
STATUTORY INSTRUMENTS

1994 No. 2813

**SEA FISHERIES
CONSERVATION OF SEA FISH**

The Sea Fishing (Licences and Notices) Regulations 1994

Made - - - - *1st November 1994*
Laid before Parliament *3rd November 1994*
Coming into force - - *19th December 1994*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with sea fishing in Scotland, Wales and Northern Ireland, acting jointly in exercise of the powers conferred on them by sections 4B and 22(2)(a) of the Sea Fish (Conservation) Act 1967⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sea Fishing (Licences and Notices) Regulations 1994 and shall come into force on 19th December 1994.

(2) In these Regulations—

“electronic means” includes facsimile transmission and any method of transferring data by computer;

“fishing boat” means any fishing boat or other vessel in respect of which a licence may be granted;

“licence” means a licence granted under either section 4 (licensing of fishing boats) or section 4A (licensing of vessels receiving trans-shipped fish) of the Sea Fish (Conservation) Act 1967⁽²⁾ and includes a licence which contains a notice;

“newspaper” means a newspaper circulating within the United Kingdom or within any part of the United Kingdom and includes any journal, magazine or other periodical publication so circulating;

“nominee” means either—

(1) 1967 c. 84; section 4B was inserted by section 4 of the Sea Fish (Conservation) Act 1992 (c. 60); section 22(2)(a) which defines “the Ministers” for the purposes of section 4B was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and 45(b).
(2) Section 4 was substituted by the Fishery Limits Act 1976 (c. 86), section 3 and amended by the Fisheries Act 1981 (c. 29), section 20 and by the Sea Fish (Conservation) Act 1992 (c. 60), section 1. Section 4A was inserted by the said Act of 1981, section 21 and amended by the said Act of 1992, section 3.

- (a) an individual resident in the United Kingdom, or
- (b) a body incorporated in a member State and having a place of business in the United Kingdom,

appointed by the owner or charterer of a fishing boat to receive, on his behalf, licences and notices communicated in accordance with these Regulations;

“notice” means any notice of variation, suspension or revocation of a licence, whether that licence was granted before or after the coming into force of these Regulations;

“sea fishing licence” means a licence granted under section 4 of the Sea Fish (Conservation) Act 1967.

Communication of licences and notices

2.—(1) A licence shall be granted to the owner or charterer of a fishing boat by communicating it to a nominee—

- (a) personally,
- (b) by sending it to him by post at his address or place of business,
- (c) by leaving it at his address or place of business or in the hands of any person there, or
- (d) by transmitting it to him by electronic means at his address or place of business.

(2) A notice shall be effected by communicating it—

- (a) to a nominee, in a manner specified in paragraph (1) hereof;
- (b) to the master of the fishing boat in respect of which the licence is granted—
 - (i) personally, while he is on board the boat, or
 - (ii) by transmitting it to him by electronic means while he is on board the boat; or
- (c) in accordance with paragraph (3) hereof.

(3) A notice which varies, suspends or revokes—

- (a) all sea fishing licences,
- (b) all sea fishing licences authorising fishing for one or more specified descriptions of sea fish,
- (c) all sea fishing licences authorising fishing in one or more specified areas,
- (d) all sea fishing licences authorising fishing by a specified method or methods, or
- (e) all sea fishing licences authorising fishing by reference to a combination of two or more of the matters referred to in sub-paragraphs (b) to (d) hereof,

granted by the appropriate Minister, may be effected by publishing it in a newspaper.

(4) A notice published in accordance with paragraph (3) hereof shall either—

- (a) provide that it applies to all sea fishing licences, or
- (b) specify those sea fishing licences to which it relates by reference to species, area or method or any combination thereof,

but shall not require to specify the name or port letters and number, or the name of any owner or charterer, of any fishing boat.

Delivery of licences and giving of notices

3.—(1) A licence or a notice communicated personally shall be treated as delivered or given immediately it is communicated.

