



Sea Fish Industry Act 1970

1970 CHAPTER 11

PART I

WHITE FISH INDUSTRY

The Authority, the Scottish Committee and the Advisory Council

1 Constitution and general functions of White Fish Authority

- (1) There shall continue to be a White Fish Authority (in this Act referred to as " the Authority ") which shall have the functions of reorganising, developing and regulating the white fish industry, and of keeping generally under review matters relating to that industry, and such other functions as are mentioned in this Act.
- (2) The Authority shall consist of such number of members appointed by the Ministers and the Secretary of State concerned with the sea fishing industry in Wales as the Ministers and the said Secretary of State may from time to time determine, and of those members one shall be appointed by the Ministers and the said Secretary of State to be chairman and one to be deputy chairman of the Authority.
- (3) The provisions of Part I of Schedule 1 to this Act shall have effect with respect to the Authority.

2 The Scottish Committee of the Authority

- (1) There shall continue to be a committee (in this Act referred to as " the Scottish Committee ") for the purpose of giving advice to the Authority about the exercise and performance of their functions as respects Scotland, and matters particularly affecting Scotland, and of exercising such of the Authority's functions as respects Scotland and matters particularly affecting Scotland, as may from time to time be delegated to the committee by the Authority.

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- (2) Subject to this Act, the Scottish Committee shall consist of a chairman, who shall be such member of the Authority as may from time to time be appointed by the Ministers, and four other members so appointed.
- (3) The provisions of Part II of Schedule 1 to this Act shall have effect with respect to the Scottish Committee.

3 The White Fish Industry Advisory Council

- (1) For the purpose of giving advice to the Authority about the exercise and performance of their functions generally, there shall continue to be a White Fish Industry Advisory Council.
- (2) The Advisory Council shall consist of a chairman who shall be such member of the Authority as may from time to time be appointed by the Authority, and of such other members as may be appointed by the Ministers and the Secretary of State concerned with the sea fishing industry in Wales to represent the interests of the different sections of the white fish industry and any such other interests (including those of persons employed in the industry) as the Ministers and the said Secretary of State may consider to be affected.
- (3) Before appointing to the Advisory Council a member to represent any such interests as aforesaid, the Ministers and the said Secretary of State shall consult such bodies, if any, as appear to them to be representative of the interests concerned.
- (4) The Authority shall appoint a person employed by them to act as secretary to the Advisory Council.
- (5) The provisions of Schedule 2 to this Act shall have effect with respect to the Advisory Council.

Duties and powers of Authority

4 Duties of Authority

- (1) The Authority, for the purpose of their general functions of reorganising, developing and regulating the white fish industry, shall have regard to the interest of consumers in a plentiful supply of white fish at reasonable prices, as well as to the interests of the different sections of the white fish industry.
- (2) The Ministers may, after consultation with the Authority, give the Authority such directions of a general character as to the exercise and performance by the Authority of their functions as appear to the Ministers to be requisite in the national interest and the Authority shall give effect to any such directions.

The Ministers shall publish in such manner as they think fit any direction given by them under this subsection as soon as practicable after it is given, unless in their opinion it is against the national interest to do so.

- (3) Any directions under subsection (2) above in connection with the Authority's functions under section 44 of this Act shall be given by the Secretary of State concerned with the sea fishing industry in Wales as well as by the Ministers, and references to the Ministers in that subsection shall be construed accordingly.

- (4) It shall be the duty of the Authority, if so required by any Minister of the Crown, to act as his agent in matters relating to white fish.

5 Powers of Authority

- (1) For the purpose of their general functions of reorganising, developing and regulating the white fish industry, the Authority shall have power to do all or any of the following things:—
- (a) to carry on research and experiment either alone or in collaboration with others and for that purpose provide or acquire, equip and operate vessels or plants, and to give financial assistance to others carrying on research or experiment;
 - (b) to encourage persons engaged in the white fish industry to make voluntary arrangements on a co-operative basis for the selling of white fish or the buying of materials and other requisites for the industry (including in particular gear, fuel and stores for vessels to which this Part of this Act applies), and to give financial or other assistance in bringing any such arrangements into operation or in continuing or extending any such arrangements;
 - (c) to undertake as agents, in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry, the first sale of white fish landed in Great Britain and, where it appears to the Authority likely to promote efficiency and economy, to undertake as principals the buying and selling of such materials and requisites as aforesaid;
 - (d) to promote the export of white fish by establishing, or by encouraging and giving financial or other assistance for the establishment of, selling agencies and storage facilities outside the United Kingdom, and by other means;
 - (e) to provide or acquire and equip vessels to which this Part of this Act applies to be operated under charter from the Authority;
 - (f) to provide or acquire, equip or operate plants for processing white fish in Great Britain or for making ice in Great Britain in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry ;
 - (g) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving—
 - (i) vessels to which this Part of this Act applies or their gear, or
 - (ii) plants for processing white fish in Great Britain;
 - (h) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry ;
 - (i) to give financial assistance by way of grant for the maintenance while taking a course of specialised training or education of persons engaged or employed in the white fish industry or intending to be so;
 - (j) to encourage, by means of publicity and by advice and instruction, the improvement of conditions in the white fish industry and the greater consumption of white fish.
- (2) For the purpose of their general functions of reorganising, developing and regulating the white fish industry, the Authority may take or acquire shares or similar interests in any company where a substantial part of the company's business consists or is to consist in carrying on any activities which the Authority have power to carry on under

