

Status: Point in time view as at 01/02/1991.

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

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

23 F1

Textual Amendments

F1 Sch. 1 Pt. II paras. 23, 32, 33 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 57(5), 58(4), Sch. 7, Sch. 8 para. 1

The Sea Fisheries (Scotland) Amendment Act 1885 (c. 70)

^{x1}24 In section 1 (citation and construction), for the words “the Sea Fisheries Act 1883” there shall be substituted the words “the Sea Fisheries Act 1968”.

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 II paras. 24, 26–31, 34, 36–39, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

25 F2

Textual Amendments

F2 Sch. 1 Pt. II paras. 25, 35 repealed by Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10(2), Sch. 2

^{x2}26 In section 6 (returns about sea fisheries) the words “against the Sea Fisheries Act 1883” shall be omitted and at the end there shall be inserted the words “and sections 12(2) and 14 of the Sea Fisheries Act 1968 shall apply to an offence under this section as they apply to an offence under section 5, 6 or 10 of that Act”.

Editorial Information

X2 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 II paras. 24, 26–31, 34, 36–39, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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^{x3}27 After section 6 there shall be inserted the following section—

“6A Vicarious liability of master of boat.

Where any offence under this Act has been committed by some person belonging to a sea-fishing boat, the master of such boat shall in every case be liable to be deemed guilty of such offence:

Provided that it shall be a defence for the master to prove that he issued proper orders for the observance, and used due diligence to enforce the observance, of the provision of the Act or byelaw contravened and that the offence in question was actually committed by some other person without his connivance.”

Editorial Information

X3 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

^{x4}28 In section 7 (report of sea-fishery officer concerning compensation), for any reference to a sea-fishery officer there shall be substituted a reference to a British sea-fishery officer and at the end there shall be inserted the following proviso—

“Provided that nothing in the first paragraph of this section shall apply to an offence under section 5, 6 or 10 of the Sea Fisheries Act 1968.”

Editorial Information

X4 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

^{x5}29 In section 8 (compensation for damage caused by offence), for the reference to a sea-fishery officer there shall be substituted a reference to a British sea-fishery officer and at the end there shall be inserted the following proviso—

“Provided that nothing in this section shall apply to an offence under section 5, 6 or 10 of the Sea Fisheries Act 1968.”

Editorial Information

X5 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

^{x6}30 In section 10 (powers of sea-fishery officers) for the words from “sea” where it first occurs to the end there shall be substituted the words “a British sea-fishery officer may exercise all the powers conferred on him by section 8 of the Sea Fisheries Act 1968 for the purpose of enforcing the provisions of an order under section 5 of that Act or of section 6 of that Act or any order thereunder”.

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- X6** 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

The Fisheries Act 1891 (c. 37)

- ^{x7}31 In section 13 (powers of taking legal proceedings) the words “the Sea Fisheries Act 1883 or any other Act relating to sea fisheries or by” shall cease to have effect.

Editorial Information

- X7** 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

The Merchant Shipping Act 1894 (c. 60)

- 32, 33. ^{F3}

Textual Amendments

- F3** Sch. 1 Pt. II paras. 23, 32, 33 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 57(5), 58(4), Sch. 7, Sch. 8 para. 1

- ^{x8}34 In section 3 (definition of Sea Fisheries Acts) for the words from “ Sea Fisheries Acts ” to “1885” there shall be substituted the words “ Sea Fisheries Acts’ has the same meaning as in the Sea Fisheries Act 1968”.

Editorial Information

- X8** 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

The Illegal Trawling (Scotland) Act 1934 (c. 18)

- 35 ^{F4}

Textual Amendments

- F4** Sch. 1 Pt. II paras. 25, 35 repealed by Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10(2), Sch. 2

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The Sea Fish Industry Act 1962 (c. 31)

- ^{x9}36 In section 17(2) (enactments to which the section’s exemption for operations for scientific and other purposes applies) for the words from “any enactment” to “this Act” there shall be substituted the words “section 6 of the Sea Fisheries Act 1968”.

Editorial Information

- X9** 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

The Sea Fisheries Regulation Act 1966 (c. 38)

- ^{x10}37 In section 13(5) (powers of local fisheries committees), the words from the beginning to “1883” and from “the provisions” to “and of” and the word “other” shall cease to have effect.

Editorial Information

- X10** 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

The Sea Fish (Conservation) Act 1967 (c. 84)

- ^{x11}38 (1) Section 15 (powers of British sea-fishery officers) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) the words from the beginning to “1962” shall cease to have effect.
- (3) For subsections (3) to (7) there shall be substituted the following subsections:—
- “(3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands, and in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968 as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of any of the provisions of sections 1 to 7 of this Act or any order made under any of those sections.
- (4) An order under this section may make different provision for different cases.
- (5) Section 10 of the Sea Fisheries Act 1968 shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred; and, in relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly.”

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X11 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

^{x12}39 In section 22(1), in the definition of “British sea-fishery officer”, for the words from “section 11” to “1951” there shall be substituted the words “section 7 of the Sea Fisheries Act 1968”.

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Editorial Information

X12 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

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