

Sea Fisheries Act 1968

(1968 c. 77)

ARRANGEMENT OF SECTIONS

White fish and herring subsidies

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25. Act to make further provision with respect to the subsidies payable to, and the levies which may be imposed on, the white fish and herring industries, to make further provision for the regulation of sea fishing, to amend the Sea Fisheries (Shellfish) Act 1967 and the Sea Fish (Conservation) Act 1967, to make provision with respect to fishing boats and gear lost or abandoned at sea, to remove anomalies in certain enactments relating to sea fisheries and the white fish and herring industries and to repeal other such enactments which are obsolete or unnecessary; and for connected purposes.

[18th December 1968]

General Note

This Act makes further provision with respect to the subsidies payable to, and the levies which may be imposed on, the white fish and herring industries; it makes

further provision for the regulation of sea fishing, amends the Sea Fisheries (Shellfish) Act 1967 (c. 83) and the Sea Fish (Conservation) Act 1967 (c. 84), makes provision with respect to fishing boats and gear lost or abandoned at sea, removes anomalies in certain enactments relating to sea fisheries and the white fish and herring industries and repeals other such enactments which are obsolete or unnecessary.

S. 1 removes the special provisions for, and relaxes the restrictions on, white fish and herring subsidies; s. 2 extends the scope of the subsidies. S. 3 deals with offences and penalties. S. 4 makes provisions with respect to the levies which may be imposed on the industry. S. 5 provides for the regulation of the conduct of fishing operations. S. 6 deals with restrictions on fishing by foreign fishing boats within the fishery limits of the British Islands. S. 7 sets out the classes of persons who are to be sea-fishery officers; s. 8 sets out their general powers and s. 9 sets out their powers to enforce conventions; s. 10 makes miscellaneous provisions with respect to sea-fishery officers; s. 11 deals with evidence. S. 12 deals with the recovery of fines imposed on a master, etc., or crew member. S. 13 provides for compensation for damage caused by an offence. S. 14 deals with jurisdiction. Ss. 15 and 16 make miscellaneous amendments to the Sea Fisheries (Shellfish) Act 1967 (c. 83) and the Sea Fish (Conservation) Act 1967 (c. 84). S. 17 deals with fishing boats and gear lost or abandoned at sea. S. 18 contains supplemental provisions; s. 19 contains interpretation; ss. 20, 21, Pt. II of Sched. 1 and Pt. II of Sched. 2, which shall not come into force until such day as the Ministers may by order appoint. Ss. 22 and 23 and Scheds. 1 and 2 contain minor and consequential amendments, repeals and savings; s. 23 contains short title and commencement.

The Act received the Royal Assent on December 18, 1968, and came into force on that date, save for ss. 5-14, Pt. II of Sched. 1 and Pt. II of Sched. 2, which shall not come into force until such day as the Ministers may by order appoint.

For definitions, see s. 19.

For parliamentary debates, see H.L. Vol. 298, cols. 9, 634; H.C. Vol. 774, col. 913; Vol. 773, col. 782; Vol. 775, col. 1329.

Scotland

The Act applies to Scotland without modification.

White fish and herring subsidies

Removal of special provisions for, and relaxation of restrictions on, white fish and herring subsidies

1.—(1) Section 2 of the Sea Fish Industry Act 1962 (special provisions with respect to white fish subsidy for larger vessels, including provision for progressive reduction of grants) shall cease to have effect.

(2) Section 4 of the White Fish and Herring Industries Act 1957 and section 1 (6) of the Sea Fish Industry Act 1962 (which respectively limit the aggregate amount of grants by way of white fish and herring subsidy, subject to a power to increase the limit by order, and limit increases in the aggregate amount of those grants) shall also cease to have effect.

(3) The date before which applications for grants in pursuance of a scheme under section 5 of the White Fish and Herring Industries Act 1953 (white fish subsidy) or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy) must be received by the appropriate Minister shall be postponed from 1st January 1973 to 1st January 1974.

(4) In this section and section 2 below "the appropriate Minister" means, in relation to England and Wales and Northern Ireland, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State concerned with the sea fishing industry in Scotland.

Extension of scope of white fish and herring subsidies

2.—(1) The power of the appropriate Minister to make grants in pursuance of a scheme under section 5 of the White Fish and Herring Industries Act 1953 (power to pay white fish subsidy with a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish) or section 3 of the White Fish and Herring Industries Act 1957 (power to pay herring subsidy for a similar purpose)

shall include power to make such grants with a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of quantities of white fish or herring, as the case may be.

(2) For the purposes of these sections the trans-shipment of white fish and herring and their respective products in a port in the United Kingdom or within the exclusive fishery limits shall be treated as the landing of white fish and herring and their respective products in the United Kingdom.

(3) In this section "white fish" has the same meaning as in the said section 2.

Offences in connection with white fish and herring subsidies

3.—(1) Any person who—

- (a) in furnishing any information in purported compliance with a requirement imposed by a scheme under section 5 of the White Fish and Herring Industries Act 1958 (white fish subsidy), or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
- (b) for the purpose of obtaining for himself or any other person any sum payable under such a scheme makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
- (c) in purported compliance with a requirement imposed by such a scheme produces a document which he knows to be false in a material particular or recklessly produces a document which is false in a material particular; or
- (d) wilfully refuses to supply any information, make any return or produce any document when required to do so by or under any such scheme,

shall be liable, on summary conviction, to a fine not exceeding £400.

