



Sea Fisheries (Shellfish) Act 1967

1967 CHAPTER 83

Fisheries for shellfish

[^{F1}3A Contravention of regulated fishery orders: presumption

- (1) Subsection (2) applies in proceedings against a person (“the accused”) for an offence under section 3(3) of this Act involving dredging, fishing for and taking shellfish in contravention of restrictions imposed or regulations made by—
 - (a) an order under section 1 of this Act, or
 - (b) the grantee of such an order.
- (2) It is to be presumed that the accused was, or had been, dredging, fishing for and taking shellfish in contravention of the restrictions or regulations if—
 - (a) it is proved that—
 - (i) the accused was found within the limits of, or in the immediate vicinity of, the regulated fishery to which the order relates,
 - (ii) the accused was found there at, or about, a time at which the restrictions or regulations apply, and
 - (iii) when so found, the accused was in possession of any of the things mentioned in subsection (3), and
 - (b) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the accused was, or had been, dredging, fishing for and taking shellfish in contravention of the restrictions or regulations.
- (3) The things are—
 - (a) 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 order,
 - (b) shellfish the dredging, fishing for and taking of which is prohibited by the restrictions or regulations.
- (4) Subsection (2) does not apply if evidence is adduced sufficient to raise an issue as to whether—

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

- (a) the accused's presence within the limits of, or in the vicinity of, the regulated fishery to which the order relates was for the purpose of dredging, fishing for and taking shellfish in contravention of the restrictions or requirements, or
- (b) where the accused was found in possession—
 - (i) of any of the things mentioned in paragraph (a) of subsection (3), the possession of the thing was for that purpose,
 - (ii) of shellfish mentioned in paragraph (b) of that subsection, the shellfish were caught or taken in contravention of the restrictions or requirements.]

Textual Amendments

- F1** S. 3A inserted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 56(3)**, **66(2)** (with s. 65); S.S.I. 2013/249, **art. 2** (with **art. 4**)

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