

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Fishery Limits Act 1976, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 9(2).

#### TRANSITIONAL PROVISIONS

##### *Designation orders*

F11 .....

##### **Textual Amendments**

**F1** Sch. 3 para. 1 repealed (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 para. 3(2)(b) (with Sch. 4 para. 31)

##### *Fish size orders.*

- 2 (1) The provisions of this paragraph apply to orders made under section 1 of the <sup>M1</sup>Sea Fish (Conservation) Act 1967 prescribing minimum fish sizes for the purpose of prohibitions imposed by and under that section on the carrying, landing and commercial use of under-sized fish.
- (2) From the coming into force of the amendment by this Act of subsection (4) of that section replacing the reference to the fishery limits of the British Islands, orders which by virtue of that subsection impose a prohibition on the carrying of under-sized fish by foreign fishing boats shall have effect—
- (a) as if made by virtue of the subsection as amended; and
  - (b) as if the reference in the order to the fishery limits of the British Islands were a reference to British fishery limits.

##### **Marginal Citations**

**M1** 1967 c. 84.

##### *Nets and gear orders*

- 3 (1) The provisions of this paragraph apply to orders made under section 3 of the <sup>M2</sup>Sea Fish (Conservation) Act 1967 imposing requirements relating to nets and other fishing gear carried by fishing boats.
- (2) From the coming into force of the amendment by this Act of subsection (2) of that section replacing the reference to the fishery limits of the British Islands, the prohibitions imposed on foreign fishing boats by Articles 5 and 7 of The <sup>M3</sup>Fishing Nets (North-East Atlantic) Order 1976 shall have effect—
- (a) as if that order had been made under the subsection as amended; and

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- (b) as if the reference in those Articles to the fishery limits of the British Islands were a reference to British fishery limits.
- (3) The said amendment does not, in the case of other orders made before its coming into force, extend any prohibition imposed by virtue of the said subsection (2), but this is without prejudice to—
  - (a) the power conferred by paragraph 8(3) below to adapt such orders; or
  - (b) the power to vary such orders under the subsection as amended.

**Marginal Citations**

**M2** 1967 c. 84.

**M3** S.I. 1976, No. 1324.

*Licensing orders*

- 4
- (1) The provisions of this paragraph apply to orders made under section 4 of the <sup>M4</sup>Sea Fish (Conservation) Act 1967 specifying an area in which fishing by British fishing boats by way of trade or business is prohibited unless authorised by licence.
  - (2) Such an order continues in force notwithstanding the substitution of a new section 4 by section 3 of this Act and has effect (and may be varied or revoked) as if it were an order made under the new section 4 prohibiting, unless licensed, fishing by British fishing boats by way of trade or business in the area specified in the order.
  - (3) Where such an order specifies the areas to which it applies by reference to the “fishery limits of the British Islands”, that reference shall continue to be construed in accordance with the <sup>M5</sup>Fishery Limits Act 1964.
  - (4) Where an order continues in force by virtue of sub-paragraph (2), licences authorising fishing in the area to which the order applies also continue in force and have effect (and may be varied, revoked or suspended) as if they had been granted under the new section 4.

**Marginal Citations**

**M4** 1967 c. 84.

**M5** 1964 c. 72.

*Prohibition orders*

- 5
- (1) The provisions of this paragraph apply to orders made under section 5 of the <sup>M6</sup>Sea Fish (Conservation) Act 1967 imposing a prohibition in relation to fishing in an area specified in the order.
  - (2) Where such an order specifies the area to which it applies by reference to “the fishery limits of the British Islands”, “the exclusive fishery limits” or any similar expression that reference shall continue to be construed in accordance with the <sup>M7</sup>Fishery Limits Act 1964.

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- (3) From the coming into force of the amendment by this Act of subsection (8) of the said section 5 replacing the reference to the fishery limits of the British Islands that subsection applies as amended—
- (a) to the prohibition contained in the <sup>M8</sup>Herring (Celtic Sea) (Prohibition of Fishing Method) Order 1971, and
  - (b) to subsection (6) of section 5 (duty to return fish) as that subsection applies to fish caught in contravention of that prohibition.
- (4) The subsection applies as unamended—
- (a) to prohibitions contained in other orders made before the coming into force of the amendment, and
  - (b) to subsection (6) of section 5 as that subsection applies to fish caught in contravention of such prohibitions.

**Marginal Citations**

- M6** 1967 c. 84.
- M7** 1964 c. 72.
- M8** S.I. 1971, No. 1623.

*Powers of British sea fishery officers*

- 6 (1) The provisions of this paragraph apply to orders made under section 15(3) of the <sup>M9</sup>Sea Fish (Conservation) Act 1967 conferring powers on British sea fishery officers to enforce the provisions of sections 1 to 7 of that Act or of orders made under those provisions.
- (2) Where by virtue of any of the provisions of paragraphs 2 to 5 above any prohibition contained in, or operating by reference to, an order made under section 1, 3, 4 or 5 of the said Act of 1967 is extended to an area outside the old but within the new fishery limits, the powers conferred for the enforcement of that prohibition shall be correspondingly extended as if the order concerned had been made under section 15(3) as amended by this Act.
- (3) In sub-paragraph (2) “the old fishery limits” means the fishery limits of the British Islands set by the <sup>M10</sup>Fishery Limits Act 1964 and “the new fishery limits” means British fishery limits set by or under this Act.

**Marginal Citations**

- M9** 1967 c. 84.
- M10** 1964 c. 72.

*Stowage of gear orders*

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#### Textual Amendments

- F2** Sch. 3 para. 7 repealed (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 para. 3(2)(b) (with Sch. 4 para. 31)

#### *General*

- 8 (1) Subject to the foregoing provisions of this Schedule, the provisions of this paragraph apply to references in enactments, and in instruments made under enactments to the “fishery limits of the British Islands”, the “exclusive fishery limits” and the “outer belt”, and to similar references.
- (2) Such a reference in an enactment shall continue to be construed in accordance with the <sup>M11</sup>Fishery Limits Act 1964 until there is brought into force under this Act an amendment of the enactment replacing that reference.
- (3) An order under section 12 of this Act which appoints a day for the coming into force of an amendment replacing such a reference in an enactment may provide for such consequential adaptations in instruments made under the enactment as appear to the Ministers to be necessary or expedient.
- (4) Subject to sub-paragraph (3) above, such a reference in an instrument shall continue to be construed in accordance with the <sup>M12</sup>Fishery Limits Act 1964.

#### Marginal Citations

- M11** 1964 c. 72.  
**M12** 1964 c. 72.

- 9 Except so far as expressly provided, the provisions of this Schedule do not prejudice—
- (a) sections 1(5) and 10(2)(b) of this Act (meaning of “British fishery limits” in enactments);
  - (b) section 12(2) to (4) of this Act (commencement and related powers);
  - (c) section 31 of the <sup>M13</sup>Interpretation Act 1889 (construction of instrument by reference to the enactment under which the instrument is made);
  - (d) section 38 of that Act (effect of repeals).

#### Marginal Citations

- M13** 1889 c. 63.

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