



# Sea Fish (Conservation) Act 1967

## 1967 CHAPTER 84

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949) certain enactments which provide for regulating the commercial use of, fishing for, and landing of, sea fish, and for authorising measures for the increase or improvement of marine resources. [27th October 1967]

### Modifications etc. (not altering text)

- C1** Act extended by S.I. 1972/971, art. 4, **Sch. 1** Pt. A
- C2** By **Criminal Justice Act 1991** (c.53, SIF 39:1), S. 101(1), **Sch. 12 para.23**; S.I. 1991/2208, art. 2(1), **Sch. 1** it is provided (14.10.1991) that in relation to any time before the commencement of s.70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.
- Act: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- Act: certain provisions extended (with modifications) to Jersey and Guernsey by S.I. 1981/737, arts. 3, 4, **Sch.** (as amended by S.I. 1989/2411, art. 2, **Sch.**; S.I. 2001/959, art. 2, **Sch.**)
- C3** Act: transfer of functions (31.3.2010) by **The Welsh Zone (Boundaries and Transfer of Functions) Order 2010** (S.I. 2010/760), **art. 4(1)(b)** (with art. 5(2)(3))

### Commencement Information

- I1** Act not in force at Royal Assent; Act wholly in force at 27. 11. 1967 see s. 26.

*Restrictions on commercial use of under-sized, etc., sea fish*

### [<sup>F1</sup>1] **Size limits, etc. for fish.**

- (1) Subject to the provisions of this section and of section 9(1) of this Act, no person shall land in [<sup>F2</sup>England and Wales] any sea fish of any description [<sup>F3</sup>which does not meet such requirements as to size as may be prescribed ] in relation to sea fish of that description by an order of the Ministers.

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- (2) Subject to the provisions of this section, no person shall, in [<sup>F2</sup>England and Wales], sell, expose or offer for sale or have in his possession for the purpose of sale, any sea fish of any description [<sup>F4</sup>which does not meet such requirements as to size as may be prescribed] in relation to sea fish of that description by an order of the Ministers.
- [<sup>F5</sup>(3) Sea fish of any description which do not meet the requirements as to size prescribed in relation to sea fish of that description by an order of the appropriate national authority shall not be carried, whether within or outside relevant British fishery limits, on a relevant British vessel; and an order under this subsection may prohibit the carrying by a Scottish or Northern Ireland fishing boat or a foreign vessel in waters to which subsection (3A) applies of sea fish of any description prescribed by the order which do not meet the requirements as to size so prescribed in relation to sea fish of that description.
- (3A) This subsection applies to the sea within British fishery limits, other than the Scottish zone and the Northern Ireland zone.
- “Northern Ireland zone” has the meaning given by the Northern Ireland Act 1998 (see section 98 of that Act).]
- (4) [<sup>F6</sup>Different requirements as to size] may be prescribed for the purposes of each of the foregoing provisions of this section; and an order under subsection (1) above may prescribe [<sup>F7</sup>different requirements as to size] in relation to different areas and in relation to fish of different sexes.
- (5) Where an order under subsection (1) above prescribes [<sup>F8</sup>requirements as to size] for fish of any description (or of any description and sex), whether generally or in relation to any particular area, then, except so far as provision to the contrary is made by such an order, a person who in [<sup>F2</sup>England and Wales] or, as the case may be, in that area lands a part of a fish of that description (or of that description and sex) shall, subject to section 9(1) of this Act, be deemed to contravene subsection (1) above [<sup>F9</sup>if the part does not meet the requirements as to size so prescribed.]
- (6) An order under this section may confer exemptions from any prohibition imposed by or by virtue of this section; and any such exemption may be general or subject to conditions and may relate to all fish to which the order applies or to fish of any specified description.
- (7) Any person who contravenes subsection (1) or (2) above shall be guilty of an offence under that subsection.
- (8) If subsection (3) above is contravened in the case of [<sup>F10</sup> a relevant British vessel, a Scottish fishing boat or a Northern Ireland fishing boat] the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection; and if a prohibition imposed by virtue of that subsection is contravened in the case of a [<sup>F11</sup>foreign vessel], the master shall be guilty of an offence under that subsection.
- [<sup>F12</sup>(9) In this section—
- “the appropriate national authority” means—
- (a) in relation to Wales [<sup>F13</sup>or the Welsh zone] (within the meaning of the Government of Wales Act 2006), the Welsh Ministers;
- (b) in any other case, the Secretary of State;
- “foreign vessel” means any vessel other than a relevant British vessel, a Scottish fishing boat or a Northern Ireland fishing boat;

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“Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;

“relevant British vessel” means a vessel, other than a Scottish fishing boat or a Northern Ireland fishing boat, which—

- (a) is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, or
- (b) is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.]]

### Textual Amendments

- F1** S. 1 substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 19(1)(3)**
- F2** Words in s. 1(1)(2)(5) substituted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para 43\(2\)\(a\)](#); [S.I. 1998/3178, art. 3](#)
- F3** Words in s. 1(1) substituted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 194(2)**, 324(1)(c)(d); [S.I. 2009/3345, art. 2, Sch. para. 8; and amendment extended \(S.\) \(24.2.2011\) by \[Marine \\(Scotland\\) Act 2010 \\(asp 5\\)\]\(#\), \*\*ss. 158\*\*, 168\(1\) \(with s. 162\); \[S.S.I. 2011/58, art. 2\\(a\\)\]\(#\)](#)
- F4** Words in s. 1(2) substituted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 194(3)**, 324(1)(c)(d); [S.I. 2009/3345, art. 2, Sch. para. 8; and amendment extended \(S.\) \(24.2.2011\) by \[Marine \\(Scotland\\) Act 2010 \\(asp 5\\)\]\(#\), \*\*ss. 158\*\*, 168\(1\) \(with s. 162\); \[S.S.I. 2011/58, art. 2\\(a\\)\]\(#\)](#)
- F5** S. 1(3)(3A) substituted for s. 1(3) (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 194(4)**, 324(1)(c)(d); [S.I. 2009/3345, art. 2, Sch. para. 8](#)
- F6** Words in s. 1(4) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 1(2)(a)**; [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F7** Words in s. 1(4) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 1(2)(b)**; [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F8** Words in s. 1(5) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 1(3)(a)**; [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F9** Words in s. 1(5) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 1(3)(b)**; [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F10** Words in s. 1(8) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 1(4)(a)**; [S.I. 2009/3345, art. 2, Sch. para. 8](#)
- F11** Words in s. 1(8) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 1(4)(b)**; [S.I. 2009/3345, art. 2, Sch. para. 8](#)
- F12** S. 1(9) substituted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 194(5)**, 324(1)(c)(d); [S.I. 2009/3345, art. 2, Sch. para. 8](#)
- F13** Words in s. 1(9) inserted (31.3.2010) by [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\)](#), **arts. 1(3), 4(3)** (with art. 4(5))

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#### Modifications etc. (not altering text)

- C4 S. 1(1) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 para. 12**
- C5 S. 1(2) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(5), **Sch. 4 para. 33**
- C6 S. 1(3): certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)**
- C7 S. 1(3) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 para. 12**

## 2 Size limits for fish for use in course of any business.

- (1) Subject to any exemption granted under this section, no person shall in [<sup>F14</sup>England and Wales] have in his possession any fish to which this section applies for the purpose of processing or otherwise using it in the course of any business.
- (2) This section applies to any fish which under section [<sup>F15</sup>1(2)] of this Act is prohibited from being sold in [<sup>F14</sup>England and Wales].
- (3) Where it appears to an officer authorised in that behalf by the appropriate Minister that any fish which have been caught are fish to which this section applies, the officer may grant to any person such exemption from subsection (1) above as the officer considers requisite to enable the fish to be disposed of.
- (4) Any person who contravenes this section shall be guilty of an offence under this section.

#### Textual Amendments

- F14 Words in s. 2(1)(2) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 42(2)(a)**; S.I. 1998/3178, **art. 3**
- F15 “1(2)” substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 19(2)(a)

#### Modifications etc. (not altering text)

- C8 S. 2 amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(5), **Sch. 4 Pt. II para. 34**

### *Regulation of fishing for sea fish*

## 3 Regulation of nets and other fishing gear.

- (1) The Ministers may make an order for securing that the nets and other fishing gear carried in any [<sup>F16</sup>relevant] British fishing boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section, or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.
  - (2) An order under this section may be made so as to extend to nets or other fishing gear carried in any waters adjacent to the United Kingdom and within [<sup>F16</sup>relevant][<sup>F17</sup>British fishery limits] by [<sup>F18</sup>Scottish fishing boats or] fishing boats registered in any country outside the United Kingdom or not registered in any country.
- [<sup>F19</sup>(2A) An order under this section may be made by the appropriate national authority so as to extend to nets or other fishing gear used by any person, otherwise than from a

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fishing boat, for fishing for or taking sea fish in the sea within the seaward limits of the territorial sea adjacent to England and Wales.

- (2B) In subsection (2A) above “the appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers.]
- (3) An order under this section prescribing minimum sizes of mesh may also—
- (a) prescribe the manner in which the sizes of mesh are to be measured and, in the case of any class of nets, prescribe different sizes for the nets when in different conditions;
  - (b) make provision for securing that the restrictions imposed by the order are not evaded by the use of any nets in such manner as practically to diminish their mesh, or by the covering of nets with canvas or any other material, or by the use of any other artifice;
  - (c) provide for exempting any nets from any such restrictions as aforesaid, either generally or in relation to particular fishing boats or classes of fishing boats, [<sup>F20</sup>or particular persons or persons of a particular description,] if and so long as such conditions as may be imposed by or under the order are complied with.
- (4) Without prejudice to subsection (3) above, an order under this section may, in relation to any fishing gear,—
- (a) restrict the manner in which it may be used;
  - (b) prescribe the manner in which its size is to be measured;
  - (c) make provision for securing that the restrictions imposed by the order are not evaded;
  - (d) make the like provision for exemption as is mentioned in relation to nets in subsection (3)(c) above.
- (5) If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.
- [<sup>F21</sup>(5A) A person who contravenes an order made under this section by virtue of subsection (2A) above shall be guilty of an offence under this section.]
- (6) Any restrictions imposed by an order under this section shall be in addition to, and not in substitution for, any restriction imposed by or under any other Act, and nothing in this section shall affect any power conferred by any Act to regulate sea fishing.
- (7) Nothing in any [<sup>F22</sup>byelaw, rule, order or regulation made under section 4 of the <sup>M1</sup>Sea Fisheries (Scotland) Amendment Act 1885, section 6 of the <sup>M2</sup>Herring Fishery (Scotland) Act 1889 or section 8 of the <sup>M3</sup>Sea Fisheries Regulation (Scotland) Act 1895][<sup>F22</sup>order made under section 1 of the Inshore Fishing (Scotland) Act 1984], [<sup>F23</sup>or in any byelaw made, or having effect as if made, under section 5 of the <sup>M4</sup>Sea Fisheries Regulation Act 1966,][<sup>F24</sup>or in any byelaw made under section 155 of the Marine and Coastal Access Act 2009,] or in any regulation made, or deemed to be made, under the <sup>M5</sup>Fisheries Act (Northern Ireland) 1966, shall be taken to authorise the carrying [<sup>F25</sup>or use] of fishing nets in circumstances where the carrying [<sup>F25</sup>or use] of those nets would otherwise be unlawful by virtue of an order made under this section.

#### Subordinate Legislation Made

P1 S. 3: ss. 3 and 15(3) (with s. 22(2)(a)) power exercised by [S.I. 1991/1380](#).

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**P2** S. 3: for previous exercises of this power see Index to Government Orders.

