



Sea Fish (Conservation) Act 1967

CHAPTER 84

ARRANGEMENT OF SECTIONS

*Restrictions on commercial use of under-sized,
etc., sea fish*

Section

1. Size limits, etc. for fish.
2. Size limits for fish for use in course of any business.

Regulation of fishing for sea fish

3. Regulation of nets and other fishing gear.
4. Licensing of British fishing boats.
5. Power to restrict fishing for sea fish.

Regulation of the landing of sea fish

6. Prohibition on landing of sea fish caught in certain areas.
7. Declarations required for purposes of orders under s. 6.
8. Regulation of landing of foreign-caught sea fish.

Exemption for certain operations

9. Exemption for operations for scientific and other purposes.

*Measures for increase or improvement of
marine resources*

10. Measures for increase or improvement of marine resources.

Penalties for, and other provisions as to, offences

11. Penalties for offences.
12. Offences committed by bodies corporate.
13. Institution of proceedings by local fisheries committee.
14. Jurisdiction of court to try offences.

Enforcement of orders, etc.

Section

15. Powers of British sea-fishery officers for enforcement of Act.
16. Enforcement of orders under ss. 1 and 2.
17. Enforcement of orders under s. 3.
18. Enforcement of orders in relation to salmon and migratory trout.

Supplemental

19. Financial provisions.
20. Orders.
21. Exercise of powers by Board of Trade.
22. Interpretation.
23. Northern Ireland.
24. Channel Islands and Isle of Man.
25. Repeals, savings and consequential amendment.
26. Citation and commencement.

SCHEDULE—Enactments repealed.

ELIZABETH II



1967 CHAPTER 84

An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949) certain enactments which provide for regulating the commercial use of, fishing for, and landing of, sea fish, and for authorising measures for the increase or improvement of marine resources. [27th October 1967]

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

Restrictions on commercial use of under-sized, etc., sea fish

1.—(1) Subject to the provisions of this section and of section 9(1) of this Act, no person shall, in Great Britain, land, sell, expose or offer for sale, or have in his possession for the purpose of sale, any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description by an order of the Ministers, and orders under this subsection may prescribe a different size in relation to landing from that prescribed for other purposes. of Size limits,
etc. for fish.

(2) Where an order under subsection (1) above 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 section 9(1) of this Act, be deemed to contravene subsection (1) above if the part is of a smaller size than the one so prescribed.

(3) Where, in the course of any fishing operations conducted by means of a fishing boat, any sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by any order under subsection (1) above are taken on board the boat, those fish shall, subject to section 9(2) of this Act, be returned to the sea forthwith.

(4) Subsection (3) above shall apply to all fishing boats in waters adjacent to the United Kingdom and within the fishery limits of the British Islands and also to British fishing boats registered in the United Kingdom wherever they may be.

(5) An order under subsection (1) above may provide for exempting any fishing boat or class of fishing boat from the obligation to return fish of any description specified in the order, if and so long as such conditions as may be imposed by or under the order are complied with; and if and so long as such further conditions (if any) as may be imposed are complied with, any fish retained on board under such an exemption shall be excepted from the prohibitions of the said subsection (1).

(6) Any person who contravenes subsection (1) above shall be guilty of an offence under that subsection and if subsection (3) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

Size limits for
fish for use
in course of
any business.

2.—(1) Subject to any exemption granted under this section, no person shall in Great Britain have in his possession any fish to which this section applies for the purpose of processing or otherwise using it in the course of any business.

(2) This section applies to any fish which under section 1(1) of this Act is prohibited from being sold in Great Britain.

(3) Where it appears to an officer authorised in that behalf by the appropriate Minister that any fish which have been caught are fish to which this section applies, the officer may grant to any person such exemption from subsection (1) above as the officer considers requisite to enable the fish to be disposed of.

(4) Any person who contravenes this section shall be guilty of an offence under this section.

Regulation of fishing for sea fish

3.—(1) The Ministers may make an order for securing that the nets and other fishing gear carried in any British fishing boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section, or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

Regulation of
nets and other
fishing gear.

(2) An order under this section may be made so as to extend to nets or other fishing gear carried in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands by fishing boats registered in any country outside the United Kingdom or not registered in any country.

