

ELIZABETH II



Import of Live Fish (England and Wales) Act 1980

1980 CHAPTER 27

An Act to restrict in England and Wales the import, keeping or release of live fish or shellfish or the live eggs or milt of fish or shellfish of certain species.

[15th May 1980]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Without prejudice to section 1(1) of the Diseases of Fish Act 1937 and subject to subsection (2) below, the Minister may by order forbid either absolutely or except under a licence granted under this section, the import into, or the keeping or the release, in any part of England and Wales of live fish, or the live eggs of fish, of a species which is not native to England and Wales and which in the opinion of the Minister might compete with, displace, prey on or harm the habitat of any freshwater fish, shellfish or salmon in England and Wales.

Power to limit the import etc. of fish and fish eggs. 1937 c. 33.

(2) Before determining whether or not to make an order under this section, the Minister shall consult the Nature Conservancy Council and any other person with whom the Minister considers that consultation is appropriate.

(3) The Minister may, subject to such conditions as he thinks fit, grant a licence to any person to import or keep live fish, or the live eggs of fish, of a species specified in an order under this section and the Minister may revoke or vary any such licence.

(4) An order under this section may, with the consent of the Treasury, authorise the making of a charge for a licence under this section and shall specify a maximum charge.

(5) The power conferred by this section to make orders shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Powers of
entry and
inspection.

2.—(1) While an order under section 1 of this Act is in force any officer commissioned by the Commissioners of Customs and Excise, a police constable or a person duly authorised by the Minister may at all reasonable times, on production of his authority if so required, enter and inspect any land occupied by a person holding a licence granted under that section and any other land upon which he has reason to believe that live fish, or the live eggs of fish, of the species specified in the order are being kept or may be found.

(2) In this section “land” includes land covered with water but does not include a dwelling-house.

Offences etc.

3.—(1) Subject to subsection (2) below, any person who—

(a) imports or attempts to import into, or keeps or releases, in any part of England and Wales any live fish, or the live eggs of fish, of a species specified in an order under section 1 of this Act—

(i) in a case where the order forbids absolutely such import, keeping or release ;

(ii) without having a valid licence granted under the said section 1 authorising such import or keeping, in a case where the order forbids the import or keeping except under such a licence;

(b) being the holder of a licence granted to him under the said section 1, acts in contravention of or fails to comply with any term of the licence;

(c) obstructs any person from entering or inspecting any land in pursuance of section 2 of this Act;

shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding £500.

(2) A person shall not be guilty of an offence under this Act in respect of any act if he does the act for some scientific or research purpose authorised by the Minister.

(3) The Court by whom any person is convicted of an offence under paragraph (a) or (b) of subsection (1) above shall order any fish or eggs in respect of which the offence was committed to be forfeited and destroyed.

(4) Any person who is empowered to enter land under section 2 of this Act may seize any fish or eggs with respect to which he has reason to believe that an offence under paragraph (a) or (b) of subsection (1) above has been committed, and may detain them pending the determination of any proceedings to be instituted under the said paragraph (a) or (b), or until the Minister is satisfied that no such proceedings are likely to be instituted.

4. In this Act—

Interpretation.

“eggs” include milt;

“fish” includes shellfish;

“freshwater fish” means any fish living in fresh water including eels and the fry of eels, but excluding salmon;

“Minister” means

(a) in relation to England, the Minister of Agriculture, Fisheries and Food; and

(b) in relation to Wales, the Secretary of State for Wales;

“salmon” includes all migratory fish of the species *Salmo salar* and *Salmo trutta* commonly known as salmon and sea trout respectively;

“shellfish” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish.

5.—(1) This Act may be cited as the Import of Live Fish (England and Wales) Act 1980. Short title
and extent.

(2) This Act extends to England and Wales only.

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