

SPEAR GUNS (CONTROL) ORDER – SECTION 2

(Legal Notice 2 of 2006)

Commencement

[1 April 2006]

Short title and commencement

1. This order may be cited as the Spear Guns Control Order, 2006; and comes into force on 1 April 2006.

Interpretation

2. For the purpose of this order—
“**closed season**” means the period between 1 January and 31 March in any year;
“**prohibited area**” includes all of the areas set out in the Schedule to these Regulations;
“**scuba equipment**” includes any self-contained underwater breathing apparatus other than a snorkel;
“**snorkel**” means a device comprising a tube not more than eighteen inches long which enables any person, whilst completely or partially submerged beneath the water, to breathe natural air without the use of a compressor or any artificial substitute for natural air;
“**spear gun**” has the meaning attached to it by section 2(2) of the Spear Guns Control Ordinance.

Control of spear guns

3. (1) Except in accordance with an approval granted under section 4, no person shall—

- (a) while equipped with scuba equipment, use a spear gun for the purpose of taking any marine life in the territorial waters of St. Helena;
- (b) while equipped with a snorkel, use a spear gun for the purpose of taking any marine life in the territorial waters of St. Helena during a closed season;
- (c) during a closed season, have a spear gun in his possession on or within twenty metres of any tidal water or upon any beach or foreshore or while swimming or while in any vessel;
- (d) use or have in his possession, a spear gun, at any time, in a prohibited area.

(2) Where a spear gun is found upon any vessel, every person aboard that vessel shall be deemed, unless the contrary is proved, to have been in possession at all relevant times of the spear gun.

(3) (a) A person shall be deemed not to have committed an offence under clause 3(1)(d) of this Order, if he has a spear gun in his possession, on a vessel, solely for the purpose of conveying such spear gun through a prohibited area to an area that is not prohibited under this Order.

(b) The onus of proving that a person has a spear gun in his possession for the purpose mentioned in clause 3(3)(a) shall lie upon the person found in possession of the said spear gun.

Governor in Council may approve research

4. (1) The Governor in Council may grant approval, to suitably qualified persons, to carry on activities which otherwise would be in contravention of section 3, if he is satisfied that such approval is desirable for scientific purposes and would facilitate the collection of marine specimens in furtherance of such purpose.

(2) Any person who is granted an approval under this section shall, if so required as a condition of such approval, submit to the Governor in Council a report setting out the number and types of all marine specimens that are collected.

Revocation

5. The Spear Guns Control Order (as printed in Chapter 91 of the Revised Edition of the Laws) is revoked.

SCHEDULE**PROHIBITED AREAS**

AREA	DESCRIPTION
(1) Jamestown Harbour	All that area of coastal water enclosed by a line commencing at the edge of the Wharf by the middle landing steps thence along a line due west at 270° for fifty metres to an unmarked point thence due north for approximately one hundred and fifty metres to a second unmarked point thence along a line at 090° due east for approximately seventy five metres to a rock known as The Needles Eye thence in a generally southerly direction along the cliff edge of the Wharf to the starting point.
(2) Lemon Valley	All that area of coastal water comprised within a radius of fifty metres from the landing place.
(3) The Papanui Wreck	All that area of water surrounding the wreck to a radius of eight metres beyond all extremities.
(4) Between and including Long Ledge and Billy May's Revenge	All that area of coastal water enclosed by a line commencing at a point off the shoreline four hundred and ninety five metres (on a bearing of 228°) from Red Rock, thence along a bearing 320° for three hundred and fifty metres, thence along a bearing of 235° for seven hundred metres, thence along a bearing of 165° for approximately three hundred metres (to a point off the shoreline approximately ten metres to the South West of Billy May's Revenge) thence in a generally North Easterly direction along the shoreline back to the starting point.