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subsection (1) above or in operating vessels to which this Part of this Act applies for the catching or processing of white fish or for transporting white fish or the products of white fish.

- (3) The Authority may themselves operate any vessel for catching or processing white fish or for transporting white fish or the products of white fish where they acquire control of the vessel under or in consequence of any agreement relating to financial assistance given or to be given by them and they are for the time being unable to dispose of the vessel or make other arrangements on terms satisfactory to them.

6 Power to make regulations about handling, etc. of white fish, and for other purposes

- (1) With a view to improving the marketing and distribution of white fish, and the condition in which white fish are offered for sale, the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, may make regulations for all or any of the following purposes:—
- (a) for regulating the handling and stowage of white fish on vessels to which this Part of this Act applies, being vessels registered in Great Britain, and for regulating the handling of white fish during or at any time after landing;
 - (b) for timing landings of white fish so as to secure regularity in the supply and prevent congestion in harbours, and for that purpose requiring vessels proposing to land their catch in Great Britain to land or delay landing it if so directed in accordance with the regulations;
 - (c) for regulating the sale of white fish, including the conditions of sale other than the price ;
 - (d) for prescribing standards of quality for white fish and limiting the purposes for which fish of any of the standards may be used.
- (2) Without prejudice to the generality of subsection (1) above, the regulations may include provision for securing economy or speed in handling white fish in markets and in the transportation of white fish, and the regulations—
- (a) may for the purposes of paragraph (a) of that subsection regulate—
 - (i) the construction and equipping of holds in vessels to which this Part of this Act applies;
 - (ii) the construction, size, layout and equipping of the parts of such vessels used for processing white fish;
 - (iii) the equipping of vehicles used for transporting white fish;
 - (iv) the size and material of containers of white fish;
 - (b) may for the purposes of paragraph (c) of that subsection require disputes with respect to, or arising out of, any sale to be settled by arbitration in accordance with the regulations;
 - (c) may contain such incidental and supplementary provisions as appear to the Authority to be necessary or expedient for the purposes of the regulations.
- (3) The Authority may also make regulations for prescribing anything required or authorised by this Part of this Act to be prescribed.
- (4) Regulations made by the Authority under this Part of this Act may be made so as to apply either generally or to particular cases or classes of case and may make different provisions for different cases or classes of case, and in particular regulations under subsection (1) above may—

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- (a) make different provision for different areas or for fish of different descriptions;
 - (b) provide for granting exemptions (subject or not to conditions) for the purpose of paragraph (a) of that subsection.
- (5) Regulations made by the Authority under this Part of this Act shall be of no effect unless confirmed by order of the Ministers, and any such order shall be subject to annulment by resolution of either House of Parliament.
- (6) The provisions of Schedule 3 to this Act shall have effect with respect to the making and confirmation of such regulations.
- (7) If any person contravenes the provisions of any regulations under subsection (1) above, he shall be guilty of an offence against this Part of this Act, and if a contravention of any such provision occurs in relation to any vessel to which this Part of this Act applies every person who is an owner, charterer or master of the vessel at the time of the contravention shall be guilty of such an offence.

