



# Fisheries Act 1981

## 1981 CHAPTER 29

### PART IV

#### FISH FARMING

#### **33 Exclusion of offences under conservation legislation.**

- (1) A person shall not be guilty of an offence mentioned in Part I of Schedule 4 to this Act by reason of anything done or omitted by him in the course of fish farming if it is done or omitted under the authority of an exemption conferred by the Minister and in accordance with any conditions attached to the exemption.
- (2) The Minister may by regulations confer general exemptions for the purposes of subsection (1) above, and such regulations may—
  - (a) make different provision for different methods of fish farming and for other different circumstances; and
  - (b) specify conditions to which the exemptions are subject.
- (3) Regulations under subsection (2) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament [<sup>F1</sup>or, in the case of regulations in relation to Scotland, the Scottish Parliament].
- (4) In the application of subsections (1) and (2) above to offences under the <sup>M1</sup>Salmon and Freshwater Fisheries Act 1975, “the Minister” means, in relation to the area of the Welsh Water Authority, the Secretary of State and, in relation to other areas to which the Act applies, the Minister of Agriculture, Fisheries and Food; and in the application of those subsections to offences under enactments relating to sea fishing, “the Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food, and, in relation to Wales <sup>F2</sup>. . . the Secretary of State concerned with fisheries in that country [<sup>F3</sup>and, in relation to Scotland, the Scottish Ministers].
- (5) It shall be a defence for a person charged with an offence mentioned in Part II of Schedule 4 to this Act to show that he believed on reasonable grounds that the fish with respect to which the offence is alleged to have been committed were produced by fish farming.

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*Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 1981, Section 33. (See end of Document for details)*

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- (6) In this section “fish farming” means the breeding, rearing or cultivating of fish (including shellfish) whether or not the purpose of producing food for human consumption; but the reference in subsection (5) above to fish produced by fish farming does not include fish bred, reared or cultivated in captivity which have later been released to the wild.

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#### **Textual Amendments**

- F1** Words in s. 33(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 68(8)(a)**; S.I. 1998/3178, **art. 3**
- F2** Words in s. 33(4) repealed (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 68(8)(b)**, Pt. IV; S.I. 1998/3178, **art. 3**
- F3** Words in s. 33(4) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para 68(8)(b)**; S.I. 1998/3178, **art. 3**
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#### **Marginal Citations**

- M1** 1975 c. 51.

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act 1981, Section 33.