### Textual Amendments

- F16** Words in s. 3(1)(2) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F17** Words substituted by **Fishery Limits Act 1976 (c. 86), Sch. 2 para. 16(1)**
- F18** Words in s. 3(2) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(4)**; S.I. 1998/3178, **art. 3**
- F19** S. 3(2A)(2B) inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by **Marine and Coastal Access Act 2009 (c. 23), ss. 195(2), 324(1)(c)(d)**; S.I. 2009/3345, art. 2, **Sch. para. 8**; and amendment extended (S.) (24.2.2011) by **Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162)**; S.S.I. 2011/58, **art. 2(a)**
- F20** Words in s. 3(3)(c) inserted (E.W.) (12.1.2010) by **Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 15 para. 2(2)**; S.I. 2009/3345, art. 2, **Sch. para. 8**; and amendment extended (S.) (24.2.2011) by **Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162)**; S.S.I. 2011/58, **art. 2(a)**
- F21** S. 3(5A) inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by **Marine and Coastal Access Act 2009 (c. 23), ss. 195(3), 324(1)(c)(d)**; S.I. 2009/3345, art. 2, **Sch. para. 8**; and amendment extended (S.) (24.2.2011) by **Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162)**; S.S.I. 2011/58, **art. 2(a)**
- F22** Words beginning “order made” substituted (S.) for words beginning “byelaw, rule” by **Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10(2), Sch. 1**
- F23** Words in s. 3(7) repealed (1.4.2010 for W., 1.4.2011 for E.) by **Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4**; S.I. 2010/630, **art. 3(b)** (with arts. 8, 12); S.I. 2011/556, **art. 2(2)(o)** (with art. 2(3)); and repeal extended (S.) (24.2.2011) by **Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162)**; S.S.I. 2011/58, **art. 2(a)**
- F24** Words in s. 3(7) inserted (1.4.2011) by **Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 14 para. 7**; S.I. 2011/556, art. 2(2)(k)
- F25** Words in s. 3(7) inserted (E.W.) (12.1.2010) by **Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 15 para. 2(3)**; S.I. 2009/3345, art. 2, **Sch. para. 8**; and amendment extended (S.) (24.2.2011) by **Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162)**; S.S.I. 2011/58, **art. 2(a)**

### Modifications etc. (not altering text)

- C9** S. 3: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(b)**
- C10** S. 3(5) amended by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), Sch. 4 Pt. I para. 13**

### Marginal Citations

- M1** 1885 c. 70.  
**M2** 1889 c. 23.  
**M3** 1895 c. 42.  
**M4** 1966 c. 38.  
**M5** 1966 (N.I.) c. 17.

## [<sup>F26</sup>4] Licensing of fishing boats.

(1) The Ministers may by order provide—

- (a) that in any specified area within [<sup>F27</sup>relevant] British fishery limits fishing by fishing boats [<sup>F28</sup>(whether relevant British fishing boats, Scottish fishing boats or foreign fishing boats)] is prohibited unless authorised by a licence granted by one of the Ministers;

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- (b) that in any specified area outside those limits fishing by [<sup>F27</sup>relevant] British fishing boats is prohibited unless so authorised.
- (2) Such an order may apply to fishing generally in the specified area or to fishing—
- (a) for a specified description of sea fish;
  - (b) by a specified method;
  - (c) during a specified season of the year or other period; or
  - (d) in the case of an order under subsection (1)(a), by fishing boats registered in a specified country,
- and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.
- (3) Where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section.

Such an order shall specify a maximum charge and may specify different maxima in relation to different classes of licence.

[ The provision that may be made in an order by virtue of subsection (4) above <sup>F29</sup>(4A) includes—

- (a) provision for the amount of any charge to be specified in, or determined in accordance with provision made by, the order;
  - (b) different provision in relation to different classes of licence;
  - (c) provision for no charge to be payable in such circumstances as may be specified in the order.]
- (5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise fishing generally or may confer limited authority by reference to, in particular,—
- (a) the area within which fishing is authorised;
  - (b) the periods, times or particular voyages during which fishing is authorised;
  - (c) the descriptions and quantities of fish which may be taken; or
  - (d) the method of sea fishing.
- (6) A licence under this section may authorise fishing either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions—
- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed); or
  - (b) as to the use to which the fish taken may be put:
- and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.

[ The conditions subject to which a licence may be granted under this section include <sup>F30</sup>(6ZA) conditions imposed for the purposes of—

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- (a) conserving or enhancing the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas; or
- (b) conserving flora or fauna which are dependent on, or associated with, a marine or coastal environment.]

<sup>F31</sup> [ The conditions subject to which a licence may be granted under this section may differ (6A) as between different vessels or between vessels of different descriptions.]

<sup>F32</sup> [ A licence containing a condition restricting the time which a vessel may spend at sea (6B) may make provision as to the circumstances in which time is, or is not, to count as time spent at sea.

(6C) The Ministers shall by order make provision as to the principles on which the time which vessels may spend at sea is to be arrived at for the purposes of any condition included in a licence by virtue of subsection (6)(c) above.

(6D) Before considering what action to take under subsection (6C) above, the Ministers shall first give due consideration to a scheme of decommissioning in order to achieve a significant reduction in the capacity of the fishing fleet.]

(7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails [<sup>F33</sup>without reasonable excuse] to comply with such a requirement is guilty of an offence under this subsection.

<sup>F34</sup> [ Any person who— (7A) (a) for the purpose of obtaining a licence under this section; or (b) in purported compliance with subsection (7) above, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular shall be guilty of an offence under this subsection.]

(8) The licensing powers conferred by this section may be exercised so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Ministers necessary or expedient for the regulation of sea fishing.

(9) A licence under this section—  
(a) may be varied from time to time; and  
(b) may be revoked or suspended, if this appears to the Minister who granted the licence to be necessary or expedient for the regulation of sea fishing.

<sup>F35</sup> [ [<sup>F36</sup>Where an order under this section prohibits fishing in a specified area for a specified (9A) description of sea fish there shall be returned to the sea forthwith—

- (a) any sea fish of that description taken on board a fishing boat in contravention of the order; and
- (b) except so far as the order otherwise provides, any sea fish of that description taken on board a fishing boat in that area in the course of fishing for sea fish of a different description;

but, where the order applies only to fishing by a specified method or during a specified period or by boats of a specified description, paragraph (b) above applies only if the fish are caught by that method, during that period or by a boat of that description.]



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- (9B) [<sup>F36</sup>Where subsection (9A) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.]]
- (10) If a licence is varied, revoked or suspended the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.
- (11) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.
- [ As respects any function under this section, other than a function of making an order,—
- <sup>F37</sup>(11A) (a) the Marine Management Organisation may make arrangements for the function to be exercised on its behalf by the Scottish Ministers, and
- (b) the Scottish Ministers may make arrangements for the function to be exercised on their behalf by the Marine Management Organisation.
- An arrangement under this subsection does not affect a person's responsibility for the exercise of the function.
- (11B) A person exercising a function on behalf of another by virtue of subsection (11A) above may charge that other such fees as the person considers reasonable in respect of the cost of doing so.]
- (12) In this section [<sup>F27</sup>relevant]“British fishing boat” means a fishing boat [<sup>F38</sup>which is not a Scottish fishing boat and]which is registered in the United Kingdom or is British-owned, and “foreign fishing boat” means a fishing boat which is not so registered or owned [<sup>F39</sup>and which is not a Scottish fishing boat].]

#### Subordinate Legislation Made

- P3** S. 4: S. 4 (with ss. 15(3), 20(1) and 22(2)(a)) power exercised by [S.I. 1991/2196](#)  
For previous exercises of power see Index to Government Orders.

#### Textual Amendments

- F26** S. 4 substituted by [Fishery Limits Act 1976 \(c. 86\), s. 3](#)
- F27** Words in s. 4(1)(12) inserted (1.7.1999) by [S.I. 1999/1820 art. 4, Sch. 2 Pt. I para. 43\(2\)\(b\)](#); [S.I. 1998/3178, art. 3](#)
- F28** Words in s. 4(1)(a) substituted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para 43\(5\)\(a\)](#); [S.I. 1998/3178, art. 3](#)
- F29** S. 4(4A) inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 196\(1\), 324\(1\)\(c\)\(d\)](#); [S.I. 2009/3345, art. 2, Sch. para. 8](#)
- F30** [S. 4\(6ZA\)](#) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 197, 324\(3\)](#); [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 158, 168\(1\) \(with s. 162\)](#); [S.S.I. 2011/58, art. 2\(a\)](#)
- F31** [S. 4\(6A\)](#) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(1\)](#)
- F32** [S. 4\(6B\)\(6C\)\(6D\)](#) inserted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\), s. 1\(3\) \(with s. 11\(4\)\)](#).
- F33** Words inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(2\)](#)
- F34** [S. 4\(7A\)](#) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(3\)](#)
- F35** [S. 4\(9A\)\(9B\)](#) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(4\)](#)

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- F36** S. 4(9A)(9B) repealed (S.) (1.8.2007) by Aquaculture and Fisheries (Scotland) Act 2007 (asp 12), s. 45(2), **sch. para. 3(a)** (with s. 39); S.S.I. 2007/333, art. 2(1)
- F37** S. 4(11A)(11B) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(6)**, 324(3); S.I. 2010/907, art. 2(2)(a)
- F38** Words in s. 4(12) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(5)(b)(i)**; S.I. 1998/3178, **art. 3**
- F39** Words in s. 4(12) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(5)(b)(ii)**; S.I. 1998/3178, **art. 3**

#### **Modifications etc. (not altering text)**

- C11** S. 4 extended by S.I. 1978/280, **art. 2** and 1978/281, art. 4
- C12** S. 4: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6**, 86 and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(d)**
- C13** S. 4: functions made exercisable concurrently (31.3.2010) by The Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), arts. 1(3), **5(1)(a)** (with art. 6(1))
- C14** S. 4: transfer of functions (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4**, 324(3); S.I. 2010/907, art. 2(2)(a)
- C15** S. 4(1): certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6**, 86 and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(c)**
- C16** S. 4(1)(a) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(2)**, 324(3); S.I. 2010/907, art. 2(2)(a)
- C17** S. 4(3) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 14**
- C18** S. 4(4) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(3)**
- C19** S. 4(6) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(3)**, 324(3); S.I. 2010/907, art. 2(2)(a)
- C20** S. 4(7) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(3)**, 324(3); S.I. 2010/907, art. 2(2)(a)
- C21** S. 4(8) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(4)**, 324(3); S.I. 2010/907, art. 2(2)(a)
- C22** S. 4(9) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(3)**, 324(3); S.I. 2010/907, art. 2(2)(a)
- C23** S. 4(9A) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 14**
- C24** S. 4(10) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 4(3)**, 324(3); S.I. 2010/907, art. 2(2)(a)

#### **[<sup>F40</sup>4AA Restrictions on time spent at sea—appeals.**

- (1) For the purposes of performing the functions conferred by this section there shall be a tribunal to be called the Sea Fish Licence Tribunal.
- (2) If—
- (a) a licence under section 4 of this Act contains a condition restricting the time which a vessel may spend at sea, and
  - (b) no licence containing such a condition has previously been granted in respect of that vessel,
- the person to whom the licence is granted may make an application to the tribunal requesting it to review the time which according to the condition the vessel may spend at sea.
- (3) The Ministers shall by regulations make provision as to the manner in which and the time within which applications under subsection (2) above are to be made; and the

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quorum and procedure of the tribunal on dealing with an application shall be such as may be determined by or in accordance with regulations made by the Ministers.

