



# Sea Fish Industry Act 1951

## 1951 CHAPTER 30

### PART II

#### MISCELLANEOUS AMENDMENTS OF PREVIOUS ACTS

#### 21 Fishery harbours

- (1) Where, under or by virtue of any such Act or order relating to the construction, improvement, management or maintenance of any harbour as is hereafter mentioned in this section, anything is required or authorized to be done by, to or before the Minister of Transport, or by, to or before the Minister of Agriculture and Fisheries, then subject to this section that Act or order shall be taken as requiring or "authorizing it to be done by, to or before whichever of those Ministers is the appropriate Minister for the time being in the case of that harbour, and any provision of the Act or order which refers or is to be taken as referring to either of those Ministers or to the Ministry of Transport or of Agriculture and Fisheries shall be construed accordingly.
- (2) For the purposes of the foregoing subsection, the appropriate Minister shall be the Minister of Agriculture and Fisheries in the case of any harbour if, but only if, the harbour is for the time being a fishery harbour.
- (3) The Acts and orders referred to in subsection (1) of this section are any order made before the passing of this Act under the General Pier and Harbour Act, 1861 (including that Act as amended by the General Pier and Harbour Act, 1861, Amendment Act, or the Fishery Harbours Act, 1915), any Act confirming a provisional order so made and any local Act passed before this Act:

Provided that in the case of a local Act divided into Parts the said subsection (1) shall not apply to any of the Parts which does not relate to the matters referred to in that subsection.

- (4) In section two of the Fishery Harbours Act, 1915, there shall cease to have effect so much of paragraph (1) as excepts sections seven to sixteen of the General Pier and Harbour Act, 1861, Amendment Act, from the provision made by that paragraph for

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the Minister of Agriculture and Fisheries to act instead of the Minister of Transport in the case of a fishery harbour.; but section two of the said Act of 1915—

- (a) shall not affect the operation, in relation to works wholly or partly below high water mark of ordinary spring tides, of sections seven to ten of the second-mentioned Act (which relate to the approval of plans, the restoration or removal of disused works and similar matters), or the operation of section eleven of that Act (which relates to the display of lights for the guidance of shipping) ; and
- (b) shall apply to sections fourteen to sixteen of that Act (which relate to the revision of the rates taken by the undertakers at a harbour and to the undertakers' accounts and their auditing) if the undertakers are concerned only with a fishery harbour or harbours, but not otherwise.

Any transfer by virtue of this subsection from one of the said Ministers to the other of functions under the said sections seven to sixteen shall be without prejudice to the validity of anything done before the transfer.

- (5) Where there is in a harbour a pleasure pier which is not used or adapted for use as a landing place for goods or passengers, and is under the jurisdiction of undertakers other than the harbour authority, nothing in section two of the said Act of 1915 or in subsection (1) of this section shall affect the operation of any Act or order in relation to those undertakers or to their undertaking or works.
- (6) The foregoing provisions of this section shall come into force on the expiration of three months from the passing of this Act, and do not apply to harbours in Scotland or in Northern Ireland.
- (7) In this section the expression " harbour " includes any haven, cove or other landing place, and the expression " fishery harbour " means a small harbour which in the opinion of the Minister of Transport and the Minister of Agriculture and Fisheries is principally used by the fishing industry.
- (8) The harbours in England and Wales which at the beginning of the year nineteen hundred and fifty-one were fishery harbours are named in the Fourth Schedule to this Act, and a harbour shall not be deemed to have become or to have ceased to be a fishery harbour since the beginning of that year for the purposes either of this section or of the Fishery Harbours Act, 1915 (the main effect of which is to provide that, in the case of fishery harbours, orders under the said Act of 1861 are to be made by the Minister of Agriculture and Fisheries instead of the Minister of Transport) until it is declared to have done so by an order under this section.
- (9) Except as may be provided by any order under this section, subsection (1) of it shall not affect the operation, in relation—
  - (a) to matters involving or arising out of any interference with tidal lands or tidal waters or the space over or under them, or with access to tidal lands or tidal waters, or to matters connected with the safety or guidance of shipping;
  - (b) to the coast guard, or to lifeboats or life saving apparatus, appliances or equipment;
  - (c) to railways or tramways;

of any provision of an Act or order referred to in that subsection (not being a provision as to the making, revocation or validity of bye-laws), nor take away from officers of the Ministry of Transport rights exercisable for the purpose of functions conferred otherwise than by the Acts or orders so referred to.

- (10) Provision may be made by an order under this section—
- (a) for excepting from the operation of subsection (1) of this section any such functions of the Minister of Agriculture and Fisheries or the Minister of Transport as may be specified in the order and any such provisions relating to those functions or matters connected therewith as may be so specified ;
  - (b) for any transitional matters arising on any transfer of functions under that subsection.
- (11) Any order under this section may be varied or revoked by a subsequent order.
- (12) Orders under this section shall be made by statutory instrument by the Minister of Agriculture and Fisheries and the Minister of Transport acting jointly.

