



Sea Fisheries Regulation Act 1966

1966 CHAPTER 38

Power of local fisheries committees

5 Byelaws for regulation, etc. of sea fisheries

- (1) The local fisheries committee for a sea fisheries district may, subject to such regulations as may be made in that behalf by the Minister by statutory instrument, make byelaws to be observed within their district, for all or any of the following purposes, namely—
- (a) for restricting or prohibiting, either absolutely or subject to any exceptions and regulations, the fisheries for or taking of all or any specified kinds of sea fish during any period specified in the byelaws;
 - (b) for restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish and for determining the size of mesh, form and dimensions of any instrument of fishing for sea fish;
 - (c) for prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing ;
 - (d) for the regulation, protection and development of fisheries for all or any specified kinds of shellfish, including—
 - (i) the fixing of the sizes and condition at which shellfish may not be removed from a fishery, and the mode of determining such sizes ;
 - (ii) the obligation to re-deposit in specified localities any shellfish the removal or possession of which is prohibited by or in pursuance of any Act;
 - (iii) the protection of shellfish laid down for breeding purposes;
 - (iv) the protection of culch and other material for the reception of the spat or young of any kinds of shellfish; and
 - (v) the obligation to re-deposit such culch and other material in specified localities ;
 - (e) for constituting within their district any district of oyster cultivation for the purposes of section 4 of the Fisheries (Oyster, Crab and Lobster) Act 1877 (which prohibits the sale of oysters between certain dates);

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- (f) for directing that the proviso to section 8 of the said Act (which affords a defence to a person charged with an offence under that section) shall not apply;
 - (g) for revoking or amending any order made under section 10 of the said Act (which authorises the making of orders prohibiting or restricting the taking of crabs and lobsters in certain areas);
 - (h) for revoking or amending any byelaw made under this section.
- (2) A byelaw made under this section may provide for its application either to the whole or any specified part or parts of the district for which it is made and either during the whole or any specified part or parts of the year.

6 Restrictions on power to make byelaws

Nothing in this Act shall authorise a local fisheries committee to make any byelaw which—

- (a) prejudicially affects any right of several fishery, or any right on, to or over any portion of the sea shore, where any such right is enjoyed by any person under any local or special Act of Parliament, or any Royal charter, letters patent, prescription, or immemorial usage, except with the consent of that person, or
- (b) affects any byelaw made by a river authority and for the time being in force within the district of the committee or restricts the power of such an authority to make any byelaw having effect within that district, or
- (c) affects any power of a local authority to discharge sewage in pursuance of any power conferred by a general or local Act of Parliament or by a provisional order confirmed by Parliament.

7 Confirmation of byelaws

- (1) No byelaw made by a local fisheries committee under this Act shall have effect until confirmed by the Minister.
- (2) The Minister may, before confirming any such byelaw, cause such local inquiry as he thinks fit to be held with respect to the byelaw, and may, in any case, confirm the byelaw, either without modification or with such modifications as may be assented to by the local fisheries committee who made the byelaw.

8 Power of Minister to revoke byelaws

If it appears to the Minister that the revocation of a byelaw made by any local fisheries committee is necessary or desirable for the maintenance or improvement of fisheries, he may, after giving notice to the committee and considering any objection raised by them, and, if so required by them, holding a public inquiry, revoke the byelaw.

9 Copies and evidence of byelaws

- (1) A local fisheries committee shall cause copies of all byelaws made by them under this Act, and for the time being in force, to be kept posted up in some conspicuous place or places within their district and shall supply copies of all such byelaws to any applicant on payment of a sum not exceeding one penny for each copy.
- (2) The production of a copy of any byelaw made under this Act, purporting to be signed by a secretary or assistant secretary of the Ministry of Agriculture, Fisheries and Food,

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shall be conclusive evidence of the byelaw and of the due making and confirmation thereof.

