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**Changes to legislation:** Fisheries Act 1981 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 1

Section 1(5).

#### THE SEA FISH INDUSTRY AUTHORITY

##### *Status*

- 1 The Authority shall be a body corporate.
- 2 Except as provided in sections 2(5), 3(6) and 16(1) of this Act the Authority shall not be regarded as acting on behalf of the Crown and neither it nor its members, officers or servants shall be regarded as Crown servants.

##### *Members*

- 3 A 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 three years under any one appointment.
- 4 A member of the Authority may resign by a notice in writing to any of the Ministers.
- 5 The Ministers may terminate the appointment of a member of the Authority if they are satisfied that—
  - (a) in a period of six months beginning not more than nine months previously he has, without the consent of the other members of the Authority, failed to attend the meetings of the Authority;
  - (b) he is an undischarged bankrupt or has made an arrangement with his creditors or is insolvent within the meaning of paragraph 9(2)(a) of Schedule 3 to the<sup>M1</sup>Conveyancing and Feudal Reform (Scotland) Act 1970;
  - [<sup>F1</sup>(ba) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
  - (c) he is by reason of physical or mental illness or for any other reason incapable of carrying out his duties; or
  - (d) he has been convicted of such criminal offence, or his conduct has been such, that it is not in the Ministers' opinion fitting that he should remain a member.

##### **Textual Amendments**

**F1** Sch. 1 para. 5(ba) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 14](#) (with art. 5)

##### **Marginal Citations**

**M1** 1970 c. 35.

- 6 A person who ceases or has ceased to be a member shall be eligible for re-appointment.

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- 7 The Ministers shall pay to the members of the Authority such remuneration and allowances as they may with the approval of the Minister for the Civil Service determine.
- 8 The Ministers may, with the approval of the Minister for the Civil Service—
- (a) pay or make arrangements for the payment of pensions, superannuation allowances or gratuities to or in respect of any person who is or has been a member of the Authority;
  - (b) pay compensation to any person who ceases to be a member of the Authority otherwise than on the expiry of his term of office where the Ministers consider that there are special circumstances making it right that compensation should be paid.
- 9 It shall be the duty of the Ministers to satisfy themselves from time to time that the persons appointed under section 1(3) of this Act continue to have no such financial or commercial interests as are there mentioned; and any such person shall, when requested by the Ministers so to do, furnish to them such information as they may reasonably require for the performance of that duty.
- 10 In Part II of Schedule 1 to the <sup>M2</sup>House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the <sup>M3</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order— “ The Sea Fish Industry Authority ”.

**Modifications etc. (not altering text)**

- C1** The text of s. 3(6), 19–26, 28, 29, 35(2)–(7), 36(2), 37–39, 45, 46(2), Sch. 1 para. 10, Sch. 3 para. 8(2) (3), Sch. 5 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.

**Marginal Citations**

- M2** 1975 c. 24  
**M3** 1975 c. 25.

*Officers and servants*

- 11 (1) The Authority may make arrangements for providing pensions, superannuation allowances or gratuities to or in respect of any of its officers or servants; and such arrangements may include the establishment and administration, by the Authority or otherwise, of one or more pension schemes.
- (2) If an officer or servant of the Authority becomes a member of the Authority and was by reference to his employment by the Authority a participant in a pension scheme maintained by it for the benefit of its officers or servants—
- (a) the Authority may determine that his service as a member shall be treated for the purposes of the scheme as service as an officer or servant of the Authority whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but
  - (b) if the Authority determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on the Authority shall be exercised only with the consent of the Ministers given with the approval of the Minister for the Civil Service.

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### *Proceedings*

- 12 The quorum for meetings of the Authority shall be determined by the Ministers and where any business falls to be transacted by a meeting attended only by members appointed under section 1(3) of this Act a separate quorum may be determined for such meetings.
- 13 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.
- 14 The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
- 15 (1) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract or proposed contract and is present at a meeting of the Authority at which the contract 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.
- (2) A general notice given in writing by a member of the Authority to the officer designated by it for the purpose to the effect that he is a member or director 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 or proposed contract 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.
- 16 (1) For the purpose of assisting the Authority in the discharge of its functions the Authority may appoint committees consisting of or including persons who are not members of the Authority.
- (2) The Authority may defray the reasonable expenses incurred in the execution of their duties by members of such committees who are not members of the Authority.
- 17 Subject to paragraphs 12 to 16 above and section 16(2) of this Act, the Authority may regulate its own procedure.

