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**SUBSIDIARY LEGISLATION**

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**FISHERIES REGULATIONS 2012**

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The Administrator makes these Regulations in exercise of the powers in section 40 of the Fisheries Ordinance 2012(a).

**Part 1**

**Preliminary**

**Citation**

1. These Regulations may be cited as the Fisheries Regulations 2012.

**Commencement**

2. These Regulations come into force on 1 October 2012.

**Interpretation**

3. (1) In these Regulations—

“2006 Regulation” means Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (as amended or substituted from time to time);

“all-round light” means a light showing an unbroken arc over the horizon of 360 degrees;

“aqualung” includes any self-contained underwater breathing apparatus;

“boat seine” has the meaning given in the 2006 Regulation;

“bottom-set gillnet” has the meaning given in the 2006 Regulation;

“bottom-set longline” has the meaning given in the 2006 Regulation;

“Category A licence” means a Category A licence issued under the Republican law(b);

“Category A vessel” means a vessel(c) in respect of which a Category A licence is issued;

“Category B licence” means a Category B licence issued under the Republican law;

“Category B vessel” means a vessel in respect of which a Category B licence is issued;

“Category C licence” means a Category C licence (with vessel) or a Category C licence (without vessel);

“Category C licence (without vessel)” means a Category C (Γ) licence issued under the Republican law that does not permit the holder to fish from a vessel;

“Category C licence (with vessel)” means a Category C (Γ) licence issued under the Republican law that permits the holder to fish from a vessel;

“Category C vessel” means a vessel in respect of which a Category C licence (with vessel) is issued;

“combined bottom-set net” has the meaning given in the 2006 Regulation;

“commercial licence” means a trawler licence, a polyvalent licence, a Category A licence, a Category B licence, a Category C licence (with vessel) or a Category C licence (without vessel);

“dredge” has the meaning given in the 2006 Regulation;

“Fisheries Ordinance” means the Fisheries Ordinance 2012;

“fish recreationally” must be construed in accordance with paragraph (2);

“hook” has the meaning given in the 2006 Regulation;

“licence” means a trawler licence, a polyvalent licence, a Category A licence, a Category B licence, a Category C licence (with vessel), a Category C licence (without vessel), a recreational licence or a spear gun licence;

“licensed commercial vessel” means a vessel in respect of which a trawler licence, a polyvalent licence, a Category A licence, a Category B licence or a Category C licence (with vessel) is issued;

“licensed recreational vessel” means a vessel in respect of which a recreational licence is issued;

“licensed trawler” means a vessel in respect of which a trawler licence is issued;

“licensed vessel” means a licensed trawler, a polyvalent vessel, a Category A vessel, a Category B vessel, a Category C vessel or a licensed recreational vessel;

“longline” has the meaning given in the 2006 Regulation;

“polyvalent licence” means a polyvalent licence (polydynamo skafos) issued under the Republican law;

“polyvalent vessel” means a vessel in respect of which a polyvalent licence is issued;

“public holiday in the Republic” has the meaning given in regulation 4;

“purse seine” has the meaning given in the 2006 Regulation;

“recreational licence” means a licence (other than a commercial licence or a spear gun licence) issued under the Republican law that permits the holder to fish from a vessel for recreational purposes;

“shore seine” has the meaning given in the 2006 Regulation;

“spear gun licence” means a licence issued under the Republican law that permits the holder to fish with a spear gun for recreational purposes;

“surface longline” has the meaning given in the 2006 Regulation;

“surrounding net” has the meaning given in the 2006 Regulation;

“tourist fishing” must be construed in accordance with paragraph (3);

“towed gear” has the meaning given in the 2006 Regulation;

“trammel net” has the meaning given in the 2006 Regulation;

“trap” has the meaning given in the 2006 Regulation;

“trawler licence” means a trawler licence issued under the Republican law;

“trawl net” has the meaning given in the 2006 Regulation.

(2) In these Regulations, a reference to a person who fishes recreationally is a reference to a person who fishes—

- (a) from a licensed recreational vessel;
- (b) with a spear gun; or
- (c) in circumstances in which no licence is required under the Fisheries Ordinance or these Regulations.

(3) For the purposes of these Regulations, a person provides tourist fishing if the person, in the course of a business, provides others with the opportunity to fish.

(4) In these Regulations, references to latitudes and longitudes are latitudes and longitudes on the World Geodetic System 1984 Datum.

#### **Meaning of public holiday in the Republic**

4. In these Regulations, “public holiday in the Republic” means—

- (a) 1 and 6 January;

- (b) the first Monday of Lent (Green Monday) (by the Greek Orthodox calendar);
- (c) 25 March;
- (d) Good Friday (by the Greek Orthodox calendar);
- (e) Easter Monday (by the Greek Orthodox calendar);
- (f) 1 April;
- (g) 1 May;
- (h) Whit Monday (by the Greek Orthodox calendar);
- (i) 15 August;
- (j) 1 and 28 October;
- (k) 24, 25 and 26 December.