- (4) On an application under subsection (2) above the tribunal, consistently with the principles set out in any order made under section 4(6C) of this Act, may—
  - (a) dismiss the application, or
  - (b) determine that the licence should be varied either by increasing or by reducing the time which the vessel may spend at sea.
- (5) If a determination that the licence should be varied is made by, or on appeal from, the tribunal, the Minister who granted the licence shall vary the licence so as to give effect to the determination, and shall make a corresponding variation of any other licence in force in respect of the same vessel.
- (6) The tribunal shall consist of members appointed by the Ministers, and the number of members shall be such as the Ministers may determine.
- (7) The Ministers shall make such provision as they think fit as to—
  - (a) the remuneration of the members of the tribunal, and the reimbursement of their expenses, and
  - (b) the staff and accommodation of the tribunal;and any expenses reasonably incurred by the tribunal shall be defrayed by the Ministers.
- (8) As soon as possible after the end of every period of twelve months ending with 31st March during which it exercises functions under subsection (4) above, the tribunal shall send to the Ministers a report on the exercise of those functions; and the Ministers shall lay a copy of the report before each House of Parliament.
- (9) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F40** S. 4AA inserted (17.12.1993) by [Sea Fish \(conservation\) Act 1992 \(c. 60\)](#), [s.2](#) (with [s. 11\(4\)](#)).

#### Modifications etc. (not altering text)

**C25** S. 4AA(5) modified (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 5, 324\(3\)](#); [S.I. 2010/907](#), [art. 2\(2\)\(b\)](#)

### [<sup>F42</sup>4A [<sup>F41</sup>Licensing of vessels receiving trans-shipped fish]

- (1) The Ministers may by order provide that within [<sup>F43</sup>relevant] British fishery limits or in any specified area within those limits the receiving by any vessel (whether British or foreign) of fish trans-shipped from any other vessel is prohibited unless authorised by a licence granted by one of the Ministers.
- (2) Such an order may apply to the receiving of fish generally or to the receiving of—
  - (a) a specified description of fish; or
  - (b) fish caught by a specified method; or
  - (c) fish caught in a specified area; or

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- (d) fish caught or trans-shipped during a specified season of the year or other period; or
  - (e) fish caught or received by vessels of a specified description, including vessels registered in a specified country;
- and may provide for exceptions from the prohibitions contained in it.
- (3) Where any vessel is used in contravention of a prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section, and if it does so it shall specify a maximum charge and may specify maxima in relation to different classes of licence.
- (5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise the receiving of fish generally or may confer limited authority by reference to, in particular—
- (a) the area within which the fish was caught or is trans-shipped; or
  - (b) the periods, times or particular voyages during which the fish was caught or is trans-shipped; or
  - (c) the descriptions and quantities of fish that may be received; or
  - (d) the description of vessel or method by which the trans-shipped fish was caught.
- (6) A licence under this section may authorise the receiving of fish either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of trans-shipment, including conditions as to the treatment on board the vessel of the fish received by it; and different conditions may be so imposed with respect to different vessels or vessels of different descriptions.
- If such a condition is broken the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence and any agent named in the licence to provide him with [F44such information, in such form,] as he may direct, and a person who fails without reasonable excuse to comply with such a requirement is guilty of an offence under this subsection.
- (8) Any person who—
- (a) for the purpose of obtaining a licence under this section; or
  - (b) in purported compliance with subsection (7) above,
- furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence under this subsection.
- (9) The licensing power conferred by this section may be exercised so as to limit the number of vessels, or of any description of vessel (including vessels or any description of vessel registered in a specified country) engaged in receiving fish to such an extent as appears to the Ministers necessary or expedient for the regulation of trans-shipment.
- (10) A licence under this section—
- (a) may be varied from time to time; and

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- (b) may be revoked or suspended, if it appears to the Minister who granted it to be necessary or expedient for the regulation of trans-shipment [<sup>F45</sup>or to be appropriate in a case where there is a contravention of a prohibition imposed by an order under this section or a contravention of a condition of the licence].
- (11) If a licence is varied, revoked or suspended, the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.
- (12) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.]

#### Textual Amendments

- F41** S. 4A heading inserted (1.4.2010) by virtue of Marine and Coastal Access Act 2009 (c. 23), **ss. 6(9)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- F42** S. 4A inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **ss. 21(1)**, 27
- F43** Word in s. 4A(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F44** Words in s. 4A(7) substituted (17.1.1993) by Sea Fish (Conservation) Act 1992 (c. 60), **ss. 3(2)**, 11(1) (with s. 11(4)).
- F45** Words in s. 4A(10)(b) added (17.1.1993) by Sea Fish (Conservation) Act 1992 (c. 60), **ss. 3(3)**, 11(1) (with s. 11(4)).

#### Modifications etc. (not altering text)

- C26** S. 4A: functions made exercisable concurrently (31.3.2010) by The Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), arts. 1(3), **5(1)(a)** (with art. 6(1))
- C27** S. 4A: transfer of functions (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- C28** S. 4A: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6**, 86 and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(f)**
- C29** S. 4A(1) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(2)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- C30** S. 4A(1): certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6**, 86 and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(e)**
- C31** S. 4A(3) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. 1 para. 15**
- C32** S. 4A(4) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(3)**
- C33** S. 4A(6) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- C34** S. 4A(7) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- C35** S. 4A(9) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(4)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- C36** S. 4A(10) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**
- C37** S. 4A(11) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, **art. 2(2)(c)**

#### [<sup>F46</sup>4B Regulations supplementary to sections 4 and 4A.

- (1) The Ministers may by regulations make provision as to—

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- (a) the manner in which a licence under section 4 or 4A of this Act is to be granted, or a variation, revocation or suspension effected, and
  - (b) the time when a licence, or a variation, suspension or revocation, shall have effect.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may include provision—
- (a) for documents to be delivered, or notices given, to the nominees of persons to whom licences are granted;
  - (b) for documents or notices to be treated as delivered or given if they are posted or otherwise communicated in accordance with the regulations;
  - (c) for notices to be given by publication in newspapers;
  - (d) as to the transitional effects of variations.
- (3) Regulations under this section may make different provision for different cases.
- (4) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F46** Ss. 4B, 4C inserted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), [s.4](#) (with [s. 11\(4\)](#)).

#### Modifications etc. (not altering text)

**C38** S. 4B modified (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 7, 324\(3\)](#); [S.I. 2010/907](#), [art. 2\(2\)\(d\)](#)

**C39** S. 4B: certain functions made exercisable in or as regards N.I. for the purposes of [1998 c. 47](#), [ss. 6, 86](#) and transferred (28.3.2002) by [S.I. 2002/790](#), [art. 3\(1\)](#), [Sch. 1 para. 3\(1\)\(2\)\(g\)](#)

**C40** S. 4B(4) excluded (28.3.2002) by [S.I. 2002/790](#), [art. 3\(1\)](#), [Sch. 1 para. 4\(4\)](#)

#### [<sup>F47</sup>4C Provisions supplementary to sections 4 and 4A—evidence.

- (1) Where automatic recording equipment—
- (a) is used in accordance with a condition included in a licence by virtue of section 4(6) or 4A(6) of this Act, or
  - (b) is used to record information transmitted or derived from equipment used in accordance with such a condition,
- any record produced by means of the automatic recording equipment, or partly by those and partly by other means, shall, in any proceedings for an offence under section 4 or 4A, except proceedings in Scotland, be evidence of the matters appearing from the record.
- (2) In any proceedings in Scotland for an offence under section 4 or 4A, any document which constitutes or contains—
- (a) an entry in any logbook kept, or purported to be kept, under an enforceable [<sup>F48</sup>EU] obligation relating to fishing activities, by the master of a vessel,
  - (b) a declaration made, or purported to be made, under such an obligation—
    - (i) as to fish landed, by the master of a vessel or by an agent,
    - (ii) as to trans-shipment, by the master of a vessel,
  - (c) information provided, or purported to be provided, under—

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- (i) any condition imposed under section 4(6) or 4A(6), by the master, owner or charterer (if any) of a vessel and, in the case of any condition imposed under section 4(6), by any of those persons or by an agent,
  - (ii) a requirement under section 4(7) or 4A(7), by the master, owner or charterer (if any) of a vessel and, in the case of any condition imposed under section 4A(7), by any of those persons or by an agent,
- (d) a record referred to in subsection (1) above or anything which purports to be such a record,
- shall be received in evidence without being produced or sworn to by any witness and shall be sufficient evidence of the matters stated therein or appearing therefrom.
- (3) In subsection (2) above, “document” includes, in addition to a document in writing—
- (a) any map, plan, graph or drawing,
  - (b) any photograph,
  - (c) any disk, tape, sound track or other device in which sounds or other data (not being visual aids) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom, and
  - (d) any film (including microfilm), negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.
- (4) This section shall have effect in relation to offences committed after the end of the period of one month beginning with the day on which the Sea Fish (Conservation) Act 1992 was passed.]

#### Textual Amendments

- F47** Ss. 4B, 4C inserted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), [s.4](#) (with [s. 11\(4\)](#))
- F48** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 2, 3-6](#)

## 5 Power to restrict fishing for sea fish.

- [<sup>F49</sup>(1) Subject to the provisions of this section, the appropriate national authority may make an order—
- (a) prohibiting, in any area specified in the order and either for a period so specified or without limitation of time—
    - (i) all fishing for sea fish;
    - (ii) fishing for any description of sea fish specified in the order;
    - (iii) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified;
  - (b) restricting, in any area specified in the order and either for a period so specified or without limitation of time, the amount of sea fish, or sea fish of a description specified in the order, that may, in any period so specified, be taken by—
    - (i) any person;
    - (ii) any fishing boat.

A person who contravenes any prohibition or restriction imposed by an order under this section shall be guilty of an offence under this subsection.

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- (1A) Where any fishing boat is used in contravention of any prohibition or restriction imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under subsection (1) above.
- (1B) An order under this section which prohibits in any area—
- (a) fishing for sea fish, or for any description of sea fish specified in the order, or
  - (b) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,
- may provide that any fishing gear, or any fishing gear of a description specified in the order, of any fishing boat in that area must be stowed in accordance with provision made by the order.
- (1C) An order under this section restricting the amount of sea fish of any description that may be caught in a period specified in the order may provide that, for the purposes of paragraph (b) of subsection (1) above, any sea fish of that description that, after being caught in that period, is returned to the sea as soon as that amount is exceeded is not to be treated as having been caught in contravention of the restriction imposed by the order.]
- (2) Orders under this section may make different provision [<sup>F50</sup>for different cases].
- (5) Any prohibition [<sup>F51</sup>or restriction] imposed by an order under this section may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.
- (6) Where an order under this section is made [<sup>F52</sup>by virtue of paragraph (a) of subsection (1) above] in respect of a description of sea fish specified in the order, and, in the course of [<sup>F53</sup>fishing] in an area so specified and at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) [<sup>F54</sup>are caught by a person, or taken on board a fishing boat, in contravention of the prohibition], those sea fish shall, subject to section 9 of this Act [<sup>F55</sup>and except where the order otherwise provides], be returned to the sea forthwith.
- [<sup>F56</sup>(6A) A person who does not comply with subsection (6) above shall be guilty of an offence under that subsection.]
- (7) Where subsection (6) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.
- [<sup>F57</sup>(8) The only provision that may be made by an order under this section in relation to an area outside British fishery limits, or an area within the Scottish zone or the Northern Ireland zone, is provision applying to—
- (a) a British fishing boat, other than a Scottish fishing boat or a Northern Ireland fishing boat, that is registered in the United Kingdom; or
  - (b) in so far as the order relates to fishing for salmon or migratory trout, a fishing boat which is British-owned but not registered under the Merchant Shipping Act 1995.
- (9) In this section—
- “the appropriate national authority” means—



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(a) in relation to Wales [<sup>F58</sup>or the Welsh zone] (within the meaning of the Government of Wales Act 2006), the Welsh Ministers;

(b) in any other case, the Secretary of State;

“Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;

“Northern Ireland zone” has the meaning given by the Northern Ireland Act 1998 (see section 98 of that Act).]