### *Execution of instruments etc.*

- 18 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.
- 19 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.

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## SCHEDULE 2

### SEA FISH INDUSTRY LEVIES

- 1 At least twenty-eight days before making any regulations under section 4 of this Act the Authority shall cause to be published in the London Gazette, the Edinburgh Gazette and the Belfast Gazette and in such other manner as it thinks best adapted for informing persons affected, a notice of the Authority's intention to make the regulations—
- (a) specifying the place where the draft regulations may be inspected and copies obtained and the price (being a price approved by the Ministers) at which copies will be supplied; and
  - (b) stating that the Authority is prepared to receive and consider any objection to the proposed regulations 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, take into consideration any such objection so made to them before the end of the period specified in the notice.
- 2 When submitting any regulations to the Ministers the Authority shall transmit to them any objection to the regulations 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 shall set out the regulations; but before making any such order the Ministers may, after holding such inquiries (if any) as they think fit, make such modifications in the regulations as they may, after consultation with the Authority, consider desirable; but if they decide to make any modifications they shall cause notice of the modifications to be published in such manner as they think best adapted for informing persons affected.

## SCHEDULE 3

### WHITE FISH AUTHORITY AND HERRING INDUSTRY BOARD: CONSEQUENTIAL PROVISIONS

#### *General*

- 1 On the date of the coming into force of section 13(1) of this Act (“the transfer date”) all rights, obligations and property of the White Fish Authority and the Herring Industry Board (“the existing bodies”) shall become rights, obligations and property of the Authority.

#### *Staff and pensions*

- 2 The rights and obligations transferred by paragraph 1 above include rights and obligations under contracts of employment with the officers and servants of the existing bodies; and in determining for the purposes of pension or redundancy the length of service of any person who by virtue of that paragraph becomes an officer or servant of the Authority his service with either of the existing bodies shall be treated as if it had been service with the Authority.

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- 3 (1) Any pension scheme maintained by either of the existing bodies immediately before the transfer date shall on and after that date be treated as a scheme established by the Authority under paragraph 11 of Schedule 1 to this Act.
- (2) The Ministers may, with the approval of the Minister for the Civil Service, pay pensions, superannuation allowances or gratuities to or in respect of former members of either of the existing bodies.

*Schemes of financial assistance*

F24 .....

**Textual Amendments**

F2 Sch. 3 paras. 4-7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 6

*Levies*

F25 .....

**Textual Amendments**

F2 Sch. 3 paras. 4-7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 6

*Lending limit*

F26 .....

**Textual Amendments**

F2 Sch. 3 paras. 4-7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 6

*Accounts*

F27 .....

**Textual Amendments**

F2 Sch. 3 paras. 4-7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 5 Group 6

*Other statutory functions*

- 8 (1) As from the transfer date the functions of the White Fish Authority and the Herring Industry Board under—
- (a) section 31(12) of the <sup>M4</sup>Harbours Act 1964 (consultation on objections to ship, passenger and goods dues); and
  - (b) rule 124 of the <sup>M5</sup>Fishing Vessels (Safety Provisions) Rules 1975 (appointment of inspectors and surveyors),

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are transferred to the Authority, and those enactments are amended as follows,

- (2) In section 31(12)—
- (a) for “the White Fish Authority or the Herring Industry Board” there is substituted “ the Sea Fish Industry Authority ”; and
  - (b) for “the Authority or as the case may be the Board” there is substituted “ the Authority ”.
- (3) In rule 124—
- (a) for “the Sea Fish Industry Act 1970” there is substituted “ the Fisheries Act 1981 ”; and
  - (b) for “the the White Fish Authority or the Herring Industry Board” in the first place where those words occur, there is substituted “ the Sea Fish Industry Authority ” and in the second place where they occur, there is substituted “ or the Sea Fish Industry Authority ”.
- (4) Anything which when this paragraph comes into force is in process of being done under section 31(12) by or in relation to the White Fish Authority or the Herring Industry Board may be continued by or in relation to the Authority; and any appointment under rule 124 made by either of those bodies before this paragraph comes into force shall have effect as if made by the Authority so far as is necessary for continuing its effect.

