Darren Duncan
		Head of Sustainable Development, Mr Damian Burns
		Chief Economist, Mrs Nicole Shamier
	Secretary	Miss Anita Legg
In Attendance:		FCDO Development Attaché, Governor's Office, Mr Daniel Rodgett
		Legislative Drafter, Ms Catherine Williams (Item 58.3)
		Agricultural Development Officer, Miss Andrea Timm (Item 58.3)
		Fisheries Legislation Review Sub-Committee (Item 58.4)
Apologies:	Member:	Hon Gavin Ellick

OPEN SESSION

58.1 Welcome and Apologies

The Chairman welcomed all present to the meeting. One member of the public and three students were present for the second item of business only. Apologies were received from Cllr Gavin Ellick who was on medical leave.

58.2 Declaration of Personal Interest

Cllr Scipio declared her interest in regards to her father being a registered part time farmer. No other personal interests were declared.

58.3 Protection Of Animals (Amendment) Bill, 2021 – Director Environment, Natural Resources and Planning Portfolio

This item was held in the Attorney General's Chambers.

The Portfolio Director advised that this Bill had been brought back to committee, following the EDC meeting held in May, where members had made a request to consult with the National Trust and

the Chamber of Commerce. The Legislative Drafter was then invited to run through the comments received and the penalties; the key points raised included:

- Fines were agreed as follows: S3.1 - £10k and 12 months; S3.3/3.4 - £5k and 6 months; S4.11 - £2k and 6 months; S6 - £5k and 12 months; S7 - £5k and 12 months; S9 - £10k and 12 months; S10 - £10k and 12 months; S11 - £10k and 12 months; S12 - £5k and 12 months.
- It was noted St Helena is moving to standardised penalties therefore there would be further opportunity to review these fines.
- S9 – EDC noted the gap in controlling the import of pesticides.
- S10 – The provision for euthanasia had significantly improved and EDC noted the Vets Competent Authority would need to ensure the qualification of any personnel. However the Bill only dealt with euthanasia, in terms of the powers, not hunting animals. The Director explained this is not regulated and only a shooting permit existed, which ANRD would normally issue therefore it was agreed a provision should be included regarding the shooting of animals, such as rabbits.
- S11 – Previously this only dealt with castrating but now farmers would be properly trained in humane practices.
- S12.9 – there was uncertainty as to what type of traps and snares were currently being used. It was noted feral sheep on Crown land was covered under the Trespass Ordinance.

Following discussion, EDC endorsed the Protection of Animals (Amendment) Bill, 2021 to be taken forward to the next Legislative Council meeting. The Legislative Drafter was tasked with finalising the amendments.

Action: Portfolio Director ENRP/ Legislative Drafter

The meeting then resumed in the Council Chamber.

58.4 Fisheries Bill 2021 – Chairman, Fisheries Sub-Committee/ Director Environment, Natural Resources and Planning Portfolio

Cllr Scipio was excused part way through discussion to attend other business.

The Chairman of the Fisheries Legislation Review Sub-Committee introduced the Bill, stating this had gone through a long process and a tremendous amount of work had been involved. There had been good input from the Fishermen's Association but unfortunately their representative had resigned. The Crown Counsel was invited to take members through the Bill, clause by clause and key points raised included:

- S2 – In October 2020, EDC had allowed the sale of catch by spear fishing.
- S2 – Definition of observer was not in the interpretation as normally this is related to the condition of the licence.
- S3 – Following special legal advice, the objectives had been removed from the ordinance, as this does not normally appear in legislation.
- 4 (1) (b) – EDC noted that even though the Governor appoints Board members, EDC would still have clout and it was hoped the Governor would consult.
- 4 (2) (c) – Examples were given as closed season, protected areas etc.

- 6 (1) (c) – The Chief Fisheries Officer would also normally report annually to EDC or a Minister.
- S12 (1) – Exploratory fishing is to protect species which are not in the EPO and the CFO must be satisfied that such fishing is intended for research. Resources might not always be available for a regular observer but observing could be undertaken in a different way, such as with different technology.
- S20 – A management plan for FADS had been drafted which will help to inform Regulations.
- S34 (1) – Container means any type, including shipping container.
- S37 – The question of penalties was raised.
- S55 – Examples of forfeiture were longlining or undersize fish.
- S74 – The difference in fines related to the difference between the scale of fishing.
- S72 (6) – EDC queried if this section overlaps with S80 and should therefore be deleted.
- S79 (3) & (4) – To include “or imprisonment of 12 months”.

Following discussion, EDC endorsed the Fisheries Bill, 2021 to be taken forward to the next Legislative Council meeting. The Crown Counsel was tasked with finalising the amendments.

The Chairman thanked the Sub-committee for preparing this document.

There being no further business, the Chairman thanked everyone and closed the meeting.

Minutes Approved: L. A. Henry
Chairman

Date: 02-08-21

