



# Sea Fish Industry Act 1970

## 1970 CHAPTER 11

An Act to consolidate certain enactments relating to the sea fishing industry and to repeal certain obsolete enactments relating to herring. [12th March 1970]

BE IT ENACTED by the Queen'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

#### WHITE FISH INDUSTRY

*The Authority, the Scottish Committee and the Advisory Council*

#### **1 Constitution and general functions of White Fish Authority**

- (1) There shall continue to be a White Fish Authority (in this Act referred to as " the Authority ") which shall have the functions of reorganising, 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.
- (2) The Authority shall consist of such number of members appointed by the Ministers and the Secretary of State concerned with the sea fishing industry in Wales as the Ministers and the said Secretary of State may from time to time determine, and of those members one shall be appointed by the Ministers and the said Secretary of State to be chairman and one to be deputy chairman of the Authority.
- (3) The provisions of Part I of Schedule 1 to this Act shall have effect with respect to the Authority.

## **2 The Scottish Committee of the Authority**

- (1) There shall continue to be a committee (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 provisions of Part II of Schedule 1 to this Act shall have effect with respect to the Scottish Committee.

## **3 The White Fish Industry Advisory Council**

- (1) For the purpose of giving advice to the Authority about the exercise and performance of their functions generally, there shall continue to be a White Fish Industry 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 and the Secretary of State concerned with the sea fishing industry in Wales 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 and the said Secretary of State may consider to be affected.
- (3) Before appointing to the Advisory Council a member to represent any such interests as aforesaid, the Ministers and the said Secretary of State shall consult such bodies, if any, as appear to them to be representative of the interests concerned.
- (4) The Authority shall appoint a person employed by them to act as secretary to the Advisory Council.
- (5) The provisions of Schedule 2 to this Act shall have effect with respect to the Advisory Council.

### *Duties and powers of Authority*

## **4 Duties of Authority**

- (1) The Authority, for the purpose of their general functions of reorganising, 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.
- (2) 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.

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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.

- (3) Any directions under subsection (2) above in connection with the Authority's functions under section 44 of this Act shall be given by the Secretary of State concerned with the sea fishing industry in Wales as well as by the Ministers, and references to the Ministers in that subsection shall be construed accordingly.
- (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.

## **5 Powers of Authority**

- (1) For the purpose of their general functions of reorganising, developing and regulating the white fish industry, the Authority shall have power to do all or any of the following things:—
  - (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 vessels to which this Part of this Act applies), and to give financial or other assistance in bringing any such arrangements into operation or in continuing or extending any such arrangements;
  - (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 vessels to which this Part of this Act applies to be operated under charter from the Authority;
  - (f) to provide or acquire, equip or operate plants for processing white fish in Great Britain or for making ice 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 ;
  - (g) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving—
    - (i) vessels to which this Part of this Act applies or their gear, or
    - (ii) plants for processing white fish in Great Britain;
  - (h) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry ;
  - (i) to give financial assistance by way of grant for the maintenance while taking a course of specialised training or education of persons engaged or employed in the white fish industry or intending to be so;

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- (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 reorganising, 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 subsection (1) above or in operating vessels to which this Part of this Act applies for the catching or processing of white fish or for transporting white fish or the products of white fish.
- (3) The Authority may themselves operate any vessel for catching or processing white fish or for transporting white fish or the products 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.

## **6 Power to make regulations about handling, etc. of white fish, and for other purposes**

- (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 vessels to which this Part of this Act applies, being 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 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 subsection (1) above, 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 vessels to which this Part of this Act applies;
    - (ii) the construction, size, layout and equipping of the parts of such 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.

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- (3) The Authority may also make regulations for prescribing anything required or authorised by this Part of this Act to be prescribed.
- (4) 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 provisions for different cases or classes of case, and in particular regulations under subsection (1) above may—
  - (a) make different provision for different areas or for fish of different descriptions;
  - (b) provide for granting exemptions (subject or not to conditions) for the purpose of paragraph (a) of that subsection.
- (5) Regulations made by the Authority under this Part of this Act shall be of no effect unless confirmed by order of the Ministers, and any such order shall be subject to annulment by resolution of either House of Parliament.
- (6) The provisions of Schedule 3 to this Act shall have effect with respect to the making and confirmation of such regulations.
- (7) If any person contravenes the provisions of any regulations under subsection (1) above, 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 vessel to which this Part of this Act applies every person who is an owner, charterer or master of the vessel at the time of the contravention shall be guilty of such an offence.

## **7 Schemes for reorganisation, development or regulation of the white fish industry**

- (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 for the reorganisation, 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 organisation, 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 (7) below) they may confirm the scheme by order and thereupon the scheme shall have effect.
- (3) The provisions of Schedule 3 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) The Ministers may (subject to subsection (7) below) by order 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

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be without prejudice to anything previously done under the scheme or to the making, submission or confirmation of a new scheme.

- (6) 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.
- (7) 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*

## **8 Registration of persons engaged in the white fish industry**

- (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.
- (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 liable on summary conviction to a fine not exceeding £25.
- (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 vessels to which this Part of this Act applies 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 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 subsection (5) above 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.

## **9 Licensing of fishing vessels**

- (1) As from the prescribed date, no vessel to which this Part of this Act applies, being a vessel registered in Great Britain, shall be used in the white fish industry unless either there is in force in respect of the vessel a licence granted by the Authority under this section or the vessel is one to which this section does not apply by virtue of subsection (2) below; and if this subsection is contravened in the case of any vessel every person who is an owner or charterer of the vessel shall be guilty of an offence against this Part of this Act.
- (2) This section shall not apply to 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 vessels of any class prescribed for the purpose of this subsection.
- (3) On application made by any person who is an owner or charterer of a vessel to which this Part of this Act applies 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 £1 as may be prescribed (if any), the Authority shall, subject to subsection (4) below, grant the application.
- (4) 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 (9) below has been made is to be concerned (whether as owner, charterer, master 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 subsection (5) below.
- (5) 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.
- (6) 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).
- (7) A licence granted under this section may be granted subject—
- (a) to such conditions as the Authority think fit to impose—

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- (i) for preventing over-fishing ;
    - (ii) in a case to which subsection (4) above applies, for securing that no person about whom an order has been made under subsection (9) below 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 Her 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 authorised by any scheme.
- (8) If any condition of a licence granted under this section in respect of any vessel is contravened, every person who is an owner, charterer or master of the vessel at the time of the contravention shall be guilty of an offence against this Part of this Act.
- (9) Where a person is convicted of an offence under subsection (8) above, and the court is satisfied that conditions of licences under this section have been persistently disregarded in the case of any vessels to which this Part of this Act applies while he has been concerned in their management (whether as owner, charterer, master 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.
- (10) Where, at the date of an order made under subsection (9) above on a person's conviction, he is concerned in the management of any vessels to which this Part of this Act applies, 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.
- (11) 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 liable on summary conviction to a fine not exceeding £25.
- (12) 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 any vessels are required to be licensed.
- (13) References in this section to the owner of a vessel do not apply to the Authority.

*Inquiries, information, notices, etc.*

## **10 Power of the Authority to hold inquiries**

- (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.

- (3) Notwithstanding subsection (2) above, an order under that subsection shall not have the effect of applying to the Authority section 2(a) of the said Act of 1921 (tribunals to be open to the public unless this is contrary to the public interest), but the Authority may nevertheless 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.
- (4) Subsections (2) and (3) above 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 the references to the Authority.
- (5) A draft of any order under this section shall be laid before Parliament.

## **11 Inquiries held by Ministers**

- (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; but 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 liable on summary conviction to a fine not exceeding £50 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.

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

- (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 vessel to which this Part of this Act applies 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 8 or 9 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 liable on summary conviction to a fine not exceeding £25 ; 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 liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or to both.

