

Status: Point in time view as at 19/11/1998.

Changes to legislation: There are currently no known outstanding effects for the Fishery Limits Act 1976. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 5.

REVISED PENALTIES FOR OFFENCES

Sea Fisheries Regulation Act 1966 (c. 38)

- 1 (1) In section 11(1) of the Sea Fisheries Regulation Act 1966 (obstruction of fishery officer) for the words “fifty pounds” substitute the words “£1,000”.
- (2) In section 11(2) of that Act (contravention of byelaws restricting fishing, etc.) for the words from “in the case of a first offence” to the end substitute the words “£1,000”.
- (3) After section 11(2) of that Act insert the following subsection—
- “(2A) The court by which a person is convicted of an offence under subsection (2) above may order the forfeiture of—
- (a) any net or other fishing gear used in committing the offence ;
- (b) any fish in respect of which the offence was committed.”
- (4) In section 11(5) of that Act (contravention of other byelaws) for the words from “fifty pounds” to the end substitute the words “£1,000”.

Modifications etc. (not altering text)

- C1** The text of Sch. 1 para. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Sea Fish (Conservation) Act 1967 (c.84)

- 2 **F1**

Textual Amendments

- F1** Sch. 1 paras. 2, 3(2) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II

Sea Fisheries Act 1968 (c. 77)

- 3 (1) In section 5(4) of the Sea Fisheries Act 1968 (contravention of order regulating conduct of sea fishing operations) for the words from “in the case of a first offence” to the end substitute the words “to a fine not exceeding £1,000”.
- (2) **F2**
- (3) Section 13(1) of that Act (compensation for damage caused by offence) is repealed.

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- (4) In section 13(3) of that Act omit the words “adjudged or” and the words “magistrates’ court or”.

Textual Amendments

F2 Sch. 1 paras. 2, 3(2) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II

Modifications etc. (not altering text)

C2 The text of Sch. 1 para. 3, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Sea Fishery Industry Act 1970 (c.11)

4

F3

Textual Amendments

F3 Sch. 1 para. 4 repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. I

SCHEDULE 2

Section 9(1).

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C3 The text of Sch. 1 para. 3, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Herring Fisheries (Scotland) Act 1860 (c. 92).

- [^{F4}1 In section 2 of the Herring Fisheries (Scotland) Act 1860 (definition of “the coasts of Scotland”) for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.]

Textual Amendments

F4 Sch. 2 paras. 1, 2 repealed (S.) by Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10(2), Sch. 2

Herring Fisheries (Scotland) Act 1867 (c. 52)

- 2 In section 11 of the Herring Fisheries (Scotland) Act 1867 (definition of “the coasts of Scotland”) for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.

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Sea Fisheries Act 1868 (c.45)

3 F5

Textual Amendments

F5 Sch. 2 para. 3 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 57(5), 58(4), Sch. 7, Sch. 8 para. 1

Sea Fisheries (Clam and Bait Beds) Act 1881 (c. 11)

[^{F6}4 In section 2 of the Sea Fisheries (Clam and Bait Beds) Act 1881 (power to prohibit beam trawling where injurious to clam and bait beds) for the words “within the fishery limits of the British Islands” substitute the words “not more than six nautical miles from the baselines from which the breadth of the territorial sea is measured”.]

Textual Amendments

F6 Sch. 2 paras. 4, 6 repealed (S.) by Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10(2), Sch. 2

Sea Fisheries Act 1883 (c. 22)

^{F7}5

Textual Amendments

F7 Sch. 2 para. 5 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt. X Group 2

Sea Fisheries (Scotland) Amendment Act 1885 (c. 70)

[^{F8}6 In section 4 of the Sea Fisheries (Scotland) Amendment Act 1885 (control of modes of fishing within defined areas) for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.]

Textual Amendments

F8 Sch. 2 paras. 4, 6 repealed (S.) by Inshore Fishing (Scotland) Act 1984 (c. 26, SIF 52:1), s. 10(2), Sch. 2

Fisheries Act 1891 (c. 37)

7 In section 4 of the Fisheries Act 1891 (liability for contravening Convention) for the words “the exclusive fishery limits of the British Islands” substitute the words “British fishery limits”.