(3) An order under this section prescribing minimum sizes of mesh may also—

(a) prescribe the manner in which the sizes of mesh are to be measured and, in the case of any class of nets, prescribe different sizes for the nets when in different conditions ;

(b) make provision for securing that the restrictions imposed by the order are not evaded by the use of any nets in such manner as practically to diminish their mesh, or by the covering of nets with canvas or any other material, or by the use of any other artifice ;

(c) provide for exempting any nets from any such restrictions as aforesaid, either generally or in relation to particular fishing boats or classes of fishing boats, if and so long as such conditions as may be imposed by or under the order are complied with.

(4) Without prejudice to subsection (3) above, an order under this section may, in relation to any fishing gear,—

(a) restrict the manner in which it may be used ;

(b) prescribe the manner in which its size is to be measured ;

(c) make provision for securing that the restrictions imposed by the order are not evaded ;

(d) make the like provision for exemption as is mentioned in relation to nets in subsection (3)(c) above.

(5) If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

(6) Any restrictions imposed by an order under this section shall be in addition to, and not in substitution for, any restriction imposed by or under any other Act, and nothing in this section shall affect any power conferred by any Act to regulate sea fishing.

(7) Nothing in any byelaw, rule, order or regulation made under section 4 of the Sea Fisheries (Scotland) Amendment Act 1885, section 6 of the Herring Fishery (Scotland) Act 1889 or section 8 of the Sea Fisheries Regulation (Scotland) Act 1895, or in any byelaw made, or having effect as if made, under section 5 of the Sea Fisheries Regulation Act 1966, or in any regulation made, or deemed to be made, under the Fisheries Act (Northern Ireland) 1966, shall be taken to authorise the carrying of fishing nets in circumstances where the carrying of those nets would otherwise be unlawful by virtue of an order made under this section.

4.—(1) As from such day as may be appointed by an order made by the Ministers and subject to such exceptions as may be made by any such order, no British fishing boat registered in the United Kingdom shall be used by way of trade or business for fishing in any area specified in the order, and no fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894 shall be used by way of trade or business for fishing for salmon or migratory trout in any area so specified, except under the authority of a licence granted by one of the Ministers and for the time being in force.

(2) An order made under this section in respect of fishing in any area may be made so as to apply to fishing in that area generally, or may be made subject to any one or more, or any combination, of the following limitations, that is to say, limitations whereby the order applies to fishing in that area—

- (a) for fish of a description specified in the order and not for any other descriptions of fish, or for fish of any description except a description so specified;
- (b) by a method specified in the order and not by any other method, or by any method except a method so specified;
- (c) during a season of the year specified in the order and not during any other season of the year, or at any season of the year except a season so specified;
- (d) during a period specified in the order and at no other time.

1885 c. 70.
1889 c. 23.
1895 c. 42.

1966 c. 38.

1966 (N.I.)
c. 17.

Licensing
of British
fishing
boats.

1894 c. 60

(3) Subject to subsection (4) below, any licence granted under this section may authorise either fishing generally or fishing for, or except for, any description of fish specified in the licence, and may do so either unconditionally or subject to such conditions as appear to the Minister granting the licence expedient for the purpose of preventing overfishing.

(4) Where an order under this section is made subject to any such limitations as are mentioned in subsection (2) above, the licensing powers exercisable under this section in pursuance of that order shall be exercisable only within those limitations.

(5) The licensing powers conferred by this section may be so exercised as to limit the number of British fishing boats, or any class of such boats, engaged in fishing in any area or in fishing in any area for any description of fish to such extent as appears to the Ministers to be necessary or expedient for the purpose of preventing overfishing, but the Ministers shall exercise those powers in such a way as appears to them to be likely to cause the least possible hardship.

(6) An order under this section, made with the consent of the Treasury for the purposes of this subsection, may authorise any of the Ministers to make a charge, not exceeding such amount as may be specified in the order, for the granting of a licence under this section, and different amounts may be so specified in relation to different classes of licences.

(7) If subsection (1) above is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

(8) Subject to subsection (9) below, an order appointing a day for the purposes of this section shall not be made in relation to any area unless the Ministers are satisfied that measures substantially equivalent to the provisions of this section are being taken by the governments of other countries interested in fishing in that area, and in exercising in relation to any area the powers conferred by this section the Ministers shall have regard to the extent to which fishing in that area is being restricted by those governments.