7 Schemes for reorganisation, development or regulation of the white fish industry

- (1) If it appears to the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, that it is necessary or expedient to bring into force a scheme for the reorganisation, development or regulation of the white fish industry or any section of it, the Authority may submit to the Ministers a scheme containing any provisions which the Authority in their discretion think expedient for that purpose (including provisions conferring further functions on the Authority).
- (2) If the Ministers are satisfied, having regard to the interest of consumers in a plentiful supply of white fish at reasonable prices as well as to the interests of the different sections of the white fish industry, that the bringing into force of the scheme will conduce to the better organisation, development or regulation of the white fish industry or the section of it to which the scheme relates, and that it is expedient that the scheme should have effect, then (subject to subsection (7) below) they may confirm the scheme by order and thereupon the scheme shall have effect.
- (3) The provisions of Schedule 3 to this Act shall have effect with respect to the submission to the Ministers and confirmation of schemes.
- (4) A scheme may include provisions making persons guilty of an offence against this Part of this Act, where there is a contravention of the scheme.
- (5) The Ministers may (subject to subsection (7) below) by order revoke a scheme if it appears to them, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned and with the Authority, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest, but the revocation of the scheme shall be without prejudice to anything previously done under the scheme or to the making, submission or confirmation of a new scheme.
- (6) Any scheme varying or revoking a previous scheme, and any order of the Ministers revoking a scheme, may include provision for any transitional or other consequential matters, including in particular the winding up of any body constituted by the scheme varied or revoked and the disposal of any assets of any body so wound up which

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remain after the payment of its debts and liabilities and of the costs and expenses of the winding up.

- (7) The Ministers shall not make an order confirming or revoking a scheme unless a draft of the order has been laid before Parliament and approved by resolution of each House.

Registration and licensing

8 Registration of persons engaged in the white fish industry

- (1) The Authority may keep such registers as they think fit of persons engaging in the white fish industry by carrying on any prescribed business, and the Authority on application made by any person to be registered as a person carrying on a prescribed business, and on payment of such fee not exceeding five shillings as may be prescribed (if any), shall register him in the appropriate register as a person carrying on that business.
- (2) Subject to any prescribed exemptions, no person shall after the expiration of the prescribed period engage in the white fish industry by carrying on a prescribed business unless he is registered under this section in the appropriate register as a person carrying on that business, and any person contravening this subsection shall be liable on summary conviction to a fine not exceeding £25.
- (3) The Authority may include in any register kept under this section particulars of the places where the persons registered carry on their business and the number of vessels to which this Part of this Act applies or vehicles kept for use in the business.
- (4) A person shall, on making application to be registered in any register kept under this section, and also on being required to do so by notice given to him by the Authority at any time while his name appears in any such register, furnish to the Authority such information as the Authority may require for the purpose of their powers under this section, and any person registered in any such register as carrying on a prescribed business shall, whenever required to do so as aforesaid, make to the Authority a written declaration stating whether or not he is carrying on that business as a nominee of another person and, if so, giving the name of that other person.
- (5) The Authority, on being satisfied that a person whose name is entered in any register kept under this section as a person carrying on a prescribed business has ceased to carry on that business, shall delete that entry in the register.
- (6) Registration in any register kept under this section in the name or style under which a business is carried on (whether or not the entry includes the names of those carrying it on) shall operate, so far as relates to that business, as the registration of any person who has given the Authority written notice that he is the person or one of the persons for the time being carrying it on; and the entry relating to the business shall be deleted under subsection (5) above if, but only if, the Authority are satisfied that the business is no longer carried on under that name or style by a person who has given them such a notice or is no longer such as to require registration in that register.
- (7) Any register kept under this section shall be kept at the Authority's office and, so far as is practicable, a duplicate of it shall be kept at the office used by the Scottish Committee in Scotland; and the register and duplicate shall at all reasonable times be open to public inspection.

9 Licensing of fishing vessels

- (1) As from the prescribed date, no vessel to which this Part of this Act applies, being a vessel registered in Great Britain, shall be used in the white fish industry unless either there is in force in respect of the vessel a licence granted by the Authority under this section or the vessel is one to which this section does not apply by virtue of subsection (2) below; and if this subsection is contravened in the case of any vessel every person who is an owner or charterer of the vessel shall be guilty of an offence against this Part of this Act.
- (2) This section shall not apply to vessels which do not exceed forty feet in length measured from the fore part of the head of the stem to the after part of the head of the stern post or to other vessels of any class prescribed for the purpose of this subsection.
- (3) On application made by any person who is an owner or charterer of a vessel to which this Part of this Act applies for a licence under this section in respect of the vessel, and on his giving the Authority such particulars of the persons who are to be owners or charterers of it during the currency of the licence and such other information as the Authority may require for the purposes of this subsection, and on payment of such fee not exceeding £1 as may be prescribed (if any), the Authority shall, subject to subsection (4) below, grant the application.
- (4) The Authority may, if in all the circumstances of the case they think fit to do so, refuse to grant the licence in any case where they are satisfied that a person about whom an order under subsection (9) below has been made is to be concerned (whether as owner, charterer, master or otherwise) with the management of the vessel, but where they do so shall give the applicant notice of that fact informing him of the effect of subsection (5) below.
- (5) Where the Authority have refused an application for a licence under this section, any of the Ministers, after giving the applicant (if he so desires) an opportunity to be heard by a person appointed by that Minister and after taking into consideration the report of any such person and any written representations made by the applicant, may direct the Authority to grant the licence and the Authority shall comply with the direction.
- (6) A licence granted under this section shall be granted so as to have effect (subject to the provisions of this section) for a year or such less period as may be specified in the licence, but shall be valid only if and so long as no person is an owner or charterer of the vessel other than—
 - (a) those named to the Authority when the licence was applied for; and
 - (b) where any of them dies, anyone to whom his interest passes under his will or the law relating to the administration and distribution of property on death (including his personal representatives).
- (7) A licence granted under this section may be granted subject—
 - (a) to such conditions as the Authority think fit to impose—
 - (i) for preventing over-fishing ;
 - (ii) in a case to which subsection (4) above applies, for securing that no person about whom an order has been made under subsection (9) below will be concerned in the management of the vessel in respect of which the licence is granted ;
 - (b) to such conditions as the Ministers may require to be imposed for securing compliance with any agreements made by or on behalf of any Minister of the Crown or Her Majesty's Government, or with any legal obligations in relation

