

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Sea Fish (Conservation) Act 1967 (c. 84)

- 43.**—(1) The Sea Fish (Conservation) Act 1967 is amended as follows.
- (2) In that Act—
- (a) for “Great Britain”, in each place where it appears, there is substituted “England and Wales”; and
 - (b) before “British fishery limits”, “British fishing boat” or “British fishing boats”, in each place where it appears, there is inserted “relevant”.
- (3) In section 1 (size limits, etc. for fish)(1)—
- (a) in subsection (3), after “by any” there is inserted “Scottish or”;
 - (b) in subsection (8), after “relevant British fishing boat” there is inserted “or a Scottish fishing boat”; and
 - (c) in subsection (9)(2)—
 - (i) in the definition of “relevant British fishing boat”, after “a fishing boat” there is inserted “which is not a Scottish fishing boat and”; and
 - (ii) in the definition of “foreign fishing boat”, after “relevant British fishing boat” there is inserted “or a Scottish fishing boat”.
- (4) In section 3(2) (regulation of nets and other fishing gear), after “by” there is inserted “Scottish fishing boats or”.
- (5) In section 4 (licensing of fishing boats)(3)—
- (a) in subsection (1)(a) for “(whether British or foreign)” there is substituted “(whether relevant British fishing boats, Scottish fishing boats or foreign fishing boats)”.
 - (b) in subsection (12)—
 - (i) in the definition of “relevant British fishing boat”, after “a fishing boat” there is inserted “which is not a Scottish fishing boat and”; and
 - (ii) in the definition of “foreign fishing boat” after “owned” there is inserted “and which is not a Scottish fishing boat”.
- (6) In section 6 (prohibition of landing of sea fish caught in certain areas)(4)—
- (a) in subsection (1), for “the United Kingdom” there is substituted “England and Wales and Northern Ireland”; and
 - (b) in subsection (4), the words “Secretary of State for Scotland or” are omitted and after “Ireland” there is inserted “or of a member of the staff of the Scottish Administration”.
- (7) In section 7 (declarations for purposes of section 6 orders)(5) for “the United Kingdom”, in each place where it appears, there is substituted “England and Wales or Northern Ireland”.

(1) Section 1 was substituted by the Fisheries Act 1981 (c. 29), section 19(1).

(2) Section 1(9) was substituted by the Merchant Shipping Act 1995 (c. 21), section 314 and Schedule 13, paragraph 38.

(3) Section 4 was substituted by the Fishery Limits Act 1976 (c. 86), section 3 and extended by S.I. 1978/280 and S.I. 1978/281.

(4) Section 6 was amended by the Fisheries Act 1981 (c. 29), section 33(1) and Schedule 4, Part I, paragraph 17.

(5) Section 7 was amended by the Fisheries Act 1981 (c. 29), section 23.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (8) In section 8 (regulation of landing of foreign-caught sea fish)—
- (a) for “the United Kingdom”, in each place where it appears (apart from subsection (1)(a) and the second and third references to that term in subsection (4)), there is substituted “England and Wales and Northern Ireland”, and
 - (b) in subsection (1)(a), after “relevant British fishing boats” there is inserted “or Scottish fishing boats”.
- (9) In section 17 (enforcement of orders under section 3) after “relevant British fishing boat” there is inserted “or Scottish fishing boat”.
- (10) In section 18 (enforcement of orders in relation to salmon and migratory trout)(6), in subsection (2) for “Secretary of State” there is substituted “Scottish Ministers”.
- (11) In section 22(1) (interpretation)(7) there is inserted in the appropriate places—
- ““relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;”;
 - ““relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone;”;
 - ““the Scottish zone” has the same meaning as in the Scotland Act 1998;”;
 - and
 - ““Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;”.
- (12) In section 22(2)(8), in the definition of “the appropriate Minister”, the words from “and, in relation to Scotland” to “Scotland” are omitted.
- (13) After section 22 there is inserted—

“Application to Scotland

22A.—(1) This Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).

- (2) Except in sections 17 and 22—
- (a) for “England and Wales”, “England and Wales and Northern Ireland” or “England and Wales or Northern Ireland” there is substituted “Scotland”;
 - (b) for “relevant British fishing boat” or “relevant British fishing boats” there is substituted “Scottish fishing boat” or “Scottish fishing boats”;
 - (c) for “Scottish fishing boat” or “Scottish fishing boats” there is substituted “relevant British fishing boat” or “relevant British fishing boats”; and
 - (d) for “relevant British fishery limits” there is substituted “the Scottish zone”.
- (3) In sections 4 and 4A any reference to one of the Ministers or any reference (however expressed) to the Minister who grants or has granted the licence shall be construed as a reference to the Scottish Ministers.
- (4) In sections 4(4) and 4A(4) the words from “if made” to “subsection” are omitted.
- (5) In section 4B(4) for “either House of Parliament” there is substituted “the Scottish Parliament”.

(6) Section 18(2) was amended by the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 16(5).

(7) Section 22(1) was amended by the Sea Fisheries Act 1981 (c. 29) Schedule 1, paragraph 39, the Fisheries Act 1981 (c. 29), section 21(2)(c), the Merchant Shipping (Registration, etc.) Act 1993 (c. 22), section 8(1) and Schedule 2, paragraph 8, and the Merchant Shipping Act 1995 (c. 21), section 314 and Schedule 13, paragraph 38(c).

(8) Section 22(2) was amended by the Fisheries Act 1981 (c. 29), section 19.

- (6) In section 5(8)–
 - (a) paragraph (b) is omitted; and
 - (b) for “those limits” there is substituted “that zone”.
- (7) In section 6(1) and (1A), the words “after consultation with the Secretary of State for Trade” are omitted.
- (8) In section 8–
 - (a) for “Secretary of State for Trade”, wherever it occurs, there is substituted “Scottish Ministers”; and
 - (b) the words “after consultation with the Ministers”, wherever they appear, are omitted.
- (9) In section 9(1) to (4), for “one of the Ministers”, wherever those words appear, there is substituted “Scottish Ministers”.
- (10) In section 15(3)–
 - (a) the words “and any British owned fishing boat (not so registered)” are omitted; and
 - (b) for “those limits” there is substituted “that zone”.
- (11) In section 20–
 - (a) any reference to the laying of a statutory instrument before Parliament shall be construed as a reference to the laying of the instrument before the Scottish Parliament;
 - (b) any reference to the approval or annulment of an instrument by resolution of each or either House of Parliament shall be construed as a reference to approval of the instrument by resolution of the Scottish Parliament; and
 - (c) in subsection (4) the words “or prorogued” are omitted.
- (12) In section 22(2)–
 - (a) in the definition of “the appropriate Minister”, for “England” to the end there is substituted “Scotland means the Scottish Ministers”; and
 - (b) except in relation to section 4AA, in the definition of “the Ministers”, for paragraphs (a) to (c) there is substituted “means the Scottish Ministers”.
- (13) In subsection (3), at the end there is inserted “; but this subsection shall not apply to Scotland”.