(9) Subsection (8) above shall not apply in relation to the imposition of any restriction—

- (a) on fishing for salmon or migratory trout, whether within or outside the fishery limits of the British Islands, or
- (b) on fishing for any other sea fish in any waters adjacent to Great Britain and within those limits.

5.—(1) Subject to the provisions of this section, where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty's Government Power to restrict fishing for sea fish.

in the United Kingdom and the government of any other country, they may by order prohibit, for any period and in any area specified in the order—

- (a) all fishing for sea fish, or
- (b) the fishing for any description of sea fish specified in the order, or
- (c) the fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,

by any fishing boat to which the prohibition applies ; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

(2) The power conferred by subsection (1) above shall, in relation to the imposition of any prohibition—

- (a) on fishing for salmon or migratory trout, whether within or outside the fishery limits of the British Islands, or
- (b) on fishing for any other sea fish in any waters adjacent to Great Britain and within those limits,

be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose of giving effect to such a convention or agreement as is therein mentioned or not.

(3) Where an order under this section is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in subsection (1) above, the order shall contain a statement to that effect.

(4) Any order under this section, except an order which—

- (a) has effect in relation to salmon or migratory trout (whether it has effect in relation to any other description of fish or not), and
- (b) is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in subsection (1) above,

may be made so as to continue in force either for a period specified in the order or without limitation of time.

(5) Any prohibition imposed by an order under this section may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(6) Where an order under this section is made in respect of a description of sea fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and

at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) are taken on board a fishing boat to which the obligation imposed by this subsection applies, those sea fish shall, subject to section 9 of this Act, be returned to the sea forthwith.

(7) Where subsection (6) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

(8) Subject to section 9 of this Act, any prohibition imposed by an order under this section, and the obligation imposed by subsection (6) above, shall apply to all British fishing boats registered in the United Kingdom and, in any waters adjacent to the United Kingdom which are within the fishery limits of the British Islands, also to all other fishing boats; and any prohibition imposed by such an order, in so far as it relates to fishing for salmon or migratory trout, shall apply also to any fishing boats which are British-owned but not registered under the Merchant Shipping Act 1894.

1894 c. 60.

Regulation of the landing of sea fish

6.—(1) The Ministers, after consultation with the Board of Trade, may by order prohibit, in accordance with the provisions of this section, the landing in the United Kingdom of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.

Prohibition on landing of sea fish caught in certain areas.

(2) Any prohibition imposed by an order under this section in relation to sea fish, or any particular description of sea fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea fish, or sea fish of that description, as the case may be—

- (a) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified;
- (b) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified;
- (c) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(3) Without prejudice to subsection (2) above, any prohibition imposed by an order under this section may be imposed subject to such exceptions as may be specified in the order.

(4) Where an order is made under this section the enactments relating to customs shall apply accordingly, but no steps shall be taken under those enactments for the purposes of this section by any officer of customs and excise except at the request of an officer of the Ministry of Agriculture, Fisheries and Food, the Secretary of State for Scotland or the Ministry of Agriculture for Northern Ireland, as the case may be.

(5) If any sea fish are landed from a vessel in contravention of an order under this section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this section.

(6) In this and the next following section "sea fish" includes salmon and migratory trout.

7.—(1) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be landed in the United Kingdom from that vessel while any order under section 6 of this Act is in force, a written declaration that those sea fish are not sea fish the landing of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are landed, to such person, or at such place, in the port of landing as may be specified in the notice:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the landing of any sea fish after the end of the period of six months from the date on which the notice is served.

(2) Where any sea fish are brought to land in the United Kingdom in any vessel, any British sea-fishery officer may, at any time before the vessel next puts out to sea, request the master to make, in respect of any of those sea fish which have been, or are being, or are about to be, landed from the vessel while any order under section 6 of this Act is in force a written declaration that the sea fish in question are not sea fish the landing of which is prohibited by the order, and to deliver the declaration to the officer or to such person, or at such place, in the port of landing as he may designate.

Nothing in this subsection shall be taken to affect the operation of subsection (1) above.