## **Part 2**

### **General, etc**

#### *General*

#### **Fishing from vessels prohibited unless vessel is licensed**

5. (1) A person (P) must not fish from a vessel unless—

- (a) the vessel is a licensed vessel; and
- (b) P or any other person on board the vessel is either the licence holder or a person named on the licence as a person who may fish from the vessel.

(2) Despite paragraph (1), a person who holds a spear gun licence may fish from an unlicensed vessel with a spear gun.

#### **Licence must be carried when fishing**

6. (1) The master(**d**) of a licensed vessel must carry the licence on board the vessel and produce it on demand to a fisheries officer(**e**).

(2) A licence holder who fishes in circumstances in which a licence is required under the Fisheries Ordinance or these Regulations must carry the licence and produce it on demand to a fisheries officer.

(3) If the master or licence holder referred to in paragraph (1) or (2) is unable to produce the licence on demand, the person must produce it at such place, and within such period of time, as the fisheries officer may specify.

#### **Sale of fish taken by person fishing recreationally, etc prohibited**

7. (1) A person must not knowingly or recklessly buy or sell fish taken in the Areas—

- (a) by a person fishing recreationally; or
- (b) from a vessel other than a licensed commercial vessel.

(2) Despite paragraph (1), a person may buy or sell fish taken in a fishing competition if—

- (a) the Fiscal Officer has issued a permit for the fishing competition under regulation 9;
- (b) the fish are bought or sold in accordance with the permit; and
- (c) the profits of sale are used for charitable purposes.

#### **Licence holders must comply with conditions imposed on licence, etc**

8. (1) A licence holder must comply with every condition imposed on the licence by the Ministry(**f**).

(2) The master of a licensed vessel must ensure that every condition imposed on the licence is complied with.

#### **Fishing competitions and tourist fishing prohibited without permit**

9. (1) A person must not—

- (a) organise a fishing competition;
- (b) provide tourist fishing.

(2) Despite paragraph (1), a person may organise a fishing competition or provide tourist fishing if the person obtains a permit from the Fiscal Officer.

(3) A permit may, in the case of a fishing competition, provide that the catch may be sold and the profits used for charitable purposes.

(4) A person to whom a permit is issued must comply with every condition imposed on the permit.

(5) A person who obtains a permit under this regulation is not exempt from any requirement to obtain a business licence under section 21 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960(g).

### *Places where fishing, etc prohibited or restricted*

#### **Salt lakes**

10. A person must not—

- (a) take or attempt to take fish in a salt lake;
- (b) place any fishing gear in a salt lake; or
- (c) except to prevent harm to a person, use a vessel on a salt lake.

#### **Akrotiri fish reserve**

11. (1) A person must not—

- (a) take or attempt to take fish in the Akrotiri fish reserve; or
- (b) place any fishing gear in the Akrotiri fish reserve.

(2) In this regulation, “Akrotiri fish reserve” means the sea area bounded by—

- (a) the line joining the position latitude 34° 34.746' N, longitude 33° 01.615' E (“point A”) to the position latitude 34° 34.851' N, longitude 33° 01.887' E (“point B”);
- (b) the line joining point B to the position latitude 34° 34.524' N, longitude 33° 02.103' E (“point C”);
- (c) the line joining point C to the position latitude 34° 34.417' N, longitude 33° 01.927' E (“point D”);
- (d) the coastline between point D and point A.

#### **Sea-bathing areas**

12. (1) A person must not—

- (a) take or attempt to take fish in a sea-bathing area;
- (b) place any fishing gear in a sea-bathing area; or
- (c) except to prevent harm to a person, use a vessel in a sea-bathing area.

(2) In this regulation, “sea-bathing area” means an area specified in an order made under section 3 of the Sea Bathers (Protection) (Consolidation) Ordinance 1986(h) for such period as the order is in force.

#### **Fishing shelters**

13. (1) A person must not—

- (a) take or attempt to take fish in, or within 100 metres of, a fishing shelter with a net, a longline or a trap; or
- (b) place any fishing gear referred to in sub-paragraph (a) in, or within 100 metres of, a fishing shelter.

(2) In this regulation, “fishing shelter” has the meaning given in section 2 of the Fishing Shelters Ordinance 2011(i).

## Fish farms

14. (1) A person must not take or attempt to take fish within 100 metres of a fish farm in a sea area with any of the following—

- (a) a spear gun;
- (b) an aqualung;
- (c) a light or other means of lighting;
- (d) a net;
- (e) a longline;
- (f) a handline;
- (g) any other fishing gear that includes a hook or a metal device for fishing.

(2) In this regulation, “fish farm” has the meaning given in section 2 of the Fish Farming Ordinance 2001(j).

## Species

### Protected species

15. (1) A person must not pursue, take, kill, attempt to take or kill, buy, sell or possess any of the following—

- (a) an aquatic turtle;
- (b) a seal;
- (c) a dolphin;
- (d) a freshwater crab;
- (e) a sand crab of the *Ocypode cursor* species.

(2) A person must not buy, sell or possess—

- (a) any part of an aquatic turtle, seal or dolphin;
- (b) an aquatic turtle egg .