Whale Fisheries (Scotland) Act 1907 (c. 41)

^{F9}8

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Textual Amendments

F9 Sch. 2 para. 8 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1, Pt.II

Cran Measures Act 1908 (c. 17)

9 **F10**

Textual Amendments

F10 Sch. 2 para. 9 repealed by Weights and Measures Act 1979 (c. 45, SIF 131), s. 23(2), Sch. 7

Whale Fisheries (Ireland) Act 1908 (c. 31)

10 In section 3(4) of the Whale Fisheries (Ireland) Act 1908 (prohibition on whaling in coastal waters) for the words “such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964” substitute the words “waters within British fishery limits which are adjacent to Northern Ireland and are not nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Great Britain or the Isle of Man is measured than to any point on the corresponding Northern Irish baselines”.

Whaling Industry (Regulation) Act 1934 (c. 49)

11 In section 17(1) of the Whaling Industry (Regulation) Act 1934 (definition of “coastal waters”) for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.

Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26)

12 In section 4(a) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (prohibition on use of explosives, etc. to take or destroy fish) for the words “within the fishery limits of the British Islands” substitute the words “up to twelve nautical miles from the baselines from which the breadth of the territorial sea is measured”.

Weights and Measures Act 1963 (c. 31)

F1113

Textual Amendments

F11 Sch. 2 para. 13 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1, Pt.II

Fisheries Act (Northern Ireland) 1966 (c. 17) (N.I.)

14 **F12**

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Textual Amendments

F12 Sch. 2 para. 14 repealed by S.I. 1981/227 (N.I. 7), art. 10(4), Sch. 5

Sea Fisheries (Shellfish) Act 1967 (c. 83)

- 15 In section 1(1) of the Sea Fisheries (Shellfish) Act 1967 (power to make orders as to fisheries for shellfish) for the words “so much of the exclusive fishery limits of the British Islands as is adjacent to Great Britain” substitute the words “waters adjacent to Great Britain to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured”.

Sea Fish (Conservation) Act 1967 (c. 84)

- 16 (1) In sections . . . ^{F13}, 3(2). . . ^{F13} and 15(3) of the Sea Fish (Conservation) Act 1967, for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.
- (2) ^{F14}
- (3) In section 15(2) of that Act (powers of seizure of sea-fishery officers) for paragraphs (b) and (c) substitute the following paragraphs—
- “(b) any fish caught in contravention of a prohibition imposed by an order under section 4 or 5 of this Act, where the fish are on the fishing boat used in contravention of the prohibition or are in the ownership or custody, or under the control, of the owner, the master or the charterer (if any) of the fishing boat ;
- (c) any net or other fishing gear used in contravention of a prohibition imposed by an order under the said section 4 or 5 ;”
- (4) In section 18 of that Act (enforcement of orders in relation to salmon and migratory trout) in subsection (1) for the words “section 4 of this Act, or any order under section 5 or 6 thereof” substitute the words “any order under section 4, 5 or 6 of this Act”.
- (5) In the said section 18 in subsection (2) for the words “the said section 4, or any order under the said section 5 or 6,” substitute the words “any order under the said section 4, 5 or 6”.
- (6) Section 19(2) of that Act is repealed.
- (7) ^{F14}

Textual Amendments

F13 Words repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II

F14 Sch. 2 para. 16(2)(7) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II

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Sea Fisheries Act 1968 (c. 77)

- 17 (1) In sections 5(3), 8(1), . . . ^{F15}, (5) and (6), 9(1) and 10(2) and (3) of the Sea Fisheries Act 1968 for the words "the fishery limits of the British Islands" substitute the words "British fishery limits".
- (2) The following provisions of that Act are repealed, that is to say,—
- (a) section 6 ;
 - (b) in section 19(1). the definition of "outer belt";
 - (c) section 19(2) ; and
 - (d) in paragraph 23 of Schedule 1, sub-paragraph (b).

Textual Amendments

F15 Figure repealed by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 46, **Sch. 5 Pt. II**

Sea Fish Industry Act 1970 (c.11)

- 18 ^{F16}

Textual Amendments

F16 [Sch. 2 para. 18](#) repealed by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), s. 46, **Sch. 5 Pt. I**

Water Act 1973 (c. 37)

- [^{F17}19 In paragraph 4 of Schedule 2 to the Water Act 1973 (seaward boundary of water authority areas) for the words "in which Her Majesty's subjects have the exclusive right of fishing" substitute the words "to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured".]

