



Sea Fish Industry Act 1970

1970 CHAPTER 11

PART I

WHITE FISH INDUSTRY

Duties and powers of Authority

4 Duties of Authority

- (1) The Authority, for the purpose of their general functions of reorganising, developing and regulating the white fish industry, shall have regard to the interest of consumers in a plentiful supply of white fish at reasonable prices, as well as to the interests of the different sections of the white fish industry.
- (2) The Ministers may, after consultation with the Authority, give the Authority such directions of a general character as to the exercise and performance by the Authority of their functions as appear to the Ministers to be requisite in the national interest and the Authority shall give effect to any such directions.

The Ministers shall publish in such manner as they think fit any direction given by them under this subsection as soon as practicable after it is given, unless in their opinion it is against the national interest to do so.

- (3) Any directions under subsection (2) above in connection with the Authority's functions under section 44 of this Act shall be given by the Secretary of State concerned with the sea fishing industry in Wales as well as by the Ministers, and references to the Ministers in that subsection shall be construed accordingly.
- (4) It shall be the duty of the Authority, if so required by any Minister of the Crown, to act as his agent in matters relating to white fish.

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5 Powers of Authority

- (1) For the purpose of their general functions of reorganising, developing and regulating the white fish industry, the Authority shall have power to do all or any of the following things:—
- (a) to carry on research and experiment either alone or in collaboration with others and for that purpose provide or acquire, equip and operate vessels or plants, and to give financial assistance to others carrying on research or experiment;
 - (b) to encourage persons engaged in the white fish industry to make voluntary arrangements on a co-operative basis for the selling of white fish or the buying of materials and other requisites for the industry (including in particular gear, fuel and stores for vessels to which this Part of this Act applies), and to give financial or other assistance in bringing any such arrangements into operation or in continuing or extending any such arrangements;
 - (c) to undertake as agents, in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry, the first sale of white fish landed in Great Britain and, where it appears to the Authority likely to promote efficiency and economy, to undertake as principals the buying and selling of such materials and requisites as aforesaid;
 - (d) to promote the export of white fish by establishing, or by encouraging and giving financial or other assistance for the establishment of, selling agencies and storage facilities outside the United Kingdom, and by other means;
 - (e) to provide or acquire and equip vessels to which this Part of this Act applies to be operated under charter from the Authority;
 - (f) to provide or acquire, equip or operate plants for processing white fish in Great Britain or for making ice in Great Britain in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry ;
 - (g) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving—
 - (i) vessels to which this Part of this Act applies or their gear, or
 - (ii) plants for processing white fish in Great Britain;
 - (h) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry ;
 - (i) to give financial assistance by way of grant for the maintenance while taking a course of specialised training or education of persons engaged or employed in the white fish industry or intending to be so;
 - (j) to encourage, by means of publicity and by advice and instruction, the improvement of conditions in the white fish industry and the greater consumption of white fish.
- (2) For the purpose of their general functions of reorganising, developing and regulating the white fish industry, the Authority may take or acquire shares or similar interests in any company where a substantial part of the company's business consists or is to consist in carrying on any activities which the Authority have power to carry on under subsection (1) above or in operating vessels to which this Part of this Act applies for the catching or processing of white fish or for transporting white fish or the products of white fish.

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- (3) The Authority may themselves operate any vessel for catching or processing white fish or for transporting white fish or the products of white fish where they acquire control of the vessel under or in consequence of any agreement relating to financial assistance given or to be given by them and they are for the time being unable to dispose of the vessel or make other arrangements on terms satisfactory to them.

