

Sea Fish Industry Act, 1951

14 & 15 GEO. 6. CH. 30

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CHAPTER 30

An Act to make provision for the reorganization, development and regulation of the white fish industry; to amend the law relating to fishery harbours, the catching and landing of sea fish and other matters affecting or connected with the sea fishing and whaling industries; to abolish the Scottish Fisheries Advisory Council; and for purposes connected therewith.

[10th May 1951.]

BE it enacted by the King'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:—

PART I

ORGANIZATION, ETC., OF WHITE FISH INDUSTRY

*Establishment of Authority, Scottish Committee and
Advisory Council*

1.—(1) There shall be constituted an authority to be called "the White Fish Authority" (hereafter in this Act referred to as "the Authority") which shall have the functions of reorganizing, developing and regulating the white fish industry, and of keeping generally under review matters relating to that industry, and such other functions as are mentioned in this Act; and the White Fish Commission provided for by the Sea Fish Industry Act, 1938, shall not be reconstituted.

Constitution
and general
functions of
White Fish
Authority.

(2) The Authority shall consist of five members appointed by the Ministers, and of the five one shall be appointed by the Ministers to be chairman and one to be deputy chairman of the Authority.

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(3) The Authority, for the purpose of their general functions of reorganizing, developing and regulating the white fish industry, shall have regard to the interest of consumers in a plentiful supply of white fish at reasonable prices, as well as to the interests of the different sections of the white fish industry.

(4) The Ministers may, after consultation with the Authority, give the Authority such directions of a general character as to the exercise and performance by the Authority of their functions as appear to the Ministers to be requisite in the national interest and the Authority shall give effect to any such directions.

The Ministers shall publish in such manner as they think fit any direction given by them under this subsection as soon as practicable after it is given, unless in their opinion it is against the national interest to do so.

(5) The incidental provisions contained in Part I of the First Schedule to this Act shall have effect in relation to the Authority.

**The Scottish
Committee of
the Authority.**

2.—(1) There shall be constituted a committee (hereafter in this Act referred to as “the Scottish Committee”) for the purpose of giving advice to the Authority about the exercise and performance of their functions as respects Scotland, and matters particularly affecting Scotland, and of exercising such of the Authority’s functions as respects Scotland, and matters particularly affecting Scotland, as may from time to time be delegated to the committee by the Authority.

(2) Subject to this Act, the Scottish Committee shall consist of a chairman, who shall be such member of the Authority as may from time to time be appointed by the Ministers, and four other members so appointed.

(3) The incidental provisions contained in Part II of the First Schedule to this Act shall have effect in relation to the Scottish Committee.

**The White Fish
Industry
Advisory
Council.**

3.—(1) For the purpose of giving advice to the Authority about the exercise and performance of their functions generally, there shall be constituted a council to be called the White Fish Industry Advisory Council (hereafter in this Act referred to as “the Advisory Council”).

(2) The Advisory Council shall consist of a chairman who shall be such member of the Authority as may from time to time be appointed by the Authority, and of such other members as may be appointed by the Ministers to represent the interests of the different sections of the white fish industry and any such other interests (including those of persons employed in the industry) as the Ministers may consider to be affected.

(3) Before appointing to the Advisory Council a member to represent any such interests as aforesaid, the Ministers shall

consult such bodies, if any, as appear to them to be representative of the interests concerned.

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—cont.

(4) The Authority shall appoint a person employed by them to act as secretary to the Advisory Council.

(5) The incidental provisions contained in the Second Schedule to this Act shall have effect in relation to the Advisory Council.

Powers and duties of Authority

4.—(1) For the purpose of their general functions of reorganizing, developing and regulating the white fish industry, the Authority shall have power to do all or any of the following things:—

Particular
powers and
duties of the
Authority.

- (a) to carry on research and experiment either alone or in collaboration with others and for that purpose provide or acquire, equip and operate vessels or plants, and to give financial assistance to others carrying on research or experiment ;
- (b) to encourage persons engaged in the white fish industry to make voluntary arrangements on a co-operative basis for the selling of white fish or the buying of materials and other requisites for the industry (including in particular gear, fuel and stores for fishing vessels), and to give financial or other assistance in bringing any such arrangements into operation ;
- (c) to undertake as agents, in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry, the first sale of white fish landed in Great Britain and, where it appears to the Authority likely to promote efficiency and economy, to undertake as principals the buying and selling of such materials and requisites as aforesaid ;
- (d) to promote the export of white fish by establishing, or by encouraging and giving financial or other assistance for the establishment of, selling agencies and storage facilities outside the United Kingdom, and by other means ;
- (e) to provide or acquire and equip fishing vessels to be operated under charter from the Authority ;
- (f) to provide or acquire, equip and operate plants for processing white fish in Great Britain in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry ;

PART I
—cont.

- (g) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving—
- (i) fishing vessels or their gear ; or
 - (ii) plants for processing white fish in Great Britain ;
- (h) to give financial assistance by way of grant for the maintenance while taking a course of specialized training or education of persons engaged or employed in the white fish industry or intending to be so ;
- (j) to encourage, by means of publicity and by advice and instruction, the improvement of conditions in the white fish industry and the greater consumption of white fish.

(2) For the purpose of their general functions of reorganizing, developing and regulating the white fish industry, the Authority may take or acquire shares or similar interests in any company, where a substantial part of the company's business consists or is to consist in carrying on any activities which the Authority have power to carry on under the foregoing subsection or in operating fishing vessels for the catching and landing of white fish.

(3) The Authority may themselves operate any fishing vessel for the catching and landing of white fish where they acquire control of the vessel under or in consequence of any agreement relating to financial assistance given or to be given by them and they are for the time being unable to dispose of the vessel or make other arrangements on terms satisfactory to them.

(4) It shall be the duty of the Authority, if so required by any Minister of the Crown, to act as his agent in matters relating to white fish.

Power to make regulations about handling, etc., of white fish, and for other purposes. **5.**—(1) With a view to improving the marketing and distribution of white fish, and the condition in which white fish are offered for sale, the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, may make regulations for all or any of the following purposes:—

- (a) for regulating the handling and stowage of white fish on fishing vessels registered in Great Britain, and for regulating the handling of white fish during or at any time after landing ;
- (b) for timing landings of white fish so as to secure regularity in the supply and prevent congestion in harbours, and for that purpose requiring fishing vessels proposing to land their catch in Great Britain to land or delay landing it if so directed in accordance with the regulations ;

- (c) for regulating the sale of white fish, including the conditions of sale other than the price ;
- (d) for prescribing standards of quality for white fish, and limiting the purposes for which fish of any of the standards may be used.