### Subordinate Legislation Made

**P4** S. 5: For exercises of this before power before 01.02.1991 see Index to Government Orders.

**P5** S. 5(1): ss. 5(1) and 15(3) (with ss. 20(1) and 22(2)(a)) power exercised by [S.I. 1991/1163](#).

S. 5(1): ss. 5(1) and 15(3) (with s. 22(2)(a)) power exercised by [S.I. 1991/1473](#)

**P6** S. 5: s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by [S.I. 1991/2085](#)

### Textual Amendments

**F49** S. 5(1)-(1C) substituted for s. 5(1) (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 198(2)**, 324(1)(c)(d); [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F50** Words in s. 5(2) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 3(2)**; [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F51** Words in s. 5(5) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 3(3)**; [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F52** Words in s. 5(6) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 3(4)(a)**; [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F53** Word in s. 5(6) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 3(4)(b)**; [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F54** Words in s. 5(6) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 3(4)(c)**; [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F55** Words inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 22(2)(b)**

**F56** S. 5(6A) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 15 para. 3(5)**; [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**; and extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158**, 168(1) (with s. 162); [S.S.I. 2011/58](#), **art. 2(a)**

**F57** S. 5(8)(9) substituted for s. 5(8) (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 198(3)**, 324(1)(c)(d); [S.I. 2009/3345](#), **art. 2**, **Sch. para. 8**

**F58** Words in s. 5(9) inserted (31.3.2010) by [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\)](#), **arts. 1(3)**, **4(4)** (with art. 4(5))

### Modifications etc. (not altering text)

**C41** S. 5: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6**, 86 and transferred (28.3.2002) by [S.I. 2002/790](#), **art. 3(1)**, **Sch. 1 para. 3(1)(2)(h)**

**C42** S. 5(1) amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 33(1), **Sch. 4 Pt. 1 para. 16**

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**C43** S. 5(6) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), Sch. 4 Pt. I para. 16

**[<sup>F59</sup>5A Powers to restrict fishing for marine environmental purposes.**

- (1) Any power to make an order under section 5 above may be exercised for marine environmental purposes.
- (2) The power to make an order under section 5 above by virtue of this section is in addition to, and not in derogation from, the power to make an order under that section otherwise than by virtue of this section.
- (3) In this section “marine environmental purposes” means the purposes—
  - (a) of conserving or enhancing the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas; or
  - (b) of conserving flora or fauna which are dependent on, or associated with, a marine or coastal environment.]

**Textual Amendments**

**F59** S. 5A inserted (21.9.1995) by 1995 c. 25, s. 103(1) (with ss. 7(6), 115, 117); S.I. 1995/1983, art. 3

*Regulation of the landing of sea fish*

**6 Prohibition on landing of sea fish caught in certain areas.**

- (1) The Ministers, after consultation with the [<sup>F60</sup>Secretary of State for Trade], may by order prohibit, in accordance with the provisions of this section, the landing in [<sup>F61</sup>England and Wales and Northern Ireland] of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.
- [<sup>F62</sup>(1A) The Ministers, after consultation with the Secretary of State for Trade, may by order prohibit, in accordance with the provisions of this section, the trans-shipment within [<sup>F63</sup>relevant] British fishery limits of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.]
- (2) Any prohibition imposed by an order under this section in relation to sea fish, or any particular description of sea fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea fish, or sea fish of that description, as the case may be—
  - (a) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified;
  - (b) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified;
  - (c) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

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- (3) Without prejudice to subsection (2) above, any prohibition imposed by an order under this section may be imposed subject to such exceptions as may be specified in the order.
- (4) Where an order is made under this section the enactments relating to customs shall apply accordingly, but no steps shall be taken under those enactments for the purposes of this section by any officer of customs and excise except at the request of an officer of the Ministry of Agriculture, Fisheries and Food, the <sup>F64</sup> . . . the [<sup>F65</sup>Department] of Agriculture for Northern Ireland [<sup>F66</sup>or of a member of the staff of the Scottish Administration], as the case may be.
- (5) If any sea fish are landed from a vessel in contravention of an order under this section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence [<sup>F67</sup>under this subsection].
- <sup>F68</sup>(5A) If any sea fish are—
- (a) trans-shipped into a vessel in contravention of an order under this section; or
  - (b) trans-shipped from a vessel in contravention of such an order,
- the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.]
- (6) In this and the next following section “sea fish” includes salmon and migratory trout.

#### Subordinate Legislation Made

- P7** For previous exercises of power, see Index to Government Orders
- P8** S. 6(1)(2)(3): S. 6(1) (with ss. 6(2)and (3), 15(3), 20(1) and 22(2)(a)) power exercised by S.I. 1991/2565

#### Textual Amendments

- F60** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 10**; and S.I. 1974/692, arts. 2(1), 5(3), **Sch. 1 Pt. III**
- F61** Words in s. 6(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch 2 Pt. I para 43(6)(a)**; S.I. 1998/3178, **art. 3**
- F62** S. 6(1A) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **ss. 23(3)**, 27
- F63** Word in s. 6(1A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F64** Words in s. 6(4) omitted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 43(6)(b), **Sch. 2 Pt. IV**; S.I. 1998/3178, **art. 3**
- F65** Word substituted by virtue of Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 8(1)**
- F66** Words in s. 6(4) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(6)(b)**; S.I. 1998/3178, **art. 3**
- F67** Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 23(3)**
- F68** S. 6(5A) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 23(3)**

#### Modifications etc. (not altering text)

- C44** S. 6 amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 17**
- C45** S. 6: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(i)**
- C46** S. 6(1)(1A) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(5)**

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## 7 Declarations required for purposes of orders under s. 6.

- (1) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be landed in [<sup>F69</sup> England and Wales or Northern Ireland] from that vessel while [<sup>F70</sup> any order under section 6(1) of this Act] is in force, a written declaration that those sea fish are not sea fish the landing of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are landed, to such person, or at such place, in the port of landing as may be specified in the notice:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the landing of any sea fish after the end of the period of six months from the date on which the notice is served.

- (2) Where any sea fish are brought to land in [<sup>F69</sup> England and Wales or Northern Ireland] in any vessel, any British sea-fishery officer may, at any time before the vessel next puts out to sea, request the master to make, in respect of any of those sea fish which have been, or are being, or are about to be, landed from the vessel while [<sup>F70</sup> any order under section 6(1) of this Act] is in force a written declaration that the sea fish in question are not sea fish the landing of which is prohibited by the order, and to deliver the declaration to the officer or to such person, or at such place, in the port of landing as he may designate.

Nothing in this subsection shall be taken to affect the operation of subsection (1) above.

- [<sup>F71</sup>(2A) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be trans-shipped within [<sup>F72</sup> relevant] British fishery limits from that vessel while an order under section 6(1A) of this Act is in force, a written declaration that those sea fish are not sea fish the trans-shipment of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are trans-shipped, to the officer or to such other person or at such place as may be specified in the notice and as appears to the officer to be reasonable in the circumstances:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the trans-shipment of any sea fish after the end of the period of six months from the date on which the notice is served.

- (2B) Where any sea fish have been or are being trans-shipped, or where a British sea-fishery officer has reasonable grounds for believing that any sea fish are about to be trans-shipped, within [<sup>F72</sup> relevant] British fishery limits from any vessel while an order under section 6(1A) of this Act is in force, any such officer may request the master of the vessel to make and deliver to the officer a written declaration that the sea fish in question are not sea fish the trans-shipment of which is prohibited by the order.

Nothing in this subsection shall be taken to affect the operation of subsection (2A) above.]

- (3) If the master of any vessel makes for the purposes of this section a declaration which is to his knowledge false in any material particular, he shall be guilty of an offence under this section; and if the master of any vessel fails to make, in respect of any sea fish, a declaration in accordance with the requirements of a notice duly served on him under this section or in accordance with a request duly made under this section by a British sea-fishery officer, [<sup>F73</sup> the said sea fish shall—

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- (a) where the notice or request was served or made under subsection (1) or (2) above, be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act; and
  - (b) where the notice or request was served or made under subsection (2A) or (2B) above, be presumed until the contrary is proved to be sea fish the trans-shipment of which is prohibited under that section.]
- (4) A notice under subsection (1) [<sup>F74</sup>or (2A)] above relating to any vessel may be addressed to “The Master” of the vessel (identifying it by name or otherwise) and shall be deemed to be duly served if it is delivered or sent by post to, or to the agent of, the owner or the charterer (if any) of the vessel, together with a written request that it be transmitted to the master, and, if the notice is served by being so delivered or sent as aforesaid, it shall be deemed to be served on the master of the vessel for the time being and on every other person who at any material time thereafter is the master of the vessel.

#### Textual Amendments

- F69** Words in s. 7(1)(2) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(7)**; S.I. 1998/3178, **art. 3**
- F70** Words substituted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(4)**
- F71** S. 7(2A)(2B) inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(5)**
- F72** Words in s. 7(2A)(2B) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F73** Words substituted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(6)**
- F74** Words inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(7)**

## 8 Regulation of landing of foreign-caught sea fish.

- (1) Subject to the provisions of this section and of section 9 of this Act, the [<sup>F75</sup>Secretary of State for Trade], after consultation with the Ministers, may by order regulate the landing in [<sup>F76</sup>England and Wales and Northern Ireland] of sea fish which have not been both—
- (a) taken by [<sup>F77</sup>relevant] British fishing boats [<sup>F78</sup>or Scottish fishing boats] registered in the United Kingdom, the Isle of Man or any of the Channel Islands; and
  - (b) brought to land in [<sup>F76</sup>England and Wales and Northern Ireland] without having been previously landed outside [<sup>F76</sup>England and Wales and Northern Ireland];
- and, without prejudice to the generality of the power conferred by the foregoing provisions of this section, an order under this section may determine for any such period as may be specified in the order—
- (i) the descriptions of such sea fish as aforesaid which may be landed in [England and Wales and Northern Ireland];
  - (ii) the quantity of such sea fish, or of any description thereof, which may be so landed;

but the landing of sea fish taken by a [<sup>F77</sup>relevant] British fishing boat registered in the Isle of Man or any of the Channel Islands shall not be exempt from the operation of an order under this section unless the master is either a British subject or a citizen of the Republic of Ireland and the second hand is also either a British subject or such a citizen.

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- (2) Any order under this section may contain such provisions as appear to the [<sup>F75</sup>Secretary of State for Trade] after consultation with the Ministers, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.
- (3) An order under this section regulating the landing of sea fish shall not be made unless it appears to the [<sup>F75</sup>Secretary of State for Trade], after consultation with the Ministers, that there have been, or are being, taken all such steps (if any) as are practicable and necessary for the efficient reorganisation of that branch of the sea fishing industry of [<sup>F76</sup>England and Wales and Northern Ireland] or of that branch of the fish curing industry in [<sup>F76</sup>England and Wales and Northern Ireland], as the case may be, in whose interests the order is proposed to be made.
- (4) In deciding whether or not to make an order under this section, and in settling the terms of any such order, the [<sup>F75</sup>Secretary of State for Trade] shall, among other considerations, have regard to the interests of consumers of the sea fish to which the order relates (including persons who purchase such sea fish for the purpose of subjecting them to any treatment or process of manufacture) and to the effect which the regulation of the landing of such sea fish in [<sup>F76</sup>England and Wales and Northern Ireland] is likely to have upon commercial relations between the United Kingdom and other countries; and the [<sup>F75</sup>Secretary of State for Trade] shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the government of any other country.