10 Appointment and powers of fishery officers

- (1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, but nothing in this section shall exempt British sea-fishery officers from their statutory duty of enforcing the laws and regulations affecting vessels engaged in sea fishing.
- (2) For the purpose of enforcing byelaws made by a local fisheries committee any fishery officer appointed by the committee may within the limits of the district, or of any adjoining sea fisheries district of district under the jurisdiction of a river authority or of a harbour authority.—
 - (a) stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaw;
 - (b) examine any instrument used in fishing for fish and search any container used in carrying fish; and
 - (c) seize any sea fish or instrument taken or used in contravention of any such byelaw.
- (3) For the enforcement of the provisions of any such byelaw every, such officer shall be deemed to be a constable and to have the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to at common law or by statute.
- (4) A local fisheries committee may, with the consent of any river authority, appoint as an officer of the committee any officer of that authority; and a river authority may, with the consent of a local fisheries committee, appoint as an officer of the authority any officer of that committee.

11 Penalty for obstructing, etc. fishery officer or contravening byelaws

- (1) If any person without reasonable excuse whereof shall he on him) refuses to allow a fishery officer to exercise the powers conferred on him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.
- (2) Where any vessel is used for fishing in any manner constituting a contravention of any byelaw of a local fisheries committee having effect by virtue of section 5(1)(a) or (b) above, the skipper and the owner of the vessel shall, subject to subsection (3) below, each be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, fifty pounds or, in the case of a second offence, one hundred and fifty pounds or, in the case of a third or subsequent offence, to imprisonment for a term not exceeding three months: or to a fine not exceeding three hundred pounds or to both such imprisonment and such fine.
- (3) In any proceedings which by virtue of this section are taken against the owner of a vessel in respect of an offence under subsection (2) above committed by the skipper, it shall be a good defence for the owner to prove that he exercised all due diligence to prevent the commission of that offence.

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- (4) Subsections (2) and (3) above shall, in relation to any vessel which at the material time is under charter, have effect as if any reference in those subsections to the owner were a reference to the charterer.
- (5) Without prejudice to the operation of subsections (2), (3) and (4) above, any person who contravenes any byelaw of a local fisheries committee shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds.
- (6) Where any offence under subsection (2) or (5) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (7) Where any offence under subsection (1) or (5) above is committed on the sea coast or at sea beyond the ordinary jurisdiction of a magistrates' court and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county or borough having a separate commission of the peace which abuts on that sea coast or adjoins that sea, and may be tried and punished accordingly.

12 Entry of premises on which offence suspected to have been committed

- (1) If a justice of the peace is satisfied by information on oath that there is probable cause to suspect that a breach of a byelaw of a local fisheries committee has been committed on any premises, or that any sea fish or instrument taken or used in contravention of any such byelaw is concealed on any premises, he may grant a warrant to any fishery officer appointed under section 10 above, or any police officer, empowering him to enter and search the premises, at such time or times in the day or night as may be specified in the warrant, for the purpose of detecting the offence or the concealed fish or instrument and to seize any such fish or instrument which may be found on the premises.
- (2) A warrant under this section shall not continue in force for more than one week from the date thereof.

13 Other powers of local fisheries committees

- (1) A local fisheries committee may stock or restock any public fishery for shellfish, and for that purpose may incur such expenses as may be sanctioned by the Minister.
- (2) A local fisheries committee may, with the approval of the Minister and subject to such conditions as he may impose, undertake, or cause to be undertaken, the destruction of predatory fish, predatory marine animals, predatory birds and eggs of predatory birds, if and so far as such destruction appears to the committee to be desirable for the preservation and improvement of the fisheries within their district and is not illegal under any Act other than the Sea Fish Industry Act 1938.
- (3) A local fisheries committee may contribute or undertake to contribute to the expenses of a harbour authority constituted under the Fishery Harbours Act 1915 for a harbour to which that Act applies situate wholly or partly in the district of the committee.
- (4) A local fisheries committee may contribute to the payment of the cost of executing works for the maintenance or improvement of any small harbour situate wholly or

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partly in their district, being a harbour as to which the Minister is satisfied that it is principally used by persons engaged in the sea fishing industry.

In this subsection "harbour" includes any haven, cove or other landing place and "works" includes slipways, capstans and other works facilitating the landing, launching or beaching of vessels in any harbour.

- (5) Subject to section 11(1) of the Sea Fisheries Act 1883, any local fisheries committee may, within their district, enforce the provisions of the Fisheries (Oyster, Crab and Lobster) Act 1877 and of any other Act relating to sea fisheries.