(2) Without prejudice to the generality of the foregoing subsection, the regulations may include provision for securing economy or speed in handling white fish in markets and in the transportation of white fish, and the regulations—

- (a) may for the purposes of paragraph (a) of that subsection regulate—
 - (i) the construction and equipping of holds in fishing vessels ;
 - (ii) the construction, size, layout and equipping of the parts of fishing vessels used for processing white fish ;
 - (iii) the equipping of vehicles used for transporting white fish ;
 - (iv) the size and material of containers of white fish ;
- (b) may for the purposes of paragraph (c) of that subsection require disputes with respect to, or arising out of, any sale to be settled by arbitration in accordance with the regulations ;
- (c) may contain such incidental and supplementary provisions as appear to the Authority to be necessary or expedient for the purposes of the regulations.

(3) For the purposes of proviso (a) to subsection (1) of section fifty-two of the Transport Act, 1947 (which excepts from the condition under that subsection as to the limit within which vehicles may be operated under A licences and B licences, among other cases, those where goods of a special character have to be carried in specially designed vehicles), any requirements imposed by regulations under subsection (1) of this section as to the carriage of white fish shall be disregarded.

(4) The Authority may also make regulations for prescribing anything required or authorized by this Part of this Act to be prescribed.

(5) Regulations made by the Authority under this Part of this Act may be made so as to apply either generally or to particular cases or classes of case and may make different provision for different cases or classes of case, and in particular regulations under subsection (1) of this section may—

- (a) make different provision for different areas or for fish of different descriptions ;

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—cont.

(b) provide for granting exemptions (subject or not to conditions) for the purposes of paragraph (a) of that subsection.

(6) Regulations made by the Authority under this Part of this Act shall be of no effect unless confirmed by order of the Ministers, made by statutory instrument, and any such instrument shall be subject to annulment by resolution of either House of Parliament.

(7) The provisions of the Third Schedule to this Act shall have effect with respect to the making and confirmation of such regulations.

(8) If any person contravenes the provisions of any regulations under subsection (1) of this section, he shall be guilty of an offence against this Part of this Act, and if a contravention of any such provision occurs in relation to any fishing vessel every person who is an owner, charterer or skipper of the vessel at the time of the contravention shall be guilty of such an offence.

Schemes for
reorganization,
development
or regulation
of the industry.

6.—(1) If it appears to the Authority, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned, that it is necessary or expedient to bring into force a scheme having statutory effect for the reorganization, development or regulation of the white fish industry or any section of it, the Authority may submit to the Ministers a scheme containing any provisions which the Authority in their discretion think expedient for that purpose (including provisions conferring further functions on the Authority).

(2) If the Ministers are satisfied, having regard to the interest of consumers in a plentiful supply of white fish at reasonable prices as well as to the interests of the different sections of the white fish industry, that the bringing into force of the scheme will conduce to the better organization, development or regulation of the white fish industry or the section of it to which the scheme relates, and that it is expedient that the scheme should have effect, then (subject to subsection (8) of this section) they may confirm the scheme by order made by statutory instrument, and thereupon the scheme shall have effect.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to the submission to the Ministers and confirmation of schemes.

(4) A scheme may include provisions making persons guilty of an offence against this Part of this Act, where there is a contravention of the scheme.

(5) Any scheme may be varied or revoked by a subsequent scheme.

(6) The Ministers may (subject to subsection (8) of this section) by order made by statutory instrument revoke a scheme

if it appears to them, after consultation with such bodies, if any, as appear to them to be representative of the interests concerned and with the Authority, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest, but the revocation of the scheme shall be without prejudice to anything previously done under the scheme or to the making, submission or confirmation of a new scheme.

(7) Any scheme varying or revoking a previous scheme, and any order of the Ministers revoking a scheme, may include provision for any transitional or other consequential matters, including in particular the winding up of any body constituted by the scheme varied or revoked and the disposal of any assets of any body so wound up which remain after the payment of its debts and liabilities and of the costs and expenses of the winding up.

(8) The Ministers shall not make an order confirming or revoking a scheme unless a draft of the order has been laid before Parliament and approved by resolution of each House.

Registration and licensing

7.—(1) The Authority may keep such registers as they think fit of persons engaging in the white fish industry by carrying on any prescribed business, and the Authority on application made by any person to be registered as a person carrying on a prescribed business, and on payment of such fee not exceeding five shillings as may be prescribed (if any), shall register him in the appropriate register as a person carrying on that business. Registration of persons engaged in the white fish industry.

(2) Subject to any prescribed exemptions, no person shall after the expiration of the prescribed period engage in the white fish industry by carrying on a prescribed business unless he is registered under this section in the appropriate register as a person carrying on that business, and any person contravening this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds.

(3) The Authority may include in any register kept under this section particulars of the places where the persons registered carry on their business and the number of fishing vessels or vehicles kept for use in the business.

(4) A person shall, on making application to be registered in any register kept under this section, and also on being required to do so by notice given to him by the Authority at any time while his name appears in any such register, furnish to the Authority such information as the Authority may require for the purpose of their powers under this section, and any person registered in any such register as carrying on a prescribed business shall, whenever required to do so as aforesaid, make to the

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Authority a written declaration stating whether or not he is carrying on that business as a nominee of another person and, if so, giving the name of that other person.

(5) The Authority, on being satisfied that a person whose name is entered in any register kept under this section as a person carrying on a prescribed business has ceased to carry on that business, shall delete that entry in the register.

(6) Registration in any register kept under this section in the name or style under which a business is carried on (whether or not the entry includes the names of those carrying it on) shall operate, so far as relates to that business, as the registration of any person who has given the Authority written notice that he is the person or one of the persons for the time being carrying it on; and the entry relating to the business shall be deleted under the last foregoing subsection if, but only if, the Authority are satisfied that the business is no longer carried on under that name or style by a person who has given them such a notice or is no longer such as to require registration in that register.

(7) Any register kept under this section shall be kept at the Authority's office and, so far as is practicable, a duplicate of it shall be kept at the office used by the Scottish Committee in Scotland; and the register and duplicate shall at all reasonable times be open to public inspection.

Licensing of
fishing
vessels.

8.—(1) As from the prescribed date, no fishing vessel registered in Great Britain shall be used in the white fish industry unless there is in force in respect of the vessel a licence granted by the Authority under this section, and if this subsection is contravened in the case of any fishing vessel every person who is an owner or charterer of the vessel shall be guilty of an offence against this Part of this Act:

Provided that this subsection shall not apply to fishing vessels which do not exceed forty feet in length measured from the fore part of the head of the stem to the after part of the head of the stern post, or to other fishing vessels of any class prescribed for the purpose of this proviso.

