



Fisheries Act 1981

1981 CHAPTER 29

PART I

THE SEA FISH INDUSTRY AUTHORITY

Financial provisions

4 Levies.

- (1) For the purpose of financing its activities the Authority may impose a levy on persons engaged in the sea fish industry.
- (2) Any levy under this section shall be imposed by regulations made by the Authority and confirmed by an order of the Ministers; and in this section “prescribed” means prescribed by such regulations.
- (3) Regulations under this section may impose a levy either—
 - (a) in respect of the weight of sea fish or sea fish products landed in the United Kingdom or trans-shipped within British fishery limits at a prescribed rate which, in the case of sea fish, shall not exceed [^{F1}2p]. per kilogram; or
 - (b) in respect of the value, ascertained in the prescribed manner, of sea fish or sea fish products landed or trans-shipped as aforesaid at a prescribed rate not exceeding 1 per cent. of that value.
- (4) If regulations under this section impose a levy as provided in subsection (3)(a) above the prescribed rate in relation to any sea fish product shall be such that its yield will not in the opinion of the Authority exceed the yield from a levy at the rate of [^{F2}2p]. per kilogram on the sea fish required on average (whether alone or together with any other substance or article) to produce a kilogram of that product.
- (5) Different rates may be prescribed for sea fish or sea fish products of different descriptions; and the Authority may repay the whole or part of the levy in such circumstances as it may determine but not so as to discriminate between different persons in the same circumstances.

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- (6) Any levy imposed under this section shall be payable by such persons engaged in the sea fish industry, in such proportions and at such times as may be prescribed; and the amount payable by any person on account of the levy shall be a debt due from him to the Authority and recoverable accordingly.
- (7) The Ministers may by order increase or further increase the rate per kilogram specified in subsections (3)(a) and (4) above and the percentage specified in subsection (3)(b) above.
- (8) For the purposes of this section—
- (a) parts of a sea fish shall be treated as sea fish products and not as sea fish;
 - (b) references to the landing of fish include references to the collection for consumption of sea fish which have been bred, reared or cultivated in the course of fish farming whether in the sea or otherwise [^{F3}and references to the landing of fish or fish products include references to bringing them through the tunnel system as defined in the Channel Tunnel Act 1987.]
- (9) Any order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament and no order shall be made under subsection (7) above unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (10) Schedule 2 to this Act shall have effect with respect to the making of regulations and orders under subsection (2) above.

Textual Amendments

- F1** Figure substituted by [S.I. 1990/1641, art. 2](#)
- F2** Figure substituted by [S.I. 1990/1641, art. 2](#)
- F3** Words in [s. 4\(8\)\(b\)](#) added (1.7.1994) by [S.I. 1994/1390, art. 2](#)

5 Records and information for levy purposes.

- (1) Regulations imposing a levy under section 4 above may require persons engaged in the sea fish industry to keep and preserve such records and to furnish to the Authority such information as may be specified in the regulations.
- (2) Any officer authorised by the Authority may, on producing on demand evidence of his authority, require the production of, and take copies of, any records which a person is required to keep by virtue of the regulations and for that purpose may at any reasonable time enter any premises occupied for the purposes of his business by any person who is or may be liable to pay the levy and board any vessel owned by or in the possession of any such person.
- (3) Any person who—
- (a) fails without reasonable excuse to comply with a requirement imposed by virtue of subsection (1) or (2) above; or
 - (b) wilfully obstructs an officer in the exercise of his powers under subsection (2) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F4}level 4 on the standard scale].
- (4) Any person who—

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- (a) in purported compliance with a requirement imposed by virtue of subsection (1) above knowingly makes a record or furnishes any information which is false in a material particular; or
- (b) knowingly alters a record made in compliance with any such requirement so that it becomes false as aforesaid,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F5}level 5 on the standard scale] or to imprisonment for a term not exceeding three months or to both.

