



# Sea Fish Industry Act 1970

## 1970 CHAPTER 11

### PART I

#### WHITE FISH INDUSTRY

*Inquiries, information, notices, etc.*

#### **10 Power of the Authority to hold inquiries**

- (1) The Authority may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.
- (2) If the Ministers are satisfied that, for the purposes of any inquiry into a particular matter under the powers conferred by this section, it is necessary so to do, the Ministers may by order, specifying the matter to be inquired into, direct that in respect of any meeting of the Authority held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Authority are present, the Tribunals of Inquiry (Evidence) Act 1921 shall apply to the Authority as if it were a tribunal established in accordance with that Act and as if that Act had been applied to the Authority in the manner provided for by that Act.
- (3) Notwithstanding subsection (2) above, an order under that subsection shall not have the effect of applying to the Authority section 2(a) of the said Act of 1921 (tribunals to be open to the public unless this is contrary to the public interest), but the Authority may nevertheless refuse to allow the public or any portion of the public to be present at the proceedings of the Authority if and so far as it is, in the opinion of the Authority, necessary so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given.
- (4) Subsections (2) and (3) above shall apply in relation to any inquiry held on behalf of the Authority by the Scottish Committee with the substitution of references to the committee for the references to the Authority.
- (5) A draft of any order under this section shall be laid before Parliament.

## **11 Inquiries held by Ministers**

- (1) For the purpose of any inquiry which, in relation to any scheme or to any regulations under this Part of this Act, is held by direction of the Ministers, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his possession or control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined; but no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.
- (2) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of this section, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both.
- (3) In the application of this section to Scotland, for any reference to a summons there shall be substituted a reference to an order.

## **12 General provisions as to keeping of books, furnishing information, etc.**

- (1) Any person engaged in the white fish industry shall keep such books and records as may be prescribed, and the Authority may from time to time give to any such person a notice requiring him to produce any such books or records to an officer authorised by the Authority or to furnish to the Authority such returns and other information specified in the notice as the Authority may require for the discharge of their functions.
- (2) At any time during the currency of a licence granted under this Act the person having possession of it shall, on being required to do so by an officer authorised as aforesaid and on the officer, if so required, showing his certificate, produce the licence to that officer; and any person concerned in the management of a vessel to which this Part of this Act applies in respect of which there is in force a licence so granted—
  - (a) on being required to do so by such an officer and on the officer, if so required, showing his certificate, shall furnish to the officer the name and address of the person having possession of the licence ;
  - (b) on being required to do so by a notice given to him by the Authority, shall furnish to the Authority that name and address.
- (3) If any person required by or under this section, or section 8 or 9 of this Act, or a scheme, to produce or furnish any document or information in his possession or control fails to comply with the requirement, he shall be liable on summary conviction to a fine not exceeding £25 ; and if in furnishing any information for the purposes of any of the sections aforesaid or of a scheme a person knowingly or recklessly makes any statement or representation which is false in a material particular, or if with intent to deceive a person produces or furnishes for the purposes aforesaid any document or information which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or to both.

### **13 Powers of entry, etc.**

(1) An officer authorised by the Authority shall, on showing (if so required) his certificate, have a right at all reasonable hours to go on board any vessel to which this Part of this Act applies, being a vessel registered in Great Britain, or enter any premises not used only as a private dwelling-house or any vehicle.—

(a) for the purpose of ascertaining whether there is or has been on, or in connection with, the vessel, premises or vehicle any contravention of regulations under section 6(1) of this Act, or of a scheme, or of the conditions of a licence granted under this Act; and

(b) generally for the purpose of the enforcement of any such regulations, scheme or conditions ;

and to carry out an inspection of the vessel, premises or vehicle and to take such samples and carry out such tests as he may reasonably require to do for the purposes aforesaid.

(2) If a justice of the peace on sworn information in writing—

(a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as aforesaid; and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent;

the justice may by warrant under his hand authorise such an officer as aforesaid to enter the premises, if need be by force, and the warrant shall continue in force for a period of one month.

(3) Any officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.

(4) Any officer authorised by the Authority may purchase samples of any white fish.

(5) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by this section shall be liable on summary conviction to a fine not exceeding £50.

(6) If a person exposing any white fish for sale refuses to sell to an officer authorised by the Authority to purchase samples the quantity which he requires as a sample, after the officer has shown his certificate and has tendered the price for that quantity, or if a person having for the time being charge of any white fish refuses to allow an officer authorised by the Authority to take samples to take the quantity which he requires as a sample, after the officer has shown his certificate, then that person shall be deemed for the purposes of subsection (5) above to have wilfully obstructed the officer:

Provided that where any white fish is exposed for sale in an unopened container, no person shall be required to sell it except in the unopened container in which it is contained.

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*Status: This is the original version (as it was originally enacted).*

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- (7) In the application of this section to Scotland, any reference to a justice of the peace shall include a reference to a sheriff.

#### **14 Restrictions on disclosure of information**

- (1) Subject to subsection (2) below, no information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of this Part of this Act or the execution of any scheme or of any regulations under this Part of this Act.
- (2) Nothing in subsection (1) above shall apply to any disclosure of information made by the Authority to the Ministers or to the Secretary of State concerned with the sea fishing industry in Wales or to any of them or to any disclosure of information made for the purposes of any proceedings pursuant to this Part of this Act (including arbitrations), or any criminal proceedings, or for the purposes of any report of such proceedings as aforesaid.
- (3) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50 or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding £100 or to both.

#### **15 Form and service of notices**

- (1) Any notice to be given by the Authority under this Part of this Act, or under any scheme or any regulations under this Part of this Act, shall be in writing.
- (2) Any notice to be given as aforesaid to any person shall be deemed to have been duly given if it is addressed to him either by name or by a sufficient description of the character in which it is given to him, and is delivered at the proper address, and in the case of a notice to be given to the master of a vessel engaged in catching or processing sea fish or transporting sea fish or the products of sea fish shall be deemed to have been duly given to him if it is given 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.
- (3) Subsection (2) above shall not be taken to prejudice any other method of giving notice.
- (4) For the purposes of this section, the proper address of any person to whom a notice is to be given as aforesaid shall be the address furnished by him for the purpose or, if no address has been so furnished, his last known address.