(3) If the master of any vessel makes for the purposes of this section a declaration which is to his knowledge false in

Declarations
required for
purposes of
orders under
s. 6.

any material particular, he shall be guilty of an offence under this section; and if the master of any vessel fails to make, in respect of any sea fish, a declaration in accordance with the requirements of a notice duly served on him under this section or in accordance with a request duly made under this section by a British sea-fishery officer, as the case may be, the said sea fish shall be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act.

(4) A notice under subsection (1) above relating to any vessel may be addressed to "The Master" of the vessel (identifying it by name or otherwise) and shall be deemed to be duly served if it is delivered or sent by post to, or to the agent of, the owner or the charterer (if any) of the vessel, together with a written request that it be transmitted to the master, and, if the notice is served by being so delivered or sent as aforesaid, it shall be deemed to be served on the master of the vessel for the time being and on every other person who at any material time thereafter is the master of the vessel.

8.—(1) Subject to the provisions of this section and of section 9 of this Act, the Board of Trade, after consultation with the Ministers, may by order regulate the landing in the United Kingdom of sea fish which have not been both—

Regulation
of landing
of foreign-
caught sea
fish.

(a) taken by British fishing boats registered in the United Kingdom, the Isle of Man or any of the Channel Islands; and

(b) brought to land in the United Kingdom without having been previously landed outside the United Kingdom;

and, without prejudice to the generality of the power conferred by the foregoing provisions of this section, an order under this section may determine for any such period as may be specified in the order—

(i) the descriptions of such sea fish as aforesaid which may be landed in the United Kingdom;

(ii) the quantity of such sea fish, or of any description thereof, which may be so landed;

but the landing of sea fish taken by a British fishing boat registered in the Isle of Man or any of the Channel Islands shall not be exempt from the operation of an order under this section unless the master is either a British subject or a citizen of the Republic of Ireland and the second hand is also either a British subject or such a citizen.

(2) Any order under this section may contain such provisions as appear to the Board of Trade, after consultation with the Ministers, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) An order under this section regulating the landing of sea fish shall not be made unless it appears to the Board of Trade, after consultation with the Ministers, that there have been, or are being, taken all such steps (if any) as are practicable and necessary for the efficient reorganisation of that branch of the sea fishing industry of the United Kingdom or of that branch of the fish curing industry in the United Kingdom, as the case may be, in whose interests the order is proposed to be made.

(4) In deciding whether or not to make an order under this section, and in settling the terms of any such order, the Board of Trade shall, among other considerations, have regard to the interests of consumers of the sea fish to which the order relates (including persons who purchase such sea fish for the purpose of subjecting them to any treatment or process of manufacture) and to the effect which the regulation of the landing of such sea fish in the United Kingdom is likely to have upon commercial relations between the United Kingdom and other countries; and the Board of Trade shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the government of any other country.

Exemption for certain operations

Exemption for operations for scientific and other purposes.

9.—(1) Nothing in section 1(1) or (2) of this Act shall restrict the landing of fish taken in the course of fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation.

(2) Nothing in section 1(3) of this Act or in any order made under section 3 thereof shall apply in relation to fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(3) Neither a prohibition imposed by an order under section 5 of this Act, nor the obligation imposed by subsection (6) of that section, shall apply in relation to fishing operations conducted under the authority of one of the Ministers for either of the purposes mentioned in subsection (2) above.

(4) No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the

Ministers, are conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.

(5) Subsection (4) above applies to sections 4, 5, 6 and 8 of this Act and to any other enactment which provides for regulating the catching or landing of sea fish.

(6) Subsection (4) above shall have effect in addition to, and not in derogation of, subsections (1), (2) and (3) above and any express saving or exemption contained in such other enactment as is referred to in subsection (5) above or in any order or byelaw made under an enactment to which the said subsection (4) applies.

(7) In this section "sea fish" includes salmon and migratory trout.

Measures for increase or improvement of marine resources

10. The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country.

Measures for increase or improvement of marine resources.

Penalties for, and other provisions as to, offences

11.—(1) Any person guilty of an offence under any provision of this Act shall be liable on summary conviction—

Penalties for offences.

- (a) in the case of a first offence under that provision, to a fine not exceeding £100;
- (b) in the case of a second or subsequent offence under section 1(1) or (3), section 2 or section 5(6), to a fine not exceeding £200; and
- (c) in the case of a second or subsequent offence under any other provision of this Act, to imprisonment for a term not exceeding three months or a fine not exceeding £200 or both.

