

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4272 of 16 June, 2016

LEGAL NOTICE NO. 129 OF 2016.

NATURE PROTECTION ACT 1991

**MARINE PROTECTION (AMENDMENT No. 3) REGULATIONS
2016**

In exercise of the powers conferred upon it by sections 13, 18 and 24 of the Nature Protection Act 1991, and after having consulted the Nature Conservancy Council, the Government has made the following Regulations–

Title and commencement.

1. These Regulations may be cited as the Marine Protection (Amendment No. 3) Regulations 2016 and come into operation on the day of publication.

Amendment of the Marine Protection Regulations 2014.

2.(1) The Marine Protection Regulations 2014 are amended in accordance with the provisions of these Regulations.

(2) In regulation 2–

(a) for the definition of “Class C permit” substitute–

““Class C permit” means a permission to fish underwater with or without a weapon issued in accordance with regulations 19 to 22;” ; and

(b) in the definition of “fishing” substitute “spear fishing” with “underwater fishing with or without a weapon”.

(3) In regulation 10–

(a) for the heading substitute–

“Categories of Class A permits and restrictions.”;

(b) for subregulation (1) (1) (erroneously referred to as (1) (1)) substitute–

“(1) Class A permits shall be categorised depending on the maximum allowable number of hooks used at any point in time as set out below–

- (a) Class A1 permits shall allow a maximum number of 600 hooks but only of hook sizes 8-13.
- (b) Class A2 permits shall allow a maximum number of 300 hooks but only of hook sizes 2-7.
- (c) Class A3 permits shall allow a maximum number of 40 hooks of any hook size.”;

(c) delete subregulation (3)(a) and renumber paragraphs (b) to (d) as paragraphs (a) to (c).

(4) For regulation 12(1) substitute–

“(1) Fishing with longlines shall not be permissible during such periods and times and specific areas as the Minister may specify by notice in the Gazette.”.

(5) For regulation 15(5) substitute–

“(5) Non-residents may apply for a temporary Class B1 (fishing from shore) or temporary Class B2 (fishing from a vessel) permit.”.

(6) In regulation 16–

(a) in subregulation (2) for “Class B” substitute “Class B1”; and

(b) for subregulations (3) and (4) substitute–

“(3) A temporary Class B2 permit shall be valid for a period of 3 months.

(4) A person may not apply for more than one temporary Class B1 permit per 3 calendar months.

- (5) The Authority shall ensure that no more than 20 temporary Class B1 and temporary 20 Class B2 permits will be in use on any given day.
- (6) Subject to regulation 16(7), a temporary Class B permit holder is only allowed no more than–
 - (a) 5 kilograms of fish; and
 - (b) one additional specimen.
- (7) Where there is more than one Class B2 permit holder on board a vessel at any point in time, no more than–
 - (a) 10 kilograms of fish; and
 - (b) one additional specimen, may be caught or held on board.”.
- (7) In regulation 19–
 - (a) for the heading substitute–

“Class C permits (Underwater fishing with or without a weapon).”; and
 - (b) in subregulation (1) for “spear fishing” substitute “underwater fishing with or without a weapon”.
- (8) After regulation 20(4) insert–
 - “(5) Subject to regulation 20(6), a temporary Class C permit holder is only allowed no more than–
 - (a) 5 kilograms of fish; and
 - (b) one additional specimen.
 - (6) Where there is more than one Class C permit holder on board a vessel at any point in time, no more than–
 - (a) 10 kilograms of fish; and

(b) one additional specimen, may be caught or held on board.”.

(9) In regulations 21(1)(e) and (f), (2)(a),(d) and (e) where ever the words “spearfishing” appear substitute “underwater fishing with or without a weapon”.

(10) After regulation 24(7)(d) insert–

“(e) shall only be issued upon payment of the prescribed fee.”.

(11) After regulation 25(2) insert–

“(3) Any Bluefin tuna caught whilst carrying out sports fishing activities must be released or, in the event of accidental death, must be handed over to the Authority.”.

(12) In regulation 26 for “or 24” substitute “,24 or 25”.

