Sussex Inshore Fisheries and Conservation Authority MARINE AND COASTAL ACCESS ACT 2009 (c.23)

Marine Protected Areas Byelaw 2017

The Authority for the Sussex Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

Interpretation

- 1. In this byelaw:
 - (a) all dates referred to in the Schedules are inclusive;
 - (b) 'angling' means fishing using a rod and line or a hook and line;
 - (c) 'the Authority' means the Sussex Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Sussex Inshore Fisheries and Conservation Order 2010 (SI 2010/2199);
 - (d) 'co-ordinate' means a co-ordinate of latitude and longitude given in degrees, minutes and decimal fractions of a minute on the World Geodetic System 1984;
 - (e) 'the District' means the Sussex Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Sussex Inshore Fisheries and Conservation Order 2010;
 - (f) 'dive fishing' means the collection of sea fisheries resources, whilst diving or snorkelling using the hands or handheld fishing gear;
 - (g) 'fishing' includes:
 - (i) digging for bait,
 - (ii) the shooting, setting, towing and hauling of fishing gear,
 - (iii) gathering sea fisheries resources by hand or by using a hand operated implement, and
 - (iv) catching, taking or removing sea fisheries resources;
 - (h) 'fishing gear' includes any nets, pots, ropes, anchors, surface markers, lines, trawls, dredges, grabs, rakes or other implements used or deployed during fishing;
 - (i) 'intertidal gathering' means the removal, whilst on the shore, of sea fisheries resources:
 - (i) by hand, or
 - (ii) using handheld fishing gear;
 - (j) 'lining gear' means any fishing gear comprising of multiple hooks on one or more lines deployed on or over the seabed and rigged from anchors or floats;

- (k) 'net' means any fishing gear with the purpose or capacity to enmesh, gill or encircle sea fisheries resources including gill, trammel, tangle, drift, seine and ring nets;
- 'pot' means any folding or rigid cage, device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;
- (m) 'towed gear' means any fishing gear designed to be towed, dragged or pushed through the water including: any form of fishing dredge, trawl or part of a trawl including warps, doors, weights or any attachment;
- (n) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;
- (o) 'vessel information and monitoring system' means a working and active vessel monitoring system of a type specified by the Authority.

Management measures

2. The management measures set out in the Schedules apply.

Application

3. This byelaw does not apply to a person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in accordance with a written permission issued by the Authority permitting that act for scientific, stocking or breeding purposes.

Revocations

4. The byelaw with the title 'Marine Protected Areas Byelaw 2015' made by the Authority, in exercise of their powers under sections 155 and 156 of the Marine and Coastal Access Act 2009, confirmed on 13th December 2016, and in force immediately before the making of this byelaw is revoked.

MANAGEMENT MEASURES FOR THE KINGMERE MARINE CONSERVATION ZONE

Interpretation

In this Schedule:

- (a) 'bream' means black seabream of the fish species *Spondyliosoma cantharus*;
- (b) 'part of a bream' means any part of a bream other than the whole fish;

(c) 'zones 1, 2, 3, and 4' means the sea areas for which the co-ordinates and boundary lines are specified in Part 2 of this Schedule.

PART 1

MANAGEMENT MEASURES

1) Protected Area: Kingmere Marine Conservation Zone

This Schedule applies to:

- (a) the areas designated in the Kingmere Marine Conservation Zone Designation Order 2013 (Ministerial Order 2013 No. 11), and
- (b) the sea area within 0.5 nautical miles of the area described in paragraph (a).

2) Towed gear management measures

- (a) A person must not fish with towed gear in:
 - (i) zones 1, 2 and 4 all year round; or
 - (ii) in zone 3 from 1st April to 30th June.
- (b) Vessels fishing with towed gear in zone 3, or within 0.5 nautical miles of zones 1, 2, 3 and 4, must be fitted with a vessel information and monitoring system.
- (c) A vessel must not transit through zones 1, 2, 3 or 4 during prohibited periods unless towed gear is secured and stowed.

