

Penguin News

FALKLAND ISLANDS

Ross Road, Stanley, Falkland Islands • Tel: 22684 Fax: 22238 • editor@penguinnews.co.fk • www.penguin-news.com • Every Friday

Vol 27 No 34 Price £1.50

Friday March 4, 2016



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£408,350 in fines for 45 breaches of fishing law

THE owners, charterers and masters of the fishing vessels *Playa Uno*, *Playa Dos* and *Playa de Tambo* have been fined a total of £408,350 for 45 offences breaching fishing legislation, in the Magistrates Court.

A confiscation order of £154,971.77 was also ordered against the vessel owners Pesquerias Marinenses SA as well as the value of the fish seized from *Playa Uno* and *Playa Dos*.

An agreement has been reached as to how the value of the seized fish will be calculated. The fish has been stored by SAAS at an estimated cost of £200,000 to Government to date.

The five defendants were each ordered to pay £2,000 costs with all to be paid within two months.

Guilty pleas were entered on Friday February 26, when Crown Prosecutor Stuart Walker offered no evidence on a further six charges relating to unlicensed fishing which if proven could have resulted in forfeit of the vessels estimated at a value of between £2.5 to £3 million each.

Given the early guilty pleas on the licence breach offences he said it was not in the public interest to pursue them further.

He said the guilty pleas now entered "reflected the criminality of the offences."

The vessels are chartered by local company FIBOW Ltd a subsidiary of Seafish Ltd.

When catch verification took place after they were brought in for inspection in July last year, *Playa Uno* and *Playa Dos* had been found to have nearly 100 tonnes more hake on board between them than had been declared and over 35 tonnes less rock cod than declared.

Under fishing legislation vessels are required to file accurate fishing commencement reports, the amount of fish currently stored on the vessel, and a fish end report as well as daily catch reports.

Pesquerias Marinenses SA was fined a total of £200,000 for two offences of fishing without a licence; 12 offences of providing false reports and one of the master of *Playa Dos* not holding a Overseas Master fishing licence.

FIBOW Ltd was fined a total of £190,000 for the same offences and as the charterer did not stand to receive any benefit from the false reporting, said Senior Magistrate Clare Faulds, adding however, "had the information been dealt with properly, would soon have realised that the reports

did not add up."

The Playa de Tambo (licensed to fish for skate) had reported more hake (1%) than it had actually caught but under reported on the rock cod, and the master, as the least serious offender, was fined £200 for each of the three offences of misreporting.

Playa Uno and *Dos* held restricted finfish licenses which did not include the more valuable hake and the masters were fined £9,500 and £8,250 respectively.

Senior Magistrate Clare Faulds said that the masters of *Playa Uno* and *Dos* had shown "cavalier attitudes" to the need to keep within the terms of licence and "worrying disregard," for the need to report accurately.

"It stretches credulity that these under-reporting of hake were

accidental or simple error," said Mrs Faulds.

This was a first offence for both owners and charterers who have operated in Falklands waters for some 19 years.

Director of Natural Resources John Barton commended the fishery officers and other staff within the Fisheries Department involved in getting the cases to this stage. "It involved a lot of detailed work," he told Penguin News.

Any decision on future licensing will be a decision for the Director of Natural Resources.

A further case relating to the Freirmar SA owned vessel *Figaro* which was investigated at the same time, is yet to be heard in Court.

Fun to be had way out West



Above: Youngsters enjoy the fun of the West Sports and Lee Molkenbuhr wins best peat cutter title. More information and photos in next week's Penguin News. Pictures Adele Pole-Evans