
SUBSIDIARY LEGISLATION

WILDLIFE & PROTECTED AREAS

Marine Protected Areas Order 2012

S. R. & O. No: 1 of 2012

Made: 23 February 2012

Published: 29 February 2012

Coming into force: on publication

IN EXERCISE of my powers under sections 18(1) and 20(1) of the Wildlife and Protected Areas Ordinance 2011 (No 1 of 2011) and being satisfied that the criteria identified in section 18(2) of that Ordinance apply, I make the following Order —

1. Title

This order is the Marine Protected Areas Order 2012.

2. Commencement

This order comes into force when it is published in the *Gazette*.

3. Interpretation

In this Order —

“bottom fishing” —

- (a) means fishing on the sea floor;
- (b) includes bottom trawling; and
- (c) also includes the use of lines, pots, nets or traps on the sea floor;

“bottom trawling” means towing a trawl or fishing net along (and in contact with) the sea floor;

“fishing vessel” —

- (a) means a vessel of any size that is used for, equipped to be used for, or intended for use for the purposes of fishing or fishing related activities;
- (b) includes vessels engaged in transhipment of fish or fishery products; and
- (c) also includes carrier vessels equipped for the transportation of fish or fishery products;

“no-take zone” means each of the zones described in the Schedule;

“SGSSI MPA” means the South Georgia and South Sandwich Islands Marine Protected Area designated by article 4; and

“SGSSI waters” means —

- (a) the internal waters of the Territory between —
 - (i) the baselines established by article 3 of the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989 (SI 1989/1995); and
 - (ii) mean high water at spring tide;
- (b) the territorial sea established for the Territory by article 2 of the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989; and
- (c) the maritime zone established for the Territory by Proclamation No.1 of 1993.

4. South Georgia and South Sandwich Islands Marine Protected Area

(1) A Marine Protected Area around South Georgia and the South Sandwich Islands is designated under section 18(1) of the Wildlife and Protected Areas Ordinance.

(2) The name of the Marine Protected Area is the South Georgia and South Sandwich Islands Marine Protected Area (SGSSI MPA).

(3) The SGSSI MPA consists of SGSSI waters northwards of the line of latitude 60 degrees south of the equator.

(4) The purpose of designating the SGSSI MPA is for the conservation of —

- (a) the seabed and its overlying waters; and
- (b) their associated organisms.

(5) The principal conservation objectives for the SGSSI MPA are to:

- (a) conserve marine biodiversity, habitats and critical ecosystem function;
- (b) ensure that fisheries are managed sustainably, with minimal impact on associated and dependent ecosystems;
- (c) manage other human activities including shipping and scientific research, to minimise environmental impacts on the marine environment;
- (d) protect the benthic marine organisms from the destructive effects of bottom trawling;
- (e) facilitate recovery of previously over-exploited marine species;
- (f) increase the resilience of the marine environment to the effects of climate change; and
- (g) prevent the introduction of non-native marine species.

5. Conservation order prohibitions

- (1) Bottom trawling is prohibited throughout the SGSSI MPA.
- (2) Bottom fishing is prohibited in waters where the depth of the seabed is less than 700 metres.
- (3) Fishing is prohibited in the no-take zones.
- (4) Fishing vessels are not permitted to enter the no-take zones, except in exercise of the right of innocent passage or under force majeure.
- (5) The prohibitions in this article do not apply to —
 - (a) anything carried out for research purposes in accordance with a permit granted by the Commissioner under section 21 of the Wildlife and Protected Areas Ordinance;
 - (b) anything permitted by section 20(8) of that Ordinance.