(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 is attributable to any neglect on the part of any 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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Levy on the white fish and herring industries

Provisions with respect to levies which may be imposed on the white fish and herring industries

4.—(1) The general levy which may be imposed by the White Fish Authority under section 15 (2) of the Sea Fish Industry Act 1951 (power to impose on persons engaged in the white fish industry a general levy not exceeding one penny for every stone of white fish landed in Great Britain) may be imposed—

- (a) in respect of white fish landed in Great Britain, at a prescribed rate not exceeding 2d. for each stone of white fish so landed; and

- (b) in respect of white fish products so landed, at a prescribed rate in respect of each stone of the products.

(2) The rate prescribed in relation to any white fish product for the purposes of subsection (1) (b) above shall not exceed an amount which in the opinion of the Authority would be yielded by a levy of 2d. on each stone of white fish required on average (whether alone or together with any other substance or article) to produce a stone of that product.

(3) In subsections (1) and (2) above "prescribed" means prescribed by regulations made by the Authority under Part I of the Sea Fish Industry Act 1951; and the Authority may prescribe different rates of general levy for fish of different descriptions and products of different descriptions.

(4) The Ministers may by order provide that for references to 2d. in subsections (1) and (2) above there shall be substituted references to such larger sum as may be specified in the order.

(5) No order shall be made under subsection (4) above unless a draft thereof has been laid before, and been approved by, both Houses of Parliament.

(6) For the purposes of section 15 (2) and (3) of the Sea Fish Industry Act 1951 parts of white fish shall, notwithstanding anything in the definition of white fish in section 19 of that Act (interpretation of Part I of that Act), be treated as products of white fish and not as white fish.

(7) In the said section 15 (2) and (3) references to persons engaged in the white fish industry shall be construed as including references to persons carrying on in Great Britain the business of buying the products of white fish by wholesale or of importing white fish or their products.

(8) In section 3 (1) of the Herring Industry Act 1935 (which, as applied by section 7 (5) of the White Fish and Herring Industries Act 1948, empowers the herring industry scheme to contain provisions for levies on persons engaged in the herring industry and on purchasers of herring wholesale) for the words "purchasers of herring wholesale" there shall be substituted the words "purchasers of herring or herring products wholesale and importers of herring or herring products".

In the said paragraph (1) as amended by this subsection "products" has the same meaning as in Part I of the Sea Fish Industry Act 1951.

(9) The Ministers may direct that a substance or article which is capable of being produced wholly or partly from either white fish or herring or both shall be treated for the purposes of this section, section 15 (2) and (3) of the Sea Fish Industry Act 1951 and section 7 of the White Fish and Herring Industries Act 1948 and any instrument made under or by virtue of any of those provisions as being wholly or partly produced from one of those descriptions of fish, and may also give directions with respect to the collection of sums payable by way of levy or contribution in respect of that substance or article in pursuance of any such instrument and the application of sums so paid in any manner specified in the directions, whether or not the application of those sums in that manner is authorised by the relevant provision or instrument.

(10) In this section "the Ministers" has the same meaning as in Part I of the Sea Fish Industry Act 1951.

As to orders, see s. 18.

Regulation of sea fishing operations

Regulation of conduct of fishing operations

5.—(1) The Ministers may, for the purpose of giving effect to any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.

(2) The provisions of any order under subsection (1) above shall, except as provided by the order, apply—

- (a) to all British fishing boats, and things done by such boats and their crews, anywhere within the convention area to which the order relates, and
- (b) to all foreign fishing boats, and things done by such boats and their crews, in waters which are within both the fishery limits of the British Islands and that convention area.
- (c) The Ministers may by order make such provision as is mentioned in subsection (1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, enter the fishery limits of the British Islands for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.
- (d) Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction in the case of a first offence under this section to a fine not exceeding £200 and in the case of a second or subsequent offence thereunder to a fine not exceeding £100.
- (e) The provisions of any order under this section shall be taken to be in addition to and not to derogate from the provisions of any other enactment or any instrument made under any other enactment.

As to powers of sea-fishery officers, see s. 3.

As to recovery of fines, see s. 12.

As to compensation for damage, see s. 13.

As to jurisdiction, see s. 14.

As to the Isle of Man and the Channel Islands, see s. 21.

Prohibition of fishing within the fishery limits of the British Islands

1.—(1) A foreign fishing boat not registered in a country for the time being designated under the Fishery Limits Act 1964 shall not enter the fishery limits of the British Islands except for a purpose recognised by international law, or by any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those limits—

- (a) shall return outside those limits as soon as the purpose for which it entered them has been fulfilled; and
- (b) shall not fish or attempt to fish while within those limits.
- (2) A foreign fishing boat registered as aforesaid shall not enter the exclusive fishery limits except for any such purpose as aforesaid and if it enters those limits—
- (a) shall return outside them as soon as the purpose for which it entered them has been fulfilled; and
- (b) shall not fish or attempt to fish while within those limits.
- (3) A foreign fishing boat so registered shall not fish or attempt to fish in the outer belt except in an area and for any description of fish for the time being designated under the Fishery Limits Act 1964 in relation to the country in which it is registered.

(4) The fishing gear of a foreign fishing boat which is prohibited by this section from fishing in any area within the fishery limits of the British Islands shall, while the boat is in that area, be stowed in accordance with an order made by the Ministers, and if a fishing boat is prohibited by this section from fishing in an area for the time being designated as aforesaid for fish for the time being not so designated, all

the fishing gear of the boat except that required by it for fishing for fish for the time being so designated shall, while the boat is in that area, be stowed as aforesaid.

