



# Diseases of Fish Act 1983

## 1983 CHAPTER 30

An Act to make further provision for preventing the spread of disease among fish, including shellfish and fish bred or reared in the course of fish farming. [13th May 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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

C1 Act: power to transfer functions conferred (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

*Amendments of 1937 Act*

### **1 Importation of live salmon.**

- (1) In the Diseases of Fish Act 1937 (“the <sup>M1</sup>1937 Act”) section 1 (restriction on importation of live fish and eggs of fish) shall be amended as follows.
- (2) In subsection (1) (unlawful to import or bring into Great Britain any live fish of the salmon family) there shall be inserted at the beginning “Subject to subsection (6) of this section”.
- (3) At the end of the section there shall be inserted—
  - “(6) Subsection (1) of this section shall not apply to any fish of a description specified in an order made by the Minister under this subsection.
  - (7) The description may be made by reference to species, place of origin or any other factor.

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- (8) Where an order under subsection (6) of this section has effect in relation to any fish, subsection (2) to (5) of this section shall have effect as if it were a freshwater fish.
- (9) The power to make an order under subsection (6) of this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (10) An order under subsection (6) of this section may be varied or revoked by a subsequent order made under that subsection.”

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**Marginal Citations**

**M1** 1937 c. 33.

## 2 Infected waters.

The following shall be substituted for section 2 of the 1937 Act (provisions as to infected areas)—

### “2 Power to designate areas.

- (1) If, at any time, the Minister has reasonable grounds for suspecting that any inland or marine waters are or may become infected waters, he may by order designate the waters and such land adjacent to them as he considers appropriate in the circumstances; and in the following provisions of this section “designated area” means anything designated by an order under this section.
- (2) The Minister may, to such extent as he considers practicable and desirable for the purpose of preventing the spread of infection among fish, by the same or a subsequent order—
- (a) prohibit or regulate the taking into or out of the designated area of such of the following (or of such description of them) as may be specified in the order, namely, live fish, live eggs of fish and foodstuff for fish;
  - (b) regulate the movement within the area of such of those things (or of such description of them) as may be specified in the order.
- (3) Any person who is the occupier of any inland waters in a designated area, or carries on the business of fish farming in any marine waters in such an area, shall be entitled, on application, to be supplied by the Minister free of charge with a report of the evidence on which the order was made.

This subsection does not apply to Scotland.

- (4) In Scotland any person who—
- (a) is the occupier of any inland waters;
  - (b) carries on the business of fish farming in any marine waters;
  - (c) has a right to fish for salmon in any marine waters; or
  - (d) has a right of fishing in any private non-navigable marine waters,

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which are in a designated area, shall be entitled, on application, to be supplied by the Secretary of State free of charge with a report of the evidence on which the order was made.

- (5) Any order under this section shall be published in the prescribed manner and may be varied or revoked by a subsequent order made under this section.
- (6) If any person intentionally contravenes any provision of an order under this section he shall be guilty of an offence.

## **2A Designated areas: direction to remove fish.**

- (1) Where an order is in force under section 2 of this Act, the Minister may serve a notice in writing on—
  - (a) any occupier of inland waters situated in the designated area (that is, the area designated by the order);
  - (b) any person carrying on the business of fish farming in marine waters situated in the designated area.
- (2) A notice served on a person under subsection (1)(a) of this section may direct him to take such practicable steps as are specified in the notice to secure the removal of dead or dying fish from the waters concerned, and may regulate the manner in which any fish removed from the waters, and any parts of such fish, are to be disposed of.
- (3) A notice served on a person under subsection (1)(b) of this section may direct him to take such practicable steps as are specified in the notice to secure the removal of dead or dying fish from any cage which is owned or possessed by him, is used for the purposes of the business and is situated in the waters concerned, and may regulate the manner in which any fish removed from such a cage, and any parts of such fish, are to be disposed of.
- (4) No notice may be served under subsection (1)(a) of this section in respect of waters in the area of a water authority, not being a fish farm.
- (5) If the Minister is satisfied that a direction contained in a notice served under this section has not been complied with within the time specified in the notice, he may authorise an inspector to carry out the direction, and any expenses reasonably incurred by the inspector in so doing shall be recoverable by the Minister from the person upon whom the notice was served; and if any person intentionally does any act which is prohibited by such a notice, he shall be guilty of an offence unless he shows that he did not know that the act was so prohibited.

