



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 7

FISHERIES

CHAPTER 1

THE SEA FISH (CONSERVATION) ACT 1967

194 Size limits for sea fish

- (1) Section 1 of the Sea Fish (Conservation) Act 1967 (c. 84) (size limits, etc for fish) is amended as follows.
- (2) In subsection (1), for the words from “, being a fish” to “prescribed” substitute “ which does not meet such requirements as to size as may be prescribed ”.
- (3) In subsection (2), for the words from “, being a fish” to “prescribed” substitute “ which does not meet such requirements as to size as may be prescribed ”.
- (4) For subsection (3) substitute—
 - “(3) Sea fish of any description which do not meet the requirements as to size prescribed in relation to sea fish of that description by an order of the appropriate national authority shall not be carried, whether within or outside relevant British fishery limits, on a relevant British vessel; and an order under this subsection may prohibit the carrying by a Scottish or Northern Ireland fishing boat or a foreign vessel in waters to which subsection (3A) applies of sea fish of any description prescribed by the order which do not meet the requirements as to size so prescribed in relation to sea fish of that description.
 - (3A) This subsection applies to the sea within British fishery limits, other than the Scottish zone and the Northern Ireland zone.

Status: Point in time view as at 12/11/2009. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation: Marine and Coastal Access Act 2009, Chapter 1 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“Northern Ireland zone” has the meaning given by the Northern Ireland Act 1998 (see section 98 of that Act).”

(5) For subsection (9) substitute—

“(9) In this section—

“the appropriate national authority” means—

- (a) in relation to Wales (within the meaning of the Government of Wales Act 2006), the Welsh Ministers;
- (b) in any other case, the Secretary of State;

“foreign vessel” means any vessel other than a relevant British vessel, a Scottish fishing boat or a Northern Ireland fishing boat;

“Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;

“relevant British vessel” means a vessel, other than a Scottish fishing boat or a Northern Ireland fishing boat, which—

- (a) is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995, or
- (b) is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.”

Commencement Information

II S. 194 partly in force; s. 194 in force for specified purposes at Royal Assent see s. 324(1)(c)

195 Regulation of nets and other fishing gear

(1) Section 3 of the Sea Fish (Conservation) Act 1967 (c. 84) (regulation of nets and other fishing gear) is amended as follows.

(2) After subsection (2) insert—

“(2A) An order under this section may be made by the appropriate national authority so as to extend to nets or other fishing gear used by any person, otherwise than from a fishing boat, for fishing for or taking sea fish in the sea within the seaward limits of the territorial sea adjacent to England and Wales.

(2B) In subsection (2A) above “the appropriate national authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers.”

(3) After subsection (5) insert—

“(5A) A person who contravenes an order made under this section by virtue of subsection (2A) above shall be guilty of an offence under this section.”

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Commencement Information

I2 S. 195 partly in force; s. 195 in force for specified purposes at Royal Assent see s. 324(1)(c)

196 Charging for commercial fishing licences

(1) In section 4 of the Sea Fish (Conservation) Act 1967 (licensing of fishing boats) after subsection (4) (power to authorise charges for licences) insert—

“(4A) The provision that may be made in an order by virtue of subsection (4) above includes—

- (a) provision for the amount of any charge to be specified in, or determined in accordance with provision made by, the order;
- (b) different provision in relation to different classes of licence;
- (c) provision for no charge to be payable in such circumstances as may be specified in the order.”

(2) In section 22 of that Act (interpretation) after subsection (3) insert—

“(3A) Any reference in this Act to a class is a reference to a class defined or described by reference to any circumstances whatsoever (whether or not relating to fishing or vessels).”

Commencement Information

I3 S. 196 partly in force; s. 196 in force for specified purposes at Royal Assent see s. 324(1)(c)

VALID FROM 12/01/2010

197 Grant of licences subject to conditions imposed for environmental purposes

In section 4 of the Sea Fish (Conservation) Act 1967 (licensing of fishing boats) after subsection (6) (power to grant licences subject to conditions) insert—

“(6ZA) The conditions subject to which a licence may be granted under this section include conditions imposed for the purposes of—

- (a) conserving or enhancing the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas; or
- (b) conserving flora or fauna which are dependent on, or associated with, a marine or coastal environment.”

198 Power to restrict fishing for sea fish

(1) Section 5 of the Sea Fish (Conservation) Act 1967 (c. 84) (power to restrict fishing for sea fish) is amended as follows.