(3) A person must not take from a salt lake, sell or possess a shrimp of the *Artemia salina* species or an egg (cyst) of that species.

(4) (Article 3 of the 2006 Regulation makes further provision in relation to protected species.)

### Minimum size of fish

16. (1) A person must not take an organism referred to in column 1 of the table that is below the minimum size listed in the corresponding entry in column 3.

(1) Scientific name	(2) Common name	(3) Minimum size
Lophius spp.	Anglerfish	30 centimetres
Mugil spp.	Common grey mullet	16 centimetres

(2) (Article 9 of Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean makes provision in relation to the minimum size of bluefin tuna. Article 15 of the 2006 Regulation makes provision in relation to the minimum size of other marine organisms.)

### Bluefin tuna: active fishing prohibited except with permit

17. (1) A person must not actively fish for bluefin tuna (*Thunnus thynnus*) except in accordance with a permit for that purpose issued under the Republican law.

(2) A person must not land bluefin tuna in the Areas.

(3) A person must not, from a polyvalent vessel that is more than 24 metres long, take bluefin tuna using a surface longline between 1 June and 31 December (both days inclusive).

### Swordfish: taking prohibited in October and November

18. A person must not take swordfish (*Xyphias gladius*) between 1 October and 30 November (both days inclusive).



## *Category C licences*

### **Category C licences: days when valid**

19. A person must not fish from a Category C vessel or fish with a net in accordance with a Category C licence (without vessel) in a month referred to in column 1 of the table unless the person does so on a day referred to in the corresponding entry of column 2.

(1) Month	(2) Days when Category C licences valid
January, May	No days (fishing prohibited)
February, March, November	Saturday, Sunday
April, June, July, August, September, October, December	Friday, Saturday, Sunday

### **Category C licences (with vessel): restrictions on taking certain species**

20. (1) A person who fishes from a Category C vessel must not actively fish for, retain or land any of the following—

- (a) bluefin tuna;
- (b) any species of shark;
- (c) any species of skate.

(2) A person who accidentally takes a fish referred to in paragraph (1) when fishing from a Category C vessel must release it immediately, avoiding harm to the fish.

(3) A person who fishes from a Category C vessel must not actively fish for swordfish.

(4) However, a person who accidentally takes a swordfish when fishing from a Category C vessel may retain it, except between 1 October and 30 November (both days inclusive).

## *Recreational fishing*

### **Recreational fishing: restrictions on taking certain species**

21. (1) A person who fishes recreationally must not actively fish for, retain or land any of the following—

- (a) bluefin tuna;
- (b) swordfish;
- (c) any species of shark;
- (d) any species of skate.

(2) A person who accidentally takes a fish referred to in paragraph (1) when fishing recreationally must release it immediately, avoiding harm to the fish.

### **Recreational fishing: light sources prohibited except when using pyrofani method**

22. A person who fishes recreationally must not use any means of lighting when fishing except when using the fishing method known as “pyrofani” (fishing with light source shone onto water).

### **Recreational fishing: limits on catch**

23. (1) A person who fishes recreationally must not take fish that together weigh more than 10 kilogrammes in any 24-hour period.

(2) However, where 1 or more persons fish recreationally from a licensed recreational vessel, the holder of the licence and the master of the vessel must ensure that fish that together weigh more than 10 kilogrammes are not taken in any 24-hour period.

(3) Despite paragraphs (1) and (2), the holder of a recreational licence may take, in any 24-hour period, up to 3 albacore that together weigh more than 10 kilogrammes if the person takes no other species of fish in that period.

(4) For the purposes of this regulation, any fish taken by a person must be treated as taken within the territorial waters of the Areas.

#### **Fiscal Officer may vary catch limits**

24. (1) The Fiscal Officer may, on the application of any person, by permit vary the catch limits in regulation 23 for the purposes of tourist fishing, a competition or any club or association.

(2) A permit may vary catch limits by vessel or by person fishing.

(3) Where a permit is issued, every person who fishes in accordance with the permit must comply with the catch limits in the permit and every condition imposed on the permit.

#### **Spear guns: limits on catch**

25. (1) Despite regulation 23 (recreational fishing: limits on catch), a person must not take fish weighing more than 5 kilogrammes with a spear gun in any 24-hour period.

(2) For the purposes of this regulation, any fish taken by a person must be treated as taken within the territorial waters of the Areas.

### **Part 3**

#### **Fishing gear**

##### *Nets*

#### **Nets: use of certain types prohibited**

26. A person must not fish with any of the following—

- (a) a boat seine;
- (b) a shore seine;
- (c) a dredge;
- (d) a surrounding net;
- (e) a purse seine;
- (f) any other fishing net except a trawl net, a trammel net, a bottom-set gill net or a combined bottom-set net.

#### **Encirclement with nets prohibited**

27. A person must not fish by encircling fish with nets (gyrovolia).

#### **Nets: use, etc prohibited without commercial licence**

28. (1) A person must not fish with a net unless—

- (a) the person fishes from a licensed commercial vessel; or
- (b) the person fishes in accordance with regulation 29 (nets: conditions of use for holders of Category C licences (without vessel)).

