Subsidiary Legislation made under s. 13, 18 and 24.

TUNA PRESERVATION REGULATIONS 2014

(LN. 2014/184)

Commencement **30.10.2014**

Amending enactments	Relevant current provisions	Commencement date
LN. 2014/266	rr. 5(1)(a), (b), (c), (1A)	22.12.2014
2015/084	r. 6(i) & Sch. 1	11.6.2015
2017/144	r. 10A	13.7.2017

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TUNA PRESERVATION REGULATIONS 2014

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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 Tuna Preservation Regulations 2014 and come into operation on the day of publication.

Scope.

2.(1) With a view to the protection of wild tuna these Regulations provide for their exploitation in a manner consistent with scientific principles of preservation and conservation and in accordance with any applicable international obligations.

(2) Nothing in these Regulations shall operate to–

(a) restrict the movement of, or activity from, a vessel operated by or on behalf of the Royal Gibraltar Police, the Collector of Customs, the Defence Police, the Fire Service, the Ministry of Defence, the Department of the Environment, the Borders and Coastguard Agency, the Captain of the Port or a Government Department or Agency designated by the Minister or to require that a permit, approval or consent have been applied for or issued or given, as the case may be, to any of those vessels;

(b) make unlawful anything done for the purpose of securing the safety of any vessel, or preventing damage to any vessel or cargo, or saving life.

3. These Regulations apply to any land covered (continuously or intermittently) by waters and all of the sea within BGTW.

Interpretation.

4. In these Regulations–

"Act" means the Nature Protection Act 1991 and a reference to a section, without more, shall be a reference to a section in that Act;

"the Authority" means the Minister with responsibility for the Environment or such person as may be appointed by him from time to time to be the Authority;

"closed season" means that period during which fishing is not permitted;

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"fishing" means the taking or killing of tuna from a vessel;

"open season" means that period when fishing is permitted;

"total allowable catch" and "TAC" have the meaning given in regulation 8;

"tuna" means a fish falling within the descriptions set out in the first and second columns of Schedule 1.

Tuna fishing permit.

5.(1) Tuna fishing permits may only be issued to–

(a) persons who are resident in Gibraltar;

(b) who prove to the satisfaction of the Authority that they own a vessel which is registered in Gibraltar; and

(c) co-users of that vessel, where the owner has made a declaration to that effect and in the form required by the Authority.

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(1A) The Authority may limit the number of co-users in respect of which a declaration under subregulation (1)(c) may be made.

(2) For the purposes of issuing a permit under subregulation (1) an applicant must, to the satisfaction of the Authority, provide-

(a) proof of address; and

(b) the vessel's registration document.

(3) A tuna fishing permit may be refused if the applicant has been convicted of an offence under the Act or any subsidiary legislation made thereunder, has had a tuna fishing permit revoked or if he has previously breached the conditions of a tuna fishing permit.

(4) A tuna fishing permit shall be valid for 3 years unless it is revoked.

Conditions applicable to all tuna fishing permits.

6. The following conditions are applicable to all permits issued under regulation 4–

(a) fishing is not allowed by any means prohibited under section 10 of the Act and is also not allowed by means of long lines;

(b) only 1 tuna may be landed per day and that tuna must conform to the minimum weight, and where applicable, fork length set out in Schedule 1;

(c) only 1 tuna may be retained aboard a vessel at any one time;

(d) no more than–

(i) 2 rods or lines may be used per person at any one time;

(ii) 6 rods or lines may be used from the vessel at any one time;

(iii) 1 lure may be used on a rod or line;

(e) in addition to the holder of a tuna fishing permit a maximum of 2 other persons may fish for tuna aboard a vessel;

(f) the permit holder must make a declaration to the Authority in the form provided in Schedule 2 on each occasion that he lands tuna in Gibraltar;

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(g) tuna caught by a permit holder may not be transhipped to any other vessel;

(h) the permit holder must carry the permit at all times when he is fishing;

(i) any tuna landed in Gibraltar must be in one piece.

Additional conditions.

7.(1) A permit may at any time provide for further conditions, as the Authority deems fit, including conditions where the permit holder intends to undertake tag and release fishing.

(2) For the purposes of obtaining data regarding tuna the Authority may require permit holders to provide such information as it deems necessary.

Exemption for certain imports.

8. These Regulations do not apply to tuna lawfully imported into Gibraltar-

(a) at a place designated under section 20 of the Imports and Exports Act 1986; and

(b) in accordance with a valid trade licence that permits the sale of tuna.

Total Allowable Catches (TACs).

9. The total allowable catch (TAC) for the tuna species set out in Schedule 1 may be set by the Authority by notice in the Gazette, after consultation with the Nature Conservancy Council, and may be amended from time to time as deemed necessary.

Open and closed seasons.

10.(1) Fishing shall be permissible only during such periods as the Minister shall specify by notice in the Gazette (the "open season") any fishing outside such period (the "closed season") is prohibited.

(2) The Minister shall have the power, by further notice in the Gazette, to close the open season before published date where the TAC for a particular species has been reached.

Suspension of Open Season.

