



Sea Fisheries Act 1968

1968 CHAPTER 77

Miscellaneous

15 Amendments of Sea Fisheries (Shellfish) Act 1967.

(1) The ^{M1}Sea Fisheries (Shellfish) Act 1967 shall be amended in accordance with, and have effect subject to, the following provisions of this section.

^{X1}(2) [^{F1}In section 1(1) (orders as to fisheries for oysters, mussels and cockles) for the words “and cockles” there shall be substituted the words “cockles, clams and any other molluscs of a kind specified in regulations made by the appropriate Minister”.]

[^{F2}(2A) [^{F3}The reference in section 3(1) of the Sea Fisheries (Shellfish) Act 1967 to an order under section 1 of that Act conferring on the grantees a right of regulating a fishery which imposes restrictions on, or makes regulations respecting, the dredging, fishing for and taking of shellfish shall be construed as including a reference to an order under section 1 of that Act conferring on the grantees such a right which enables the grantees, with the consent of the appropriate Minister, to impose such restrictions or make such regulations; and the references in sections 3(1)(a), (2) and (3) of that Act to restrictions and regulations shall be construed as including a reference to restrictions so imposed and regulations so made.]]

(2B) The references in sections 4A(1) and 4B(1) of the Sea Fisheries (Shellfish) Act 1967 to restrictions imposed by, or regulations made by, an order under section 1 of that Act conferring a right of regulating a fishery, shall be construed as including a reference to restrictions imposed by, or regulations made by, the grantees by virtue of an order under section 1 of that Act which enables the grantees, with the consent of the appropriate Minister, to impose such restrictions or make such regulations.]

(3) The power to make an order under [^{F4}that section][^{F4}section 1 of that Act] conferring on the grantees a right of regulating a fishery for any specified description of shellfish shall be construed as including a power to enable them with the consent of the appropriate Minister to impose restrictions on, and make regulations respecting, the dredging, fishing for and taking of shellfish of that description within the limits of the regulated fishery.

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Cross Heading: Miscellaneous. (See end of Document for details)

- (4) An order under that section which imposes tolls or royalties upon persons dredging, fishing for and taking any specified description of shellfish within the limits of a fishery shall be construed as conferring on the grantees of the fishery power with the consent of the appropriate Minister to vary the tolls or royalties so imposed.
- (5) In subsections (3) and (4) above “the appropriate Minister” has the same meaning as in the Sea Fisheries (Shellfish) Act 1967.
- (6) Anything purporting to be done at any time before the passing of this Act under or by virtue of section 1 or 3 of the ^{M2}Sea Fisheries (Shellfish) Act 1967 or any enactment thereby re-enacted which could have been done by virtue of subsection (3) or (4) above if that subsection had been in force at that time shall be treated as if it had been done by virtue of that subsection.
- ^{X1}(7) In paragraph 4(6) of Schedule 1 (notice of inquiry in connection with making of an order under section 1) for the words “fourteen days” there shall be substituted the words “twenty-eight days”.

Editorial Information

- X1** The text of ss. 15(2)(7), 22(1)(2), Sch. 1 Pt. II paras. 24, 26–31, 34, 36–39, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Textual Amendments

- F1** S. 15(2) repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 202(5)(a), 324(3), [Sch. 22 Pts. 5\(A\)](#); [S.I. 2009/3345](#), art. 2, Sch. para. 9Sch. para. 27(b)
- F2** S. 15(2A)(2B) inserted (S.) (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 98\(3\)](#), 104(1); [S.S.I. 2006/432](#), art. 2(f)
- F3** S. 15(2A) repealed (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), s. 168(1), [Sch. 4 para. 10](#) (with s. 162); [S.S.I. 2011/58](#), art. 2(b) (with art. 5)
- F4** Words in s. 15(3) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 202\(5\)\(b\)](#), 324(3); [S.I. 2009/3345](#), art. 2, Sch. para. 9

Marginal Citations

- M1** 1967 c. 83.
- M2** 1967 c. 83.

16 ^{F5}

Textual Amendments

- F5** S. 16 repealed by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 46, [Sch. 5 Pt. II](#)

17 Fishing boats and gear lost or abandoned at sea.

Without prejudice to section [^{F6}236(1) of the Merchant Shipping Act 1995 (delivery of wreck to receiver)], fishing boats or fishing gear lost or abandoned at sea and either—

- (a) found or taken possession of within the territorial waters of the United Kingdom; or

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Cross Heading: Miscellaneous. (See end of Document for details)

(b) found or taken possession of beyond those waters and brought within those waters;
shall be treated as wreck for the purposes of Part IX of the [^{F6}Merchant Shipping Act 1995].

Textual Amendments

F6 Words in s. 17 substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 43(b)** (with s. 312(1))

Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries Act 1968, Cross Heading: Miscellaneous.