

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5237 GIBRALTAR Thursday 26th June 2025

LEGAL NOTICE NO. 130 OF 2025

NATURE PROTECTION ACT 1991

TUNA PRESERVATION (AMENDMENT) REGULATIONS 2025

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

Title.

1. These Regulations may be cited as the Tuna Preservation (Amendment) Regulations 2025.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment to the Tuna Preservation Regulations 2014.

3. Re-number the existing regulation “4.” as “4.(1)”.

4. In the newly re-numbered regulation 4.(1)-

- (a) substitute the definition of “fishing” with-

““fishing” means the attempt, by any means, to take or kill a tuna, or the taking, killing or possession of a tuna from land, sea or any vessel;” ; and

- (b) after the definition of “open season” insert -

““possession” means to have tuna in your control, and shall be taken to include tuna on your person, as well as inside or attached to your vessel by any means;

“proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the Notice under regulation 16;

“tag and release fishing” means marking or attaching a tag to a tuna as part of a research programme that is approved by the Authority so that it can be identified on recapture;”

5. After the newly re-numbered regulation 4.(1) insert the following -

“4.(2) For the purposes of these Regulations, in determining whether an individual is fishing, unless a person is able to prove to the satisfaction of a duly authorised officer that he was not fishing, all persons found on board a vessel shall be deemed to be in possession of tuna.

4.(3) For the purposes of these Regulations, the definition of “possession” shall not include “tag and release fishing” with a valid tuna fishing permit pursuant to regulation 5.”

6. In regulation 15(1)-

(a) in subregulations (a) and (c) substitute “licence” with “valid tuna fishing permit pursuant to regulation 5”;

(b) in subregulation (f) substitute the “,” with “;or” ; and

(c) after subregulation (f) insert-

“(g) is in possession of tuna without a valid tuna fishing permit pursuant to regulation 5.”

7. After regulation 15(1) insert-

“(1A) Unless a person is the holder of a valid tuna fishing permit issued under regulation 5, it shall be an offence to be in possession of tuna within BGTW during open season or closed season.”

8. After regulation 15 insert-

“Fixed penalty notices for offences.

16.(1) Where a duly authorised officer has reason to believe that any person is committing or has committed an offence under these Regulations, he may issue that person with a fixed penalty notice (“a Notice”) offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) A Notice may be issued to a person under this Regulation by–

(a) handing it to him;

(b) addressing it to him and leaving it at his last known address; or

(c) sending it by registered post to him at his last known address.

(3) Where a person has been issued with a Notice in respect of an offence pursuant to these Regulations-

- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the service of that Notice; and
 - (b) he shall not be proceeded further against for that offence if he pays the fixed penalty before the expiration of that period.
- (4) A Notice shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state-
- (a) a reference to the Regulation creating the offence;
 - (b) the period during which, by virtue of subregulation (3), proceedings are not to be taken for the offence;
 - (c) the amount of the fixed penalty; and
 - (d) the address of the Clerk of the Magistrates' Court to whom the fixed penalty shall be paid, and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (5) The form of Notices is set out in Schedules 3 and 4.
- (6) The fixed penalty payable in pursuance of a Notice, shall be the amount specified for this purpose in Schedule 3, and, with respect to the sums received by the Clerk of the Magistrates' Court, those sums shall be paid to the Authority established under these Regulations.
- (7) In any proceedings, a certificate which-
- (a) purports to be signed by or on behalf of the Clerk of the Magistrates' Court; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate, shall be conclusive evidence of the facts stated.
- (8) It is an offence for anyone to refuse to supply his name or address or to refuse to accept this Notice from a duly authorised officer, or in any way deface or damage this Notice.

Fixed penalty rates.

- 17.(1) The fixed penalty for an offence described and listed in the second and third columns respectively of the table in Schedule 3 shall be that in the fourth column.
- (2) Only full amount of penalty to be accepted.

- (3) If less than the full amount of a fixed penalty payable on the date of payment is tendered to the Clerk in payment of the fixed penalty the Clerk shall, as soon as practicable, return to the sender the amount tendered.

Discounts for prompt payment.

- 18.(1) This Regulation applies where a person is served with a fixed penalty notice under these Regulations.
- (2) Where this regulation applies, a person who makes payment within 14 days of the fixed penalty notice being issued shall only be liable to pay 50% of the amount of the fixed penalty.”

