



# Sea Fisheries Regulation Act 1966

## 1966 CHAPTER 38

### *Sea fisheries districts and local fisheries committees*

#### **1 Establishment of sea fisheries districts and local fisheries committees**

- (1) The Minister may, on the application of a county council or borough council, by order—
- (a) create a sea fisheries district comprising any part of the sea within the national or territorial waters of the United Kingdom adjacent to England or Wales, either with or without any part of the adjoining coast, and
  - (b) define the limits of the district, and the area chargeable with any expenses under this Act, and
  - (c) provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district;

and the Minister may, by a subsequent order made on the like application, or made on the application of the local fisheries committee and after consultation with every county or borough council concerned, vary or revoke any order made under this section, or unite two or more districts or parts of districts into a separate sea fisheries district or dissolve any sea fisheries district that may have been created.

- (2) The power to make orders under this section shall be exercisable by statutory instrument, and a draft of a statutory instrument containing any such order shall be laid before Parliament.

#### **2 Constitution of local fisheries committee**

- (1) The local fisheries committee for a sea fisheries district shall be a committee of such county council or of such borough council as may be determined by the order creating the district, or a joint committee of such councils, being county councils or borough councils, as may be so determined, and shall consist of—
- (a) such number of members to be appointed by the council, or by the constituent councils in such proportions as may be so determined, and

- (b) such number of additional members, not exceeding the number of members required to be appointed by the council or constituent councils, as may be appointed in accordance with subsection (2) below.
- (2) The additional members of a local fisheries committee shall include one person appointed by each river authority having jurisdiction within the district of the committee and as to the rest shall be persons appointed by the Minister as being persons acquainted with the needs and opinions of the fishing interests of that district.
- In this subsection " fishing interests" includes all persons interested in fisheries, either as owners of fisheries or interests therein, fishermen, fishing-boat owners, fish curers, fish merchants or otherwise.
- (3) The term of office of any person who at the commencement of this Act is, or after the said commencement becomes, a member of a local fisheries committee shall expire not later than the end of the triennial period in which he took or takes
- In this subsection " triennial period " means the period of three years beginning with the 1st July 1964 and with every third anniversary of that day.
- (4) A member of a local fisheries committee who at the time of his appointment was a member of the council by whom he was appointed shall, upon ceasing to be a member of the council, also cease to be a member of the committee, but for the purpose of the foregoing provision a member of a council shall not be deemed to have ceased by reason of retirement to be a member of the council, if he has been re-elected a member thereof not later than the day of his retirement.
- (5) An Order constituting a local fisheries committee may contain such regulations consistent with this Act with respect to the number and mode of appointment of the members of the Committee, and with respect to other matters relating to the constitution of the committee, as the Minister thinks expedient.
- (6) Section 96 of the Local Government Act 1933 (proceedings of committees and joint committees) shall, in relation to a local fisheries committee, have effect subject to the provisions of the order constituting the committee.

### **3 Ratepayers may apply for order under s. 1 if council refuse, etc. to apply**

If a county council or borough council, to whom an application in that behalf has been made by not less than twenty persons, being persons who are ratepayers and inhabitants of the county or borough, as the case may be, and interested in sea fisheries, refuse to apply to the Minister for an order creating a sea fisheries district or neglect to apply for such an order within six months from the date of the application, the persons who made the application may, within twelve months from the said date, apply to the Minister for such an order; and the Minister shall, unless the council in question satisfy the Minister that such an order should not be made, proceed as if the application had been made by the council.

### **4 Draft of certain orders under s. 1 to be published locally**

- (1) Before making an order creating a sea fisheries district the Minister shall cause a draft of the order to be published locally in such manner as he may direct, and shall, if any objection is made to the draft order or any of the provisions thereof, cause such local inquiry to be held as may in his opinion be required.

- (2) Due notice of an inquiry under this section shall be given by advertisement or otherwise, and the report of the person holding the inquiry shall, if the order to which the inquiry related is to be made, be laid before Parliament with the draft of the statutory instrument containing the order.

