
SUBSIDIARY LEGISLATION

Marine Protected Areas Order 2019

(S.R. & O. No.: 1 of 2019)

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SUBSIDIARY LEGISLATION

WILDLIFE & PROTECTED AREAS

Marine Protected Areas Order 2019

S. R. & O. No.: 1 of 2019

Made: 24 May 2019

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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 2019.

2. Commencement

This order comes into force on publication in the *Gazette*.

3. Interpretation

In this order —

“benthic closed area” means each of the areas described in Schedule 1;

“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;

“closed season”, means, in respect of fishing for Antarctic krill, the season described in Schedule 2;

“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 transshipment 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 Schedule 3;

“pelagic closed area” means the area described in Schedule 4;

“pelagic fishery” means a fishery that uses a trawl, long line, jig or other method that is not designed to come into contact with the sea floor during normal fishing operations;

“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.

(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) The following prohibitions apply within the SGSSI MPA —
- (a) bottom trawling is prohibited;
 - (b) fishing is prohibited in the no-take zones;
 - (c) fishing vessels are prohibited from entering the no-take zones, except in exercise of the right of innocent passage or under force majeure;
 - (d) bottom fishing is prohibited in the following waters —
 - (i) where the depth of the seabed is less than 700 metres or is greater than 2250 metres;
 - (ii) in the benthic closed areas;
 - (e) pelagic fishing is prohibited in the pelagic closed area; and
 - (f) fishing for Antarctic krill (*Euphausia superba*) is prohibited during the closed season.
- (2) 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.

6. Repeal

The Marine Protected Areas Order 2013 is repealed.

SCHEDULE 1 Benthic closed areas

(article 3)

Area	Boundaries	Protected features	Conservation objectives To conserve & protect:
West Shag Benthic Closed Area	53°12' - 53°24'S; 43°30' - 42°48'W.	The seabed, and associated organisms in an area of 1039 km ² .	The vulnerable marine fauna identified in this location; provides refugia for toothfish.
West Gully Benthic Closed Area	1: 53°36' - 54°00'S; 40°42' - 40°06'W 2: 53°36' - 53°54'S; 40°06' - 39°54'W 3: 53°36' - 53°48'S; 39°54' - 39°42'W.	The seabed, and associated organisms in an area of 2236 km ² .	The vulnerable marine fauna in this area and protect juvenile toothfish, which are abundant in this area.
Northern Benthic Closed Area	53°36' - 53°54'S; 35°48' - 35°36'W.	The seabed, and associated organisms in an area of 441 km ² .	The vulnerable marine fauna identified in this location; provides refugia for toothfish.
Eastern Benthic Closed Area	54°48' - 54°54' S; 34°00' - 34°12' W.	The seabed, and associated organisms in an area of 143 km ² .	The vulnerable marine fauna identified in this area (particularly gorgonians).
Southern Seamounts Benthic Closed Area A	55°30' - 55°50'S; 37°30' - 36°50'W.	The seabed, and associated organisms in an area of 1557 km ² .	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
Southern Seamounts Benthic Closed Area B	55°50' - 56°10'S; 36°50' - 36°20'W.	The seabed, and associated organisms in an area of 1158 km ² .	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
North Georgia Rise Benthic Closed Area	52°20' - 53°00' S; 36°45' - 37°40' W.	The seabed, and associated organisms in an area of 4590 km ² .	The potentially sensitive (but largely unknown) benthic fauna of this area; provides refugia for adult toothfish.
North East Georgia Rise Benthic Closed Area	51°12' - 52°24' S; 32°36' - 34°00' W.	The seabed, and associated organisms in an area of 9853 km ² .	The potentially sensitive (but largely unknown) benthic fauna of this area; provides refugia for adult toothfish.
Protector Shoals Benthic Closed Area	55°45' - 56°05' S; 27°30' - 28°20' W.	The seabed, and associated organisms in an area of 1935 km ² .	The potentially sensitive (but largely unknown) benthic fauna; provides refugia for adult toothfish.
Kemp Seamount & Calderas Benthic Closed Area	59°40' - 59°45' S; 27°45' - 28°25' W	The seabed, and associated organisms in an area of 352 km ² .	The potentially sensitive (largely unknown) benthic fauna of this seamount and caldera. Protects different chemosynthetic habitats, including white smoker vent fields.

