

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

Marine Protection Regulations 2014

LN. 2014/180

		<i>Commencement</i>	1.1.2015
Amending enactments	Relevant current provisions	Commencement date	
LN. 2014/265	r. 8(2)(a)-(c), (2A)-(2B)		1.1.2015
2016/031	Sch. 1		25.2.2016
2016/070	Sch. 1		31.3.2016
2016/129	rr. 2, 10(1), 3, 12(1), 15(5), 16(2)-(7), 19(1), 20(5), (6), 21(1)(e), (f), 21(2)(a), (d), (e), 24(7)(e), 25(3), 26, 27(3)(d), (e), 29(6)(g), 29(7), 33(8), 38(2), Sch. 1		16.6.2016
2017/090	Schs. 2, 4		4.5.2017
2019/152	Schs. 2, 4		1.8.2019

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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.(1) These Regulations may be cited as the Marine Protection Regulations 2014.

(2) These Regulations shall come into operation on 1 January 2015.

Interpretation and application.

2.(1) In these Regulations and unless the context shall otherwise require—

“the Act” means the Nature Protection Act 1991;

“animal” shall have its zoological definition;

“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;

“BGTW” has the meaning given to it in section 2 of the Act;

“Class A permit” means a permission to fish with longlines issued in accordance with regulations 7 to 13;

“Class B permit” means a permission to fish with rods or lines issued in accordance with regulations 15 to 18;

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

“Class D permit” means a permission in relation to fishing competitions issued under regulation 23;

“Class E permit” means a permission to carry on the business of a sports fishing operator issued in accordance with regulations 24 to 26;

“Class F permit” means a permission to dive issued in accordance with regulation 27 to 28 and includes a temporary diving permit;

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“Class G permit” means a permission to carry on the business of a diving operator issued in accordance with regulations 29 to 32;

“Class H permit” means a permission to carry on the business as a dolphin tour operator in accordance with regulations 33 to 35;

“dive operator” means a person providing snorkelling or diving facilities for other persons for reward, involving entry into, or exit from, the water by means of a vessel or from the shore;

“dive vessel” means a vessel operated by a dive operator when such vessel is actually involved in dive work, including the transportation of snorkel divers or divers to and from the dive site;

“diver” means a person using or going equipped to use—

- (a) self-contained underwater breathing apparatus, or
- (b) any form of surface demand apparatus that supplies air to a person underwater;

“dolphin tour operator” means a person facilitating access to cetaceans to other persons for reward;

“dolphin vessel” means a vessel operated by a dolphin tour operator which is engaged in seeking, approaching, or following cetaceans (including the transportation of persons to and from cetaceans);

“fishing” means the taking or killing of any wild animal and includes fishing from a vessel, underwater fishing with or without a weapon, shore-based fishing, bait collection and any other form of fishing, and the collecting or gathering of marine animals;

“List A” means the list established pursuant to regulation 8;

“Marine Conservation Zone” means an area included in Schedule 1;

“marine nature area” means the area designated by an order issued under section 18(2) of the Act as a marine nature area;

“Special Zone” means any area within the marine nature area so designated under regulation 42;

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“temporary permit” means a permission authorising fishing or diving in circumstances specified in the permit during a period not exceeding 14 days (or as otherwise set out in the permit);

“warden” means a Wildlife Warden under section 44 of the Act.

- (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 designated as a marine nature area in accordance with section 18(2) of the Act.
- (4) To the extent that any fishing takes place from land, a reference in these Regulations to the marine nature area shall be deemed to include that land.

PART I : SPECIAL PROTECTION MEASURES

Protection of the marine environment

Protection of the marine environment.

3.(1) No person shall, except in accordance with a permission granted by the Authority under these Regulations, in the marine nature area—

- (a) hunt, shoot or capture any sea-living creature by any means;
- (b) collect or use anything spontaneously produced by wildlife;
- (c) introduce any animal or plant which is of a kind not ordinarily resident or which is not a regular visitor to Gibraltar, as the case may be; or

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- (d) subject to subregulation (2), take into, or use in, the marine nature area any type of firearm, air gun, spear gun, cross bow, bow and arrow or any type of weapon intended to project a missile or harpoon.

(2) Nothing in paragraph (d) of subregulation (1) shall affect the exercise of the right of passage by a vessel so long as any firearm, air gun, spear gun, cross bow, bow and arrow or other weapon intended to project a missile or harpoon present on a vessel exercising the right of passage shall not be used in or from the marine nature area.

Protection of the marine environment (additional matters).

4. No person shall, except in accordance with a permission granted by the Authority under these Regulations, in the marine nature area—

- (a) take by any method any plant, or plant product;
- (b) damage, destroy or remove any deposit, natural or artificial reef, revetment, sea wall or beach, or any part thereof that makes up the shoreline or sea-bed or is situated under the surface of the water whether in contact with the shore or offshore;
- (c) damage, destroy or remove any artefact of historic, scientific or cultural interest;
- (d) destroy, damage or injure any animal, plant or marine resource;
- (e) remove sand in significant quantities or for a commercial purpose;
- (f) remove rock, coral, or any other calcareous substance;
- (g) cause anchor-damage to coral and marine structures, living or dead, and associated marine, plant and animal life;
- (h) anchor vessels of more than fifteen metres other than outside an area or areas designated for that use under regulation 42;
- (i) engage in a mechanized water sport in any capacity other than outside an area or areas designated under regulation 42;
- (j) dump or deposit litter or refuse;
- (k) deposit any waste, whether toxic or otherwise;

- (l) deposit any item harmful to the natural environment or any unsightly item.

Species in need of special protection measures.

5.(1) The species listed in Schedule 2 shall be subject to the special protection measures set out in this regulation.

(2) The daily catch, retention on board, or landing of more than one specimen or more than one species listed in Schedule 2 is prohibited unless it is specifically permitted under the terms of a permit issued under these Regulations.

(3) All catches of species listed in Schedule 2 must be reported to the Authority within thirty days, in such form as the Authority requires.

(4) The Authority may, after consultation with the Nature Conservancy Council, at any time prohibit the landing or retaining on board of any species listed in Schedule 2.

Offences under this Part.

6. A person who is in breach of any obligation under regulations 3, 4 or 5, or of any condition subject to which a permission has been granted to that person, commits an offence.

PART II : PERMITS

Chapter 1

List for the purpose of fishing with longlines

Longlines.

7.(1) Fishing with longlines shall not be permissible other than subject to strict compliance with the provisions of this Chapter.

(2) A permission to fish with longlines granted pursuant to this Chapter shall be valid for a period of three years which may be renewable in the light of the available evidence on the sustainability of marine stocks within BGTW.

Establishment of List A.

8.(1) The Authority shall establish and maintain a list of vessels and owners of vessels who are permitted to fish in BGTW in accordance with regulation 7(1), hereafter "List A".

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(2) Any person who wishes to appear on List A shall provide to the Authority such information as the Authority shall reasonably require in order to establish List A and such information shall include the following—

- (a) the name, date of birth, address and identity card or passport number of the owners of the vessel;
- (b) the name and registration number of the vessel to be listed on behalf of those owners;
- (c) a photograph of the vessel to be listed on behalf of those owners;

(2A) The owner of a vessel may, by a declaration made in such form as the Authority requires, apply for the inclusion of co-users in List A, and in such a case List A shall be amended accordingly.

(2B) The Authority may limit the number of co-users that may be listed in respect of any vessel.

(3) Every owner of a vessel over the age of 16 who complies with subregulation (2) and whose name is entered on List A may be granted a permit by the Authority (a “Class A permit”) that will contain the information set out in subregulation (2).

(4) The Authority shall keep the following details on List A—

- (a) the name of each vessel;
- (b) the name of the owner of each vessel;
- (c) the registration number of the Class A permit granted;
- (d) such other matters as the Authority considers ought to be entered in List A, including any of the matters set out in subregulation (2).

(5) Any changes to a permit, including any temporary restriction or other amendment, shall be entered in List A.

(6) Any person may inspect List A on payment of the prescribed fee.

(7) Subject to subregulation (8), the Minister may by order published in the Gazette limit the number of vessels appearing in List A in any period.

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(8) The Minister may only make an order under subregulation (7) if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

Conditions in relation to the Class A permit.

9.(1) The Class A permit is granted exclusively to the cited owner of the vessel and, subject to subregulation (3), only in relation to fishing from the vessel listed on behalf of that owner.

(2) If, during the period referred to in regulation 7(2), the owner ceases, for whatever reason, to fish with longlines, the Class A permit shall be withdrawn and, in any event, will not be renewed on the renewal date.

(3) If, during that period, the vessel listed on behalf of an owner is unavailable for a sustained period of time or is no longer fit for purpose, the owner shall forthwith inform the Authority of the name and registration number of the replacement vessel and the owner may continue to fish with that replacement vessel.

(4) Any other conditions which the Authority may set.

Categories of Class A permits and restrictions.

10.(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.

