



# Fisheries Act 1981

## 1981 CHAPTER 29

### PART I

#### THE SEA FISH INDUSTRY AUTHORITY

##### *Supplementary*

#### **11 Accounts and reports.**

- (1) It shall be the duty of the Authority—
  - (a) to keep proper accounts and proper records in relation to the accounts; and
  - (b) to prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall give a true and fair view of the state of the Authority's affairs at the end of the financial year and of the Authority's income and expenditure in the financial year, and shall comply with any directions given by the Ministers with the consent of the Treasury as to the information to be contained in the statement or the manner in which it is to be presented or as to the methods and principles according to which the statement is to be prepared.
- (3) Separate accounts shall be kept by the Authority in respect of services provided as mentioned in section 3(5) above and of such other matters as the Ministers may direct.

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

[<sup>F2</sup>(6A) The Authority shall send a copy of the statement of accounts prepared under subsection (1) to the Comptroller and Auditor General—

- (a) in the case of the statement relating to the financial year ending on 31st March 2004, as soon as reasonably practicable after 12th July 2004,
- (b) in the case of the statement relating to a financial year ending after 31st March 2004, as soon as reasonably practicable after the end of that year.]

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- (6B) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Authority under subsection (6A) and shall lay before Parliament a copy of the statement and his report on it
- (7) As soon as possible after the end of any financial year and in any event not later than 30th September following the end of that year the Authority shall prepare and submit to the Ministers a report of its proceedings in that year.
- (8) The Ministers shall lay before Parliament [<sup>F3</sup>, and the Scottish Ministers shall lay before the Scottish Parliament,] copies of the Authority's report for any financial year together with copies of the statement of accounts and of the [<sup>F4</sup>report of <sup>F5</sup>... the Comptroller and Auditor General] for that year.
- (9) The Ministers [<sup>F6</sup>, the Comptroller and Auditor General and the Auditor General for Scotland] shall be entitled to inspect all books, papers and other records of the Authority relating to, or to matters dealt with in, the accounts required to be kept pursuant to this section.

#### Textual Amendments

- F1** S. 11(4)-(6) repealed (12.7.2004) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2004 \(S.I. 2004/1715\)](#), arts. 1, **3(3)(a)**
- F2** S. 11(6A) substituted (12.7.2004) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2004 \(S.I. 2004/1715\)](#), arts. 1, **3(3)(b)**
- F3** Words in s. 11(8) inserted (1.7.1999) by [S.I. 1999/1747](#), art. 3, **Sch. 23 Pt. II para. 3(2)**; [S.I. 1998/3178](#), **art. 3**
- F4** Words in s. 11(8) substituted (23.5.2003) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2003 \(S.I. 2003/1326\)](#), arts. 1, **10(2)(d)**
- F5** Words in s. 11(8) omitted (12.7.2004) by virtue of [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2004 \(S.I. 2004/1715\)](#), arts. 1, **3(3)(c)**
- F6** Words in s. 11(9) inserted (1.7.1999) by [S.I. 1999/1747](#), art. 3, **Sch. 23 Pt. II para. 3(5)**; [S.I.1998/3178](#), **art. 3**

## 12 Restriction on disclosure of information.

- (1) Subject to subsection (2) below, no information with respect to any particular undertaking which has been obtained by or on behalf of the Authority under this Act shall, without the consent of the person carrying on the undertaking, be disclosed otherwise than for the purpose of the discharge of the Authority's functions.
- (2) Subsection (1) above shall not preclude the disclosure of information by or on behalf of the Authority—
- (a) to the Ministers or any of them for the purposes of any of their functions relating to the sea fish industry or to the regulation of sea fishing; or
  - (b) for the purposes of any legal proceedings or of any report of any such proceedings.
- [<sup>F7</sup>, or
- (c) to the Department of Agriculture and Rural Development for the purposes of any of its functions relating to the sea fish industry in Northern Ireland or to the regulation of sea fishing;]

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- (3) If any person discloses information in contravention of this section he shall be guilty of an offence and liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
  - (b) on summary conviction, to a fine not exceeding the prescribed sum or to imprisonment for a term not exceeding six months or to both.
- (4) In subsection (3)(b) above “the prescribed sum” means—
- (a) in the case of an offence committed in England, [<sup>F8</sup>and Wales], the prescribed sum within the meaning of section 32 of the <sup>M1</sup>Magistrates’ Courts Act 1980 (£1,000 at the passing of this Act);
  - (b) in the case of an offence committed in Scotland the prescribed sum within the meaning of section 289B of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 (£1,000 at the passing of this Act);
  - [<sup>F9</sup>(c) in the case of an offence committed in Northern Ireland, the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984]

#### Textual Amendments

**F7** S. 12(2)(c) and word preceding it inserted (28.3.2002) by [S.I. 2002/790](#), [art. 7\(3\)](#)

**F8** Words substituted by [S.I. 1984/703 \(N.I. 3\)](#), [art. 19\(1\)](#), [Sch. 6 para. 18\(a\)](#)

**F9** Words substituted by [S.I. 1984/703 \(N.I. 3\)](#), [art. 19\(1\)](#), [Sch. 6 para. 18\(b\)](#)

#### Modifications etc. (not altering text)

**C1** S. 12(2): disclosure powers extended (14.12.2001) by [2001 c. 24](#), [ss. 17, 127\(2\)](#), [Sch. 4 Pt. 1 para. 19](#)

#### Marginal Citations

**M1** 1980 c. 43.

**M2** 1975 c. 21.

### 13 Abolition of White Fish Authority and Herring Industry Board.

<sup>F10</sup>(1) .....

(2) Schedule 3 to this Act shall have effect <sup>F11</sup>....

#### Textual Amendments

**F10** S. 13(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 6

**F11** Words in s. 13(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 6

### 14 Interpretation of Part I.

(1) In this Part of this Act—

“the Authority” means the Sea Fish Industry Authority;

“financial year” means the twelve months ending with 31st March;

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[<sup>F12</sup> “the Ministers” means–] the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland;

“sea fish” means fish of any kind found in the sea, including shellfish and, subject to section 4(8)(a) above, any part of any such fish but does not include salmon or migratory trout.

- (2) For the purposes of this Part of this Act other than [<sup>F13</sup>section 3(5)] “the sea fish industry” means the sea fish industry in the United Kingdom and a person shall be regarded as engaged in the sea fish industry if—
- (a) he carries on the business of operating vessels for catching or processing sea fish or for transporting sea fish or sea fish products, being vessels registered in the United Kingdom; or
  - (b) he carries on in the United Kingdom the business of breeding, rearing or cultivating sea fish for human consumption, of selling sea fish or sea fish products by wholesale or retail, of buying sea fish or sea fish products by wholesale, of importing sea fish or sea fish products or of processing sea fish (including the business of a fish fryer).

#### **Textual Amendments**

**F12** Words in s. 14(1) substituted (1.7.1999) by [S.I. 1999/1747](#), art. 3, [Sch. 23 Pt. II para. 3\(6\)](#); [S.I. 1998/3178](#), [art. 3](#)

**F13** Words in s. 14(2) substituted (31.12.2020) by [The Fisheries \(Amendment\) \(EU Exit\) Regulations 2019](#) ([S.I. 2019/746](#)), regs. 1, [3\(3\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Changes to legislation:**

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