(5) In the event of a contravention of this section in the case of a fishing boat—

- (a) the master of the boat shall be liable on summary conviction to a fine not exceeding £500; and
- (b) the court may on convicting him of an offence under this section order the forfeiture of any fish or fishing gear found in the boat or taken or used by any person from the boat; and
- (c) where the contravention takes place in Scotland, any fish or fishing gear forfeited under paragraph (b) above may be destroyed or otherwise disposed of as the court may direct.

(6) The foregoing provisions of this section shall not prohibit or restrict fishing by fishing boats registered in a country outside the United Kingdom in any area with respect to which special provision for fishing by such boats is made by any arrangement between Her Majesty's Government in the United Kingdom and the government of that country.

As to powers of sea-fishery officers, see s. 8.

As to recovery of fines, see s. 12.

As to compensation for damage, see s. 13.

As to jurisdiction, see s. 14.

As to the Isle of Man and the Channel Islands, see s. 21.

Sea-fishery officers

7.—(1) The following persons shall be British sea-fishery officers for the purposes of the Sea Fisheries Acts, that is to say—

- (a) officers of the sea-fishery inspectorates of each of the appropriate Ministers other than assistant fishery officers;
- (b) commissioned officers of any of Her Majesty's ships;
- (c) persons in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;
- (d) officers of the fishery protection service of the Secretary of State holding the rank of commander, first officer or second officer;
- (e) officers of Customs and Excise;
- (f) the following members of the Coastguard, that is to say, inspectors, district officers and members in charge of coastguard stations;
- (g) other persons appointed as British sea-fishery officers by one of the appropriate Ministers.

(2) The appropriate Minister may appoint any person to exercise and perform the powers and duties of a British sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and for the purposes of the Sea Fisheries Acts a person so appointed shall be a British sea-fishery officer within those limitations, but not otherwise.

(3) An appointment made under subsection (2) above may be limited in any one or more of the following ways, that is to say—

- (a) to particular matters;
- (b) to a particular area;
- (c) to a particular order or class of orders.

(4) In this Act, "foreign sea-fishery officer", in relation to any convention with respect to the conduct or safeguarding of fishing operations or operations ancillary thereto to which Her Majesty's Government in the United Kingdom is a party, means a person of any class specified in an order made by the Ministers, being a person appointed by the government of any other country which is a party to the convention

to enforce its provisions or any other person having power under the laws of that other country to enforce those provisions.

(5) In this section "the appropriate Minister" means—

- (a) in relation to England and Wales, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to Scotland, the Secretary of State; and
- (c) in relation to Northern Ireland, the Ministry of Agriculture for Northern Ireland.

As to the Isle of Man and the Channel Islands, see s. 21.

General powers of British sea-fishery officers

3.—(1) For the purpose of enforcing the provisions of any order under section 5 above or of section 6 above or any order thereunder a British sea-fishery officer may exercise in relation to any fishing boat within the fishery limits of the British Islands and in relation to any British fishing boat anywhere outside those limits the powers conferred by subsections (2) to (4) below.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (1) above and, in particular,—

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and
- (b) may require any person on board the boat to produce any documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

(4) Where it appears to a British sea-fishery officer that a contravention of any provision of an order under section 5 above or of section 6 above or any order thereunder has at any time taken place within the fishery limits of the British Islands, he may take the boat in relation to which the contravention took place and the crew of the boat to the port which appears to him to be the nearest convenient port and detain the boat and the crew in the port until the completion of proceedings for the contravention.

(5) If it appears to a British sea-fishery officer that a British fishing boat or a fishing boat belonging to a country which is party to a convention to which Her Majesty's Government in the United Kingdom is a party is being so navigated or stationed as to interfere or be likely to interfere with fishing operations which are being carried on, or about to be carried on, within the fishery limits of the British Islands, he may require the boat to move away or to move in a direction or to a position specified by him.

4. For the purpose of enforcing the collision regulations made under section 418 of the Merchant Shipping Act 1894, so far as they apply to fishing boats, a British sea-fishery officer may exercise, in relation to any fishing boat within the fishery limits of the British Islands and in relation to a British fishing boat anywhere outside those limits, the powers conferred by section 723 (1) of that Act (enforcement), whether or not he is mentioned in that subsection, and also the powers

(2) Where a person is to be brought to trial before a sheriff in Scotland for an offence under section 5, 6 or 10 of this Act—

- (a) any person who considers that personal injury to him or damage to his property has been caused by the offence may, at any time before the commencement of the trial, give notice in writing to the accused person and the sheriff clerk that at the trial of the offence the sheriff shall be called upon to make an award of compensation in respect of that injury or damage;
- (b) if notice has been given as aforesaid and the accused is convicted of the offence the sheriff shall thereupon dispose of the question of compensation, but shall not order payment of a sum by way of compensation exceeding £400;
- (c) any evidence led at the trial shall be admissible as evidence in the disposal of the question of compensation, and if the compensation claimed is in respect of damage to property and a report of a British sea-fishery officer relating to the damage is produced as evidence, that report shall, unless the sheriff considers that it is necessary in the interests of justice to allow additional evidence, be sufficient evidence for the disposal of the question of compensation; and
- (d) in disposing of the question of compensation the sheriff may, subject to paragraph (b) above, give decree as in any ordinary action brought before him.