(2) At no time shall any of the entrances of the Port, that is to say between the North Mole and the Detached Mole and between the South Mole and the Detached Mole, be obstructed nor will the passage of vessels be hindered in any way by vessels fishing with longlines.

(3) Fishing using longlines shall only be allowed subject to the following conditions—

(a) live baiting is not used save that this condition may be waived in relation to certain species, such waiver being set out in the permit itself;

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- (b) the soak time shall not exceed twelve hours;
- (c) a buoy allowing the specific identification of the vessel shall be used.

Total Allowable Catches (TACs) and Minimum Size of Catches.

11.(1) A total allowable catch (TAC) for individual species fished with longlines may be set by the Authority, after consultation with the Nature Conservancy Council, and may be amended from time to time.

(2) Fishing with longlines will not be allowed after such time as the Authority has determined that the TAC for that species has been reached.

(3) A monthly record of species fished with longlines shall be kept by the owner of the vessel and shall be notified to the Authority no later than 7 days after the month to which the record relates.

(4) All catches must conform to the minimum sizes stipulated in Schedule 4.

(5) Transhipment of catches between vessels is prohibited.

Permissible periods for fishing with longlines.

12.(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.

(2) The Minister shall, after consultation with the Nature Conservancy Council, have the power to terminate the fishing period published in the notice in the Gazette before the termination date stated in that notice where the TAC for a particular species has been reached as stipulated in regulation 11 (2).

Offences under this Chapter.

13. A person who is in breach of any obligation under regulations 7 to 12 or of any condition subject to which a permit has been granted to that person, commits an offence.

*Chapter 2
Other fishing permits etc.*

Other fishing permits.

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14. The Authority shall, by means of the system of permits set out in this Chapter, regulate fishing in the marine nature area with methods other than longlines.

Class B permits (fishing with rods or lines).

15.(1) Subject to the following provisions of these Regulations, a permit granted for the purposes of this regulation (a “Class B permit”) shall entitle the person to whom it was granted and no others to fish with rods or lines in accordance with the terms of the permit for such period as is so specified.

(2) In the following areas a Class B permit shall only permit shore fishing during the period 15 October to 15 April–

- (a) Eastern Beach;
- (b) Catalan Bay;
- (c) Sandy Bay only on the north and south groynes, but not within the area demarcated as “No Fishing” in the Eastern Marine Conservation Zone;
- (d) Camp Bay Pier;
- (e) Keys Promenade, including the wider concrete concourse and the south and north facing revetment of that wider concourse;
- (f) The parapet wall adjacent to the car park at Little Bay Beach; and
- (g) Little Bay Beach.

(3) Notwithstanding the conditions and prohibitions contained in regulation 17, the following conditions shall apply to any person angling from the areas described in regulation 15(2)–

- (a) to remove, when leaving the area, any refuse created by the person;
- (b) to have a first aid kit available (which may be shared with others);
- (c) to exercise due caution, especially in bad weather;
- (d) to permit inspections by authorised officers of the Department of the Environment and Environmental Agency and comply with any instructions by such officer after such inspection together with all lawful instructions of the Royal Gibraltar Police; and

- (e) to be responsible for any injury or damage, howsoever caused, and not to seek to attach liability for such injury or damage to the Government.
- (4) A full Class B permit shall only be issued upon proof of residency.
- (5) Non-residents may apply for a temporary Class B1 (fishing from shore) or temporary Class B2 (fishing from a vessel) permit.

Duration and restrictions.

- 16.(1) A full Class B permit shall be valid for a period of 3 years.
- (2) A temporary Class B1 permit shall be valid for a period of 14 days.
- (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.”.

Conditions and prohibitions.

- 17.(1) Notwithstanding the generality of regulation 15(1), a Class B permit shall not–

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- (a) entitle any person to fish in a manner contrary to the provisions of section 10 of the Act;
 - (b) confer any right to fish at a place or a time at which the permit holder is not otherwise entitled to fish;
 - (c) authorise the erection of any structure or the use of any installation or other thing for or in connection with fishing the erection or use of which would otherwise be illegal;
 - (d) allow the taking of any wild animal which is otherwise prohibited by the Act;
 - (e) allow the transshipment of catches between vessels;
 - (f) allow fishing in the hatched areas within the Marine Conservation Zone demarcated in Schedule 1.
- (2) A Class B permit shall be subject to the following conditions—
- (a) the maximum length of a fully assembled rod must not exceed 5 metres;
 - (b) no more than—
 - (i) 2 rods or lines may be used at any one time per permit holder;
 - (ii) 6 rods or lines may be used from a vessel at any one time.
 - (c) there shall be a maximum number of 12 hooks in total with the exception of lures save that this condition may be waived in relation to certain species, such waiver being set out in the permit itself;
 - (d) all catches must conform with the minimum fish sizes stipulated in Schedule 4;
 - (e) such conditions as are imposed in relation to the collection of species in need of special protection measures pursuant to regulation 5;
 - (f) no more than 2 electric reels shall be allowed;
 - (g) a record of fish caught or taken shall be kept by the permit holder and be made available for inspection by the Authority on request;
- (3) A Class B permit may include the following further conditions—

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- (a) as to the species of fish that may be fished or taken including where appropriate the dates during which fishing is prohibited or limited (and shall where appropriate include details of such prohibitions and limitations);
 - (b) as to the manner in which the person may fish including but not limited to the type of equipment which may be used and the number of hooks which may be used;
 - (c) setting a minimum landing size for fish generally or on a species by species basis;
 - (d) limiting fishing to a certain area or areas of the marine nature area;
 - (e) limiting the number of permit holders who may fish at any one time;
 - (f) notwithstanding subparagraph (a), prohibiting or otherwise limiting bait collection;
 - (g) limiting fishing to a set number of days on a weekly, monthly or annual basis or to certain days in each week, month or year;
 - (h) any other condition or conditions as may be specified after consultation with the Nature Conservancy Council.
- (4) Persons under fourteen years of age shall be deemed to hold a valid Class B permit subject to such other conditions as the Minister deems appropriate and which are published for this purpose by notice in the Gazette.

Limitation of Class B permits etc.

18.(1) Subject to subregulation (2), and such other limits as to the number of permits as may be contained in these Regulations, the Minister may, after consultation with the Nature Conservancy Council, by notice in the Gazette—

- (a) limit the number of Class B permits of any description to be issued pursuant to regulation 15 in any year; and
- (b) provide for the selection of the applicants to whom such permits are to be issued where the number of applications exceeds the number of permits which may be granted.

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(2) The Minister may exercise the power in subregulation (1) only in relation to permits for fishing of fish of any description if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

Class C permits (Underwater fishing with or without a weapon).

19.(1) Subject to the following provisions of these Regulations, a permit granted for the purposes of this regulation (a “Class C permit”) shall entitle the person to whom it was granted, and no others, to undertake underwater fishing with or without a weapon, in accordance with the terms of the permit, for such period as is so specified.

- (2) A full Class C permit shall only be issued upon proof of residency.
- (3) Non-residents may apply for a temporary Class C permit.
- (4) A Class C permit shall not be issued to any person under 16 years of age.

Duration and restrictions.

20.(1) A full Class C permit shall be valid for a period of 3 years.

- (2) A temporary Class C permit shall be valid for a period of 14 days.
- (3) A person may not apply for more than one temporary Class C permit per 3 calendar months.
- (4) The Authority shall ensure that no more than 5 temporary Class C permits may be in use on any given day.
- (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.

Conditions and prohibitions.

- 21.(1) Notwithstanding the generality of regulation 19(1), a Class C permit shall not—
- (a) entitle any person to fish in a manner contrary to the provisions of section 10 of the Act;
 - (b) confer any right to fish at a place or a time at which the permit holder is not otherwise entitled to fish;
 - (c) allow the taking of any wild animal which is otherwise prohibited by the Act;
 - (d) allow the transshipment of catches between vessels;
 - (e) allow underwater fishing with or without a weapon between the hours of sunset and sunrise;
 - (f) allow underwater fishing with or without a weapon in the hatched areas within the Marine Conservation Zone demarcated in Schedule 1;
- (2) A Class C permit shall be subject to the following conditions—
- (a) underwater fishing with or without a weapon shall be the only form of fishing permitted;
 - (b) the permit shall only be issued upon receipt of evidence of a valid medical certificate and insurance cover;
 - (c) such conditions as are imposed in relation to the collection of species in need of special protection measures pursuant to regulation 5;
 - (d) persons engaged in underwater fishing with or without a weapon shall require a demarcation buoy and may not use breathing apparatus;
 - (e) in the following areas underwater fishing with or without a weapon shall only be permitted during the period 15 October to 15 April—
 - (i) Eastern Beach;
 - (ii) Catalan Bay;

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- (iii) Sandy Bay;
 - (iv) Camp Bay;
 - (v) Little Bay;
 - (vi) Western Beach;
- (g) a record of fish caught or taken shall be kept by the permit holder and be made available for inspection by the Authority on request.
- (h) any other condition or conditions as may be specified after consultation with the Nature Conservancy Council.

Limitation of Class C permits etc.