(2) A person must not have a net on board a vessel unless the vessel is a licensed commercial vessel.

#### **Nets: conditions of use for holders of Category C licences (without vessel)**

29. A person fishes in accordance with this regulation if—

- (a) the person holds a Category C licence (without vessel);
- (b) the person fishes with only 1 net;
- (c) the net is no more than 25 metres long;
- (d) the person does not fish in any place where the sea is more than 10 metres deep;
- (e) the person does not use an aqualung;
- (f) the person does not fish with a spear gun;
- (g) the person does not fish with the assistance of another person;

- (h) the person complies in all other respects with these Regulations (including, in particular, requirements as to the days and times when the net may be used).

**Monofilament nets: use prohibited except for single panel bogue nets used from polyvalent vessels, Category A vessels or Category B vessels**

30. (1) A person must not fish with a monofilament net unless the conditions in paragraph (2) are satisfied.

- (2) The conditions are that—
- (a) the net is a bottom-set gill net consisting of a single panel known as a bogue net (vopodicta);
  - (b) the net has a mesh size of between 38 and 63 millimetres or between 90 and 99 millimetres;
  - (c) the net is no more than 2,400 metres long; and
  - (d) the net is set from a polyvalent vessel, a Category A vessel or a Category B vessel.
- (3) A person must not have a monofilament net on board a vessel unless—
- (a) the vessel is a polyvalent vessel, a Category A vessel or a Category B vessel; and
  - (b) the conditions in paragraph (2)(a) to (c) are satisfied.

**Nets: use prohibited between June and September where sea is less than 5 metres deep**

31. A person must not fish with a net in any place where the sea is less than 5 metres deep between 1 June and 30 September (both dates inclusive).

**Nets: minimum mesh size**

32. (1) A person must not fish with, or have on board a vessel, a net that has a mesh size of less than 38 millimetres.

(2) (Article 9 of the 2006 Regulation makes provision in relation to minimum mesh sizes for towed nets.)

**Nets: restrictions on times of use by reference to mesh size**

33. (1) A person must not fish with a net that has a mesh size referred to in column 1 of the table during a period referred to in the corresponding entry of column 2 at a time of day referred to in the corresponding entry in column 3.

(1) Mesh size of net	(2) Period	(3) Time of day when use of nets prohibited
Net with mesh size of 38 millimetres or more but less than 46 millimetres	Throughout the year	(a) Between 12 midnight and 2 am; (b) Between 10 am and 2 hours before sunset; (c) Between 10 pm and 12 midnight
Nets with mesh size of 46 millimetres or more but less than 51 millimetres	Throughout the year	Between 10 am and 2 hours before sunset
Nets with mesh size of 51 millimetres or more but less than 61 millimetres	15 May to 15 November (both days inclusive)	Between 10 am and 2 hours before sunset
Nets with mesh size of 61 millimetres or more where net is to be used in the territorial waters of the Areas between— (a) the western boundary of the territorial waters of the Akrotiri Sovereign Base Area and the Cape Gata line of longitude; or (b) between the Cape Pyla line of longitude and the eastern boundary of the territorial waters of the Dhekelia Sovereign Base Area	15 May to 15 November (both days inclusive)	Between 8 am and 11 am

Nets with mesh size of 61 millimetres or more where net is to be used in the territorial waters of the Areas between the Cape Gata line of longitude and the Cape Pyla line of longitude	15 May to 15 November (both days inclusive)	Between 10 am and 2 hours before sunset
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(2) In this regulation—

“Cape Gata line of longitude” means the line of longitude 33° 02.20’ E;

“Cape Pyla line of longitude” means the line of longitude 33° 51.5’ E.

#### **Nets: maximum length**

34. (1) A person must not set from, or have on board, a vessel referred to in column 1 of the table nets that together exceed the maximum length referred to in the corresponding entry in column 2.

(1) Vessel	(2) Maximum length of nets
Polyvalent vessel, where 2 or more persons are on board the vessel	5,000 metres
Polyvalent vessel, where only 1 person is on board the vessel	4,000 metres
Category A vessel, where 2 or more persons are on board the vessel	5,000 metres
Category A vessel, where only 1 person is on board the vessel	4,000 metres
Category B vessel	3,000 metres
Category C vessel	600 metres

(2) The licence holder and master of a vessel referred to in column 1 of the table must ensure that nets that together exceed the maximum length referred to in the corresponding entry of column 2 are not set from or on board the vessel.

(3) This regulation is subject to regulation 30 (monofilament nets: use prohibited except for single panel bogue nets used from polyvalent vessels, Category A vessels or Category B vessels).

(4) (Paragraph 3.2 of Annex II to the 2006 Regulation makes provision for the maximum length of combined bottom-set nets.)

#### **Nets: maximum drop**

35. A person must not fish with, or have on board a vessel, a net whose maximum drop exceeds 4 metres.

#### **Trawl nets**

36. (1) A person must not fish with a trawl net other than from a licensed trawler.

