

Status: Point in time view as at 12/11/2009.

Changes to legislation: Sea Fisheries (Shellfish) Act 1967 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

PROVISIONS WITH RESPECT TO MAKING OF ORDERS UNDER SECTION 1

- 1 Where an application for an order under section 1 of this Act is made to the appropriate Minister, that Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants.
- 2 Where a draft order is prepared and a copy thereof served on the applicants under paragraph 1 above, the applicants shall cause printed copies of the draft order to be published and circulated in such manner as the appropriate Minister thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the proposed order relates and of the lands adjoining thereto.
- 3 During the period of one month after the first publication of the draft order under paragraph 2 above, the appropriate Minister shall receive any objections or representations made to him in writing respecting the proposed order.
- 4
 - (1) The provisions of this paragraph shall have effect where any objection with respect to the proposed order which the appropriate Minister considers to be neither frivolous nor irrelevant has been duly made to that Minister under paragraph 3 above and has not been withdrawn.
 - (2) The appropriate Minister shall as soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above appoint some fit person to act as inspector respecting the proposed order.
 - (3) The inspector shall proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the sea shore to which the proposed order relates and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the proposed order with power from time to time to adjourn any sitting.
 - (4) The inspector may for the purpose of the said inquiry take evidence, and by summons under his hand require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit or declaration for the purposes of the inquiry.
 - (5) Any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey the summons, and any person who refuses or neglects to answer any question which the inspector is authorised to ask, shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 1 on the standard scale].

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- (6) Not less than [^{F2}twenty-eight days] notice shall be published in such manner as the appropriate Minister may direct of every sitting of the inquiry other than an adjourned sitting.
- (7) The inspector shall make a report in writing to the appropriate Minister, setting forth the result of the inquiry, and stating whether in his opinion the proposed order should be made, with or without alteration, specifying any alteration he recommends and his reasons therefor, and stating the objections and representations, if any, made on the inquiry and his opinion thereon.
- (8) In the application of this paragraph to Scotland, in sub-paragraph (4) for the words “summons under his hand” there shall be substituted the words “an order signed by him”, and in sub-paragraph (5) for the words “summoned” and “summons” there shall be substituted the words “ordered” and “order” respectively.

Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#) , **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) , **s. 289G**
- F2** Words substituted by [Sea Fisheries Act 1968 \(c. 77\)](#) , **s. 15(7)**

- 5 Without prejudice to paragraph 4 above, the appropriate Minister may, in the case of any proposed order, cause any such inquiry as he thinks fit to be held with respect thereto.
- 6 [^{F3}(1)] As soon as conveniently may be after the expiration of the period of one month referred to in paragraph 3 above or after the receipt by the appropriate Minister of any report of the inspector under paragraph 4(7) above, that Minister shall, after considering the objections or representations, if any, that have been made with respect to the proposed order and any such report, either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.
- [^{F4}(2)] Where the proposed order relates to any portion of the sea shore belonging to Her Majesty in right of the Crown, the appropriate Minister shall also have regard to the powers and duties of the Crown Estate Commissioners under the Crown Estate Act 1961.]

Textual Amendments

- F3** Sch. 1 para. 6 renumbered as Sch. 1 para. 6(1) (E.W.) (12.11.2009 for specified purposes) by [Marine and Coastal Access Act 2009 \(c. 23\)](#) ss. 202(4)(b), 324(1)(c), 324(1)(d)
- F4** Sch. 1 para. 6(2) inserted (E.W.) (12.11.2009 for specified purposes) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 202(4)(b), 324(1)(c), 324(1)(d)**

- 7 Where the appropriate Minister makes an order under section 1 of this Act, the applicants for the order shall cause notice of the making of the order to be published in such manner as that Minister thinks sufficient for giving information to all parties interested and shall give notice of the making of the order, in such manner as that Minister directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers, if any, of the portion of the sea shore to which the order relates and of the lands adjoining thereto.

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- 8 All expenses incurred by the appropriate Minister in relation to any application for an order under section 1 of this Act or to any order made in consequence thereof shall be defrayed by the applicants; and the appropriate Minister shall, if he thinks fit, on or at any time after the making of the application, require the applicants to pay to him such sum as he thinks requisite for or on account of those expenses, or to give security to his satisfaction for the payment of those expenses on demand.