22.(1) Subject to subregulation (2), and such other limits as to the number of permits as may be contained in these Regulations, the Minister may, after consultation with the Nature Conservancy Council, by order—

- (a) limit the number of Class C permits of any description to be issued pursuant to regulation 19 in any year; and
- (b) provide for the selection of the applicants to whom such permits are to be issued where the number of applications exceeds the number of permits which may be granted.

(2) The Minister may only make an order under subregulation (1) in relation to permits for fishing of fish of any description if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

Class D permits (fishing competitions).

23.(1) The Authority may permit bona fide fishing competitions in the marine nature area.

- (2) A permit issued under this regulation, (“a Class D permit”)—
- (a) shall be subject to the prohibitions set out in regulation 17(1)(a) to (f);
 - (b) shall be subject to the prohibitions set out in regulation 17(2)(g);
 - (c) may be subject to conditions set out in regulation 17(3)(a) to (h);

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(d) may be subject to additional conditions as the Authority deems appropriate.

Class E permits (sports fishing operator).

24.(1) The Authority shall by means of a system of permits regulate the carrying on of business as a sports fishing operator in the marine nature area.

(2) Subject to the following provisions of these Regulations, a permit granted for the purposes of this regulation (a “Class E permit”) shall entitle the person to whom it was granted to carry on business as a sports fishing operator in accordance with the terms of the permit for such period (up to a maximum of 12 months) as is specified in the permit.

(3) In these Regulations “carry on business as a sports fishing operator” shall include permitting or facilitating another person to fish from a vessel or from land and navigating a vessel with the intention of permitting or facilitating another person to fish.

(4) Prior to issuing a Class E permit, the Authority shall satisfy itself that the applicant is registered under Gibraltar law to provide such services and has experience and equipment suitable for the purpose of carrying on the permitted activity.

(5) Where a Class E permit is issued to a specific person the permit may specify named individuals who may carry on the business on behalf of that person, such permit is not transferable.

(6) Notwithstanding the generality of subregulation (2), a Class E permit may be subject to conditions which may include requirements with regards to—

- (a) the manner in which the business is operated;
- (b) the records to be maintained by the permit holder;
- (c) the equipment used in connection with the business (including the condition, maintenance, testing and certification of the same);
- (d) the personnel involved in the business;
- (e) health and safety issues (including accident reports and reporting, maintenance of best practice, the undertaking and recording of risk assessments, minimum levels of qualifications for operators and maximum fishing numbers);
- (f) insurance;

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- (g) the maintenance of adequate premises;
 - (h) limiting fishing to a certain area or areas;
 - (i) where it is intended to use a vessel as part of the business, imposing conditions on such use including with regards to the mooring and anchoring of the vessel.
- (7) A Class E permit—
- (a) shall be subject to the prohibitions set out in regulation 17(1)(a) to (f);
 - (b) shall be subject to the prohibitions set out in regulation 17(2)(g);
 - (c) may be subject to conditions set out in regulation 17(3)(a) to (h);
 - (d) may be subject to such other conditions as the Authority deems appropriate.
 - (e) shall only be issued upon payment of the prescribed fee.

Limitation of Class E permits etc.

25.(1) Subject to subregulation (2), the Minister may by order limit the number of Class E permits to be issued pursuant to regulation 24 in any year.

(2) The Minister may only make an order under subregulation (1) in relation to Class E permits if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

(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.

Offences under this Chapter.

26. A person who is in breach of any obligation under regulations 15, 16, 17, 19, 20, 21, 23, 24 or 25, or of any condition subject to which a permit has been granted to that person, commits an offence.

Chapter 3 Diving permits etc.

Class F permits (diving).

This version is out of date

27.(1) The Authority shall by means of a system of permits regulate diving in the marine nature area.

(2) Subject to the following provisions of these Regulations, a permit granted for the purposes of this regulation (a “Class F permit”) shall entitle the person to whom it was granted to dive in accordance with the terms of the permit for such period as is so specified.

(3) Notwithstanding the generality of subregulation (2)–

- (a) a Class F permit may include conditions related to health and safety and require the person to be in possession of relevant insurance and qualifications;
- (b) a full Class F permit shall be valid for a period of up to 3 years and may only be issued to persons who are resident in Gibraltar or who are members of a diving club registered in Gibraltar;
- (c) a temporary Class F permit shall be valid for a period of 14 days;
- (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.

Limitation of Class F permits etc.

28.(1) Subject to subregulation (2), the Minister may by notice in the Gazette limit the number of Class F permits of any description to be issued pursuant to regulation 27 in any year.

(2) The Minister may exercise the power in subregulation (1) only in relation to Class F permits if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

Class G permits (dive operator).

29.(1) The Authority shall by means of a system of permits regulate the carrying on of business as a dive operator in the marine nature area.

(2) Subject to the following provisions of these Regulations, a permit granted for the purposes of this regulation (a “Class G permit”) shall entitle the person to whom it was granted to carry on business as a dive operator in accordance with the terms of the permit for such period (up to a maximum of 12 months) as is specified in the permit.

This version is out of date

(3) In these Regulations “carry on business as a dive operator” shall include permitting or facilitating another person to dive or snorkel and navigating a vessel with the intention of permitting or facilitating another person to dive or snorkel from land or a vessel.

(4) Prior to issuing a Class G permit, the Authority shall satisfy itself that the applicant is registered under Gibraltar law to provide such services and has experience and equipment suitable for the purpose of carrying on the permitted activity.

(5) Where a Class G permit is issued to a specific person the permit may specify named individuals who may carry on the business on behalf of that person, such permit is not transferable.

(6) Notwithstanding the generality of subregulation (2) a Class G permit may be subject to conditions which may include requirements with regards to—

- (a) the manner in which the business is operated;
- (b) the records to be maintained by the business;
- (c) the equipment used in connection with the business (including the condition, maintenance, testing and certification of the same);
- (d) the personnel involved in the business;
- (e) health and safety issues (including accident reports and reporting, maintenance of best practice, the undertaking and recording of risk assessments, the manner of assessment of divers, minimum levels of qualifications for operators, minimum and maximum diving ages and maximum diving numbers);
- (f) insurance;
- (g) the maintenance of adequate premises in Gibraltar;
- (h) limiting diving to a certain area;
- (i) where it is intended to use a vessel as part of the business, imposing conditions on such use including with regards to the mooring and anchoring of the vessel.

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

Limitation of Class G permits etc.

30.(1) Subject to subregulation (2) the Minister may by notice in the Gazette limit the number of Class G permits of any description to be issued pursuant to regulation 29 in any year.

(2) The Minister may exercise the power in subregulation (1) only in relation to Class G permits if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

Conditions and prohibitions on Class F and Class G permits.

31. Notwithstanding the generality of regulations 27 and 29 no Class F or Class G permit shall—

- (a) entitle any person to kill or take a wild animal in a manner contrary to the provisions of section 10 of the Act;
- (b) confer any right to dive at a place or a time at which the permit holder is not otherwise entitled to dive;
- (c) authorise the erection of any structure or the use of any installation or other thing for or in connection with diving the erection or use of which would otherwise be illegal.

Offences under this Chapter.

32. A person who is in breach of any obligation under regulations 27, 29 or 31, or of any condition subject to which a permit has been granted to that person, commits an offence.

Chapter 4

Dolphin tour operator permits

Class H permits (dolphin tour operator).

33.(1) The Authority shall by means of a system of permits regulate the carrying on of business as a dolphin tour operator in the marine nature area.

(2) Subject to the following provisions of these Regulations, a permit granted for the purposes of this regulation (a “Class H permit”) shall entitle the person to whom it was granted to carry on business as a dolphin tour operator in accordance with the terms of the permit for such period (up to a maximum of 12 months) as is specified in the permit.

This version is out of date

(3) In these Regulations “carry on business as a dolphin tour operator” shall include permitting or facilitating another person to observe cetaceans and navigating a vessel with the intention of permitting or facilitating another person to observe cetaceans from the vessel.

(4) Prior to issuing a Class H permit, the Authority shall satisfy itself that the applicant is registered under Gibraltar law to provide such services and has experience and equipment suitable for the purpose of carrying on the permitted activity.

(5) Where a Class H permit is issued to a specific person the permit may specify named individuals who may carry on the business on behalf of that person, such permit is not transferable.

(6) Notwithstanding the generality of subregulation (2) a Class H permit may be subject to conditions which may include requirements with regards to—

- (a) the manner in which the business is operated;
- (b) the records to be maintained by the business;
- (c) the equipment used in connection with the business (including the condition, maintenance, testing and certification of the same);
- (d) the personnel involved in the business;
- (e) health and safety issues (including accident reports and reporting, maintenance of best practice, the undertaking and recording of risk assessments, minimum levels of qualifications for operators, and the maximum number of persons permitted on the vessel);
- (f) insurance;
- (g) conditions on the use of any vessel operated under the permit including with regards to the mooring and anchoring of it.

(7) The holder of a Class H permit shall comply with the Cetacean Protocol set out in Schedule 3.

