



**SUPPLEMENT No. 3**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1705 of 12th July 2013**  
**SUBSIDIARY LEGISLATION**

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**FISHERIES (AMENDMENT NO. 2) REGULATIONS 2013**

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**FISHERIES (AMENDMENT NO. 2) REGULATIONS 2013**

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

**Citation**

1. These Regulations may be cited as the Fisheries (Amendment No. 2) Regulations 2013.

**Commencement**

2. These Regulations come into force on 1 August 2013.

**Fisheries Regulations 2012 amended**

3. The Fisheries Regulations 2012(b) are amended in accordance with regulations 4 to 15.

**Regulation 3 amended (interpretation)**

4. Regulation 3(3) is amended by inserting “or for the purposes of a club or association” after “in the course of a business”.

**Regulation 5 amended (fishing from vessels prohibited unless vessel is licensed)**

5. Regulation 5 is amended by adding the following paragraph—

“(3) This regulation is subject to regulation 25A.”

**Regulation 9 amended (fishing competitions and tourist fishing prohibited without permit)**

6. Regulation 9 is amended by adding the following paragraph—

“(6) Despite paragraph (1), a person may provide tourist fishing in accordance with a permit for recreational fishing within the framework of professional tourist activity issued by the Ministry(c) under the Republican law(d)”.

**New regulation 15A inserted**

7. The following regulation is inserted after regulation 15—

**“Sharks, etc: restrictions**

**15A.(1)** A person must not actively fish for, retain or land any of the following—

- (a) shortfin mako shark (*Isurus oxyrinchus*);
- (b) tope shark (*Galeorhinus galeus*);
- (c) blackfin guitarfish (*Rhinobatos cemiculus*);
- (d) common guitarfish (*Rhinobatos rhinobatos*);
- (e) sand tiger shark (*Carcharias taurus*);
- (f) small tooth tiger shark (*Odontaspis ferox*);
- (g) angular roughshark (*Oxynotus centrina*);
- (h) spiny butterfly ray (*Gymnura altavela*);
- (i) devil fish (*Mobula mobular*).

(2) (Council Regulation (EU) No 40/2013 of 21 January 2013 makes further provision in relation to protected species.)”

## Regulation 18 revoked and substituted

8. Regulation 18 is revoked and the following regulation substituted—

### “Swordfish: taking prohibited in March, October and November

18. A person must not take swordfish (*Xyphias gladius*) in March, October or November.”

## Regulation 20 amended (Category C licences (with vessel): restrictions on taking certain species)

9. Regulation 20(4) is amended by omitting “except between 1 October and 30 November (both days inclusive)” and substituting “except in March, October or November”.

## Regulation 24 revoked

10. Regulation 24 is revoked.

## New cross-heading and regulation 25A inserted

11. The following cross-heading and regulation are inserted after regulation 25—

### “*Tourist fishing*

#### **Tourist fishing**

**25A.** (1) This regulation applies where a person is providing tourist fishing from a vessel(e) in accordance with—

- (a) a permit for providing tourist fishing issued by the Fiscal Officer under regulation 9; or
- (b) a permit for recreational fishing within the framework of professional tourist activity issued by the Ministry under the Republican law.

(2) The master(f) of the vessel must carry the permit on board the vessel and produce it on demand to a fisheries officer(g).

(3) Despite regulation 5, a person may fish from the vessel with a rod, a handliner or a trolling line.

(4) A person must not—

- (a) set a net, a longline or a trap from the vessel or have a net, a longline or a trap on board the vessel; or
- (b) fish with a spear gun from the vessel or have a spear gun on board the vessel.

(5) The following regulations apply to a person fishing from the vessel in the same way as they apply to a person fishing recreationally—

- (a) regulation 21 (recreational fishing: restrictions on taking certain species);
- (b) regulation 22 (recreational fishing: light sources prohibited except when using pyrofani method).

(6) The master of the vessel must ensure that persons fishing from the vessel do not take fish that together weigh more than 10 kilogrammes in any 24-hour period.

(7) Despite paragraph (6), persons fishing from the vessel may take up to 10 albacore (*Thunnus alalunga*) that together weigh more than 10 kilogrammes in a 24-hour period.

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

**Regulation 29 amended (nets: conditions of use for holders of Category C licences (without vessel))**

12. Regulation 29 is amended by inserting the following paragraph after paragraph (d)—  
“(da) the person is present at all times when fishing with the net;”.

