



# Sea Fish (Conservation) Act 1967

## 1967 CHAPTER 84

### *Supplemental*

#### **19 Financial provisions.**

- (1) Any expenses incurred under section 8 of this Act by the [<sup>F1</sup>Secretary of State for 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.

<sup>F2</sup>(2) .....

#### **Textual Amendments**

- F1** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 10** and 1974/692, arts. 2(1), 5(3), Sch. 1 Pt. III
- F2** S. 19(2) repealed by **Fishery Limits Act 1976 (c. 86)**, **Sch. 4**

#### **20 Orders.**

- (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, [<sup>F3</sup>4A,] 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.
- (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.

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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, [<sup>F3</sup>4A,] 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 [<sup>F4</sup>subsection (5A) or (6)] below applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F5</sup>(5A) A principle of the kind to which subsection (5B) below applies shall not be included in any order under section 4(6C) of this Act which makes provision for principles of any other kind; but any statutory instrument containing a separate order providing for a principle of that kind shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.

(5B) This subsection applies to a principle providing for a reduction in the time which all vessels, or all vessels of any specified description, may spend at sea during any period by comparison with the time which they, or vessels of that description, were permitted to spend (or spent or were treated as spending) during a specified previous period (making any necessary adjustment where the periods are of different lengths); and for this purpose “description” means description framed by reference to size of vessel, method or area of fishing or description of fish.]

(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.

**Textual Amendments**

- F3** Word inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 21(2)(b)**
- F4** Words in [s. 20\(5\)](#) substituted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), **s. 7(2)** (with [s. 11\(4\)](#)).
- F5** [S. 20\(5A\)\(5B\)](#) inserted (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), **s. 7(3)** (with [s. 11\(4\)](#)).

**Modifications etc. (not altering text)**

- C1** [S. 20\(2\)](#) excluded (28.3.2002) by [S.I. 2002/790](#), art. 3(1), **Sch. 1 para. 4(1)(2)**

<sup>F6</sup>21 .....

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## Textual Amendments

F6 S. 21 repealed by [Industrial Expansion Act 1968 \(c. 32\)](#), [Sch. 4](#)

## 22 Interpretation.

(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—

“British-owned”, in relation to a fishing boat, means owned by a person who is (within the meaning of the <sup>M1</sup>Merchant Shipping Act 1894) a person qualified to 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;

“British sea-fishery officer” means any person who by virtue of [<sup>F7</sup>section 7 of the <sup>M2</sup>Sea Fisheries Act 1968] 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;

“local fisheries committee” means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the <sup>M3</sup>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, [<sup>F8</sup>4A,] 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 . . . <sup>F9</sup>, means the Minister of Agriculture, Fisheries and Food [<sup>F10</sup>in relation to Wales, means the Secretary of State concerned with the sea fishing industry in Wales], 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 [<sup>F11</sup>1(1) and (2)] 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 [<sup>F12</sup>Wales] and Northern Ireland;

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- (b) in the said sections [F111(1) and (2)] and 9(1) means the Minister of Agriculture, Fisheries and Food and [F13the Secretaries of State respectively] concerned with the sea fishing industry in Scotland [F14and Wales];
- (c) in the said section 9(4) means the Minister of Agriculture, Fisheries and Food, [F13the Secretaries of State respectively] concerned with the sea fishing industry in Scotland [F14and Wales] and the [F15Department] 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.

#### Subordinate Legislation Made

- P1** S. 22: for previous exercises of this power see Index to Government Orders.
- P2** S. 22(2)(a): ss. 5(1) and 15(3) (with ss. 20(1) and 22(2)(a)) power exercised by S.I. 1991/1163.  
S. 22(2)(a): ss. 3 and 15(3) (with s. 22(2)(a)) power exercised by S.I. 1991/1380.  
S. 22(2)(a): ss. 5(1) and 15(3) (with s. 22(2)(a)) power exercised by S.I. 1991/1473
- P3** S. 22(2)(a): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by S.I. 1991/2085  
S. 22(2)(a): s. 4 (with ss. 15(3), 20(1) and 22(2)(a)) power exercised by S.I. 1991/2196
- P4** S. 22(2)(a): s. 6(1) (with ss. (2) and (3) and 15(3), 20(1)) power exercised by S.I. 1991/2565
- P5** S. 22(2)(a): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by S.I. 1991/2767
- P6** S. 22(2)(a): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised by S.I. 1991/2806  
S. 22(2)(a): s. 5(1) (with ss. 15(3) and 22(2)(a)) power exercised (17.12.1991) by S.I. 1991/2863  
S.22(2)(a): s. 5(1) (with ss.15(3) and 22(2)(a)) power exercised (17.12.1991) by S.I.1991/2849.

