



Whaling Industry (Regulation) Act 1934

1934 CHAPTER 49 24 and 25 Geo 5

6 Conditions attached to licences. **E+W**

(1) There shall be attached to every licence under this Act authorising the use of a ship for taking whales a condition that the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section, or the taking of which is prohibited by this Act.

[^{F1}(1A) There shall be attached to every licence under this Act authorising the use of a ship or factory for treating whales a condition that the remuneration of the persons employed in treating whales on board the ship or at the factory must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales treated.]

(2) There shall be attached to every licence under this Act authorising the use of a ship or factory for treating whales, the following conditions, that is to say:—

- (a) that there must be recorded in the prescribed manner and by the prescribed person—
 - (i) with respect to each whale treated in the ship or factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed; and
 - (ii) the prescribed particulars as to the number of whales treated in the ship or factory, and as to the yield of oil of different grades, and the quantities of meal, guana and other products derived, from these whales; and
- (b) that the ship or factory must be equipped with plant of a type approved by the licensing authority for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently; and

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- (c) that, except in the case of a whale or part of a whale intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine; and
 - (d) in the case of a factory, that adequate arrangements must be made for utilising residual products.
- (3) There shall be attached to every licence under this Act the condition that the records required by the licence to be kept must be transmitted, at such times and in such manner as may be prescribed, to the licensing authority [^{F2}and also a condition requiring the master or occupier of the ship or factory to which the licence relates to furnish, at such time, in such form and to such authority, as may be specified in the licence, an account showing the remuneration of each gunner and member of the crew of the ship, or of each person employed at the factory, as the case may be, and the manner in which that remuneration is calculated.]
- [^{F3}(4) There may be attached to any licence under this Act such conditions (if any), in addition to the conditions required by the foregoing provisions of this section, as appear to the licensing authority to be necessary or expedient for the purpose of preventing, so far as practicable,—
- (a) Any excessive destruction of whales and any wastage of whales or whale products;
 - (b) the taking of whales in particular areas;
 - (c) the killing of whales otherwise than by a particular method;
- and any conditions attached to such a licence as aforesaid for the purpose of preventing the taking of whales in any particular area, or, for the purpose of preventing the killing of whales otherwise than by a particular method, may prohibit the taking, in that area, of any whales whatever or particular descriptions of whales, either at any time whatever or during particular periods, or, as the case may be, may prohibit the killing of whales otherwise than by that method either generally or in a particular area.]
- (5) Notwithstanding anything in the foregoing provisions of this section, no condition involving the substitution of one type of plant for another shall be attached to a licence under this section unless at least twelve months' notice of the intention to impose the condition has been given by the licensing authority in such manner as that authority think best for informing persons concerned.
- (6) The licensing authority may refuse to grant a licence under this Act in respect of a ship or factory until the authority are satisfied, from an inspection of the ship or factory or by such other evidence as they may require, that any condition affecting the structure or equipment of the ship or factory which it is proposed to attach to the licence has been complied with.
- (7) If any condition attached to a licence under this Act is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as aforesaid) the occupier of the factory, shall each be liable [^{F4}[^{F5}on summary conviction, or on conviction on indictment, to a fine;]]; and the court by whom the offender is convicted may, if the court think fit, cancel any licence granted under this Act to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereupon cease to be in force.

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- (8) Without prejudice to the provisions of the last foregoing subsection, if any person fails to keep any record in accordance with the conditions attached to a licence under this Act or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be liable [^{F6}on summary conviction to a fine not exceeding [^{F7}the statutory maximum] or on conviction on indictment to a fine.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only.

Textual Amendments

- F1** S. 6(1A) inserted by [Sea Fish Industry Act 1938 \(c. 30\), s. 45\(1\)](#)
- F2** Words inserted by [Sea Fish Industry Act 1938 \(c. 30\), s. 45\(2\)](#)
- F3** S. 6(4) substituted by [Sea Fish Industry Act 1938 \(c. 30\), s. 45\(3\)](#)
- F4** Words substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 35\(4\)](#)
- F5** Words in s. 6(7) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\), reg. 1\(1\), Sch. 4 para. 2\(5\)](#) (with reg. 5(1))
- F6** Words substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 35\(5\)](#)
- F7** Words in s. 6(8) substituted (E.W.) (1.10.1992) by virtue of [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 17\(3\)\(c\), Sch. 4 Part III](#) (with s. 28); [S.I. 1992/333, art. 2\(2\), Sch.2](#).

