

Assented to in Her Majesty's name and on Her Majesty's behalf this 18th day of October, 2013.

Mark Capes
Governor



**ASCENSION
NO. 6 OF 2013**

Enacted..... 18th October 2013
Date of Commencement..... 18th October 2013
Published in the Gazette..... 18th October 2013

AN ORDINANCE

to protect and preserve the wildlife and habitat of Ascension.

Enacted by the Governor of Ascension after consultation with the Island Council of Ascension.

Citation

1. This Ordinance may be cited as the Wildlife Protection Ordinance, 2013.

Interpretation

2. In this ordinance unless the context otherwise requires—
“conservation” in relation to wildlife product includes restoration and enhancement of a population or habitat;
“fishing limits” means that part of the Atlantic Ocean extending to 200 nautical miles from the baseline from which the breadth of the territorial waters adjacent to the Island of Ascension is measured;
“miles” means international nautical miles of 1,852metres;
“prohibited wildlife product” means any wildlife product listed in the Schedule to this Ordinance and includes any wildlife product which is covered by an Order referred to in section 5;
“taking” in relation to any particular species of wildlife product includes, capturing, injuring, damaging or permanently removing from its natural habitat that wildlife product, and grammatical variations shall be construed accordingly;
“wildlife product” means any marine or land vertebrate or invertebrate or part or product derived therefrom, whether living or dead, and any marine or land plant whether living or dead and includes the eggs thereof.

Protected Wildlife Product

3. It shall be unlawful for any person to take, kill, trade or be in possession with intent to take, kill or trade any prohibited wildlife product, except under the authority of a wildlife research licence granted under section 4.

Protected Wildlife Research Licence

4. (1) The Administrator may grant any person a protected wildlife research licence provided he is satisfied that the purpose of the licence is to advance the conservation of the prohibited wildlife product concerned.

(2) The form and duration of a protected wildlife research licence shall be determined by the Administrator but in any case shall not be more than 12 months in duration and may be general or specific.

(3) Applicants for a protected wildlife research licence shall supply to the Administrator information as to the nature of the conservation work, the proposed duration, and any other information he may request and in such form as he may require.

(4) There shall be payable for and in respect of every protected wildlife research licence a fee in such sum as the Administrator may determine.

(5) If it appears to the Administrator to be necessary or expedient for the regulation of wildlife conservation a licence under this section -

(a) may be varied from time to time; and

(b) may be revoked or suspended.

(6) If a licence is varied, revoked or suspended the Administrator may, if he considers it appropriate in all circumstances of the case, refund the whole or part of any charge made for the licence.

(7) The Administrator may delegate his licensing powers under this section.

(8) Any person whose application for a protected wildlife research licence is refused or granted subject to conditions shall have the right to make written representations to the Governor.

(9) The Governor may, after considering any representations made under subsection (8), and acting in his discretion, either confirm or revoke the decision and may give such ancillary directions as he may deem appropriate.

Marine Protection: Power to declare prohibited areas and closed seasons

5. (1) The Administrator may, and if so directed by the Governor shall, from time to time by Order published in the *Gazette* declare—

(a) any area of the fishing limits to be a prohibited area—

(i) for the taking of any particular species or all species of wildlife products;

(ii) for the taking of any particular species or all species of wildlife products by particular means;

(b) any period to be a closed season for any particular species of wildlife product, either generally or in any particular area or areas of the fishing limits.

(2) A person commits an offence if he-

(a) fails to comply with the requirement of any Order made under this section;

(b) purchases or is in possession of any wildlife product during a period which is a closed season for that species of wildlife product unless he proves, the onus being on him, that the said wildlife product was not taken during the closed season or that

he did not know and took all reasonable steps to establish that the said wildlife product was not taken in the closed season.

Evidence

- 6.** Where any prohibited wildlife product is found upon any vessel within the fishing limits or in any vehicle—
- (a) all persons found on board that vessel or in that vehicle shall, unless the contrary is proved, be deemed to be in possession of that product; and
 - (b) that product shall, unless the contrary is proved, be deemed to have been taken on Ascension or within Ascension fishery limits.

Penalty and power of Magistrates' Court

7. (1) Any person who fails to comply with or contravenes any of the provisions of this Ordinance, or any subsidiary legislation made hereunder, shall be guilty of an offence for which the maximum penalty on conviction is a fine of £20, 000 or imprisonment for a term of 12 months, or both.

(2) In respect of offences charged under this Ordinance, or under any subsidiary legislation made hereunder, and notwithstanding the provisions of section 17 of the Magistrates' Court Ordinance, Cap. A19, the Magistrates' Court is hereby given extended jurisdiction to impose any fines up to those specified as maxima by this Ordinance.