3) Net management measures

A person must not fish with a net in zones 1, 2, 3 or 4 from 1st April to 30th June.

4) Pot management measures

- (a) A person must not fish with pots in zones 1 and 2 from 1st April to 30th June.
- (b) Whilst fishing with pots in zones 3 and 4, a person must not retain bream from 1^{st} April to 30^{th} June.

5) Lining management measures

- (a) A person must not fish with lining gear in zones 1 or 2 from 1st April to 30th June.
- (b) Whilst fishing with lining gear in zones 3 or 4, a person must not retain bream from 1^{st} April to 30^{th} June.

6) Angling management measures

- (a) A person must not fish by angling in zone 1 from 1st April to 30th June.
- (b) Whilst angling in zone 1 from 1st July to 31 March and in zones 2, 3 or 4 all year round, a person must not:
 - (i) retain more than 4 bream during one calendar day;
 - (ii) possess any part of bream other than whole or gutted fish;
 - (iii) retain any live bream in any container, keep net or receptacle;
 - (iv) transfer any bream, dead or alive, between vessels;
 - (v) return any dead bream to the fishery;
 - (vi) use any bream as bait.
- (c) Whilst angling in zone 1 from 1st July to 31st March and in zones 2, 3 or 4 all year round, a vessel master must not retain on a vessel a number of bream which is more than 4 times the number of persons angling on the vessel.

7) Dive fishing management measures

- (a) A person must not fish by dive fishing in zones 1 or 2 from 1st April to 30th June.
- (b) Whilst dive fishing in zones 3 or 4, a person must not retain bream from 1st April to 30th June.

PART 2

CO-ORDINATES OF MANAGEMENT ZONES

Zones 1 to 4

The co-ordinates of zones 1 to 4 and their adjoining boundary lines correspond to the designated Marine Conservation Zone in the Kingmere Marine Conservation Zone Designation Order 2013.

Illustrative maps of the zones showing co-ordinate points and boundary lines are provided in separate Authority Byelaw guidance.

Zone 1 – boundary lines

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1.	A, B	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, A	Geodesic line

-	A is 50° 44.78'N	0° 22.12'W;
-	B is 50° 44.20'N	0° 22.12'W;
-	C is 50° 43.49'N	0° 23.26'W;
-	D is 50° 44.07'N	0° 30.34'W; and
-	E is 50° 44.72'N	0° 30.32'W.

Zone 2 – boundary lines

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1.	A, B	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, A	Geodesic line

Where -

-	A is 50° 43.49'N	0° 23.26'W;
-	B is 50° 42.49'N	0° 24.81'W;
-	C is 50° 42.48'N	0° 28.37'W; and
-	D is 50° 44.07'N	0° 30.34'W.

Zone 3 – boundary lines

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1.	A, B	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, F	Geodesic line
6.	F, A	Geodesic line

Where -

-	A is 50° 44.72'N	0° 30.32'W;
-	B is 50° 44.07'N	0° 30.34'W;
-	C is 50° 42.48'N	0° 28.37'W;
-	D is 50° 42.46'N	0° 29.94'W;
-	E is 50° 44.24'N	0° 31.36'W; and
-	F is 50° 44.72'N	0° 30.74'W.

Zone 4 – boundary lines

Boundary line	Set of co-ordinates of points	Topographical description of which boundary line joins boundary line
1.	A, B	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, A	Geodesic line

-	A is 50° 44.72'N	0° 30.74'W;
-	B is 50° 44.24'N	0° 31.36'W;
-	C is 50° 42.46'N	0° 29.94'W;
-	D is 50° 42.41'N	0° 32.81'W; and
-	E is 50° 44.70'N	0° 32.78'W.