## **22 Amendment of 23 and 24 Geo. 5. c. 45, s.1**

- (1) Subsection (3) of section one of the Sea-Fishing Industry Act, 1933 (which provides that no order regulating the landing of foreign caught sea fish shall be made under that section unless orders made under sections two, three and four of that Act are in force), shall (subject to the next following subsection) cease to have effect on the day appointed under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, for the commencement of the licensing powers conferred by that subsection (which relates to the licensing of British fishing boats in the North Sea).
- (2) The Ministers may by order made by statutory instrument direct that the said subsection (3) shall cease to have effect on a date earlier than the day appointed as aforesaid, but not earlier than the date on which, in the opinion of the Ministers, adequate provision is or will be made either—
- (a) for preventing over-fishing by vessels registered in Great Britain ; or
  - (b) for regulating the marketing of white fish landed in Great Britain.
- (3) In this section—
- (a) the expression " the Ministers " means the Secretaries of State respectively concerned with the sea-fishing industry in Scotland and in Northern Ireland, the Minister of Agriculture and Fisheries and the Minister of Food;
  - (b) the expression " white fish " has the same meaning as in Part I of this Act.

## **23 Amendment as to size limits for fish**

- (1) Orders under subsection (1) of section four of the Sea-Fishing Industry Act, 1933, as amended by the Sea Fish Industry Act, 1938 (which penalizes anyone who in Great Britain lands, sells, exposes or offers for sale, or has in his possession for the purpose of sale, sea-fish of less than the prescribed size), may prescribe a different size in relation to landing from that prescribed for other purposes.
- (2) Where an order under the said subsection (1) prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then except in so far as provision to the contrary is made by such an order a person who in Great Britain lands a part of a fish of that description shall, subject to the proviso to that subsection (which relates to scientific research), be deemed to contravene that subsection if the part is of a smaller size than the one so prescribed.
- (3) Section four B of the said Act of 1933 as so amended (which provides for the extension of the said section four to the Channel Islands and Isle of Man) shall have effect as

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if any reference to the said section four included a reference to subsections (1) and (2) of this section.

**24 Amendment of 25 and 26 Geo. 5. c. 9 as to disclosure of information to Ministers**

Subsection (2) of section twelve of the Herring Industry Act, 1935 (which restricts the disclosure of information obtained by virtue of that Act), shall have effect as if after the word " behalf " there were inserted the words " or to the Minister of Food, the Minister of Agriculture and Fisheries, or the Secretary of State " .

**25 Appointment of sea-fishery officers**

The Minister of Agriculture and Fisheries and the Secretary of State shall each have power to appoint officers to be British sea-fishery officers, and accordingly any reference in any enactment to British sea-fishery officers shall be construed as referring to officers appointed under this section as well as to the officers mentioned in subsection (2) of section eleven of the Sea Fisheries Act, 1883.

**26 Qualification of officers of the fishery in Scotland under 48 Geo. 3. c. 110, s. 10**

That part of the proviso to section ten of the Herring Fishery (Scotland) Act, 1808, which deals with the qualification of persons to be appointed officers of the fishery shall cease to have effect.

**27 Amendment of 7 Edw. 7. c. 41, s. 2**

Section two of the Whale Fisheries (Scotland) Act, 1907 (which authorises the Secretary of State to issue licences under that Act, subject to certain conditions specified in the said section), shall have effect—

- (a) with the substitution, for paragraph (4) of the said section, of the following paragraph:—

“(4) Subject as hereinafter mentioned the holder of a licence shall not use or employ more than one whaling steamer:

Provided that on the application of the holder of a licence the Secretary of State may, if after due inquiry he is satisfied that any additional -whaling steamer or steamers are necessary for the full and proper working of the factory or station referred to in the said licence, authorise such holder, by special permission endorsed on his licence, to use or employ such number of additional steamers, not being more than three, as the Secretary of State may think fit;”and

- (b) with the substitution, in paragraph (5) of the said section, for the words " date mentioned in the immediately preceding subsection, " of the words " first day of January one thousand nine hundred and seven.

**28 Repeal of 2 and 3 Geo. 6. c. 20, s. 3 and 4 and 5 Geo. 6. c. 1**

Section three of the Reorganisation of Offices (Scotland) Act, 1939 (which provides for the constitution of a Scottish Fisheries Advisory Council), and the Scottish Fisheries Advisory Council Act, 1940 (which removes the limit on the number of

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members of the said Council imposed by subsection (2) of the said section three), shall cease to have effect.