(2) Subject to the following provisions of this section, the court by which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1(3), 3, 4, 5(1) or (6) and 6, may—

- (a) in the case of an offence under section 1(3), order the forfeiture of any fish in respect of which the offence was committed;

- (b) in the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;
- (c) in the case of an offence under section 4 or section 5(1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;
- (d) in the case of an offence under section 6, order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed in contravention of an order under that section.

(3) Any person guilty of an offence under section 4, section 5(1) or (6) or section 6 of this Act shall, subject to subsection (5) below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.

(5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

Offences committed by bodies corporate.

12. Where any offence under any of the following provisions of this Act, that is to say, section 1(1) and (3) and sections 3 and 6, committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Institution of proceedings by local fisheries committee.

13.—(1) A local fisheries committee may take proceedings in respect of any contravention of section 1, 2 or 3 of this Act occurring within the district of the committee.

(2) For the purposes of subsection (1) above, in so far as it applies to a contravention of the said section 1 or 2, the district of a local fisheries committee shall be deemed to extend throughout the area of any council liable to pay, or contribute to the

payment of, the expenses of the committee, except that the powers conferred by that subsection on the committee shall not be exercisable in respect of any matter arising within the limits of any market under the control of the council of any county borough or county district.

14. Section 684 of the Merchant Shipping Act 1894 (which relates to the jurisdiction of courts) shall apply for the purposes of sections 3, 4 and 5 of this Act as it applies for the purposes of that Act. Jurisdiction of court to try offences. 1894 c. 60.

Enforcement of orders, etc.

15.—(1) Subject to the provisions of section 18 of the Sea Fish Industry Act 1962, every British sea-fishery officer shall have the powers conferred by the following provisions of this section. Powers of British sea-fishery officers for enforcement of Act. 1962 c. 31.

(2) Any such officer may seize—

(a) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been, or is being, committed ;

(b) any fish caught by the use of a fishing boat contravening section 4(1) of this Act, or caught in contravention of a prohibition imposed by an order under section 5 thereof, where the fish are on the fishing boat or, as the case may be, on the fishing boat used in contravention of such a prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat ;

(c) any net or other fishing gear used in contravening the said section 4(1) or used in contravention of a prohibition imposed by an order under the said section 5 ;

(d) any fish landed in contravention of an order under section 6 of this Act, and any net or other fishing gear used in catching any fish so landed.

(3) Any such officer may exercise, with respect to any fishing boat in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands, and with respect to any British fishing boat registered in the United Kingdom, wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section 12 of the Sea Fisheries Act 1883 as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of section 1, 3, 4(1) or 5(6) of this Act or of any order under section 1, 3, 5 or 6 thereof. 1883 c. 22.

1894 c. 60.

(4) Any such officer may exercise with respect to any fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894, wherever it may be, such of the powers mentioned in subsection (3) above as may be conferred on him by order of the Ministers, being powers which (in so far as they are not exercisable with respect to any such fishing boat by virtue of an order under subsection (3) above) the Ministers consider necessary for the enforcement of section 4(1) of this Act in respect of fishing for salmon or migratory trout or of any order under section 5 or 6 thereof in relation to the fishing for, or landing of, salmon or migratory trout.

(5) Any such officer may make any examination or inquiry which he deems necessary to ascertain whether any contravention of any of the following provisions of this Act, that is to say, sections 1, 3, 4(1), 5, 6 and 7, or of an order under any of the said sections, 1, 3, 5 and 6, has been committed and may administer an oath for that purpose.

(6) Any such officer shall be entitled to the same protection in respect of any action brought against him for any act done or omitted to be done in the exercise of any power conferred on him by virtue of this section to seize or detain a fishing boat as is given, with respect to the seizure or detention of any ship, to an officer of customs by section 76 of the Merchant Shipping Act 1894.

(7) If any person obstructs any such officer in acting under the powers conferred by this section or refuses or neglects to comply with any requisition or direction lawfully made, or to answer any question lawfully asked, by any such officer in pursuance of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 or, in the case of a conviction in Scotland, £200 or to imprisonment for a term not exceeding three months.

Enforcement
of orders
under ss.
1 and 2.