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to the vessel imposed on any of the persons concerned in its management otherwise than by this Part of this Act;

- (c) to such other conditions as may be authorised by any scheme.
- (8) If any condition of a licence granted under this section in respect of any vessel is contravened, every person who is an owner, charterer or master of the vessel at the time of the contravention shall be guilty of an offence against this Part of this Act.
- (9) Where a person is convicted of an offence under subsection (8) above, and the court is satisfied that conditions of licences under this section have been persistently disregarded in the case of any vessels to which this Part of this Act applies while he has been concerned in their management (whether as owner, charterer, master or otherwise), the court may make an order directing that a licence under this section need not be granted as of right in respect of a fishing vessel where he is to be concerned in its management.
- (10) Where, at the date of an order made under subsection (9) above on a person's conviction, he is concerned in the management of any vessels to which this Part of this Act applies, the order may direct that any licences granted under this section before that date in respect of those vessels, or such of those licences as may be specified in the order, shall be void as from the date of the order or such later date or dates as may be so specified (but without prejudice to any application for a new licence); and where a person other than the person convicted is aggrieved by any such direction he shall have the same right to appeal against the direction as the person convicted has to appeal against the whole of his sentence.
- (11) Where a licence granted under this section ceases to be in force (otherwise than by the expiration of the period for which it was granted), the person having possession of it shall within fourteen days surrender it to the Authority and if he fails to do so shall be liable on summary conviction to a fine not exceeding £25.
- (12) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any other enactment by or under which any vessels are required to be licensed.
- (13) References in this section to the owner of a vessel do not apply to the Authority.

Inquiries, information, notices, etc.

10 Power of the Authority to hold inquiries

- (1) The Authority may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.
- (2) If the Ministers are satisfied that, for the purposes of any inquiry into a particular matter under the powers conferred by this section, it is necessary so to do, the Ministers may by order, specifying the matter to be inquired into, direct that in respect of any meeting of the Authority held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Authority are present, the Tribunals of Inquiry (Evidence) Act 1921 shall apply to the Authority as if it were a tribunal established in accordance with that Act and as if that Act had been applied to the Authority in the manner provided for by that Act.
- (3) Notwithstanding subsection (2) above, an order under that subsection shall not have the effect of applying to the Authority section 2(a) of the said Act of 1921 (tribunals

to be open to the public unless this is contrary to the public interest), but the Authority may nevertheless refuse to allow the public or any portion of the public to be present at the proceedings of the Authority if and so far as it is, in the opinion of the Authority, necessary so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given.

(4) Subsections (2) and (3) above shall apply in relation to any inquiry held on behalf of the Authority by the Scottish Committee with the substitution of references to the committee for the references to the Authority.

(5) A draft of any order under this section shall be laid before Parliament.

11 Inquiries held by Ministers

(1) For the purpose of any inquiry which, in relation to any scheme or to any regulations under this Part of this Act, is held by direction of the Ministers, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his possession or control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined; but no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(2) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of this section, shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both.

(3) In the application of this section to Scotland, for any reference to a summons there shall be substituted a reference to an order.

12 General provisions as to keeping of books, furnishing information, etc.

(1) Any person engaged in the white fish industry shall keep such books and records as may be prescribed, and the Authority may from time to time give to any such person a notice requiring him to produce any such books or records to an officer authorised by the Authority or to furnish to the Authority such returns and other information specified in the notice as the Authority may require for the discharge of their functions.

