



Fishery Limits Act 1976

1976 CHAPTER 86

Regulation of sea fishing, etc.

3 Licensing of fishing boats

The following section is substituted for section 4 of the Sea Fish (Conservation) Act 1967—

“4 Licensing of fishing boats.

- (1) The Ministers may by order provide—
 - (a) that in any specified area within British fishery limits fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by one of the Ministers ;
 - (b) that in any specified area outside those limits fishing by British fishing boats is prohibited unless so authorised.
- (2) Such an order may apply to fishing generally in the specified area or to fishing—
 - (a) for a specified description of sea fish ;
 - (b) by a specified method ;
 - (c) during a specified season of the year or other period; or
 - (d) in the case of an order under subsection (1)(a), by fishing boats registered in a specified country,and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.
- (3) Where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section.

Such an order shall specify a maximum charge and may specify different maxima in relation to different classes of licence.

- (5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise fishing generally or may confer limited authority by reference to, in particular,—
- (a) the area within which fishing is authorised ;
 - (b) the periods, times or particular voyages during which fishing is authorised;
 - (c) the descriptions' and quantities of fish which may be taken ; or
 - (d) the method of sea fishing.
- (6) A licence under this section may authorise fishing either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions—
- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed); or
 - (b) as to the use to which the fish taken may be put:
- and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.
- (7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails to comply with such a requirement is guilty of an offence under this subsection.
- (8) The licensing powers conferred by this section may be exercised so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Ministers necessary or expedient for the regulation of sea fishing.
- (9) A licence under this section—
- (a) may be varied from time to time ; and
 - (b) may be revoked or suspended, if this appears to the Minister who granted the licence to be necessary or expedient for the regulation of sea fishing.
- (10) If a licence is varied, revoked or suspended the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.
- (11) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.
- (12) In this section "British fishing boat" means a fishing boat which is registered in the United Kingdom or is British-owned, and "foreign fishing boat" means a fishing boat which is not so registered or owned.”

4 Extension of power to regulate conduct of fishing operations, etc.

- (1) In section 5 of the Sea Fisheries Act 1968 (regulation of conduct of fishing operations) in subsection (1) for the words " for the purpose of giving effect to any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country " there are substituted the words " whenever it appears to them necessary or expedient ".
- (2) In subsection (2) of that section, in paragraph (a) (British fishing boats) for the words " anywhere within the convention area to which the order relates" there are substituted the words " wherever they may be ".
- (3) In subsection (2) of that section, in paragraph (b) (foreign fishing boats) for the words " waters which are within both the fishery limits of the British Islands and that convention area " there are substituted the words " waters within British fishery limits ".
- (4) At the end of section 10 of the Sea Fisheries (Scotland) Amendment Act 1885 (powers of sea fishery officers) there are added the words " and section 10 of that Act shall apply for the purposes of this Act as if for any reference to section 8 or 9 of that Act there were substituted a reference to this section. ".

5 Revised penalties for offences

The enactments mentioned in Schedule 1 to this Act are amended as there provided, being amendments which revise the penalties for certain offences under enactments relating to sea fishing.