



Sea Fisheries (Shellfish) Act 1967

1967 CHAPTER 83

Fisheries for shellfish

3 Effect of grant of right of regulating a fishery.

- (1) Where an order under section 1 of this Act confers on the grantees a right of regulating a fishery for any specified description of shellfish and imposes restrictions on, or makes regulations respecting, the dredging, fishing for and taking of any specified description of shellfish within the limits of the regulated fishery, or of that part of the fishery within which the right is exercisable, or imposes tolls or royalties upon persons dredging, fishing for and taking any specified description of shellfish within the limits of that fishery or part, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have power to do all or any of the following things, namely—
- (a) to carry into effect and enforce any such restrictions and regulations;
 - (b) to levy any such tolls or royalties;
 - (c) to provide for depositing and propagating shellfish of any description to which the order applies within those limits and for [^{F1} regulating] the regulated fishery or regulated part, as the case may be.
- (2) Subject to the provisions of section 4 of this Act, all such restrictions, regulations, tolls and royalties as aforesaid shall be imposed on and apply to all persons equally, and shall be for the benefit of the regulated fishery or part only, and [^{F2} , subject to subsection (2A) of this section,] any such tolls and royalties shall be applied [^{F3} for purposes relating to the regulation of] that fishery or part.

[^{F4}(2A) An order under section 1 of this Act which—

- (a) confers on the grantees a right of regulating a fishery, and
- (b) imposes tolls or royalties upon persons dredging, fishing for and taking shellfish within the limits of the fishery, or of that part of the fishery within which the right is exercisable,

may provide that the grantees may, for the purposes of recouping any costs incurred by the grantees in connection with applying for the order, retain such portion of those tolls and royalties as may be specified in the order.]

Status: Point in time view as at 16/09/2013. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Shellfish) Act 1967, Section 3. (See end of Document for details)

- (3) Any person who dredges, fishes for or takes shellfish of any description to which any such order applies in contravention of any such restriction or regulation, or without paying any such toll or royalty, as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F5} £50,000] and to forfeit all such shellfish so taken or, if they have been sold, a sum equal to their value; and any shellfish or sum so forfeited shall be recoverable in like manner as a fine.
- (4) The court by which any such forfeiture is imposed may direct the shellfish or sum forfeited to be delivered or paid to the grantees to be applied by them [^{F6} for purposes relating to the regulation of] the regulated fishery or part.
- [^{F7}(4A) Subsection (4B) applies where an order under section 1 of this Act—
- (a) confers a right of regulating a fishery for any specified description of shellfish, and
 - (b) imposes restrictions on, or makes regulations respecting, the dredging, fishing for and taking of any specified description of shellfish within the limits of the regulated fishery or any part of it.
- (4B) A person commits an offence if—
- (a) the person is found within the limits of, or in the immediate vicinity of, the regulated fishery,
 - (b) the person is found there at, or about, a time at which the restrictions imposed or regulations made by the order apply,
 - (c) when so found, the person is in possession of such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of dredging, fishing for and taking shellfish in contravention of the restrictions or regulations, and
 - (d) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the person intends to dredge, fish for and take shellfish in contravention of the restrictions or regulations.
- (4C) A person who commits an offence under subsection (4B) is liable on summary conviction to a fine not exceeding £50,000.]
- [^{F8}(5) Where any sea fishing boat is used in the commission of an offence under subsection (3) [^{F9}or (4B)]of this section, the master, the owner and the charterer (if any) shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £50,000.]
- [^{F10}(6) [^{F11}Subsection (1) of this section][^{F11}This section]] applies where an order under section 1 of this Act—
- (a) confers on the grantees a right of regulating a fishery, and
 - (b) by virtue of section 15(3) of the Sea Fisheries Act 1968, enables the grantees to impose restrictions on, or make regulations respecting, the dredging, fishing for and taking of shellfish within the limits of the regulated fishery or part,
- as it applies where an order under section 1 of this Act confers such a right and imposes such restrictions or makes such regulations.
- (7) Accordingly, any reference in this section to restrictions or regulations is to be read as including a reference to any restrictions imposed by, or any regulations made by, the grantees.]

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Textual Amendments

- F1** Word in s. 3(1)(c) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 204\(2\)](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 9](#) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 161\(1\)](#), [168\(1\)](#) (with s. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F2** Words in s. 3(2) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 204\(3\)\(a\)](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 9](#) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 asp 5](#), [ss. 161\(1\)](#), [168\(1\)](#) (with s. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F3** Words in s. 3(2) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 204\(3\)\(b\)](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 9](#) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 asp 5](#) [ss. 161\(1\)](#), [168\(1\)](#) (with s. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F4** S. 3(2A) inserted (E.W.) (12.11.2009 for specified purposes) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 204\(4\)](#), [324\(1\)\(c\)](#), [324\(1\)\(d\)](#) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 161\(1\)](#), [168\(1\)](#) (with s. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F5** Word in s. 3(3) substituted (S.) (1.8.2007) by virtue of [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), [ss. 32\(1\)](#), [45\(2\)](#) (with s. 39); [S.S.I. 2007/333](#), [art. 2\(1\)](#) (with art. 3); and said word also substituted (E.W.) (12.1.2010) by virtue of [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 205\(2\)](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 9](#) (with art. 3(1))
- F6** Words in s. 3(4) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 204\(5\)](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 9](#) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 161\(1\)](#), [168\(1\)](#) (with art. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F7** S. 3(4A)-(4C) inserted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), [ss. 56\(2\)\(a\)](#), [66\(2\)](#) (with s. 65); [S.S.I. 2013/249](#), [art. 2](#)
- F8** S. 3(5) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 206\(1\)](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 9](#) (with art. 3(2)) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 161\(1\)](#), [168\(1\)](#) (with s. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F9** Words in s. 3(5) inserted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), [ss. 56\(2\)\(b\)](#), [66\(2\)](#) (with s. 65); [S.S.I. 2013/249](#), [art. 2](#)
- F10** S. 3(6)(7) inserted (E.W.) (12.11.2009 for specified purposes) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 207](#), [324\(1\)\(c\)](#), [324\(1\)\(d\)](#) and said amendment extended to S. (24.2.2011) by [Marine \(Scotland\) Act 2010 asp 5](#), [ss. 161\(1\)](#), [168\(1\)](#) (with s. 162); [S.S.I. 2011/58](#), [art. 2\(a\)](#) (with art. 4)
- F11** Words in s. 3(6) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), [ss. 56\(2\)\(c\)](#), [66\(2\)](#) (with s. 65); [S.S.I. 2013/249](#), [art. 2](#)

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