(2) At any time during the currency of a licence granted under this Act the person having possession of it shall, on being required to do so by an officer authorised as aforesaid and on the officer, if so required, showing his certificate, produce the licence to that officer; and any person concerned in the management of a vessel to which this Part of this Act applies in respect of which there is in force a licence so granted—

(a) on being required to do so by such an officer and on the officer, if so required, showing his certificate, shall furnish to the officer the name and address of the person having possession of the licence ;

(b) on being required to do so by a notice given to him by the Authority, shall furnish to the Authority that name and address.

- (3) If any person required by or under this section, or section 8 or 9 of this Act, or a scheme, to produce or furnish any document or information in his possession or control fails to comply with the requirement, he shall be liable on summary conviction to a fine not exceeding £25 ; and if in furnishing any information for the purposes of any of the sections aforesaid or of a scheme a person knowingly or recklessly makes any statement or representation which is false in a material particular, or if with intent to deceive a person produces or furnishes for the purposes aforesaid any document or information which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or to both.

13 Powers of entry, etc.

- (1) An officer authorised by the Authority shall, on showing (if so required) his certificate, have a right at all reasonable hours to go on board any vessel to which this Part of this Act applies, being a vessel registered in Great Britain, or enter any premises not used only as a private dwelling-house or any vehicle.—
- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the vessel, premises or vehicle any contravention of regulations under section 6(1) of this Act, or of a scheme, or of the conditions of a licence granted under this Act; and
 - (b) generally for the purpose of the enforcement of any such regulations, scheme or conditions ;
- and to carry out an inspection of the vessel, premises or vehicle and to take such samples and carry out such tests as he may reasonably require to do for the purposes aforesaid.
- (2) If a justice of the peace on sworn information in writing—
- (a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as aforesaid; and
 - (b) is also satisfied either—
 - (i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent;
- the justice may by warrant under his hand authorise such an officer as aforesaid to enter the premises, if need be by force, and the warrant shall continue in force for a period of one month.
- (3) Any officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.
- (4) Any officer authorised by the Authority may purchase samples of any white fish.
- (5) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by this section shall be liable on summary conviction to a fine not exceeding £50.

- (6) If a person exposing any white fish for sale refuses to sell to an officer authorised by the Authority to purchase samples the quantity which he requires as a sample, after the officer has shown his certificate and has tendered the price for that quantity, or if a person having for the time being charge of any white fish refuses to allow an officer authorised by the Authority to take samples to take the quantity which he requires as a sample, after the officer has shown his certificate, then that person shall be deemed for the purposes of subsection (5) above to have wilfully obstructed the officer:

Provided that where any white fish is exposed for sale in an unopened container, no person shall be required to sell it except in the unopened container in which it is contained.

- (7) In the application of this section to Scotland, any reference to a justice of the peace shall include a reference to a sheriff.

14 Restrictions on disclosure of information

- (1) Subject to subsection (2) below, no information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of this Part of this Act or the execution of any scheme or of any regulations under this Part of this Act.
- (2) Nothing in subsection (1) above shall apply to any disclosure of information made by the Authority to the Ministers or to the Secretary of State concerned with the sea fishing industry in Wales or to any of them or to any disclosure of information made for the purposes of any proceedings pursuant to this Part of this Act (including arbitrations), or any criminal proceedings, or for the purposes of any report of such proceedings as aforesaid.
- (3) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50 or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding £100 or to both.

15 Form and service of notices

- (1) Any notice to be given by the Authority under this Part of this Act, or under any scheme or any regulations under this Part of this Act, shall be in writing.
- (2) Any notice to be given as aforesaid to any person shall be deemed to have been duly given if it is addressed to him either by name or by a sufficient description of the character in which it is given to him, and is delivered at the proper address, and in the case of a notice to be given to the master of a vessel engaged in catching or processing sea fish or transporting sea fish or the products of sea fish shall be deemed to have been duly given to him if it is given 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.
- (3) Subsection (2) above shall not be taken to prejudice any other method of giving notice.
- (4) For the purposes of this section, the proper address of any person to whom a notice is to be given as aforesaid shall be the address furnished by him for the purpose or, if no address has been so furnished, his last known address.

Finance

16 White Fish Industry Fund

There shall continue to be a fund called the White Fish Industry Fund under the control and management of the Authority, and (except as provided by this Act) all receipts and expenditure of the Authority shall be paid into and out of that fund.