*Power of local fisheries committees*

**5 Byelaws for regulation, etc. of sea fisheries**

- (1) The local fisheries committee for a sea fisheries district may, subject to such regulations as may be made in that behalf by the Minister by statutory instrument, make byelaws to be observed within their district, for all or any of the following purposes, namely—
- (a) for restricting or prohibiting, either absolutely or subject to any exceptions and regulations, the fisheries for or taking of all or any specified kinds of sea fish during any period specified in the byelaws;
  - (b) for restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish and for determining the size of mesh, form and dimensions of any instrument of fishing for sea fish;
  - (c) for prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing ;
  - (d) for the regulation, protection and development of fisheries for all or any specified kinds of shellfish, including—
    - (i) the fixing of the sizes and condition at which shellfish may not be removed from a fishery, and the mode of determining such sizes ;
    - (ii) the obligation to re-deposit in specified localities any shellfish the removal or possession of which is prohibited by or in pursuance of any Act;
    - (iii) the protection of shellfish laid down for breeding purposes;
    - (iv) the protection of culch and other material for the reception of the spat or young of any kinds of shellfish; and
    - (v) the obligation to re-deposit such culch and other material in specified localities ;
  - (e) for constituting within their district any district of oyster cultivation for the purposes of section 4 of the Fisheries (Oyster, Crab and Lobster) Act 1877 (which prohibits the sale of oysters between certain dates);
  - (f) for directing that the proviso to section 8 of the said Act (which affords a defence to a person charged with an offence under that section) shall not apply;
  - (g) for revoking or amending any order made under section 10 of the said Act (which authorises the making of orders prohibiting or restricting the taking of crabs and lobsters in certain areas);
  - (h) for revoking or amending any byelaw made under this section.
- (2) A byelaw made under this section may provide for its application either to the whole or any specified part or parts of the district for which it is made and either during the whole or any specified part or parts of the year.

## **6 Restrictions on power to make byelaws**

Nothing in this Act shall authorise a local fisheries committee to make any byelaw which—

- (a) prejudicially affects any right of several fishery, or any right on, to or over any portion of the sea shore, where any such right is enjoyed by any person under any local or special Act of Parliament, or any Royal charter, letters patent, prescription, or immemorial usage, except with the consent of that person, or
- (b) affects any byelaw made by a river authority and for the time being in force within the district of the committee or restricts the power of such an authority to make any byelaw having effect within that district, or
- (c) affects any power of a local authority to discharge sewage in pursuance of any power conferred by a general or local Act of Parliament or by a provisional order confirmed by Parliament.

## **7 Confirmation of byelaws**

- (1) No byelaw made by a local fisheries committee under this Act shall have effect until confirmed by the Minister.
- (2) The Minister may, before confirming any such byelaw, cause such local inquiry as he thinks fit to be held with respect to the byelaw, and may, in any case, confirm the byelaw, either without modification or with such modifications as may be assented to by the local fisheries committee who made the byelaw.

## **8 Power of Minister to revoke byelaws**

If it appears to the Minister that the revocation of a byelaw made by any local fisheries committee is necessary or desirable for the maintenance or improvement of fisheries, he may, after giving notice to the committee and considering any objection raised by them, and, if so required by them, holding a public inquiry, revoke the byelaw.

## **9 Copies and evidence of byelaws**

- (1) A local fisheries committee shall cause copies of all byelaws made by them under this Act, and for the time being in force, to be kept posted up in some conspicuous place or places within their district and shall supply copies of all such byelaws to any applicant on payment of a sum not exceeding one penny for each copy.
- (2) The production of a copy of any byelaw made under this Act, purporting to be signed by a secretary or assistant secretary of the Ministry of Agriculture, Fisheries and Food, shall be conclusive evidence of the byelaw and of the due making and confirmation thereof.

## **10 Appointment and powers of fishery officers**

- (1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, but nothing in this section shall exempt British sea-fishery officers from their statutory duty of enforcing the laws and regulations affecting vessels engaged in sea fishing.

- (2) For the purpose of enforcing byelaws made by a local fisheries committee any fishery officer appointed by the committee may within the limits of the district, or of any adjoining sea fisheries district of district under the jurisdiction of a river authority or of a harbour authority.—
  - (a) stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaw;
  - (b) examine any instrument used in fishing for fish and search any container used in carrying fish; and
  - (c) seize any sea fish or instrument taken or used in contravention of any such byelaw.
- (3) For the enforcement of the provisions of any such byelaw every, such officer shall be deemed to be a constable and to have the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to at common law or by statute.
- (4) A local fisheries committee may, with the consent of any river authority, appoint as an officer of the committee any officer of that authority; and a river authority may, with the consent of a local fisheries committee, appoint as an officer of the authority any officer of that committee.