**Regulation 40 amended (bottom-set longlines: periods when use from licensed recreational vessel permitted)**

13. The table in regulation 40 is amended—
- (a) by omitting “beginning 1 hour before sunset” and substituting “beginning at 12 noon”; and
  - (b) by omitting “ending 1 hour before sunset” and substituting “ending at 12 noon”.

**Regulation 42 amended (traps set from vessels)**

14. Regulation 42 is amended by omitting the existing table and substituting the following table—

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

**Regulation 44 amended (spear guns)**

15. Regulation 44 is amended by adding the following paragraphs—
- “(6) A person must not fish with a spear gun unless the person fishes within 50 metres of—
- (a) a vessel flying a flag that complies with paragraph (7); or
  - (b) a yellow, orange or red float to which a flag that complies with paragraph (7) is attached.
- (7) A flag complies with this paragraph if—
- (a) the flag is red with a white diagonal stripe; and
  - (b) the flag is visible, in normal conditions, from a distance of 300 metres.”

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Dated this 11th day of July 2013.

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

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

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**Notes**

- (a) Ordinance 23/12.
- (b) Public instrument 22/12, amended by public instrument 4/13.
- (c) “Ministry” is defined in section 3(1) of the Fisheries Ordinance 2012.
- (d) “Republican law” is defined in section 3(1) of the Fisheries Ordinance 2012.
- (e) “Vessel” is defined in Schedule 1 to the Interpretation Ordinance 2012.
- (f) “Master” is defined in Schedule 1 to the Interpretation Ordinance 2012.
- (g) “Fisheries officer” is defined in section 3(1) of the Fisheries Ordinance 2012.

## EXPLANATORY NOTE

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

1. This explanatory note relates to the Fisheries (Amendment No. 2) Regulations 2013 (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.
2. The Regulations amend the Fisheries Regulations 2012 (the “principal Regulations”). The amendments reflect changes made by the Fisheries Service of the Republic of Cyprus to its licences and the licence conditions. Licences and permits issued by the Fisheries Service of the Republic are recognised for the purposes of fishing in the Areas.
3. A new category of permit, for providing “recreational fishing within the framework of professional tourist activity”, has been introduced by the Fisheries Service of the Republic. The Regulations provide for the recognition of this permit for the purposes of fishing in the Areas and the conditions subject to which it may be used (see amended regulations 5 and 9 and new regulation 25A of the principal Regulations). The catch limits (set out in new regulation 25A of the principal Regulations) differ slightly from those for recreational licences (set out in regulation 23 of the principal Regulations).
4. The Fiscal Officer retains the power to issue permits for providing tourist fishing under regulation 9 of the principal Regulations. Such licences are also subject to the conditions set out in new regulation 25A of the principal Regulations. The definition of tourist fishing in regulation 3(3) of the principal Regulations is amended, the effect of which is to enable the Fiscal Officer to issue such licences for the purposes of a club or association. The Fiscal Officer’s power to vary the conditions subject to which a recreational licence may be used is removed (see revocation of regulation 24 of the principal Regulations).
5. Restrictions are imposed on fishing for sharks and other species from licensed commercial vessels (as defined in the principal Regulations) (see new regulation 15A of the principal Regulations). (Other prohibitions are imposed by Council Regulation (EU) No 40/2013 of 21 January 2013 which, 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, is directly applicable in the Areas. Section 27 of the Fisheries Ordinance 2012 makes it an offence to fail to comply with an enforceable EU obligation or to fish in contravention of an enforceable EU restriction.)
6. The existing prohibition on taking swordfish in October and November is extended to March (see new regulation 18 and amended regulation 20 of the principal Regulations).
7. It is made clear that a person who fishes with a net in accordance with a Category C licence (without vessel) must be present at all times (see amended regulation 29 of the principal Regulations).
8. The times when bottom-set longlines may be used from licensed recreational vessels in months other than July and August are changed (see amended regulation 40 of the principal Regulations). Bottom-set longlines may now be used from 12 noon on Tuesday, Friday, Saturday or the day before a public holiday in the Republic of Cyprus (as defined in the principal Regulations) to 12 noon on Wednesday, Saturday, Sunday or the public holiday.
9. The number of traps that may be set from a Category C licensed vessel is reduced to 4 (see amended regulation 42 of the principal Regulations).
10. A person who fishes with a spear gun must fish within 50 metres of either a vessel flying a red flag with a white diagonal stripe or a yellow, orange or red float to which such a flag is attached (see amended regulation 44 of the principal Regulations). The flag must be visible from a distance of 300 metres in normal conditions.