17 Authority's power to impose levies on white fish industry

- (1) The Authority shall have power for the purpose of financing the discharge of their functions.—
 - (a) to impose a general levy on persons engaged in the white fish industry—
 - (i) in respect of white fish landed in Great Britain, at a prescribed rate not exceeding 2d. for each stone of white fish so landed ; and
 - (ii) in respect of white fish products so landed, at a prescribed rate in respect of each stone of the products;
 - (b) to raise by means of special levies imposed on such persons for the purposes of schemes such additional sums as the schemes authorise.
- (2) The rate prescribed in relation to any white fish product for the purposes of subsection (1)(a)(ii) above shall not exceed an amount which in the opinion of the Authority would be yielded by a levy of 2d. on each stone of white fish required on average (whether alone or together with any other substance or article) to produce a stone of that product.
- (3) The Authority may prescribe different rates of general levy for fish of different descriptions and products of different descriptions.
- (4) The Ministers may by order provide that for references to 2d. in subsections (1) and (2) above there shall be substituted references to such larger sum as may be specified in the order.
- (5) No order shall be made under subsection (4) above unless a draft thereof has been laid before, and been approved by, both Houses of Parliament.
- (6) Any levy imposed by the Authority under this section shall be payable by such persons engaged in the white fish industry, in such proportions and at such times as may be prescribed or, in the case of a special levy, as may be provided by a scheme ; and the amount payable by any person on account of any levy so imposed shall be a debt from him to the Authority and recoverable accordingly.
- (7) For the purposes of subsections (1) and (6) above parts of white fish shall be treated as products of white fish and not as white fish, notwithstanding anything in the definition of white fish in section 59 of this Act.
- (8) References in subsections (1) and (6) above to persons engaged in the white fish industry shall be construed as including references to persons carrying on in Great Britain the business of buying the products of white fish by wholesale or of importing white fish or their products.

18 Borrowing power of Authority

- (1) The Authority shall have power, subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, for the purpose of financing the discharge of their functions, to borrow up to such amount as the Treasury may approve, so long as the amount outstanding at any time of the sums borrowed under this section and section 15 of the Sea Fish Industry Act 1951 does not exceed £30 million or such greater amount as may be specified by an order for the time being in force under subsection (2) below.
- (2) The limit on the amount outstanding at any time of the sums borrowed by the Authority under subsection (1) above may be raised from time to time, by an amount not exceeding £5 million at any one time, by an order made by the Ministers with the approval of the Treasury.
- (3) An order under subsection (2) above shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

19 Authority's power to charge fees and accept voluntary payments

The Authority shall have power for the purpose of financing the discharge of their functions:—

- (a) to charge fees for services rendered and such other matters as may be authorised by schemes; and
- (b) to accept payments voluntarily made to them by any person for the purpose of promoting all or any of the objects of the Authority.

20 Expenses of the Advisory Council

The Authority may make such payments in respect of the expenses of the Advisory Council as the Ministers and the Treasury may approve.

21 Authority's accounts and reports

- (1) The Authority shall keep proper accounts with respect to the White Fish Industry Fund, and shall prepare in respect of each financial year a statement of accounts in such form and giving such information as may be directed by the Ministers with the approval of the Treasury.
- (2) The accounts shall be audited and the statement certified by persons to be appointed in respect of each financial year by the Ministers, and the auditors shall be furnished by the Authority with copies of the said statement and shall report to the Ministers on the accounts and the said statement.
- (3) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies:—
 - The Institute of Chartered Accountants in England and Wales;
 - The Institute of Chartered Accountants of Scotland ;
 - The Association of Certified and Corporate Accountants;
 - The Institute of Chartered Accountants in Ireland.
- (4) As soon as the accounts have been audited, the auditors shall send the Ministers copies of the statement of accounts and their certificate on it, and of their report.

- (5) As soon as possible after the end of any financial year, the Authority shall also prepare and submit to the Ministers a report of their proceedings in that year.
- (6) The Ministers shall lay before Parliament copies of the Authority's report for any financial year, together with copies of the statement of accounts and auditors' certificate and of the auditors' report for that year.
- (7) So long as the Secretary of State concerned with the sea fishing industry in Wales continues to exercise functions under section 22(6) of this Act, the references in this section to the Ministers shall be construed as including a reference to that Secretary of State.