### 13 Powers of entry, etc.

- (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 vessel to which this Part of this Act applies, being a 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 section 6(1) 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 liable on summary conviction to a fine not exceeding £50.
- (6) If a person exposing any white fish for sale refuses to sell to an officer authorised 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 authorised 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 subsection (5) above 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.
- (7) In the application of this section to Scotland, any reference to a justice of the peace shall include a reference to a sheriff.

#### **14 Restrictions on disclosure of information**

- (1) Subject to subsection (2) below, 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.
- (2) Nothing in subsection (1) above shall apply to any disclosure of information made by the Authority to the Ministers or to the Secretary of State concerned with the sea fishing industry in Wales or to 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.
- (3) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50 or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding £100 or to both.

#### **15 Form and service of notices**

- (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 master of a vessel engaged in catching or processing sea fish or transporting sea fish or the products of sea fish 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 vessel together with a written request that it be transmitted to the master.

- (3) Subsection (2) above shall not be taken to prejudice any other method of giving notice.
- (4) 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*

## **16 White Fish Industry Fund**

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

## **17 Authority's power to impose levies on white fish industry**

- (1) The Authority shall have power for the purpose of financing the discharge of their functions.—
  - (a) to impose a general levy on persons engaged in the white fish industry—
    - (i) in respect of white fish landed in Great Britain, at a prescribed rate not exceeding 2d. for each stone of white fish so landed ; and
    - (ii) in respect of white fish products so landed, at a prescribed rate in respect of each stone of the products;
  - (b) to raise by means of special levies imposed on such persons for the purposes of schemes such additional sums as the schemes authorise.
- (2) The rate prescribed in relation to any white fish product for the purposes of subsection (1)(a)(ii) above shall not exceed an amount which in the opinion of the Authority would be yielded by a levy of 2d. on each stone of white fish required on average (whether alone or together with any other substance or article) to produce a stone of that product.
- (3) The Authority may prescribe different rates of general levy for fish of different descriptions and products of different descriptions.
- (4) The Ministers may by order provide that for references to 2d. in subsections (1) and (2) above there shall be substituted references to such larger sum as may be specified in the order.
- (5) No order shall be made under subsection (4) above unless a draft thereof has been laid before, and been approved by, both Houses of Parliament.
- (6) 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.

- (7) For the purposes of subsections (1) and (6) above parts of white fish shall be treated as products of white fish and not as white fish, notwithstanding anything in the definition of white fish in section 59 of this Act.
- (8) References in subsections (1) and (6) above to persons engaged in the white fish industry shall be construed as including references to persons carrying on in Great Britain the business of buying the products of white fish by wholesale or of importing white fish or their products.

## **18 Borrowing power of Authority**

- (1) The Authority shall have power, subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, for the purpose of financing the discharge of their functions, to borrow up to such amount as the Treasury may approve, so long as the amount outstanding at any time of the sums borrowed under this section and section 15 of the Sea Fish Industry Act 1951 does not exceed £30 million or such greater amount as may be specified by an order for the time being in force under subsection (2) below.
- (2) The limit on the amount outstanding at any time of the sums borrowed by the Authority under subsection (1) above may be raised from time to time, by an amount not exceeding £5 million at any one time, by an order made by the Ministers with the approval of the Treasury.
- (3) An order under subsection (2) above shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

## **19 Authority's power to charge fees and accept voluntary payments**

The Authority shall have power for the purpose of financing the discharge of their functions:—

- (a) to charge fees for services rendered and such other matters as may be authorised by schemes; and
- (b) to accept payments voluntarily made to them by any person for the purpose of promoting all or any of the objects of the Authority.

## **20 Expenses of the Advisory Council**

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

## **21 Authority's accounts and reports**

- (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.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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 Institute of Chartered Accountants of Scotland ;
  - 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.
- (7) So long as the Secretary of State concerned with the sea fishing industry in Wales continues to exercise functions under section 22(6) of this Act, the references in this section to the Ministers shall be construed as including a reference to that Secretary of State.

## **22 Exchequer loans to Authority**

- (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 for a purpose approved by the Ministers and the Treasury, so long as the amount outstanding at any time of the sums advanced under this section and section 17 of the Sea Fish Industry Act 1951 does not exceed £30 million, or such greater sum as may be specified by an order for the time being in force under subsection (3) below; but no such advance—
- (a) if it is for the purpose of enabling the Authority to give financial assistance by way of loan, shall be made unless the application for that assistance is approved by the Authority before the end of the year 1972, or
  - (b) in any other case, shall be made after the end of the year 1972.
- (2) Subsection (1) above shall not be construed as extending the powers of the Authority to borrow money under section 18 of this Act.
- (3) The limit on the amount outstanding at any time of the sums advanced to the Authority under subsection (1) above may be raised from time to time, by an amount not exceeding £5 million at any one time, by an order made by the Ministers with the approval of the Treasury.
- (4) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.
- (5) Any sums received by the Ministers by way of interest on or repayment of any advances under this section shall, subject to section 24(2) of this Act, be paid into the Consolidated Fund.
- (6) 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) above, the powers shall not be exercised except in accordance with arrangements approved by the Ministers and the Treasury, and, if the arrangements relate to Wales, by the Ministers, the

Secretary of State concerned with the sea fishing industry in Wales 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.

### **23 Exchequer grants to Authority**

- (1) The Ministers shall have power with the approval of the Treasury given before the end of the year 1972 to make grants to the Authority in respect of any expenditure of the Authority on research or experiment or any expenditure incurred by the Authority in the exercise of the powers conferred on them by section 5(1)(f) of this Act to provide or acquire, equip or operate plants for processing white fish or making ice.
- (2) The aggregate amount of any grants made under subsection (1) above and any grants made under section 17 of the Sea Fish Industry Act 1951 shall not exceed £2 million, but this limit may be raised from time to time by an amount not exceeding £1 million at any one time by an order made by the Ministers with the approval of the Treasury.
- (3) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

### **24 White Fish Marketing Fund**

- (1) There shall continue to be a fund called the White Fish Marketing Fund under the control and management of the Ministers, and so much of any sums to be advanced to the Authority under section 22 of this Act as is required for the undertaking of operations involving the outlay of working capital shall be paid into that fund.
- (2) Notwithstanding section 22(5) of this Act, any sums received by the Ministers by way of repayment of principal of an advance made (whether before or after the commencement of this Act) out of the White Fish Marketing Fund shall, if received before the end of the year 1972 be paid into that fund ; but the Ministers may at any time repay out of the White Fish Marketing Fund into the Consolidated Fund any sums so paid into the White Fish Marketing Fund.
- (3) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made (whether before or after the commencement of this Act) out of the White Fish Marketing Fund or part of such an advance cannot be repaid, the Treasury may direct that the liability of the Authority to the Ministers shall be reduced to the extent of that sum.
- (4) The Minister of Agriculture, Fisheries and Food shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the White Fish Marketing Fund in each financial year.
- (5) On or before 30th September in each year, the said account and, in a case where the Treasury have directed under subsection (3) above that the liability of the Authority to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before both Houses of Parliament.
- (6) As soon as may be after the end of the year 1972 the White Fish Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof shall be paid into the Consolidated Fund.

**25 Financial provision for Authority, etc.**

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 Minister for the Civil Service, may determine;
- (b) such sums as may from time to time be required by the Ministers for making advances or grants under this Part of this Act to the Authority ;
- (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.