## **11 Penalty for obstructing, etc. fishery officer or contravening byelaws**

- (1) If any person without reasonable excuse whereof shall he on him) refuses to allow a fishery officer to exercise the powers conferred on him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.
- (2) Where any vessel is used for fishing in any manner constituting a contravention of any byelaw of a local fisheries committee having effect by virtue of section 5(1)(a) or (b) above, the skipper and the owner of the vessel shall, subject to subsection (3) below, each be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, fifty pounds or, in the case of a second offence, one hundred and fifty pounds or, in the case of a third or subsequent offence, to imprisonment for a term not exceeding three month: or to a fine not exceeding three hundred pounds or to both such imprisonment and such fine.
- (3) In any proceedings which by virtue of this section an taken against the owner of a vessel in respect of an offence under subsection (2) above committed by the skipper, it shall be a good defence for the owner to prove that he exercised all due diligence to prevent the commission of that offence.
- (4) Subsections (2) and (3) above shall, in relation to any vessel which at the material time is under charter, have effect as if any reference in those subsections to the owner were a reference to the charterer.
- (5) Without prejudice to the operation of subsections (2), (3) and (4) above, any person who contravenes any byelaw of a local fisheries committee shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds.
- (6) Where any offence under subsection (2) or (5) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable

to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (7) Where any offence under subsection (1) or (5) above is committed on the sea coast or at sea beyond the ordinary jurisdiction of a magistrates' court and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county or borough having a separate commission of the peace which abuts on that sea coast or adjoins that sea, and may be tried and punished accordingly.

## **12 Entry of premises on which offence suspected to have been committed**

- (1) If a justice of the peace is satisfied by information on oath that there is probable cause to suspect that a breach of a byelaw of a local fisheries committee has been committed on any premises, or that any sea fish or instrument taken or used in contravention of any such byelaw is concealed on any premises, he may grant a warrant to any fishery officer appointed under section 10 above, or any police officer, empowering him to enter and search the premises, at such time or times in the day or night as may be specified in the warrant, for the purpose of detecting the offence or the concealed fish or instrument and to seize any such fish or instrument which may be found on the premises.
- (2) A warrant under this section shall not continue in force for more than one week from the date thereof.

## **13 Other powers of local fisheries committees**

- (1) A local fisheries committee may stock or restock any public fishery for shellfish, and for that purpose may incur such expenses as may be sanctioned by the Minister.
- (2) A local fisheries committee may, with the approval of the Minister and subject to such conditions as he may impose, undertake, or cause to be undertaken, the destruction of predatory fish, predatory marine animals, predatory birds and eggs of predatory birds, if and so far as such destruction appears to the committee to be desirable for the preservation and improvement of the fisheries within their district and is not illegal under any Act other than the Sea Fish Industry Act 1938.
- (3) A local fisheries committee may contribute or undertake to contribute to the expenses of a harbour authority constituted under the Fishery Harbours Act 1915 for a harbour to which that Act applies situate wholly or partly in the district of the committee.
- (4) A local fisheries committee may contribute to the payment of the cost of executing works for the maintenance or improvement of any small harbour situate wholly or partly in their district, being a harbour as to which the Minister is satisfied that it is principally used by persons engaged in the sea fishing industry.

In this subsection "harbour" includes any haven, cove or other landing place and "works" includes slipways, capstans and other works facilitating the landing, launching or beaching of vessels in any harbour.

- (5) Subject to section 11(1) of the Sea Fisheries Act 1883, any local fisheries committee may, within their district, enforce the provisions of the Fisheries (Oyster, Crab and Lobster) Act 1877 and of any other Act relating to sea fisheries.

*Miscellaneous and supplemental*

**14 Returns by local fisheries committees**

Every local fisheries committee shall collect such statistics relating to the sea fisheries within the district of the committee, and make such returns to the Minister as to the proceedings of the committee under this Act and as to the said sea fisheries, as the Minister may reasonably require.

**15 Annual meetings of representatives of committees**

At least once in every year the Minister shall convene a meeting composed of not less than one representative selected by each of the local fisheries committees to confer with the heads of the Fisheries Department of his department and for consultative purposes on matters relating to this Act.

**16 Payment of travelling expenses incurred by members of committee**

A local fisheries committee may repay to any member of the committee the amount of any travelling expenses necessarily incurred by him—

- (a) in attending any meeting of the committee or any meeting convened by the Minister under section 15 above;
- (b) in carrying out any inspection necessary for the exercise of the powers of the discharge of the duties of the committee;

and any such amount repaid by such committee to any member thereof shall be treated as part of the expenses of the committee.