(2) On application made by any person who is an owner or charterer of a fishing vessel for a licence under this section in respect of the vessel, and on his giving the Authority such particulars of the persons who are to be owners or charterers of it during the currency of the licence and such other information as the Authority may require for the purposes of this subsection, and on payment of such fee not exceeding one pound as may be prescribed (if any), the Authority shall grant the application:

Provided that the Authority may, if in all the circumstances of the case they think fit to do so, refuse to grant the licence in any

case where they are satisfied that a person about whom an order under subsection (7) of this section has been made is to be concerned (whether as owner, charterer, skipper or otherwise) with the management of the vessel, but where they do so shall give the applicant notice of that fact informing him of the effect of the next following subsection.

(3) Where the Authority have refused an application for a licence under this section, any of the Ministers, after giving the applicant (if he so desires) an opportunity to be heard by a person appointed by that Minister and after taking into consideration the report of any such person and any written representations made by the applicant, may direct the Authority to grant the licence and the Authority shall comply with the direction.

(4) A licence granted under this section shall be granted so as to have effect (subject to the provisions of this section) for a year or such less period as may be specified in the licence, but shall be valid only if and so long as no person is an owner or charterer of the vessel other than—

(a) those named to the Authority when the licence was applied for; and

(b) where any of them dies, anyone to whom his interest passes under his will or the law relating to the administration and distribution of property on death (including his personal representatives).

(5) A licence granted under this section may be granted subject—

(a) to such conditions as the Authority think fit to impose—

(i) for preventing over-fishing;

(ii) in a case to which the proviso to subsection (2) of this section applies, for securing that no person about whom an order has been made under subsection (7) of this section will be concerned in the management of the vessel in respect of which the licence is granted;

(b) to such conditions as the Ministers may require to be imposed for securing compliance with any agreements made by or on behalf of any Minister of the Crown or His Majesty's Government, or with any legal obligations in relation to the vessel imposed on any of the persons concerned in its management otherwise than by this Part of this Act;

(c) to such other conditions as may be authorized by any scheme.

(6) If any condition of a licence granted under this section in respect of any vessel is contravened, every person who is an

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owner, charterer or skipper of the vessel at the time of the convention shall be guilty of an offence against this Part of this Act.

(7) Where a person is convicted of an offence under the last foregoing subsection, and the court is satisfied that conditions of licences under this section have been persistently disregarded in the case of any fishing vessels while he has been concerned in their management (whether as owner, charterer, skipper or otherwise), the court may make an order directing that a licence under this section need not be granted as of right in respect of a fishing vessel where he is to be concerned in its management.

(8) Where, at the date of an order made under the last foregoing subsection on a person's conviction, he is concerned in the management of any fishing vessels, the order may direct that any licences granted under this section before that date in respect of those vessels, or such of those licences as may be specified in the order, shall be void as from the date of the order or such later date or dates as may be so specified (but without prejudice to any application for a new licence); and where a person other than the person convicted is aggrieved by any such direction, he shall have the same right to appeal against the direction as the person convicted has to appeal against the whole of his sentence.

(9) Where a licence granted under this section ceases to be in force (otherwise than by the expiration of the period for which it was granted), the person having possession of it shall within fourteen days surrender it to the Authority and if he fails to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds.

(10) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any other enactment by or under which fishing vessels are required to be licensed.

(11) References in this section to the owner of a vessel do not apply to the Authority.

Inquiries, information, notices, etc.

Power of the
Authority to
hold inquiries.

9.—(1) The Authority may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions.

(2) If the Ministers are satisfied that, for the purposes of any inquiry into a particular matter under the powers conferred by this section, it is necessary so to do, the Ministers may by order, specifying the matter to be inquired into, direct that in respect of any meeting of the Authority held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Authority are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Authority as if it were

a tribunal established in accordance with that Act and as if that Act had been applied to the Authority in the manner provided for by that Act:

Provided that the said Act shall in its application to the Authority have effect as if for paragraph (a) of section two of the Act there were substituted the following paragraph:—

“(a) may refuse to allow the public or any portion of the public to be present at the proceedings of the Authority, if and so far as it is, in the opinion of the Authority, necessary so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given;”.

(3) The last foregoing subsection shall apply in relation to any inquiry held on behalf of the Authority by the Scottish Committee with the substitution of references to the committee for references to the Authority.

(4) Any order under this section shall be made by statutory instrument and a draft of any such instrument shall be laid before Parliament.

10.—(1) For the purpose of any inquiry which, in relation to any scheme or to any regulations under this Part of this Act, is held by direction of the Ministers, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his possession or control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provisions as
to inquiries
held by
Ministers.

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(2) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

(3) In the application of this section to Scotland, for any reference to a summons there shall be substituted a reference to an order.

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—cont.

General provisions as to keeping of books, furnishing information, etc.

11.—(1) Any person engaged in the white fish industry shall keep such books and records as may be prescribed, and the Authority may from time to time give to any such person a notice requiring him to produce any such books or records to an officer authorised by the Authority or to furnish to the Authority such returns and other information specified in the notice as the Authority may require for the discharge of their functions.

(2) At any time during the currency of a licence granted under this Act the person having possession of it shall, on being required to do so by an officer authorised as aforesaid and on the officer, if so required, showing his certificate, produce the licence to that officer; and any person concerned in the management of a fishing vessel in respect of which there is in force a licence so granted—

- (a) on being required to do so by such an officer and on the officer, if so required, showing his certificate, shall furnish to the officer the name and address of the person having possession of the licence;
- (b) on being required to do so by a notice given to him by the Authority, shall furnish to the Authority that name and address.

(3) If any person required by or under this section, or section seven or eight of this Act, or a scheme, to produce or furnish any document or information in his possession or control fails to comply with the requirement, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five pounds; and if in furnishing any information for the purposes of any of the sections aforesaid or of a scheme a person knowingly or recklessly makes any statement or representation which is false in a material particular, or if with intent to deceive a person produces or furnishes for the purposes aforesaid any document or information which is false in a material particular, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both.

Powers of entry, etc.

12.—(1) An officer authorised by the Authority shall, on showing (if so required) his certificate, have a right at all reasonable hours to go on board any fishing vessel registered in Great Britain, or enter any premises not used only as a private dwelling-house or any vehicle,—

- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the vessel, premises or vehicle any contravention of regulations under subsection (1) of section five of this Act, or of a scheme, or of the conditions of a licence granted under this Act; and

(b) generally for the purpose of the enforcement of any such regulations, scheme or conditions ;

and to carry out an inspection of the vessel, premises or vehicle and to take such samples and carry out such tests as he may reasonably require to do for the purposes aforesaid.