*Offences***26 Offences against Part I**

- (1) A person guilty of an offence against this Part of this Act for which no fine is provided by the foregoing provisions thereof shall, subject to the following provisions of this section, be liable on summary conviction to a fine not exceeding £25 or, if he has been previously convicted of the like offence, to a fine not exceeding £100.
- (2) Subject to the following provisions of this section, the expression " the like offence " in subsection (1) above—
  - (a) in relation to an offence under section 6 or section 9 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) above, 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 vessel in contravention of section 9(1) of this Act, to a fine not exceeding the value of the fish caught or transported by the vessel, or (as the case may be) the value of the products of the fish processed thereon or of the products transported thereby, while the vessel was so used,
 but 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 subsection (3) above.
- (5) Regulations under section 6(1) of this Act or a scheme may modify subsections (1) to (4) above 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) above ;
  - (c) by limiting the meaning of the expression " the like offence " in subsection (1) above.
- (6) Summary proceedings for an offence against this Part of 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*

## **27 Interpretation of Part I**

- (1) In 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 ;
  - " prescribed " means prescribed by regulations of the Authority;
  - " processing ", in relation to fish, includes preserving or preparing fish, or producing any substance or article wholly or partly from fish, by any method for human or animal consumption;
  - " products ", in relation to fish, means anything produced by processing the fish ;
  - " scheme " means a scheme under section 7 of this Act;
  - " white fish industry " means the white fish industry in Great Britain; and, without prejudice to section 17(8) of this Act, a person shall be deemed to engage in the white fish industry if he carries on the business of operating vessels to which this Part of this Act applies for catching or processing white fish or for transporting white fish or the products 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).
- (2) Any reference in this Part of this Act to a vessel to which this Part of this Act applies is, subject to subsection (3) below, a reference to a vessel which either—
- (a) being registered in Great Britain is for the time being employed in the business of catching or processing sea fish or transporting sea fish or the products of sea fish, or
  - (b) not being registered in Great Britain, is for the time being employed in the business of making voyages for the purpose of catching or processing sea fish, or transporting sea fish or the products of sea fish where (in any such case) it is part of the purpose of the voyage that the fish or the products of the fish are to be landed in Great Britain, whether by the vessel which caught them, or by another vessel.
- (3) For the purposes of the application of subsection (2) above to any enactment contained in this Part of this Act which relates to the provision, acquisition or equipment of vessels, paragraphs (a) and (b) of that subsection shall apply with the substitution, for

the word " registered " , of the words " intended to be registered " , and for the words " is for the time being employed of the words " is to be employed " .

*Northern Ireland*

**28 Application of Part I to Northern Ireland**

(1) Subject to subsection (2) below, this Part of this Act shall extend to Northern Ireland.

(2) Her Majesty may, by an Order in Council made in pursuance of a resolution of both Houses of the Parliament of Northern Ireland direct—

- (a) that this Part of this Act shall cease to extend to Northern Ireland;
- (b) that this Part of this Act, in its application to Northern Ireland, shall have effect subject to such exceptions, adaptations and modifications as may be provided for by the Order in Council;

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.

(3) While this Part of this Act extends to Northern Ireland it shall have effect (without prejudice to the validity of anything previously done thereunder at any time when it did not so extend and subject to the terms of any such Order in Council as aforesaid) as if—

- (a) any reference to Great Britain were a reference to the United Kingdom;
- (b) the reference to summary proceedings in section 26(6) of this Act were a reference, in relation to Northern Ireland, to proceedings under the Summary Jurisdiction Acts; and
- (c) 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 2 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 II**

HERRING INDUSTRY

*The Board and the Advisory Council*

**29 Constitution and functions of Herring Industry Board**

(1) There shall continue to be a Herring Industry Board (in this Act referred to as " the Board ") which shall have: —

- (a) such functions as may be conferred on it by a scheme under this Part of this Act;
- (b) the function of keeping generally under review matters relating to the herring industry, including the conditions of employment of persons employed therein ; and
- (c) such other functions as are mentioned in this Act.

- (2) The Board shall consist of a chairman appointed by the Ministers and the Secretary of State concerned with the sea fishing industry in Wales and such number of other members so appointed as the Ministers and the said Secretary of State may from time to time determine.
- (3) If it appears to the Board to be practicable and desirable to make provision for the election of members of the Board by persons engaged in the herring industry, the Board shall prepare and submit to the Ministers proposals for the variation of the composition of the Board so as to enable members to be so elected, and thereupon the Ministers shall lay the proposals before Parliament together with a report setting out their views thereon.
- (4) The provisions of Schedule 4 to this Act shall have effect with respect to the Board and their proceedings.
- (5) The Ministers may give the Board such directions of a general character as to the exercise and performance by the Board of their functions as appear to the Ministers to be requisite in the national interest, and the Board shall give effect to any such directions.
- (6) Any directions under subsection (5) above in connection with the Board's functions under section 45 of this Act shall be given by the Secretary of State concerned with the sea fishing industry in Wales as well as by the Ministers, and references to the Ministers in that subsection shall be construed accordingly.

### **30 The Herring Industry Advisory Council**

- (1) For the purpose of giving advice to the Board in the discharge of their functions, there shall continue to be a Herring Industry Advisory Council.
- (2) The Advisory Council shall consist of a chairman, who shall be such member of the Board as may from time to time be appointed by the Board, and of such other members as may be appointed by the Ministers and the Secretary of State concerned with the sea fishing industry in Wales to represent the interests of the different sections of the herring industry and any such other interests (including those of persons employed in the industry) as the Ministers and the said Secretary of State may consider to be affected.
- (3) Before appointing to the Council a member to represent any such interests as aforesaid, the Ministers and the said Secretary of State shall consult such bodies, if any, as appear to them to be representative of the interests concerned.
- (4) The Board shall appoint a person to act as secretary to the Council.
- (5) The provisions of Schedule 2 to this Act shall have effect with respect to the Advisory Council.

#### *Herring Industry Schemes*

### **31 Schemes for reorganisation, development and regulation of the herring industry**

- (1) The Ministers may by order make a scheme with a view to effecting or better effecting the reorganisation, development and regulation of the herring industry, and

any scheme so made may contain any provisions which the Ministers in their discretion think expedient with a view to effecting or better effecting those purposes.

- (2) Any such scheme may confer on the Board powers for all or any of the purposes mentioned in Part I of Schedule 5 to this Act, but nothing in the said Part I shall be construed as limiting the provisions that may be contained in any such scheme and in particular as limiting the powers that may be conferred on the Board by any such scheme to purchase herring or to fix prices of herring or products of herring.
- (3) The provisions of Part II of Schedule 5 to this Act shall have effect with respect to the making of any such scheme.
- (4) If it appears to the Ministers, after consultation with the Board, that any such scheme ought to be revoked (otherwise than for the purpose of being replaced by a new scheme) they may by order revoke that scheme and provide for the winding up of the Board, but an order shall not be made under this subsection unless a draft thereof has been laid before Parliament and approved by resolution of each House.

### **32 Consumers' committee and committee of investigation**

- (1) The Ministers shall appoint a consumers' committee and a committee of investigation.
- (2) A consumers' committee shall—
  - (a) consist of a chairman and of not less than six other members, who shall be such persons as appear to the Ministers, after consultation with the Board of Trade and, as to one member, with the Co-operative Union, to represent the interests of the consumers of herring and their products ; and
  - (b) be charged with the duty of considering and reporting to the Ministers on—
    - (i) the effect of any scheme in force under this Part of this Act on consumers of herring and their products; and
    - (ii) any complaint made to the committee as to the effect of a scheme in force under this Part of this Act on consumers of herring and their products.
- (3) A committee of investigation shall—
  - (a) consist of a chairman and four other members, and
  - (b) be charged with the duty, if the Ministers in any case so direct, of considering and reporting to the Ministers on any report made by a consumers' committee and any complaint made to the Ministers as to the operation of a scheme in force under this Part of this Act which, in the opinion of the Ministers, could not be considered by a consumers' committee under subsection (2) above.
- (4) For the purpose of enabling a consumers' committee or a committee of investigation to consider any matter which it is their duty to consider, the Board shall furnish the committee with such accounts and other information relating to the affairs of the Board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by regulations made by the Ministers under subsection (9) below with respect to the procedure of the committee.
- (5) If a committee of investigation reports to the Ministers that any provision of a scheme in force under this Part of this Act, or any act or omission of the Board, is contrary to the interests of consumers of herring and their products, or is contrary to the interests of any person affected by the scheme, and is not in the public interest, the Ministers

shall consider the report with a view to making such amendments in the scheme as they consider necessary or expedient for the purpose of rectifying the matter or to revoking the scheme; and in the event of the matter being one which it is within the power of the Board to rectify, may by order direct the Board to take such steps to rectify the matter as may be specified in the order, and thereupon it shall be the duty of the Board forthwith to comply with the order.