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10A.(1) Without prejudice to the powers in regulation 10, the Minister may by notice in the Gazette suspend fishing (a technical stop notice) during any period which falls within a period that has been declared to be an open season.

(2) For the purposes of regulation 15 a person who fishes tuna during a period where an open season is suspended that person shall be deemed to be fishing in the closed season and may be proceeded against accordingly.

Study of tuna.

11.(1) In order to carry out the objectives of these Regulations the Authority shall be responsible for the study of the populations of tuna and such other species of fish exploited in tuna fishing in BGTW, such study shall include–

(a) research on the abundance, biometry and ecology of the fishes;

(b) the oceanography of their environment; and

(c) the effects of natural and human factors upon their abundance.

(2) The carrying out of the provisions in subregulation (1) shall include-

(a) collecting and analysing statistical information relating to the current conditions and trends of tuna species in BGTW;

(b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna in BGTW.

Duplicate permits etc.

12. If a permit is lost or damaged, the holder may apply in writing for a duplicate and, where the Authority is satisfied that the permit has been lost or damaged, it shall issue a duplicate to that holder on payment of such fee as the Authority may deem appropriate.

Duty to produce permit etc.

13. A police officer, warden or other duly authorised officer shall, whenever they consider it necessary, require a person to whom the Authority has issued a permit, as the case may be, to produce the permit or the evidence when in BGTW and carrying out or preparing to carry out or concluding the activity in respect of which the permit has been issued or given.

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Revocation of permit.

14. The Authority may revoke a permit where there has been a breach of a condition and the Authority considers that it would, in the circumstances, be appropriate to do so.

Offences and penalties.

15.(1) A person who–

(a) fishes tuna without a licence;

(b) fishes tuna in the closed season;

(c) breaches a condition of a licence;

(d) sells tuna caught during the closed season;

(e) provides information which is false in any material particular;

(f) obstructs a person in the execution of a duty provided for in these Regulations,

commits an offence.

(2) A person who commits an offence under subregulation (1) is liable−

(a) on summary conviction to a fine up to level 5 on the standard scale and a period of imprisonment not exceeding three months; or

(b) on conviction on indictment for a period of imprisonment not exceeding 2 years and a fine.

(3) When imposing a sentence the court may, if it deems fit, revoke a tuna fishing permit in addition to any other sanction it may impose.

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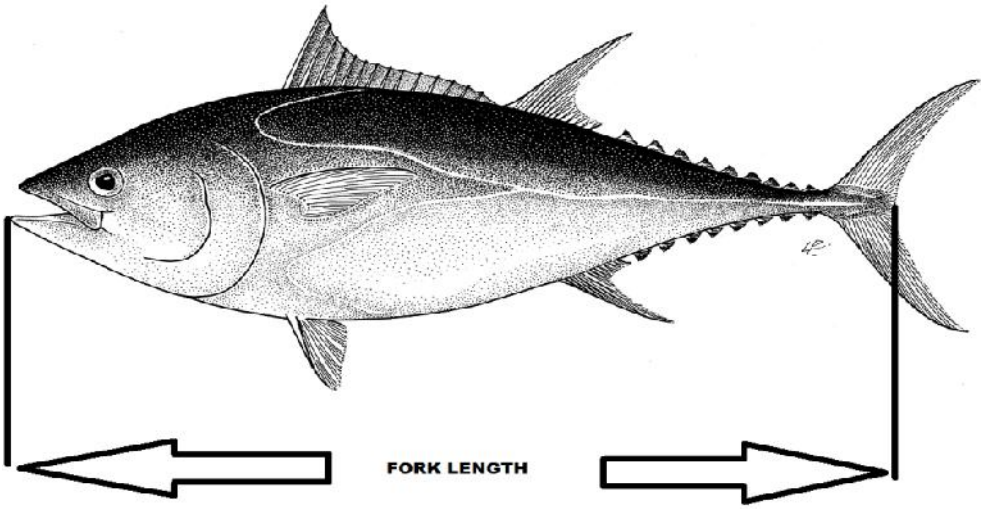
SCHEDULE 1

Common Name	**Scientific Name**	**Min.weight (Kg) / Fork length (cm)**
Atlantic Bluefin tuna	*Thunnus thynnus*	30kg and 115cm*
Albacore	*Thunnus alalunga*	15kg
Big-eye tuna	*Thunnus obesus*	40kg

*Fork length measured as depicted below:



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SCHEDULE 2

DECLARATION

I [insert name] being the holder of Tuna Fishing Permit [insert permit details] make the following declaration-

On [insert date] whilst fishing from motor vessel [insert vessel name and registration number] landed the following tuna-

TUNA SPECIES	TICK BOX
Atlantic Bluefin tuna *Thunnus thynnus*	
Albacore *Thunnus alalunga*	
Big-eye tuna *Thunnus obesus*	

The tuna weighed ……[insert weight]……..kilogrammes.

I have kept the tuna for personal consumption YES / NO*

*Delete as appropriate

I the undersigned acknowledge that the contents of this declaration are true and that it is an offence to provide information which is false in any material particular

Signed

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