(2) If a justice of the peace on sworn information in writing—

(a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as aforesaid ; and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier ; or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent ;

the justice may by warrant under his hand authorise such an officer as aforesaid to enter the premises, if need be by force, and the warrant shall continue in force for a period of one month.

(3) Any officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.

(4) Any officer authorised by the Authority may purchase samples of any white fish.

(5) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(6) If a person exposing any white fish for sale refuses to sell to an officer authorized by the Authority to purchase samples the quantity which he requires as a sample, after the officer has shown his certificate and has tendered the price for that quantity, or if a person having for the time being charge of any white fish refuses to allow an officer authorized by the Authority to take samples to take the quantity which he requires as a sample, after the officer has shown his certificate, then that person shall be deemed for the purposes of the last foregoing subsection to have wilfully obstructed the officer :

Provided that where any white fish is exposed for sale in an unopened container, no person shall be required to sell it except in the unopened container in which it is contained.

PART I
—cont.

(7) In the application of this section to Scotland, any reference to a justice of the peace shall include a reference to a sheriff.

Restrictions on
disclosure of
information.

13.—(1) No information with respect to any particular undertaking which has been obtained under or by virtue of this Part of this Act shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of this Part of this Act or the execution of any scheme or of any regulations under this Part of this Act:

Provided that nothing in this subsection shall apply to any disclosure of information made by the Authority to the Ministers or any of them, or to any disclosure of information made for the purposes of any proceedings pursuant to this Part of this Act (including arbitrations), or any criminal proceedings, or for the purposes of any report of such proceedings as aforesaid.

(2) If any person discloses any information in contravention of this section, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both.

(3) This section shall apply, in place of section twenty-six of the Sea Fish Industry Act, 1938, to information obtained under or by virtue of Part I of that Act as if obtained under or by virtue of this Part of this Act.

Form and
service of
notices.

14.—(1) Any notice to be given by the Authority under this Part of this Act, or under any scheme or any regulations under this Part of this Act, shall be in writing.

(2) Any notice to be given as aforesaid to any person shall be deemed to have been duly given if it is addressed to him either by name or by a sufficient description of the character in which it is given to him, and is delivered at the proper address, and in the case of a notice to be given to the skipper of a fishing boat shall be deemed to have been duly given to him if it is given to, or to the agent of, the owner or the charterer (if any) of the boat, together with a written request that it be transmitted to the skipper:

Provided that this subsection shall not be taken to prejudice any other method of giving the notice.

(3) For the purposes of this section, the proper address of any person to whom a notice is to be given as aforesaid shall be the address furnished by him for the purpose or, if no address has been so furnished, his last known address.

Finance

PART I
—cont.

15.—(1) There shall be established, under the control and management of the Authority, a fund to be known as the White Fish Industry Fund, and (except as provided by this Part of this Act) all receipts and expenditure of the Authority shall be paid into and out of that fund.

Finances of
the Authority
and expenses
of the
Advisory
Council.

(2) The Authority shall have power, for the purpose of financing the discharge of their functions,—

- (a) to raise by means of a general levy imposed by them on persons engaged in the white fish industry a sum not exceeding for any financial year one penny for every stone of white fish landed in Great Britain in that year, and to raise by means of special levies imposed on such persons for the purposes of schemes such additional sums as the schemes authorize;
- (b) subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, to borrow up to such amount as the Treasury may approve, so long as the amount outstanding at any time of the sums borrowed does not exceed fifteen million pounds;
- (c) to charge fees for services rendered and such other matters as may be authorised by schemes;

and shall also have power to accept payments voluntarily made to them by any person for the purpose of promoting all or any of the objects of the Authority.

(3) Any levy imposed by the Authority under this section shall be payable by such persons engaged in the white fish industry, in such proportions and at such times as may be prescribed or, in the case of a special levy, as may be provided by a scheme; and the amount payable by any person on account of any levy so imposed shall be a debt from him to the Authority and recoverable accordingly.

(4) The Authority may make such payments in respect of the expenses of the Advisory Council as the Ministers and the Treasury may approve.

16.—(1) The Authority shall keep proper accounts with respect to the White Fish Industry Fund, and shall prepare in respect of each financial year a statement of accounts in such form and giving such information as may be directed by the Ministers with the approval of the Treasury.

Accounts and
reports of the
Authority.

(2) The accounts shall be audited and the statement certified by persons to be appointed in respect of each financial year by the Ministers, and the auditors shall be furnished by the Authority with copies of the said statement and shall report to the Ministers on the accounts and the said statement.

PART I
—cont.

(3) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies:—

- The Institute of Chartered Accountants in England and Wales;
- The Society of Incorporated Accountants and Auditors;
- The Society of Accountants in Edinburgh;
- The Institute of Accountants and Actuaries in Glasgow;
- The Society of Accountants in Aberdeen;
- The Association of Certified and Corporate Accountants;
- The Institute of Chartered Accountants in Ireland.

(4) As soon as the accounts have been audited, the auditors shall send the Ministers copies of the statement of accounts and their certificate on it, and of their report.

(5) As soon as possible after the end of any financial year, the Authority shall also prepare and submit to the Ministers a report of their proceedings in that year.

(6) The Ministers shall lay before Parliament copies of the Authority's report for any financial year, together with copies of the statement of accounts and auditors' certificate and of the auditors' report for that year.

Exchequer
loans, grants
and payments.

17.—(1) The Ministers may advance to the Authority, on such terms as the Treasury may approve, any sums required to be borrowed by the Authority during the ten years beginning with the passing of this Act for a purpose approved by the Ministers and the Treasury, so long as the amount outstanding at any time of the sums advanced does not exceed ten million pounds.

(2) During the said ten years the Ministers shall have power with the approval of the Treasury to make grants to the Authority up to a total of one million pounds in respect of any expenditure of the Authority on research or experiment.

(3) There shall be paid out of moneys provided by Parliament—

- (a) such remuneration (whether by way of salaries or by way of fees) and such allowances to the members of the Authority or of the Scottish Committee, and such allowances to the members of the Advisory Council, as the Ministers, with the approval of the Treasury, may determine;
- (b) such sums as may from time to time be required by the Ministers for making advances or grants under this section;
- (c) such expenses as may be incurred under this Part of this Act by the Ministers in relation to any inquiry held thereunder by their direction, and such other administrative expenses as may be so incurred by them.