(3) Section 12 of this Act shall apply in relation to compensation adjudged or ordered to be paid under this section by the master, owner or charterer or a member of the crew of a fishing boat as it applies in relation to a fine imposed by a magistrates' court or sheriff on such a person.

(4) The provisions of this section shall not be taken to derogate from any right of a person who has suffered personal injury or damage to property in consequence of an offence under section 5, 6 or 10 of this Act to recover damages in respect of the injury or damage in civil proceedings.

As to the Isle of Man and the Channel Islands, see s. 21.

Jurisdiction to try offences

14. Proceedings for an offence under section 5, 6 or 10 of this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

As to the Isle of Man and the Channel Islands, see s. 21.

Miscellaneous

Amendments of Sea Fisheries (Shellfish) Act 1967

15.—(1) The Sea Fisheries (Shellfish) Act 1967 shall be amended in accordance with, and have effect subject to, the following provisions of this section.

(2) In section 1 (1) (orders as to fisheries for oysters, mussels and cockles) for the words "and cockles" there shall be substituted the words "cockles, clams and any other molluscs of a kind specified in regulations made by the appropriate Minister".

(3) The power to make an order under that section conferring on the grantees a right of regulating a fishery for any specified description of shellfish shall be construed as including a power to enable them with the consent of the appropriate Minister to impose restrictions on, and

make regulations respecting, the dredging, fishing for and taking of shellfish of that description within the limits of the regulated fishery.

(4) An order under that section which imposes tolls or royalties upon persons dredging, fishing for and taking any specified description of shellfish within the limits of a fishery shall be construed as conferring on the grantee of the fishery power with the consent of the appropriate Minister to vary the tolls or royalties so imposed.

(5) In subsections (3) and (4) above "the appropriate Minister" has the same meaning as in the Sea Fisheries (Shellfish) Act 1967.

(6) Anything purporting to be done at any time before the passing of this Act under or by virtue of section 1 or 3 of the Sea Fisheries (Shellfish) Act 1967 or any enactment thereby re-enacted which could have been done by virtue of subsection (3) or (4) above if that subsection had been in force at that time shall be treated as if it had been done by virtue of that subsection.

(7) In paragraph 4 (5) of Schedule 1 (notice of inquiry in connection with making of an order under section 1) for the words "fourteen days" there shall be substituted the words "twenty-eight days".

Amendments of Sea Fish (Conservation) Act 1967

13. In section 1 of the Sea Fish (Conservation) Act 1967 (size limits for fish) for subsections (2) to (5) (obligation to return fish below the minimum size to the sea, and power to exempt from the obligation), there shall be substituted the following subsections:—

"(1) Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an order under subsection (1) above shall not be carried, whether on board or outside the fishery limits of the British Islands, on a British fishing boat.

(2) An order under subsection (1) above may prohibit the carrying by any foreign fishing boat in waters adjacent to the United Kingdom and within the fishery limits of the British Islands, of sea fish of any description prescribed by the order which are of less than the minimum size so prescribed in relation to sea fish of that description.

(3) An order under subsection (1) above may confer exemptions from any prohibition imposed by or by virtue of this section; and any such exemption may be general or subject to conditions and may relate to all fish to which the order applies or to fish of any specified description."

As to the Isle of Man and the Channel Islands, see s. 21.

Fishing boats and gear lost or abandoned at sea

17. Without prejudice to section 72 of the Merchant Shipping Act 1966 (wreck brought within the limits of the United Kingdom), fishing boats or fishing gear lost or abandoned at sea and either—

(a) found or taken possession of within the territorial waters of the United Kingdom; or

(b) found or taken possession of beyond those waters and brought within those waters;

shall be treated as wreck for the purposes of Part IX of the Merchant Shipping Act 1966.

As to the Isle of Man and the Channel Islands, see s. 21.

*Supplemental**Orders*

13.—(1) Any power conferred on the Ministers by this Act to make an order shall be exercisable by statutory instrument.

(2) A statutory instrument containing an order made by the Ministers under any provision of this Act, except section 4 (4), shall be laid before Parliament.

(3) Any power conferred by this Act on the Ministers to make an order includes power to vary or revoke the order by a subsequent order.

Interpretation

19.—(1) In this Act, except so far as the context otherwise requires,—

“British fishing boat” means a fishing boat which is registered in the United Kingdom, exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894 or owned wholly by a person who is (within the meaning of the Merchant Shipping Act 1894) a person qualified to own a British ship, and “foreign fishing boat” means a fishing boat which is not so registered, so exempted or so owned;

“convention” includes an agreement or other arrangement;

“convention area” means, in relation to any international convention, the area to which the convention relates;

“enactment” includes an enactment of the Parliament of Northern Ireland;

“fish” includes shellfish, and cognate expressions shall be construed accordingly;

“fishing boat” means any vessel for the time being employed in fishing operations or any operations ancillary thereto;

“foreign sea-fishery officer” has the meaning assigned to it by section 7 of this Act;

“master” includes, in relation to any fishing boat, the person for the time being in command or charge of the boat;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland;

“the outer belt”, subject to subsection (2) below, has the same meaning as in section 1 of the Fishery Limits Act 1964;

“products” has the same meaning as in Part I of the Sea Fish Industry Act 1951;

“Sea Fisheries Acts” means any enactments for the time being in force relating to sea-fishing, including any enactment relating to fishing for shellfish, salmon or migratory trout.

