



# Fisheries Act 1981

## 1981 CHAPTER 29

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

#### **35 Regulation of whaling.**

- (1) The <sup>M1</sup>Whaling Industry (Regulation) Act 1934 shall be amended as follows.
- (2) for section 1 there shall be substituted—
  - (1) Subject to the provisions of this section, references in this Act to whales shall be construed as references to any cetacean, and the reference in section 6(4) (a) to whale products shall be construed accordingly.
  - (2) In their application to a ship registered in or licensed under the law of a colony or associated state sections 3 to 6 of this Act shall have effect as if references to whales were references only to the following cetaceans, that is to say—
    - (a) whales known as whalebone whales or baleen whales; and
    - (b) whales known as sperm whales, spermacet whales, cachalots or pot whales;but Her Majesty may by Order in Council direct that those references shall also include references to all other cetaceans or to any description of other cetaceans specified in the Order.
  - (3) An Order under subsection (2) above may provide that its application by virtue of the Order this Act shall have effect with such exceptions, adaptations or modifications as may be specified in the Order; and any Order under that subsection may be limited so as to apply only in relation to one or more colonies or associated states specified in the Order.
  - (4) Neither subsection (1) nor subsection (2) above shall be construed as extending, or enabling an Order to extend, to other cetaceans so much of

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*Changes to legislation: There are currently no known outstanding effects  
 for the Fisheries Act 1981, Section 35. (See end of Document for details)*

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section 3 of this Act as is expressed to apply only to right whales, grey whales,  
 blue whales or fin whales.”

- (3) [<sup>F1</sup>In sections 2, 3(1) and 4(2) (penalty for unlawful taking, treating, killing or attempting to kill whales) for the words from “to imprisonment” onwards there shall be substituted the words “ on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine. ”]
- (4) [<sup>F1</sup>In section 6(7) (penalty for contravening condition of licence) for the words from “to imprisonment” to “and such fine” there shall be substituted the words “ on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine. ”]
- (5) In sections 6(8) and 9(1) (penalty for failure to keep or falsifying records and for forgery of documents) for the words from “to imprisonment” onwards there shall be substituted the words “ on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine. ”
- (6) In section 8(3) (obstructing inspectors)—
- (a) before the word “refuses”, in each place where it occurs, there shall be inserted the words “ without reasonable excuse ” and for the word “obstructs” there shall be substituted the words “ wilfully obstructs ”;
  - (b) [<sup>F1</sup>for the words “to a fine not exceeding one hundred pounds” there shall be substituted the words “ on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine. ”]
- (7) In section 10(2) (summary proceedings) for the words from the beginning to “proceedings taken by virtue of this Act” there shall be substituted the words “ Summary proceedings taken by virtue of this Act ”.
- (8) For the purposes of section 12 (power to exempt coastal waters of territory whose local law corresponds substantially with provisions of the Act) any provision of the local law may be treated as substantially corresponding to a provision of the Act if it substantially corresponds to that provision with or without any amendment made by or by virtue of this section.

#### Textual Amendments

- F1** S. 35(3)(4)(6)(b) omitted (E.W.) (12.3.2015) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 95\(3\)](#) (with reg. 5(1))

#### Modifications etc. (not altering text)

- C1** The text of s. 3(6), 19–26, 28, 29, 35(2)–(7), 36(2), 37–39, 45, 46(2), Sch. 1 para. 10, Sch. 3 para. 8(2) (3), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M1** 1934 c. 49.

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act 1981, Section 35.