(4) Any sums received by the Ministers by way of interest on or repayment of any advances under this section shall be paid into the Exchequer.

PART I
—cont.

(5) Where the exercise by the Authority of any of their powers involves the expenditure of money advanced to them by the Ministers under subsection (1) of this section, the powers shall not be exercised except in accordance with arrangements approved by the Ministers and the Treasury, and the Authority's statement of accounts for any financial year shall deal specially with the application during that year of any money so advanced.

Supplementary

18.—(1) A person guilty of an offence against this Part of this Act for which no fine is provided by the foregoing provisions of this Act shall, subject to the following provisions of this section, be liable on summary conviction to a fine not exceeding twenty-five pounds or, if he has been previously convicted of the like offence, to a fine not exceeding one hundred pounds.

General
provisions
about
offences.

(2) Subject to the following provisions of this section, the expression "the like offence" in the foregoing subsection—

- (a) in relation to an offence under section five or section eight of this Act means any offence under that section;
- (b) in relation to a contravention of a scheme means any contravention of that scheme or of a scheme amended by or amending that scheme or re-enacted by or re-enacting it (with or without modifications).

(3) Subject as aforesaid, where a person is convicted of any offence punishable under subsection (1) of this section, he shall, in addition to the fine mentioned in that subsection, be liable—

- (a) if the offence was committed in relation to any white fish, to a fine not exceeding the value of that fish; and
- (b) if the offence was using a fishing vessel in contravention of subsection (1) of section eight of this Act, to a fine not exceeding the value of the fish caught by the vessel while so used:

Provided that if it appears to the court that the person convicted is the owner of the fish, the court may instead of imposing a fine under this subsection order the fish to be forfeited.

(4) Subject as aforesaid, where an offence against this Part of this Act is continued after a person has been convicted therefor, that person shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding the following amount, that is to say, for every day on which the offence is so continued one fifth of the maximum fine to which he was liable on the earlier conviction (disregarding any additional fine to which he was liable under the last foregoing subsection).

PART I
—cont.

(5) Regulations under subsection (1) of section five of this Act or a scheme may modify the foregoing provisions of this section in relation to offences under any provision of the regulations or scheme—

- (a) by reducing the maximum amount of any fine ;
- (b) by excluding subsection (3) of this section ;
- (c) by limiting the meaning of the expression “ the like offence ” in subsection (1) of this section.

(6) Where an offence against this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Proceedings under the Summary Jurisdiction Acts for an offence against this Act which is alleged to have been committed at sea may be taken before the court having jurisdiction in any place where the person charged may be found.

Interpretation. 19. For the purposes of this Part of this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ certificate ”, in relation to an officer authorised by the Authority to exercise any power conferred by this Act, means any duly authenticated document showing his authority to do so ;

“ contravene ” includes fail to comply with and “ contravention ” has a corresponding meaning ;

“ fish ” includes shellfish ;

“ fishing vessel ” means a vessel of whatever size and in whatever way propelled, which is for the time being registered in Great Britain and employed in the business of catching and landing sea fish, or not being so registered is employed in the business of catching and landing in Great Britain sea fish ;

“ the Ministers ” means the Minister of Agriculture and Fisheries, the Secretary of State concerned with the sea fishing industry in Scotland and the Minister of Food ;

“ prescribed ” means prescribed by regulations of the Authority ;

“processing” (in relation to fish) includes preserving or preparing fish, or manufacturing products from fish, by any method for human or animal consumption;

“scheme” means a scheme under section six of this Act;

“white fish” means fish (whether fresh or preserved) of any kind found in the sea, except—

(a) herring;

(b) any of the salmon species; or

(c) any species of trout which migrates to and from the sea;

and references to white fish shall be construed as including references to parts of white fish;

“white fish industry” means the white fish industry in Great Britain; and a person shall be deemed to engage in the white fish industry if he carries on the business of operating fishing vessels for the catching or landing of white fish, or if he carries on in Great Britain the business of selling white fish by wholesale or by retail or of processing white fish (including the business of a fish fryer).

20.—(1) His Majesty may, by an Order in Council made in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland, direct that this Part of this Act shall extend to Northern Ireland, and any such Order in Council may be varied or revoked by a subsequent Order in Council made in pursuance of such a resolution as aforesaid.

Extension of
Part I to
Northern
Ireland.

(2) While this Part of this Act extends to Northern Ireland by virtue of any such Order in Council, it shall have effect (without prejudice to the validity of anything previously done thereunder) as if—

(a) any reference to the Ministers were a reference to the Ministers (as defined by the last foregoing section) and the Secretary of State concerned with the sea fishing industry in Northern Ireland;

(b) any reference to Great Britain were a reference to the United Kingdom;

(c) any reference to the London and Edinburgh Gazettes included a reference to the Belfast Gazette;

(d) in the provisions relating to the Scottish Committee any reference to Scotland included a reference to Northern Ireland;

and that committee shall include in addition to the five members provided for by section two of this Act a member appointed by the Ministers after consultation with such department of the government of Northern Ireland as may appear to them to be appropriate.

PART I
—cont.

(3) In the application of this Part of this Act to Northern Ireland by virtue of any such Order in Council, it shall have effect subject to such exceptions, adaptations and modifications as may be provided for by the Order in Council.

(4) Subject to the foregoing provisions of this section, this Part of this Act shall not extend to Northern Ireland.

PART II

MISCELLANEOUS AMENDMENTS OF PREVIOUS ACTS

Fishery
harbours.

21.—(1) Where, under or by virtue of any such Act or order relating to the construction, improvement, management or maintenance of any harbour as is hereafter mentioned in this section, anything is required or authorized to be done by, to or before the Minister of Transport, or by, to or before the Minister of Agriculture and Fisheries, then subject to this section that Act or order shall be taken as requiring or authorizing it to be done by, to or before whichever of those Ministers is the appropriate Minister for the time being in the case of that harbour, and any provision of the Act or order which refers or is to be taken as referring to either of those Ministers or to the Ministry of Transport or of Agriculture and Fisheries shall be construed accordingly.

(2) For the purposes of the foregoing subsection, the appropriate Minister shall be the Minister of Agriculture and Fisheries in the case of any harbour if, but only if, the harbour is for the time being a fishery harbour.

(3) The Acts and orders referred to in subsection (1) of this section are any order made before the passing of this Act under the General Pier and Harbour Act, 1861 (including that Act as amended by the General Pier and Harbour Act, 1861, Amendment Act, or the Fishery Harbours Act, 1915), any Act confirming a provisional order so made and any local Act passed before this Act:

Provided that in the case of a local Act divided into Parts the said subsection (1) shall not apply to any of the Parts which does not relate to the matters referred to in that subsection.