(2) References in this Act to the fishery limits of the British Islands, the exclusive fishery limits and the outer belt shall, subject to any Order in Council under section 21 below, be construed as not including waters within the fishery limits of the British Islands which are adjacent to the Isle of Man or any of the Channel Islands.

(3) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied by or under any other enactment, including this Act.

As to the Isle of Man and the Channel Islands, see s. 21.

Northern Ireland

20. Nothing in this Act shall be taken to restrict the powers of the Parliament of Northern Ireland to make laws; and any laws made by

that Parliament with respect to any matter with respect to which it has that power shall have effect notwithstanding anything in this Act.

Isle of Man and Channel Islands

21.—(1) Her Majesty may by Order in Council direct that all or any of the provisions of sections 5 to 14, 16, 17, 19, 22 and 23 of this Act and of Part II of Schedule 1 and Part II of Schedule 2 thereto—

(a) shall extend, with such exceptions, adaptations and modifications if any, as may be specified in the Order, to the Isle of Man or any of the Channel Islands; and

(b) shall apply, with such exceptions, adaptations and modifications as aforesaid, in relation to British fishing boats registered in the Isle of Man or any of the Channel Islands as they apply in relation to British fishing boats registered in the United Kingdom.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order thereunder.

Minor and consequential amendments and repeals, and savings

22.—(1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments specified in Schedule 2 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

(3) Any reference to boats in the Herring Industry Act 1935, the Herring Industry Act 1944 or the White Fish and Herring Industries Act 1953 shall be construed as a reference to vessels.

(4) The amendment by Schedule 1 to this Act of section 5 of the White Fish and Herring Industries Act 1953 and section 3 of the White Fish and Herring Industries Act 1957 shall not affect the operation of any scheme made under either of those sections, and the repeal by this Act of section 2 of the Sea Fish Industry Act 1962 shall not affect the operation of any scheme made under the said section 5 by virtue of the said section 2, but any such scheme which is in force immediately before the coming into force of the amendment and repeal shall, notwithstanding the repeal, have effect as if made under the said section 5 or the said section 3, as the case may be, as so amended.

(5) The amendment by Schedule 1 to this Act of section 15 of the Sea Fish (Conservation) Act 1967 shall not affect any order made under that section, but any such order which is in force immediately before the coming into force of the amendment shall have effect as if made under that subsection as so amended.

(6) The repeal by this Act of the Sea Fisheries Act 1883 shall not affect the operation—

(a) of any Order in Council under section 23 of that Act which is in force immediately before the coming into force of the repeal; or

(b) of any provision of that Act which is applied by any such Order or by any provision of the Fisheries Act 1891 or the North Sea Fisheries Act 1893.

As to the Isle of Man and the Channel Islands, see s. 21.

Short title and commencement

23.—(1) This Act may be cited as the Sea Fisheries Act 1963.

(2) Sections 5 to 14 of this Act and Part II of Schedule 1 and Part II of Schedule 2 thereto shall come into force on such day as the Ministers

may by order appoint, and different days may be so appointed for different purposes of these provisions.

(3) Any order under this section may make such transitional provision as appears to the Ministers to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

As to the Isle of Man and the Channel Islands, see s. 21.

SCHEDULES

Section 22 (1)

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS COMING INTO FORCE ON PASSING OF ACT

The Herring Industry Act 1935 (c. 9)

1. In section 6 (3) (offences by body corporate)—
 - (a) for the word "approval" there shall be substituted the word "connivance";
 - (b) for the words "to have been facilitated by" there shall be substituted the words "is attributable to";
 - (c) for the words "officer of the body corporate" there shall be substituted the words "similar officer of the body corporate, or any person who was purporting to act in any such capacity".
2. In section 14 (interpretation) the definition of "boat" shall cease to have effect.
3. In Schedule 2 (provisions of the Agricultural Marketing Act 1931 applied with modifications to a consumers' committee and a committee of investigation appointed for the herring industry)—
 - (a) any reference to the products of the herring industry shall be construed as a reference to herring and their products;
 - (b) in section 9 (6) of the said Act of 1931 as set out in the said Schedule the words "or commodities produced wholly or partly therefrom" and the words "or such commodities as aforesaid" shall cease to have effect;
 - (c) at the end of the said section 9, as so set out, there shall be inserted the following subsection—

"(7) In this Schedule 'products' has the same meaning as in Part I of the Sea Fish Industry Act 1951."

The Herring Industry Act 1938 (c. 42)

4. In section 2 (1) (Herring Industry Advisory Council) the words "and assistance" shall cease to have effect.

The Sea Fish Industry Act 1951 (c. 30)

5. In section 15 (2) (a) (general levy of the White Fish Authority) for the words from "a sum" to "that year" there shall be substituted the words "such sums as may be authorised by section 4 of the Sea Fisheries Act 1968".
6. In section 18 (6) (offences by body corporate) after the words "similar officer of the body corporate" there shall be inserted the words "or any person who was purporting to act in any such capacity".
7. In section 19 (interpretation of Part I), in the definition of "processing", as amended by Schedule 3 to the Sea Fish Industry Act 1962, for the words

"producing any substance or article from fish" there shall be substituted the words "producing any substance or article wholly or partly from fish".

The White Fish and Herring Industries Act 1953 (c. 17)

8. In section 1 (1) (grants by the White Fish Authority towards new vessels and engines), in the proviso, after the word "vessel" there shall be inserted the words "or in the acquisition or installation of any secondhand".