SCHEDULE

(article 3)

Zone	Boundaries	Protected features	Conservation objectives To conserve & protect:
South Georgia No-take Zone	Between: (1) a line 12 nautical miles from the baselines around the coast of South Georgia; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in an area of 13899 km ²	The shallow marine environment around South Georgia including: 1. The spawning grounds of many fish species, including mackerel icefish 2. The inshore foraging areas of marine predators such as gentoo penguins, cormorants, petrels and prions.
Clerke Rocks No-take Zone	Between: (1) a line 12 nautical miles from the baselines around Clerke Rocks and the Office Boys; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in an area of 1923 km ²	The shallow marine environment to the SE of South Georgia including: 1. The spawning grounds of many fish species, including mackerel icefish 2. The inshore foraging areas of marine predators such as gentoo penguins, cormorants, petrels and prions. 3. The “spirulid reef” at approximately 55°00’S, 34°31’W
Shag Rocks No-take Zone	Between: (1) a line 12 nautical miles from the baselines around Shag Rocks & Black Rock; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in an area of 2337 km ²	The shallow marine environment of the Shag Rocks shelf incorporating: 1. The principal recruitment area for juvenile Patagonian toothfish 2. Spawning grounds of mackerel icefish 3. A key foraging area for black-browed albatross, Antarctic fur seals and baleen whales.
South Sandwich Islands No-take Zones	Between: (1) lines 3 nautical miles from the baselines around the coasts of the South Sandwich Islands; and (2) mean high water at spring tide	The seabed, overlying water and associated organisms in areas that total 2272 km ²	The shallow marine environment around each of the South Sandwich Islands including: 1. The inshore foraging grounds of marine predators 2. The spawning grounds of fish species

Made 23 February 2012

N. R. Haywood C.V.O.,
Commissioner.

EXPLANATORY NOTE
(not part of the order)

Section 18(1) of the Wildlife and Protected Areas Ordinance (No 1 of 2011) allows the Commissioner to designate areas of sea as marine protected areas (MPAs).

The criteria for designation of a marine protected area are set out in section 18(2) and the requirements for orders designating MPAs are set out in the rest of section 18 and in section 19.

Section 20(1) allows the Commissioner to make conservation orders to further the objectives of an MPA. Section 20(3) allows the Commissioner to prohibit or restrict activities in a conservation order and section 20(6) allows for different prohibitions or restrictions to apply in different parts of an MPA.

This order designates the South Georgia and South Sandwich Islands Marine Protected Area (the SGSSI MPA) to protect the seabed and overlying waters and associated organisms.

The SGSSI MPA consists of waters north of a latitude 60 degrees south that are between mean high water at spring tide and the 200 nautical mile limit.

SGSSI waters south of 60 degrees south of the equator are similarly protected through the SGSSI fishery licensing regime, which does not permit fishing in these waters.

The order also defines a number of no-take zones: 12 nautical miles around South Georgia Island, Clerke Rocks, Shag and Black Rocks; and 3 nautical miles around each of the South Sandwich Islands.

To protect benthic marine organisms, the order prohibits bottom trawling throughout the SGSSI MPA and all bottom fishing in waters of less than 700 metres depth.