SCHEDULE 2
Closed season (Antarctic krill)

(article 3)

Description	Season	Protected features	Conservation objectives To conserve and protect:
Seasonal closure of the fishery for Antarctic krill	October-April inclusive.	The pelagic ecosystem in an area of 1.24 million km ² during a 7 month period.	Mammalian and avian krill dependent predators, such as penguins and fur seals during the key part of the breeding season.

SCHEDULE 3
No-take zones

(article 3)

Zone	Boundaries	Protected features	Conservation objectives To conserve & protect:
South Georgia No-take Zone	Between: (1) a line 16.20 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 18,520 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.

Zone	Boundaries	Protected features	Conservation objectives To conserve & protect:
South Sandwich Islands No-take Zones	Between: (1) lines 3 nautical miles from the baselines around the coasts of the South Sandwich Islands; (2) mean high water at spring tide; and (3) lines from 3 nautical miles to 26.99 nautical miles excluding those areas where water depths range from 700 – 2250 m.	The seabed, overlying water and associated organisms in areas that total 28,054 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; 3. all benthic habitats shallower than 700 m and deeper than 2250 m.
South Sandwich Trench No-take Zone	A line (a) 26.99 nautical miles around a baseline through the midpoint of the South Sandwich Trench defined as: 55°0'0''S – 27°9'25''W 55°44'56''S – 25°32'49''W 56°19'59''S – 24°48'11''W 57°30'4''S – 24°2'24''W 58°42'25''S – 23°43'16''W 60°0'0''S – 24°23'24''W and (b) extending between 55°S to 60°S	The seabed, overlying water and associated organisms in an area of 62,900 km ² .	A unique biogeographical feature which could potentially contain rare or unique habitats and biodiversity including hydrothermal communities.
No-Take Zone south of 60° South	The area lying to the south of 60° South and inside the 200 nm SGSSI Maritime Zone as measured from (1) 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 an area of 170,479 km ² .	A unique biogeographical feature which include seamounts, deep trenches and a large area of the South Sandwich Fracture Zone and Herdman Bank - regions of high hydrothermal and tectonic activity.

SCHEDULE 4
Pelagic closed area

(article 3)

Area	Boundaries	Protected features	Conservation objectives To conserve & protect:
South Sandwich Islands Pelagic Closed Area	Between: (1) a line 26.99 nautical miles from the baselines around the coasts of each of the South Sandwich Islands; (2) mean high water at spring tide; and (3) those areas where water depth is between 700 – 2250 m.	The pelagic ecosystem around each of the South Sandwich Islands in an area of 23,755 km ² .	The pelagic ecosystem and dependent predators in the area around each of the South Sandwich Islands, particularly the highly abundant chinstrap and Adelie penguins.

Made 24 May 2019

Nigel James Phillips C.B.E.,
Commissioner.

EXPLANATORY NOTE
(not part of the order)

This order repeals and replaces the Marine Protected Order 2013.

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 conserve marine biodiversity, habitats and critical ecosystem function.

The SGSSI MPA consists of the SGSSI waters.

The order also defines a number of no-take zones: 16.20 nautical miles around South Georgia Island; 12 nautical miles around Clerke Rocks and Shag Rocks and Black Rock; and 26.99 nautical miles around each of the South Sandwich Islands (excluding those areas where water depths range from 700-2250 m); and south of 60 degrees south to the outer limits of the Maritime Zone. Fishing is prohibited in these zones.

To protect benthic marine organisms, the order prohibits bottom trawling throughout the SGSSI MPA and all bottom fishing in waters of less than 700 m depth and in waters depths greater than 2250 m. Bottom fishing is also prohibited in areas identified in Schedule 1.

Fishing for Antarctic krill is prohibited between 1 October and 30 April. Pelagic fishing is prohibited within 26.99 nautical miles of the South Sandwich Islands.