(2) Subject to paragraph (5) hereof, a licence or a notice communicated by post shall be treated as delivered or given 48 hours after the end of the day on which it was posted.

(3) A licence or a notice communicated by leaving it at a nominee's address or place of business or in the hands of a person there or by transmission by electronic means shall be treated as delivered or given 24 hours after the time of such communication.

(4) A notice communicated in accordance with regulation 2(3) hereof shall be treated as given at the end of the day on which it is published.

(5) Where a licence or a notice—

(a) is communicated by post, and

(b) would be treated as delivered or given, in accordance with this regulation, on a Sunday or any day which in the place where it is delivered or given is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(3) or, in Scotland, is a local holiday,

the licence or notice shall instead be treated as delivered or given at the end of the next day following which is not a bank holiday or, in Scotland, a local holiday, in that place.

Time at which licences and notices to have effect

4. Subject to regulation 5 hereof—

(a) a licence which is communicated in accordance with regulation 2(1), and a notice which is communicated in accordance with regulation 2(2)(b), shall have effect at the time that it is treated as delivered or given in accordance with regulation 3 hereof;

(b) a notice which is communicated in accordance with regulation 2(2)(a) shall have effect 24 hours after the time that it is treated as given in accordance with regulation 3 hereof; and

(c) a notice which is communicated in accordance with regulation 2(3) shall have effect 48 hours after the time that it is treated as given in accordance with regulation 3 hereof.

Special provision for certain licences and notices

5.—(1) A licence or a notice, which is communicated by more than one of the methods specified in regulation 2 hereof, shall have effect at the earliest of the times corresponding to each such method specified in regulation 4 hereof.

(2) A licence or a notice, which purports on its face to have effect at a time later than that at which it would be treated as having effect in accordance with regulation 4 hereof, shall have effect at the time shown on its face.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th October 1994.

L.S.

William Waldegrave
Minister of Agriculture, Fisheries and Food

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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| 26th October 1994 | <i>Hector Monro</i> Parliamentary Under Secretary of State, Scottish Office |
| 1st November 1994 | <i>Rod Richards</i> Parliamentary Under Secretary of State, Welsh Office |
| 1st November 1994 | <i>P B B Mayhew</i> Secretary of State for Northern Ireland |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in accordance with section 4B of the Sea Fish (Conservation) Act 1967 for the manner in which a sea fishing licence under section 4 of that Act or a licence to receive trans-shipped fish under section 4A of that Act may be granted and in which a notice of variation, revocation or suspension of any such licence may be effected in accordance with section 4(9) or 4A(10) respectively.

Regulation 2(1) provides for the granting of a licence to the owner or charterer of a vessel by communicating it, by a method specified, to a person nominated by the owner or charterer to receive it (“a nominee”). Regulation 2(2) provides for the effecting of a notice by communicating it to a nominee or to the master of the vessel. Regulation 2(3) provides for the effecting of notices of variation, suspension or revocation of all licences or all licences of a particular type granted by a Minister by publishing a notice in a newspaper.

Regulation 3 specifies the time at which a licence or notice communicated in accordance with regulation 2 will be treated as having been delivered or given, according to the method of communication adopted.

Regulation 4 specifies the time at which a licence or notice treated as delivered or given in accordance with regulation 3 will have effect, according to the method of communication adopted.

Regulation 5 makes special provision for the time at which a licence or a notice will take effect where—

- (a) more than one method of communicating it is employed, and
- (b) the licence or notice states that it will take effect later than provided for in regulation 4.

The Compliance Cost Assessment relating to these Regulations is available in the library of each House of Parliament. A copy of it can be obtained from either Fisheries Division IV, Ministry of Agriculture, Fisheries and Food, Room 432, Nobel House, Smith Square, London SW1P 3JR, the Scottish Fisheries Protection Agency, Room 527, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TY, Welsh Office Agriculture Department, Crown Building, Cathays Park, Cardiff CF1 3NO or Department of Agriculture for Northern Ireland, Hut 5, Castle Grounds, Stormont Estate, Belfast BT4 3PW.