## **2B Designated areas: authority to remove fish.**

- (1) Where an order is in force under section 2 of this Act, the Minister, if he is satisfied that for the protection against disease of the stock of fish in any waters it is necessary to do so, may by a notice served under section 2A of this Act or otherwise in writing give authority falling within subsection (2) or (3) of this section; and in those subsections "the designated area" means the area designated by the order.

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- (2) Authority falling within this subsection is authority to any occupier of inland waters situated in the designated area to remove, notwithstanding anything in any agreement to the contrary, any fish (or any fish of a description specified in the authorisation) from the waters, and to do so by such agents and by such methods (including methods otherwise illegal) as the Minister considers to be most expedient for the purpose.
- (3) Authority falling within this subsection is authority to any person carrying on the business of fish farming in marine waters situated in the designated area to remove, notwithstanding anything in any agreement to the contrary, any fish (or any fish of a description specified in the authorisation) from any cage which is owned or possessed by him, is used for the purposes of the business and is situated in the waters, and to do so by such agents and by such methods (including methods otherwise illegal) as the Minister considers to be most expedient for the purpose.
- (4) No authority may be given as mentioned in subsection (2) of this section in respect of waters in the area of a water authority, not being a fish farm.
- (5) Where a person has in pursuance of an authority under this section removed any fish, he shall comply with any directions given to him by the Minister as to the manner in which the fish, and any parts of such fish, are to be disposed of; and, if he intentionally fails to comply with any such directions, he shall be guilty of an offence.”

### **3 Infected waters: preliminary precautions.**

The following shall be substituted for section 4 of the 1937 Act (preliminary precautions where waters of fish farm are suspected to be infected)—

#### **“4 Preliminary precautions: inland waters.**

- (1) If an inspector has reasonable grounds for suspecting that any inland waters which are the waters of any fish farm are infected waters, he may serve the prescribed notice upon the occupier of the fish farm and (if the inspector serves such a notice) he shall report the facts to the Minister.
- (2) Where a notice has been served under subsection (1) of this section—
  - (a) no live fish and no live eggs of fish shall, without the permission of the Minister, be taken into or out of the fish farm, and
  - (b) no foodstuff for fish shall, without the permission of the Minister, be taken out of the fish farm,
 until after the expiration of thirty days from the service of the notice, unless before the expiration of that period the occupier receives from the Minister a written intimation that such permission is no longer required.
- (3) Where a notice has been served upon an occupier under subsection (1) of this section, the Minister may if he thinks it desirable authorise an inspector to serve a further prescribed notice upon the occupier so long as no written intimation under subsection (2) above has been given to the occupier; and if the inspector does so before the expiration of thirty days from the service of the first notice, that subsection shall have effect in relation to the fish farm concerned as if for ’thirty’ there were substituted ’sixty’.

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- (4) A person who intentionally takes any fish, eggs or foodstuff into or out of a fish farm while the taking is prohibited by this section shall be guilty of an offence, unless he shows that he did not know that the taking was prohibited.
- (5) If any person entitled to take fish from any inland waters, or employed for the purpose of having the care of any inland waters, has reasonable grounds for suspecting that the waters are infected waters, it shall be his duty forthwith to report the facts in writing to the Minister or, if the waters are not a fish farm, to the water authority in whose area the waters are situated; and if without reasonable excuse he fails to do so, he shall be guilty of an offence.

This subsection does not apply to Scotland.

- (6) In Scotland if any person entitled to take fish from any inland waters, or employed for the purpose of having the care of any inland waters, has reasonable grounds for suspecting that the waters are infected waters, it shall be his duty forthwith to report the facts in writing to the Secretary of State, or, if the waters are situated in the area of a district board and are not a fish farm, to the board; and if without reasonable excuse he fails to do so, he shall be guilty of an offence.