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

Limitation of dolphin tour operator permits etc.

This version is out of date

34.(1) Subject to subregulation (2) the Minister may by notice in the Gazette limit the number of Class H permits of any description to be issued pursuant to regulation 33 in any year.

(2) The Minister may exercise the power in subregulation (1) only in relation to Class H permits if he is satisfied that it is necessary to do so for the purposes of protecting the marine or aquatic environment and its resources from significant harm.

Offences under this Chapter.

35. A person is guilty of an offence if, in any place in which acting as a dolphin tour operator is regulated under these Regulations, he acts as a dolphin tour operator and—

- (a) is not entitled to do so by virtue of a Class H permit, or
- (b) is acting in breach of any condition of such a permit.

Chapter 5
Permits : Additional Matters

Approval for the conduct of research.

36(1). Scientific study may be undertaken in the marine nature area only with the prior approval in writing of the Authority, after consultation with the Nature Conservancy Council, and subject—

- (a) to such conditions as the Authority may impose for the purpose of protecting the marine nature area;
- (b) to the requirement that—
 - (i) the results of such research shall be presented to the Authority; and
 - (ii) specimens may be collected only with the prior written approval of the Authority and in accordance with the terms of such consent and of any permit or permits as provided for under the Act.

(2) A person who contravenes the provisions of subregulation (1), or of any condition imposed pursuant to subregulation (1), commits an offence.

Unlawful alteration of permit / forging of permit etc.

This version is out of date

37.(1) Any person who, with intent to deceive, alters a permit or approval issued or given under these Regulations is guilty of an offence.

(2) It shall be an offence fraudulently to imitate, alter or use or fraudulently lend or allow to be used by any other person any permit or approval given under these Regulations.

Duty to produce permit etc.

38.(1) A police officer or a warden shall, whenever they consider it necessary, require a person to whom the Authority has issued a permit or approval, as the case may be, to produce the permit or the evidence when in the marine nature area and carrying out or preparing to carry out or concluding the activity in respect of which the permit or approval has been issued or given.

(2) In the case of a person who is diving or fishing underwater with or without a weapon, subregulation (1) shall be construed as requiring the production of the permit at the first available opportunity.

(3) A person who fails to comply with a requirement in subregulation (1) or (2) shall be guilty of an offence.

Application for permit etc.

39.(1) Applications for any permit or approval provided for in these Regulations shall be made to the Authority or to such person as the Authority may determine, in the form prescribed by the Authority for an initial permit, approval or consent, for any variation either by way of addition thereto, deletion therefrom or change in the terms or conditions and for renewal.

(2) The Authority may require from any person making an application for a permit or approval such information additional to that contained in the form of application as in the opinion of the Authority it may properly require to consider and determine the application and in the absence of such information being provided the Authority shall not be required to consider or determine the application.

Duplicate permits etc.

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

Duration of permit etc.

41.(1) A permit or approval shall be issued or given for and in respect of such period as the Authority shall see fit subject to any maximum period set out elsewhere in these Regulations with respect to any particular permit or approval.

(2) The Authority may revoke or suspend a permit or approval issued or given under these Regulations—

- (a) after consultation with the Nature Conservancy Council; or
- (b) where satisfied that there has been a breach of the permit or approval; or
- (c) where satisfied that the permit or approval holder has committed a breach of these Regulations.

(3) The Authority may, by notice to a permit holder, amend a permit issued under these Regulations after consultation with the Nature Conservancy Council.

(4) An amendment made under this regulation may—

- (a) limit the areas where fishing is permitted;
- (b) specify the species of fish or other marine organisms that may be fished or taken including where appropriate the dates during which the fishing for or taking of certain fish or other marine organisms is prohibited or limited (and shall where appropriate include details of such prohibitions and limitations).

(5) Where an amendment under subregulation (3) is made by the Authority and it is intended that the amendment affect all permits issued under these Regulations or all permits of a particular class issued under these Regulations, notice may be given to permit holders by notice published in the Gazette.

PART III : MANAGEMENT AND ENFORCEMENT.

Special Zones

Designation of Special Zones.

42.(1) Where the Authority is of the opinion after consultation with the Nature Conservancy Council that the following or any other activities should be prohibited from any part of the marine nature area—

This version is out of date

- (a) bathing;
- (b) access lanes;
- (c) aquatic sports either generally or by reference to a particular sport;
- (d) the anchoring or mooring of vessels,

then the Minister may, by notice in the Gazette designate such area as is specified in the notice as a Special Zone for the activity or activities so specified and no person shall carry on in that Zone any activity except in accordance with the terms of any designation in operation in respect of that Zone from time to time.

(2) Notwithstanding the generality of subregulation (1) the zones set out in Schedule 5 shall be deemed to be designated for the purposes of this regulation as Special Zones where the anchoring of vessels of more than ten metres is prohibited.

Access to the marine nature area.

43.(1) Notwithstanding the provisions of regulation 42, the Authority may, in its discretion and for the purpose of the good management of the marine nature area, close or restrict access to any part of the marine nature area, restrict the carrying on of any activity in any part of the marine nature area or restrict the use of any access lanes:

Provided that such closure or restriction shall not prohibit or restrict the exercise of the right of passage of any vessel other than a pleasure boat.

(2) Where in exercise of its powers under this regulation the Authority has closed or restricted access to any part of the marine nature area or to any access lane or restricted the carrying on of any activity in any part of the marine nature area, the Authority shall give adequate notice of that closure or restriction whether by signs, buoys or otherwise, and such notice shall indicate—

- (a) the area to which the closure or restriction applies;
- (b) whether or not the area is closed or if access is restricted or the carrying on of a particular activity or particular activities is restricted, the nature of the restriction; and
- (c) the period of time for which the closure or restriction is in operation.

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(3) Where, in accordance with the provisions of this regulation, the Authority has closed or restricted access to any area or access lane in the marine nature area or restricted the carrying on of any activity in any part of the marine nature area, no person shall enter in that area or into that access lane or carry on an activity, as the case may be, in contravention of the restriction, except in the exercise of the right of passage by a vessel other than a pleasure boat.

Wildlife Wardens etc.

Wildlife Wardens.

44.(1) Wardens shall carry out such duties in the marine nature area as the Authority shall specify and shall have the power, in the marine nature area, to require to stop any vessel or person who it appears to the warden has failed to comply with these Regulations and to require—

- (a) where a vessel is stopped, the person who appears to the warden to be in charge of that vessel to provide to the warden the permit issued to that person or details of the vessel including details of its ownership and registration and of the persons, including the person in charge, on board the vessel, diving from the vessel or being towed by the vessel;
- (b) in any other case, that person to give to the warden details of the person's name and address,

evidenced by, in the case of a vessel, the relevant registration documents, and in the case of any person falling within paragraph (a) or (b) the production of an identity card or passport.

(2) A warden shall in addition have in the marine nature area the powers specified in section 16 or any subsidiary legislation.

Powers of search etc.

45.(1) Any warden—

- (a) may examine any instrument or bait which he has reasonable cause to suspect of having been or being used or likely to be used in taking fish or other marine organism or any container which he has reasonable cause to suspect of having been used or likely to be used for holding any such instrument, bait, fish or other marine organism;

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- (b) may stop and search any boat or other vessel used in fishing in a marine nature area or any vessel or vehicle which he has reasonable cause to suspect of containing—
 - (i) fish or other marine organism;
 - (ii) any such instrument, bait or container as aforesaid;
 - (c) may inspect and obtain details of species, sizes and quantities of fish or other marine organisms which he has reasonable cause to suspect of having been obtained under a permit issued under these Regulations or in contravention of these Regulations;
 - (d) may seize any fish or marine organism (or a sample thereof) and any instrument, vessel, vehicle or other thing used, or of being likely to be used, in contravention of these Regulations.
- (2) If any person –
- (a) refuses to allow a warden to make any entry, search or examination which he is by this regulation authorised to make;
 - (b) refuses to allow a warden to seize anything which he is so authorised to seize;
 - (c) refuses to provide any information required to be provided to a warden under these Regulations or a permit issued under these Regulations; or
 - (d) resists or obstructs a warden in any such entry, search, examination or seizure,

that person shall be guilty of an offence.

Prosecution of offences and contraventions.

46.(1) If any person is found by a warden—

- (a) taking or killing any fish or marine organism where the taking or killing constitutes an offence under these Regulations;
- (b) on or near any waters with intent to take or kill any fish or marine organism where the taking or killing would constitute an offence under these Regulations;

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- (c) to have an instrument not permitted by these Regulations in his possession for the capture of any fish or marine organism, where the capture would constitute an offence under these Regulations; or
- (d) otherwise acting in contravention of these Regulations or a permit issued under these Regulations,

the warden may prosecute, conduct or defend before the Magistrates' Court any information, complaint, or other proceeding under these Regulations.

(2) It shall not be an objection to the competency of a warden to give evidence as a witness in any prosecution for an offence against these Regulations that the prosecution is brought at his instance or conducted by him.

Miscellaneous

Establishment of a Working Group.

