



# Sea Fish (Conservation) Act 1967

## 1967 CHAPTER 84

### *Regulation of fishing for sea fish*

#### **[<sup>F2</sup>4A    <sup>F1</sup>Licensing of vessels receiving trans-shipped fish]**

- (1) The Ministers may by order provide that within [<sup>F3</sup>relevant] British fishery limits or in any specified area within those limits the receiving by any vessel (whether British or foreign) of fish trans-shipped from any other vessel is prohibited unless authorised by a licence granted by one of the Ministers.
- (2) Such an order may apply to the receiving of fish generally or to the receiving of—
  - (a) a specified description of fish; or
  - (b) fish caught by a specified method; or
  - (c) fish caught in a specified area; or
  - (d) fish caught or trans-shipped during a specified season of the year or other period; or
  - (e) fish caught or received by vessels of a specified description, including vessels registered in a specified country;and may provide for exceptions from the prohibitions contained in it.
- (3) Where any vessel is used in contravention of a prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section, and if it does so it shall specify a maximum charge and may specify maxima in relation to different classes of licence.
- (5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise the receiving of fish generally or may confer limited authority by reference to, in particular—
  - (a) the area within which the fish was caught or is trans-shipped; or

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- (b) the periods, times or particular voyages during which the fish was caught or is trans-shipped; or
  - (c) the descriptions and quantities of fish that may be received; or
  - (d) the description of vessel or method by which the trans-shipped fish was caught.
- (6) A licence under this section may authorise the receiving of fish either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of trans-shipment, including conditions as to the treatment on board the vessel of the fish received by it; and different conditions may be so imposed with respect to different vessels or vessels of different descriptions.
- If such a condition is broken the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence and any agent named in the licence to provide him with [<sup>F4</sup>such information, in such form,] as he may direct, and a person who fails without reasonable excuse to comply with such a requirement is guilty of an offence under this subsection.
- (8) Any person who—
- (a) for the purpose of obtaining a licence under this section; or
  - (b) in purported compliance with subsection (7) above,
- furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence under this subsection.
- (9) The licensing power conferred by this section may be exercised so as to limit the number of vessels, or of any description of vessel (including vessels or any description of vessel registered in a specified country) engaged in receiving fish to such an extent as appears to the Ministers necessary or expedient for the regulation of trans-shipment.
- (10) A licence under this section—
- (a) may be varied from time to time; and
  - (b) may be revoked or suspended, if it appears to the Minister who granted it to be necessary or expedient for the regulation of trans-shipment [<sup>F5</sup>or to be appropriate in a case where there is a contravention of a prohibition imposed by an order under this section or a contravention of a condition of the licence].
- (11) If a licence is varied, revoked or suspended, the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.
- (12) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.]

#### Textual Amendments

- F1** S. 4A heading inserted (1.4.2010) by virtue of [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 6(9)**, [324\(3\)](#); [S.I. 2010/907](#), **art. 2(2)(c)**
- F2** S. 4A inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **ss. 21(1)**, 27

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- F3** Word in s. 4A(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F4** Words in s. 4A(7) substituted (17.1.1993) by Sea Fish (Conservation) Act 1992 (c. 60), **ss. 3(2)**, 11(1) (with s. 11(4)).
- F5** Words in s. 4A(10)(b) added (17.1.1993) by Sea Fish (Conservation) Act 1992 (c. 60), **ss. 3(3)**, 11(1) (with s. 11(4)).

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

- C1** S. 4A: functions made exercisable concurrently (31.3.2010) by The Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), arts. 1(3), **5(1)(a)** (with art. 6(1))
- C2** S. 4A: transfer of functions (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6**, 324(3); S.I. 2010/907, art. 2(2)(c)
- C3** S. 4A: 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)(f)**
- C4** S. 4A: functions made exercisable concurrently with Welsh Ministers (1.4.2018) by 2006 c. 32, **Sch. 3A para. 2** (as inserted by Wales Act 2017 (c. 4), s. 71(4), Sch. 4 para. 2 (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)
- C5** S. 4A: functions made exercisable concurrently or jointly with Welsh Ministers (1.4.2018) by 2006 c. 32, **Sch. 3A para. 1** (as inserted by Wales Act 2017 (c. 4), s. 71(4), Sch. 4 para. 1 (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)
- C6** S. 4A(1) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(2)**, 324(3); S.I. 2010/907, art. 2(2)(c)
- C7** S. 4A(1): 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)(e)**
- C8** S. 4A(3) amended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 33(1), **Sch. 4 Pt. 1 para. 15**
- C9** S. 4A(4) modified (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 4(3)**
- C10** S. 4A(6) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, art. 2(2)(c)
- C11** S. 4A(7) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, art. 2(2)(c)
- C12** S. 4A(9) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(4)**, 324(3); S.I. 2010/907, art. 2(2)(c)
- C13** S. 4A(10) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, art. 2(2)(c)
- C14** S. 4A(11) modified (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 6(3)**, 324(3); S.I. 2010/907, art. 2(2)(c)

**Changes to legislation:**

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