- (6) In considering for the purpose of this section whether any person represents the interests of consumers of herring and their products or whether any provision of a scheme in force under this Part of this Act or any act or omission of the Board is contrary to the interests of consumers of herring and their products, regard shall be had to the interests of persons who purchase herring and their products for their own consumption or use and not to the interests of persons who purchase herring and their products for the purpose of any trade or industry carried on by them.
- (7) The Ministers may appoint a secretary to a committee and a committee may employ such officers, agents and servants as the Ministers may, with the approval of the Minister for the Civil Service, determine.
- (8) The chairman and other members of a committee shall be appointed by the Ministers for such period and subject to such conditions as may be determined by them, and the meetings, quorum and procedure of a committee shall be regulated in accordance with regulations made by the Ministers for the purpose, and a committee shall have power to act notwithstanding any vacancy among the members thereof.
- (9) Orders and regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section " products " has the same meaning as in Part I of this Act.

#### *Finance*

### **33 Borrowing power of the Board**

- (1) The Board shall have power to borrow, subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, any sums required by them for the purpose of their functions under this Part of this Act or a scheme in force thereunder, so long as the amount outstanding at any time of the principal sums borrowed under this section and section 7 of the Herring Industry Act 1935 does not exceed £4 million or such greater amount as may be specified by an order for the time being in force under subsection (2) below.
- (2) The limit on the amount outstanding at any time of the sums borrowed by the Board under subsection (1) above may be raised from time to time, by an amount not exceeding £500,000 at any one time, by an order made by the Ministers with the approval of the Treasury.
- (3) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

**34 Expenses of the Advisory Council**

The Board may make such payments in respect of the expenses of the Advisory Council as the Ministers and the Treasury may approve, and any such payments shall be deemed to be part of the general administrative expenses of the Board.

**35 Exchequer loans to Board**

- (1) The Ministers may advance to the Board, on such terms as the Treasury may approve, any sums required to be borrowed by the Board for any purpose approved by the Ministers and the Treasury, so long as the amount outstanding at any time of the sums advanced under this section and section 7(2) of the White Fish and Herring Industries Act 1953 does not exceed £4 million or such greater amount as may be specified by an order for the time being in force under subsection (3) below; but no such advance—
  - (a) if it is for the purpose of enabling the Board to give financial assistance by way of loan, shall be made unless the application for the assistance is approved by the Board before the end of the year 1972, or
  - (b) in any other case, shall be made after the end of the year 1972.
- (2) Subsection (1) above shall not be construed as extending the powers of the Board to borrow money under section 33 of this Act.
- (3) The limit of the amount outstanding at any time of the sums advanced to the Board under subsection (1) above may be raised from time to time, by an amount not exceeding £500,000 at any one time, by an order made by the Ministers with the approval of the Treasury.
- (4) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.
- (5) Any sums received by the Ministers by way of interest on or repayment of any advances under this section shall, subject to section 37(2) of this Act, be paid into the Consolidated Fund.

**36 Exchequer grants to Board**

- (1) The Ministers shall have power with the approval of the Treasury given before the end of the year 1972 to make grants to the Board in respect of any expenses incurred by the Board after 3rd August 1944 (being the date of the passing of the Herring Industry Act 1944) in the exercise of any powers exercisable by the Board—
  - (a) for promoting the sale of herring or herring products,
  - (b) for promoting market development,
  - (c) for promoting schemes for the revival of winter fisheries,
  - (d) for purchasing vessels and equipment for the purpose of being chartered or hired,
  - (e) for promoting or carrying out schemes of research or experiment, or
  - (f) for converting herring to oil and other products.
- (2) The aggregate amount of any grants made under subsection (1) above and any grants made under section 3 of the Herring Industry Act 1944 and section 5 of the White Fish and Herring Industries Act 1948 shall not exceed £4 million, but this limit may be raised from time to time, by an amount not exceeding £500,000 at any one time, by an order made by the Ministers with the approval of the Treasury.

- (3) An order under this section shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

### **37 Herring Marketing Fund**

- (1) There shall continue to be a fund called the Herring Marketing Fund under the control and management of the Ministers, and so much of any sums to be advanced to the Board under section 35 of this Act as is required for the making of loans in connection with export or for the undertaking of operations involving the outlay of working capital shall be paid into that fund.
- (2) Notwithstanding anything in section 35 of this Act, any sums received by the Ministers by way of repayment of the principal of sums advanced to the Board (whether before or after the commencement of this Act) out of the Herring Marketing Fund shall, if received before the end of the year 1972 be paid into that fund ; but the Ministers may at any time repay out of the Herring Marketing Fund into the Consolidated Fund any sums so paid into the Herring Marketing Fund.
- (3) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made (whether before or after the commencement of this Act) out of the Herring Marketing Fund or part of such an advance cannot be repaid, the Treasury may direct that the liability of the Board to the Ministers shall be reduced to the extent of that sum.
- (4) The Secretary of State concerned with the sea fishing industry in Scotland shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the Herring Marketing Fund in each financial year.
- (5) On or before 30th September in each year, the said account and, in a case where the Treasury have directed under subsection (3) above that the liability of the Board to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General, who shall examine and certify the account and lay copies thereof together with his report thereon, before both Houses of Parliament.
- (6) As soon as may be after the end of the year 1972 the Herring Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof shall be paid into the Consolidated Fund.

### **38 Board's accounts and reports**

- (1) A scheme under this Part of this Act shall provide—
- (a) for the establishment of a Fund, the payment into the Fund of all moneys received by the Board and the payment thereof of all their disbursements;
  - (b) for the keeping by the Board of proper accounts, the audit of the accounts by an auditor approved by the Ministers and the submission of the audited accounts in every year by the Board to the Ministers together with the report of the Board's proceedings made under subsection (5) below ; and
  - (c) for the submission to the Ministers of such audited statements as they may from time to time require with respect to the application of advances under section 7 of the White Fish and Herring Industries Act 1953 or section 35 of this Act.

- (2) The audit of the Board's accounts as aforesaid shall be carried out in accordance with such directions as may be given by the Ministers.
- (3) The said statements shall be transmitted to the Comptroller and Auditor-General, who shall lay copies thereof before both Houses of Parliament together with the report and accounts mentioned in section 37(5) of this Act.
- (4) No person shall be qualified to be appointed auditor unless he is a member of one or more of the following bodies:—
  - The Institute of Chartered Accountants in England and Wales;
  - The Institute of Chartered Accountants of Scotland;
  - The Association of Certified and Corporate Accountants.
- (5) The Board shall also, not later than the expiration of three months from the last day of each financial year of the Board, make a report to the Ministers on the proceedings of the Board during that year, and the Ministers shall lay every such report before Parliament; but no information with respect to any individual business (other than a business carried on by or on behalf of the Board) shall, without the consent of the owner of that business, be included in any report so laid.

### **39 Financial provision for Board, etc.**

There shall be paid out of moneys provided by Parliament—

- (a) to the members of the Board such salaries and allowances as the Ministers, with the approval of the Minister for the Civil Service, may determine;
- (b) to the members of the Advisory Council such allowances as the Ministers, with the approval of the Minister for the Civil Service, may determine ;
- (c) to the members, officers and servants of the consumers' committee and the committee of investigation such remuneration (whether by way of salaries or by way of fees) as the Ministers, with the approval of the Minister for the Civil Service, may determine;
- (d) the amount necessary to defray such expenses of the said committees as the Ministers and the Treasury may approve;
- (e) such sums as may from time to time be required by the Ministers for making advances or grants under this Part of this Act to the Board.

### *Legal proceedings and offences*

### **40 Recovery of levy**

Any contribution leviable by virtue of a scheme in force under this Part of this Act shall be recoverable as a debt by and from the persons by and from whom the contribution is made leviable by virtue of the scheme.