#### Textual Amendments

- F75** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 10**; and S.I. 1974/692, arts. 2(1), 5(3), **Sch. 1 Pt. III**
- F76** Words in s. 8 substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(8)(a)**; S.I. 1998/3178, **art. 3**
- F77** Words in s. 8(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F78** Words in s. 8(1)(a) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(8)(b)**; S.I. 1998/3178, **art. 3**

#### Modifications etc. (not altering text)

- C47** S. 8: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(j)**
- C48** S. 8(1)-(3) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(6)**

### *Exemption for certain operations*

## 9 Exemption for operations for scientific and other purposes.

- (1) Nothing in section [<sup>F79</sup>1(1) or (5)] of this Act shall restrict the landing of fish taken in the course of fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation.
- (2) Nothing in section 1(3) of this Act or in any order made under section 3 thereof shall apply in relation to fishing operations which, under the authority of one of the

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Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

- (3) Neither a prohibition imposed by an order under section 5 of this Act, nor the obligation imposed by subsection (6) of that section, shall apply in relation to fishing operations conducted under the authority of one of the Ministers for either of the purposes mentioned in subsection (2) above.
  - (4) No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.
  - (5) Subsection (4) above applies to sections 4, [<sup>F80</sup>4A,] 5, 6 and 8 of this Act and to any other enactment which provides for regulating the catching or landing of sea fish.
  - (6) Subsection (4) above shall have effect in addition to, and not in derogation of, subsections (1), (2) and (3) above and any express saving or exemption contained in such other enactment as is referred to in subsection (5) above or in any order or byelaw made under an enactment to which the said subsection (4) applies.
- [<sup>F81</sup>(6A) The Secretary of State may make regulations with respect to applications to the Marine Management Organisation for authority under this section.
- (6B) The provision that may be made in any such regulations includes provision as to—
    - (a) the manner in which, and time before which, any such application is to be made, and
    - (b) the charging of a reasonable fee by the Marine Management Organisation for dealing with an application.
  - (6C) The power to make regulations under this section shall be exercisable by statutory instrument.
  - (6D) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
  - (7) In this section “sea fish” includes salmon and migratory trout.

#### Textual Amendments

- F79** Words substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 19\(2\)\(b\)\(3\)](#)
- F80** Word inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 21\(2\)\(a\)](#)
- F81** [S. 9\(6A\)-\(6D\)](#) inserted (12.11.2009 for specified purposes, 1.4.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 8\(2\)](#), [324\(1\)\(c\)](#) (with [s. 8\(3\)](#)); [S.I. 2010/907](#), [art. 2\(2\)\(e\)](#)

#### Modifications etc. (not altering text)

- C49** [S. 9\(1\)-\(4\)](#): transfer of functions (12.11.2009 for specified purposes, 1.4.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 8\(1\)](#), [324\(1\)\(c\)](#) (with [s. 8\(3\)](#)); [S.I. 2010/907](#), [art. 2\(2\)\(e\)](#)
- C50** [S. 9\(2\)-\(4\)](#): certain functions made exercisable in or as regards N.I. for the purposes of [1998 c. 47](#), [ss. 6](#), [86](#) and transferred (28.3.2002) by [S.I. 2002/790](#), [art. 3\(1\)](#), [Sch. 1 para. 3\(1\)\(2\)\(k\)](#)

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### *Measures for increase or improvement of marine resources*

## **10 Measures for increase or improvement of marine resources.**

The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country.

### **Modifications etc. (not altering text)**

**C51** S. 10: Certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, ss. 6, 86 and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), Sch. 1 para. 3(1)(2)(I)

### *Penalties for, and other provisions as to, offences*

## **11 Penalties for offences.**

- <sup>F82</sup>(1) Any person guilty of an offence under this Act shall be liable—
- (a) in the case of an offence under section [<sup>F83</sup>section 4(3) or (6)]<sup>F84</sup> section 1, 2, 3, 4(3), (6) or (9A)], 4A(3) or (6)], [<sup>F85</sup>5(1) or 6(5A)(a)]<sup>F85</sup>5(1) or (6) or 6(5) or (5A)], on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine;
  - (b) [<sup>F86</sup>in the case of an offence under section 3 [<sup>F87</sup>, [<sup>F88</sup>4(9A)]]] or 5(6), on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine;]
  - (c) in the case of an offence under section [<sup>F89</sup>1, 2,] 4(7) or (7A), 4A(7) or (8) [<sup>F89</sup>, 6(5) or (5A)(b)] or 7(3), on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.
- (2) Subject to the following provisions of this section, the court by or before which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1, 3, 4(3) [<sup>F90</sup>, (6) and (9A)]<sup>F90</sup>and (6)], 4A(3) and (6), 5(1) and (6) and 6(5) and (5A)(b) may—
- (a) in the case of an offence under section 1, order the forfeiture of any fish in respect of which the offence was committed;
  - (b) in the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;
  - (c) in the case of an offence under section 4(3) [<sup>F91</sup>, (6) or (9A)]<sup>F91</sup>or (6)] or 4A(3) or (6), order that the owner or the charterer (if any) of the vessel used to commit the offence or, as the case may be, of the vessel named in the licence of which a condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that vessel;
  - (d) in the case of an offence under section 4(3) [<sup>F92</sup>, (6) or (9A)]<sup>F92</sup>or (6)] or section 5(1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;
  - (e) in the case of an offence under section 6(5) or (5A)(b), order the forfeiture of any fish in respect of which the offence was committed and of any net or other



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fishing gear used on the vessel in catching any fish landed or trans-shipped in contravention of an order under that section.

- (3) Any person guilty of an offence under section 1, 3, 4(3) [<sup>F93</sup>, (6) or (9A)] [<sup>F93</sup> or (6)], 4A(3) or (6), 5(1) or (6) or 6 of this Act shall, subject to [<sup>F94</sup> subsection (5)] [<sup>F94</sup> subsection (4)] below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed or, in the case of an offence under section 3, the fish caught with the net or other fishing gear in respect of which the contravention constituting the offence occurred.]
- (4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.
- (5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

#### Textual Amendments

- F82** S. 11(1)–(3) substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 24\(1\)](#)
- F83** Words in s. 11(1)(a) substituted (17.1.1993) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\), ss. 5\(a\), 11\(1\)](#) (with s. 11(4)).
- F84** Words in s. 11(1)(a) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 199\(2\)\(a\), 324\(3\)](#); [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 158, 168\(1\)](#) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F85** Words in s. 11(1)(a) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 199\(2\)\(b\), 324\(3\)](#); [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 158, 168\(1\)](#) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F86** S. 11(1)(b) repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 22 Pt. 5\(A\)](#); [S.I. 2009/3345, art. 2, Sch. para. 27\(b\)](#); and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 158, 168\(1\)](#) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F87** Word in s. 11(1)(b) repealed (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\), s. 45\(2\), sch. para. 3\(b\)\(i\)](#) (with s. 39); [S.S.I. 2007/333, art. 2\(1\)](#)
- F88** Words in s. 11(1)(b) substituted (17.1.1993) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\), ss. 5\(b\), 11\(1\)](#) (with s. 11(4)).
- F89** Words in s. 11(1)(c) repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 22 Pt. 5\(A\)](#); [S.I. 2009/3345, art. 2, Sch. para. 27\(b\)](#); and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 158, 168\(1\)](#) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)
- F90** Words in s. 11(2) substituted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\), s. 45\(2\), sch. para. 3\(b\)\(ii\)](#) (with s. 39); [S.S.I. 2007/333, art. 2\(1\)](#)
- F91** Words in s. 11(2)(c) substituted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\), s. 45\(2\), sch. para. 3\(b\)\(iii\)](#) (with s. 39); [S.S.I. 2007/333, art. 2\(1\)](#)
- F92** Words in s. 11(2)(d) substituted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\), s. 45\(2\), sch. para. 3\(b\)\(iv\)](#) (with s. 39); [S.S.I. 2007/333, art. 2\(1\)](#)
- F93** Words in s. 11(3) substituted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\), s. 45\(2\), sch. para. 3\(b\)\(v\)](#) (with s. 39); [S.S.I. 2007/333, art. 2\(1\)](#)
- F94** Words in s. 11(3) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 15 para. 4](#); [S.I. 2009/3345, art. 2, Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 158, 168\(1\)](#) (with s. 162); [S.S.I. 2011/58, art. 2\(a\)](#)

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#### **Modifications etc. (not altering text)**

- C52** S. 11 extended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 30\(1\)\(b\)](#)
- C53** S. 11(1)(c) amended (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c.53, SIF 39:1\)](#), [s. 17\(3\)](#), [Sch. 4 Pt. III](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#)

### **[<sup>F95</sup>12 Offences by directors, partners, etc**

- (1) Where a relevant offence has been committed by a body corporate and it is proved that the offence—
- (a) has been committed with the consent or connivance of a person falling within subsection (2), or
  - (b) is attributable to any neglect on the part of such a person,
- that person (as well as the body corporate) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) The persons are—
- (a) a director, manager, secretary or similar officer of the body corporate;
  - (b) any person who was purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.
- (4) Where a relevant offence has been committed by a Scottish firm and it is proved that the offence—
- (a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or
  - (b) is attributable to any neglect on the part of such a person,
- that person (as well as the firm) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (5) In this section “relevant offence” means an offence under any provision of sections 1 to 6 of this Act.]

#### **Textual Amendments**

- F95** S. 12 substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 200](#), [324\(3\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 8](#); and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 158](#), [168\(1\)](#) (with [s. 162](#)); [S.S.I. 2011/58](#), [art. 2\(a\)](#)

#### **Modifications etc. (not altering text)**

- C54** S. 12 extended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 30\(1\)\(b\)](#)

### **<sup>F96</sup>13 Institution of proceedings by local fisheries committee.**

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#### Textual Amendments

- F96** S. 13 repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009](#) (c. 23), s. 324(3), [Sch. 22 Pt. 4](#); S.I. 2010/630, [art. 3\(b\)](#) (with arts. 8, 12); S.I. 2011/556, [art. 2\(2\)\(o\)](#) (with [art. 2\(3\)](#)); and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010](#) (asp 5), [ss. 158, 168\(1\)](#) (with s. 162); S.S.I. 2011/58, [art. 2\(a\)](#)

#### [<sup>F97</sup>14 Jurisdiction of court to try offences.

Proceedings for an offence under section 1(3), 3, 4, 4A, 5, 6, 7, 15, or 16 of this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.]