Textual Amendments

- F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\), s. 289G](#) and (N.I.) by S.I. 1984/703 (N.I. 3), [arts. 5, 6](#)
- F5** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\), s. 289G](#) and (N.I.) by S.I. 1984/703 (N.I. 3), [arts. 5, 6](#)

6 Borrowing powers.

- (1) The Authority may borrow for the purpose of financing its activities.
- (2) The Authority's powers under this section shall be exercised subject to and in accordance with regulations made by the Ministers with the approval of the Treasury.
- (3) Subject to subsection (4) below, the amount outstanding at any time of the aggregate of—
 - (a) the sums borrowed by the Authority under this section; and
 - (b) sums borrowed by another person and guaranteed by the Authority under section 3(1)(f) above;shall not exceed £30 million.
- (4) The Ministers may by an order made with the approval of the Treasury increase or further increase the maximum amount specified in subsection (3) above but not by more than £10 million at a time.
- (5) An order under subsection (4) above shall not have effect unless approved by a resolution of the House of Commons.

7 Government loans.

- (1) The Ministers may lend to the Authority, on such terms as the Treasury may approve, any sums required to be borrowed by the Authority for a purpose approved by the Ministers and the Treasury.
- (2) Subject to subsection (3) below, the amount outstanding at any time of the sums lent under this section shall not exceed £30 million.
- (3) The Ministers may by an order made with the approval of the Treasury increase or further increase the maximum amount specified in subsection (2) above but not by more than £10 million at a time.
- (4) An order under subsection (3) above shall not have effect unless approved by a resolution of the House of Commons.

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- (5) This section shall not be construed as authorising borrowing by the Authority in excess of the limit imposed by section 6 above.

8 Government grants.

The Ministers may, with the consent of the Treasury, make grants to the Authority, on such conditions as they think fit, in respect of—

- (a) any expenses incurred by the Authority in fulfilling a guarantee given under section 3(1)(f) above;
- (b) any loss incurred by the Authority by reason of foreign exchange fluctuations where the Authority has borrowed money in one currency and lent it in another.

9 Government guarantees.

- (1) The Ministers may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which the Authority borrows otherwise than from the Ministers.
- (2) Immediately after giving any such guarantee the Ministers shall lay before each House of Parliament ^{[^{F6}}, and the Scottish Ministers shall lay before the Scottish Parliament,] a statement showing the extent and character of the guarantee and the circumstances in which it came to be given.
- (3) If any sum is paid by the Ministers in fulfilment of a guarantee under this section, the Authority shall as from the date of the payment be indebted to the Ministers in the amount of the payment and the Ministers shall lay before each House of Parliament ^{[^{F6}}, and the Scottish Ministers shall lay before the Scottish Parliament,] as soon as practicable after the end of the financial year in which the payment is made a statement showing the amount and the circumstances in which it was made.
- (4) Where any sum is so paid, the Authority shall make to the Ministers at such time and in such manner as the Ministers from time to time direct—
 - (a) payments of such amounts as the Ministers so direct in or towards repayment of that sum; and
 - (b) payments of interest at such rates as the Ministers so direct on what is outstanding for the time being in respect of that sum;
 and so long as that sum has not been repaid in full, together with any interest payable, the Ministers shall, from time to time as the Treasury may request and in any case not less often than once in each financial year, lay before each House of Parliament ^{[^{F7}}, and the Scottish Ministers shall lay before the Scottish Parliament,] a statement showing how much of that sum remains to be repaid by the Authority, the proposed programme for future repayments, and what directions are currently in force or are proposed to be given with respect to the payment of interest.
- (5) The consent of the Treasury is required for any guarantee given by the Ministers under this section and for any direction given by them under subsection (4) above.

Textual Amendments

F6 Words in s. 9(2)(3) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 23 Pt. II para. 3(2)**; S.I. 1998/3178, **art. 3**

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F7 Words in s. 9(4) inserted (1.7.1999) by S.I. 1999/1747, art. 3, **Sch. 23 Pt. II para. 3(4)**; S.I. 1998/3178, **art. 3**

10 Investment of reserve funds.

Any money of the Authority which is not immediately required for any other purpose may be invested by the Authority in accordance with the ^{M1}Trustee Investments Act 1961; and sections 1, 2, 5, 6, 12 and 13 of that Act shall have effect in relation to any such money and to any investments for the time being representing it as if the money and investments constituted a trust fund and the Authority were trustee of that fund.

Marginal Citations

M1 1961 c. 62.

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