### **41 Offences against schemes**

- (1) Any person who contravenes or fails to comply with any provision of, or having effect under, a scheme under this Part of this Act, not being a provision for the levying of contributions, shall, if the scheme provides that a contravention of, or a failure to comply with that provision is to be deemed to be an offence, be liable on summary conviction, in the case of a first offence to a fine not exceeding £5 and, in the case



of a second or subsequent offence, to a fine not exceeding £20, and, in either case, to forfeit any herring or herring products in relation to which the offence is committed, or to an additional fine not exceeding the value thereof.

- (2) In Scotland the court by which a fine is imposed for an offence under this Part of this Act may, if the court thinks fit, having regard to the prejudicial effect which the commission of the offence has had, or is likely to have, on the operation of a scheme in force under this Part of this Act, direct that the whole or any part of the fine be paid to the Board.
- (3) Subsections (1) and (2) above shall have effect in addition to and not in derogation of any provision which may be made by a scheme for the enforcement, otherwise than by way of fine, forfeiture of goods or money or imprisonment, of any provision of, or having effect under, a scheme in force under this Part of this Act, not being a provision for the levying of contributions.

#### **42 Publication or disclosure of information**

Any person who publishes or discloses any information obtained by him in the exercise of any power conferred by or under this Part of this Act, otherwise than for the purpose of the proper discharge of a duty in that behalf or to the Minister of Agriculture, Fisheries and Food or the Secretary of State, shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding £100, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 or to both.

#### *Northern Ireland*

#### **43 Application of Part II to Northern Ireland**

- (1) This Part of this Act shall, for the purposes of section 6 of the Government of Ireland Act 1920, be deemed to be an Act passed before the appointed day.
- (2) Such sums paid out of the Exchequer of the United Kingdom in connection with the execution of this Part of this Act as may be determined by the Joint Exchequer Board to be properly payable by the Government of Northern Ireland shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.

### **PART III**

#### **GRANTS AND SUBSIDIES**

#### *Grants towards new vessels, engines, etc.*

#### **44 Grants by the White Fish Authority**

- (1) The Authority may, in accordance with a scheme made by the Ministers with the approval of the Treasury after consultation with the Authority, make to persons engaged or proposing to become engaged in the white fish industry in Great Britain grants in respect of expenditure incurred—

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- (a) in the acquisition of any vessel to which this section applies;
- (b) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel,

of such amounts and subject to such conditions as may be determined by or under the scheme; but no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, or in the acquisition or installation of any secondhand engine, part, equipment or apparatus.

- (2) For the purposes of this section a person shall be deemed to be engaged in the white fish industry in Great Britain if he carries on the business of operating one or more vessels registered in Great Britain in carrying on any of the activities specified in subsection (3) below.
- (3) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in catching or processing white fish or transporting white fish or the products of white fish.
- (4) In relation to a vessel to which this section applies "relevant equipment" means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities by virtue of which the vessel is one to which this section applies; and equipment constructed or adapted for the purpose of transferring white fish from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities.

#### **45 Grants by the Herring Industry Board**

- (1) The Board may, in accordance with a scheme made by the Ministers with the approval of the Treasury after consultation with the Board, make to persons engaged or proposing to become engaged in the herring industry in Great Britain grants in respect of expenditure incurred—
  - (a) in the acquisition of any vessel to which this section applies;
  - (b) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel,of such amounts and subject to such conditions as may be determined by or under the scheme; but no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, or in the acquisition or installation of any secondhand engine, part, equipment or apparatus.
- (2) For the purposes of this section a person shall be deemed to be engaged in the herring industry in Great Britain if he carries on the business of operating one or more vessels registered in Great Britain in carrying on any of the activities specified in subsection (3) below.
- (3) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in catching or processing herring or transporting herring or the products of herring.
- (4) In relation to a vessel to which this section applies "relevant equipment" means equipment or apparatus of any description constructed or adapted for the purposes

of the particular activities by virtue of which the vessel is one to which this section applies; and equipment constructed or adapted for the purpose of transferring herring from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities.

#### **46 Grants where expenditure shared**

Where any expenditure in respect of which a grant may be made in pursuance of a scheme under section 44 or 45 of this Act is shared by two or more persons, the amount of the grant which may be so made to any one of those persons shall not exceed such fraction of the grant which could be made to him if he had incurred the whole of that expenditure as is proportionate to his actual share of that expenditure.

#### **47 Financial provision**

Any sums required by the Authority or the Board for the payment of grants under this Part of this Act shall be paid out of moneys provided by Parliament, and any sums received by the Authority or the Board by way of refund of any such grants in accordance with conditions attached thereto shall be paid into the Consolidated Fund.

#### **48 Accounts**

- (1) The Authority and the Board shall respectively keep such accounts with respect to grants made by them under section 44 or 45 of this Act as may be directed by the Ministers with the approval of the Treasury, and shall prepare in respect of each financial year a statement of the accounts in such form and giving such information as may be so directed.
- (2) The said accounts for each financial year shall be audited (in accordance with a scheme of audit approved by the Ministers), and the statements certified, by the persons appointed in respect of that year to audit the other accounts of the Authority or the Board, as the case may be ; and the auditors shall be furnished by the Authority and the Board with copies of their respective statements.
- (3) The auditors shall in each case furnish the Ministers with copies of the said statement of accounts together with their report thereon, and the copies and the report shall be sent by the Ministers to the Comptroller and Auditor-General not later than 30th September following the end of the financial year to which the accounts relate.
- (4) The Comptroller and Auditor-General shall examine the said statements of accounts and the reports sent to him under subsection (3) above and may inspect the accounts kept by the Authority or the Board with respect to grants made by them under section 44 or 45 of this Act, and shall certify each statement and lay a copy of it together with his report thereon before Parliament.

#### *White fish and herring subsidies*

#### **49 General provisions as to white fish and herring subsidies**

- (1) With a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish and herring and white fish products and herring products, the appropriate Minister may, in accordance with a scheme made by the Ministers with the approval of the Treasury, make to the owners or charterers of vessels registered

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in the United Kingdom, being vessels engaged in catching white fish or herring, or in processing or transporting white fish or herring caught by vessels registered in the United Kingdom or the products of any such white fish or herring, grants of such amounts, and subject to such conditions, as may be determined by or under the scheme.

- (2) The trans-shipment of white fish and herring and their respective products in a port in the United Kingdom or within the exclusive fishery limits shall be treated for the purposes of subsection (1) above as the landing of white fish and herring and their respective products in the United Kingdom.
- (3) Subject to the provisions of this section, a scheme made thereunder may provide for the payment of grants in the case of any vessel in respect of one or of a combination of all or any of the following:—
  - (a) white fish or herring or white fish products or herring products landed from the vessel in the United Kingdom, or trans-shipped from the vessel in a port in the United Kingdom or within the exclusive fishery limits, or
  - (b) voyages made by the vessel for any one or more of the following purposes, that is to say—
    - (i) catching white fish or herring;
    - (ii) processing white fish or herring, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;
    - (iii) transporting such fish as are mentioned in sub-paragraph (ii) above, or the products of such fish,where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or are to be transshipped in a port in the United Kingdom or within the exclusive fishery limits by the vessel which caught them or by another vessel, or
  - (c) any such other matter as may be specified in the scheme.
- (4) No grant shall be made in pursuance of a scheme under this section unless an application therefor is received by the appropriate Minister before 1st January 1974.
- (5) Any expenses incurred by the appropriate Minister in the making of grants under this section shall be defrayed out of moneys provided by Parliament.
- (6) In this section " the appropriate Minister "—
  - (a) in relation to England and Northern Ireland, means the Minister of Agriculture, Fisheries and Food ;
  - (b) in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland ;
  - (c) in relation to Wales, means—
    - (i) for the purpose of the actual making of any payment under this section, the Minister of Agriculture, Fisheries and Food, and
    - (ii) for all the other purposes of this section, the said Minister and the Secretary of State concerned with the sea fishing industry in Wales acting jointly.
- (7) References in this section to white fish do not include shellfish and references to the exclusive fishery limits do not include waters within the fishery limits of the British Islands which are adjacent to -the Isle of Man or any of the Channel Islands.

