
STATUTORY INSTRUMENTS

1980 No. 1199

SEA FISHERIES

WHITE FISH INDUSTRY

**The White Fish Authority (General Levy)
Regulations 1980 Confirmatory Order 1980**

<i>Made - - - -</i>	<i>8th August 1980</i>
<i>Laid before Parliament</i>	<i>15th August 1980</i>
<i>Coming into Operation</i>	<i>16th August 1980</i>

Whereas the White Fish Authority (hereinafter referred to as “the Authority”) have made the White Fish Authority (General Levy) Regulations 1980;

And whereas the Authority have transmitted to the Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland and the Secretary of State for Wales (hereinafter referred to as “the Ministers”) the objections to the said regulations which have been duly made to the Authority and have not been withdrawn and the Ministers have considered such objections;

Now, therefore, the Ministers, in exercise of the powers conferred by section 6(5) of the Sea Fish Industry Act 1970(a) and now vested in them (b) and of all other powers enabling them in that behalf, hereby make the following order:—

1. This Order may be cited as the White Fish Authority (General Levy) Regulations 1980 Confirmatory Order 1980 and shall come into operation on 16th August 1980.

2. The White Fish Authority (General Levy) Regulations 1980, are hereby confirmed and are set out in the Schedule to this Order.

(a) 1970 c.11.

(b) By the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th August 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food

7th August 1980

George Younger,
Secretary of State for Scotland

7th August 1980

Humphrey Atkins,
Secretary of State for Northern Ireland

8th August 1980

Nicholas Edwards,
Secretary of State for Wales

SCHEDULE

THE WHITE FISH AUTHORITY (GENERAL LEVY) REGULATIONS 1980

Whereas it appears to the White Fish Authority (hereinafter referred to as “the Authority”) that it is desirable to impose the existing rate of levy on persons engaged in the white fish industry in respect of white fish and white fish products trans-shipped within British fishery limits, and to consolidate the regulations by which the rate of levy and certain related matters are prescribed;

Now, therefore, the Authority in exercise of the powers conferred upon them by Sections 6(3) and 17 of the Sea Fish Industry Act 1970(a), hereby make the following regulations:—

Imposition of levy

1.—(1) There shall be paid to the Authority subject to and in accordance with the provisions of these regulations by every person who:—

- (a) purchases any white fish or any white fish product on a firsthand sale, or
- (b) trans-ships within British fishery limits any white fish or any white fish product by way of firsthand sale

a levy (hereinafter referred to as “the levy”) at the rate per unit of 14 pounds set out in the second column of the Schedule hereto in respect of any white fish or white fish product specified opposite thereto in the first column of the said Schedule so purchased or trans-shipped by him.

(2) The levy shall not be payable in respect of any molluscs (not being oysters scallops or queen scallops) in shell or of any oysters purchased for cultivation or in respect of canned or bottled white fish or white fish products.

(3) If any white fish or any white fish product is purchased on a firsthand sale through or from a wholesale merchant who sells on commission, the levy shall be paid to the Authority by the said wholesale merchant, who shall be entitled to recover as a civil debt from the purchaser of such white fish or white fish product a sum equal to the amount of the levy so paid.

(a) 1970 c.11; section 17 is amended by the Sea Fish Industry Act 1970 (Increase in Rate of Levy) Order 1980 (S.I. 1980/379) and the Sea Fish Industry Act 1980 (c.35).

(4) Where the levy becomes payable by any person in respect of any white fish or white fish product trans-shipped within British fishery limits by way of firsthand sale by him, it shall not be payable by any person who subsequently purchases such fish or fish product.

(5) Where any white fish or white fish product is trans-shipped by way of sale within British fishery limits more than once, the levy shall be payable in respect of the first such trans-shipment only.

(6) Where the levy becomes payable in respect of any white fish it shall not be payable in respect of the products of such white fish.

Time limits for payment

2.—(1) Levy payable by a person who purchases any white fish or white fish product on a firsthand sale shall be paid to the Authority within 7 days after the end of—

- (a) the week during which there took place the firsthand sale of the fish or fish product in respect of which the levy is payable, or
- (b) the week during which such fish or fish product was imported or brought into the country,

whichever is the later.

(2) Levy payable by a person who trans-ships any white fish or white fish product by way of firsthand sale shall be paid to the Authority within 7 days after the end of the week during which there took place the trans-shipment of the fish or fish product in respect of which the levy is payable.

Keeping of records

3.—(1) Every person engaged in the white fish industry who sells white fish or white fish products otherwise than by retail shall keep or cause to be kept an accurate record of all his purchases and sales of white fish and white fish products (other than sales by retail), including in respect of each such purchase or sale—

- (a) the date,
- (b) the name and address of the seller or purchaser,
- (c) the description of the white fish or white fish product purchased or sold,
- (d) the net weight of each description of white fish or white fish product purchased or sold, and
- (e) the price paid or charged.