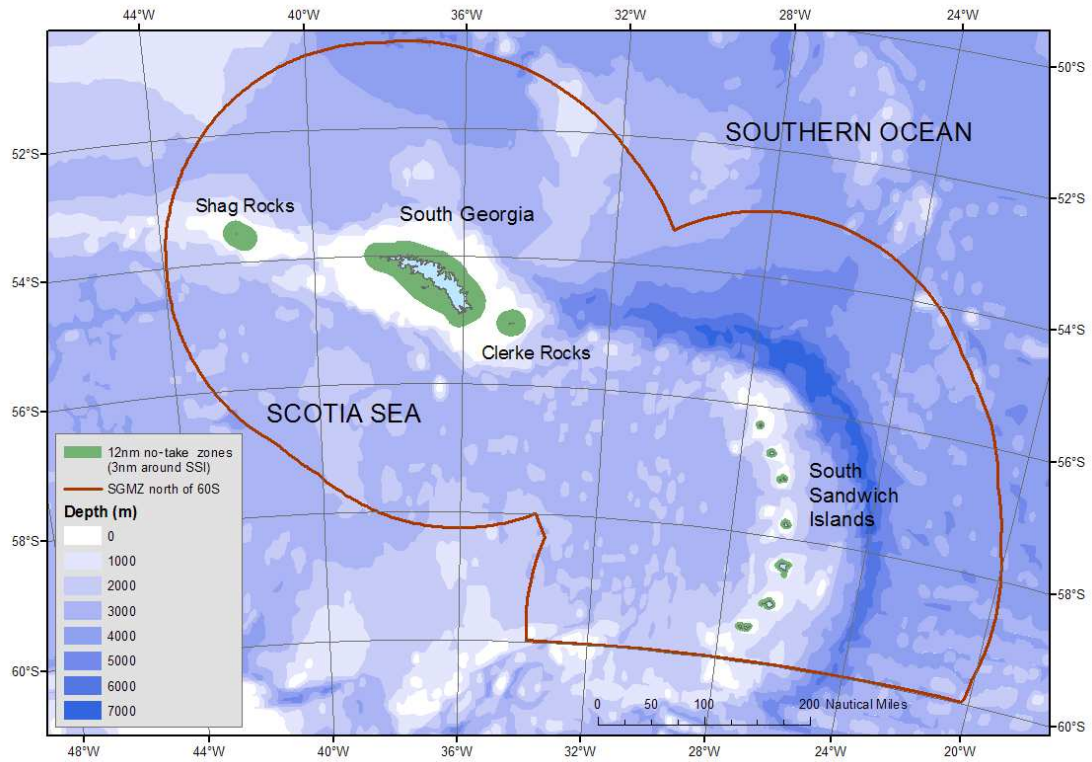
It also prohibits all fishing in the no-take zones.

These prohibitions do not apply to activities covered by one of the limited exceptions in section 20(8) or by a licence granted by the Commissioner under section 21.

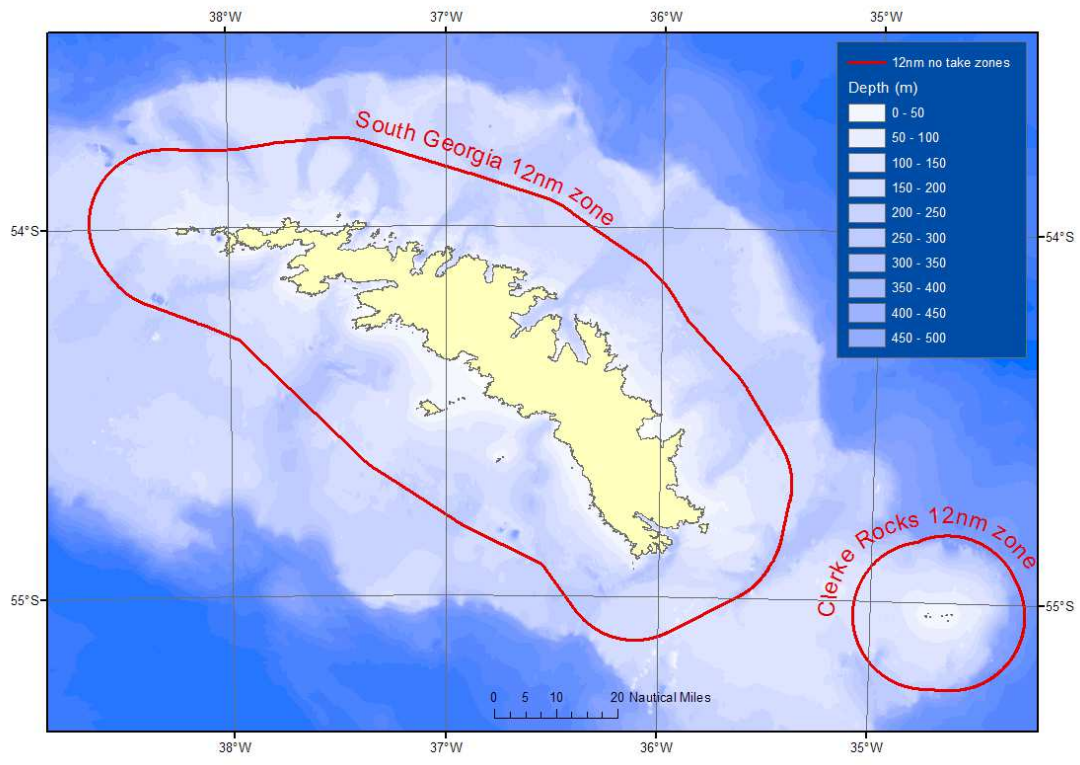
Breach of the prohibitions is an offence against section 20(9) of the Ordinance.