#### **4A Preliminary precautions: marine waters.**

- (1) If an inspector has reasonable grounds for suspecting that any marine waters are infected waters—
  - (a) he may serve, upon any person who owns or possesses a cage which is situated in the waters and is used by him for the purposes of a business of fish farming carried on by him, the prescribed notice specifying the waters suspected to be infected waters, and
  - (b) if the inspector serves such a notice, he shall report the facts to the Minister,and in the following provisions of this section "the farmer" means the person so served.
- (2) Where a notice has been served under subsection (1) of this section—
  - (a) no live fish and no live eggs of fish shall, without the permission of the Minister, be taken into or out of any cage which is situated in the waters specified in the notice and is used by the farmer for the purposes of a business of fish farming carried on by him, and
  - (b) no foodstuff for fish shall, without the permission of the Minister, be taken out of any such cage,until after the expiration of thirty days from the service of the notice, unless before the expiration of that period the farmer receives from the Minister a written intimation that such permission is no longer required.
- (3) Where a notice has been served upon a farmer under subsection (1) of this section, the Minister may if he thinks it desirable authorise an inspector to serve a further prescribed notice upon the farmer so long as no written intimation under subsection (2) above has been given to the farmer; and if the inspector does so before the expiration of thirty days from the service of the first notice, that subsection shall have effect in relation to any cage concerned as if for "thirty" there were substituted "sixty".

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- (4) A person who intentionally takes any fish, eggs or foodstuff into or out of a cage while the taking is prohibited by this section shall be guilty of an offence, unless he shows that he did not know that the taking was prohibited.
- (5) If any person who—
- (a) owns or possesses a cage which is situated in marine waters and is used by him for the purposes of a business of fish farming carried on by him, or
  - (b) is employed for the purpose of having the care of a cage so situated and used for the purposes of a business of fish farming,
- has reasonable grounds for suspecting that the waters in which the cage is situated are infected waters, it shall be his duty forthwith to report the facts in writing to the Minister; and if without reasonable excuse he fails to do so, he shall be guilty of an offence.
- (6) In Scotland if any person who—
- (a) has a right to fish for salmon in any marine waters; or
  - (b) has a right of fishing in any private non-navigable marine waters; or
  - (c) is employed for the purposes of having the care of any waters mentioned in paragraph (a) or (b) above,
- has reasonable grounds for suspecting that the waters (excluding any marine waters in which a cage used for the purposes of a business of fish farming is situated) are infected waters, it shall be his duty forthwith to report the facts in writing to the Secretary of State; and if without reasonable excuse he fails to do so, he shall be guilty of an offence.”

#### 4 Definitions.

- (1) Section 10(1) of the 1937 Act (interpretation) shall be amended as mentioned in subsections (2) to (4) below.
- (2) The following shall be inserted at the appropriate places—
- ““business of fish farming” means business of keeping live fish (whether or not for profit) with a view to their sale or to their transfer to other waters;”
- ““cage” means any structure for containing live fish;”
- .....<sup>F1</sup>
- ““fish” does not include shellfish but otherwise means fish of any kind;”
- ““inland waters” means waters within Great Britain which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows;”
- ““marine waters” means waters (other than inland waters) within the seaward limits of the territorial sea adjacent to Great Britain;”
- ““shellfish” includes crustaceans and molluscs of any kind;”.
- (3) In the definition of “fish farm” the words “of the salmon family, live freshwater fish” shall be omitted and in the definition of “waters” the words “of the salmon family or live freshwater fish” shall be omitted.

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- (4) In the definition of “land” for “water” there shall be substituted “inland waters”, and in the definition of “occupier” for “any waters” there shall be substituted “any inland waters”.
- (5) In section 10(2) of the 1937 Act (“occupier”) for “any waters” (in both places) there shall be substituted “any inland waters”.
- (6) For section 13 of the 1937 Act (power to extend Act by Order in Council to other diseases) there shall be substituted—

### “13 Power to amend definition of ”infected’.

- (1) The Minister may by order add to or remove any disease for the time being set out in the definition of ”infected’ in section 10(1) of this Act.
- (2) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Textual Amendments

- F1** The definition of “district board” repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

## 5 Further amendments of 1937 Act.

The Schedule to this Act (which contains further amendments of the 1937 Act, including amendments consequential on the preceding provisions of this Act) shall have effect.

### *Shellfish*

## 6 Taking of shellfish from certain areas.

- (1) In the Sea Fisheries (Shellfish) Act 1967 (“the <sup>M2</sup>1967 Act”) in section 12 (power to prohibit deposit of shellfish) there shall be inserted after subsection (3)—
  - “(3A) Where the appropriate Minister considers it desirable for the purpose of preventing the spread of diseases or pests carried by shellfish, an order under this section may also prohibit the taking from any waters or land designated by the order of shellfish of any description or of shellfish of a description specified in the order.”
- (2) In subsection (4) of that section (deposit under licence) for “the prohibition” there shall be substituted “any prohibition” and after “deposited” there shall be inserted “or (as the case may be) taken”.
- (3) In section 14(3)(a) of the 1967 Act (power of entry) after “order” there shall be inserted “in pursuance of subsection (1) of that section”.