MANAGEMENT MEASURES FOR THE BEACHY HEAD WEST MARINE CONSERVATION ZONES

Interpretation

In this Schedule:

- (a) any provision relating to any flora and fauna includes any part or parts of any such flora or fauna;
- (b) any reference to the shore includes any area within the Beachy Head West Marine Conservation Zones which is accessed on or by foot, whether or not it is covered by water;
- (c) 'Educational Conservation Areas' means the areas for which the co-ordinates, coordinate descriptions and enclosing boundaries lines are specified in Part 2;
- (d) 'General Conservation Areas' means the areas designated in the Beachy Head West Marine Conservation Zones Designation Order 2013 (Ministerial Order 2013 No. 2) excluding the Educational Conservation Areas;
- (e) 'mollusc shellfish' means any bivalve or gastropod species of mollusc.

PART 1

MANAGEMENT MEASURES

1) Protected Area: Beachy Head West Marine Conservation Zones

This Schedule applies to:

- (a) the areas designated as Marine Conservation Zones in the Beachy Head West Marine Conservation Zones Designation Order 2013; and
- (b) the sea area within 0.5 nautical miles of the area described in paragraph (a).

2) Towed Gear management measures

- (a) A person must not fish in the General Conservation Areas or of the Educational Conservation Areas with towed gear.
- (b) A person must not fish with towed gear in any sea area within 0.5 nautical miles of the General Conservation Areas unless a vessel information and monitoring system is fitted to the vessel.
- (c) A person must not transit in any part of the General Conservation Areas or of the Educational Conservation Areas unless all towed fishing gear on board is secured and stowed.

3) Net management measures

A person must not set any net from the shore in any part of the General Conservation Areas or of the Educational Conservation Areas.

4) Lining management measures

A person must not set any lining gear from the shore in any part of the General Conservation Areas or of the Educational Conservation Areas.

5) Shore-related management measures

- (a) It is prohibited to remove from, or harm, kill or destroy, on the shore in any part of the General Conservation Areas:
 - (i) piddock (Pholadidae);
 - (ii) seahorse (*Hippocampus* spp.);
 - (iii) native oyster (Ostrea edulis); or
 - (iv) blue mussel (Mytilus edulis).
- (b) It is prohibited to remove from the shore from any part of the General Conservation Areas in a single calendar day more than:
 - (i) 2 lobsters (Homarus gammarus);
 - (ii) 5 edible crabs (Cancer pagurus);
 - (iii) 20 crabs in total of any species other than Cancer pagurus;
 - (iv) 1 kg of mollusc shellfish except piddock (*Pholadidae*), blue mussels (*Mytilus edulis*) or native oyster (*Ostrea edulis*);
 - (v) a total of 1 kg of prawns or shrimps;
 - (vi) 1 kg of marine worms (Annelida); or
 - (vii)2 kg of intertidal seaweed (algae)

provided that it is prohibited to remove any quantity of the above species in connection with any commercial purpose.

6) Special management measures in Educational Conservation Areas

A person must not intentionally harm or remove any marine organism by intertidal gathering in the Educational Conservation Areas.

This prohibition does not apply to angling or fishing with pots or nets from any vessel.

PART 2

COORDINATES OF CONSERVATION AREAS

General Conservation Areas

The co-ordinates of the General Conservation Areas points and their adjoining boundary lines correspond to the designated Marine Conservation Zones in the Beachy Head West Marine Conservation Zones Designation Order 2013.

The General Conservation Areas comprise land and sea areas enclosed within the defined boundary lines excluding the Educational Conservation Areas.

Illustrative maps of the General Conservation Areas and Educational Conservation Areas showing co-ordinate points and boundaries are provided in separate Authority Byelaw guidance.

Beachy Head to Newhaven General Conservation Area

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1. 2.	A, B B, C	Geodesic line The shortest adjoining line of mean high water to the west of the light house
3. 4.	C, D D, E	Geodesic line A line seaward of and parallel to mean high water line at a distance from that line (taking the shortest distance from any given point on that line) of 0.5 nautical miles.
5. 6.	E, F F, A	Geodesic line Mean high water line

Where -

-	A is 50° 44.11'N	0° 14.49'E;
-	B is 50° 44.03'N	0° 14.49'E;
-	C is 50° 44.02'N	0° 14.49'E;
-	D is 50° 43.56'N	0° 14.47′E;
-	E is 50° 46.38'N	0° 04.10'E; and
-	F is 50° 46.92'N	0° 04.12′E.

