



Sea Fish (Conservation) Act 1967

1967 CHAPTER 84

Regulation of the landing of sea fish

6 Prohibition on landing of sea fish caught in certain areas.

(1) The Ministers, after consultation with the [^{F1}Secretary of State for Trade], may by order prohibit, in accordance with the provisions of this section, the landing in [^{F2}England and Wales and Northern Ireland] of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.

[^{F3}(1A) The Ministers, after consultation with the Secretary of State for Trade, may by order prohibit, in accordance with the provisions of this section, the trans-shipment within [^{F4}relevant] British fishery limits of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.]

(2) Any prohibition imposed by an order under this section in relation to sea fish, or any particular description of sea fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea fish, or sea fish of that description, as the case may be—

- (a) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified;
- (b) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified;
- (c) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(3) Without prejudice to subsection (2) above, any prohibition imposed by an order under this section may be imposed subject to such exceptions as may be specified in the order.

(4) Where an order is made under this section the enactments relating to customs shall apply accordingly, but no steps shall be taken under those enactments for the purposes of this section by any officer of customs and excise except at the request of an

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officer of the Ministry of Agriculture, Fisheries and Food, the ^{F5}... the [^{F6}Department] of Agriculture for Northern Ireland [^{F7}or of a member of the staff of the Scottish Administration], as the case may be.

- (5) If any sea fish are landed from a vessel in contravention of an order under this section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence [^{F8}under this subsection].

[^{F9}(5A) If any sea fish are—

- (a) trans-shipped into a vessel in contravention of an order under this section; or
- (b) trans-shipped from a vessel in contravention of such an order,

the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.]

- (6) In this and the next following section “sea fish” includes salmon and migratory trout.

Textual Amendments

- F1** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 10**; and S.I. 1974/692, arts. 2(1), 5(3), **Sch. 1 Pt. III**
- F2** Words in s. 6(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch 2 Pt. I para 43(6)(a)**; S.I. 1998/3178, **art. 3**
- F3** S. 6(1A) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **ss. 23(3)**, 27
- F4** Word in s. 6(1A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F5** Words in s. 6(4) omitted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 43(6)(b), **Sch. 2 Pt. IV**; S.I. 1998/3178, **art. 3**
- F6** Word substituted by virtue of Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 8(1)**
- F7** Words in s. 6(4) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(6)(b)**; S.I. 1998/3178, **art. 3**
- F8** Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 23(3)**
- F9** S. 6(5A) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 23(3)**

Modifications etc. (not altering text)

- C1** S. 6 amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. I para. 17**
- C2** S. 6: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(i)**
- C3** S. 6: transfer of functions (5.12.2012) by The Transfer of Functions (Sea Fisheries) Order 2012 (S.I. 2012/2747), arts. 1(2), **3(2)** (with art. 5)
- C4** S. 6(1)(1A) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(5)**

7 Declarations required for purposes of orders under s. 6.

- (1) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be landed in [^{F10} England and Wales or Northern Ireland] from that vessel while [^{F11}any order under section 6(1) of this Act] is in force, a written declaration that those sea fish are not sea fish the landing of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are landed, to such person, or at such place, in the port of landing as may be specified in the notice:

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Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the landing of any sea fish after the end of the period of six months from the date on which the notice is served.

- (2) Where any sea fish are brought to land in [^{F10}England and Wales or Northern Ireland] in any vessel, any British sea-fishery officer may, at any time before the vessel next puts out to sea, request the master to make, in respect of any of those sea fish which have been, or are being, or are about to be, landed from the vessel while [^{F11}any order under section 6(1) of this Act] is in force a written declaration that the sea fish in question are not sea fish the landing of which is prohibited by the order, and to deliver the declaration to the officer or to such person, or at such place, in the port of landing as he may designate.

Nothing in this subsection shall be taken to affect the operation of subsection (1) above.

- [^{F12}(2A) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be trans-shipped within [^{F13}relevant] British fishery limits from that vessel while an order under section 6(1A) of this Act is in force, a written declaration that those sea fish are not sea fish the trans-shipment of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are trans-shipped, to the officer or to such other person or at such place as may be specified in the notice and as appears to the officer to be reasonable in the circumstances:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the trans-shipment of any sea fish after the end of the period of six months from the date on which the notice is served.

- (2B) Where any sea fish have been or are being trans-shipped, or where a British sea-fishery officer has reasonable grounds for believing that any sea fish are about to be trans-shipped, within [^{F13}relevant] British fishery limits from any vessel while an order under section 6(1A) of this Act is in force, any such officer may request the master of the vessel to make and deliver to the officer a written declaration that the sea fish in question are not sea fish the trans-shipment of which is prohibited by the order.