## **50 Offences in connection with subsidies**

Any person who—

- (a) in furnishing any information in purported compliance with a requirement imposed by a scheme under section 49 of this Act or under section 5 of the White Fish and Herring Industries Act 1953 (white fish subsidy) or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
- (b) for the purpose of obtaining for himself or any other person any sum payable under such a scheme makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;
- (c) in purported compliance with a requirement imposed by such a scheme produces a document which he knows to be false in a material particular or recklessly produces a document which is false in a material particular; or
- (d) wilfully refuses to supply any information, make any return or produce any document when required to do so by or under any such scheme,

shall be liable, on summary conviction, to a fine not exceeding £400.

## **51 Reimbursement of Isle of Man herring subsidies**

- (1) This section applies to any grant made (whether before or after the commencement of this Act) by the Government of the Isle of Man to the owners or charterers of vessels registered in the United Kingdom, in respect of herring or herring products landed in the Isle of Man or trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man, or in respect of voyages made by the vessel in question for any one or more of the following purposes, that is to say—

- (a) catching herring;
- (b) processing herring caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered ;
- (c) transporting such herring as are mentioned in paragraph (b) above or the products of such herring,

where (in any such case) it was part of the purpose that the herring or the products of the herring were to be landed in the Isle of Man, whether by the vessel which caught them or by another vessel, or were to be trans-shipped in a port in the Isle of Man or within the exclusive fishery limits of the Isle of Man by the vessel which caught them or by another vessel.

- (2) Subject to subsection (3) below, the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland or either of them may repay to the Government of the Isle of Man out of moneys provided by Parliament the amount of any grant to which this section applies.
- (3) Where any such grant (in this subsection referred to as "the Isle of Man grant") has been made in respect of any herring or herring products landed in the Isle of Man, or in respect of any voyage made for a purpose specified in subsection (1) above.—
  - (a) no repayment shall be made under this section unless a grant to the owners or charterers of the vessel could have been made in pursuance of a scheme under section 49 of this Act or section 3 of the White Fish and Herring Industries Act 1957 (herring subsidy), in force at the time of the Isle of Man

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grant, if the herring or herring products in question had been landed in the United Kingdom, or, as the case may be, the voyage had been made for the corresponding purpose specified in section 49(3) of this Act or section 3(2) of that Act as the case may be, and

- (b) the amount of the repayment shall not exceed the amount of the grant which could in those circumstances have been made in pursuance of that scheme.
- (4) In this section any reference to the Government of the Isle of Man includes a reference to any department or agency of that Government.
- (5) In this section " exclusive fishery limits of the Isle of Man " means waters within the exclusive fishery limits of the British Islands which are adjacent to the Isle of Man.

### *Miscellaneous*

#### **52 Schemes**

- (1) A scheme under this part of this Act shall not be so varied or revoked under section 57 of this Act as to reduce or prevent the payment of a grant in pursuance of an application approved under the scheme before the coming into operation of the subsequent scheme.
- (2) A scheme under this Part of this Act shall be of no effect until it is approved by a resolution of each House of Parliament.

#### **53 Interpretation of Part III**

In this Part of this Act—

" the Ministers " includes the Secretary of State concerned with the sea fishing industry in Wales, but does not include the Secretary of State concerned with the sea fishing industry in Northern Ireland ; and

" processing " and " products " have the same meanings as in Part I of this Act.

#### **54 Application of Part III to Northern Ireland**

Sections 44 to 48 and 51 of this Act do not extend to Northern Ireland.

## **PART IV**

### **GENERAL**

#### **55 Directions for purposes of levy**

The Ministers may direct that a substance or article which is capable of being produced wholly or partly from either white fish or herring or both shall be treated for the purposes of sections 17 and 31 of this Act and any instrument made under or by virtue of either of them as being wholly or partly produced from one of those descriptions of fish, and may also give directions with respect to the collection of sums payable by way of levy or contribution in respect of that substance or article in pursuance of any such instrument and the application of sums so paid in any manner specified in the

directions, whether or not the application of those sums in that manner is authorised by the relevant provision or instrument.

## **56 Offences by bodies corporate**

Where an offence under 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, or any person who was purporting to act in any such capacity, 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.

## **57 Ministers' orders etc.**

- (1) Any power of any Minister or Ministers to make orders, schemes or regulations (other than regulations under section 18(1) of this Act) under this Act shall be exercisable by statutory instrument.
- (2) Subject to section 52(1) of this Act and to subsection (3) below any power conferred by this Act to make an order or scheme includes power to vary or revoke the order or scheme by a subsequent order or scheme, as the case may be.
- (3) Subsection (2) above shall not apply to an order revoking a scheme under section 7(5) or section 31(4) of this Act or to an order under section 10(2) of this Act.

## **58 The Ministers**

- (1) In this Act the expression " the Ministers " means, subject to section 53 of this Act and to subsection (2) below, the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea fishing industry in Scotland and the Secretary of State concerned with the sea fishing industry in Northern Ireland.
- (2) In Part I and section 55 of this Act the expression " the Ministers " does not include the Secretary of State concerned with the sea fishing industry in Northern Ireland at any time when Part I of this Act does not extend to Northern Ireland.

## **59 White fish**

- (1) In this Act the expression " white fish " means, subject to sections 17(7) and 49(7) of this Act, fish (whether fresh or preserved) of any kind found in the sea except herring, salmon and migratory trout, and also includes shellfish, and references to white fish shall be construed as including references to parts of white fish.
- (2) In subsection (1) above, " salmon" means any of the salmon species and " migratory trout" means any species of trout which migrates to and from the sea.

## **60 General interpretation provisions**

- (1) In this Act references to Wales include Monmouthshire.
- (2) Any reference in this Act to any enactment is a reference to it as amended by or under any other enactment.

**61 Repeals, savings etc.**

- (1) The enactments specified in Parts I and II of Schedule 6 to this Act (of which those specified in Part II of that Schedule are obsolete enactments relating to herring) are hereby repealed to the extent specified in the third column of those Parts of that Schedule, and the Order specified in Part III of that Schedule is hereby revoked to the extent specified in the third column of that Part of that Schedule.
- (2) In so far as any instrument made or other thing whatsoever done under any enactment repealed and re-enacted by this Act could have been made or done under the corresponding enactment in this Act, it shall not be invalidated by the repeal of that enactment but shall have effect as if made or done under the corresponding enactment.
- (3) Where any Act or any document refers, either expressly or by implication, to an enactment repealed and re-enacted by this Act, the reference shall except where the context otherwise requires, be construed as referring, or as including a reference, to the corresponding enactment in this Act.
- (4) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

**62 Citation and commencement**

- (1) This Act may be cited as the Sea Fish Industry Act 1970.
- (2) This Act shall, subject to subsection (3) below, come into force on the expiration of a period of two months beginning with the date on which it is passed.
- (3) The repeals by this Act of paragraph (b) and in paragraph (c) of the definition of " the Ministers " in section 33(2) of the Sea Fish Industry Act 1962 shall come into force upon the day appointed for the repeal of section 18 of that Act under section 23(2) of the Sea Fisheries Act 1968.



## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

#### 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.
- 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 a person shall not hold office as a member of the Authority for more than five years under any one appointment.
- 3 Any member of the Authority may resign his office by a notice given under his hand to the Ministers and the Secretary of State concerned with the sea fishing industry in Wales.
- 4 A member of the Authority who ceases to hold office shall be eligible for reappointment.
- 5 It shall be the duty of the Ministers and the said Secretary of State 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 and the said Secretary of State 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*

- 6 Unless and until the Authority otherwise determine, three shall be a quorum at any meeting of the Authority.
- 7 The Authority shall have power to act notwithstanding a vacancy among the members thereof.
- 8 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.
- 9 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

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- qualifications of a person purporting to be a member of the Authority, be as valid as if that defect had not existed.
- 10 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.
- 11 (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) above shall be recorded in the minutes of the meeting at which it is made ; and any notice given under sub-paragraph (2) above shall be recorded in a book to be kept for the purpose.
- 12 Subject to paragraphs 1 to 11 of this Schedule, the Authority shall have power to regulate its own procedure.

