

1970 No. 584

SEA FISHERIES

WHITE FISH INDUSTRY

The White Fish Authority (Minimum Prices) (Scotland and Northern Ireland) Scheme Confirmatory Order 1970
*Laid before Parliament in draft**Made* - - - 15th April 1970*Coming into Operation* 16th April 1970

Whereas the White Fish Authority (hereinafter referred to as "the Authority") have made the White Fish Authority (Minimum Prices) (Scotland and Northern Ireland) Scheme 1969 (hereinafter referred to as "the Scheme") ;

And Whereas the Authority have transmitted to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, being the Secretary of State concerned with the sea fishing industry in Scotland, and the Secretary of State for the Home Department, being the Secretary of State concerned with the sea fishing industry in Northern Ireland, (hereinafter referred to as "the Ministers") the objections to the Scheme which have been duly made to the Authority and have not been withdrawn and the Ministers have considered such objections ;

And Whereas the Ministers, after consultation with the Authority, have considered it desirable to make such modifications in the Scheme as hereinafter appear and have caused notice thereof to be published in such manner as they thought best adapted for informing persons affected ;

And Whereas the Ministers are satisfied as to the matters referred to in section 6(2) of the Sea Fish Industry Act 1951(a) and that it is expedient that the Scheme, as so modified, should have effect ;

Now Therefore the Ministers, in exercise of the powers conferred on them by section 6(2) of the Sea Fish Industry Act 1951 as extended to Northern Ireland by the Northern Ireland (Sea Fish Industry) Order 1951(b) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament :—

1. This Order may be cited as the White Fish Authority (Minimum Prices) (Scotland and Northern Ireland) Scheme Confirmatory Order 1970 and shall come into operation on the day after the date hereof.

2. The White Fish Authority (Minimum Prices) (Scotland and Northern Ireland) Scheme 1969 having been modified in the following respects, that is to say,

 (a) 1951 c. 30.

(b) S.I. 1951/1797 (1951. I, p. 738).

- (a) by substituting in paragraph 2, for the words “that Act as applied by the Interpretation Act 1921.” the words “the Interpretation Act (Northern Ireland) 1954” ;
- (b) by inserting in paragraph 3 after the definition of “producer” the following definition—
 “ “purchase”, except in paragraph 8(2) of this scheme, means purchase otherwise than by retail and “purchased” and “purchasers” shall be construed accordingly.” ;
- (c) by omitting from the proviso to paragraph 4(2), the words “by more than 10 per cent” ;
- (d) by substituting in paragraph 8 for the words from the beginning to “a designated area”, the words—
 “8—(1) No designated white fish—
 (a) shall be sold or purchased at first hand in a designated area,
 or
 (b) having been purchased elsewhere than in a designated area, shall be brought into the area” ;
- (e) by inserting in paragraph 8, at the end, the following sub-paragraph—
 “(2) No person to whom a licence has been granted by the Authority under this paragraph shall dispose of any designated white fish otherwise than by way of sale or acquire any such fish otherwise than by way of purchase.” ;
- (f) by inserting in the proviso to paragraph 9(1), after the word “scheme”, the words “and as may be approved by the Ministers” ;
- (g) by omitting from paragraph 9(2), the words “subject to the provisions of sub-paragraph (3) of this paragraph” ;
- (h) by omitting sub-paragraphs (3) to (6) of paragraph 9 ; and
- (i) by omitting paragraph 18
- is hereby confirmed and is set out in the Schedule to this Order.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th April 1970.

(L.S.)

Cledwyn Hughes,
 Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 14th April 1970.

(L.S.)

William Ross,
 Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 15th April 1970.

James Callaghan,
 Secretary of State for the Home Department.

SCHEDULE

THE WHITE FISH AUTHORITY (MINIMUM PRICES)

(SCOTLAND AND NORTHERN IRELAND) SCHEME 1969.