#### Textual Amendments

- F97** S. 14 substituted by [Fisheries Act 1981](#) (c. 29, SIF 52:1), [s. 29](#)

#### Modifications etc. (not altering text)

- C55** S. 14 extended by [Fisheries Act 1981](#) (c. 29, SIF 52:1), [s. 30\(1\)\(b\)](#)  
**C56** S. 14 saved (17.4.2000) by S.I. 2000/874, [art. 1\(3\)](#)

*Enforcement of orders, etc.*

#### 15 Powers of British sea-fishery officers for enforcement of Act.

- (1) <sup>F98</sup>... Every British sea-fishery officer shall have the powers conferred by the following provisions of this section.
- (2) Any such officer may seize—
- [<sup>F99</sup>(a) any fish in respect of which an offence has been or is being committed under section 1(3) of this Act;
  - (aa) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been or is being committed;
  - (b) any fish in respect of which an offence has been or is being committed under section 4(3) [<sup>F100</sup>, (6) or (9A)] [<sup>F100</sup> or (6)] or 5(1) or (6) of this Act where the fish are on the fishing boat with or on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat;]
  - [<sup>F101</sup>(c) any net or other fishing gear used in contravention of a prohibition imposed by an order under the said section 4 or 5;]
  - (d) any fish landed in contravention of an order under section 6 of this Act, and any net or other fishing gear used in catching any fish so landed.
- [<sup>F102</sup>(2A) Any such officer may—
- (a) enter at any reasonable time any premises (other than a dwelling-house) used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish;

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- (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, trans-shipment, sale or disposal of any sea fish;
- (c) take copies of any such document;

and, if he has reason to suspect that an offence under this Act has been committed, he may also—

- (d) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (e) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2B) Any such officer may—

- (a) go on board any vessel into which sea fish are being trans-shipped or into which he has reason to believe that sea fish have been or are about to be trans-shipped;
- (b) require any person on the vessel to produce any documents which are in his custody or possession relating to sea fish which have been or are to be trans-shipped into that vessel;
- (c) for the purpose of ascertaining whether an offence has been committed under this Act search the vessel for any such document;
- (d) take copies of any such document;
- (e) inspect any sea fish on, and the equipment of, the vessel, and observe any trans-shipment of sea fish into, the vessel;
- (f) require any person on the vessel to do anything which appears to the officer to be necessary for facilitating the exercise of his powers under paragraph (a), (c) or (e) above.

(2C) Any person who—

- (a) without reasonable excuse fails to comply with any requirement imposed under subsection (2A) or (2B) above; <sup>[F103]</sup>or
- (b) assaults an officer who is exercising any of the powers conferred on him by either of those subsections or wilfully obstructs an officer in the exercise of any of those powers,]

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine.]

<sup>[F104]</sup>(2D) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (2A) or (2B) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50,000.

(2E) Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (2A) or (2B) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.]

<sup>[F105]</sup>(3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to the United Kingdom and within <sup>[F106]</sup>relevant<sup>[F107]</sup>British fishery limits] and in relation to any <sup>[F106]</sup>relevant] British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8(2) to (4) of the <sup>M6</sup>Sea Fisheries Act 1968 as may be conferred on him by order of the Ministers, being powers

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which the Ministers consider necessary for the enforcement of any of the provisions of sections 1 to 7 of this Act or any order made under any of those sections.

<sup>F108</sup> [ The powers which may be conferred on any such officer by an order under this section (3A) shall include power to—

- (a) require any person on board the boat to produce—
  - (i) any automatic recording equipment or transmitting equipment used in accordance with a condition included in a licence by virtue of section 4(6) or 4A(6) of this Act, or
  - (ii) any record produced by means of such equipment, or partly by those and partly by other means;
- (b) search the boat for any such equipment or record, and require any person on board the boat to do anything which appears to the officer to be necessary to facilitate the search;
- (c) examine and take copies of any such record;
- (d) seize and detain any such equipment or record for the purpose of enabling that equipment or record, or any record which may be produced by means of that equipment, to be used as evidence in proceedings for any offence.

(3B) An order under this section shall not permit anything which is required to be carried on board the boat by a condition included in a licence by virtue of section 4(6) or 4A(6) of this Act to be seized and detained except while the boat is detained in a port.]

(4) An order under this section may make different provision for different cases.

(5) Section 10 of the <sup>M7</sup>Sea Fisheries Act 1968 shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred; and, in relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly.]

#### Subordinate Legislation Made

- P9** S. 15: for exercises of this power before 1.2.1991, see Index to Government Orders.
- P10** S. 15(3): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by [S.I. 1991/2767](#)
- P11** S. 15(3): ss. 5(1) and 15(3) (with ss. 20(1) and 22(2)(a)) power exercised by [S.I. 1991/1163](#).  
S. 15(3): ss. 3 and 15(3) (with s. 22(2)(a)) power exercised by [S.I. 1991/1380](#).  
S. 15(3): ss. 5(1) and 15(3)(with s. 22(2)(a)) power exercised by [S.I. 1991/1473](#)
- P12** S. 15(3): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by [S.I. 1991/2085](#)  
S. 15(3): s. 4 (with ss. 15(3), 20(1) and 22(2)(a)) power exercised by [S.I. 1991/2196](#)
- P13** S. 15(3): s. 6(1) (with ss. 6(2) and (3), 15(3), 20(1) and 22(2)(a)) power exercised by [S.I. 1991/2565](#)
- P14** S. 15(3): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by [S.I. 1991/2806](#)  
S. 15(3): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised (17.12.1991) by [S.I. 1991/2863](#)  
S. 15(3): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised (17.12.1991) by [S.I.1991/2849](#).

#### Textual Amendments

- F98** Words repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), [Sch. 2 Pt. II](#)
- F99** S. 15(2)(a)(aa)(b) substituted for s. 15(2)(a)(b) by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 16\(3\)](#) and [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 25\(1\)](#)
- F100** Words in s. 15(2)(b) substituted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), [s. 45\(2\)](#), [sch. para. 3\(c\)](#) (with s. 39); [S.S.I. 2007/333](#), art. 2(1)
- F101** S. 15(2)(c) substituted by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 16\(3\)](#)
- F102** S. 15(2A)–(2C) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 25\(2\)](#)

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- F103** S. 15(2C)(b) and word repealed (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 199(3)(a), 324(3), **Sch. 22 Pt. 5(A)**; S.I. 2009/3345, art. 2, **Sch. paras. 827(b)**; and repeal extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 158**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F104** S. 15(2D)(2E) inserted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 199(3)(b)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 8**; and amendment extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 158**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F105** S. 15(3)–(5) substituted for s. 15(3)–(7) by Sea Fisheries Act 1968 (c. 77), s. 22(5), **Sch. 1 para. 38(3)**
- F106** Words in s. 15(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F107** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 2 para. 16(1)**
- F108** S. 15(3A)(3B) inserted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), **s. 6** (with s. 11(4)).

#### Modifications etc. (not altering text)

- C57** S. 15(2) extended by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 30(1)(b)**
- C58** S. 15(3): certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6**, 86 and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(m)**
- C59** S. 15(3): functions made exercisable concurrently (31.3.2010) by The Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), arts. 1(3), **5(1)(b)**

#### Marginal Citations

- M6** 1968 c. 77.
- M7** 1968 c. 77.

## 16 Enforcement of orders under ss. 1 and 2.

(1) With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say—

- (a) any officer authorised by the appropriate Minister,
- [<sup>F109</sup>(aa) any British sea-fishery officer]
- (b) any police officer,
- (c) any officer of a market authority, acting within the limits of any market which that authority has power to regulate,
- <sup>F110</sup>(d) ..... and
- (e) any officer authorised by the Fishmongers' Company and acting within the City of London,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

[<sup>F111</sup>(1A) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50,000.

(1B) Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.]

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<sup>F112</sup>(2) .....

[<sup>F113</sup>(3) An officer shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him by this section if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.]

#### Textual Amendments

- F109** S. 16(1)(aa) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 25(3)
- F110** S. 16(1)(d) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3)); and repeal extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a)
- F111** S. 16(1A)(1B) substituted for s. 16(1A) (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 199(4), 324(3); S.I. 2009/3345, art. 2, Sch. para. 8; and amendment extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a)
- F112** S. 16(2) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3)); and repeal extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a)
- F113** S. 16(3) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), s.25(5)

#### Modifications etc. (not altering text)

- C60** S. 16(1A) amended (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), Sch. 4 Pt. III; S.I. 1992/333, art. 2(2), Sch.2.

### <sup>F114</sup>17 Enforcement of orders under s. 3.

.....

#### Textual Amendments

- F114** S. 17 repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3)); and repeal extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1) (with s. 162); S.S.I. 2011/58, art. 2(a)

### 18 Enforcement of orders in relation to salmon and migratory trout. **E+W**

(1) In so far as [<sup>F115</sup>any order under section 4, 5 or 6 of this Act], imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which, [<sup>F116</sup>are included in the area which by virtue of [<sup>F116</sup>subsection (7) of section 6 of the Environment Act 1995]] is the area in relation to which [<sup>F116</sup>the Environment Agency] carries out functions relating to fisheries under the Salmon and Freshwater Fisheries Act <sup>M8</sup>1975 or on landing salmon or migratory trout

[<sup>F117</sup>(a) section 31(1)(d) of the <sup>M9</sup>Salmon and Freshwater Fisheries Act 1975 (which confers power of seizure) shall apply as if the reference in it to that Act included a reference to this Act, and sections 36(1) and (2) of that Act, and

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paragraph 8 of Schedule 4 (all of which contain ancillary provisions), shall be construed accordingly as including references to that Act as applied by this subsection;]

<sup>F118</sup>[(b) the provisions of sections 169 and 172 of the Water Resources Act 1991 and, in relation to those sections, of Schedule 20 to that Act (which confer powers of entry) shall apply as if section 4 of this Act, and any order under section 5 or 6 of this Act, were an enactment to which the said sections 169 and 172 applied.]

(2) Where <sup>F119</sup>any order under the said section 4, 5 or 6] imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district board within the meaning of the <sup>M10</sup>Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, or on landing salmon or migratory trout at a place within such a district as aforesaid, any water bailiff, constable or any person appointed by the <sup>F120</sup>Scottish Ministers] in pursuance of section 10(5) of the said Act of 1951 may exercise in relation to the contravention of the said section 4 or of any such order any of the powers conferred upon him in relation to a contravention of that Act by the following provisions thereof, that is to say—

- (a) sections 11 and 12 (which confer powers of search and arrest); and
- (b) sections 10(1)(d) and 20, so far as those provisions relate to the seizure of fish, instruments or articles liable to forfeiture or to the disposal of such fish,

and subsections (3) and (6) of the said section 10 (which contain provisions ancillary thereto) shall apply as if the Acts therein mentioned included a reference to this Act.

<sup>F121</sup>(3) Where any order under the said section 4, 5 or 6 imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the Tweed district (as defined in article 2(1) of the Scotland Act 1998 (River Tweed) Order 2006 (S.I. 2006/2913)), or on landing salmon or migratory trout at a place within that district, the provisions of articles 56 to 61 and 63(3) and (4) of that Order (which relate to enforcement and forfeiture) shall apply in relation to any contravention of the orders mentioned above as they apply in relation to a contravention of that Order.]

#### Extent Information

**E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F115** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 16\(4\)](#)
- F116** Words in s. 18(1) substituted (21.9.1995) by 1995 c. 25, s. 105, [Sch. 15 para. 6](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), [art. 3](#)
- F117** S. 18(1)(a) substituted by [Salmon and Freshwater Fisheries Act 1975 \(c. 51\)](#), [s. 42\(2\)](#)
- F118** S. 18(1)(b) substituted (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(1), 4(2), [Sch. 1 para. 18\(b\)](#)
- F119** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 16\(5\)](#)
- F120** Words in s. 18 substituted (1.7.1999) by [S.I. 1999/1820](#), [art. 4](#), [Sch. 2 Pt. I para. 43\(10\)](#); [S.I. 1998/3178](#), [art. 3](#)
- F121** S. 18(3) inserted (15.11.2006) by [The Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), [art. 1\(2\)](#), [Sch. 4 para. 1](#)

#### Marginal Citations

**M8** [1975 c.51\(52:2\)](#).



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- M9** 1975 c. 51.
- M10** 1951 c. 26.

