



Sea Fish Industry Act 1970

1970 CHAPTER 11

PART I

WHITE FISH INDUSTRY

Registration and licensing

8 Registration of persons engaged in the white fish industry

- (1) The Authority may keep such registers as they think fit of persons engaging in the white fish industry by carrying on any prescribed business, and the Authority on application made by any person to be registered as a person carrying on a prescribed business, and on payment of such fee not exceeding five shillings as may be prescribed (if any), shall register him in the appropriate register as a person carrying on that business.
- (2) Subject to any prescribed exemptions, no person shall after the expiration of the prescribed period engage in the white fish industry by carrying on a prescribed business unless he is registered under this section in the appropriate register as a person carrying on that business, and any person contravening this subsection shall be liable on summary conviction to a fine not exceeding £25.
- (3) The Authority may include in any register kept under this section particulars of the places where the persons registered carry on their business and the number of vessels to which this Part of this Act applies or vehicles kept for use in the business.
- (4) A person shall, on making application to be registered in any register kept under this section, and also on being required to do so by notice given to him by the Authority at any time while his name appears in any such register, furnish to the Authority such information as the Authority may require for the purpose of their powers under this section, and any person registered in any such register as carrying on a prescribed business shall, whenever required to do so as aforesaid, make to the Authority a written declaration stating whether or not he is carrying on that business as a nominee of another person and, if so, giving the name of that other person.

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- (5) The Authority, on being satisfied that a person whose name is entered in any register kept under this section as a person carrying on a prescribed business has ceased to carry on that business, shall delete that entry in the register.
- (6) Registration in any register kept under this section in the name or style under which a business is carried on (whether or not the entry includes the names of those carrying it on) shall operate, so far as relates to that business, as the registration of any person who has given the Authority written notice that he is the person or one of the persons for the time being carrying it on; and the entry relating to the business shall be deleted under subsection (5) above if, but only if, the Authority are satisfied that the business is no longer carried on under that name or style by a person who has given them such a notice or is no longer such as to require registration in that register.
- (7) Any register kept under this section shall be kept at the Authority's office and, so far as is practicable, a duplicate of it shall be kept at the office used by the Scottish Committee in Scotland; and the register and duplicate shall at all reasonable times be open to public inspection.

9 Licensing of fishing vessels

- (1) As from the prescribed date, no vessel to which this Part of this Act applies, being a vessel registered in Great Britain, shall be used in the white fish industry unless either there is in force in respect of the vessel a licence granted by the Authority under this section or the vessel is one to which this section does not apply by virtue of subsection (2) below; and if this subsection is contravened in the case of any vessel every person who is an owner or charterer of the vessel shall be guilty of an offence against this Part of this Act.
- (2) This section shall not apply to vessels which do not exceed forty feet in length measured from the fore part of the head of the stem to the after part of the head of the stern post or to other vessels of any class prescribed for the purpose of this subsection.
- (3) On application made by any person who is an owner or charterer of a vessel to which this Part of this Act applies for a licence under this section in respect of the vessel, and on his giving the Authority such particulars of the persons who are to be owners or charterers of it during the currency of the licence and such other information as the Authority may require for the purposes of this subsection, and on payment of such fee not exceeding £1 as may be prescribed (if any), the Authority shall, subject to subsection (4) below, grant the application.
- (4) The Authority may, if in all the circumstances of the case they think fit to do so, refuse to grant the licence in any case where they are satisfied that a person about whom an order under subsection (9) below has been made is to be concerned (whether as owner, charterer, master or otherwise) with the management of the vessel, but where they do so shall give the applicant notice of that fact informing him of the effect of subsection (5) below.
- (5) Where the Authority have refused an application for a licence under this section, any of the Ministers, after giving the applicant (if he so desires) an opportunity to be heard by a person appointed by that Minister and after taking into consideration the report of any such person and any written representations made by the applicant, may direct the Authority to grant the licence and the Authority shall comply with the direction.

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- (6) A licence granted under this section shall be granted so as to have effect (subject to the provisions of this section) for a year or such less period as may be specified in the licence, but shall be valid only if and so long as no person is an owner or charterer of the vessel other than—
- (a) those named to the Authority when the licence was applied for; and
 - (b) where any of them dies, anyone to whom his interest passes under his will or the law relating to the administration and distribution of property on death (including his personal representatives).
- (7) A licence granted under this section may be granted subject—
- (a) to such conditions as the Authority think fit to impose—
 - (i) for preventing over-fishing ;
 - (ii) in a case to which subsection (4) above applies, for securing that no person about whom an order has been made under subsection (9) below will be concerned in the management of the vessel in respect of which the licence is granted ;
 - (b) to such conditions as the Ministers may require to be imposed for securing compliance with any agreements made by or on behalf of any Minister of the Crown or Her Majesty's Government, or with any legal obligations in relation to the vessel imposed on any of the persons concerned in its management otherwise than by this Part of this Act;
 - (c) to such other conditions as may be authorised by any scheme.
- (8) If any condition of a licence granted under this section in respect of any vessel is contravened, every person who is an owner, charterer or master of the vessel at the time of the contravention shall be guilty of an offence against this Part of this Act.
- (9) Where a person is convicted of an offence under subsection (8) above, and the court is satisfied that conditions of licences under this section have been persistently disregarded in the case of any vessels to which this Part of this Act applies while he has been concerned in their management (whether as owner, charterer, master or otherwise), the court may make an order directing that a licence under this section need not be granted as of right in respect of a fishing vessel where he is to be concerned in its management.
- (10) Where, at the date of an order made under subsection (9) above on a person's conviction, he is concerned in the management of any vessels to which this Part of this Act applies, the order may direct that any licences granted under this section before that date in respect of those vessels, or such of those licences as may be specified in the order, shall be void as from the date of the order or such later date or dates as may be so specified (but without prejudice to any application for a new licence); and where a person other than the person convicted is aggrieved by any such direction he shall have the same right to appeal against the direction as the person convicted has to appeal against the whole of his sentence.
- (11) Where a licence granted under this section ceases to be in force (otherwise than by the expiration of the period for which it was granted), the person having possession of it shall within fourteen days surrender it to the Authority and if he fails to do so shall be liable on summary conviction to a fine not exceeding £25.
- (12) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any other enactment by or under which any vessels are required to be licensed.

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(13) References in this section to the owner of a vessel do not apply to the Authority.