47.(1) The Minister shall establish a Working Group for the purpose of discussing sustainable fishing in BGTW.

(2) The Minister shall convene the meetings of the Working Group and shall ensure that the Group meets on a regular basis, and at least twice a year.

(3) The Working Group shall consist of the following-

- (a) the Minister;
- (b) the Chief Executive Officer at the Government's Department of the Environment;
- (c) an Environment Officer at the Government's Department of the Environment;
- (d) a representative from the Gibraltar Ornithological and Natural History Society;
- (e) a representative from the Gibraltar Federation of Sea Anglers;
- (f) such other persons as the Minister shall designate and considers appropriate in the circumstances.

False and misleading information.

48. A person who—

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- (a) with a view to obtaining a permit under these Regulations; or
- (b) is required or is requested to provide information under any provision in these Regulations,

provides information, whether in a document or otherwise, which to his knowledge is or may be misleading, false or deceptive in any material particular, commits an offence.

Penalties.

49.(1) Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and 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.

(2) A court inquiring into the commission of an offence under these Regulations may, in addition to any penalty which may be imposed under subregulation (1), disqualify a person from holding a permit under these Regulations, for such period as it deems appropriate.

Sentencing guidelines.

50. In determining an appropriate sentence under regulation 50 the court shall have regard to the following matters—

- (a) the nature of the breach, in particular where the breach may be regarded as a technical infringement of limited consequence or of an administrative nature;
- (b) the steps taken to mitigate the effects of the commission of the offence;
- (c) whether the defendant's actions arose from the pursuit of a recreational or commercial activity, and if commercial, the court shall treat this as an aggravating factor;
- (d) whether the defendant acted dishonestly or tried to conceal any relevant facts or dispose of any evidence;
- (e) whether the defendant has been or is likely to be removed from List A.

Removal from List A.

51.(1) Subject to subregulation (3), the Authority may remove a person from List A where that person has failed to comply-

- (a) with the conditions of a permit; or
- (b) with any other provision in these Regulations,

and the Authority considers that it would, in the circumstances, be appropriate to do so.

(2) Subregulation (1) shall apply irrespective of whether or not such conduct also constitutes an offence.

(3) Before removal from List A the Authority shall give notice of its intention to remove that person from that list and shall allow that person to submit written reasons why he should not be removed from that list, within a period to be determined by the Authority.

(4) A person who is aggrieved by a decision to remove him from List A may appeal to the Magistrates' Court on a point of law within 21 days from the date of removal.

Provisions regarding tuna.

52. Nothing in these Regulations shall be construed as permitting the fishing, by whatever means, of the following tuna species-

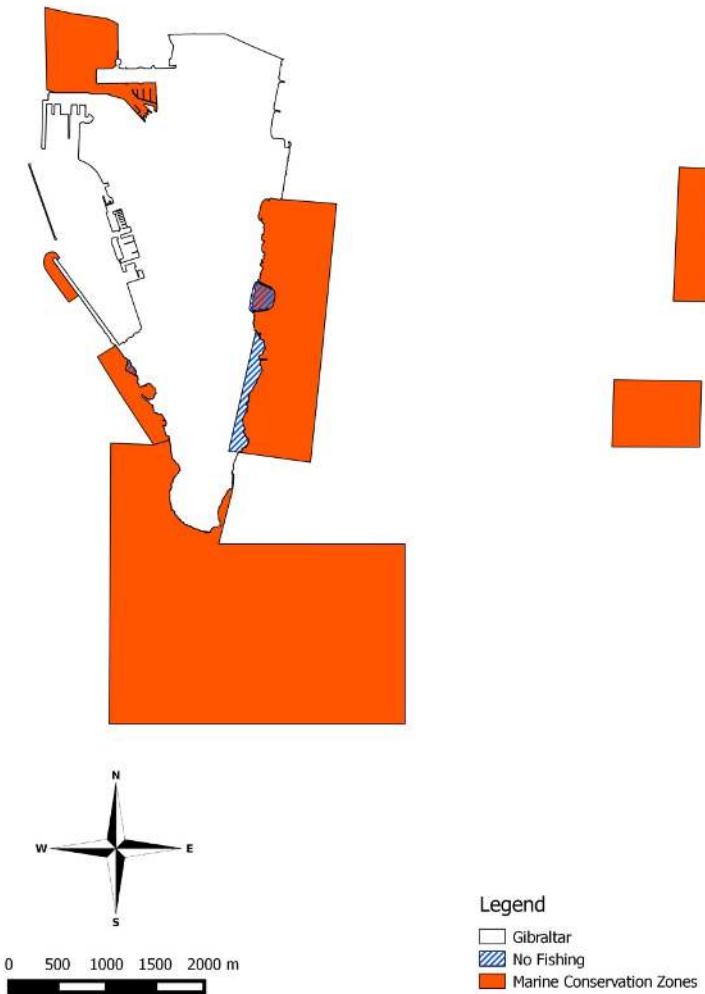
Common name	scientific name
Atlantic Bluefin tuna	<i>Thunnus thynnus</i>
Albacore	<i>Thunnus alalunga</i>
Big-eye tuna	<i>Thunnus obesus.</i>

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SCHEDULE 1

Regulations 2, 15, 17 and 21

Marine Conservation Zones



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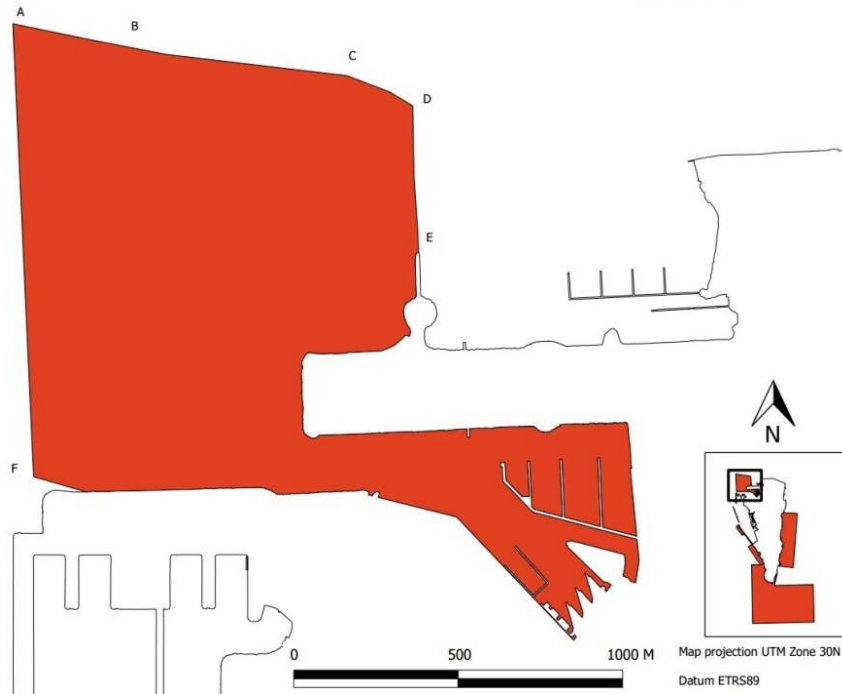
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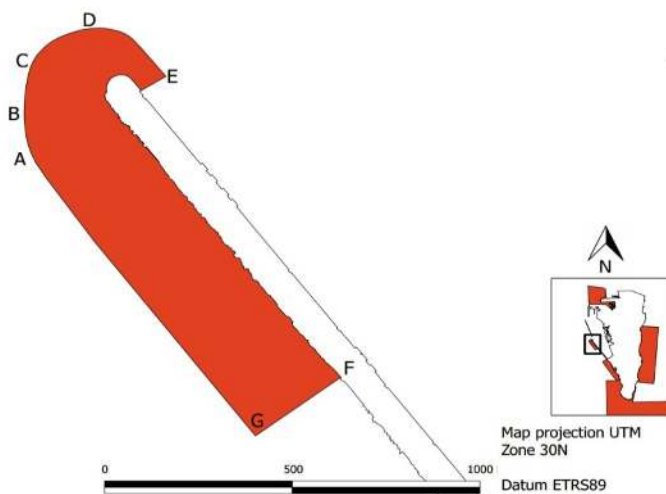
North West Marine Conservation Zone



Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Min sec	UTMX	UTMY
A	-5.365969	36.157101	-05°21'57"	36°09'26"	287166.258	4003967.823
B	-5.362864	36.156594	-05°21'46"	36°09'24"	287444.351	4003904.398
C	-5.359027	36.156233	-05°21'32"	36°09'22"	287788.309	4003855.610
D	-5.357649	36.1557	-05°21'28"	36°09'21"	287910.889	4003793.405
E	-5.357521	36.153234	-05°21'27"	36°09'12"	287915.768	4003519.581
F	-5.365545	36.14947	-05°21'56"	36°08'58"	287183.639	4003119.517

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South Mole Marine Conservation Zone



Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Min sec	UTMX	UTMY
A	-5.365257	36.133024	-05°21'55"	36°07'59"	287165.038	4001294.225
B	-5.365401	36.13351	-05°21'55"	36°08'01"	287153.451	4001348.502
C	-5.365284	36.134139	-05°21'55"	36°08'03"	287165.648	4001418.025
D	-5.364577	36.134521	-05°21'52"	36°08'04"	287230.293	4001458.885
E	-5.363585	36.133986	-05°21'49"	36°08'02"	287318.112	4001397.290
F	-5.361349	36.130578	-05°21'41"	36°07'50"	287510.216	4001014.302
G	-5.36244	36.129924	-05°21'45"	36°07'48"	287410.200	4000944.169

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Rosia Marine Conservation Zone



Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Min sec	UTMX	UTMY
A	-5.35919	36.129988	-05°21'33"	36°07'48"	287702.929	4000383.714
B	-5.357005	36.126051	-05°21'25"	36°07'34"	287888.935	4000502.635
C	-5.350764	36.117385	-05°21'03"	36°07'03"	288427.435	3999527.479
D	-5.352418	36.116967	-05°21'09"	36°07'01"	288277.411	3999484.789

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Co-ordinates of “No-Fishing/ No Anchoring Zone”

Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Minutes sec	UTM X	UTM Y
1	-5.357005	36.124595	-05°21'25"	36°07'28"	287884	4000341
2	-5.357303	36.124148	-05°21'26"	36°07'26"	287856	4000292
3	-5.355680	36.122269	-05°21'20"	36°07'20"	287997	4000080
4	-5.355104	36.122686	-05°21'18"	36°07'21"	288050	4000125

Southern Waters Marine Conservation Zone



Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Min sec	UTMX	UTMY
A	-5.357294	36.117012	-05°21'26"	36°07'01"	287838.622	3999500.341
B	-5.352422	36.11697	-05°21'09"	36°07'01"	288277.106	3999485.094
C	-5.343398	36.114717	-05°20'36"	36°06'53"	289083.333	3999215.539
D	-5.343227	36.114182	-05°20'36"	36°06'51 "	289097.359	3999155.773
E	-5.343323	36.112855	-05°20'36"	36°06'46"	289085.162	3999008.799
F	-5.344759	36.107858	-05°20'41"	36°06'28"	288942.457	3998457.491
G	-5.323622	36.108259	-05°19'25"	36°06'30"	290846.42	3998456.271
H	-5.323094	36.091713	-05°19'23"	36°05'30"	290850.079	3996619.392
I	-5.356707	36.091034	-05°21'24"	36°05'28"	287821.546	3996616.953

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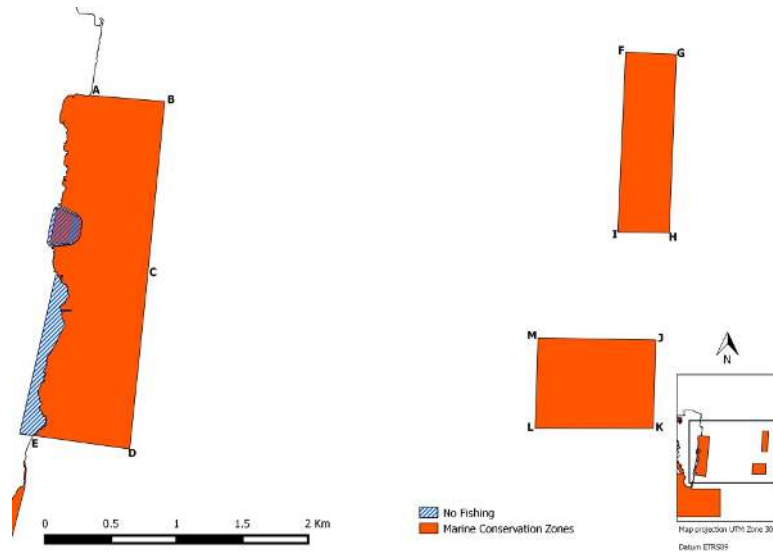
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Eastern Marine Conservation Zone



Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Min sec	UTMX	UTMY
A	-5.339778	36.139958	-05°20'23"	36°08'24"	289476.688	4002008.058
B	-5.332259	36.13961	-05°19'56"	36°08'23"	290152.406	4001953.172
C	-5.333338	36.12798	-05°20'00"	36°07'41"	290024.337	4000665.161
D	-5.334518	36.115688	-05°20'04"	36°06'56"	289885.29	3999303.968
E	-5.342644	36.116453	-05°20'34"	36°06'59"	289155.905	3999406.423
F	-5.2934	36.143758	-05°17'36"	36°08'38"	293660.284	4002330.061
G	-5.289087	36.143676	-05°17'21"	36°08'37"	294048.151	4002311.766
H	-5.289354	36.131413	-05°17'22"	36°07'53"	293992.044	4000951.792
I	-5.293703	36.131373	-05°17'37"	36°07'53"	293600.518	4000956.671
J	-5.290278	36.124035	-05°17'25"	36°07'27"	293889.589	4000135.198
K	-5.290304	36.117955	-05°17'25"	36°07'05"	293871.293	3999460.7
L	-5.300313	36.117785	-05°18'01"	36°07'04"	292969.93	3999463.14
M	-5.30025	36.123986	-05°18'01"	36°07'26"	292991.884	4000151.054

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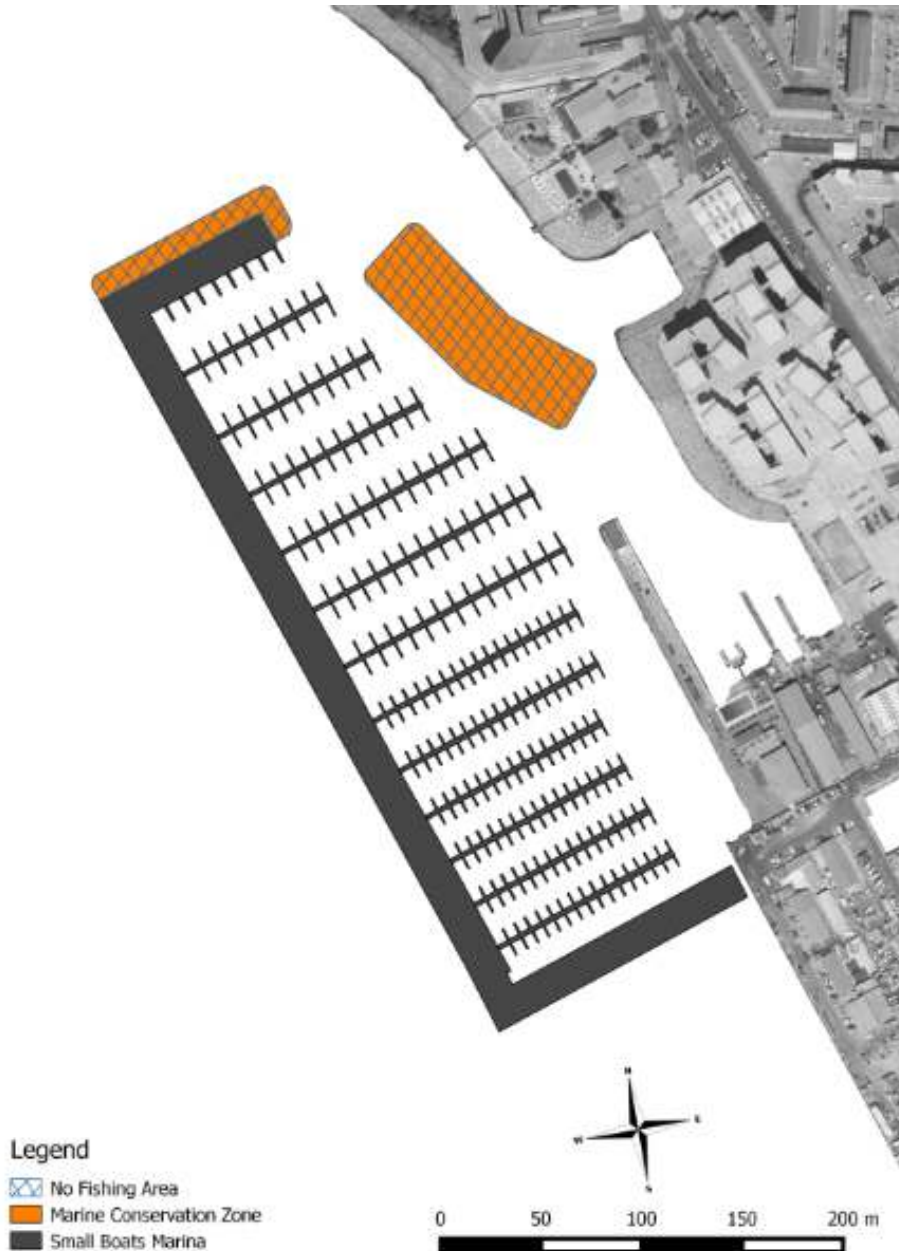
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Mid-Harbour Marine Conservation Zone



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SCHEDULE 2

Regulation 5

Species in need of special protection measures

The following species are subject to specific protection measures:

Xiphias gladius	(Swordfish)
Makaira spp.	(Marlins)
Tetrapturus spp.	(Spearfish)
Istiophorus albicans	(Atlantic Sailfish)
Merluccius merluccius	(European Hake)
Argyrosomus regius (L.)	(Meagre)
Homarus gammarus	(European Lobster)
Palinurus spp.	(Lobster spp.)

and such other species as the Minister may designate from time to time by notice for the purpose of this Schedule.