(4) In section two of the Fishery Harbours Act, 1915, there shall cease to have effect so much of paragraph (1) as excepts sections seven to sixteen of the General Pier and Harbour Act, 1861, Amendment Act, from the provision made by that paragraph for the Minister of Agriculture and Fisheries to act instead of the Minister of Transport in the case of a fishery harbour; but section two of the said Act of 1915—

(a) shall not affect the operation, in relation to works wholly or partly below high water mark of ordinary spring tides, of sections seven to ten of the second-mentioned

Act (which relate to the approval of plans, the restoration or removal of disused works and similar matters), or the operation of section eleven of that Act (which relates to the display of lights for the guidance of shipping); and

- (b) shall apply to sections fourteen to sixteen of that Act (which relate to the revision of the rates taken by the undertakers at a harbour and to the undertakers' accounts and their auditing) if the undertakers are concerned only with a fishery harbour or harbours, but not otherwise.

Any transfer by virtue of this subsection from one of the said Ministers to the other of functions under the said sections seven to sixteen shall be without prejudice to the validity of anything done before the transfer.

(5) Where there is in a harbour a pleasure pier which is not used or adapted for use as a landing place for goods or passengers, and is under the jurisdiction of undertakers other than the harbour authority, nothing in section two of the said Act of 1915 or in subsection (1) of this section shall affect the operation of any Act or order in relation to those undertakers or to their undertaking or works.

(6) The foregoing provisions of this section shall come into force on the expiration of three months from the passing of this Act, and do not apply to harbours in Scotland or in Northern Ireland.

(7) In this section the expression "harbour" includes any haven, cove or other landing place, and the expression "fishery harbour" means a small harbour which in the opinion of the Minister of Transport and the Minister of Agriculture and Fisheries is principally used by the fishing industry.

(8) The harbours in England and Wales which at the beginning of the year nineteen hundred and fifty-one were fishery harbours are named in the Fourth Schedule to this Act, and a harbour shall not be deemed to have become or to have ceased to be a fishery harbour since the beginning of that year for the purposes either of this section or of the Fishery Harbours Act, 1915 (the main effect of which is to provide that, in the case of fishery harbours, orders under the said Act of 1861 are to be made by the Minister of Agriculture and Fisheries instead of the Minister of Transport) until it is declared to have done so by an order under this section.

(9) Except as may be provided by any order under this section, subsection (1) of it shall not affect the operation, in relation—

- (a) to matters involving or arising out of any interference with tidal lands or tidal waters or the space over or

PART II
—cont.

under them, or with access to tidal lands or tidal waters, or to matters connected with the safety or guidance of shipping ;

- (b) to the coast guard, or to lifeboats or life saving apparatus, appliances or equipment ;
- (c) to railways or tramways ;

of any provision of an Act or order referred to in that subsection (not being a provision as to the making, revocation or validity of bye-laws), nor take away from officers of the Ministry of Transport rights exercisable for the purpose of functions conferred otherwise than by the Acts or orders so referred to.

(10) Provision may be made by an order under this section—

- (a) for excepting from the operation of subsection (1) of this section any such functions of the Minister of Agriculture and Fisheries or the Minister of Transport as may be specified in the order and any such provisions relating to those functions or matters connected therewith as may be so specified ;
- (b) for any transitional matters arising on any transfer of functions under that subsection.

(11) Any order under this section may be varied or revoked by a subsequent order.

(12) Orders under this section shall be made by statutory instrument by the Minister of Agriculture and Fisheries and the Minister of Transport acting jointly.

Amendment of
23 & 24 Geo. 5.
c. 45, s. 1.

22.—(1) Subsection (3) of section one of the Sea-Fishing Industry Act, 1933 (which provides that no order regulating the landing of foreign caught sea fish shall be made under that section unless orders made under sections two, three and four of that Act are in force), shall (subject to the next following subsection) cease to have effect on the day appointed under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, for the commencement of the licensing powers conferred by that subsection (which relates to the licensing of British fishing boats in the North Sea).

(2) The Ministers may by order made by statutory instrument direct that the said subsection (3) shall cease to have effect on a date earlier than the day appointed as aforesaid, but not earlier than the date on which, in the opinion of the Ministers, adequate provision is or will be made either—

- (a) for preventing over-fishing by vessels registered in Great Britain ; or
- (b) for regulating the marketing of white fish landed in Great Britain.

(3) In this section—

- (a) the expression “the Ministers” means the Secretaries of State respectively concerned with the sea-fishing industry in Scotland and in Northern Ireland, the Minister of Agriculture and Fisheries and the Minister of Food ;
- (b) the expression “white fish” has the same meaning as in Part I of this Act.

PART II
—cont.

23.—(1) Orders under subsection (1) of section four of the Sea-Fishing Industry Act, 1933, as amended by the Sea Fish Industry Act, 1938 (which penalizes anyone who in Great Britain lands, sells, exposes or offers for sale, or has in his possession for the purpose of sale, sea-fish of less than the prescribed size), may prescribe a different size in relation to landing from that prescribed for other purposes. Amendment as to size limits for fish.

(2) Where an order under the said subsection (1) prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then except in so far as provision to the contrary is made by such an order a person who in Great Britain lands a part of a fish of that description shall, subject to the proviso to that subsection (which relates to scientific research), be deemed to contravene that subsection if the part is of a smaller size than the one so prescribed.

(3) Section four B of the said Act of 1933 as so amended (which provides for the extension of the said section four to the Channel Islands and Isle of Man) shall have effect as if any reference to the said section four included a reference to subsections (1) and (2) of this section.

24. Subsection (2) of section twelve of the Herring Industry Act, 1935 (which restricts the disclosure of information obtained by virtue of that Act), shall have effect as if after the word “behalf” there were inserted the words “or to the Minister of Food, the Minister of Agriculture and Fisheries, or the Secretary of State”. Amendment of 25 & 26 Geo. 5. c. 9 as to disclosure of information to Ministers.

25. The Minister of Agriculture and Fisheries and the Secretary of State shall each have power to appoint officers to be British sea-fishery officers, and accordingly any reference in any enactment to British sea-fishery officers shall be construed as referring to officers appointed under this section as well as to the officers mentioned in subsection (2) of section eleven of the Sea Fisheries Act, 1883. Appointment of sea-fishery officers.

26. That part of the proviso to section ten of the Herring Fishery (Scotland) Act, 1808, which deals with the qualification of persons to be appointed officers of the fishery shall cease to have effect. Qualification of officers of the fishery in Scotland under 48 Geo. 3. c. 110, s. 10.