9. In section 1 (3) (persons qualifying for grants by the White Fish Authority), the words "(of whatever size and in whatever way propelled)" shall cease to have effect.

10. For section 5 (1) (white fish subsidy) there shall be substituted the following subsections:—

"(1) With a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish and products of white fish, the appropriate Minister may in accordance with a scheme made by the Ministers with the approval of the Treasury make to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching white fish, or in processing or transporting white fish caught by vessels registered in the United Kingdom or the products of any such white fish, grants of such amounts, and subject to such conditions, as may be determined by or under the scheme.

"(2) The trans-shipment of white fish and their products in a port in the United Kingdom or within the exclusive fishery limits shall be treated for the purposes of subsection (1) above as the landing of white fish and their products respectively in the United Kingdom."

11. In section 5 (2) (provisions which may be included in white fish subsidy schemes) for paragraph (a) there shall be substituted the following paragraph:—

"(a) white fish and their products landed from the vessel in the United Kingdom or trans-shipped from the vessel in a port in the United Kingdom or within the exclusive fishery limits, or"

and in paragraph (b) after the words "another vessel" there shall be inserted the words "or are to be trans-shipped in a port in the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel".

12. In section 5 (3) (time limit for applying for grants in pursuance of white fish subsidy schemes), as set out in section 2 of the White Fish and Herring Industries Act 1957 and as amended by Schedule 2 to the Sea Fish Industry Act 1962, for the words from "the first day" onwards there shall be substituted the words "1st January 1974".

13. In section 5 (5) (definitions) after the definition of "the appropriate Minister" there shall be inserted the following definitions—

"the exclusive fishery limits" has the same meaning as in the Sea Fisheries Act 1963;

"products" has the same meaning as in Part I of the Sea Fish Industry Act 1951."

14. In section 5 (1) (grants by the Herring Industry Board) after the words "engaged in the herring industry" there shall be inserted the words "in Great Britain", and in the proviso, after the word "vessel" there shall be inserted the words "or in the acquisition or installation of any secondhand".

15. In section 6 (4) (persons qualifying for such grants) for the words "boats as defined by the Herring Industry Act 1935)" there shall be substituted the word "vessels".

The White Fish and Herring Industries Act 1957 (c. 22)

16. For section 3 (1) (herring subsidy) there shall be substituted the following subsections:—

"(1) With a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of herring and products of herring, the appropriate Minister may in accordance with a scheme made by the Ministers with the approval of the Treasury make to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching herring, or in processing or transporting herring caught by vessels registered in the United Kingdom or the products of any such herring, grants of such amounts, and subject to such conditions, as may be determined by or under the scheme.

(1A) The trans-shipment of herring and their products in a port in the United Kingdom or within the exclusive fishery limits shall be treated for the purposes of subsection (1) above as the landing of herring and their products respectively in the United Kingdom."

17. In section 3 (2) (provisions which may be included in herring subsidy schemes) for paragraph (a) there shall be substituted the following paragraph:—

"(a) herring and their products landed from the vessel in the United Kingdom or trans-shipped from the vessel in a port in the United Kingdom or within the exclusive fishery limits, or"

and in paragraph (b) after "another vessel" there shall be inserted the words "or are to be trans-shipped in a port in the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel".

18. In section 3 (3) (time limit for applying for grants in pursuance of herring subsidy schemes), as amended by Schedule 2 to the Sea Fish Industry Act 1962, for the words from "the first day" onwards there shall be substituted the words "1st January 1974".

19. In section 3 (4) (definitions) at the end there shall be inserted the following definitions:—

"'the exclusive fishery limits' has the same meaning as in the Sea Fisheries Act 1968;

'products' has the same meaning as in Part I of the Sea Fish Industry Act 1951".

Sea Fish Industry Act 1962 (c. 31)

20. In section 3 (3) (persons qualifying for grants by the White Fish Authority), the words "(of whatever size and in whatever way propelled)" shall cease to have effect.

21. In section 3 (4) (application of section 6 of the White Fish and Herring Industries Act 1953 to vessels and persons), for the words "boats (as defined by the Herring Industry Act 1935)" there shall be substituted the word "vessels".

22.—(1) Section 9 (reimbursement of Isle of Man subsidies) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1)—

(a) after the words "in respect of herring" there shall be inserted the words "or herring products";

(b) after the words "landed in the Isle of Man", in the first place where they occur, there shall be inserted the words "or trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man";

(c) at the end there shall be inserted the words "or were to be trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man by the vessel which caught them or by another vessel".

(3) In subsection (3) after the word "herring", wherever it occurs, there shall be inserted the words "or herring products".

(4) At the end of the section there shall be inserted the following subsection:—

"(5) In this section "exclusive fishery limits of the Isle of Man" means waters within the exclusive fishery limits of the British Islands which are adjacent to the Isle of Man".

PART II

AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

The Sea Fisheries Act 1863 (c. 45)

23. In section 26 (sea-fishing boats within exclusive limits, and British sea-fishing boats outside those limits, to have official papers)—

(a) for the words "such Order in Council" there shall be substituted the words "an Order in Council under section 373 of the Merchant Shipping Act 1894";

(b) after the words "British Islands" there shall be inserted the words "within the meaning of the Sea Fisheries Act 1968";

(c) for the words "this part of this Act", in both places where they occur, there shall be substituted the words "that section";

- (d) for the words "sea-fishery officer" there shall be substituted the words "British sea-fishery officer within the meaning of section 7 of the said Act of 1963".