22 Exchequer loans to Authority

- (1) The Ministers may advance to the Authority, on such terms as the Treasury may approve, any sums required to be borrowed by the Authority for a purpose approved by the Ministers and the Treasury, so long as the amount outstanding at any time of the sums advanced under this section and section 17 of the Sea Fish Industry Act 1951 does not exceed £30 million, or such greater sum as may be specified by an order for the time being in force under subsection (3) below; but no such advance—
 - (a) if it is for the purpose of enabling the Authority to give financial assistance by way of loan, shall be made unless the application for that assistance is approved by the Authority before the end of the year 1972, or
 - (b) in any other case, shall be made after the end of the year 1972.
- (2) Subsection (1) above shall not be construed as extending the powers of the Authority to borrow money under section 18 of this Act.
- (3) The limit on the amount outstanding at any time of the sums advanced to the Authority under subsection (1) above may be raised from time to time, by an amount not exceeding £5 million at any one time, by an order made by the Ministers with the approval of the Treasury.
- (4) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.
- (5) Any sums received by the Ministers by way of interest on or repayment of any advances under this section shall, subject to section 24(2) of this Act, be paid into the Consolidated Fund.
- (6) Where the exercise by the Authority of any of their powers involves the expenditure of money advanced to them by the Ministers under subsection (1) above, the powers shall not be exercised except in accordance with arrangements approved by the Ministers and the Treasury, and, if the arrangements relate to Wales, by the Ministers, the Secretary of State concerned with the sea fishing industry in Wales and the Treasury, and the Authority's statement of accounts for any financial year shall deal specially with the application during that year of any money so advanced.

23 Exchequer grants to Authority

- (1) The Ministers shall have power with the approval of the Treasury given before the end of the year 1972 to make grants to the Authority in respect of any expenditure of the Authority on research or experiment or any expenditure incurred by the Authority in

the exercise of the powers conferred on them by section 5(1)(f) of this Act to provide or acquire, equip or operate plants for processing white fish or making ice.

- (2) The aggregate amount of any grants made under subsection (1) above and any grants made under section 17 of the Sea Fish Industry Act 1951 shall not exceed £2 million, but this limit may be raised from time to time by an amount not exceeding £1 million at any one time by an order made by the Ministers with the approval of the Treasury.
- (3) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

24 White Fish Marketing Fund

- (1) There shall continue to be a fund called the White Fish Marketing Fund under the control and management of the Ministers, and so much of any sums to be advanced to the Authority under section 22 of this Act as is required for the undertaking of operations involving the outlay of working capital shall be paid into that fund.
- (2) Notwithstanding section 22(5) of this Act, any sums received by the Ministers by way of repayment of principal of an advance made (whether before or after the commencement of this Act) out of the White Fish Marketing Fund shall, if received before the end of the year 1972 be paid into that fund ; but the Ministers may at any time repay out of the White Fish Marketing Fund into the Consolidated Fund any sums so paid into the White Fish Marketing Fund.
- (3) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made (whether before or after the commencement of this Act) out of the White Fish Marketing Fund or part of such an advance cannot be repaid, the Treasury may direct that the liability of the Authority to the Ministers shall be reduced to the extent of that sum.
- (4) The Minister of Agriculture, Fisheries and Food shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the White Fish Marketing Fund in each financial year.
- (5) On or before 30th September in each year, the said account and, in a case where the Treasury have directed under subsection (3) above that the liability of the Authority to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before both Houses of Parliament.
- (6) As soon as may be after the end of the year 1972 the White Fish Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof shall be paid into the Consolidated Fund.

25 Financial provision for Authority, etc.

There shall be paid out of moneys provided by Parliament—

- (a) such remuneration (whether by way of salaries or by way of fees) and such allowances to the members of the Authority or of the Scottish Committee, and such allowances to the members of the Advisory Council, as the Ministers, with the approval of the Minister for the Civil Service, may determine;

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

- (b) such sums as may from time to time be required by the Ministers for making advances or grants under this Part of this Act to the Authority ;
- (c) such expenses as may be incurred under this Part of this Act by the Ministers in relation to any inquiry held thereunder by their direction, and such other administrative expenses as may be so incurred by them.

Offences

26 Offences against Part I

- (1) A person guilty of an offence against this Part of this Act for which no fine is provided by the foregoing provisions thereof shall, subject to the following provisions of this section, be liable on summary conviction to a fine not exceeding £25 or, if he has been previously convicted of the like offence, to a fine not exceeding £100.
- (2) Subject to the following provisions of this section, the expression " the like offence " in subsection (1) above—
 - (a) in relation to an offence under section 6 or section 9 of this Act means any offence under that section;
 - (b) in relation to a contravention of a scheme, means any contravention of that scheme or of a scheme amended by or amending that scheme or re-enacted by or re-enacting it (with or without modifications).
- (3) Subject as aforesaid, where a person is convicted of any offence punishable under subsection (1) above, he shall, in addition to the fine mentioned in that subsection, be liable—
 - (a) if the offence was committed in relation to any white fish, to a fine not exceeding the value of that fish ; and
 - (b) if the offence was using a vessel in contravention of section 9(1) of this Act, to a fine not exceeding the value of the fish caught or transported by the vessel, or (as the case may be) the value of the products of the fish processed thereon or of the products transported thereby, while the vessel was so used,