SCHEDULE 3**Regulation 33****Cetacean Protocol****1. Zonation.**

The Mobile Cetacean Conservation Area is defined as an imaginary cylinder of sea and air space with a 500m radius centred on the cetacean or group of cetaceans, with a height of 500m into the air and a depth of 60m under the sea. This protocol shall apply within this space.

Five zones are established within the Mobile Cetacean Conservation Area within which a specific code of conduct is set out depending on the distance from the animals under protection.

The Mobile Cetacean Conservation Area is made up of the following zones:

The Exclusion Zone has a radius of no less than 60m from the cetacean or group of cetaceans. Considering special requirements for the protection of cetaceans a larger exclusion zone may be defined by the relevant authorities.

The Restricted Access Zone is the area between the limit of the exclusion zone (60m) and the Approach Zone (300m).

The Approach Zone extends from the 300m limit of the Restricted Access Zone and the 500m limit of the Mobile Cetacean Conservation Area.

The Air Space is the space with a 500m radius centred on the cetacean or group of cetaceans and 500m into the air.

The Submarine Space is the space with a 500m radius centred on the cetacean or group of cetaceans and extending 60m beneath the surface.

2. General code of conduct.

Bathing and diving are prohibited in the Exclusion Zone.

Feeding of the animals is prohibited. No foodstuffs, drinks, waste, rubbish, litter or any other object, solid or liquid substance which may be harmful may be thrown into the sea.

Any physical contact between the animals and persons or vessels must be prevented and avoided.

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The free movement of the cetaceans must be permitted at all times and in all directions without limiting their freedom of movement by intercepting their trajectory, cutting across their path or passing through one of their groups.

It is prohibited to separate or disperse a group of cetaceans. Nothing and no-one must ever come between an adult and its young, unless this can be justified on grounds of safety or conservation of the species.

The Mobile Cetacean Conservation Area shall be left if there is any sign of alarm, discomfort or alteration of the behaviour of a cetacean or group of cetaceans, such as sudden changes in direction or speed, sudden jumps on approach, etc.

It is forbidden to produce noise or high pitched sounds which may disturb the animals, unless this is necessary for public safety or for the protection of cetaceans. The emission of sounds under the surface in order to attract or repel cetaceans is forbidden.

In the event of a vessel carrying out non-recreational activities being approached by cetaceans, the vessel shall continue without any abrupt changes or if possible, the activity shall stop. In all cases, the vessel shall act according to reasonable criteria in the best interests of the protection and conservation of the animals.

3. Code of conduct applicable to recreational vessels observing cetaceans within the Mobile Cetacean Conservation Area.

Sonar and depth sounders shall be turned off.

Vessels shall move at a constant speed no greater than four knots, or no greater than the slowest animal in the group except in the Exclusion Zone where the rules in section 4 apply. Once the observation is over, the vessel's speed shall not change until it is outside the Mobile Cetacean Conservation Area.

All approaches to cetaceans shall be gentle and convergent with the direction of movement of cetaceans, never at right angles to the direction of movement of the animals, nor from the front or behind, and must be at an angle of at least 30 degrees of their direction of movement. During periods of observation the vessel must continue on a parallel course, without abrupt changes in direction or speed.

When more than one vessel approaches the same cetacean or group of cetaceans simultaneously, these should co-ordinate their approach and manoeuvres by radio so that there will be a minimum impact on the animals.

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On turning off the engine and after starting up, it shall be maintained at neutral or out of gear for at least one minute. All changes in speed or revolutions of the engine shall always be carried out gradually and slowly.

The vessels shall never be put in reverse except in an emergency or to avoid a collision with another vessel or with a cetacean.

It is prohibited to navigate in a circle around a cetacean or group of cetaceans.

4. Specific regulations regarding recreational cetacean watching activities in the different zones:

In the Exclusion zone:

It is forbidden to enter or remain in this zone, except in emergency situations or for reasons of health and safety of persons or the conservation of species.

If the animals approach or appear within 60m of a vessel, the engine will be placed in neutral or stopped if possible.

It is forbidden to start the propeller or the engine while the animals are less than 60m of the vessel, and they may only be started up several minutes after the animals have started leaving the Exclusion Zone. In case of emergency the engine should be started slowly and any manoeuvre should be gradual and progressive, taking special care that no animals are near the propeller.

Only in the case that the cetaceans approaching the vessel are dolphins, the vessel need not be stopped. The vessel may continue moving maintaining its speed and course, without any sudden changes in speed or direction of movement.

In the Restricted Access Zone:

It is forbidden to enter this zone if the animals are feeding or moving away to maintain their distance.

It is forbidden to enter this zone if there are adults with young or young on their own.

Only one vessel may remain in this zone at any one time for a period no of more than 20 minutes. After this time the vessel must leave the Mobile Cetacean Conservation Area completely.

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Only two successive entries into this zone are allowed by two different vessels after which time the cetacean or group or cetaceans must not be approached for 30 minutes.

In the Approach Zone:

Only one vessel may remain in this zone awaiting entry into the Restricted Access Zone when one of the vessels then has to leave this zone on expiry of their 20 minutes. All vessels must be in continuous radio contact to co-ordinate their movements.

In the Air & Submarine Space:

Entry is prohibited into these zones.

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Common English Name	Common Spanish Name	Scientific Names	Min. Sizes (cm or Kg)
Amberjack	Pez de Limon	<i>Seriola dumerili</i>	32
Angler Fish/Monkfish	Rape	<i>Lophius spp.</i>	30
Bass/Seabass	Robalo / lubina	<i>Dicentrarchus labrax</i>	36
Bass Spotted	Baila	<i>Dicentrarchus punctatus</i>	30
Bass Stone / Wreck Fish	Cherna	<i>Polyprion americanus</i>	50
Blue Mouth	Alcantarillo / gallineta	<i>Helicolenus dactylopterus</i>	23
Bream Annular	Sargo amarillo	<i>Diplodus annularis</i>	18
Bream Black	Chopa	<i>Spondylisoma cantharus</i>	22
Bream Common Sea / Couch's	Pargo	<i>Pagrus pagrus</i>	28
Bream Dentex	Denton	<i>Dentex dentex</i>	30
Bream Gilthead	Dorada	<i>Sparus aurata</i>	32
Bream Hurta	Hurta	<i>Pagrus auriga</i>	30
Bream Pandora	Breca	<i>Pagellus erythrinus</i>	27
Bream Red	Voraz	<i>Pagellus bogaraveo</i>	21
Bream Saddled	Doblada	<i>Oblada melanura</i>	22
Bream Sama/Pink Dentex	Sama	<i>Dentex gibbosus</i>	32
Bream Saupé	Salema	<i>Sarpa salpa</i>	22
Bream Sheepshead	Sula	<i>Diplodus puntazzo</i>	24
Bream Soldier	Sargo soldado	<i>Diplodus cervinus cervinus</i>	24
Bream Striped	Herrera	<i>Lithognathus mormyrus</i>	21
Bream Two Banded	Testa negra	<i>Diplodus vulgaris</i>	22
Bream White	Sargo	<i>Diplodus sargus</i>	22
Comber	Serrano	<i>Serranus cabrilla</i>	19
Comber, Black Tailed	Serrana	<i>Serranus atricauda</i>	21
Comber, Painted	Vaquilla	<i>Serranus scriba</i>	21
Conger Eel	Safio	<i>Conger conger</i>	120
Derbio/Pompano	Palometa	<i>Trachinotus ovatus</i>	24
Dolphin Fish/Mahi Mahi	Dorado	<i>Coryphaena hippurus</i>	32
Garfish	Aguja	<i>Belone belone</i>	32
Greater Forkbeard	Molla/Brotola	<i>Phycis blennoides</i>	25
Grouper Comb	Verdosa	<i>Mycteroperca rubra</i>	40