SCHEDULE 2

Section 24.

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of S. 24(1)(2), Schs. 2 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force, and, except as specified, does not reflect any repeals or amendments which may have been made prior to 1.2.1991

[^{F5}THE ^{M1} SEA FISHERIES (CLAM AND BAIT BEDS) ACT 1881]

Textual Amendments

- F5** Entries repealed (S.) by the [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), [Sch. 2](#)

Marginal Citations

- M1** [1881 c. 11.](#)

In section 4 for the words from “sections” where first occurring, to the end of the first paragraph there shall be substituted the words “the following provisions of the Sea Fisheries (Shellfish) Act 1967, that is to say, section 1(2), so far as it relates to Schedule 1, section 1(4) and (5), sections 6, 8 and 10 and Schedule 1, shall apply as if those provisions were re-enacted in this Act with the necessary modifications”.

In section 6 for the words “Part III of the Sea Fisheries Act 1868” there shall be substituted the words “section 1 of the Sea Fisheries (Shellfish) Act 1967”.

In section 8 for the words “under the Sea Fisheries Act 1868, and any Act amending the same” there shall be substituted the words “for an offence under section 7(4) of the Sea Fisheries (Shellfish) Act 1967”.

[^{F6}THE ^{M2} SEA FISHERIES REGULATION (SCOTLAND) ACT 1895]

Textual Amendments

- F6** Entries repealed (S.) by the [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), [Sch. 2](#)

Marginal Citations

- M2** [1895 c. 42.](#)

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In section 8(1)(b) for the words “section four of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 16(2) of the Sea Fisheries (Shellfish) Act 1967”.

In section 8(1)(c) for the words “the proviso to section eight of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 17(2) of the said Act” and the words “or under a certain size” shall be omitted.

THE ^{M3} SEA FISHERIES REGULATION ACT 1966

Marginal Citations

M3 1966 c. 38.

In section 5(1)(e) for the words “section four of the Fisheries (Oyster, Crab and Lobster) Act 1877” there shall be substituted the words “section 16(2) of the Sea Fisheries (Shellfish) Act 1967”.

In section 5(1)(f) for the words “the proviso to section 8” there shall be substituted the words “section 17(2)”.

... ^{F7}

Textual Amendments

F7 Entries repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), [Sch. 2 Pt. II](#)

SCHEDULE 3

Section 24

ENACTMENTS REPEALED

Modifications etc. (not altering text)

C2 The text of S. 24(1)(2), Schs. 2 and 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force, and, except as specified, does not reflect any repeals or amendments which may have been made prior to 1.2.1991

Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 45.	The Sea Fisheries Act 1868.	Part III. Sections 58 and 68.
32 & 33 Vict. c. 31.	The Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2).	Sections 2 and 3.
38 & 39 Vict. c. 15.	The Sea Fisheries Act 1875.	The whole Act.

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40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab and Lobster) Act 1877.	The whole Act.
47 & 48 Vict. c. 27.	The Sea Fisheries Act 1884.	The whole Act.
48 & 49 Vict. c. 70.	The Sea Fisheries (Scotland) Amendment Act 1885.	In section 3, the words “the Sea Fisheries Act, 1875, and”. In section 11, paragraphs (a) and (b).
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act 1895.	Sections 11 to 17.
3 Edw. 7. c. 31.	The Board of Agriculture and Fisheries Act 1903.	In the Schedule, Part 4.
23 & 24 Geo. 5. c. 45.	The Sea-Fishing Industry Act 1933.	In section 4 (as substituted by section 38 of the Sea Fish Industry Act 1938), subsection (2).
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Section 58. In section 59, the words from the beginning to “1868”. Section 61(2).
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Sections 19 to 26. In section 32(1)(a), the words from “section nineteen” to “twenty-six” and section 32(2)(a), except in so far as it relates to receipts in pursuance of an order made in accordance with section 11(5) of that Act. In section 33(1), the definitions of “land”, “mussel”, “oyster” and “shellfish bed”. In section 34(2), the words from “and”, where first occurring, to “twenty”, and section 34(3) so far as it relates to orders under Part III of the Sea Fisheries Act 1868. In section 35(5), the words “nineteen to”.

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In Schedule 2, paragraphs 1
to 4.

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