(2) A person must not have a trawl net on board a vessel other than a licensed trawler.

(3) A person must not fish with a trawl net between 1 June and 7 November (both dates inclusive).

(4) A person must not fish with a trawl net in any of the territorial waters of the Dhekelia Sovereign Base Area east of the line of longitude 33° 44.5’ E between 16 February and 31 May (both dates inclusive).

(5) (Article 13 of the 2006 Regulation imposes restrictions *inter alia* on the use of trawl nets.)

### ***Longlines***

#### **Longlines: use prohibited except from licensed vessel**

37. (1) A person must not set a longline except from a licensed vessel.

(2) Despite paragraph (1), a person must not set a longline from a licensed trawler.

(3) In paragraph (2), the reference to a licensed trawler does not include a reference to a vessel in respect of which both a trawler licence and another commercial licence is issued.

#### **Surface longlines: use prohibited except from polyvalent vessels**

38. A person must not set a surface longline except from a polyvalent vessel. (Paragraph 6 of Annex II to the 2006 Regulation makes provision for the number of hooks that may be used on surface longlines.)

**Bottom-set longlines: maximum number of longlines and hooks**

39. (1) A person must not set from, or have on board, a vessel referred to in column 1 of the table—

- (a) more bottom-set longlines than the maximum number referred to in the corresponding entry in column 2;
- (b) more hooks than the maximum number referred to in the corresponding entry in column 3.

(1) Vessel	(2) Maximum number of bottom-set longlines	(3) Maximum number of hooks
Polyvalent vessel undertaking a fishing trip of 4 days or more	No maximum	7,000
Polyvalent vessel undertaking fishing trip of up to 3 days Category A vessel Category B vessel	No maximum	1,000 x the number of persons on board the vessel, subject to a maximum of 5,000
Category C vessel Licensed recreational vessel	2	400

(2) The licence holder and master of a vessel referred to in column 1 of the table must ensure that—

- (a) no more than the maximum number of bottom-set longlines referred to in the corresponding entry in column 2 are set from, or are on board, the vessel; and
- (b) no more than the maximum number of hooks referred to in the corresponding entry in column 3 are set from, or are on board, the vessel.

(3) A person must not set from, or have on board, a Category C vessel or a licensed recreational vessel, a bottom-set longline that has more than 200 hooks.

**Bottom-set longlines: periods when use from licensed recreational vessel permitted**

40. A person must not fish with a bottom-set longline from a licensed recreational vessel in a month referred to in column 1 of the table unless the person does so during a period referred to in the corresponding entry of column 2.

(1) Month	(2) Period when bottom-set longlines may be used from licensed recreational vessel
July, August	Any day, any time
Any other month	Period— (a) beginning 1 hour before sunset on Tuesday, Friday, Saturday or a day before a public holiday in the Republic; and (b) ending 1 hour before sunset on the day after the day referred to in paragraph (a)

*Octopus rigs*

**Octopus rigs: days when use from licensed recreational vessel permitted**

41. A person must not fish with an octopus rig from a licensed recreational vessel in a month referred to in column 1 of the table unless the person does so on a day referred to in the corresponding entry of column 2.

(1) Month	(2) Days when octopus rig may be used from licensed recreational vessel
July, August	Any day
Any other month	Monday, Wednesday, Saturday, Sunday, public holiday in the Republic

## *Traps*

### **Traps set from vessels**

42. (1) A person must not set a trap from a vessel other than a licensed vessel.
- (2) A person must not have a trap on board a vessel other than a licensed vessel.
- (3) A person must not set from, or have on board, a vessel referred to in column 1 of the table more traps than the number referred to in the corresponding entry in column 2.

(1) Vessel	(2) Maximum number of traps
Polyvalent vessel Category A vessel Category B vessel Category C vessel	250
Licensed recreational vessel	4

(4) The licence holder and master of a vessel referred to in column 1 must ensure that no more than the number of traps referred to in the corresponding entry in column 2 are set from or are on board the vessel.

(5) A person must not set a trap from, or have a trap on board, a licensed trawler.

(6) In paragraph (5), the reference to a licensed trawler does not include a reference to a vessel in respect of which both a trawler licence and another commercial licence is issued..

### **Traps not set from vessels: maximum of 5**

43. Where a person sets a trap other than from a vessel, the person must not set more than 5 traps at the same time.

## *Spear guns*

### **Spear guns**

44. (1) A person must not fish with a spear gun, or have a spear gun on board a vessel, unless the person holds a spear gun licence.
- (2) A person must not fish with a spear gun in May.
- (3) A person must not fish with a spear gun between sunset and sunrise.
- (4) A person must not fish with a spear gun if the spear gun is used with any of the following—
- (a) any other fishing gear;
  - (b) an aqualung;
  - (c) any means of lighting.
- (5) A person must not have both a spear gun and an aqualung on board a vessel.

## **Part 4**

### **Vessels**

#### **Licensed vessel must display number**

45. (1) The licence holder and master of a licensed vessel must ensure that the vessel displays at all times the number given to the vessel by the Ministry when the licence was issued.

