



Sea Fisheries (Shellfish) Act 1967

1967 CHAPTER 83

Supplemental

19 Jurisdiction to try certain offences and applications of certain fines

- (1) For the purposes of and incidental to the jurisdiction of any magistrates' court, or, in Scotland, of the sheriff, any offence under section 16 or 17 of this Act shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.
- (2) Any offence under any of the provisions of this Act mentioned in subsection (4) of this section committed in Scotland may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed.
- (3) Any sum paid to the Secretary of State in pursuance of section 27 of the Justices of the Peace Act 1949 in respect of a fine recovered under any of the provisions of this Act mentioned in subsection (4) of this section, or in respect of any shellfish or sum forfeited under section 3(3) of this Act, shall be deemed to be Exchequer moneys within the meaning of the said section 27 and shall be paid by the Secretary of State into the Exchequer.
- (4) The provisions of this Act referred to in subsections (2) and (3) of this section are sections 3(3) and 7(4) and paragraph 4(5) of Schedule 1.

20 Orders and regulations

- (1) Any power to make orders or regulations under this Act shall be exercisable by statutory instrument.
- (2) Any instrument containing an order under section 1 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any instrument containing an order under section 17(3) of this Act shall be laid before Parliament.

21 Financial provisions

- (1) There shall be paid out of moneys provided by Parliament any expenditure incurred by the Minister or the Secretary of State under this Act.
- (2) There shall be paid into the Exchequer any receipts of the Minister or the Secretary of State in pursuance of section 12(6) of this Act or paragraph 8 of Schedule 1 thereto and any sums received by the Minister or the Secretary of State by way of interest on, or repayment of, loans under section 9 of this Act.

22 Interpretation

- (1) In this Act " the Minister " means the Minister of Agriculture, Fisheries and Food and " the appropriate Minister ", in relation to England and Wales, means the Minister and, in relation to Scotland, means the Secretary of State.
- (2) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—
 - " land " includes land covered by water;
 - " sea fish " means fish of any description found in the sea, other than fish of the salmon species, and includes shellfish;
 - " sea fishing boat " means a vessel of whatever size, and in whatever way propelled, which is used by any person in fishing for sea fish;
 - " shellfish " includes crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, half-ware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish, and references in this Act to shellfish of any particular description shall be construed accordingly;
 - " shellfish bed " means any bed or ground in which shellfish are usually found or which is used for the propagation or cultivation of shellfish.

23 Isle of Man and Channel Islands

- (1) Sections 16, 17, 18 and 19(1) of this Act shall extend to the Isle of Man and the Channel Islands, and shall have effect in those Islands subject to such adaptations and modifications as Her Majesty may by Order in Council specify.
- (2) Any Order in Council made under subsection (1) of this section may be varied or revoked by a subsequent Order in Council so made.

24 Consequential amendments, repeals and transitional provisions

- (1) The enactments mentioned in Schedule 2 to this Act shall have effect subject to the amendments specified therein, being amendments consequential on the provisions of this Act.
- (2) The Acts specified in Schedule 3 to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (3) In so far as any order, regulation or licence made or granted under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made, granted or done under a corresponding provision of this Act, it shall not

be invalidated by the repeals effected by this section but shall have effect as if made, granted or done under that corresponding provision.

- (4) Without prejudice to subsection (3) of this section, any reference in this Act to a thing done under any provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done under the corresponding provision of the enactments repealed by this Act.
- (5) Where any Act or any document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as a reference to the corresponding provision of this Act.
- (6) For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.
- (7) Nothing in this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

25 Citation, commencement and extent

- (1) This Act may be cited as the Sea Fisheries (Shellfish) Act 1967 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.
- (2) This Act shall not extend to Northern Ireland.