

SCHEDULES

SCHEDULE 1

Section 22(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".

Status: This is the original version (as it was originally enacted).

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.

(1A) 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”

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 1968 ;

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

14 In section 6(1) (grants by the Herring Industry Board) after the words " engaged in the herring industry " there shall be inserted the words " in Great Britain ",

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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 subsection:—

“(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”

- 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.

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- (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 1868 (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 1968 ".

The Sea Fisheries (Scotland) Amendment Act 1885 (c. 70)

- 24 In section 1 (citation and construction), for the words " the Sea Fisheries Act 1883 " 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.

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Sections 12(2) and 14 of the Sea Fisheries Act 1968 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 6 (returns about sea fisheries) the words " against the Sea Fisheries Act 1883 " shall be omitted and at the end there shall be inserted the words " and sections 12(2) and 14 of the Sea Fisheries Act 1968 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—

“6A Vicarious liability of master of boat.

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 1968.”

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 1968.”

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 1968 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 1891 (c. 37)

31 In section 13 (powers of taking legal proceedings) the words " the Sea Fisheries Act 1883 or any other Act relating to sea fisheries or by " shall cease to have effect.

The Merchant Shipping Act 1894 (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 1968 (general powers of British sea-fishery officers, and powers of sea-fishery officers to enforce conventions)

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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. 18)

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

“5 Application of ss. 8 and 10 of Sea Fisheries Act 1968.

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 1966 (c. 38)

- 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.

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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.”
- 39 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 ".