
SUBSIDIARY LEGISLATION

SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS

THE MARITIME ZONE AND FISHERIES

The Fishing (Maritime Zone) Order 1993

(S.R. & O. No.1 of 1993)

Made: 26th July 1993

Published: 26th July 1993

Commencing: 2nd August 1993

IN EXERCISE of my powers under section 5(1) and 6(2) of the Fisheries (Conservation and Management) Ordinance 1993(a) and of all other powers enabling me in that behalf, I make the following Order-

Introductory

1. This Order may be cited as the Fishing (Maritime Zone) Order 1993 and shall come into operation on 2nd August 1993.

Citation and commencement.

2.(1) Words and expressions used in this Order and which are defined in section 2 of the Fisheries (Conservation and Management) Ordinance 1993(a) shall have for the purposes of this Order the same meaning as they have for the purposes of that Ordinance.

Interpretation.

(2) In this Order-

"Conservation Measure" has the same meaning as it has for the purpose of the Convention;
and

a reference to a Sub-Area is a reference to a United Nations Food and Agriculture Organisation statistical sub-area.

(a) No.3 of 1993.

3.(1) This Order applies to all parts of the fishing waters lying to the north of sixty degrees South of Latitude but nothing in this Order shall be construed as applying to fishing which is undertaken for the purposes of genuine scientific research which has been notified in advance to the Secretariat provided for by the Convention. *Application of this Order.*

(2) The parts of the fishing waters to which, by virtue of paragraph (1) of this Article, this Order applies are hereinafter in this Order called "the specified area".

4.(1) Subject as expressed in Article 3(1) and to paragraph (2) of this Article, all fishing operations in the specified area are prohibited unless they are authorised by a licence granted under this Order. *Prohibition of fishing operations.*

(2) Paragraph (1) of this Article shall not have effect so as to prohibit fishing operations so far as they are trans-shipment of fish authorised by a licence granted under the Fisheries (Trans-shipment and Export) Regulations 1990(b), but that paragraph shall have effect to prohibit trans-shipment of fish within the specified area otherwise than as is permitted by a licence so granted.

Restrictions on exercise of licensing powers

5. Nothing in the subsequent provisions of this Order shall have effect so as to authorise the Director of Fisheries to grant any licence which, if granted - *Total prohibitions in respect of certain Sub-Areas.*

(a) would have effect so as to permit the taking of any fish of any particular description in any part or parts of the specified area where in respect of fish of that particular description, it would be contrary to or inconsistent with any Conservation Measure for fish of that particular description to be taken; or

(b) would permit any method of fishing to be used or any fishing net or gear of any kind to be used in any part or parts of the specified area where (in any such case) it would be contrary to or inconsistent with any Conservation Measure for it to be used.

6.(1) Without prejudice to Article 5, the Director of Fisheries shall not grant a licence under the subsequent provisions of this Order in any terms or in relation to any particular description of fish where, in his reasonable opinion, the fishing operations of the licensee thereunder, if that licence were granted, or were granted on those terms, would or might result in a quantity of fish or a quantity of fish of any particular description being permitted to be taken which, if actually taken under the licence (and, if appropriate when aggregated with the quantity of fish as a whole or with the quantity of fish of that particular description permitted under any Conservation Measure to be taken in a relevant area) would or might cause to permit to be taken a quantity of fish or, as may be, a quantity of fish of a particular description, exceeding a quantity permitted under that Conservation Measure to be taken within the relevant area. *General restriction on the grant of licences.*

(2) In paragraph (1), "relevant area" means all or any of the following areas-

- (a) the specified area;
- (b) any part or parts of the specified area;
- (c) any Sub-Area, and whether it lies wholly within the specified area or not; and
- (d) the whole of the waters to which the Convention applies.

*Grant of
Licences.*

7.(1) Subject to this Order, the Director of Fisheries may grant in relation to any fishing boat a licence to undertake within any part or parts of the specified area any fishing operation mentioned in that licence, but

- (a) this Article does not enable the licensing of trans-shipping of fish (to which the Fisheries (Trans-shipment and Export) Regulations 1990(b) continue to apply); and
- (b) the Director in the exercise of his powers under this Article shall comply with any direction he may have received from the Commissioner under section 5(7)(a) of the Fisheries (Conservation and Management) Ordinance 1993 requiring him, on grant of a licence, to impose a condition or conditions specified by the Commissioner.

(2) Subject as expressed in paragraph (1), the Director may grant a licence -

- (a) unconditionally; or
- (b) subject to such conditions, being conditions of a kind referred to in section 5(7) of the Fisheries (Conservation and Management) Ordinance 1993(a), as are specified in the licence.

8. There shall be charged and paid in respect of any licence under Article 7 such fees as the Commissioner may notify to the Director of Fisheries as the fees chargeable and such fees may be expressed so as to be variable in accordance with all or any of the factors mentioned in section 5(5)(b) of the Fishing (Conservation and Management) Ordinance 1993.

Fees.

Made

26th

1993

July
Ronald Sampson

Commissioner.