**17 Expenses, etc. of committees**

- (1) The expenses of a local fisheries committee, so far as payable by a county council, shall according as the order constituting the committee provides, be expenses for general county purposes shall be chargeable on such part only of the county as may be directed by the order
- (2) Any expenses which such a committee is required by the Minister to incur in the collection of statistics shall be paid out of moneys provided by Parliament.
- (3) The accounts of a local fisheries committee which by virtue of section 2(1) above is a joint committee of councils shall be made up yearly to the 31st March.

**18 Provisions with respect to areas under jurisdiction of river or harbour authorities**

- (1) Where a proposed sea fisheries district will adjoin or overlap the area of a river authority, the Minister shall, by the order defining the limits of the sea fisheries district, draw a line at or near the mouth of every river or stream flowing into the sea or into any estuary within those limits or at the option of the Minister, at or near the mouth of any estuary within those limits, and the sea fisheries district, shall not extend into that river, stream or estuary above that line; but the order may provide with respect to that river, stream or estuary that the river authority shall have the power of a local fisheries committee.

- (2) Where an area is under the jurisdiction of a river authority, or a harbour authority, and an application for the creation of a sea fisheries district comprising that area of any part thereof has not been made or has been refused, the Minister may, if he thinks fit, by order confer on the river authority or harbour authority, as the case may be, the powers of a local fisheries committee with respect to that area, and may by a subsequent order revoke or vary any order made under this subsection if the area, or any part thereof, is subsequently comprised in a sea fisheries district.

The power to make orders under this subsection shall be exercisable by statutory instrument.

- (3) Where by virtue of this section a river authority or harbour authority have the power of a local fisheries committee, then subject to section 119 of the Water Resources Act 1963 (procedure relating to byelaws made by a river authority), those powers shall be exercisable subject to the like conditions as the like powers are exercisable by such a committee and the provisions of this Act shall apply in relation to byelaws made or officers appointed in exercise of any such powers as if the byelaws were made or the officers appointed by a local fisheries committee.

## 19 Council may pay, etc. certain expenses of river authority

A county or borough council may pay, or contribute to the payment of, any expenses incurred by a river authority in exercise of their powers under this Act.

## 20 Interpretation

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" borough " means a municipal borough which contained, according to the census of 1881, a population of not less than twenty thousand;

" British sea-fishery officer " means any person who by virtue of section 11 of the Sea Fisheries Act 1883 or of section 25 of the Sea Fish Industry Act 1951 is a British sea-fishery officer ;

" harbour authority " means any person or persons being or claiming to be the owner or owners of a harbour or having the duty of improving, managing, maintaining or regulating a harbour;

" the Minister " means the Minister of Agriculture, Fisheries and Food;

" sea " includes the coast up to high water mark;

" sea fish " means fish of any description found in the sea including shellfish but does not include—

(a) fish of the salmon species, or

(b) trout which migrate to and from the sea ;

" shellfish " includes crustaceans and molluscs of any kind ;

" vessel " includes, ship, boat, lighter and other craft of any kind, whether stationary or navigated by steam or otherwise.

- (2) References in this Act to any enactment are references to that Act as amended by or under any other enactment.



## **21 Repeals, revocation, savings and consequential amendment**

- (1) The enactments specified in Part I of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the order specified in Part II of that Schedule is hereby revoked to the extent specified in the third column of that Part of that Schedule.
- (2) In so far as any order, regulations, byelaw or appointment made under any enactment repealed by this Act, or any other thing done under any such enactment, could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by this section but shall have effect as if made or done under that corresponding provision.
- (3) Without prejudice to subsection (2) above, any reference in this Act to a thing done under any provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done under the corresponding provision of the enactments repealed by this Act.
- (4) Any reference in any document (including an enactment) to any enactment repealed by this Act, whether a specific reference or a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed, shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- (5) For the purpose of determining the punishment (by fine, imprisonment or both) which may be imposed on a person in respect of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.
- (6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).
- (7) For section 12(6) of the Oil in Navigable Waters Act 1955 there shall be substituted the following subsection:—
  - “(6) If a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 or any of its officers is authorised in that behalf under subsection (1) or (3) of this section, the committee may institute proceedings for any offence under this Act committed within the district of the committee”.

## **22 Citation, commencement and extent**

- (1) This Act may be cited as the Sea Fisheries Regulation Act 1966 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.
- (2) This Act shall not extend to Scotland or Northern Ireland.