Textual Amendments

F17 [Sch. 2 para. 19](#) repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), 194(9), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

Salmon and Freshwater Fisheries Act 1975 (c. 51)

- 20 In section 5(1) of the Salmon and Freshwater Fisheries Act 1975 (prohibition on use of explosives, etc. to take or destroy fish) for the words "and within the exclusive fishery limits of the British Islands" substitute the words "to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured".

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SCHEDULE 3

Section 9(2).

TRANSITIONAL PROVISIONS

Designation orders

- 1 (1) The provisions of this paragraph apply to orders made under section 1(3) of the ^{M1}Fishery Limits Act 1964 designating a country and the area in which and the descriptions of sea fish for which fishing boats registered in that country may fish in the outer belt defined by that Act.
- (2) Such an order continues in force notwithstanding the repeal of section 1(3) by this Act and has effect (and may be varied or revoked) as if it were an order made under section 2(1) of this Act designating that country for the purposes of that section and designating in relation to it that area (within the former outer belt) and those descriptions of fish.

Marginal Citations

M1 1964 c. 72.

Fish size orders.

- 2 (1) The provisions of this paragraph apply to orders made under section 1 of the ^{M2}Sea Fish (Conservation) Act 1967 prescribing minimum fish sizes for the purpose of prohibitions imposed by and under that section on the carrying, landing and commercial use of under-sized fish.
- (2) From the coming into force of the amendment by this Act of subsection (4) of that section replacing the reference to the fishery limits of the British Islands, orders which by virtue of that subsection impose a prohibition on the carrying of under-sized fish by foreign fishing boats shall have effect—
 - (a) as if made by virtue of the subsection as amended; and
 - (b) as if the reference in the order to the fishery limits of the British Islands were a reference to British fishery limits.

Marginal Citations

M2 1967 c. 84.

Nets and gear orders

- 3 (1) The provisions of this paragraph apply to orders made under section 3 of the ^{M3}Sea Fish (Conservation) Act 1967 imposing requirements relating to nets and other fishing gear carried by fishing boats.
- (2) From the coming into force of the amendment by this Act of subsection (2) of that section replacing the reference to the fishery limits of the British Islands, the prohibitions imposed on foreign fishing boats by Articles 5 and 7 of The ^{M4}Fishing Nets (North-East Atlantic) Order 1976 shall have effect—
 - (a) as if that order had been made under the subsection as amended; and

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- (b) as if the reference in those Articles to the fishery limits of the British Islands were a reference to British fishery limits.
- (3) The said amendment does not, in the case of other orders made before its coming into force, extend any prohibition imposed by virtue of the said subsection (2), but this is without prejudice to—
 - (a) the power conferred by paragraph 8(3) below to adapt such orders; or
 - (b) the power to vary such orders under the subsection as amended.

Marginal Citations

M3 1967 c. 84.

M4 S.I. 1976, No. 1324.

Licensing orders

- 4
- (1) The provisions of this paragraph apply to orders made under section 4 of the ^{M5}Sea Fish (Conservation) Act 1967 specifying an area in which fishing by British fishing boats by way of trade or business is prohibited unless authorised by licence.
 - (2) Such an order continues in force notwithstanding the substitution of a new section 4 by section 3 of this Act and has effect (and may be varied or revoked) as if it were an order made under the new section 4 prohibiting, unless licensed, fishing by British fishing boats by way of trade or business in the area specified in the order.
 - (3) Where such an order specifies the areas to which it applies by reference to the “fishery limits of the British Islands”, that reference shall continue to be construed in accordance with the ^{M6}Fishery Limits Act 1964.
 - (4) Where an order continues in force by virtue of sub-paragraph (2), licences authorising fishing in the area to which the order applies also continue in force and have effect (and may be varied, revoked or suspended) as if they had been granted under the new section 4.

Marginal Citations

M5 1967 c. 84.

M6 1964 c. 72.

Prohibition orders

- 5
- (1) The provisions of this paragraph apply to orders made under section 5 of the ^{M7}Sea Fish (Conservation) Act 1967 imposing a prohibition in relation to fishing in an area specified in the order.
 - (2) Where such an order specifies the area to which it applies by reference to “the fishery limits of the British Islands”, “the exclusive fishery limits” or any similar expression that reference shall continue to be construed in accordance with the ^{M8}Fishery Limits Act 1964.

