



Fisheries Act 1981

1981 CHAPTER 29

PART IV

FISH FARMING

31 Financial assistance.

- (1) The Ministers may, in accordance with a scheme made by them with the approval of the Treasury, make such grants as appear to them to be desirable for the purpose of reorganising, developing or promoting fish farming in [^{F1}England and Wales].
- (2) In this section “fish farming” means the breeding, rearing or cultivating of fish (including shellfish) for the purpose of producing food for human consumption.
- (3) A scheme under this section may be confined to the making of such grants as appear to the Ministers to be requisite for enabling persons to benefit from any Community instrument which provides for the making of grants by a Community institution where such grants are also provided by a member State.
- (4) A scheme under this section may extend to [^{F2}to England, or to Wales, or to both of them.].
- (5) In this section “the Ministers” means—
 - ^{F3}(a) . . .
 - (b) in relation to a scheme extending to England only or to England together with Wales ^{F4}. . . , that Minister or, as the case may be, that Minister and the Secretary of State concerned with fisheries in Wales ^{F4}. . . ;
 - [^{F5}(c) in relation to a scheme extending to Wales, the Secretary of State concerned with fisheries in Wales.]but a scheme made by two or more Ministers may provide for payments under the scheme to be made by any of them.
- (6) A scheme under this section shall be laid before Parliament after being made and shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new scheme) after the expiration of the period of forty days beginning

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with the day on which it is made unless within that period it has been approved by a resolution of each House of Parliament.

- (7) In reckoning any period under subsection (6) above no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (8) Section 17 above shall have effect in relation to a scheme under this section as it has effect in relation to a scheme under Part II of this Act.
- [^{F6}(9) This section has effect in relation to Scotland with the following modifications (and any other necessary modifications)–
- (a) in subsection (1), for “England and Wales” there is substituted “Scotland”, and the words “with the approval of Treasury” are omitted;
 - (b) subsection (4) is omitted;
 - (c) in subsection (5), for “(a)” to the end there is substituted “the Scottish Ministers”;
 - (d) in subsection (6), for “Parliament” and “each House of Parliament” there is substituted “the Scottish Parliament”; and
 - (e) in subsection (7)–
 - (i) for “Parliament” there is substituted “the Scottish Parliament”;
 - (ii) the words “or prorogued” are omitted; and
 - (iii) for “both Houses are” there is substituted “the Scottish Parliament is”.]

Textual Amendments

- F1** Words in s. 31(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(6)(a); S.I. 1998/3178, art. 3
- F2** Words in s. 31(4) substituted (1.7.1999) by S.I. 1999/1820 art. 4, Sch. 2 Pt. I para. 68(6)(b); S.I. 1998/3178, art. 3
- F3** Words in s. 31(5)(a) repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(6)(c)(i), Pt. IV; S.I. 1998/3178, art. 3
- F4** Words in s.31(5)(b) repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(6)(c)(ii), Pt. IV; S.I. 1998/3178, art. 3
- F5** S. 31(5)(c) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(6)(c)(iii); S.I. 1998/3178, art. 3
- F6** S. 31(9) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(6)(d); S.I. 1998/3178, art. 3

32 Research, development and advice.

- (1) The Minister of Agriculture, Fisheries and Food [^{F7}, the Secretary of State concerned with fisheries in Wales, and Scottish Ministers] may each carry out research and development for the purpose of promoting the breeding, rearing or cultivating of fish (including shellfish) for the purpose of producing food for human consumption.
- (2) Each of those Ministers may provide scientific, technical and 6 other advice and instruction on matters relating to the breeding, rearing or cultivating of fish (including shellfish) whether or not for the purpose of producing food for human consumption.
- (3) Fees may be charged for any advice or instruction provided under this section.

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Textual Amendments

- F7** Words in s. 32(1) substituted (1.7.1999) by S.I. 1999/1820 art. 4, Sch. 2 Pt. I para. 68(7); S.I. 1998/3178, art. 3

33 Exclusion of offences under conservation legislation.

- (1) A person shall not be guilty of an offence mentioned in Part I of Schedule 4 to this Act by reason of anything done or omitted by him in the course of fish farming if it is done or omitted under the authority of an exemption conferred by the Minister and in accordance with any conditions attached to the exemption.
- (2) The Minister may by regulations confer general exemptions for the purposes of subsection (1) above, and such regulations may—
 - (a) make different provision for different methods of fish farming and for other different circumstances; and
 - (b) specify conditions to which the exemptions are subject.
- (3) Regulations under subsection (2) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament [^{F8}or, in the case of regulations in relation to Scotland, the Scottish Parliament].
- (4) In the application of subsections (1) and (2) above to offences under the ^{M1}Salmon and Freshwater Fisheries Act 1975, “the Minister” means, in relation to the area of the Welsh Water Authority, the Secretary of State and, in relation to other areas to which the Act applies, the Minister of Agriculture, Fisheries and Food; and in the application of those subsections to offences under enactments relating to sea fishing, “the Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food, and, in relation to Wales ^{F9}. . . the Secretary of State concerned with fisheries in that country [^{F10}and, in relation to Scotland, the Scottish Ministers].
- (5) It shall be a defence for a person charged with an offence mentioned in Part II of Schedule 4 to this Act to show that he believed on reasonable grounds that the fish with respect to which the offence is alleged to have been committed were produced by fish farming.
- (6) In this section “fish farming” means the breeding, rearing or cultivating of fish (including shellfish) whether or not the purpose of producing food for human consumption; but the reference in subsection (5) above to fish produced by fish farming does not include fish bred, reared or cultivated in captivity which have later been released to the wild.

Textual Amendments

- F8** Words in s. 33(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(8)(a); S.I. 1998/3178, art. 3
- F9** Words in s. 33(4) repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 68(8)(b), Pt. IV; S.I. 1998/3178, art. 3
- F10** Words in s. 33(4) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para 68(8)(b); S.I. 1998/3178, art. 3

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Marginal Citations

M1 1975 c. 51.

34 Structures for propagating or cultivating shellfish.

In sections 2, 7, 9 and 12 of the ^{M2}Sea Fisheries (Shellfish) Act 1967 references to a bed for shellfish, a shellfish bed or an oyster bed shall include references to any structure floating on, or standing or suspended in, water for the propagation or cultivation of shellfish or, as the case may be, oysters; and—

- (a) the area of a fishery to which an order under section 1 of that Act relates may, within the limits specified in subsection (1) of that section, include any waters which contain or are to contain any such structure;
- (b) the reference in section 5 of that Act to cultivating the ground for shellfish shall include a reference to cultivating shellfish by means of any such structure.

Marginal Citations

M2 1967 c. 83.

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