The General Conservation Area 'Beachy Head to Newhaven' encloses Birling Gap Educational Conservation Area.

Newhaven to Brighton Marina General Conservation Area

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1. 2.	G, H H, I	Geodesic line A line seaward of and parallel to mean high water line at a distance from that line (taking the shortest distance from any given point on that line) of 0.5 nautical miles
3.	I, J	Geodesic line
4. F	J, K	Mean high water line
5. 6.	K, L	Geodesic line Mean high water line
υ.	L, G	Mean mgn water mie

Where -

-	G is 50° 46.81′N	0° 03.05'E;
-	H is 50° 46.30'N	0° 03.32'E;
-	I is 50° 48.36'N	0° 06.94′W;
-	J is 50° 48.81'N	0° 06.61′W;
-	K is 50° 48.50'N	0° 06.38'W; and
-	L is 50° 48.57'N	0° 06.37′W.

The General Conservation Area 'Newhaven to Brighton Marina' encloses Friars Bay Educational Conservation Area.

Birling Gap Educational Conservation Area – boundary lines

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1. 2.	A, B B, C	Geodesic line The line of lowest astronomical tide
3. 4.	C, D D, A	Geodesic line Mean high water line

-	A is 50° 44.11'N	0° 14.49′E;
-	B is 50° 43.96'N	0° 14.48′E;
-	C is 50° 44.47'N	0° 11.87'E; and
-	D is 50° 44.56'N	0° 12.04′E.

Friars Bay Educational Conservation Area – boundary lines

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1. 2.	A, B B, C	Geodesic line The line of lowest astronomical tide
3.	C, D	Geodesic line
4.	D, A	Mean high water line

-	A is 50° 46.81'N	0° 03.02'E;
-	B is 50° 46.76'N	0° 02.99'E;
-	C is 50° 46.93'N	0° 01.11'E; and
-	D is 50° 47.11'N	0° 01.25′E.

MANAGEMENT MEASURES FOR PAGHAM HARBOUR MARINE CONSERVATION ZONE

Interpretation

In this Schedule:

- (a) any provision relating to any flora or fauna includes any part or parts of any such flora or fauna;
- (b) any reference to the shore includes any area within the Pagham Harbour Marine Conservation Zone which is accessed on or by foot, whether or not it is covered by water;
- (c) 'Bird Conservation Area' means the area for which the co-ordinates, co-ordinate descriptions and enclosing boundaries lines are specified in Part 2;
- (d) 'General Conservation Areas' means the area designated in the Pagham Harbour Marine Conservation Zone Designation Order 2013 (Ministerial Order 2013 No.17) excluding the Bird Conservation Area;
- (e) 'mollusc shellfish' means any bivalve or gastropod species of mollusc.

PART 1

MANAGEMENT MEASURES

1) Protected Area: Pagham Harbour Marine Conservation Zone

This Schedule applies to:

The area designated as Pagham Harbour Marine Conservation Zone in the Pagham Harbour Marine Conservation Zone Designation Order 2013.

2) Towed Gear management measures

- (a) A person must not fish with towed gear in the General Conservation Areas or the Bird Conservation Area.
- (b) A person must not transit in a vessel in the General Conservation Areas or the Bird Conservation Area unless any towed gear on board is secured and stowed.

3) Net management measures

A person must not fish with a net in the General Conservation Areas or the Bird Conservation Area.

4) Pot management measures

A person must not fish with a pot in the General Conservation Areas or the Bird Conservation Area.

5) Lining management measures

A person must not fish with lining gear in the General Conservation Areas or the Bird Conservation Area.

6) Angling management measures

A person must not fish with angling gear in the Bird Conservation Area from $1^{\rm st}$ April to $31^{\rm st}$ August.