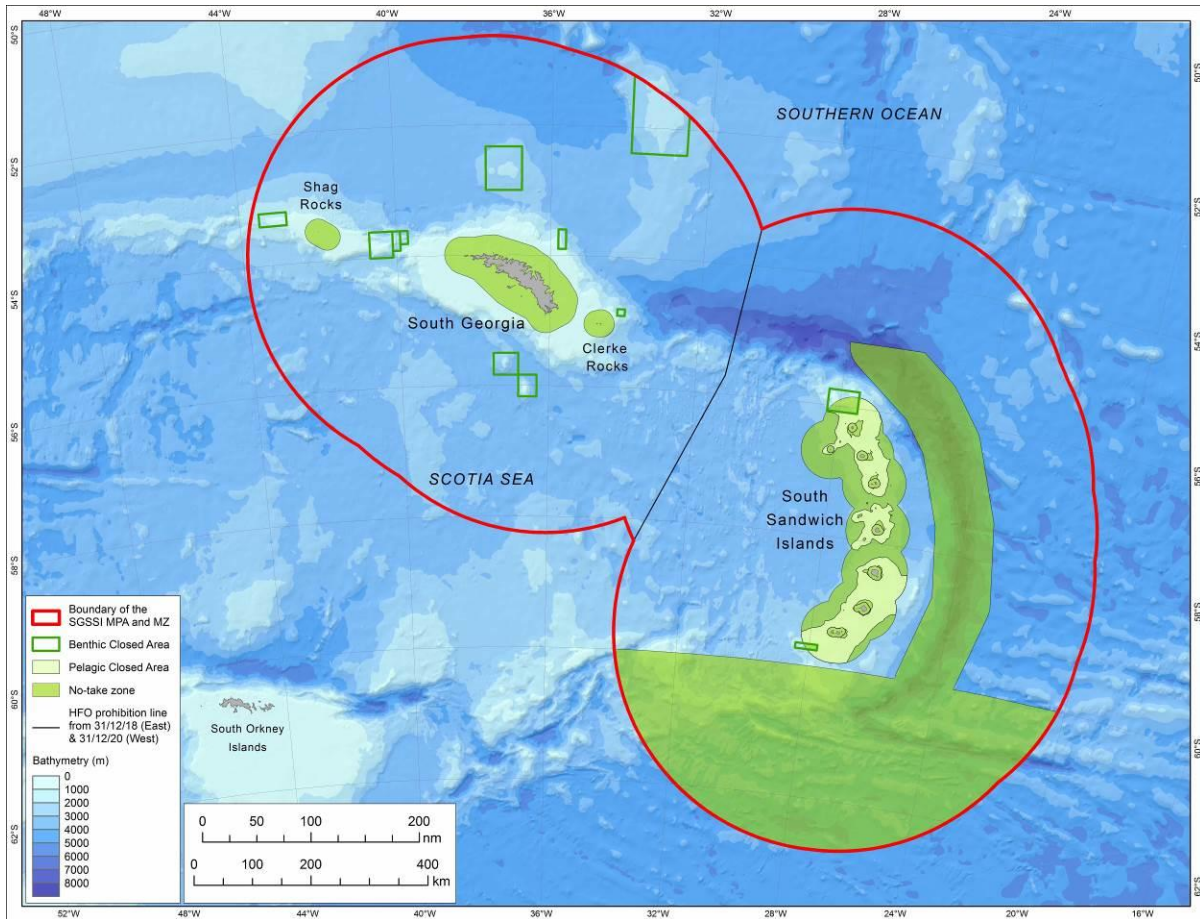
This Order also defines a no take zone 26.99 nautical miles either side of a defined line representing the approximate mid-point of the South Sandwich Islands trench.

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 map illustrates the boundaries of the SGSSI MPA, the no-take zones, the pelagic closed areas and the benthic closed areas.

The South Georgia and South Sandwich Islands Marine Protected Area



1. The green areas are the No-Take zones around South Georgia, Shag Rocks, Clerke Rocks, the South Sandwich Islands trench, the No-Take zone south of 60° and around the South Sandwich Islands.
2. The pale yellow area indicates the South Sandwich Islands pelagic closed area.
3. The boxes with a green border are the benthic closed areas in which bottom fishing is also prohibited.

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