(13) In regulation 27(3) for “(c) a person may not apply for more than one temporary diving permit per 3 calendar months” substitute–

“(d) a person may not apply for more than one temporary diving permit per 3 calendar months;

(e) a Class F permit can be used to facilitate try dives only with prior authorization from the Authority.”.

(14) In regulation 29(6)(g) after “premises” insert “in Gibraltar”.

(15) After regulation 29(6) insert–

“(7) Class G permits shall only be issued upon payment of the prescribed fee.”.

(16) After regulation 33(7) insert–

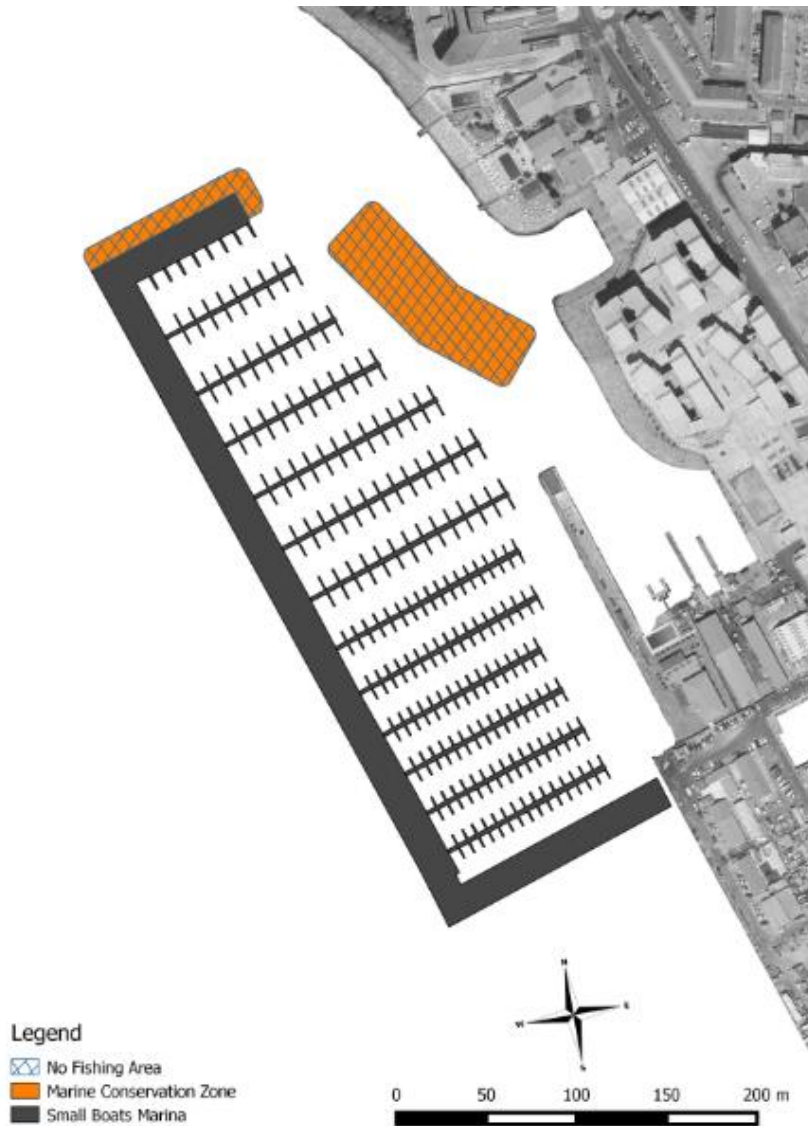
“(8) Class H permits shall only be issued upon payment of the prescribed fee.”.

(17) In regulation 38(2) for “spearfishing” substitute “fishing underwater with or without a weapon”.

(18) In Schedule 1 for the plan appearing under “Mid-Harbour Marine Conservation Zone” substitute the following plan-

“

Mid-Harbour Marine Conservation Zone



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Dated 16th June, 2016.

DR. J CORTES,
Minister with responsibility for the Environment,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Marine Protection Regulations 2014.

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