(2) Every person who carries on the business of selling white fish or white fish products by retail or the business of a fish fryer shall keep or cause to be kept an accurate record of all his purchases of white fish and white fish products, including in respect of each such purchase—

- (a) the date,
- (b) the name and address of the seller,
- (c) the description of the white fish or white fish product,
- (d) the net weight of each description of white fish or white fish product, and
- (e) the price paid.

(3) Every person engaged in the white fish industry who trans-ships within British fishery limits by way of firsthand sale any white fish or white fish product shall keep an accurate record of all such trans-shipments including in respect of each one—

- (a) the date,
- (b) the name of the vessels from and to which the trans-shipment was made, together with their places of registration and registration numbers,
- (c) the description of the white fish or white fish product,
- (d) the net weight of each description of white fish or white fish product, and
- (e) the price charged.

(4) In respect of every purchase, sale or trans-shipment of white fish or a white fish product which it is customary or usual to sell, purchase or trans-ship by reference to a method of calculation of quantity other than a calculation by weight, the records which are required to be kept under paragraphs (1) to (3) of this regulation shall, in addition to and not in derogation of the requirements of those paragraphs, include particulars of the fish or fish product so sold, purchased or trans-shipped by reference to the said method of calculation of quantity.

(5) The retention by any person of an accurate invoice or a copy thereof shall, as respects any of the matters mentioned in paragraphs (1) to (4) of this regulation of which sufficient particulars are contained therein, be deemed to be to that extent a compliance by that person with the provisions of the said paragraphs.

Interpretation

4. In the regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“firsthand sale” means—

- (a) in relation to any white fish or white fish product which has been landed outside the United Kingdom and any white fish product manufactured outside the United Kingdom from such white fish or white fish product which in either case is purchased by a person carrying on business in the white fish industry and is imported or brought into the United Kingdom for the purposes of any such business, the first sale thereof (whether in the United Kingdom or elsewhere) to such a person as aforesaid;
- (b) in relation to any other white fish or white fish product which is landed in the United Kingdom the first sale thereof (other than a sale by retail) whether prior to or after landing in the United Kingdom;
- (c) in relation to any white fish or white fish product which is trans-shipped within British fishery limits, the first sale thereof;

“pound” means pound avoirdupois;

“sale by retail” means a sale to a person buying otherwise than for the purpose of re-sale or processing or use as bait, and includes a sale to a person for the purposes of a catering business (other than a fish frying business); and “sell by retail” has a corresponding meaning;

“week” means a period of seven consecutive days ending at midnight on any Saturday;

“wholesale merchant” means a person selling or offering for sale white fish or white fish products otherwise than by retail.

Revocation

5. The White Fish Authority (General Levy) Regulations 1969(a), the White Fish Authority (General Levy) (Amendment) Regulations 1974(b) and the White Fish Authority (General Levy) (Amendment) Regulations 1979(c) are hereby revoked.

Citation and Commencement

6. These regulations may be cited as the White Fish Authority (General Levy) Regulations 1980, and shall come into operation on the day on which the confirmatory order by Ministers comes into operation.

The Common Seal of the
WHITE FISH AUTHORITY
was hereunto affixed in the
presence of:—

(L.S.)

4th August 1980

Member: C.I. Meek
Secretary: R. Alastair Davie

(a) Set out in the Schedule to S.I. 1970/117.
(b) Set out in the Schedule to S.I. 1974/1032.
(c) Set out in the Schedule to S.I. 1980/527.

SCHEDULE

Column 1	Column 2 Rate per unit of 14 lbs
<i>White Fish</i>	
White fish other than white fish sold for fishmeal production	1.2000p
White fish sold for fishmeal production	0.1200p
<i>White Fish Products</i>	
Fresh, frozen and chilled white fish	
Gutted	1.2000p
Headless and gutted	1.6000p
Fillets, skin on	2.4000p
Fillets, skinless	3.0000p
Smoked White Fish	
Headless and gutted	2.0000p
Fillets, skin on	3.0000p
Fillets, skinless	3.2000p
Salted and Cured White Fish	
Wet	2.4000p
Dried	3.6000p
White fish products sold for fishmeal production ...	0.1200p
White fishmeal	0.6000p
Any white fish product not referred to above ...	2.4000p

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order confirms regulations made by the White Fish Authority, which supersede the White Fish Authority (General Levy) Regulations 1969, as amended.

The regulations maintain the existing levy on firsthand sales of white fish and their products landed. They also extend the levy to white fish and their products trans-shipped by way of sale.

The regulations apply to the United Kingdom.

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