



Sea Fisheries (Shellfish) Act 1967

1967 CHAPTER 83

Further provisions with respect to shellfish

16 Oysters not to be sold between certain dates.

- (1) Subject to subsection (2) of this section, any person who between the 14th May in any year and the following 4th August sells, exposes for sale, buys for sale, or consigns to any person for the purpose of sale, any description of oysters shall be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, [^{F1}level 1 on the standard scale] or, in the case of a second or subsequent offence, [^{F1}level 1 on the standard scale] and, in any case, to forfeit the oysters exposed for sale, bought for sale or consigned to any person for the purpose of sale, in contravention of this subsection.
- (2) A person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, bought for sale or consigned to any person for the purpose of sale—
 - (a) were originally taken within the waters of a foreign state, or
 - (b) were preserved in tins or otherwise cured, or
 - (c) were intended for the purpose of oyster cultivation within the same district in which the oysters were taken, or
 - (d) were taken from any place for cultivation with the consent of the appropriate Minister [^{F2}, or
 - (e) were Pacific or Japanese oysters (*Crassostrea gigas*), Portuguese oysters (*Crassostrea angulata*) or other members of the genus *Crassostrea*].
- (3) For the purposes of subsection (2)(c) of this section a district is—
 - (a) the Thames Estuary, bounded by a line drawn from Orford Ness to the North Foreland, and
 - (b) any other area for the time being constituted a district for the purposes of this section by an order of the appropriate Minister;

and where the place at which oysters are taken is not within any such district, so much of the area within ten miles of that place as is not included in any such district shall be deemed to be a district for those purposes.

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Shellfish) Act 1967, Section 16. (See end of Document for details)

- (4) The appropriate Minister may by a subsequent order revoke or vary any order made by him under subsection (3)(b) of this section.

Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and by virtue of (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and by [1994 c. 33, s. 157\(1\) \(9\)](#), [Sch. 8 Pt. I](#); [S.I. 1995/127, art. 2\(1\)](#), [Sch. 1](#) it is provided (3.2.1995) that s. 16(1) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding level 1
- F2** S. 16(2)(e) added by [Sea Fisheries \(Shellfish\) Act 1973 \(c. 30\)](#), [s. 1](#)

Modifications etc. (not altering text)

- C1** S. 16 amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 33\(5\)](#), [Sch. 4 Pt. II para. 30](#)
- C2** S. 16 transfer of functions (31.3.2010) by [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\)](#), [arts. 1\(3\)](#), [4\(1\)\(a\)](#) (with [art. 5\(2\)\(3\)](#))

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