## 18 Enforcement of orders in relation to salmon and migratory trout. **S**

- (1) In so far as [<sup>F157</sup>any order under section 4, 5 or 6 of this Act], imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which, for the purposes of the functions of a [<sup>F158</sup>water authority] relating to fisheries, are included in the area of the [<sup>F158</sup>water authority], or on landing salmon or migratory trout at a place within a [<sup>F158</sup>water authority area]—
- [<sup>F159</sup>(a) section 31(1)(d) of the <sup>M15</sup>Salmon and Freshwater Fisheries Act 1975 (which confers power of seizure) shall apply as if the reference in it to that Act included a reference to this Act, and sections 36(1) and (2) of that Act, and paragraph 8 of Schedule 4 (all of which contain ancilliary provisions), shall be construed accordingly as including references to that Act as applied by this subsection;]
- (b) the provisions of subsections (1), (3) and (4) of section 111, and subsections (1) to (7) of section 112, of the <sup>M16</sup>Water Resources Act 1963 (which confer powers for the enforcement of that Act) shall apply as if section 4 of this Act, and any order under section 5 or 6 thereof, were an enactment relating to the functions of the [<sup>F158</sup>water authority].
- [<sup>F160</sup>(2) Where any order under the said section 4, 5 or 6 imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district salmon fishery board within the meaning of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (asp 15), or on landing salmon or migratory trout at a place within such a district as aforesaid, the provisions of sections 52, 53, 54, 55, 57, 58 and 60(3) and (4) of that Act (which relate to enforcement and forfeiture) shall apply in relation to any contravention of the orders mentioned above as they apply in relation to a contravention of that Act.]
- [<sup>F121</sup>(3) Where any order under the said section 4, 5 or 6 imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the Tweed district (as defined in article 2(1) of the Scotland Act 1998 (River Tweed) Order 2006 (S.I. 2006/2913)), or on landing salmon or migratory trout at a place within that district, the provisions of articles 56 to 61 and 63(3) and (4) of that Order (which relate to enforcement and forfeiture) shall apply in relation to any contravention of the orders mentioned above as they apply in relation to a contravention of that Order.]

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F121** S. 18(3) inserted (15.11.2006) by [The Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2), [Sch. 4 para. 1](#)
- F157** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 16\(4\)](#)
- F158** Words substituted by virtue of [Water Act 1973 \(c. 37\)](#), [s. 9\(a\)\(b\)](#)
- F159** S. 18(1)(a) substituted by [Salmon and Freshwater Fisheries Act 1975 \(c. 51\)](#), [s. 42\(2\)](#)
- F160** S. 18(2) substituted (S.) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), [s. 71\(2\)](#), [sch. 4 para. 1](#) (with [s. 71\(3\)\(4\)\(6\)](#)); [S.S.I. 2005/174](#), art. 2

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#### Marginal Citations

**M15** 1975 c. 51.

**M16** 1963 c. 38.

### Supplemental

#### 19 Financial provisions.

- (1) Any expenses incurred under section 8 of this Act by the [<sup>F122</sup>Secretary of State for Trade] for the purpose of regulating the landing of sea fish in the United Kingdom, and any expenses incurred by the Ministers under section 10 of this Act, shall be defrayed out of moneys provided by Parliament.

<sup>F123</sup>(2) .....

#### Textual Amendments

**F122** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 10** and 1974/692, arts. 2(1), 5(3), Sch. 1 Pt. III

**F123** S. 19(2) repealed by **Fishery Limits Act 1976 (c. 86)**, **Sch. 4**

#### 20 Orders.

- (1) Any power conferred by this Act to make an order includes power to vary or revoke the order by a subsequent order.
- (2) Any power conferred by section 1, 3, 4, [<sup>F124</sup>4A,] 5, 6, 8 or 15 of this Act to make an order shall be exercisable by statutory instrument.
- (3) A statutory instrument containing an order made under the said section 1, 3 or 8, and a statutory instrument containing an order made under the said section 15 in relation to the said section 1 or 3 or an order thereunder, shall be laid before Parliament.
- (4) A statutory instrument containing an order made under the said section 8 shall cease to have effect on the expiration of a period of twenty-eight days beginning with the date on which it is made unless before the expiration of that period it has been approved by a resolution of each House of Parliament, but without prejudice to anything previously done under the instrument or to the making of a new statutory instrument.

In reckoning for the purpose of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the House of Commons is adjourned for more than four days.

- (5) A statutory instrument containing an order made under section 4, [<sup>F124</sup>4A,] 5 or 6 of this Act, and a statutory instrument containing an order made under section 15 thereof in relation to any of those sections or an order thereunder, except a statutory instrument to which [<sup>F125</sup>subsection (5A) or (6)] below applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F126</sup>(5A) A principle of the kind to which subsection (5B) below applies shall not be included in any order under section 4(6C) of this Act which makes provision for principles of any other kind; but any statutory instrument containing a separate order providing for a

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principle of that kind shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.

(5B) This subsection applies to a principle providing for a reduction in the time which all vessels, or all vessels of any specified description, may spend at sea during any period by comparison with the time which they, or vessels of that description, were permitted to spend (or spent or were treated as spending) during a specified previous period (making any necessary adjustment where the periods are of different lengths); and for this purpose “description” means description framed by reference to size of vessel, method or area of fishing or description of fish.]

(6) Where an order under section 5(1) of this Act is made so as to have effect in relation to salmon or migratory trout (whether it is made so as to have effect in relation to any other description of fish or not), then, if the order contains a statement in accordance with subsection (3) of that section, the statutory instrument containing the order shall be of no effect unless it is approved by a resolution of each House of Parliament.

(7) As soon as may be after the making of any of the following orders, that is to say, an order under section 1, 3, 6 or 8 of this Act and an order under section 15 thereof relating to the said section 1 or 3 or an order thereunder, the authority making the order shall, in such manner as that authority thinks best for informing persons concerned, publish a notice stating that the order has been made and specifying the place where copies of the order may be purchased.

**Textual Amendments**

**F124** Word inserted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 21(2)(b)

**F125** Words in s. 20(5) substituted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), s. 7(2) (with s. 11(4)).

**F126** S. 20(5A)(5B) inserted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), s. 7(3) (with s. 11(4)).

**Modifications etc. (not altering text)**

**C61** S. 20(2) excluded (28.3.2002) by S.I. 2002/790, art. 3(1), Sch. 1 para. 4(1)(2)

<sup>F127</sup>21 .....

**Textual Amendments**

**F127** S. 21 repealed by Industrial Expansion Act 1968 (c. 32), Sch. 4

**22 Interpretation.**

(1) 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—

[<sup>F128</sup>“British-owned”, in relation to a fishing boat, means owned by a person who is for the purposes of Part II of the Merchant Shipping Act 1995 a person qualified to own a British ship, or owned by two or more persons any one of whom is for those purposes a person so qualified;]

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“British sea-fishery officer” means any person who by virtue of <sup>F129</sup>section 7 of the <sup>M11</sup>Sea Fisheries Act 1968] is a British sea-fishery officer;

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or (except in section 5 and except in section 15 in so far as that section applies to sections 5 and 6 of this Act and orders made under those sections) the sea fishing service;

“the Fishmongers’ Company” means the wardens and commonalty of the Mystery of Fishmongers in the City of London;

<sup>F130</sup>“local fisheries committee” means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the <sup>M12</sup>Sea Fisheries Regulation Act 1966;]

“market authority” means any person having power to regulate a market;

“master” includes, in relation to any vessel, the person for the time being in command or charge of the vessel;

“migratory trout” means trout which migrate to and from the sea;

“processing” (in relation to fish) includes preserving or preparing fish, or producing any substance or article from fish, by any method for human or animal consumption;

<sup>F131</sup>“relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;]

<sup>F132</sup>“relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone;]

“salmon” includes any fish of the salmon species:

<sup>F133</sup>“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;]

<sup>F134</sup>“the Scottish zone” has the same meaning as in the Scotland Act 1998;]

“sea fish” means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of any such fish but (except in sections 4, <sup>F135</sup>4A,] 5, 6, 7 and 9) does not include salmon or migratory trout;

“shellfish” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

- (2) In this Act “the appropriate Minister”, in relation to England <sup>F136</sup>..., means the Minister of Agriculture, Fisheries and Food [<sup>F137</sup>in relation to Wales, means the Secretary of State concerned with the sea fishing industry in Wales], <sup>F138</sup>..., and “the Ministers”—
- (a) except in sections [<sup>F139</sup>1(1) and (2)] and 9(1) and (4) of this Act means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland [<sup>F140</sup>Wales] and Northern Ireland;
  - (b) in the said sections [<sup>F139</sup>1(1) and (2)] and 9(1) means the Minister of Agriculture, Fisheries and Food and [<sup>F141</sup>the Secretaries of State respectively] concerned with the sea fishing industry in Scotland [<sup>F142</sup>and Wales];
  - (c) in the said section 9(4) means the Minister of Agriculture, Fisheries and Food, [<sup>F141</sup>the Secretaries of State respectively] concerned with the sea fishing industry in Scotland [<sup>F142</sup>and Wales] and the [<sup>F143</sup>Department] of Agriculture for Northern Ireland.

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- (3) Anything which is required or authorised under this Act to be done by the Ministers shall be done by the Ministers acting in conjunction.
- [<sup>F144</sup>(3A) Any reference in this Act to a class is a reference to a class defined or described by reference to any circumstances whatsoever (whether or not relating to fishing or vessels).]
- (4) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended by or under any other enactment.

### Textual Amendments

- F128** Definition of “British-owned” in s. 22(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 38(c)** (with s. 312(1))
- F129** Words substituted by **Sea Fisheries Act 1968 (c. 77), Sch. 1 para. 39**
- F130** Words in s. 22(1) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by **Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4, art. 3(b)** (with arts. 8, 12); S.I. 2011/556, **art. 2(2)(o)** (with art. 2(3)); and repeal extended (S.) (24.2.2011) by **Marine (Scotland) Act 2010 (asp 5), ss. 158, 168(1)** (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F131** S. 22(1): definition of “relevant British fishing boat” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(11)**; S.I. 1999/3178, **art. 3**
- F132** S. 22(1): definition of “relevant British fishery limits” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(11)**; S.I. 1999/3178, **art. 3**
- F133** S. 22(1): definition of “Scottish fishing boat” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(11)**; S.I. 1998/3178, **art. 3**
- F134** S. 22(1): definition of “the Scottish zone” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(11)**; S.I. 1998/3178, **art. 3**
- F135** “4A,” inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 21(2)(c)**
- F136** Words repealed by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 45(a), Sch. 5 Pt. II**
- F137** Words inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 45(a)**
- F138** S. 22(2): words in definition of “the appropriate Minister” repealed (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(12), Sch. 2 Pt. IV**; S.I. 1998/3178, **art. 3**
- F139** “1(1) and (2)” substituted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 19(2)(d)(3)**
- F140** Word inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 45(b)**
- F141** Words substituted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 45(c)**
- F142** Words inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 45(c)**
- F143** Word substituted by virtue of **Northern Ireland Constitution Act 1973 (c. 36), Sch. 5 para. 8(1)**
- F144** S. 22(3A) inserted (E.W.) (12.1.2010) by **Marine and Coastal Access Act 2009 (c. 23), ss. 196(2), 324(3)**; S.I. 2009/3345, art. 2, **Sch. para. 8**

### Modifications etc. (not altering text)

- C62** Certain functions of Minister of Agriculture, Fisheries and Food as “the appropriate Minister” now exercisable (W.) by Secretary of State, or Minister and Secretary of State jointly: **S.I. 1978/272, art. 2(1)(4), Sch. 1**
- C63** Functions of Ministers acting in conjunction now exercisable by Ministers and Secretary of State for Wales jointly: **S.I. 1978/272, art. 2(3), Sch. 1**

### Marginal Citations

- M11** 1968 c. 77.  
**M12** 1966 c. 38.