6 Power to make regulations about handling, etc. of white fish, and for other purposes

- (1) With a view to improving the marketing and distribution of white fish, and the condition in which white fish are offered for sale, the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, may make regulations for all or any of the following purposes:—
- (a) for regulating the handling and stowage of white fish on vessels to which this Part of this Act applies, being vessels registered in Great Britain, and for regulating the handling of white fish during or at any time after landing;
 - (b) for timing landings of white fish so as to secure regularity in the supply and prevent congestion in harbours, and for that purpose requiring vessels proposing to land their catch in Great Britain to land or delay landing it if so directed in accordance with the regulations;
 - (c) for regulating the sale of white fish, including the conditions of sale other than the price ;
 - (d) for prescribing standards of quality for white fish and limiting the purposes for which fish of any of the standards may be used.
- (2) Without prejudice to the generality of subsection (1) above, the regulations may include provision for securing economy or speed in handling white fish in markets and in the transportation of white fish, and the regulations—
- (a) may for the purposes of paragraph (a) of that subsection regulate—
 - (i) the construction and equipping of holds in vessels to which this Part of this Act applies;
 - (ii) the construction, size, layout and equipping of the parts of such vessels used for processing white fish;
 - (iii) the equipping of vehicles used for transporting white fish;
 - (iv) the size and material of containers of white fish;
 - (b) may for the purposes of paragraph (c) of that subsection require disputes with respect to, or arising out of, any sale to be settled by arbitration in accordance with the regulations;
 - (c) may contain such incidental and supplementary provisions as appear to the Authority to be necessary or expedient for the purposes of the regulations.
- (3) The Authority may also make regulations for prescribing anything required or authorised by this Part of this Act to be prescribed.
- (4) Regulations made by the Authority under this Part of this Act may be made so as to apply either generally or to particular cases or classes of case and may make different provisions for different cases or classes of case, and in particular regulations under subsection (1) above may—
- (a) make different provision for different areas or for fish of different descriptions;

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- (b) provide for granting exemptions (subject or not to conditions) for the purpose of paragraph (a) of that subsection.
- (5) Regulations made by the Authority under this Part of this Act shall be of no effect unless confirmed by order of the Ministers, and any such order shall be subject to annulment by resolution of either House of Parliament.
- (6) The provisions of Schedule 3 to this Act shall have effect with respect to the making and confirmation of such regulations.
- (7) If any person contravenes the provisions of any regulations under subsection (1) above, he shall be guilty of an offence against this Part of this Act, and if a contravention of any such provision occurs in relation to any vessel to which this Part of this Act applies every person who is an owner, charterer or master of the vessel at the time of the contravention shall be guilty of such an offence.

7 Schemes for reorganisation, development or regulation of the white fish industry

- (1) If it appears to the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, that it is necessary or expedient to bring into force a scheme for the reorganisation, development or regulation of the white fish industry or any section of it, the Authority may submit to the Ministers a scheme containing any provisions which the Authority in their discretion think expedient for that purpose (including provisions conferring further functions on the Authority).
- (2) If the Ministers are satisfied, having regard to the interest of consumers in a plentiful supply of white fish at reasonable prices as well as to the interests of the different sections of the white fish industry, that the bringing into force of the scheme will conduce to the better organisation, development or regulation of the white fish industry or the section of it to which the scheme relates, and that it is expedient that the scheme should have effect, then (subject to subsection (7) below) they may confirm the scheme by order and thereupon the scheme shall have effect.
- (3) The provisions of Schedule 3 to this Act shall have effect with respect to the submission to the Ministers and confirmation of schemes.
- (4) A scheme may include provisions making persons guilty of an offence against this Part of this Act, where there is a contravention of the scheme.
- (5) The Ministers may (subject to subsection (7) below) by order revoke a scheme if it appears to them, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned and with the Authority, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest, but the revocation of the scheme shall be without prejudice to anything previously done under the scheme or to the making, submission or confirmation of a new scheme.
- (6) Any scheme varying or revoking a previous scheme, and any order of the Ministers revoking a scheme, may include provision for any transitional or other consequential matters, including in particular the winding up of any body constituted by the scheme varied or revoked and the disposal of any assets of any body so wound up which remain after the payment of its debts and liabilities and of the costs and expenses of the winding up.

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- (7) The Ministers shall not make an order confirming or revoking a scheme unless a draft of the order has been laid before Parliament and approved by resolution of each House.