



Fishery Limits Act 1976

1976 CHAPTER 86

Extension of British fishery limits

1 British fishery limits

- (1) Subject to the following provisions of this section, British fishery limits extend to 200 miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.
- (2) Her Majesty may by Order in Council, for the purpose of implementing any international agreement or the arbitral award of an international body, or otherwise, declare that British fishery limits extend to such other line as may be specified in the Order.
- (3) Where the median line defined below is less than 200 miles from the baselines referred to in subsection (1), and no other line is for the time being specified by Order in Council under subsection (2), British fishery limits extend to the median line.
- (4) The median line is a line every point of which is equidistant from the nearest points of, on the one hand, the baselines referred to in subsection (1) and, on the other hand, the corresponding baselines of other countries.
- (5) Subject to section 10(2)(b) below, references to British fishery limits in any enactment for the time being in force relating to sea fishing or whaling are to the limits set by or under this section.

2 Access to British fisheries

- (1) The Ministers may by order designate any country outside the United Kingdom, the Channel Islands and the Isle of Man and, in relation to it, areas within British fishery limits in which, and descriptions of sea fish for which, fishing boats registered in that country may fish.
- (2) A foreign fishing boat not registered in a country for the time being designated under subsection (1) shall not enter British fishery limits except for a purpose recognised by international law or by any convention for the time being in force between Her

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- Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those limits for such a purpose—
- (a) shall return outside the limits as soon as the purpose has been fulfilled; and
 - (b) shall not fish or attempt to fish while within the limits.
- (3) A foreign fishing boat registered in a country designated under subsection (1) shall not fish or attempt to fish within British fishery limits except in an area and for descriptions of fish for the time being designated under this section in relation to that country.
- (4) At any time when a foreign fishing boat is in an area within British fishery limits and either—
- (a) it is prohibited by this section from fishing in that area at all; or
 - (b) it is permitted under this section to fish only for certain descriptions of fish, then, its fishing gear, or so much of the gear as is not required for permitted fishing, shall be stowed in accordance with an order made by the Ministers.
- (5) If this section is contravened in the case of any fishing boat—
- (a) the master of the boat is liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine ;
 - (b) the court may on convicting him of an offence under this section order the forfeiture of any fish or fishing gear found in the boat or taken or used by any person from the boat; and
 - (c) where the contravention takes place in Scotland, any fish or fishing gear forfeited under paragraph (b) above may be destroyed or disposed of as the court may direct.
- (6) The foregoing provisions of this section do not prohibit or restrict fishing by fishing boats registered in a country outside the United Kingdom in any area with respect to which special provision is made by any arrangement between Her Majesty's Government in the United Kingdom and the government of that country for fishing by such boats for the purpose of scientific research.
- (7) Orders made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Without prejudice to section 38(1) of the Interpretation Act 1889 (references to provisions repealed and replaced), a reference to this section is substituted for every reference to section 6 of the Sea Fisheries Act 1968 in the following enactments, that is to say, in—
- (a) sections 4, 6, 7, 8 and 10 of the Sea Fisheries (Scotland) Amendment Act 1885;
 - (b) section 374 of the Merchant Shipping Act 1894 ;
 - (c) section 17(2) of the Sea Fish Industry Act 1962 ; and
 - (d) sections 8(1) and (4), 12(1) and (2), 13(2) and (4) and 14 of the Sea Fisheries Act 1968.

Regulation of sea fishing, etc.

3 Licensing of fishing boats

The following section is substituted for section 4 of the Sea Fish (Conservation) Act 1967—

“4 Licensing of fishing boats.

- (1) The Ministers may by order provide—
- (a) that in any specified area within British fishery limits fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by one of the Ministers ;
 - (b) that in any specified area outside those limits fishing by British fishing boats is prohibited unless so authorised.
- (2) Such an order may apply to fishing generally in the specified area or to fishing—
- (a) for a specified description of sea fish ;
 - (b) by a specified method ;
 - (c) during a specified season of the year or other period; or
 - (d) in the case of an order under subsection (1)(a), by fishing boats registered in a specified country,
- and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.
- (3) Where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section.
- Such an order shall specify a maximum charge and may specify different maxima in relation to different classes of licence.
- (5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise fishing generally or may confer limited authority by reference to, in particular,—
- (a) the area within which fishing is authorised ;
 - (b) the periods, times or particular voyages during which fishing is authorised;
 - (c) the descriptions' and quantities of fish which may be taken ; or
 - (d) the method of sea fishing.
- (6) A licence under this section may authorise fishing either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions—

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- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed); or
- (b) as to the use to which the fish taken may be put:

and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.

- (7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails to comply with such a requirement is guilty of an offence under this subsection.
- (8) The licensing powers conferred by this section may be exercised so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Ministers necessary or expedient for the regulation of sea fishing.
- (9) A licence under this section—
 - (a) may be varied from time to time ; and
 - (b) may be revoked or suspended, if this appears to the Minister who granted the licence to be necessary or expedient for the regulation of sea fishing.
- (10) If a licence is varied, revoked or suspended the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.
- (11) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.
- (12) In this section "British fishing boat" means a fishing boat which is registered in the United Kingdom or is British-owned, and "foreign fishing boat" means a fishing boat which is not so registered or owned."