7) Shore-related management measures

- (a) A person must not intentionally remove, harm, kill or destroy eel grass (Zostera spp.) during the exploitation of fisheries in the General Conservation Areas or the Bird Conservation Area.
- (b) A person must not undertake intertidal gathering in the Bird Conservation Area from 1st April to 31st August.
- (c) A person must not remove from the shore within the General Conservation Areas or the Bird Conservation Area in a single calendar day more than:
 - (i) 5 edible crabs (*Cancer pagurus*);
 - (ii) 20 crabs in total of any species other than *Cancer pagurus;*
 - (iii) 1 kg of mollusc shellfish;
 - (iv) A total of 1 kg of prawns or shrimps;
 - (v) 1 kg of marine worms (Annelida); or
 - (vi) 2 kg of intertidal seaweed (algae).

provided that a person must not remove any quantity of the above species in connection with any commercial purpose. Restrictions for the removal of crab and mollusc shellfish are subject to

relevant minimum size regulations that apply within the District.

(d) A person must not deposit any item on the seabed for the purposes of supporting the act of gathering marine resources in the General Conservation Areas or Bird Conservation Area.

PART 2

CO-ORDINATES OF CONSERVATION AREAS

General Conservation Areas

The co-ordinates of the General Conservation Areas points and their adjoining boundary lines correspond to the designated Marine Conservation Zone in the Pagham Harbour Marine Conservation Zone Designation Order 2013 and excluding the Bird Conservation Area as defined.

The original designation order is supported by two maps named A and B.

Illustrative maps of the General Conservation Areas and Bird Conservation Area showing co-ordinate points and boundaries are provided in separate Byelaw guidance.

Pagham Harbour General Conservation Areas

Boundary line	<i>Set of co-ordinates of points which boundary line joins</i>	Topographical description of boundary line
Section A (Chur 1. 2.	ch Norton Spit, Map A) B, C C, D	Mean high water line The line shown coloured red between points C and D on Map A
3.	D, E	The line shown coloured red between points D and E on Map A
4.	Е, В	Mean high water line
Section B (Main 5. 6. 7. 8. 9.	Harbour, entire site map) E, F F, K K, A A, B B, E	Mean high water line Mean high water line Mean high water line Geodesic line Mean high water line
Section C (Ferry 10.	/ Pool, Map B) F, G	The line shown coloured red
11.	G, H	between points F and G on Map B The line shown coloured red between points G and H on
12.	Н, І	Map B The line shown coloured red between points H and I on
13.	I, J	Map B The line shown coloured red between points I and J on Map B
14.	Ј, К	The line shown coloured red between points J and K on Map B
15.	K, F	Mean high water line

Where -

-	A is 50° 45.49'N	0° 45.16′W;
-	B is 50° 45.43'N	0° 45.07′W;
-	C is 50° 45.01'N	0° 45.61′W;
-	D is 50° 45.05'N	0° 45.71′W;
-	E is 50° 45.07'N	0° 45.71′W;
-	F is 50° 45.59'N	0° 47.21′W;
-	G is 50° 45.59'N	0° 47.23′W;
-	H is 50° 45.60'N	0° 47.24′W.
-	I is 50° 45.60'N	0° 47.24′W;
-	J is 50° 45.59′N	0° 47.23'W; and
-	K is 50° 45.59'N	0° 47.21′W.

The General Conservation Area described in Section C does not include the Bird Conservation Area.

Bird Conservation Area – boundary lines

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1.	Х, В	Geodesic line
2.	В, Е	Mean high water line on the landward side of Church Norton
		Spit
3.	Е, Ү	Mean high water line
4.	Y, X	Geodesic line

-	X is 50° 45.58'N	0° 45.53′W;
-	B is 50° 45.43′N	0° 45.07′W;
-	Y is 50° 45.25'N	0° 45.65'W; and
-	E is 50° 45.07'N	0° 45.71′W.

