



# Sea Fish (Conservation) Act 1967

## 1967 CHAPTER 84

### *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>F1</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>F1</sup>relevant][<sup>F2</sup>British fishery limits] by [<sup>F3</sup>Scottish fishing boats or] fishing boats registered in any country outside the United Kingdom or not registered in any country.
- [<sup>F4</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 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;

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- (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>F5</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>F6</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>F7</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>F7</sup>order made under section 1 of the Inshore Fishing (Scotland) Act 1984], [<sup>F8</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,] 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>F9</sup>or use] of fishing nets in circumstances where the carrying [<sup>F9</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](#).
- P2** S. 3: for previous exercises of this power see Index to Government Orders.

**Textual Amendments**

- F1** 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](#)
- F2** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 16\(1\)](#)
- F3** 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](#)
- F4** [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\(a\)](#)
- F5** 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\(a\)](#)

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- F6** 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)**
- F7** 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**
- F8** 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)**
- F9** 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)**

- C1** 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)**
- C2** S. 3(5) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. 1 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>F10</sup> Licensing of fishing boats.**

- (1) The Ministers may by order provide—
- that in any specified area within [<sup>F11</sup>relevant] British fishery limits fishing by fishing boats [<sup>F12</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;
  - that in any specified area outside those limits fishing by [<sup>F11</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—
- for a specified description of sea fish;
  - by a specified method;
  - during a specified season of the year or other period; or
  - 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.

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

<sup>F13</sup>(4A) [ The provision that may be made in an order by virtue of subsection (4) above 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.

<sup>F14</sup>(6ZA) [ The conditions subject to which a licence may be granted under this section include conditions imposed for the purposes of—

- (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>F15</sup>(6A) [ The conditions subject to which a licence may be granted under this section may differ as between different vessels or between vessels of different descriptions.]

<sup>F16</sup>(6B) [ A licence containing a condition restricting the time which a vessel may spend at sea 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.]

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(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>F17</sup>without reasonable excuse] to comply with such a requirement is guilty of an offence under this subsection.

[ Any person who—

- <sup>F18</sup>(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>F20</sup>Where an order under this section prohibits fishing in a specified area for a specified  
<sup>F19</sup>(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.]

(9B) [<sup>F20</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>F21</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.

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- (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>F11</sup>relevant]“British fishing boat” means a fishing boat [<sup>F22</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>F23</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

- F10** S. 4 substituted by [Fishery Limits Act 1976 \(c. 86\), s. 3](#)
- F11** 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](#)
- F12** 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](#)
- F13** 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](#)
- F14** [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\(a\)](#)
- F15** [S. 4\(6A\)](#) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(1\)](#)
- F16** [S. 4\(6B\)\(6C\)\(6D\)](#) inserted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\), s. 1\(3\)](#) (with s. 11(4)).
- F17** Words inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(2\)](#)
- F18** [S. 4\(7A\)](#) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(3\)](#)
- F19** [S. 4\(9A\)\(9B\)](#) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 20\(4\)](#)
- F20** [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\(1\)](#)
- F21** [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\(2\)\(a\)](#)
- F22** 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](#)
- F23** 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)

- C3** S. 4 extended by [S.I. 1978/280, art. 2](#) and 1978/281, art. 4
- C4** 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\(1\)\(2\)\(d\)](#)
- C5** 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))
- C6** 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\(2\)\(a\)](#)
- C7** 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\(1\)\(2\)\(c\)](#)

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- C8** 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)
- C9** S. 4(3) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 14**
- C10** S. 4(4) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(3)**
- C11** 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)
- C12** 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)
- C13** 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)
- C14** 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)
- C15** S. 4(9A) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 14**
- C16** 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>F24</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 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;

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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

**F24** 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)

**C17** 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>F26</sup>4A [<sup>F25</sup>Licensing of vessels receiving trans-shipped fish]

- (1) The Ministers may by order provide that within [<sup>F27</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 specified description of fish; or
  - fish caught by a specified method; or
  - fish caught in a specified area; or
  - fish caught or trans-shipped during a specified season of the year or other period; or
  - 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—
- the area within which the fish was caught or is trans-shipped; or
  - the periods, times or particular voyages during which the fish was caught or is trans-shipped; or
  - the descriptions and quantities of fish that may be received; or



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- (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 [<sup>F28</sup>such 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
  - (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>F29</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

- F25** 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)
- F26** S. 4A inserted by Fisheries Act 1981 (c. 29, SIF 52:1), ss. 21(1), 27
- F27** Word in s. 4A(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
- F28** 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)).

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Regulation of fishing for sea fish. (See end of Document for details)*

**F29** 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)**

- C18** 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))
- C19** 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)
- C20** 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)**
- C21** 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)
- C22** 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)**
- C23** S. 4A(3) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. 1 para. 15**
- C24** S. 4A(4) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(3)**
- C25** 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)
- C26** 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)
- C27** 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)
- C28** 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)
- C29** 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>F30</sup>4B Regulations supplementary to sections 4 and 4A.**

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

**F30** Ss. 4B, 4C inserted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), **s.4** (with s. 11(4)).

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Regulation of fishing for sea fish. (See end of Document for details)*

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

- C30** 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\(2\)\(d\)](#)
- C31** 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\(1\)\(2\)\(g\)](#)
- C32** S. 4B(4) excluded (28.3.2002) by [S.I. 2002/790](#), [art. 3\(1\)](#), [Sch. 1 para. 4\(4\)](#)

[<sup>F31</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 Community 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—
    - (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.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Regulation of fishing for sea fish. (See end of Document for details)*

- (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

**F31** Ss. 4B, 4C inserted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), [s.4](#) (with [s. 11\(4\)](#))

## 5 Power to restrict fishing for sea fish.

[<sup>F32</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.

(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>F33</sup>for different cases] .

(5) Any prohibition [<sup>F34</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.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Regulation of fishing for sea fish. (See end of Document for details)*

- (6) Where an order under this section is made [<sup>F35</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>F36</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>F37</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>F38</sup>and except where the order otherwise provides], be returned to the sea forthwith.
- [<sup>F39</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>F40</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—
    - (a) in relation to Wales [<sup>F41</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

- F32** [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\(a\)](#)

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Regulation of fishing for sea fish. (See end of Document for details)*

- F33** 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)**
- F34** 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)**
- F35** 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)**
- F36** 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)**
- F37** 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)**
- F38** Words inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 22(2)(b)**
- F39** 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)**
- F40** 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**
- F41** 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)

- C33** 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)**
- C34** S. 5(1) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. 1 para. 16**
- C35** S. 5(6) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. 1 para. 16**

#### [<sup>F42</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

- F42** 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**

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967,  
Cross Heading: Regulation of fishing for sea fish.