PART II
—cont.Amendment
of 7 Edw. 7.
c. 41, s. 2.

27. Section two of the Whale Fisheries (Scotland) Act, 1907 (which authorises the Secretary of State to issue licences under that Act, subject to certain conditions specified in the said section), shall have effect—

(a) with the substitution, for paragraph (4) of the said section, of the following paragraph:—

“ (4) Subject as hereinafter mentioned the holder of a licence shall not use or employ more than one whaling steamer:

Provided that on the application of the holder of a licence the Secretary of State may, if after due inquiry he is satisfied that any additional whaling steamer or steamers are necessary for the full and proper working of the factory or station referred to in the said licence, authorise such holder, by special permission endorsed on his licence, to use or employ such number of additional steamers, not being more than three, as the Secretary of State may think fit;” and

(b) with the substitution, in paragraph (5) of the said section, for the words “date mentioned in the immediately preceding subsection,” of the words “first day of January one thousand nine hundred and seven.”

Repeal of
2 & 3 Geo. 6.
c. 20, s. 3 and
4 & 5 Geo. 6.
c. 1.

28. Section three of the Reorganisation of Offices (Scotland) Act, 1939 (which provides for the constitution of a Scottish Fisheries Advisory Council), and the Scottish Fisheries Advisory Council Act, 1940 (which removes the limit on the number of members of the said Council imposed by subsection (2) of the said section three), shall cease to have effect.

PART III

SUPPLEMENTARY

Short title
and repeal.

29.—(1) This Act may be cited as the Sea Fish Industry Act, 1951.

(2) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES

FIRST SCHEDULE

Sections 1
and 2.INCIDENTAL PROVISIONS AS TO THE WHITE FISH
AUTHORITY AND THE SCOTTISH COMMITTEE

PART I

THE WHITE FISH AUTHORITY

Constitution of the Authority

1. The Authority shall be a body corporate, with a common seal and power to hold land without licence in mortmain.

2. Every member of the Authority shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but notwithstanding anything in such an instrument, any member of the Authority may resign his office by a notice given under his hand to the Ministers, and a member of the Authority who ceases to hold office shall be eligible for re-appointment to the Authority:

Provided that a person shall not hold office as a member of the Authority for more than five years under any one appointment.

3. A person shall be disqualified for membership of the Authority, if and so long as he is a member of the Commons House of Parliament.

4. It shall be the duty of the Ministers to satisfy themselves, with respect to any person whom they propose to appoint to be a member of the Authority, that that person will have no such financial or commercial interest as is likely to affect him in the discharge of his functions as such a member, and also to satisfy themselves from time to time, with respect to any person who is a member of the Authority, that he has no such interest as aforesaid; and any such person shall, whenever requested by the Ministers so to do, furnish to them such information as they consider necessary for the performance of their duty under this paragraph.

Meetings and Proceedings of the Authority

5. Unless and until the Authority otherwise determine, three shall be a quorum at any meeting of the Authority.

6. The Authority shall have power to act notwithstanding a vacancy among the members thereof.

7. If at any meeting of the Authority the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

8. All acts done at any meeting of the Authority shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Authority, be as valid as if that defect had not existed.

1st SCH.
—cont.

9. Minutes shall be kept of the proceedings of the Authority, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which the minutes relate, or of a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be deemed to have been regularly convened and constituted.

10.—(1) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter.

(2) A general notice given in writing by a member of the Authority to the officer designated by them for the purpose to the effect that he is a member or in the employment of a specified company or other body, or that he is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(3) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting at which it is made; and any notice given under sub-paragraph (2) thereof shall be recorded in a book to be kept for the purpose.

11. Subject to the foregoing provisions of this Schedule, the Authority shall have power to regulate its own procedure.

Incidental Duties and Powers of the Authority

12. The Authority shall have an office at which communications and notices will at all times be received, and shall notify to the Ministers the address of that office and any change of that address.

13. The Authority may enter into such agreements, acquire such property, and do such things (including the employment from time to time of technical and professional agents), as may, in the opinion of the Authority, be necessary or desirable for the exercise or performance of any of their powers or duties and may dispose, as they think fit, of any property acquired by them.

14. The Authority may with the approval of the Treasury make arrangements for providing pensions to or in respect of any of their officers or servants, and any such arrangements may include the establishment and administration, by the Authority or otherwise, of a pension scheme with or without a pension fund, and may provide for receipts and expenses of the Authority attributable to their establishment and administration of a pension scheme being dealt with under the scheme instead of being paid into and out of the White Fish Industry Fund.

*Application of Seal*1ST SCH.
—cont.

15. The application of the common seal of the Authority to any document shall be attested by at least one member of the Authority and by the person for the time being acting as secretary to the Authority.

Instruments executed or issued by the Authority

16. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Authority by any person generally or specially authorised by them for that purpose.

17. Any document purporting to be a document duly executed or issued under the seal of the Authority or on behalf of the Authority shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

PART II

THE SCOTTISH COMMITTEE

Constitution etc. and Expenses of the Scottish Committee

18. Paragraphs 2 to 11 of this Schedule shall apply in relation to the Scottish Committee with the substitution of references to the committee for references to the Authority.

19. The Scottish Committee may for the purpose of giving advice to the Authority incur on the Authority's behalf such expenses as may be generally or specially authorised by the Authority, and any such expenses, as well as expenses incurred by the committee in exercising any of the Authority's functions, shall be deemed for the purposes of this Act to be expenses of the Authority.

The Scottish Seal

20. In addition to the common seal above referred to, the Authority shall have a seal (hereafter in this Schedule referred to as "the Scottish seal") for use in any case where a document is to be sealed on their behalf by the Scottish Committee.

21. Paragraph 15 of this Schedule shall not apply to the Scottish seal, and the application of the Scottish seal to any document shall be attested by at least one member of the Scottish Committee and by the person for the time being acting as secretary to the committee.

SECOND SCHEDULE

Section 3.

INCIDENTAL PROVISIONS AS TO THE WHITE FISH INDUSTRY
ADVISORY COUNCIL

1. Every member of the Advisory Council other than the chairman shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but, notwithstanding anything in such an instrument, any such member of the council may resign his office by a written notice given under his hand to the Ministers, and a member of the council who ceases to hold office shall be eligible for re-appointment.

2ND SCH.
—cont.

2. Unless and until the Advisory Council otherwise determines, the quorum of the council shall be such number as may be fixed by the Ministers.
3. The Advisory Council shall have power to act notwithstanding any vacancy among the members thereof.
4. Subject to any directions which may be given by the Ministers, the Advisory Council shall have power to regulate its own procedure.