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Grouper Dusky	Mero	<i>Epinephelus marginatus</i>	40
Grouper Pointed Nose / Golden	Abadejo	<i>Epinephelus fasciatus</i>	40
Grunt	Besugo Roncador	<i>Pomadasys incisus</i>	21
Grunt Rubber-Lipped	Borriquete	<i>Plectorhinchus mediterraneus</i>	21
Grunt Striped	Javali	<i>Parapristipoma octolineatum</i>	21
Gurnard Red	Rubio Rojo	<i>Chelidonichthys cuculus</i>	20
Gurnard Tub	Rubio	<i>Chelidonichthys lucerna</i>	20
Gurnards Streaked	Rubio	<i>Trigloporus lastoviza</i>	20
John Dory	Gallo	<i>Zeus faber</i>	30
Meagre	Corvina	<i>Argyrosomus regius</i>	50
Mediterranean Barracuda	Espeton	<i>Sphyraena sphyraena</i>	21
Mullet Flat Head/Grey	Lisa	<i>Mugil cephalus</i>	35
Mullet Golden Grey	Lisa	<i>Liza aurata</i>	35
Mullet Thick Lipped	Lisa	<i>Chezon labrosus</i>	35
Mullet, Red	Salmonete de roca	<i>Mullus surmuletus</i>	21
Mullet, Red	Salmonete de fango	<i>Mullus barbatus</i>	21
Picarel	Lunar de Cristo	<i>Spicara maena</i>	19
Puffer Fish	Pez Globo	<i>Lagocephalus lagocephalus</i>	20
Scabbard Fish	Pez Sable	<i>Lepidopus caudatus</i>	52
Scorpion Fish	Rascasio	<i>Scorpaena porcus</i>	22
Scorpion Fish Greater	Capon	<i>Scorpaena scrofa</i>	22
Stargazer	Rata	<i>Uranoscopus scaber</i>	20
Swordfish	Pez espada	<i>Xiphias gladius</i>	90**
Trigger Fish	Pez Escopeta	<i>Balistes capriscus</i>	28
Turbot	Rodaballo	<i>Scophthalmus maximus</i>	30
Weaver – Greater	Arana	<i>Trachinus draco</i>	22
Weaver – Spotted/streaked	Arana	<i>Trachinus araneus</i>	22
Weaver – Starry	Arana	<i>Trachinus radiatus</i>	22
Wrasse Ballan	Bodion tordo	<i>Labrus bergylta</i>	24
Wrasse Green	Bodion verde	<i>Labrus viridis</i>	24
Wrasse Painted	Bodion pintado	<i>Symphodus tinca</i>	24

Notes:

1. Fish to be measured from the tip of the nose to the outer most tip or edge of the tail fin.
2. *Indicates minimum weight.
3. **Excluding the sword.

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Minimum Mollusc Sizes

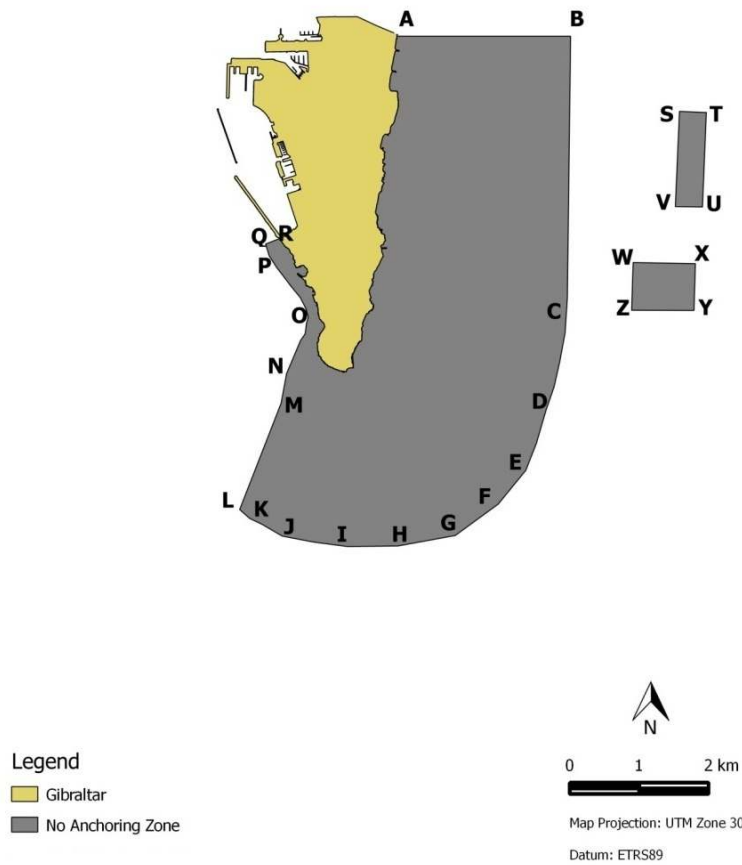
Common English Name	Common Local Spanish Name	Scientific Names	Axis	Minimum Size (mm or Kg)
Octopus Common	Pulpo	<i>Octopus vulgaris</i>	-	1.5kg
Grooved carpet shell	Almeja fina	<i>Venerupis decussata</i>	AP	40mm
Pullet carpet shell	Madrealmeja, Almeja babosa	<i>Venerupis corrugata</i>	AP	38mm
Banded carpet shell	Almeja chocha	<i>Polititapes vergineus</i>	AP	35mm
Golden carpet shell	Pirulo	<i>Polititapes aureus</i>	AP	35mm
Striped venus	Chirla	<i>Chamelea gallina</i>	AP	25mm
Surf clam	Clica	<i>Spisula solida</i>	AP	30mm
Donax	Coquina	<i>Donax trunculus</i>	AP	25mm
Smooth clam/Brown venus	Concha fina	<i>Callista chione</i>	AP	60mm
Warty venus	Escupiña grabada, Almejón, Bolo	<i>Venus verrucosa</i>	AP	50mm
-	Almeja tonta	<i>Glycimeris nummaria</i>	AP	50mm
Rayed artemis	Reloj, Medallón	<i>Dosinia exoleta</i>	AP	40mm
Razor clam	Longueirón, Navaja	<i>Solen marginatus</i>	AP	75mm
Peppery furrow shell	Coquina de fango	<i>Scrobicularia plana</i>	AP	35mm
Great scallop” or “king scallop	Vieira, Peregrina	<i>Pecten maximus</i>	AP	100mm
Common cockle	Berberecho	<i>Cerastoderma edule</i>	DV	24mm
Rough cockle	Corruco	<i>Acanthocardia tuberculata</i>	DV	45mm
Portuguese oyster	Ostión	<i>Crassostrea angulata</i>	DV	60mm
Purple dye murex	Canilla	<i>Bolinus brandaris</i>	*	70mm
-	Búsano	<i>Hexaplex trunculus</i>	*	60mm
Axis type	* From the apex to the end of siphonal channel			
AP: anteroposterior axis				
DV: dorsoventral axis				

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SCHEDULE 5

Regulation 42

No Anchoring Zones in British Gibraltar Territorial Waters



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Point	Latitude Decimal	Longitude Decimal	Latitude Degrees Min sec	Longitude Degrees Min sec	UTMX	UTMY
A	-5.338927	36.152624	-05°20'20"	36°09'09"	289587.119	4003411.423
B	-5.311109	36.153165	-05°18'40"	36°09'11"	292091.482	4003411.423
C	-5.310766	36.117436	-05°18'39"	36°07'03"	292028.058	3999446.765
D	-5.312523	36.107112	-05°18'45"	36°06'26"	291842.662	3998305.119
E	-5.316664	36.096829	-05°19'00"	36°05'49"	291442.598	3997173.231
F	-5.320976	36.092348	-05°19'16"	36°05'32"	291042.534	3996685.348
G	-5.327569	36.088087	-05°19'39"	36°05'17"	290437.559	3996226.739
H	-5.336513	36.086417	-05°20'11"	36°05'11"	289627.674	3996060.858
I	-5.344851	36.086254	-05°20'41"	36°05'11"	288876.334	3996060.858
J	-5.355506	36.087453	-05°21'20"	36°05'15"	287920.084	3996216.981
K	-5.360553	36.089552	-05°21'38"	36°05'22"	287471.232	3996460.922
L	-5.362269	36.090749	-05°21'44"	36°05'27"	287319.988	3996597.529
M	-5.356098	36.104547	-05°21'22"	36°06'16"	287912.766	3998114.845
N	-5.355348	36.108476	-05°21'19"	36°06'31"	287990.827	3998549.061
O	-5.352047	36.115884	-05°21'07"	36°06'57"	288307.951	3999363.825
P	-5.358573	36.123891	-05°21'31"	36°07'26"	287742.007	4000266.409
Q	-5.359129	36.125255	-05°21'33"	36°07'31"	287695.658	4000418.872
R	-5.356969	36.12599	-05°21'25"	36°07'34"	287892.031	4000495.713
S	-5.2934	36.143758	-05°17'36"	36°08'38"	293660.284	4002330.061
T	-5.289087	36.143676	-05°17'21"	36°08'37"	294048.151	4002311.766
U	-5.289354	36.131413	-05°17'22"	36°07'53"	293992.044	4000951.792
V	-5.293703	36.131373	-05°17'37"	36°07'53"	293600.518	4000956.671
W	-5.290278	36.124035	-05°17'25"	36°07'27"	293889.589	4000135.198
X	-5.290304	36.117955	-05°17'25"	36°07'05"	293871.293	3999460.7
Y	-5.300313	36.117785	-05°18'01"	36°07'04"	292969.93	3999463.14
Z	-5.30025	36.123986	-05°18'01"	36°07'26"	292991.884	4000151.054