Nothing in this subsection shall be taken to affect the operation of subsection (2A) above.]

- (3) If the master of any vessel makes for the purposes of this section a declaration which is to his knowledge false in any material particular, he shall be guilty of an offence under this section; and if the master of any vessel fails to make, in respect of any sea fish, a declaration in accordance with the requirements of a notice duly served on him under this section or in accordance with a request duly made under this section by a British sea-fishery officer, [^{F14}the said sea fish shall—
- (a) where the notice or request was served or made under subsection (1) or (2) above, be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act; and
 - (b) where the notice or request was served or made under subsection (2A) or (2B) above, be presumed until the contrary is proved to be sea fish the trans-shipment of which is prohibited under that section.]
- (4) A notice under subsection (1) [^{F15}or (2A)] above relating to any vessel may be addressed to “The Master” of the vessel (identifying it by name or otherwise) and shall be deemed to be duly served if it is delivered or sent by post to, or to the agent of,

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the owner or the charterer (if any) of the vessel, together with a written request that it be transmitted to the master, and, if the notice is served by being so delivered or sent as aforesaid, it shall be deemed to be served on the master of the vessel for the time being and on every other person who at any material time thereafter is the master of the vessel.

Textual Amendments

- F10** Words in s. 7(1)(2) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(7)**; S.I. 1998/3178, **art. 3**
- F11** Words substituted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(4)**
- F12** S. 7(2A)(2B) inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(5)**
- F13** Words in s. 7(2A)(2B) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F14** Words substituted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(6)**
- F15** Words inserted by **Fisheries Act 1981 (c. 29, SIF 52:1), s. 23(7)**

8 Regulation of landing of foreign-caught sea fish.

(1) Subject to the provisions of this section and of section 9 of this Act, the [^{F16}Secretary of State for Trade], after consultation with the Ministers, may by order regulate the landing in [^{F17}England and Wales and Northern Ireland] of sea fish which have not been both—

- (a) taken by [^{F18}relevant] British fishing boats [^{F19}or Scottish fishing boats] registered in the United Kingdom, the Isle of Man or any of the Channel Islands; and
- (b) brought to land in [^{F17}England and Wales and Northern Ireland] without having been previously landed outside [^{F17}England and Wales and Northern Ireland];

and, without prejudice to the generality of the power conferred by the foregoing provisions of this section, an order under this section may determine for any such period as may be specified in the order—

- (i) the descriptions of such sea fish as aforesaid which may be landed in [England and Wales and Northern Ireland];
- (ii) the quantity of such sea fish, or of any description thereof, which may be so landed;

but the landing of sea fish taken by a [^{F18}relevant] British fishing boat registered in the Isle of Man or any of the Channel Islands shall not be exempt from the operation of an order under this section unless the master is either a British subject or a citizen of the Republic of Ireland and the second hand is also either a British subject or such a citizen.

(2) Any order under this section may contain such provisions as appear to the [^{F16}Secretary of State for Trade] after consultation with the Ministers, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) An order under this section regulating the landing of sea fish shall not be made unless it appears to the [^{F16}Secretary of State for Trade], after consultation with the Ministers, that there have been, or are being, taken all such steps (if any) as are practicable and necessary for the efficient reorganisation of that branch of the sea fishing industry of [^{F17}England and Wales and Northern Ireland] or of that branch of the fish curing

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industry in [^{F17}England and Wales and Northern Ireland], as the case may be, in whose interests the order is proposed to be made.

- (4) In deciding whether or not to make an order under this section, and in settling the terms of any such order, the [^{F16}Secretary of State for Trade] shall, among other considerations, have regard to the interests of consumers of the sea fish to which the order relates (including persons who purchase such sea fish for the purpose of subjecting them to any treatment or process of manufacture) and to the effect which the regulation of the landing of such sea fish in [^{F17}England and Wales and Northern Ireland] is likely to have upon commercial relations between the United Kingdom and other countries; and the [^{F16}Secretary of State for Trade] shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the government of any other country.

Textual Amendments

- F16** Words substituted by virtue of S.I. 1970/1537, **Sch. 2 para. 10**; and S.I. 1974/692, arts. 2(1), 5(3), **Sch. 1 Pt. III**
- F17** Words in s. 8 substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(8)(a)**; S.I. 1998/3178, **art. 3**
- F18** Words in s. 8(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F19** Words in s. 8(1)(a) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 43(8)(b)**; S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

- C5** S. 8: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(j)**
- C6** S. 8: transfer of functions (5.12.2012) by The Transfer of Functions (Sea Fisheries) Order 2012 (S.I. 2012/2747), arts. 1(2), **3(2)** (with art. 5)
- C7** S. 8(1)-(3) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(6)**

Changes to legislation:

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