(2) The number must be displayed on both sides of the vessel in white figures painted on a black background.

(3) The figures must be at least 15 centimetres high and at least 2.5 centimetres wide; and each figure must be separated by a space of at least 2.5 centimetres.

#### **Lights: vessels fishing with nets or longlines at more than 25 fathoms**

46. The licence holder and master of a vessel that is engaged in fishing with a net or longline at a depth of more than 25 fathoms must ensure that the vessel indicates the presence of the net or longline by exhibiting a white or orange all-round light at both ends of the net or longline visible within a radius of 1 nautical mile.

### **Unloading fish caught outside the Areas or the Republic prohibited without permit**

47. Where a vessel fishes outside the territorial waters of the Areas or the Republic, a person must not unload the catch of the vessel in the Areas unless the Fiscal Officer issues a permit and every condition imposed on the permit is complied with.

### **Satellite-tracking devices**

48. (1) The licence holder, master and owner of a relevant vessel must ensure that the vessel has a satellite-tracking device previously approved by the Ministry installed on board.

(2) A person must not depart to sea in a relevant vessel unless the satellite-tracking device is in good working order.

(3) A person must not destroy, damage or interrupt the operation of a satellite-tracking device or otherwise interfere with such a device or with any data entered into or processed by it.

(4) The master of a relevant vessel must ensure the full and uninterrupted operation of the satellite-tracking device and the transmission of all data that the device is required to send to FVMC and, in particular, that—

- (a) the data sent by the device are not altered in any way;
- (b) any antenna connected to the device is not obstructed or disconnected in any way;
- (c) the power supply to the device is not interrupted in any way; and
- (d) the device is not removed from the vessel.

(5) If a satellite-tracking device is damaged or fails or its operation is interrupted, the master or owner of the relevant vessel or an agent of the master or owner must—

- (a) report the damage, failure or interruption to FVMC as soon as practicable;
- (b) provide by electronic mail, facsimile transmission, telephone or radio at least once every 4 hours the geographical position of the vessel and details of the fishing activity being carried out by the vessel; and
- (c) ensure that the device is repaired or replaced as soon as possible and in any event during the vessel's first mooring at a port.

(6) In this regulation—

“FVMC” means the Fishing Vessels Monitoring Centre established under the Republican law (see regulation 10A of the Fisheries Regulations 1990 of the Republic made under the Republican law);

“relevant vessel” means a licensed vessel that is over 12 metres long.

### **Licensed vessel must call annually at port, etc**

49. The master and owner of a licensed vessel must ensure that the vessel calls at a port or fishing shelter at least once each year for inspection and sanitary control in accordance with the requirements of any relevant law of the Republic.

### **Fiscal Officer may prohibit departure to sea of unlicensed vessels found with fishing gear**

50. (1) If fishing gear is found on a vessel that is not licensed, the Fiscal Officer may, by notice in writing to its master or owner, prohibit the departure to sea of the vessel until a licence is obtained.

(2) A person must not depart to sea in a vessel in respect of which the Fiscal Officer has issued a notice under paragraph (1) until a licence is obtained.

## **Part 5**

### **Aquatic environment**

#### **Pollution**

51. (1) A person must not—

- (a) dump, in an inland water(k) in which fish live or in the sea, a substance or object that may damage the reproduction, growth or survival of, or the ability to exploit, fish;



- (b) cause or allow such a substance or object to enter an inland water in which fish live or in the sea.
- (2) Without prejudice to paragraph (1), a person must not add water to the sea if—
- (a) the temperature of the water exceeds the temperature of the sea to which it is added by more than 10° Centigrade;
  - (b) the water contains organic substances of such concentration that the consumption of oxygen for their oxidation (calculated as being the consumption of oxygen for biological oxidation at 20° Centigrade within 5 days (Biochemical Oxygen Demand, BOD5)) exceeds 30 milligrammes per litre of water;
  - (c) the water contains substances of such concentration that the consumption of oxygen for their oxidation (Chemical Oxygen Demand, COD4) exceeds 30 milligrammes per litre of water;
  - (d) the pH of the water is less than 6.5 or more than 9;
  - (e) the water contains solid substances in excess of 30 parts per million;
  - (f) the water contains zinc in excess of 0.1 parts per million;
  - (g) the water contains copper in excess of 0.1 parts per million;
  - (h) the water contains cadmium expressed as total cadmium of concentration exceeding 0.2 milligrammes per litre; or
  - (i) the water contains mercury expressed as total mercury of concentration exceeding 50 milligrammes per litre.
- (3) Without prejudice to paragraph (1), damage for the purposes of that paragraph must be treated as taking place if, after water containing mercury is added to the sea, the concentration of mercury in organisms or in the sediment of the sea, measured at a distance of 4 millimetres from the point where the water entered the sea, is more than 150% of the natural concentration of mercury.
- (4) Without prejudice to paragraph (1), a person must not allow any type of lubricating or mineral oil used in the operation of combustion engines, motion generating systems, hydraulic systems or turbines to enter the sea.
- (5) Without prejudice to paragraph (1), a person must not use or place in the sea or in an inland water—
- (a) a vessel, the sides of which have been painted with anti-fouling paint containing an organic compound of tin; or
  - (b) a structure, apparatus or equipment used for the purpose of breeding fish painted with such paint.
- (6) A person who contravenes this regulation commits an offence and is liable—
- (a) on first conviction, to a fine not exceeding €51,258;
  - (b) on a second or subsequent conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding €51,258 or to both.