The Sea Fisheries (Scotland) Amendment Act 1965 (c. 70)

24. In section 1 (citation and construction), for the words "the Sea Fisheries Act 1963" there shall be substituted the words "the Sea Fisheries Act 1968".

25. In section 4 (control of modes of fishing within defined areas) for the last paragraph there shall be substituted the following paragraphs—

"Any person contravening a byelaw duly confirmed shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100, or in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding £200 or both; and the court by which the offender is convicted may order the forfeiture of any net or other fishing gear used in committing the offence.

Sections 12 (2) and 14 of the Sea Fisheries Act 1963 shall apply to an offence under this section as they apply to an offence under section 5, 6 or 10 of that Act; and any fishing gear forfeited under this section may be destroyed or otherwise disposed of as the court may direct."

26. In section 5 (returns about sea fisheries) the words "against the Sea Fisheries Act 1963" shall be omitted and at the end there shall be inserted the words "and sections 12 (5) and 14 of the Sea Fisheries Act 1963 shall apply to an offence under this section as they apply to an offence under section 5, 6 or 10 of that Act".

27. After section 6 there shall be inserted the following section—

"Various
kinds of
fish or
shell
fish. 31. Where any offence under this Act has been committed by some person belonging to a sea-fishing boat, the master of such boat shall in every case be liable to be deemed guilty of such offence:

Provided that it shall be a defence for the master to prove that he issued proper orders for the observance, and used due diligence to enforce the observance, of the provision of the Act or byelaw contravened and that the offence in question was actually committed by some other person without his connivance."

28. In section 7 (report of sea-fishery officer concerning compensation), for any reference to a sea-fishery officer there shall be substituted a reference to a British sea-fishery officer and at the end there shall be inserted the following proviso—

"Provided that nothing in the first paragraph of this section shall apply to an offence under section 5, 6 or 10 of the Sea Fisheries Act 1963."

29. In section 8 (compensation for damage caused by offence), for the reference to a sea-fishery officer there shall be substituted a reference to a British sea-fishery officer and at the end there shall be inserted the following proviso—

"Provided that nothing in this section shall apply to an offence under section 5, 6 or 10 of the Sea Fisheries Act 1963."

30. In section 10 (powers of sea-fishery officers) for the words from "sea" where it first occurs to the end there shall be substituted the words "a British sea-fishery officer may exercise all the powers conferred on him by section 8 of the Sea Fisheries Act 1963 for the purpose of enforcing the provisions of an order under section 5 of that Act or of section 6 of that Act or any order thereunder".

The Fisheries Act 1961 (c. 37)

31. In section 13 (powers of taking legal proceedings) the words "the Sea Fisheries Act 1963 or any other Act relating to sea fisheries or by" shall cease to have effect.

The Merchant Shipping Act 1964 (c. 60)

32. For section 373 (6) (application of certain statutory provisions to registry of British fishing boats) there shall be substituted the following subsection:—

"(6) Sections 8 and 9 of the Sea Fisheries Act 1963 (general powers of British sea-fishery officers, and powers of sea-fishery officers to enforce conventions) shall apply in relation to this section and any Order in Council thereunder, and to any convention mentioned in subsection (5) above, as they apply respectively in relation to any order mentioned in the said section 8 and any convention mentioned in the said section 9; and sections 10, 11, 12 and 14 of that Act (offences, and supplemental provisions as to legal proceedings) shall apply accordingly."

33. In section 374 (effect of registry of fishing boat), for the words "against the Sea Fisheries Act 1883" there shall be substituted the words "under the Sea Fisheries (Scotland) Amendment Act 1885 or under section 5, 6 or 10 of the Sea Fisheries Act 1968".

The Sea Fisheries Regulation (Scotland) Act 1895 (c. 42)

34. In section 3 (definition of Sea Fisheries Acts) for the words from "'Sea Fisheries Acts'" to "1885" there shall be substituted the words "'Sea Fisheries Acts' has the same meaning as in the Sea Fisheries Act 1968".

The Illegal Trawling (Scotland) Act 1934 (c. 15)

35. For section 5 (application of Sea Fisheries Act 1883) there shall be substituted the following section—

"Application of ss. 8 and 10 of Sea Fisheries Act 1968. 5. For the purpose of enforcing the enactments relating to illegal trawling, section 8 (1) to (4), and section 10 (1), (2) and (4), of the Sea Fisheries Act 1968 (which relate respectively to the powers of British sea-fishery officers, and the protection of and the punishment for assaulting or obstructing sea-fishery officers) shall apply as if they were enacted in this Act with the following modifications—

- (a) for any reference to a British sea-fishery officer or a British or foreign sea-fishery officer there shall be substituted a reference to a superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts;
- (b) in section 8, for any reference to the provisions of the said Act of 1968 therein mentioned there shall be substituted a reference to the enactments relating to illegal trawling; and
- (c) in section 10, for any reference to section 8 or 9 of the said Act of 1968 there shall be substituted a reference to section 8 of that Act as applied by this section."

The Sea Fish Industry Act 1962 (c. 31)

36. In section 17 (2) (enactments to which the section's exemption for operations for scientific and other purposes applies) for the words from "any enactment" to "this Act" there shall be substituted the words "section 6 of the Sea Fisheries Act 1968".