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## [<sup>F145</sup>22A Application to Scotland

- (1) This Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).
- (2) Except in sections [<sup>F146</sup>1(3B) and (9), 5(8),] 17 and 22—
  - (a) for “England and Wales”, “England and Wales and Northern Ireland” or “England and Wales or Northern Ireland” there is substituted “Scotland”;
  - (b) for “relevant British fishing boat” or “relevant British fishing boats” there is substituted “Scottish fishing boat” or “Scottish fishing boats”;
  - (c) for “Scottish fishing boat” or “Scottish fishing boats” there is substituted “relevant British fishing boat” or “relevant British fishing boats”; and
  - (d) for “relevant British fishery limits” there is substituted “the Scottish zone”.

[ In section 1—

- <sup>F147</sup>(2A) (a) for subsections (3) and (3A) substitute—

“(3B) Sea fish of any description which do not meet the requirements as to size prescribed in relation to sea fish of that description by an order of the Scottish Ministers must not be carried, whether within or outside the Scottish zone, on a Scottish fishing boat; and an order under this subsection may prohibit the carrying by a relevant British fishing boat or a foreign vessel in the Scottish zone of sea fish of any description prescribed by the order which do not meet the requirements as to size so prescribed in relation to sea fish of that description.”,

- (b) in subsection (8) for “(3)” substitute “(3B)”,
- (c) for subsection (9) substitute—

“(9) In this section—

“foreign vessel” means any vessel other than a relevant British fishing boat or a Scottish fishing boat,

“relevant British fishing boat” means a vessel, other than a Scottish fishing boat, which—

- (a) is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 (c.21), or
- (b) is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.”.

(2B) In section 3—

- (a) in subsection (2A) for “adjacent to England and Wales” substitute “ of the United Kingdom adjacent to Scotland ”,
- (b) for subsection (2B) substitute—

“(2B) In subsection (2A) above—

- (a) the Scottish Ministers are “the appropriate national authority”,
- (b) the boundaries between the parts of the territorial sea of the United Kingdom adjacent to Scotland and the parts not so adjacent are to be determined by reference to an Order in Council made under section 126(2) of the Scotland Act 1998 (c.46) to the extent that the Order in Council is expressed to apply for the purposes of that Act.”.]

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- (3) In sections 4 and 4A any reference to one of the Ministers or any reference (however expressed) to the Minister who grants or has granted the licence shall be construed as a reference to the Scottish Ministers.
- (4) In sections 4(4) and 4A(4) the words from “if made” to “subsection” are omitted.
- (5) In section 4B(4) for “either House of Parliament” there is substituted “the Scottish Parliament”.
- (6)
- (6) <sup>F148</sup>In section 5—
- (a) in subsection (1), for “appropriate national authority” substitute “ Scottish Ministers ”,
  - (b) for subsection (8) substitute—
    - “(8) An order under this section may make provision—
      - (a) applying to Scottish fishing boats whether within or outside the Scottish zone,
      - (b) in any other case, applying to fishing boats within the Scottish zone.”.]
- (7) In section 6(1) and (1A), the words “after consultation with the Secretary of State for Trade” are omitted.
- (8) In section 8—
- (a) for “Secretary of State for Trade”, wherever it occurs, there is substituted “Scottish Ministers”; and
  - (b) the words “after consultation with the Ministers”, wherever they appear, are omitted.
- (9) In section 9(1) to (4), for “one of the Ministers”, wherever those words appear, there is substituted “Scottish Ministers”.
- <sup>F149</sup>[ In section 11(1)(a), for “4(3), (6) or (9A)” substitute “4(3) or (6) (9A) ]
- (10) In section 15(3)—
- (a) the words “and any British owned fishing boat (not so registered)” are omitted; and
  - (b) for “those limits” there is substituted “that zone”.
- (11) In section 20—
- (a) any reference to the laying of a statutory instrument before Parliament shall be construed as a reference to the laying of the instrument before the Scottish Parliament;
  - (b) any reference to the approval or annulment of an instrument by resolution of each or either House of Parliament shall be construed as a reference to approval <sup>F150</sup>[ or annulment ] <sup>F151</sup>of the instrument by resolution of the Scottish Parliament; . . .
  - (c) in subsection (4) the words “or prorogued” are omitted; <sup>F152</sup>[ and
  - (d) in subsection (4) for “House of Commons is adjourned” there is substituted “Scottish Parliament is in recess”.]

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- (12) In section 22(2)–
- (a) in the definition of “the appropriate Minister”, for “England” to the end there is substituted “Scotland means the Scottish Ministers”; and
  - (b) except in relation to section 4AA, in the definition of “the Ministers”, for paragraphs (a) to (c) there is substituted “means the Scottish Ministers”.
- (13) In subsection (3), at the end there is inserted “; but this subsection shall not apply to Scotland”.]

#### Textual Amendments

- F145** S. 22A inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(13)**; S.I. 1998/3178, **art. 3**
- F146** Words in s. 22A(2) inserted (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 159(2)**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F147** S. 22A(2A)(2B) inserted (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 159(3)**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F148** S. 22A(6) substituted (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 159(4)**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F149** S. 22A(9A) inserted (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 159(5)**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F150** Words in s. 22A(11)(b) inserted (retrospectively) by Fisheries Act 2020 (2020 c.22), s. 54(6), **Sch. 4 para. 6(13)(d)** (with **Sch. 4 para. 31**)
- F151** Word in s. 22A(11) repealed (27.7.2000) by S.I. 2000/2040, art. 2, **Sch. Pt. I para. 3(2) Pt. III**
- F152** S. 22A(11)(d) and word inserted (27.7.2000) by S.I. 2000/2040, art. 2, **Sch. Pt. I para. 3(3)**

## 23 Northern Ireland.

- <sup>F153</sup>(1) . . . . .
- (2) Sections 6 and 7 of this Act shall not apply to the landing of salmon or migratory trout in Northern Ireland.
- <sup>F154</sup>(3) . . . . .
- (4) The following provisions of this Act, that is to say,—
- (a) [<sup>F155</sup>section 1(1), (2), (5) and (7)], and section 2,
  - (b) section 9(1),
  - (c) sections 11 and 12, so far as they relate to offences under [<sup>F155</sup>section 1(1) and (2)] or section 2,
  - (d) section 15, so far as it relates to the enforcement of [<sup>F155</sup>section 1(1) and (2)] or of orders made thereunder, and
  - (e) sections 13, 16, 17 and 18,
- shall not extend to Northern Ireland.

#### Textual Amendments

- F153** S. 23(1) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, **Sch. 5 Pt. II**
- F154** S. 23(3) repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**
- F155** Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 19(2)(e)**



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## 24 Isle of Man and Channel Islands.

- (1) Her Majesty may by Order in Council direct that, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, the following provisions of this Act, that is to say,—
- (a) sections 1, 3, 4, 5, 9(1), (2) and (3) and 14,
  - (b) section 11, so far as it relates to offences under section 1, 3, 4 or 5, and
  - (c) sections 15 and 16, so far as they relate to the enforcement of section 1, 3, 4 or 5 or of orders made thereunder,
- shall apply in relation to [<sup>F156</sup>relevant] British fishing boats registered in the Isle of Man or any of the Channel Islands as those provisions apply in relation to [<sup>F156</sup>relevant] British fishing boats registered in the United Kingdom.
- (2) Her Majesty may by Order in Council direct that, subject as aforesaid, the following provisions of this Act, that is to say,—
- (a) the provisions mentioned in subsection (1) above, and
  - (b) section 2, sections 11(1) and 13, so far as they relate to an offence under section 2, and section 16, so far as it relates to the enforcement of section 2, and
  - (c) section 9(4), (5), (6) and (7),
- shall extend to the Isle of Man or any of the Channel Islands.
- (3) An Order in Council under subsection (1) or (2) of this section may be varied or revoked by a subsequent Order thereunder.

### Textual Amendments

**F156** Words in s. 24(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 43(2)(b); S.I. 1998/3178, art. 3

### Modifications etc. (not altering text)

**C64** S. 24 extended (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), s. 12(2) (with s. 11(4))

**C65** S. 24 extended (12.11.2009) by Marine and Coastal Access Act 2009 (c. 23), ss. 323(9), 324(1)(b)

## 25 Repeals, savings and consequential amendment.

- <sup>x1</sup>(1) The Acts specified in the Schedule to this Act shall be repealed to the extent specified in the third column of that schedule.
- (2) In so far as any order, Order in Council, notice or licence made, given or granted under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made, given, 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, given, granted or done under that corresponding provision.
- (3) Without prejudice to subsection (2) above, 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.
- (4) 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

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requires, be construed as, or as including, a reference to the corresponding provision of this Act.

- (5) For the purpose of determining the punishment (by fine, imprisonment, forfeiture or any one or more of them) 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.
- (6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the <sup>M13</sup>Interpretation Act 1889 (which relates to the effect of repeals).
- <sup>X1</sup>(7) In section 10 of the <sup>M14</sup>White Fish and Herring Industries Act 1948 (which defines “the Ministers”) for the words “the last mentioned Secretary of State” there shall be substituted the words “the Secretary of State concerned with the sea-fishing industry in Northern Ireland”.

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**Editorial Information**

- X1** The text of S. 25(1)(7), Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Marginal Citations**

- M13** 1889 c. 63.  
**M14** 1948 c. 51.

## 26 Citation and commencement.

This Act may be cited as the Sea Fish (Conservation) 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.

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X<sup>2</sup>SCHEDULE

Section 25.

ENACTMENTS REPEALED

**Editorial Information**

**X2** The text of S. 25(1)(7), Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
23 & 24 Geo. 5. c. 45.	The Sea-Fishing Industry Act 1933.	The whole Act, except section 4(2).
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Part II, except so much of section 38 as substituted a new provision for section 4(2) of the Sea-Fishing Industry Act 1933. Section 62(1).
11 & 12 Geo. 6. c. 30.	The White Fish and Herring Industries Act 1953.	In Part I of the Schedule, in the entry relating to Section 10 of the White Fish and Herring Industries Act 1948, the words from “for” where first occurring to “and” where last occurring.
8 & 9 Eliz. 2. c. 17.	The Sea Fish Industry Act 1959.	Sections 4 to 8. Sections 9(1)(a) and (b). Sections 10, 11 and 12. Section 13(1) except the definition of “the ministers”, and in that definition the words from “and except” to the end. Section 14(2).
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Sections 10 to 15. In section 17, in subsection (1), the words “or byelaw”, in subsection (2), the words from “contained” to the end except the words “having effect as modified by section sixteen of this Act”,

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		and, in subsection (3), the words “or byelaw”.
		Section 32(2)(a) 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 “British-owned” and “fishing boat”.
		In section 33(2)(a) and (b), the words “sections ten to twelve and”.
		Section 34(3), except in so far as it relates to orders under Part III of the Sea Fisheries Act 1868, and section 34(4) and (5).
		Section 35(3) and (4) and in section 35(5), the words “fourteen, fifteen”.
		Section 36(2) and, in section 36(3), the words “fifteen and”.
		In section 37(2), the words from “and the” to the end.
		In Schedule 2, paragraphs 5, 6, 10, 25 and 26.
1963 c. 38.	The Water Resources Act 1963.	In Schedule 13, paragraph 17.
1964 c. 72.	The Fishery Limits Act 1964.	In Schedule 1, the entries relating to the Sea-Fishing Industry Act 1933, the White Fish and Herring Industries Act 1948, the Sea Fish Industry Act 1959 and the Sea Fish Industry Act 1962 except the entry relating to section 16(1) of the last mentioned Act.

**Status:**

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**Changes to legislation:**

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