Whereas it appears to the Authority that it is expedient to bring into force in Scotland and Northern Ireland a scheme for the regulation of the white fish industry so as to secure greater stability of first hand prices for white fish and more uniform returns to producers of white fish:

And Whereas the Authority have consulted with such bodies as appear to them to be representative of the interests concerned:

Now, therefore, in exercise of the powers conferred upon them by section 6(1) of the Sea Fish Industry Act 1951 as extended to Northern Ireland by the Northern Ireland (Sea Fish Industry) Order 1951 and all other powers enabling them in that behalf, the Authority hereby make the following scheme:

Citation and Interpretation

1. This scheme may be cited as the White Fish Authority (Minimum Prices) (Scotland and Northern Ireland) Scheme 1969 and shall apply only to Scotland and Northern Ireland.

2. In Scotland the Interpretation Act 1889 and in Northern Ireland the Interpretation Act (Northern Ireland) 1954, shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. In this scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them that is to say:

“the Authority”	means the White Fish Authority.
“the 1951 Act”	means the Sea Fish Industry Act 1951.
“designated area” and “designated white fish”	have the meanings assigned to these expressions by paragraph 4 of this Scheme.
“determined”	means determined by the Authority.
“first hand”	means in relation to a sale or purchase of designated white fish the first sale or purchase thereof after it has been landed in or brought into a designated area.
“the Ministers”	means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and in Northern Ireland.
“producer”	means a person, residing or having a place of business in Scotland or Northern Ireland, who either individually or jointly with others and as an owner or charterer carries on the business of operating a vessel for catching and landing white fish.
“purchase”	except in paragraph 8(2) of this scheme, means purchase otherwise than by retail and “purchased” and “purchasers” shall be construed accordingly.
“registered length”	means, in relation to a vessel, its length as calculated for the purposes of registration under the Merchant Shipping Act 1894 or any amendment thereof.
“salesman”	means a person who as agent for another offers for sale or sells white fish at first hand.
“white fish”	has the same meaning as in the 1951 Act, except that it does not include shellfish, canned white fish or processed white fish (packed in advance ready for retail sale in containers made wholly or mainly of metal, glass or earthenware), cooked white fish or any manufactured product containing white fish.

Minimum Prices

4. (1) After consultation with such bodies as appear to them to be representative of the interests concerned, the Authority shall, in respect of such area or areas in Scotland and Northern Ireland as may be determined (any such area being hereinafter referred to as a "designated area"), fix minimum prices for such species or descriptions of white fish as may be determined (any fish of such species or descriptions being hereinafter referred to as "designated white fish") and the Authority may fix different minimum prices according to species or descriptions of fish or according to area or areas and may from time to time vary or cancel any minimum prices so fixed.

(2) The minimum prices so fixed or varied by the Authority under this paragraph shall have no effect without the approval of the Ministers who may approve any prices so fixed or varied with or without modification:

Provided that this sub-paragraph shall not apply to the variation of a minimum price approved by the Ministers where the variation does not increase the price as so approved.

5. Any minimum price for the time being having effect under this scheme may, in respect of designated white fish headed, filleted or otherwise reduced in weight other than by gutting, be increased in accordance with conversion factors determined by the Authority and the minimum price as so increased shall have effect in respect of the application of this scheme to such white fish.

6. No person,

(a) shall sell or purchase at first hand, whether as principal or agent, designated white fish which has been landed in or brought into a designated area, or

(b) shall bring into a designated area from a place elsewhere than a designated area designated white fish which have been purchased by him whether as principal or agent,

at prices lower than the minimum prices for the time being having effect under this scheme for such fish in respect of that designated area:

Provided that this paragraph shall not apply to the sale or purchase of designated white fish for purposes other than human consumption.

Licences

7. No vessel shall be used

(a) by a producer for catching and landing designated white fish in a designated area and

(b) by any other person for landing designated white fish in a designated area,

unless there is in force a licence issued by the Authority to such producer or other person in respect of the vessel for those purposes:

Provided that the Authority may determine that, for the period specified, any vessel or classes of vessel defined according to registered length shall be exempt from the provisions hereof.

8.—(1) No designated white fish—

(a) shall be sold or purchased at first hand in a designated area, or

(b) having been purchased elsewhere than in a designated area shall be brought into the area

by any person, whether as principal or agent, unless there is in force a licence granted by the Authority to such person for those purposes:

Provided that the Authority may grant such exemptions as appear to them expedient.