*Incidental Duties and Powers of the Authority*

- 13 The Authority shall have an office at which communications and notices will at all times be received, and shall notify to the Ministers and to the Secretary of State concerned with the sea fishing industry in Wales the address of that office and any change of that address.
- 14 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.
- 15 The Authority may with the approval of the Minister for the Civil Service 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.

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### *Application of Seal*

- 16 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*

- 17 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.
- 18 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*

- 19 Paragraphs 2 to 12 of this Schedule shall apply in relation to the Scottish Committee with the substitution of references to the committee for references to the Authority and with the omission from paragraph 3 of the words " and the Secretary of State concerned with the sea fishing industry in Wales " and from paragraph 5 of the words " and the said Secretary of State " in both places where they occur.
- 20 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*

- 21 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.
- 22 Paragraph 16 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.

## SCHEDULE 2

Sections 3 and 30.

### THE ADVISORY COUNCILS

- 1 Every member of a Council other than the Chairman shall hold and vacate office in accordance with the terms of the instrument under which he is appointed ; but,

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notwithstanding anything in such an instrument, any such member of a Council may resign his office by a written notice given under his hand to the Ministers and the Secretary of State concerned with the sea fishing industry in Wales, and a member of a Council who ceases to hold office shall be eligible for reappointment.

- 2 Unless and until a Council otherwise determines, the quorum of that Council shall be such number as may be fixed by the Ministers.
- 3 A 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, a Council shall have power to regulate its own procedure.

### SCHEDULE 3

Sections 6 and 7.

#### 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, while Part I of this Act extends to Northern Ireland, the Belfast 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.

SCHEDULE 4

Section 29.

THE HERRING INDUSTRY BOARD

- 1 The Board shall be a body corporate with a common seal.
- 2 Every member of the Board shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- 3 A member of the Board may resign his office by notice in writing signed by him and given to the Secretary of State concerned with the sea fishing industry in Scotland or to the Secretary of State concerned with the sea fishing industry in Northern Ireland or to the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Wales, and his office shall become vacant at the expiration of seven days from the date of receipt of the notice.
- 4 A member of the Board, on vacating his office on the expiration or termination of the term thereof, shall be eligible for re-appointment.
- 5 It shall be the duty of the Ministers and the said Secretary of State to satisfy themselves with respect to any person whom they propose to appoint to be a member of the Board that that person will have no such financial or commercial interest as to be likely to affect him in the discharge of his functions as a member of the Board, and also to satisfy themselves from time to time, with respect to any person so appointed, that he has no such interest as aforesaid ; and any such person shall, whenever requested by the Ministers and the said Secretary of State so to do, furnish to them such information as they consider necessary for the performance of their duty under this paragraph.
- 6 If a member of the Board—
  - (a) is detained for more than seven days in any place under any enactment in force in the United Kingdom relating to persons of unsound mind ;
  - (b) becomes bankrupt or enters into a composition or arrangement with his creditors;
  - (c) is convicted of a contravention of section 42 of this Act; or
  - (d) is absent from six consecutive meetings of the Board except for some reason appearing to the Board to be sufficient excuse ;the Board shall forthwith declare his office to be vacant and his office shall become vacant on the date of the declaration.
- 7 The Ministers and the said Secretary of State may remove a member of the Board from his office for inability to perform his duties or for misbehaviour, and the office of a member so removed shall become vacant on such date as the Ministers and the said Secretary of State may direct.
- 8 The Board may act notwithstanding that the office of any member is vacant.
- 9 The Board may pay to the members of the Board such salaries, and may pay such of their travelling and other expenses, as the Board, with the concurrence of the Ministers and of the Minister for the Civil Service, may determine.
- 10 Subject to the provisions of this Schedule, the procedure and quorum of the Board shall be such as the Board may from time to time determine.
- 11 The Board may appoint such secretaries and other officers and such servants, and may pay to them such salaries and allowances as the Board may determine.

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- 12 If the Board represent to the Ministers that any of the provisions of this Schedule ought to be varied, the Ministers may make an order for the variation thereof in accordance with the representation, save that an order shall not be made for the variation of paragraph 1, 2 or 5 of this Schedule, nor shall any order be made for the variation of paragraph 9 or 11 of this Schedule except with the concurrence of the Treasury.
- 13 An order under paragraph 12 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## SCHEDULE 5

Section 31.

### HERRING INDUSTRY SCHEMES

#### PART I

##### PARTICULAR PURPOSES FOR WHICH A HERRING INDUSTRY SCHEME MAY CONFER POWERS ON THE BOARD

- 1 The promotion of sales and market development and the promotion and carrying out of schemes of research and experiment.
- 2 The making of loans for the provision, reconditioning and equipment of vessels.
- 3 The making of loans to any society or organisation formed for the purpose of acquiring nets and gear, fuel for vessels or other requisites for herring fishing, or requisites for the curing, kippering or processing of herring, and of selling or hiring any such requisites to the members of the society or organisation.
- 4 The making of loans in connection with export.
- 5 The purchase and disposal of redundant vessels.
- 6 The purchase of vessels and equipment for the purpose of being chartered or hired to persons desiring to engage in the herring industry, including in particular persons who have previously been engaged in that industry and persons who have served whole-time in the armed forces of the Crown or the mercantile marine.
- 7 The sale of any such vessels and equipment or shares therein to persons to whom they have previously been chartered or hired.
- 8 The disposal of any vessels and equipment or shares therein no longer required for the purpose of being chartered, hired or sold as aforesaid.
- 9 The giving of assistance for the revival of winter fisheries.
- 10 The limitation of the number, and control of the operations, of vessels, curers, salesmen, kipperers, processors, exporters and persons dealing wholesale in fresh herring at ports, by means of a licensing system having effect subject to any provisions which may be made by the scheme as respects any of those matters for exemption, compensation (including any such compensation as may be decided upon by the Board for regular members of the crews of efficient and redundant vessels) arbitration and appeal.
- 11 The regulation, by means of rules, of the manner and conditions in and subject to which sales may be conducted, of the charges by way of commission to be made

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by salesmen and exporters, of standards of curing, kippering and processing and of methods of packing and transport.

- 12 The prohibition, in accordance with rules and subject to any exemption for which provision may be made by the rules, of the sale, or the consignment, offer or exposure for sale, or the export, of herring of any description or quality defined in the rules, unless such designation, mark or other means for indicating that the herring are of the said description or quality as may be prescribed by the rules is used in relation to the herring, in such manner as may be so prescribed, and the prohibition, except in relation to herring of such description or quality as may be so defined, of the use, in any manner or circumstances specified in the rules, of such designation, mark or other means as may be so prescribed for indicating that such herring are of that description or quality.

The rules shall be of no effect if and so far as they are inconsistent with any regulations made with regard to fishery produce under section 1 (power to prescribe grade designations) or 2 (power to prescribe grade designation marks) of the Agricultural Produce (Grading and Marking) Act 1928.

- 13 The regulation, by means of prohibitions or restrictions having effect for a limited period either generally or in particular cases, of fishing, curing, kippering and other processes, dealing wholesale in fresh herring at ports, sales and shipments, and the fixing of prices, with a view to meeting temporary or seasonal conditions detrimental to the industry.
- 14 The prohibition or restriction of the export of herring which do not comply with such standards of quality as may be prescribed by rules.
- 15 The purchase and sale as agents and, in special cases, as principals, of herring or herring products including—
- (a) in connection with the regulation of sales with a view to meeting temporary or seasonal conditions detrimental to the industry, the imposition on holders of stocks of cured herring of a duty to place them at the disposal of the Board with a view to the sale for export thereof by the Board as agents, and
  - (b) in connection with sales for export of cured herring by the Board as principals, the compulsory purchase by the Board of cured herring and the imposition on persons having supplies of fresh herring of a duty to sell them to curers for the purpose of the purchase by the Board,

and the fixing of prices in connection with the matters referred to in sub-paragraphs (a) and (b) above.