16.—(1) With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say—

- (a) any officer authorised by the appropriate Minister,
- (b) any police officer,
- (c) any officer of a market authority, acting within the limits of any market which that authority has power to regulate,
- (d) any fishery officer of a local fisheries committee acting within the district of the committee, and
- (e) any officer authorised by the Fishmongers' Company and acting within the City of London,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

(2) For the purposes of this section the district of a local fisheries committee shall be deemed to extend throughout the area of any council liable to pay, or contribute to the payment of, the expenses of the committee, except that the powers conferred by this section on the committee or any officer thereof shall not be exercisable in respect of any matter arising within the limits of any market under the control of the council of any county borough or county district.

17. With a view to enforcing any order made under section 3 of this Act, any fishery officer of a local fisheries committee may, within the district of the committee, go on board any British fishing boat registered in the United Kingdom and search for and examine all nets or other fishing gear carried in that boat, and may seize any net or other fishing gear in respect of which a contravention of an order under that section has been, or is being, committed. Enforcement of orders under s. 3.

18.—(1) In so far as section 4 of this Act, or any order under section 5 or 6 thereof, imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which, for the purposes of the functions of a river authority relating to fisheries, are included in the area of the river authority, or on landing salmon or migratory trout at a place within a river authority area— Enforcement of orders in relation to salmon and migratory trout.

- (a) section 67(1)(d) of the Salmon and Freshwater Fisheries Act 1923 (which confers powers of seizure on water bailiffs) shall apply as if the reference therein to that Act included a reference to this Act, and the references to the said Act of 1923 in subsections (3) and (4) of the said section 67 and in section 79 of that Act (which contain provisions ancillary thereto) shall be construed accordingly as including references to that Act as applied by this subsection; 1923 c. 16.
- (b) the provisions of subsections (1), (3) and (4) of section 111, and subsections (1) to (7) of section 112, of the Water Resources Act 1963 (which confer powers for the enforcement of that Act) shall apply as if section 1963 c. 38.

4 of this Act, and any order under section 5 or 6 thereof, were an enactment relating to the functions of the river authority.

(2) Where the said section 4, or any order under the said section 5 or 6, imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district board within the meaning of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, or on landing salmon or migratory trout at a place within such a district as aforesaid, any water bailiff, constable or any person appointed by the Secretary of State in pursuance of section 10(5) of the said Act of 1951 may exercise in relation to the contravention of the said section 4 or of any such order any of the powers conferred upon him in relation to a contravention of that Act by the following provisions thereof, that is to say—

(a) sections 11 and 12 (which confer powers of search and arrest); and

(b) sections 10(1)(d) and 20, so far as those provisions relate to the seizure of fish, instruments or articles liable to forfeiture or to the disposal of such fish,

and subsections (3) and (6) of the said section 10 (which contain provisions ancillary thereto) shall apply as if the Acts therein mentioned included a reference to this Act.

Supplemental

19.—(1) Any expenses incurred under section 8 of this Act by the Board of Trade for the purpose of regulating the landing of sea fish in the United Kingdom, and any expenses incurred by the Ministers under section 10 of this Act, shall be defrayed out of moneys provided by Parliament.

(2) Any receipts of the Minister of Agriculture, Fisheries and Food or of the Secretary of State in pursuance of an order made in accordance with section 4(6) of this Act shall be paid into the Exchequer.

20.—(1) Any power conferred by this Act to make an order includes power to vary or revoke the order by a subsequent order.

(2) Any power conferred by section 1, 3, 4, 5, 6, 8 or 15 of this Act to make an order shall be exercisable by statutory instrument.

(3) A statutory instrument containing an order made under the said section 1, 3 or 8, and a statutory instrument containing an order made under the said section 15 in relation to the said section 1 or 3 or an order thereunder, shall be laid before Parliament.

1951 c. 26.

Financial provisions.

Orders.

(4) A statutory instrument containing an order made under the said section 8 shall cease to have effect on the expiration of a period of twenty-eight days beginning with the date on which it is made unless before the expiration of that period it has been approved by a resolution of each House of Parliament, but without prejudice to anything previously done under the instrument or to the making of a new statutory instrument.

In reckoning for the purpose of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the House of Commons is adjourned for more than four days.