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### Marginal Citations

M2 1967 c. 83.

## *Information about fish farming*

### 7 Power to require information.

- (1) If it appears to the Minister necessary to do so for the purpose of obtaining information with a view to preventing the spread of disease among fish, he may make an order under this section.
- (2) An order under this section may require any person who occupies an inland fish farm for the purposes of a business of fish farming carried on by him (whether or not for profit)—
  - (a) to register the business in a register kept for the purpose by the Minister,
  - (b) to furnish in writing to the Minister such information as may be specified in the order in relation to the farm and to fish, eggs of fish and foodstuff for fish,
  - (c) to compile such records as may be so specified in relation to the matters mentioned in paragraph (b) above, and
  - (d) to retain for such period (not exceeding 3 years) as may be so specified any records compiled in accordance with paragraph (c) above.

In this subsection “fish” does not include shellfish.

- (3) An order under this section may require any person who owns or possesses any cage, pontoon or other structure which is anchored or moored in marine waters and is used by him for the purposes of a business of fish farming carried on by him (whether or not for profit)—
  - (a) to register the business in a register kept for the purpose by the Minister,
  - (b) to furnish in writing to the Minister such information as may be specified in the order in relation to any such cage, pontoon or other structure and to fish, eggs of fish and foodstuff for fish,
  - (c) to compile such records as may be so specified in relation to the matters mentioned in paragraph (b) above, and
  - (d) to retain for such period (not exceeding 3 years) as may be so specified any records compiled in accordance with paragraph (c) above.

In this subsection “fish” does not include shellfish.

- (4) An order under this section may require any person who carries on a business of shellfish farming (whether or not for profit)—
  - (a) to register the business in a register kept for the purpose by the Minister,
  - (b) to furnish in writing to the Minister such information as may be specified in the order in relation to any activity carried on (whether in marine or inland waters or on land) for the purpose of cultivating or propagating shellfish in the course of the business, and in relation to shellfish deposited in or on or taken from such waters or land in the course of the business,
  - (c) to compile such records as may be so specified in relation to the matters mentioned in paragraph (b) above, and



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- (d) to retain for such period (not exceeding 3 years) as may be so specified any records compiled in accordance with paragraph (c) above.
- (5) An order under this section may require any person registering a business as mentioned in subsection (2)(a), (3)(a) or (4)(a) above to pay to the Minister in respect of each registration such fee (complying with subsection (6) below) as may be specified in the order.
- (6) The fee shall be such as the Minister may determine with the Treasury's approval but shall not exceed the cost to the Minister of effecting the registration.
- (7) Any person authorised by the Minister may, on producing on demand evidence of his authority, require the production of, and inspect and take copies of, any records which a person is required to retain by virtue of an order under this section.
- (8) In this section—
- “fish farming” means the keeping of live fish with a view to their sale or to their transfer to other waters;
  - “inland fish farm” means any place where inland waters are used for the keeping of live fish with a view to their sale or to their transfer to other waters (whether inland or not);
  - “inland waters” means waters within Great Britain which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows;
  - “marine waters” means waters (other than inland waters) within the seaward limits of the territorial sea adjacent to Great Britain;
  - “the Minister” means—
    - (a) in relation to England, and any marine waters adjacent to England, the Minister of Agriculture, Fisheries and Food;
    - (b) in relation to Wales, and any marine waters adjacent to Wales, the Secretary of State;
    - (c) in relation to Scotland (including the marine waters thereof), the Secretary of State;
  - “shellfish” includes crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish;
  - “shellfish farming” means the cultivation or propagation of shellfish (whether in marine or inland waters or on land) with a view to their sale or to their transfer to other waters or land.
- (9) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## **8 Information; enforcement.**

- (1) Any person who—
- (a) fails without reasonable excuse to comply with a requirement of an order under section 7 above (other than a requirement mentioned in subsection (5) of that section), or
  - (b) in purported compliance with a requirement of an order under section 7 above knowingly furnishes any information or compiles a record which is false in a material particular, or

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- (c) knowingly alters a record compiled in compliance with a requirement of an order under section 7 above so that the record becomes false in a material particular, or
- (d) fails without reasonable excuse to comply with a requirement imposed by virtue of section 7(7) above, or
- (e) intentionally obstructs a person in the exercise of his powers under section 7(7) above,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale <sup>F2</sup>. . . .