(2) For subsection (1) substitute—

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- “(1) Subject to the provisions of this section, the appropriate national authority may make an order—
- (a) prohibiting, in any area specified in the order and either for a period so specified or without limitation of time—
 - (i) all fishing for sea fish;
 - (ii) fishing for any description of sea fish specified in the order;
 - (iii) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified;
 - (b) restricting, in any area specified in the order and either for a period so specified or without limitation of time, the amount of sea fish, or sea fish of a description specified in the order, that may, in any period so specified, be taken by—
 - (i) any person;
 - (ii) any fishing boat.

A person who contravenes any prohibition or restriction imposed by an order under this section shall be guilty of an offence under this subsection.

(1A) Where any fishing boat is used in contravention of any prohibition or restriction imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under subsection (1) above.

(1B) An order under this section which prohibits in any area—

- (a) fishing for sea fish, or for any description of sea fish specified in the order, or
- (b) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,

may provide that any fishing gear, or any fishing gear of a description specified in the order, of any fishing boat in that area must be stowed in accordance with provision made by the order.

(1C) An order under this section restricting the amount of sea fish of any description that may be caught in a period specified in the order may provide that, for the purposes of paragraph (b) of subsection (1) above, any sea fish of that description that, after being caught in that period, is returned to the sea as soon as that amount is exceeded is not to be treated as having been caught in contravention of the restriction imposed by the order.”

(3) For subsection (8) substitute—

- “(8) The only provision that may be made by an order under this section in relation to an area outside British fishery limits, or an area within the Scottish zone or the Northern Ireland zone, is provision applying to—
- (a) a British fishing boat, other than a Scottish fishing boat or a Northern Ireland fishing boat, that is registered in the United Kingdom; or
 - (b) in so far as the order relates to fishing for salmon or migratory trout, a fishing boat which is British-owned but not registered under the Merchant Shipping Act 1995.

(9) In this section—

“the appropriate national authority” means—

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- (a) in relation to Wales (within the meaning of the Government of Wales Act 2006), the Welsh Ministers;
- (b) in any other case, the Secretary of State;

“Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;

“Northern Ireland zone” has the meaning given by the Northern Ireland Act 1998 (see section 98 of that Act).”

Commencement Information

I4 S. 198 partly in force; s. 198 in force for specified purposes at Royal Assent see s. 324(1)(c)

VALID FROM 12/01/2010

199 Penalties for offences

- (1) The Sea Fish (Conservation) Act 1967 (c. 84) is amended as follows.
- (2) In section 11 (penalties for offences), in subsection (1)(a)—
 - (a) for “section 4(3) or (6)” substitute “ section 1, 2, 3, 4(3), (6) or (9A) ”;
 - (b) for “5(1) or 6(5A)(a)” substitute “ 5(1) or (6) or 6(5) or (5A) ”.
- (3) In section 15 (powers of British sea-fishery officers for enforcement of that Act)—
 - (a) in subsection (2C) (penalties for certain offences) omit paragraph (b) and the “or” preceding it;
 - (b) after that subsection insert—
 - “(2D) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (2A) or (2B) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50,000.
 - (2E) Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (2A) or (2B) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.”
- (4) In section 16 (enforcement of orders under sections 1 and 2 of that Act), for subsection (1A) (penalties for certain offences) substitute—
 - “(1A) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50,000.
 - (1B) Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.”

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VALID FROM 12/01/2010

200 Offences by directors, partners, etc

In the Sea Fish (Conservation) Act 1967 (c. 84), for section 12 (offences committed by bodies corporate) substitute—

“12 Offences by directors, partners, etc

- (1) Where a relevant offence has been committed by a body corporate and it is proved that the offence—
 - (a) has been committed with the consent or connivance of a person falling within subsection (2), or
 - (b) is attributable to any neglect on the part of such a person, that person (as well as the body corporate) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) The persons are—
 - (a) a director, manager, secretary or similar officer of the body corporate;
 - (b) any person who was purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.
- (4) Where a relevant offence has been committed by a Scottish firm and it is proved that the offence—
 - (a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or
 - (b) is attributable to any neglect on the part of such a person, that person (as well as the firm) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (5) In this section “relevant offence” means an offence under any provision of sections 1 to 6 of this Act.”

VALID FROM 12/01/2010

201 Minor and consequential amendments

Schedule 15 contains minor and consequential amendments relating to this Chapter.

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