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- (3) From the coming into force of the amendment by this Act of subsection (8) of the said section 5 replacing the reference to the fishery limits of the British Islands that subsection applies as amended—
- (a) to the prohibition contained in the ^{M9}Herring (Celtic Sea) (Prohibition of Fishing Method) Order 1971, and
 - (b) to subsection (6) of section 5 (duty to return fish) as that subsection applies to fish caught in contravention of that prohibition.
- (4) The subsection applies as unamended—
- (a) to prohibitions contained in other orders made before the coming into force of the amendment, and
 - (b) to subsection (6) of section 5 as that subsection applies to fish caught in contravention of such prohibitions.

Marginal Citations

M7 1967 c. 84.

M8 1964 c. 72.

M9 S.I. 1971, No. 1623.

Powers of British sea fishery officers

- 6 (1) The provisions of this paragraph apply to orders made under section 15(3) of the ^{M10}Sea Fish (Conservation) Act 1967 conferring powers on British sea fishery officers to enforce the provisions of sections 1 to 7 of that Act or of orders made under those provisions.
- (2) Where by virtue of any of the provisions of paragraphs 2 to 5 above any prohibition contained in, or operating by reference to, an order made under section 1, 3, 4 or 5 of the said Act of 1967 is extended to an area outside the old but within the new fishery limits, the powers conferred for the enforcement of that prohibition shall be correspondingly extended as if the order concerned had been made under section 15(3) as amended by this Act.
- (3) In sub-paragraph (2) “the old fishery limits” means the fishery limits of the British Islands set by the ^{M11}Fishery Limits Act 1964 and “the new fishery limits” means British fishery limits set by or under this Act.

Marginal Citations

M10 1967 c. 84.

M11 1964 c. 72.

Stowage of gear orders

- 7 (1) The provisions of this paragraph apply to orders made under section 6(4) of the ^{M12}Sea Fisheries Act 1968 specifying requirements as to stowage of gear by foreign fishing boats.
- (2) Such an order continues in force notwithstanding the repeal of section 6 by this Act and has effect (and may be varied or revoked) as if it were an order made under

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section 2(4) of this Act specifying those requirements for gear of foreign fishing boats required by that section to be stowed while the boat is in any area within British fishery limits.

Marginal Citations

M12 1968 c. 77.

General

- 8 (1) Subject to the foregoing provisions of this Schedule, the provisions of this paragraph apply to references in enactments, and in instruments made under enactments to the “fishery limits of the British Islands”, the “exclusive fishery limits” and the “outer belt”, and to similar references.
- (2) Such a reference in an enactment shall continue to be construed in accordance with the ^{M13}Fishery Limits Act 1964 until there is brought into force under this Act an amendment of the enactment replacing that reference.
- (3) An order under section 12 of this Act which appoints a day for the coming into force of an amendment replacing such a reference in an enactment may provide for such consequential adaptations in instruments made under the enactment as appear to the Ministers to be necessary or expedient.
- (4) Subject to sub-paragraph (3) above, such a reference in an instrument shall continue to be construed in accordance with the ^{M14}Fishery Limits Act 1964.

Marginal Citations

M13 1964 c. 72.

M14 1964 c. 72.

- 9 Except so far as expressly provided, the provisions of this Schedule do not prejudice—
- (a) sections 1(5) and 10(2)(b) of this Act (meaning of “British fishery limits” in enactments);
 - (b) section 12(2) to (4) of this Act (commencement and related powers);
 - (c) section 31 of the ^{M15}Interpretation Act 1889 (construction of instrument by reference to the enactment under which the instrument is made);
 - (d) section 38 of that Act (effect of repeals).

Marginal Citations

M15 1889 c. 63.

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SCHEDULE 4

Section 9(3).

REPEALS

Modifications etc. (not altering text)

- C4** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

| Chapter | Short Title | Extent of Repeal |
|----------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1964 c. 72. | The Fishery Limits Act 1964. | Section 1(1), (3) and (4). Section 3(1). |
| 1967 c. 84. | The Sea Fish (Conservation) Act 1967. | Section 19(2). |
| 1968 c. 77. | The Sea Fisheries Act 1968. | Section 6. Section 13(1). In section 13(3), the words "adjudged or" and the words "magistrates' court or". In section 19(1), the definition of "the outer belt". Section 19(2). In Schedule 1, in paragraph 23, sub-paragraph (b). |

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