- (2) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) For the purposes of and incidental to the jurisdiction of any magistrates' court or, in Scotland, of the sheriff, any offence under this section committed in, or in relation to anything in, the territorial sea adjacent to Great Britain shall be taken to have been committed in any place in which the offender may for the time being be found.

#### Textual Amendments

**F2** Words in s. 8(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 2.

## 9 Disclosure of information.

- (1) Information (including information in records) obtained by any person in pursuance of section 7 above or an order under that section shall not be disclosed except—
  - (a) with the written consent of the person by whom the information was provided, or
  - (b) in the form of a summary of similar information obtained from a number of persons, where the summary is so framed as not to enable particulars relating to any one person or business to be ascertained from it, or
  - (c) for the purpose of any criminal proceedings or for the purpose of a report of any such proceedings.
  - <sup>F3</sup>(d) for the purpose of enabling [<sup>F4</sup>[<sup>F5</sup>the Environment Agency] to carry out any of its] functions under the 1937 Act]
- (2) Any person who discloses any information in contravention of subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale <sup>F6</sup>. . . .
- (3) In this section “the Minister” has the same meaning as in section 7 above.

#### Textual Amendments

**F3** S. 9(1)(d) inserted (E.W.) by Salmon Act 1986 (c. 62, SIF 52:2), s. 38 as amended as indicated.

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- F4** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 141, **Sch. 17 para. 8** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F5** Words in s. 9(1)(d) substituted (1.4.1996) by 1995 c. 25, s. 105, **Sch. 15 para. 23** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F6** Words in s. 9(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2.

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

- C2** [S. 9\(1\)](#): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 22**

*General*

**10 Finance.**

There shall be paid out of money provided by Parliament—

- (a) the expenses of any Minister of the Crown incurred in consequence of this Act;
- (b) any increase attributable to this Act in the sums so payable under any other Act.

**11 Short title, etc.**

- (1) This Act may be cited as the Diseases of Fish Act 1983.
- (2) This Act (except this section) shall come into force on such day as the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly may by order made by statutory instrument appoint, and an order under this subsection may appoint different days for different provisions or different purposes.
- (3) An order under subsection (2) above may include such transitionals or savings as appear to that Minister and the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order, but nothing shall be so included if it would conflict with subsection (4) or (5) below.
- (4) The definitions of “infected” and “infected waters” contained in section 10(1) of the 1937 Act immediately before the coming into force of section 4(6) above shall continue to have effect on and after its coming into force (subject to any order made, after its coming into force, under section 13 of the 1937 Act).
- (5) The coming into force of sub-paragraph (2) of paragraph 6 of the Schedule to this Act shall not affect the punishment for an offence committed before its coming into force.
- (6) This Act does not extend to Northern Ireland.

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

- C3** Power of appointment conferred by s. 11(2) fully exercised: 1.4.1984 appointed by [S.I. 1984/302](#), **art. 2**

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## SCHEDULE

### FURTHER AMENDMENTS OF 1937 ACT

- 1 In section 1(3) of the 1937 Act (Minister may grant licences as to certain imported fish) for the words from “Minister” (in the first place) to “Minister”)” (in the second place) there shall be substituted “Minister”.
- 2 (1) Section 3 of the 1937 Act (functions of water authorities as to infected waters) shall be amended as follows.
- (2) In subsection (1) (water authority to report to Minister if waters suspected to be infected) for “any waters” (in both places) there shall be substituted “any inland waters”.
- (3) For subsection (2) (Minister may authorise water authority to remove fish) there shall be substituted—
- “(2) Where an order is in force in relation to an area under section 2 of this Act, the Minister may authorise any water authority to remove any fish (or any fish of a description specified in the authorisation) from any inland waters in that area (not being a fish farm) and to do so by such agents and by such methods (including methods otherwise illegal) as he considers to be most expedient for the purpose.”
- (4) In subsection (3)(b) (returns to Minister) the words from “and” to the end shall be omitted.
- 3 In section 5 of the 1937 Act (Minister’s duty to examine waters on demand of water authority or occupier to discover whether waters are infected) for “occupier of any waters” there shall be substituted “occupier of any inland waters”.
- 4 (1) Section 6 of the 1937 Act (powers of entry and inspection) shall be amended as follows.
- (2) At the end of subsection (1) (power to authorise entry on land) there shall be inserted—
- “The preceding provisions of this subsection shall have effect for the purpose of authorising the boarding of and entry into a cage situated in marine waters and used for the purposes of a business of fish farming as they have effect for the purpose of authorising entry on land.”
- (3) In subsection (2) (power of inspector to inspect waters, take samples and enter land) after “power” there shall be inserted “(to the extent that he does not have it apart from this subsection)”.
- (4) For paragraph (a) of subsection (2) there shall be substituted—
- “(a) to inspect any inland waters in which fish or the eggs of fish or foodstuff for fish are likely to be found, and to take therefrom samples of any fish or of any such eggs or foodstuff or of water, mud, vegetation or other matter;
- (aa) to inspect any cage situated in marine waters and used for the purposes of a business of fish farming, and to take therefrom samples of any fish or of any eggs of fish or of foodstuff for fish or of water or other matter;

