



# Sea Fisheries (Shellfish) Act 1967

## 1967 CHAPTER 83

### *Fisheries for shellfish*

#### **[<sup>F1</sup>4D Sections 4A to [<sup>F2</sup>4CA]: supplementary**

(1) A British sea-fishery officer, or a person assisting such an officer by virtue of section 4A(2) or [<sup>F3</sup>, 4B(3) or (12) or 4CA(2)(b)], is not liable in any civil or criminal proceedings for anything done in the purported exercise of a power conferred by section 4A, 4B [<sup>F4</sup>, 4C or 4CA ] if the court is satisfied—

- (a) that the act was done in good faith;
- (b) that there were reasonable grounds for doing it; and
- (c) that it was done with reasonable skill and care.

(2) A person who—

- (a) fails without reasonable excuse to comply with any requirement imposed on the person by a British sea-fishery officer under a power conferred by section 4A [<sup>F5</sup>, 4B or 4CA ];
- (b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with such a requirement; or
- (c) obstructs such an officer in the exercise of any of those powers or the powers conferred by section 4C,

shall be guilty of an offence.

[ A constable may arrest without warrant any person who the constable reasonably <sup>F6</sup>(2A) believes is committing or has committed an offence under subsection (2) relating to—

- (a) a failure to comply with a requirement imposed under a power conferred by section 4CA,
- (b) obstructing a British sea-fishery officer in the exercise of such a power.

(2B) Subsection (2A) above is without prejudice to any power of arrest conferred by law apart from that subsection.]

(3) A person who commits an offence under subsection (2) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

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*Status: Point in time view as at 16/09/2013. This version of this provision has been superseded.*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 4D. (See end of Document for details)*

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(b) on conviction on indictment, to a fine.]

#### Textual Amendments

- F1** Ss. 4A-4D inserted (S.) (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) (asp 10), **ss. 98(1)**, 104(1); S.S.I. 2006/432, art. 2(f)
- F2** Words in s. 4D title substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 57(4)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F3** Words in s. 4D(1) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 57(3)(a)(i)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F4** Words in s. 4D(1) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 57(3)(a)(ii)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F5** Words in s. 4D(2)(a) substituted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 57(3)(b)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F6** S. 4D(2A)(2B) inserted (S.) (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 57(3)(c)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

**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 4D.