Sections 5
and 6.

THIRD SCHEDULE

AUTHORITY'S REGULATIONS AND SCHEMES (PRELIMINARY PROCEDURE)

1. At least twenty-eight days before making any regulations or submitting any scheme the Authority shall cause to be published in the London Gazette and the Edinburgh Gazette and in such other manner as they think best adapted for informing persons affected, a notice of the Authority's intention to do so—

- (a) specifying the place where the draft regulations or scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Ministers) at which such copies will be supplied ; and
- (b) stating that the Authority are prepared to receive and consider any objection to the proposed regulations or scheme which may be made to the Authority in writing within such period after the date of the publication of the notice, not being less than twenty-eight days, as may be specified in the notice ;

and the Authority shall, before making the regulations or submitting the scheme, take into consideration any such objection so made to them before the end of the period specified in that behalf in the said notice.

2. When submitting any regulations or scheme to the Ministers, the Authority shall transmit to them any objection thereto which has been duly made to the Authority and has not been withdrawn, and the Ministers shall consider any objections so transmitted to them.

3. The order confirming any regulations or scheme shall set out the regulations or scheme ; but before making any such order or, in the case of a scheme, before laying a draft of the order before Parliament, the Ministers may, after holding such inquiries (if any) as they think fit, make such modifications in the regulations or scheme as they may, after consultation with the Authority, consider desirable :

Provided that, if the Ministers decide to make any such modifications, they shall cause notice of the proposed modifications to be published in such manner as they think best adapted for informing persons affected.

FOURTH SCHEDULE

Section 21.

LIST OF FISHERY HARBOURS IN ENGLAND AND WALES

<i>Northumberland</i>	<i>Sussex</i>	<i>Devon (North)</i>
Holy Island	Rye	Clovelly
Seahouses (North Sunderland)	Hastings	
Beadnell	Eastbourne	<i>Carmarthen</i>
Newton-by-the-Sea	Selsey	Ferryside
Craster		
Boulmer	<i>Isle of Wight</i>	<i>Pembroke</i>
Alnmouth	Sandown	Saundersfoot
Newbiggin-by-Sea		Tenby
Cullercoats	<i>Hampshire</i>	Stackpole Quay
	Mudford	Solva
<i>Yorkshire</i>	(Christchurch)	Porthclais
Redcar		Porthgain
Saltburn	<i>Dorset</i>	
Staithes	Swanage	<i>Cardigan</i>
Runswick Bay	Chapman's Pool	New Quay
Whitby	Lulworth Cove	Aberayron
Robin Hood Bay		Aberystwyth
Scarborough		
Filey	<i>Devon (South)</i>	<i>Merioneth</i>
Flamborough North	Axmouth	Aberdovey
Landing	Beer	Barmouth
Flamborough South	Budleigh Salterton	
Landing	Lympstone	<i>Caernarvon</i>
Bridlington	Topsham	Pwllheli
Withernsea	Brixham	Rhiw (Port Nigel)
	Hope Cove	Abersoch
<i>Norfolk</i>		Aberdaron
Thornham Harbour	<i>Cornwall</i>	Bardsey Island
Brancaster Staithe	Looe	Nevin
Burnham Overy	Polperro	Trevor
Wells	Mevagissey	Conway
Morston Creek	Gorran Haven	
Blakeney	Portloe	<i>Flint</i>
Cley	Portscatho	Rhyl
Sheringham	Coverack	
Cromer	Cadgwith	<i>Cheshire</i>
	Mullion	Parkgate
<i>Suffolk</i>	Porthleven	Hoylelake
Southwold	Newlyn	
Aldeburgh	Mousehole	<i>Lancashire</i>
Bawdsey Haven	Penberth	Southport
	Porthgwarra	Lytham
<i>Essex</i>	Sennen Cove	Morecambe
Leigh on Sea	St. Ives	
	Port Isaac	
<i>Kent</i>		
Hythe		
Dungeness		

Section 29.

FIFTH SCHEDULE
ENACTMENTS REPEALEDPART I
Acts of Parliament

Session and chapter	Short title	Extent of repeal
48 Geo. 3. c. 110.	The Herring Fishery (Scotland) Act, 1808.	In the proviso to section ten, the words from "no person shall be appointed" to "the said lords commissioners; and".
5 & 6 Geo. 5. c. 48.	The Fishery Harbours Act, 1915.	As from the expiration of three months from the passing of this Act, paragraph (1) of section two from the word "except" onwards.
23 & 24 Geo. 5. c. 45.	The Sea-Fishing Industry Act, 1933.	As from the date provided for by section twenty-two of this Act, subsection (3) of section one.
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act, 1938.	Sections one to thirty-seven; subsection (1) of section thirty-nine; in section sixty the words "Part I or"; subsection (3) of section sixty-one; subsection (1) of section sixty-two, except in so far as it defines "local fisheries committee"; the Schedules.
2 & 3 Geo. 6. c. 20.	The Reorganisation of Offices (Scotland) Act, 1939.	Section three.
4 & 5 Geo. 6. c. 1.	The Scottish Fisheries Advisory Council Act, 1940.	The whole Act.

PART II

Defence Regulations

Session and chapter	Short title	Extent of repeal
—	The Defence (Agriculture and Fisheries) Regulations, 1939.	Regulations fifteen to seventeen and twenty-one; the Third Schedule.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Herring Fishery (Scotland) Act, 1808	48 Geo. 3. c. 110.
General Pier and Harbour Act, 1861	24 & 25 Vict. c. 45.
General Pier and Harbour Act, 1861, Amendment Act	25 & 26 Vict. c. 19.
Sea Fisheries Act, 1883	46 & 47 Vict. c. 22.
Whale Fisheries (Scotland) Act, 1907	7 Edw. 7. c. 41.
Fishery Harbours Act, 1915	5 & 6 Geo. 5. c. 48.
Tribunals of Inquiry (Evidence) Act, 1921	11 & 12 Geo. 5. c. 7.
Sea-Fishing Industry Act, 1933	23 & 24 Geo. 5. c. 45.
Herring Industry Act, 1935	25 & 26 Geo. 5. c. 9.
Sea Fish Industry Act, 1938	1 & 2 Geo. 6. c. 30.
Reorganisation of Offices (Scotland) Act, 1939	2 & 3 Geo. 6. c. 20.
Scottish Fisheries Advisory Council Act, 1940	4 & 5 Geo. 6. c. 1.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
White Fish and Herring Industries Act, 1948	11 & 12 Geo. 6. c. 51.

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