#### Textual Amendments

- F7** Words substituted by Sea Fisheries Act 1968 (c. 77), **Sch. 1 para. 39**
- F8** “4A,” inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 21(2)(c)**
- F9** Words repealed by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 45(a)**, Sch. 5 Pt. II
- F10** Words inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 45(a)**
- F11** “1(1) and (2)” substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 19(2)(d)(3)**
- F12** Word inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 45(b)**
- F13** Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 45(c)**
- F14** Words inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 45(c)**
- F15** Word substituted by virtue of Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 8(1)**

#### Modifications etc. (not altering text)

- C2** Certain functions of Minister of Agriculture, Fisheries and Food as “the appropriate Minister” now exercisable (W.) by Secretary of State, or Minister and Secretary of State jointly: S.I. 1978/272, **art. 2(1)(4)**, **Sch. 1**
- C3** Functions of Ministers acting in conjunction now exercisable by Ministers and Secretary of State for Wales jointly: S.I. 1978/272, **art. 2(3)**, **Sch. 1**

#### Marginal Citations

- M1** 1894 c. 60.
- M2** 1968 c. 77.
- M3** 1966 c. 38.

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## **22A Application to Scotland**

- (1) This Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).
- (2) Except in sections 17 and 22—
  - (a) for “England and Wales”, “England and Wales and Northern Ireland” or “England and Wales or Northern Ireland” there is substituted “Scotland”;
  - (b) for “relevant British fishing boat” or “relevant British fishing boats” there is substituted “Scottish fishing boat” or “Scottish fishing boats”;
  - (c) for “Scottish fishing boat” or “Scottish fishing boats” there is substituted “relevant British fishing boat” or “relevant British fishing boats”; and
  - (d) for “relevant British fishery limits” there is substituted “the Scottish zone”.
- (3) In sections 4 and 4A any reference to one of the Ministers or any reference (however expressed) to the Minister who grants or has granted the licence shall be construed as a reference to the Scottish Ministers.
- (4) In sections 4(4) and 4A(4) the words from “if made” to “subsection” are omitted.
- (5) In section 4B(4) for “either House of Parliament” there is substituted “the Scottish Parliament”.
- (6) In section 5(8)—
  - (a) paragraph (b) is omitted; and
  - (b) for “those limits” there is substituted “that zone”.
- (7) In section 6(1) and (1A), the words “after consultation with the Secretary of State for Trade” are omitted.
- (8) In section 8—
  - (a) for “Secretary of State for Trade”, wherever it occurs, there is substituted “Scottish Ministers”; and
  - (b) the words “after consultation with the Ministers”, wherever they appear, are omitted.
- (9) In section 9(1) to (4), for “one of the Ministers”, wherever those words appear, there is substituted “Scottish Ministers”.
- (10) In section 15(3)—
  - (a) the words “and any British owned fishing boat (not so registered)” are omitted; and
  - (b) for “those limits” there is substituted “that zone”.
- (11) In section 20—
  - (a) any reference to the laying of a statutory instrument before Parliament shall be construed as a reference to the laying of the instrument before the Scottish Parliament;
  - (b) any reference to the approval or annulment of an instrument by resolution of each or either House of Parliament shall be construed as a reference to approval or annulment of the instrument by resolution of the Scottish Parliament; and
  - (c) in subsection (4) the words “or prorogued” are omitted.
- (12) In section 22(2)—

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- (a) in the definition of “the appropriate Minister”, for “England” to the end there is substituted “Scotland means the Scottish Ministers”; and
  - (b) except in relation to section 4AA, in the definition of “the Ministers”, for paragraphs (a) to (c) there is substituted “means the Scottish Ministers”.
- (13) In subsection (3), at the end there is inserted “; but this subsection shall not apply to Scotland”.

**23 Northern Ireland.**

F18(1) .....

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

F19(3) .....

- (4) The following provisions of this Act, that is to say,—
  - (a) [F20section 1(1), (2), (5) and (7)], and section 2,
  - (b) section 9(1),
  - (c) sections 11 and 12, so far as they relate to offences under [F20section 1(1) and (2)] or section 2,
  - (d) section 15, so far as it relates to the enforcement of [F20section 1(1) and (2)] or of orders made thereunder, and
  - (e) sections 13, 16, 17 and 18,
 shall not extend to Northern Ireland.

**Textual Amendments**

F18 S. 23(1) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II

F19 S. 23(3) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

F20 Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 19(2)(e)

**24 Isle of Man and Channel Islands.**

- (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

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- (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.

**Modifications etc. (not altering text)**

C4 S. 24 extended (17.12.1992) by [Sea Fish \(Conservation\) Act 1992 \(c. 60\)](#), s. 12(2) (with s. 11(4))

**25 Repeals, savings and consequential amendment.**

- <sup>X1</sup>(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 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 <sup>M4</sup>Interpretation Act 1889 (which relates to the effect of repeals).
- <sup>X1</sup>(7) In section 10 of the <sup>M5</sup>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”.

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#### **Editorial Information**

- X1** The text of S. 25(1)(7), Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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#### **Marginal Citations**

- M4** 1889 c. 63.  
**M5** 1948 c. 51.

## **26 Citation and commencement.**

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.



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