MANAGEMENT MEASURES FOR UTOPIA MARINE CONSERVATION ZONE

PART 1

MANAGEMENT MEASURES

1) Protected Area: Utopia Marine Conservation Zone.

This Schedule applies to:

- (a) The area designated in the Utopia Marine Conservation Zone Designation Order 2016 (Ministerial Order 2016 No. 21), and;
- (b) The sea area within 0.5 nautical miles of the area described in paragraph (a).

2) Towed gear management measures

- (a) A person must not fish with towed gear in the designated area.
- (b) Vessels fishing with towed gear within 0.5 nautical miles of the designated area must be fitted with a vessel information and monitoring system.
- (c) Towed gear on vessels which are not fishing through the designated area must be secured and stowed.

PART 2

CO-ORDINATES OF DESIGNATED AREA

The co-ordinates of the designated area correspond to the designated Marine Conservation Zone in the Utopia Marine Conservation Zone Designation Order 2016.

Boundary line	Set of co-ordinates of points which boundary line joins	Topographical description of boundary line
1.	A, B	Geodesic line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, F	Geodesic line
6.	F, A	Geodesic line

Where:

"A" is 50° 39.93' N and 00° 53.17' W; "B" is 50° 39.12' N and 00° 51.72' W; "C" is 50° 38.37' N and 00° 52.03' W; "D" is 50° 38.41' N and 00° 52.58' W; "E" is 50° 38.81' N and 00° 52.42' W; and "F" is 50° 39.51' N and 00° 53.61' W.

Explanatory Note (this note is not part of the byelaw)

This byelaw enables the Sussex Inshore Fisheries and Conservation Authority to perform its conservation duties within section 154 of the Marine and Coastal Access Act 2009 and provide a regulatory mechanism for fisheries management within marine protected areas (MPAs) located in the Sussex Inshore Fisheries and Conservation District.

Management for each named MPA is described in separate Schedules.

The purpose of management outlined in the Schedules is to protect specific habitats and species within the named MPA areas. For details of protected features within designated sites, reference should be made to the relevant site designation order. For additional information, practical use and interpretation including illustrative maps, reference should be made to the relevant Authority guidance documents for each MPA site.

The guidance documents for the MPAs are: Schedule 1 - Kingmere Marine Conservation Zone

Guidance document -

'Sussex Inshore Fisheries and Conservation Authority

Byelaw guidance for marine fisheries and conservation management

Marine Protected Areas Byelaw 2017, Schedule 1: Kingmere Marine Conservation Zone'

Schedule 2 - Beachy Head West Marine Conservation Zones

Guidance document -

'Sussex Inshore Fisheries and Conservation Authority

Byelaw guidance for marine fisheries and conservation management

Marine Protected Areas Byelaw 2017, Schedule 2: Beachy Head West Marine Conservation Zones'

Schedule 3 – Pagham Harbour Marine Conservation Zone

Guidance document -

'Sussex Inshore Fisheries and Conservation Authority

Byelaw guidance for marine fisheries and conservation management

Marine Protected Areas Byelaw 2017, Schedule 3: Pagham Harbour Marine Conservation Zone'

Schedule 4 – Utopia Marine Conservation Zone

Guidance document -

'Sussex Inshore Fisheries and Conservation Authority

Byelaw guidance for marine fisheries and conservation management

Marine Protected Areas Byelaw 2017, Schedule 4: Utopia Marine Conservation Zone'

Each Schedule is formed of 2 parts. Part 1 defines the management measures under headings that relate to methods of fishing. The methods of fishing may include the gathering of marine resources from the shore or by divers. Both commercial and recreational fishing management measures are described within the byelaw.

Part 2 of the Schedule provides relevant co-ordinates associated with the protected area location and any specific zones or areas that are defined within the management measures. Illustrative charts are available in the relevant Authority byelaw guidance.

The maximum penalty for a single offence committed in respect to the byelaw is an unlimited fine. Breaches of the byelaw condition can be subject to an administrative penalty sanction at defined levels according to the nature of the offence.