

CHAPTER 146.

SPONGE FISHERY.

TO PROVIDE FOR THE BETTER REGULATION OF THE
CYPRUS SPONGE FISHERY.

ARRANGEMENT OF SECTIONS.

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1949
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[12th May, 1890.]

Short title. 1. This Law may be cited as the Sponge Fishery Law.

PART I.

GRANTS OF EXCLUSIVE LICENCES.

Governor
may grant
exclusive
right.

2. The Governor, whenever he shall deem it expedient in the interest of the public revenue, may grant to any person or body of persons (hereinafter called the grantee) the exclusive licence to use vessels or boats in fishing for sponge on the coasts of Cyprus or on any specified part thereof, subject to such conditions as the Governor shall approve.

3. Every grant made under this Law shall be made in writing under the hand of the Governor and the official seal of the Colony, and may be made for any term not exceeding ten years.

Manner of making grants.

4. Every such grant shall provide for the payment by the grantee of an annual sum in respect of the licence, and shall specify the term for which and the part of the coast in respect of which the licence is granted, and the conditions upon which it is held.

Grant to specify rent, term, and conditions.

5. Before the making of any such grant the proposed grantee shall give such security as the Governor shall approve for the punctual payment of the annual sum reserved by the grant.

Security to be given by the grantee.

6. Every person who during the continuance of such grant shall use any vessel or boat for the purpose of fishing for sponge on any part of the coast in respect of which the grant has been made, without the permission of the grantee, shall be guilty of an offence; and for every such offence shall be liable to a fine not exceeding one hundred pounds; and all vessels and boats so used shall be liable to seizure and may be forfeited at the discretion of the Court before which the offence is tried.

Penalty for sponge fishing without permission.

One-half of every fine imposed and actually recovered under this section shall be paid to the grantee within the limits of whose grant the offence was committed.

PART II.

GENERAL LICENCES AND PENAL PROVISIONS.

7. It shall be unlawful for any person—
- (a) to fish for sponge within the territorial waters of Cyprus unless he is duly licensed in that behalf under the provisions of this Law; or
 - (b) to use any trawling or scratching apparatus or appliance of the like nature in fishing for sponge within the said waters, unless specially licensed so to do as hereinafter provided.

Illegal fishing for sponge.

8. The Governor may grant permission by special licence under his hand to any person to use any appliance specified in the licence for the taking of sponges within any part of the territorial waters of Cyprus, and may

Special licences.

annex to the licence any conditions he may consider expedient.

Every person who within the territorial waters of Cyprus acts contrary to any condition stated in such special licence or uses any appliance not specified therein shall be guilty of an offence against this Law.

Power of
Governor
to restrict
sponge
fishing.

9. The Governor may, not later than the 30th April in every year, specify, by proclamation published in the *Gazette*, the limits within which sponge fishing shall be carried on by persons duly licensed in that behalf during the year; and any person fishing for sponge in the territorial waters of Cyprus without those limits shall be guilty of an offence.

Offences.

10. The master and each member of the crew of any boat or vessel whereon or by means of which an offence against any of the provisions of the last three preceding sections is committed, shall be liable to a fine not exceeding twenty-five pounds, and the vessel or boat whereon or by means of which the offence was committed shall be forfeited, together with her tackle, apparel, and furniture:

Provided that no member of the crew of any boat or vessel shall be guilty of an offence against this Part of this Law by reason only of an act done in obedience to the master or person in charge of the boat or vessel.

Forfeiture
of sponge.

11. All sponge taken otherwise than in accordance with this Law or with the conditions of any licence issued under this Law shall remain and be the property of the Government.

Licences.

12. (1) The Governor in Council may prescribe the charges, terms and conditions under which licences enabling any persons to fish for sponge within the territorial waters of Cyprus may be granted, and may appoint such persons as he shall think fit to issue such licences.

(2) Any person committing a breach of or failing to comply with the terms of any licence granted under this Law shall be liable to a fine not exceeding one hundred pounds, without prejudice to any other penalty to which he may be liable:

Provided always that no person shall be punished twice for the same offence.

13. Any person having in his possession, custody, control, or disposition any sponge, knowing that it has been taken in contravention of this Law, shall be liable to a fine not exceeding twenty pounds and the sponge shall be forfeited.

Unlawful possession of sponge.

14. All sponge taken by any licensed boat within the territorial waters of the Colony and landed shall be declared at the nearest Custom House as having been so taken, and the quantity and value thereof shall be stated in the declaration. In default of such declaration, the sponge shall be presumed, in the absence of proof to the contrary, to have been taken beyond the territorial waters and to be liable to import duty.

Declaration of sponge landed.

15. Any Officer of Customs or any officer in command or charge of any vessel or boat in Her Majesty's Navy may, within the territorial waters of the Colony, detain, go on board, and search any vessel found fishing or which may reasonably be suspected to have been fishing or to be about to fish for sponge within the waters of the Colony.

Power to detain and search vessels.

Any unlicensed boat or vessel which may be found within the waters of Cyprus with freshly taken sponge on board shall be deemed to have committed an offence against this Law unless and until it is proved that the sponge was not in fact taken in contravention of this Law.

16. If any boat or vessel within the territorial waters of the Colony shall not bring to when required to do so by any boat or vessel in charge or command of an Officer of Her Majesty's Navy or of an Officer of Customs, the master of such first-named boat or vessel shall on conviction, pay a fine of ten pounds; and on such boat or vessel being chased by any boat or vessel in such charge or command as aforesaid, it shall be lawful for the officer in charge or command (having first caused a gun to be fired as a signal) to fire at or into the boat or vessels so chased as aforesaid; and any officer or other person acting on his order or by his direction shall be and is hereby indemnified and discharged from any prosecution, penalty, action or proceeding.

Duty of boats to bring to.