

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

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.
- 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

Status: This is the original version (as it was originally enacted).

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) 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.”

Status: This is the original version (as it was originally enacted).

- 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.

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.

Status: This is the original version (as it was originally enacted).

(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 ".