4 Extension of power to regulate conduct of fishing operations, etc.

- (1) In section 5 of the Sea Fisheries Act 1968 (regulation of conduct of fishing operations) in subsection (1) for the words " for the purpose of giving effect to any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country " there are substituted the words " whenever it appears to them necessary or expedient ".
- (2) In subsection (2) of that section, in paragraph (a) (British fishing boats) for the words " anywhere within the convention area to which the order relates" there are substituted the words " wherever they may be ".
- (3) In subsection (2) of that section, in paragraph (b) (foreign fishing boats) for the words " waters which are within both the fishery limits of the British Islands and that convention area " there are substituted the words " waters within British fishery limits ".
- (4) At the end of section 10 of the Sea Fisheries (Scotland) Amendment Act 1885 (powers of sea fishery officers) there are added the words " and section 10 of that Act shall

apply for the purposes of this Act as if for any reference to section 8 or 9 of that Act there were substituted a reference to this section. "

5 Revised penalties for offences

The enactments mentioned in Schedule 1 to this Act are amended as there provided, being amendments which revise the penalties for certain offences under enactments relating to sea fishing.

General

6 Orders

- (1) Orders made under any provision of this Act shall be made by statutory instrument.
- (2) Power conferred by any provision of this Act to make an Order in Council or other order includes power to vary or revoke by a further Order in Council or order under that provision.

7 Finance

- (1) The Minister of Agriculture, Fisheries and Food may, with the approval of the Treasury, incur expenditure in employing officers and vessels and generally taking such measures as appear to him necessary to protect British fisheries.
- (2) Expenses incurred by the Ministers which are attributable to the provisions of this Act, being—
 - (a) such expenses as are referred to in subsection (1) above; or
 - (b) increased administrative expenses,shall be defrayed out of money provided by Parliament.

8 Interpretation

In this Act—

" enactment " includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly;

" fishing boat " means any vessel for the time being employed in fishing operations or any operations ancillary thereto;

" foreign fishing boat " means a fishing boat which is not—

(a) registered in the United Kingdom, the Channel Islands or the Isle of Man ;
or

(b) exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894; or

(c) owned wholly by a person who is (within the meaning of the Merchant Shipping Act 1894) qualified to own a British ship ;

" miles " means international nautical miles of 1,852 metres ;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with sea fishing in Scotland and Northern Ireland respectively;

"sea fish " includes shellfish, salmon and migratory trout, and " sea fishing " has a corresponding meaning.

9 Amendments, transitional provisions and repeals

- (1) The enactments mentioned in Schedule 2 to this Act are amended as there provided, being amendments consequential on the provisions of this Act.
- (2) The transitional provisions in Schedule 3 to this Act have effect.
- (3) The enactments mentioned in Schedule 4 to this Act are repealed to the extent there specified.

10 Northern Ireland

- (1) This Act, except the repeals in section 13 of the Sea Fisheries Act 1968 (compensation for damage caused by offence), extends to Northern Ireland.
- (2) Subject to subsection (3) below,—
 - (a) nothing in this Act affects the extent of British fishery limits in the waters adjacent both to Northern Ireland and the Republic of Ireland to a distance of 12 miles from the baselines from which the breadth of the respective territorial seas is measured ; and
 - (b) references to " British fishery limits" in any enactment for the time being in force relating to sea fishing or whaling shall be construed as including a reference to those limits as well as to the limits set by or under section 1 of this Act.
- (3) The power conferred on Her Majesty by section 1(2) of this Act to declare the extent of British fishery limits by Order in Council includes power to declare the extent of the limits in the waters referred to in subsection (2)(a) above.

11 Isle of Man and Channel Islands

- (1) Her Majesty may by Order in Council make such provision for the Isle of Man and the Channel Islands as appears to Her Majesty to be necessary in consequence of the extension of British fishery limits by or under this Act.
- (2) Such an Order may, in particular, specify waters adjacent to the Isle of Man or any of the Channel Islands as waters to which enactments relating to sea fishing or whaling apply—
 - (a) by virtue of having been extended by Order in Council to the Isle of Man or any of the Channel Islands; and
 - (b) with the exceptions, adaptations and modifications (if any) specified in the extending Order.
- (3) Her Majesty may by Order in Council direct that all or any of the provisions of sections 2(2) to (7), 3, 4, 5, 8 and 9 and of the Schedules to this Act—
 - (a) shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man or any of the Channel Islands ;
 - (b) shall apply, with such exceptions, adaptations and modifications as may be specified in the Order, in relation to British fishing boats registered in the Isle

of Man or any of the Channel Islands as they apply in relation to British fishing boats registered in the United Kingdom.

12 Short title and commencement

- (1) This Act may be cited as the Fishery Limits Act 1976.
- (2) The provisions of this Act come into force on such day as the Ministers may by order appoint and different days may be appointed for different provisions and for different purposes.
- (3) Without prejudice to subsection (2) orders under that subsection may so provide that the extension of British fishery limits by section 1 of this Act comes into force on different days in relation to different parts of the United Kingdom, the Channel Islands and the Isle of Man.
- (4) An order under subsection (2) may contain such supplementary, incidental and transitional provisions as appear to the Ministers to be necessary or expedient in connection with the provisions of this Act which are thereby brought (wholly or partly) into operation, including such adaptations of those provisions then in force as appear to the Ministers to be necessary or expedient in consequence of their partial operation (whether before, on or after the day appointed by the order).