(5) A statutory instrument containing an order made under section 4, 5 or 6 of this Act, and a statutory instrument containing an order made under section 15 thereof in relation to any of those sections or an order thereunder, except a statutory instrument to which subsection (6) below applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Where an order under section 5(1) of this Act is made so as to have effect in relation to salmon or migratory trout (whether it is made so as to have effect in relation to any other description of fish or not), then, if the order contains a statement in accordance with subsection (3) of that section, the statutory instrument containing the order shall be of no effect unless it is approved by a resolution of each House of Parliament.

(7) As soon as may be after the making of any of the following orders, that is to say, an order under section 1, 3, 6 or 8 of this Act and an order under section 15 thereof relating to the said section 1 or 3 or an order thereunder, the authority making the order shall, in such manner as that authority thinks best for informing persons concerned, publish a notice stating that the order has been made and specifying the place where copies of the order may be purchased.

21. The functions of the Board of Trade under this Act may be exercised by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

Exercise of powers by Board of Trade.

22.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“British-owned”, in relation to a fishing boat, means owned by a person who is (within the meaning of the Merchant Shipping Act 1894) a person qualified to 1894 c. 60.

own a British ship, or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified ;

1883 c. 22.

1951 c. 30.

“ British sea-fishery officer ” means any person who by virtue of section 11 of the Sea Fisheries Act 1883 or of section 25 of the Sea Fish Industry Act 1951 is a British sea-fishery officer ;

“ fishing boat ” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or (except in section 5 and except in section 15 in so far as that section applies to sections 5 and 6 of this Act and orders made under those sections) the sea fishing service ;

“ the Fishmongers’ Company ” means the wardens and commonalty of the Mystery of Fishmongers in the City of London ;

1966 c. 38.

“ local fisheries committee ” means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 ;

“ market authority ” means any person having power to regulate a market ;

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

“ migratory trout ” means trout which migrate to and from the sea ;

“ processing ” (in relation to fish) includes preserving or preparing fish, or producing any substance or article from fish, by any method for human or animal consumption ;

“ salmon ” includes any fish of the salmon species ;

“ sea fish ” means fish, whether fresh or cured, of any kind found in the sea, including shellfish, and any parts of any such fish but (except in sections 4, 5, 6, 7 and 9) does not include salmon or migratory trout ;

“ shellfish ” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish ;

“ vessel ” includes any ship or boat or any other description of vessel used in navigation.

(2) In this Act “ the appropriate Minister ”, in relation to England and Wales, means the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland, and “ the Ministers ”—

(a) except in sections 1 and 9(1) and (4) of this Act 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 ;

(b) in the said sections 1 and 9(1) means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland ;

(c) in the said section 9(4) means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea fishing industry in Scotland and the Ministry of Agriculture for Northern Ireland.

(3) Anything which is required or authorised under this Act to be done by the Ministers shall be done by the Ministers acting in conjunction.

(4) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended by or under any other enactment.

23.—(1) Sections 4(9) and 5(2) of this Act shall not apply to the imposition of any prohibition or restriction on fishing within such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964. 1964 c. 72.

(2) Sections 6 and 7 of this Act shall not apply to the landing of salmon or migratory trout in Northern Ireland.

(3) So much of sections 4 and 5 of this Act, as modified by subsection (1) above, and of the other provisions of this Act (except section 9(4), (5) and (6)), as relates to matters in respect of which the Parliament of Northern Ireland has power to make laws shall be deemed for the purposes of section 6 of the Government of Ireland Act 1920 to be contained in an Act passed before the day appointed for the purposes of that section. 1920 c. 67.

(4) The following provisions of this Act, that is to say,—

(a) section 1(1) and (2), section 1(6) so far as it relates to a contravention of section 1(1), and section 2,

(b) section 9(1),

(c) sections 11 and 12, so far as they relate to offences under section 1(1) or section 2,

(d) section 15, so far as it relates to the enforcement of section 1(1) or of orders made thereunder, and

(e) sections 13, 16, 17 and 18,

shall not extend to Northern Ireland.

Isle of Man
and Channel
Islands.

24.—(1) Her Majesty may by Order in Council direct that, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, the following provisions of this Act, that is to say,—

- (a) sections 1, 3, 4, 5, 9(1), (2) and (3) and 14,
- (b) section 11, so far as it relates to offences under section 1, 3, 4 or 5, and
- (c) sections 15 and 16, so far as they relate to the enforcement of section 1, 3, 4 or 5 or of orders made thereunder,

shall apply in relation to British fishing boats registered in the Isle of Man or any of the Channel Islands as those provisions apply in relation to British fishing boats registered in the United Kingdom.