### **Importing, etc live fish**

- 52.** (1) A person must not do either of the following unless the person has a permit issued by the Fiscal Officer—
- (a) import from outside the European Union live fish or other aquatic organisms at any stage of their development (including eggs); or
  - (b) add fish or other aquatic organisms at any stage of their development (including eggs) to an inland water or to the sea.
- (2) A person to whom a permit is issued must comply with every condition imposed on the permit.
- (3) A person who contravenes this regulation commits an offence and is liable—
- (a) on first conviction, to a fine not exceeding €8,543;
  - (b) on a second or subsequent conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding €8,543 or to both.



## Part 6

### Miscellaneous

#### Offences

- 53.** (1) A person who contravenes a provision in Part 2, 3 or 4 commits an offence.
- (2) If a person who contravenes a provision in Part 2, 3 or 4 does so while on board—
- (a) a vessel, the master also commits an offence;
  - (b) a licensed vessel, the licence holder also commits an offence.
- (3) A person who is convicted of an offence under this regulation is liable—
- (a) on first conviction, to a fine not exceeding €8,543;
  - (b) on a second or subsequent conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding €8,543 or to both.
- (4) Despite paragraph (3), a person who is convicted of an offence under this regulation by virtue of a contravention of any of the following provisions is liable, on conviction, to imprisonment for a term not exceeding 3 years or a fine not exceeding €17,086 or to both—
- (a) regulation 5 (fishing from vessels prohibited unless vessel is licensed);
  - (b) regulation 49 (licensed vessel must call annually at port, etc).

#### Evidence of issue of licence, etc

- 54.** For the purposes of these Regulations, a document provided by the Ministry, the accuracy of which is certified in writing by an officer of the Ministry, or a translation into English of such a document and its certification by a translator of recognised competence, may be held by a court to be conclusive evidence of—
- (a) whether a licence or a permit has been issued by the Ministry;
  - (b) the type of licence or permit;
  - (c) the validity of the licence or permit;
  - (d) the licence holder;
  - (e) the licensed vessel;
  - (f) any person named on the licence as a person who may fish from the licensed vessel;
  - (g) any conditions imposed on the licence or permit;
  - (h) whether a satellite-tracking device is approved by the Ministry;
  - (i) whether a licensed vessel has undergone inspection and sanitary control in accordance with the requirements of any relevant law of the Republic and the place and date of such inspection and control.

#### Review by Chief Officer

- 55.** (1) A person who is dissatisfied with a decision referred to in paragraph (2) may, within 30 days after being notified of the decision request the Chief Officer to review it.
- (2) The decisions are—
- (a) a decision in respect of a permit under regulation 9(2) (fishing competitions and tourist fishing prohibited without permit);
  - (b) a decision in respect of a permit under regulation 24(1) (Fiscal Officer may vary catch limits);
  - (c) a decision in respect of a permit under regulation 47 (unloading fish caught outside the Areas or the Republic prohibited without permit);
  - (d) a decision to issue a notice under regulation 50(1) (Fiscal Officer may prohibit departure to sea of unlicensed vessels found with fishing gear);
  - (e) a decision in respect of a permit under regulation 52(1) (importing, etc live fish).

(3) The request must be in writing and must set out the grounds on which the person believes the decision should be reviewed.

(4) On a review, the Chief Officer may confirm, vary or set aside the decision.

(5) A decision in respect of which a review is requested remains valid pending the outcome of the review.

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Dated this 11th day of September 2012.

By the Administrator's Command,  
J. S. Wright,  
Chief Officer,  
Sovereign Base Areas.

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(SBA/AG/2/FI/68/1)

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**Notes**

- (a) Ordinance 22/12.
- (b) "Republican law" is defined in section 3 of the Fisheries Ordinance 2012.
- (c) "Vessel" is defined in Schedule 1 to the Interpretation Ordinance 2012.
- (d) "Master" is defined in Schedule 1 to the Interpretation Ordinance 2012.
- (e) "Fisheries officer" is defined in section 3 of the Fisheries Ordinance 2012.
- (f) "Ministry" is defined in section 3 of the Fisheries Ordinance 2012.
- (g) Ordinance 5/60.
- (h) Ordinance 4/86.
- (i) Ordinance 21/11.
- (j) Ordinance 18/01.
- (k) "Inland water" is defined in section 3 of the Fisheries Ordinance 2012.