(2) No person to whom a licence has been granted by the Authority under this paragraph shall dispose of any designated white fish otherwise than by way of sale or acquire any such fish otherwise than by way of purchase.

9.—(1) On application being made for a licence under paragraphs 7 and 8 of this scheme, on receipt of such information as may be required and on payment of the appropriate fee therefor in accordance with such scales as may be determined, the Authority shall grant the licence:

Provided that the Authority may grant the licence subject to such conditions as they may deem necessary for the purposes of this scheme and as may be approved by the Ministers.

(2) Every licence granted under sub-paragraph (1) of this paragraph shall be renewable annually or otherwise as the Authority may decide on payment of the appropriate fee.

(3) Any person required under this scheme to hold a licence shall, when asked to do so by an authorised officer of the Authority, produce the licence to that officer for examination not later than 5 days after being so asked.

Books, Records and Returns

10. Producers, salesmen and purchasers of designated white fish shall keep such books and records in connection with their sales and purchases of designated white fish as the Authority may from time to time for the purposes of this Scheme determine and such persons shall produce to the Authority or their authorised officers any such books and records and shall furnish to the Authority such returns and other information as the Authority may require for the purposes of this scheme.

General

11. The Authority may give such directions or take such other steps, as they consider necessary for the proper enforcement of this scheme, with respect to the marking or other identification of designated white fish sold for purposes other than human consumption:

Provided that any direction given by the Authority hereunder may be general or specific in character.

12. Any person contravening any of the provisions of this scheme or failing to comply with a direction given under paragraph 11 of this scheme shall be guilty of an offence against Part I of the Sea Fish Industry Act 1951.

13. The Authority may recover all sums due to them under this scheme by ordinary process of law.

14. The Authority shall for the purposes of this scheme have power to do such incidental things including the incurring of capital expenditure as may in their opinion be necessary or desirable for the exercise or implementation of any of their powers or duties thereunder.

15. There shall be established by the Authority within the White Fish Industry Fund an account into which shall be paid all sums received in respect of licences granted under paragraph 9(1) of this scheme and payments out of the said account shall only be made in meeting the administrative costs, including capital expenditure, of this scheme.

Procedure

16.—(1) At least 28 days before exercising their powers under paragraph 4 of this scheme, other than in the circumstances specified in the proviso to para-

graph 4(2), the Authority shall cause to be published in such manner as they think best adapted for informing persons affected, a notice of the Authority's proposals, which notice shall:—

- (a) specify the place or places where a statement of the proposals may be inspected and copies thereof obtained;
- (b) state that the Authority are prepared to receive and consider any written objections to their proposals which shall be made to them within such period after the date of publication of the notice not being less than 21 days, as may be specified in the notice;

and the Authority shall, before coming to a decision, take into consideration any such objections so made to them before the end of the period specified in that behalf in the notice.

(2) When applying to the Ministers for approval of minimum prices fixed or varied under paragraph 4(1) of this scheme, the Authority shall transmit to them any objections which have been received by the Authority and which have not been withdrawn.

(3) The Authority shall publish, in such manner as they think best adapted for informing persons affected, any minimum prices approved or varied or any decision to cancel any such minimum prices and the date or dates on which they are to come into force, such date or dates being not less than 7 days after such publication.

Determinations

17. Where the Authority makes a determination in accordance with the provisions of paragraphs 5, 7, 9(1) and 10 of this scheme they shall publish notice of such determination in the manner appearing best suited for bringing the same to the attention of those concerned or affected and in particular shall specify the date upon which such determination shall come into force.

The Common Seal of the
WHITE FISH AUTHORITY }
 was hereunto affixed } (L.S.)
 in the presence of:—

Member: F. BRUNDRETT

Secretary: L. W. JACKSON

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confirms, after modification, a Scheme made by the White Fish Authority enabling the Authority to fix minimum prices in designated areas of Scotland and Northern Ireland below which species of white fish for human consumption shall not be purchased or sold at first hand. The scheme also provides for the licensing in certain circumstances of white fish vessels and of purchasers and sellers of white fish.

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