but if it appears to the court that the person convicted is the owner of the fish the court may instead of imposing a fine under this subsection order the fish to be forfeited.
- (4) Subject as aforesaid, where an offence against this Part of this Act is continued after a person has been convicted therefor, that person shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding the following amount, that is to say, for every day on which the offence is so continued one-fifth of the maximum fine to which he was liable on the earlier conviction (disregarding any additional fine to which he was liable under subsection (3) above.
- (5) Regulations under section 6(1) of this Act or a scheme may modify subsections (1) to (4) above in relation to offences under any provision of the regulations or scheme—
 - (a) by reducing the maximum amount of any fine ;
 - (b) by excluding subsection (3) above ;
 - (c) by limiting the meaning of the expression " the like offence " in subsection (1) above.
- (6) Summary proceedings for an offence against this Part of this Act which is alleged to have been committed at sea may be taken before the court having jurisdiction in any place where the person charged may be found.

Interpretation

27 Interpretation of Part I

- (1) In this Part of this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
- " certificate ", in relation to an officer authorised by the Authority to exercise any power conferred by this Act, means any duly authenticated document showing his authority to do so;
 - " contravene " includes fail to comply with and " contravention " has a corresponding meaning;
 - " fish " includes shellfish ;
 - " prescribed " means prescribed by regulations of the Authority;
 - " processing ", in relation to fish, includes preserving or preparing fish, or producing any substance or article wholly or partly from fish, by any method for human or animal consumption;
 - " products ", in relation to fish, means anything produced by processing the fish ;
 - " scheme " means a scheme under section 7 of this Act;
 - " white fish industry " means the white fish industry in Great Britain; and, without prejudice to section 17(8) of this Act, a person shall be deemed to engage in the white fish industry if he carries on the business of operating vessels to which this Part of this Act applies for catching or processing white fish or for transporting white fish or the products of white fish, or if he carries on in Great Britain the business of selling white fish by wholesale or by retail or of processing white fish (including the business of a fish fryer).
- (2) Any reference in this Part of this Act to a vessel to which this Part of this Act applies is, subject to subsection (3) below, a reference to a vessel which either—
- (a) being registered in Great Britain is for the time being employed in the business of catching or processing sea fish or transporting sea fish or the products of sea fish, or
 - (b) not being registered in Great Britain, is for the time being employed in the business of making voyages for the purpose of catching or processing sea fish, or transporting sea fish or the products of sea fish where (in any such case) it is part of the purpose of the voyage that the fish or the products of the fish are to be landed in Great Britain, whether by the vessel which caught them, or by another vessel.
- (3) For the purposes of the application of subsection (2) above to any enactment contained in this Part of this Act which relates to the provision, acquisition or equipment of vessels, paragraphs (a) and (b) of that subsection shall apply with the substitution, for the word " registered " , of the words " intended to be registered ", and for the words " is for the time being employed of the words " is to be employed " .

Northern Ireland

28 Application of Part I to Northern Ireland

- (1) Subject to subsection (2) below, this Part of this Act shall extend to Northern Ireland.

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

(2) Her Majesty may, by an Order in Council made in pursuance of a resolution of both Houses of the Parliament of Northern Ireland direct—

- (a) that this Part of this Act shall cease to extend to Northern Ireland;
- (b) that this Part of this Act, in its application to Northern Ireland, shall have effect subject to such exceptions, adaptations and modifications as may be provided for by the Order in Council;

and any such Order in Council may be varied or revoked by a subsequent Order in Council made in pursuance of such a resolution as aforesaid.

(3) While this Part of this Act extends to Northern Ireland it shall have effect (without prejudice to the validity of anything previously done thereunder at any time when it did not so extend and subject to the terms of any such Order in Council as aforesaid) as if—

- (a) any reference to Great Britain were a reference to the United Kingdom;
- (b) the reference to summary proceedings in section 26(6) of this Act were a reference, in relation to Northern Ireland, to proceedings under the Summary Jurisdiction Acts; and
- (c) in the provisions relating to the Scottish Committee any reference to Scotland included a reference to Northern Ireland;

and that committee shall include in addition to the five members provided for by section 2 of this Act a member appointed by the Ministers after consultation with such department of the Government of Northern Ireland as may appear to them to be appropriate.