(2) Her Majesty may by Order in Council direct that, subject as aforesaid, the following provisions of this Act, that is to say,—

- (a) the provisions mentioned in subsection (1) above, and
- (b) section 2, sections 11(1) and 13, so far as they relate to an offence under section 2, and section 16, so far as it relates to the enforcement of section 2, and
- (c) section 9(4), (5), (6) and (7),

shall extend to the Isle of Man or any of the Channel Islands.

(3) An Order in Council under subsection (1) or (2) of this section may be varied or revoked by a subsequent Order thereunder.

25.—(1) The Acts specified in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(2) In so far as any order, Order in Council, notice or licence made, given or granted under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made, given, granted or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by this section but shall have effect as if made, given, granted or done under that corresponding provision.

(3) Without prejudice to subsection (2) above, any reference in this Act to a thing done under any provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done under the corresponding provision of the enactments repealed by this Act.

(4) Where any Act or any document refers, either expressly or by implication, to an enactment repealed by this Act, the

Repeals,
savings and
consequential
amendment.

reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

(5) For the purpose of determining the punishment (by fine, imprisonment, forfeiture or any one or more of them) which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

(6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

(7) In section 10 of the White Fish and Herring Industries Act 1948 (which defines "the Ministers") for the words "the last mentioned Secretary of State" there shall be substituted the words "the Secretary of State concerned with the sea-fishing industry in Northern Ireland".

26. This Act may be cited as the Sea Fish (Conservation) Act 1967 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

Citation and commencement.

Section 25.

SCHEDULE

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
23 ¹ & 24 Geo. 5. c. 45.	The Sea-Fishing Industry Act 1933.	The whole Act, except section 4(2).
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Part II, except so much of section 38 as substituted a new provision for section 4(2) of the Sea-Fishing Industry Act 1933. Section 62(1).
11 & 12 Geo. 6. c. 51.	The White Fish and Herring Industries Act 1948.	Sections 1, 2 and 10(a).
14 & 15 Geo. 6. c. 30.	The Sea Fish Industry Act 1951.	Sections 22 and 23.
1 & 2 Eliz. 2. c. 17.	The White Fish and Herring Industries Act 1953.	In Part I of the Schedule, in the entry relating to section 10 of the White Fish and Herring Industries Act 1948, the words from "for" where first occurring to "and" where last occurring.
8 & 9 Eliz. 2. c. 7.	The Sea Fish Industry Act 1959.	Sections 4 to 8. Section 9(1)(a) and (b). Sections 10, 11 and 12. Section 13(1) except the definition of "the Ministers", and in that definition the words from "and except" to the end. Section 14(2).
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Sections 10 to 15. In section 17, in subsection (1), the words "or byelaw", in subsection (2), the words from "contained" to the end except the words "having effect as modified by section sixteen of this Act", and, in subsection (3), the words "or byelaw". Section 32(2)(a) so far as it relates to receipts in pursuance of an order made in accordance with section 11(5) of that Act. In section 33(1), the definitions of "British-owned" and "fishing boat".

SCH.

Chapter	Short Title	Extent of Repeal
		<p>In section 33(2)(a) and (b), the words " sections ten to twelve and ".</p> <p>Section 34(3), except in so far as it relates to orders under Part III of the Sea Fisheries Act 1868, and section 34(4) and (5).</p> <p>Section 35(3) and (4) and in section 35(5), the words " fourteen, fifteen ".</p> <p>Section 36(2) and, in section 36(3), the words " fifteen and ".</p> <p>In section 37(2), the words from " and the " to the end.</p> <p>In Schedule 2, paragraphs 5, 6, 10, 25 and 26.</p>
1963 c. 38.	The Water Resources Act 1963.	In Schedule 13, paragraph 17.
1964 c. 72.	The Fishery Limits Act 1964.	In Schedule 1, the entries relating to the Sea-Fishing Industry Act 1933, the White Fish and Herring Industries Act 1948, the Sea Fish Industry Act 1959 and the Sea Fish Industry Act 1962 except the entry relating to section 16(1) of the last mentioned Act.

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