The following maps illustrate the boundaries of the SGSSI MPA and the no-take zones.

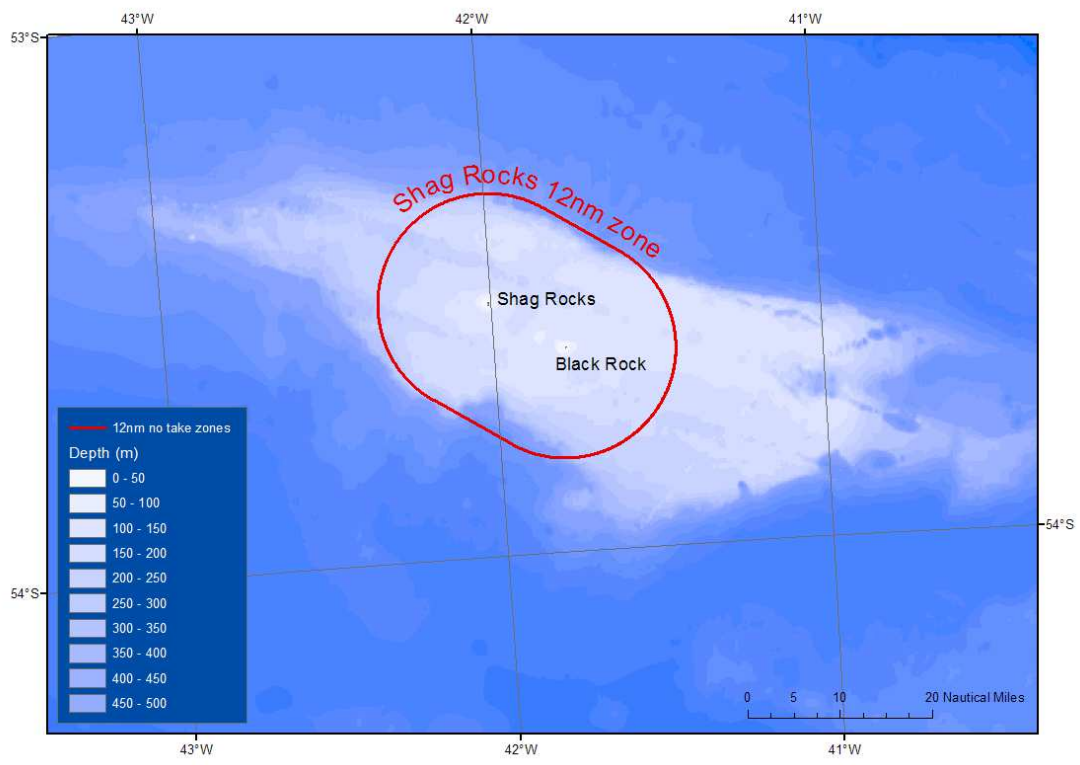
The South Georgia and South Sandwich Islands Marine Protected Area (with no-take zones shaded)



The South Georgia no-take zone and the Clerke Rocks no-take zone



The Shag Rocks no-take zone



The South Sandwich Islands no-take zones