9. After Schedule 2, insert the following-

“SCHEDULE 3

Regulations 16 and 17

FIXED PENALTY OFFENCES

Code	Description of Offence	Enactment	Fixed Penalty (£)	
1.	Fishing without a tuna fishing permit	Regulation 15(1)(a)	1000	<input type="checkbox"/>
2.	Fishing for tuna during closed season	Regulation 15(1)(b)	1000	<input type="checkbox"/>
3.	Breaching a condition of a tuna fishing permit under Regulation 6(a) - Fishing by means of long lines	Regulation 15(1)(c)	1000	<input type="checkbox"/>
4.	Breaching a condition of a tuna fishing permit under Regulation 6(b) - Landing more than 1 tuna on a single day	Regulation 15(1)(c)	1000	<input type="checkbox"/>
5.	Breaching a condition of a tuna fishing permit under Regulation 6(b) - Landing a tuna that does not conform to the minimum weight, or fork length set out in Schedule 1	Regulation 15(1)(c)	500	<input type="checkbox"/>
6.	Breaching a condition of a tuna fishing permit under Regulation 6(c) - Having more than 1 tuna retained aboard or attached to a vessel at any one time	Regulation 15(1)(c)	1000	<input type="checkbox"/>
7.	Breaching a condition of a tuna fishing permit under Regulation 6(d)(i) - More than 2 rods or lines being used from the vessel at any one time	Regulation 15(1)(c)	500	<input type="checkbox"/>
8.	Breaching a condition of a tuna fishing permit under Regulation 6(d)(ii) - More than 6 rods or lines being used from the vessel at any one time	Regulation 15(1)(c)	500	<input type="checkbox"/>
9.	Breaching a condition of a tuna fishing permit under Regulation 6(d)(iii) - More than 1 lure being used on a rod or line	Regulation 15(1)(c)	200	<input type="checkbox"/>
10.	Breaching a condition of a tuna fishing permit under Regulation 6(e) - In addition to the holder of a tuna fishing permit, more than 2 other persons fishing for tuna aboard a vessel	Regulation 15(1)(c)		<input type="checkbox"/>
11.	Breaching a condition of a tuna fishing permit under Regulation 6(f) - Failing to make a declaration to the Authority in the form provided in Schedule 2 on each occasion that a tuna has been landed in Gibraltar	Regulation 15(1)(c)	1000	<input type="checkbox"/>
12.	Breaching a condition of a tuna fishing permit under Regulation 6(f) - Tuna declared under Regulation 6(f) landed alive	Regulation 15(1)(c)	500	<input type="checkbox"/>
13.	Breaching a condition of a tuna fishing permit under Regulation 6(g) - Transshipping tuna on to another vessel	Regulation 15(1)(c)	500	<input type="checkbox"/>
14.	Breaching a condition of a tuna fishing permit under Regulation 6(h) - Failing to carry the permit whilst fishing	Regulation 15(1)(c)	200	<input type="checkbox"/>
15.	Breaching a condition of a tuna fishing permit under Regulation 6(i) - Landing tuna in Gibraltar that is not in one piece	Regulation 15(1)(c)	1000	<input type="checkbox"/>
16.	Breaching a condition of a tuna fishing permit under Regulation 6(j) - Fishing tuna other than from a Gibraltar registered vessel	Regulation 15(1)(c)	500	<input type="checkbox"/>
17.	Breaching a condition of a tuna fishing permit under Regulation 7(2) - Failing to provide a member of the Authority with data that is necessary for the purposes of obtaining data relating to tuna	Regulation 15(1)(c)	500	<input type="checkbox"/>
18.	Selling tuna during the closed season	Regulation 15(1)(d)	1000	<input type="checkbox"/>
19.	Providing information which is false in any material particular	Regulation 15(1)(e)	500	<input type="checkbox"/>
20.	Obstructing a person in the execution of a duty provided for in these Regulations	Regulation 15(1)(f)	500	<input type="checkbox"/>
21.	Being in possession of tuna without a tuna fishing permit	Regulation 15(1)(g)	1000	<input type="checkbox"/>

SCHEDULE 4

Regulations 16 and 17

NOTICE OF FIXED PENALTY
Environmental Protection and Rescue Unit
SECTION 16.(1) OF THE TUNA PRESERVATION REGULATIONS 2014
NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART 1

No.

Officer name: _____
Date of offence: _____ Time: _____ Hrs: _____
Surname: _____ Forenames: _____
Nationality: _____ ID Number: _____ Date of birth: _____
Address: _____
Coordinates: _____ Grid Ref: _____
Vessel name: _____ Reg No: _____
Make: _____ Model: _____
Occupation: _____
Place of Work: _____

Code(s)	Sum
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total £ _____	

Daylight/ Darkness/ Dusk

Weather – Dry/Rain/

Visuals - Clear/Fog/Mist/Spray/Other _____

Cautioned ☐

I _____ have cause to believe that the offence(s) stated above,
particulars of which are given, was being or had been committed on
Date _____ by the above named person.

Signature: _____ Rank: _____

Witnessed by: _____

Authority:

If before the end of 30 days from the above date, the sum of £ _____
(total sum for offences)(being the fixed penalty for the offence) is paid to the Clerk
of the Magistrates' Court, no proceedings will be taken for the offence(s) and any
liability to conviction for the offence will be discharged. A 50% discount shall be
applied if payment is made within 14 days from the above date. Payment must be
made to the Magistrates' Court whereupon a receipt for the payment will be given.
Part payment will not be accepted by the Clerk. The person paying the fixed
penalty must forward Part 2 of the Notice with the remittance. This Notice is
deemed to have been issued by: _____

- ☐ handing it to;
☐ addressing it to and leaving it at the last known address of
☐ or sending it by registered post at the last known address of
the person liable of the offence indicated above, on _____ (Date).

PART 2

No.

To the Clerk of the Magistrates' Court.

I enclose the sum of £ _____ representing payment of the fixed penalty for
the offence(s) as mentioned in Part 1 of the Notice

Date of Issue: _____

NAME: _____

ADDRESS: _____

”

Dated: 26th June 2025.

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

EXPLANATORY MEMORANDUM

These Regulations tighten controls in respect of fishing and the transit of tuna through BGTW during both open and closed season and introduce powers to issue Fixed Penalty Notices.