In this paragraph "cured herring" means herring which have been pickled in salt or brine or in both and which have not been subjected to any process of smoking.

- 16 The making of arrangements for the refrigeration and processing, whether by persons engaged in the industry or by the Board, of such proportion of herring catches as the Board consider expedient with a view to providing supplies of herring of good quality throughout the year and meeting temporary and seasonal conditions detrimental to the industry.
- 17 The regulation, by means of rules, of the conditions subject to which herring may be refrigerated and the standard of quality of the herring before and after refrigeration.
- 18 The disposal of surplus herring by conversion into oil and other products.
- 19 The undertaking of arrangements for shipment for export.

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*Status: This is the original version (as it was originally enacted).*

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- 20 The levying of contributions from persons engaged in the industry and from purchasers of herring or herring products wholesale and importers of herring or herring products. In this paragraph " products " has the same meaning as in Part I of this Act.
- 21 The charging of fees in respect of licences.
- 22 The levying of contributions, in respect of any port or area, out of the proceeds of first sales of fresh herring, and the making of payments to herring fishermen in that port or area in order to obviate so far as possible undue differences in their earnings. A scheme conferring power to levy any such contributions or make any such payments—
- (a) shall provide that those powers shall not be exercisable in respect of any port or area unless it appears to the Board that there exists among herring fishermen in that port or area a prevailing opinion in favour of the exercise of those powers; and
  - (b) shall secure so far as practicable that the contributions levied in respect of any port or area are sufficient to meet payments due to herring fishermen in that port or area under the scheme and, if at any time the contributions are insufficient to meet those payments, the scheme shall require the Board to make such adjustments in the rate of contributions or payments as may be necessary to make good the deficiency.
- In this paragraph " first sales of fresh herring" means the first completed sales wholesale after the herring have been caught.
- 23 The entry on vessels and premises and the inspection thereof and of things found thereon.
- 24 The imposition on persons engaged in the industry of obligations to keep records and accounts and to furnish information.
- 25 The delegation of functions to committees and to other persons.

## PART II

### PRELIMINARY PROCEDURE

- 1 Before making a scheme the Ministers shall, after consultation with the Board and the Treasury, prepare a draft scheme and shall cause to be published, in the London Gazette and in the Edinburgh Gazette and in the Belfast Gazette, and in such other manner as they think best for informing persons affected, notice of their intention to make the scheme, specifying—
- (a) the place where copies of the draft scheme may be inspected and purchased ; and
  - (b) the time (which shall be not less than twenty-eight days from the date on which the notice is first published) within which objections to the draft scheme should be made.
- 2 Every objection must be sent to one or other of the Ministers in writing and must state the grounds of objection, and the Ministers, before laying the draft scheme before Parliament, shall consider any objection duly made with respect to it and make such modifications (if any) in it as they think fit after consultation with the Board and the Treasury.



- 3 The Ministers shall not make a scheme unless a draft of the scheme has been laid before Parliament and approved by resolution of each House.

SCHEDULE 6

Section 61.

REPEALS AND REVOCATION

PART I

MISCELLANEOUS REPEALS

Chapter	Short Title	Extent of Repeal
25 & 26 Geo. 5. c. 9.	The Herring Industry Act 1935.	The whole Act except sub-paragraph (ii) of the proviso to section 3(gg) and section 11.
1 & 2 Geo. 6. c. 42.	The Herring Industry Act 1938.	The whole Act.
7 & 8 Geo. 6. c. 32.	The Herring Industry Act 1944.	The whole Act.
11 & 12 Geo. 6. c. 51.	The White Fish and Herring Industries Act 1948.	The whole Act.
14 & 15 Geo. 6. c. 30.	The Sea Fish Industry Act 1951.	Part I. Sections 24 and 28. Schedules 1 to 3.
1 & 2 Eliz. 2. c. 17.	The White Fish and Herring Industries Act 1953.	The whole Act.
5 & 6 Eliz. 2. c. 22.	The White Fish and Herring Industries Act 1957.	The whole Act.
8 Eliz. 2. c. 7.	The Sea Fish Industry Act 1959.	The whole Act.
10 & 11 Eliz. 2. c. 31.	The Sea Fish Industry Act 1962.	Section 1. Sections 3 to 9. Sections 29 and 30. Section 32. In section 33(1), the definitions of " fishery harbour ", " processing ", " products" and " white fish ". In section 33(2), the definition of " the appropriate Minister", paragraphs (a)

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Chapter	Short Title	Extent of Repeal
1968 c. 77.	The Sea Fisheries Act 1968.	<p>and (b) of the definition of " the Ministers", and in paragraph (c) the words " in section seventeen of this Act."</p> <p>Section 33(4) and (5).</p> <p>Sections 34 and 35.</p> <p>Section 37(1), except paragraph (c).</p> <p>Section 37(2).</p> <p>Schedules 2 and 3.</p> <p>Sections 1 to 4.</p> <p>In section 18(2) the words " except section 4(4) ".</p> <p>In section 19, the definition of " products ".</p> <p>Section 22(3) and (4).</p> <p>Schedule 1, Part I.</p>

## PART II

### REPEALS OF OBSOLETE ENACTMENTS RELATING TO HERRING

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
48 Geo. 3. c. 110.	The Herring Fishery (Scotland) Act 1808.	<p>In section 48, the words from " also for sorting the herrings taken " to " branded according to the true intent and meaning thereof ".</p> <p>In section 50, the words from the beginning to " or any mark or character in imitation thereof; or " and the words from " and every barrel or cask " to the end.</p>
11 Geo. 4 & 1 Will. 4 c. 54.	The Fisheries (Scotland) Act 1830.	The whole Act.
14 & 15 Vict. c. 26.	The Herring Fishery Act 1851.	Section 2.
23 & 24 Vict. c. 92.	The Herring Fisheries (Scotland) Act 1860.	In section 3, the words " and the branding of barrels containing the same ".

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
24 & 25 Vict. c. 72.	The White Herring Fishery (Scotland) Act 1861.	In section 7, the words " and the branding of barrels containing the same ".
45 & 46 Vict. c. 78.	The Fishery Board (Scotland) Act 1882.	In Schedule 1, the entries relating to the Fisheries Act 1824, the Fisheries (Scotland) Act 1830, the Herring Fisheries (Scotland) Act 1858, the Herring Fisheries (Scotland) Act 1865 and an Act of 37 & 38 Vict. (c. 25) to remove restrictions contained in the British White Herring Fishery Acts in regard to the use of fir wood for herring barrels.
48 & 49 Vict. c. 70.	The Sea Fisheries (Scotland) Amendment Act 1885.	Section 9.
8 Edw. 7 c. 17.	The Cran Measures Act 1908.	In section 6, the words " and the Branding of Herrings (Northumberland) Act, 1891" and the words from " and in any area " to the end.  Section 7.
3 & 4 Geo. 5 c. 9.	The Herring Fishery (Branding) Act 1913.	The whole Act.
22 & 23 Geo. 5. c. 11.	The Northern Ireland (Miscellaneous Provisions) Act 1932.	Section 8.
25 & 26 Geo. 5. c. 9.	The Herring Industry Act 1935.	In section 3, sub-paragraph (ii) of the proviso to paragraph 1gg).  Section 11.

### PART III

#### ORDER REVOKED

Reference	Title	Extent of revocation
S.I. 1969/388.	The Transfer of Functions (Wales) Order 1969.	In paragraph 1 of Schedule 2, sub-paragraphs (b) and (e).  In paragraph 5 of Schedule 2, sub-paragraphs (h), (l) and (p)