The Sea Fisheries Regulation Act 1936 (c. 35)

37. In section 13 (5) (powers of local fisheries committees), the words from the beginning to "1883" and from "the provisions" to "and of" and the word "other" shall cease to have effect.

The Sea Fish (Conservation) Act 1967 (c. 84)

38.—(1) Section 15 (powers of British sea-fishery officers) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1) the words from the beginning to "1962" shall cease to have effect.

(3) For subsections (3) to (7) there shall be substituted the following subsections:—

"(3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands, and in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8 (2) to (4) of the Sea Fisheries Act 1968 as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of any of the provisions of sections 1 to 7 of this Act or any order made under any of those sections.

(4) An order under this section may make different provision for different cases.

(5) Section 10 of the Sea Fisheries Act 1968 shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred;

and, in relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly."

33. In section 22 (1), in the definition of "British sea-fishery officer", for the words from "section 11" to "1951" there shall be substituted the words "section 7 of the Sea Fisheries Act 1968".

Section 22 (2)

SCHEDULE 2

ENACTMENTS REPEALED

PART I

REPEALS COMING INTO FORCE ON PASSING OF ACT

Chapter	Short Title	Extent of Repeal
32 & 33 Viet. c. 16.	The Sea Fisheries Act 1908.	Section 1. In section 5, the definitions of "person" and "the Irish Fishery Commissioners". Section 67. In section 70, the proviso.
17 & 18 Geo. 5. c. 9.	The Herring Industry Act 1925.	In section 14, the definition of "boat". In Schedule 2, in section 9 (6) of the Agricultural Marketing Act 1931 as there set out, the words "or commodities produced wholly or partly therefrom" and the words "or such commodities as aforesaid".
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1935.	Section 50.
1 & 2 Geo. 6. c. 42.	The Herring Industry Act 1938.	In section 2 (1), the words "and assistance".
6 & 16 Geo. 6. c. 15.	The Inshore Fishing Industry Act 1945.	The whole Act.
11 & 12 Geo. 6. c. 41.	The White Fish and Herring Industries Act 1948.	Section 3.
14 & 15 Geo. 6. c. 39.	The Sea Fish Industry Act 1951.	Section 13 (3).
1 & 2 E.H.S. 2. c. 17.	The White Fish and Herring Industries Act 1953.	In section 1 (3), the words "(of whatever size and in whatever way propelled)". Section 2 (4). Section 13 (2) and (3). Section 1 (3A) and (4). Section 4.
5 & 6 E.H.S. 2. c. 22.	The White Fish and Herring Industries Act 1957.	In section 5 (3), the words "or order". In section 5 (4), the words from "and an order" to the end. Section 6 (2).
8 E.H.S. 2. c. 7.	The Sea Fish Industry Act 1959.	Section 1.
10 & 11 E.H.S. 2. c. 31.	The Sea Fish Industry Act 1962.	Section 1 (4) and (6). Section 2. In section 3 (3), the words "(of whatever size and in whatever way propelled)". Section 3 (5). Section 31. Section 33 (3). In section 35 (5), the words "and thirty-one". In Schedule 2, paragraphs 18 (1), 21 (3) and (4), 22 (1) and 23.
1966 c. 34.	The Industrial Development Act 1966.	Section 28.
1967 c. 35.	The Fishing Vessel Grants Act 1967.	The whole Act.

PART II

REPEALS COMING INTO FORCE ON APPOINTED DAY

Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 45.	The Sea Fisheries Act 1868.	In section 5, the definitions of "Great Britain and Ireland", "United Kingdom", "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France". In section 57, the words from "or under" to "provided)". Section 63. In section 65, the second paragraph. Section 66. In section 70, the words from the beginning to "save as aforesaid", the words from "the seas adjoining" to "the whole of" and the words from "and to the seas" to "British Islands" in the fourth place where it occurs.
46 & 47 Vict. c. 22.	The Sea Fisheries Act 1883.	The whole Act.
48 & 49 Vict. c. 70.	The Sea Fisheries (Scotland) Amendment Act 1885.	Section 3. Section 5.
54 & 55 Vict. c. 37.	The Fisheries Act 1891.	Section 5. In section 6 (1), the words "as one with the Sea Fisheries Act 1883, and" and the word "also", and section 6 (2). In section 13, the words "the Sea Fisheries Act 1883 or any other Act relating to sea fisheries, or by".
24 & 25 Geo. 5. c. 13.	The Illegal Trawling (Scotland) Act 1934.	Section 3.
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Section 54. Section 59. Section 61. Section 62. Section 63(2).
14 & 15 Geo. 6. c. 30.	The Sea Fish Industry Act 1951.	Section 25.
8 Eliz. 2. c. 7.	The Sea Fish Industry Act 1959.	Section 9.
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Section 16. Section 18. Section 36 (1). Section 1 (2).
1964 c. 72.	The Fishery Limits Act 1964.	Section 2. Section 3 (2) and (5). In Schedule 1 the amendments of the Sea Fisheries Act 1883.
1966 c. 38.	The Sea Fisheries Regulation Act 1966.	In section 13 (5), the words from the beginning to "1893" and from "the provisions" to "and of" and the word "other".
1967 c. 33.	The Sea Fisheries (Shellfish) Act 1967.	Schedule 2, so far as relating to the Sea Fisheries (Scotland) Amendment Act 1885.
1967 c. 84.	The Sea Fish (Conservation) Act 1967.	In section 15 (1), the words from the beginning to "1962".