## EXPLANATORY NOTE

**(This note does not form part of the Regulations)**

### Introduction

1. This explanatory note relates to the Fisheries Regulations 2012 (the “Regulations”). It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Regulations and should be read in conjunction with them.
2. The fisheries legislation of the Areas consists of (1) the Fisheries Ordinance 2012 (and instruments made under it, such as the Regulations); and (2) certain European Union fisheries measures (made under Title III (agriculture and fisheries) of Part 3 of the Treaty of the Treaty on the Functioning of the European Union) that, by virtue of section 3 of the European Union (Protocol Measures) Ordinance 2004 and the Protocol on the Sovereign Base Areas to the Treaty of Accession of the Republic of Cyprus to the European Union, are directly applicable in the Areas.
3. Such measures include Council Regulation (EC) No 1967/2006 of 21 December 2006 (concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea) and Council Regulation (EC) No 1224/2009 of 20 November 2009 (establishing a Community control system for ensuring compliance with the rules of the common fisheries policy).
4. The Regulations largely concern fishing in the sea. However, Part 5 (Aquatic environment) relates to both the sea and inland waters. Further, regulation 10 relates to salt lakes and regulation 15 to certain non-marine species.

### Fishing licences

5. A licence is not always needed to fish in the sea. For example, a licence is not required to fish from the shore with a rod or with traps (in which case a maximum number of 5 traps is permitted: see regulation 43). (The Fresh Water Fish Preservation Ordinance 1963 prohibits freshwater fishing except with the permission of the Chief Officer.)
6. The Administration does not issue fishing licences. Instead, the following licences issued by the Fisheries Service of the Republic of Cyprus are recognised for the purposes of fishing in the Areas—
  - commercial licences: trawler licence, polyvalent licence, Category A licence, Category B licence, Category C (Γ) licence (with vessel) and Category C (Γ) licence (without vessel);
  - non-commercial licences: recreational licence and spear gun licence.
7. The licences are issued in respect of vessels, with the exception of Category C licences (without vessel) and spear gun licences. Regulation 8 imposes a duty on a licence holder to comply with any conditions imposed on the licence.
8. Category C licences are not valid during January or May and are valid only on certain other days (regulation 19). There are restrictions on when holders of recreational licences may use bottom-set longlines (regulation 40) and octopus rigs (regulations 41). Catch limits are imposed in respect of recreational licences, spear gun licences and those fishing in circumstances in which no licence is needed (regulations 23 and 25). Only fish taken in accordance with a commercial licence may be sold (regulation 7).
9. The permission of the Fiscal Officer is needed to organise fishing competitions or tourist fishing (regulation 9). The Fiscal Officer may vary catch limits for competitions, tourist fishing and in the case of applications on behalf of clubs or associations (regulation 24). The Fiscal Officer may also permit fish caught in fishing competitions to be sold for charity (regulation 9(3)).

### Fishing from vessels

10. It is prohibited to fish from a vessel other than a licensed commercial or a licensed recreational vessel (regulation 5). However, a person who holds a spear gun licence may fish with a spear gun from any vessel.

## Nets

11. It is prohibited to fish from a vessel with a net other than from a licensed commercial vessel (regulation 28). The holder of a Category C licence (without vessel) may swim with a net in accordance with regulation 29. Recreational licence holders are not allowed to use nets.

12. The hours of the day when a net may be used depends on the mesh size, the time of year and where the net is used (see regulation 33). However, a net may not be used in any place where the sea is less than 5 metres deep between 1 June and 30 September (regulation 31). Nets with a mesh size of less than 38 millimetres may not be used (regulation 32).

13. The use of monofilament nets is prohibited except for a type of bottom-set gill net known as “vopodicta”, which may be used by holders of polyvalent, Category A and Category B licences (regulation 30).

14. The maximum length of nets that may be used depends on the licence held (regulation 34).

## Other fishing gear

15. The use of longlines is prohibited except from a licensed vessel (regulation 37). Only polyvalent vessels may use surface longlines (regulation 38). The number of longlines and hooks that may be used depends on the licence held (regulation 39).

16. A spear gun may be used only if a spear gun licence is held. A spear gun may not be used in May or between sunset and sunrise (regulation 44).

## Places where fishing is prohibited or restricted

17. Fishing is prohibited or restricted in the following areas—

- salt lakes (regulation 10);
- the Akrotiri fish reserve (regulation 11);
- sea-bathing areas (regulation 12);
- fishing shelters (regulation 13);
- fish farms (regulation 14).

## Protected species and minimum size

18. Regulation 15 provides for certain species to be protected. However, article 3 of Council Regulation (EC) No 1967/2006 makes further provision in this respect. Regulation 16 provides that certain fish below a minimum size should not be taken. Again, article 15 of Council Regulation (EC) No 1967/2006 makes further provision in respect of other species.

## Fishing vessels

19. Part 4 (Vessels) imposes requirements in respect of fishing vessels including an obligation on a vessel fishing with a net or a longline at a depth of more than 25 fathoms to display lights (regulation 46). The Merchant Shipping (Distress Signals and Prevention of Collisions) Ordinance 2008 imposes additional obligations on fishing vessels.

## Offences

20. Regulation 53 makes it an offence to contravene a provision in Part 2, 3 or 4. Regulations 51 and 52 (in Part 5) also contain offences.