6 Conditions attached to licences. **S+N.I.**

- (1) There shall be attached to every licence under this Act authorising the use of a ship for taking whales a condition that the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section, or the taking of which is prohibited by this Act.

[^{F8}(1A) There shall be attached to every licence under this Act authorising the use of a ship or factory for treating whales a condition that the remuneration of the persons employed in treating whales on board the ship or at the factory must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales treated.]

- (2) There shall be attached to every licence under this Act authorising the use of a ship or factory for treating whales, the following conditions, that is to say:—
- (a) that there must be recorded in the prescribed manner and by the prescribed person—
- (i) with respect to each whale treated in the ship or factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed; and
- (ii) the prescribed particulars as to the number of whales treated in the ship or factory, and as to the yield of oil of different grades, and

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the quantities of meal, guana and other products derived, from these whales; and

- (b) that the ship or factory must be equipped with plant of a type approved by the licensing authority for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently; and
 - (c) that, except in the case of a whale or part of a whale intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine; and
 - (d) in the case of a factory, that adequate arrangements must be made for utilising residual products.
- (3) There shall be attached to every licence under this Act the condition that the records required by the licence to be kept must be transmitted, at such times and in such manner as may be prescribed, to the licensing authority [^{F9}and also a condition requiring the master or occupier of the ship or factory to which the licence relates to furnish, at such time, in such form and to such authority, as may be specified in the licence, an account showing the remuneration of each gunner and member of the crew of the ship, or of each person employed at the factory, as the case may be, and the manner in which that remuneration is calculated.]
- [^{F10}(4) There may be attached to any licence under this Act such conditions (if any), in addition to the conditions required by the foregoing provisions of this section, as appear to the licensing authority to be necessary or expedient for the purpose of preventing, so far as practicable,—
- (a) Any excessive destruction of whales and any wastage of whales or whale products;
 - (b) the taking of whales in particular areas;
 - (c) the killing of whales otherwise than by a particular method;
- and any conditions attached to such a licence as aforesaid for the purpose of preventing the taking of whales in any particular area, or, for the purpose of preventing the killing of whales otherwise than by a particular method, may prohibit the taking, in that area, of any whales whatever or particular descriptions of whales, either at any time whatever or during particular periods, or, as the case may be, may prohibit the killing of whales otherwise than by that method either generally or in a particular area.]
- (5) Notwithstanding anything in the foregoing provisions of this section, no condition involving the substitution of one type of plant for another shall be attached to a licence under this section unless at least twelve months' notice of the intention to impose the condition has been given by the licensing authority in such manner as that authority think best for informing persons concerned.
- (6) The licensing authority may refuse to grant a licence under this Act in respect of a ship or factory until the authority are satisfied, from an inspection of the ship or factory or by such other evidence as they may require, that any condition affecting the structure or equipment of the ship or factory which it is proposed to attach to the licence has been complied with.
- (7) If any condition attached to a licence under this Act is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as

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aforesaid) the occupier of the factory, shall each be liable [^{F11}on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine]; and the court by whom the offender is convicted may, if the court think fit, cancel any licence granted under this Act to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereupon cease to be in force.

- (8) Without prejudice to the provisions of the last foregoing subsection, if any person fails to keep any record in accordance with the conditions attached to a licence under this Act or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be liable [^{F12}on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.]

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.
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Textual Amendments

- F8** S. 6(1A) inserted by [Sea Fish Industry Act 1938 \(c. 30\), s. 45\(1\)](#)
F9 Words inserted by [Sea Fish Industry Act 1938 \(c. 30\), s. 45\(2\)](#)
F10 S. 6(4) substituted by [Sea Fish Industry Act 1938 \(c. 30\), s. 45\(3\)](#)
F11 Words substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 35\(4\)](#)
F12 Words substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 35\(5\)](#)

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