Forfeitures

8. Where any person has been convicted of an offence against this Ordinance, or any subsidiary legislation, the court shall order forfeiture of any wildlife product or part thereof which has been the subject of such conviction, and the court may, in addition to any other penalty that may be imposed, order any vehicle, vessel, machine, instrument, apparatus, speargun, pole spear, fishing net, fishing rod, article or material which has been used in the commission of the offence to be forfeited.

Offence by body corporate

9. Where an offence under this Ordinance is committed by a body corporate and is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or of any person who was purporting to act in such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

Regulations

10. (1) The Governor may make Regulations generally for carrying the provisions of this Ordinance into effect.

(2) Whenever any wildlife product of Ascension appears to be threatened for whatever reason, the Governor may make Regulations for any such matters or things as may appear advisable for the prevention or mitigation of such threat.

Repeal

11. The Wildlife Protection Ordinance, Cap. A. 27, is repealed.

SCHEDULE

<i>Item no.</i>	<i>Common name</i>	<i>Scientific name</i>
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Reptiles

1	Green turtles	<i>Chelonia mydas</i>
2	Hawksbill turtles	<i>Eretmochelys imbricata</i>

Birds

3	Ascension Island frigate birds	<i>Fregata aquila</i>
4	Masked boobies	<i>Sula dactylatra</i>
5	Brown boobies	<i>Sula leucogaster</i>
6	Red-footed boobies	<i>Sula sula</i>
7	Sooty terns, also known as Wideawake terns	<i>Onychoprion fuscatus</i>
8	Fairy terns, also known as white terns	<i>Gygis alba</i>
9	Black noddies	<i>Anous minutus</i>
10	Brown noddies	<i>Anous stolidus</i>
11	Red-billed tropic birds	<i>Phaethon aethereus</i>
12	Yellow-billed tropic birds	<i>Phaethon lepturus</i>
13	Storm petrels	<i>Oceanodroma spp.</i>

Mammals

14	Bottlenose dolphin	<i>Tursiops truncatus</i>
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Fish

15	Whale shark	<i>Rhincodon typus</i>
16	Manta rays	<i>Manta spp.</i>
17	Ascension scorpionfish	<i>Scorpaena ascensionis</i>
18	Resplendent angelfish	<i>Centropyge resplendens</i>
19	Ascension hawkfish	<i>Amblycirrhitus earnshawi</i>
20	Lubbock's gregory also known as yellowtail damselfish	<i>Stegastes lubbocki</i>
21	St Helena wrasse	<i>Thalassoma sanctaehelenae</i>
22	Ascension wrasse	<i>Thalassoma ascensionis</i>
23	Ascension goby	<i>Priolepis ascensionis</i>
24	St Helena butterflyfish	<i>Chaetodon sanctaehelenae</i>
25	Bicolour butterflyfish also known as hedgehog butterflyfish	<i>Prognathodes dichrous</i>
26	Saint Helena sharpnose pufferfish	<i>Canthigaster sanctaehelenae</i>
27	Marmalade razorfish	<i>Xyrichtys blanchardi</i>

Invertebrates

28	Land crabs	<i>Johngarthia lagostoma</i>
29	Procaris shrimps	<i>Procaris ascensionis</i>
30	Typhlatya shrimps	<i>Typhlatya rogersi</i>
31	Female Spiny Lobster carrying eggs (berried female)	<i>Panulirus echinatus</i>
32	Giant pseudoscorpion	<i>Garypus titanius</i>

Plants

33	Ascension Island parsley fern	<i>Anogramma ascensionis</i>
34	Marattia fern	<i>Ptisana purpurascens</i>
35	Pteris fern	<i>Pteris adscensionis</i>
36	Xiphopteris fern	<i>Xiphopteris ascensionense</i>
37	Ascension Island spleenwort	<i>Asplenium ascensionis</i>
38	Ascension Island spurge	<i>Euphorbia origanoides</i>
39	Sporobolus grass	<i>Sporobolus caespitosus</i>

EXPLANATORY NOTE

(This explanatory note does not form part of the Ordinance)

This Ordinance introduces protection for certain wildlife on Ascension and in Ascension waters. It introduces scheduled prohibited wildlife products which require a licence before they may be taken or otherwise handled lawfully. It introduces a penalty for the unlawful taking, damage or destruction of prohibited wildlife. It also introduces a power for the Administrator to establish closed seasons for particular species, prohibited areas and or prohibited means of taking wildlife.