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- (ab) to inspect marine waters in which fish of the salmon family or freshwater fish or the eggs of such fish or foodstuff for fish are likely to be found, and to take therefrom samples of any such fish, eggs or foodstuff or of water, mud, vegetation or other matter;”.
- (5) After paragraph (b) of subsection (2) there shall be inserted—
- “*(c)* for the purpose of exercising any powers or performing any duties under this Act, to board and enter, upon production on demand of his authority, any case situated in marine waters and used for the purposes of a business of fish farming.”
- (6) In subsection (2) for “obstructs” there shall be substituted “intentionally obstructs”.
- (7) In subsection (3) (compensation to occupier where non-infected fish taken from waters by inspector) for “any waters” there shall be substituted “any inland waters”.
- (8) After subsection (3) there shall be inserted—
- “(3A) If in any sample of fish taken from a cage by an inspector under the powers conferred by subsection (2)(aa) of this section none is found to be infected, the Minister shall pay to the person who owns or possesses the cage and uses it for the purposes of a business of fish farming carried on by him a sum equal to the market value of the fish taken in that sample.”
- (9) In subsection (4) for “obstructs” there shall be substituted “intentionally obstructs”.
- 5 (1) Section 7 of the 1937 Act (service of notices etc.) shall be amended as follows.
- (2) In subsection (1) (service of notice on occupier of waters) for “occupier of any waters” there shall be substituted “occupier of any inland waters”.
- (3) After subsection (1) there shall be inserted—
- “(1A) Any notice required or authorised to be served for the purposes of this Act upon a person carrying on the business of fish farming in marine waters may be served by delivering it to him or by sending it by registered post to his usual or last-known address.”
- (4) In subsection (2) (servant’s or agent’s authority) for “occupier of any waters” there shall be substituted “occupier of any inland waters”.
- 6 (1) Section 8 of the 1937 Act (penalties and legal proceedings) shall be amended as follows.
- (2) In subsection (1) (amount of fine) for the words from the beginning to “; and” there shall be substituted “Any person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale (as defined in section 75 of the <sup>M3</sup>Criminal Justice Act 1982); and”.
- (3) In subsection (2) (water authorities’ power to enforce Act as respects waters in their areas) for “waters” there shall be substituted “inland waters”.
- (4) In subsection (3) (prosecution of offences in Scotland etc.) for “Scotland” there shall be substituted “inland waters in Scotland” and for “waters” there shall be substituted “inland waters”.
- (5) After subsection (3) there shall be inserted—

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“(4) For the purposes of and incidental to the jurisdiction of any magistrates’ court or, in Scotland, of the sheriff, any offence under this Act committed in the territorial sea adjacent to Great Britain shall be taken to have been committed in any place in which the offender may for the time being be found.”

#### Marginal Citations

**M3** 1982 c. 48.

7 In section 9(b) of the 1937 Act (regulations may prescribe manner of publishing orders made under the Act) after “Act” there shall be inserted “(other than those made under section 1(6) or 13)”.

8 In section 10(1) of the 1937 Act (interpretation) after the definition of “marine waters” there shall be inserted—

““the Minister” means—

- (a) in relation to England, and any marine waters adjacent to England, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to Wales, and any marine waters adjacent to Wales, the Secretary of State;
- (c) in relation to Scotland (including the marine waters thereof), the Secretary of State;”.

9 ..... **F7**

#### Textual Amendments

**F7** Sch. para. 9 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**Status:**

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