**Modifications etc. (not altering text)**

**C2** The text of s. 3(6), 19–26, 28, 29, 35(2)–(7), 36(2), 37–39, 45, 46(2), Sch. 1 para. 10, Sch. 3 para. 8(2) (3), Sch. 5 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.

**Marginal Citations**

**M4** 1964 c. 40.

**M5** S.I. 1975/330.

## SCHEDULE 4

### EXEMPTIONS FOR FISH FARMING

#### PART I

#### OFFENCES TO WHICH SECTION 33(1) OF THIS ACT APPLIES

##### *Offences under the Salmon and Freshwater Fisheries Act 1975*

- 1 Any offence under section 2(2)(a) of the <sup>M6</sup>Salmon and Freshwater Fisheries Act 1975 (taking, killing or injuring or attempting to take, kill or injure, unclean or immature fish).

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### Marginal Citations

M6 1975 c. 51.

F32 .....

### Textual Amendments

F3 Sch. 4 para. 2 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 5\(B\)](#); S.I. 2009/3345, art. 2, Sch. para. 27(b)

3 Any offence under section 5(1) of that Act (prohibition on use of explosives, poison or electrical devices to take or destroy fish) relating to the use of a noxious substance or electrical device, and any offence under section 5(4) of that Act relating to the possession of such a substance or device.

F44 .....

### Textual Amendments

F4 Sch. 4 para. 4 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 5\(B\)](#); S.I. 2009/3345, art. 2, Sch. para. 27(b)

5 Any offence under section 27 of that Act (fishing for or taking fish without a licence or possession of equipment with intent to use it for an unlicensed purpose).

*[F5 Offences against byelaws relating to salmon and other freshwater fishing]*

### Textual Amendments

F5 Sch. 4 para. 6 and preceding cross-heading substituted for para. 6 (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 2, 4(2), [Sch. 1 para. 37](#)

F6[ 6 Any offence under section 211 of the Water Resources Act 1991 consisting in a contravention of a byelaw made for any of the following purposes mentioned in paragraph 6(2) of Schedule 25 to that Act—

(a) prohibiting the taking or removal from any water without lawful authority of any fish [F7 to which paragraph 6 of that Schedule applies,] whether alive or dead;

[ specifying close seasons or times for the taking of any fish to which that paragraph applies by such means as may be prescribed by the byelaws;]  
F8(aa)

(b) prohibiting or regulating the taking of [F9 any fish to which that paragraph applies of a size greater or] less than that prescribed by the byelaw;

(c) prohibiting the use for taking [F10 fish to which that paragraph applies] of any instrument F11 ... in such waters and at such times as are prescribed by the byelaw;

(d) specifying the nets and other instruments F12 ... which may be used for taking [F13 fish to which that paragraph applies] and imposing requirements as to the use of such nets and other instruments;

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- (e) imposing requirements as to the construction, design, material and dimensions of any such nets or instruments, including in the case of nets the size of mesh;
- (f) prohibiting the carrying in any boat or vessel whilst being used in fishing for <sup>F14</sup>fish to which that paragraph applies] of any net <sup>F15</sup>which may not lawfully be used], or which is without the mark, label or number prescribed by the byelaw;
- (g) prohibiting or regulating the carrying in a boat or vessel during <sup>F16</sup>any close season or time for any description of fish to which that paragraph applies of a net capable of taking fish of that description], other than a net commonly used in the area to which the byelaw applies for sea fishing and carried in a boat or vessel commonly used for that purpose.]

*Offences relating to sea fishing*

<sup>F17</sup> Any offence consisting of a contravention of a byelaw made under section 4 of the <sup>M7</sup> Sea Fisheries (Scotland) Amendment Act 1885 (byelaws prohibiting or regulating methods of fishing).

**Textual Amendments**  
**F17** Sch. 4 Pt. I paras. 7, 8 repealed (S.) by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\), s. 10\(2\), Sch. 2](#)

**Marginal Citations**  
**M7** 1885 c. 70.

8 Any offence under section 6(1) of the <sup>M8</sup>Herring Fishery (Scotland) Act 1889 (prohibition on beam or otter trawling in certain areas) and any offence consisting of a contravention of a byelaw made under section 7(1) of that Act (power to prohibit beam or otter trawling in certain other areas).]

**Textual Amendments**  
**F17** Sch. 4 Pt. I paras. 7, 8 repealed (S.) by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\), s. 10\(2\), Sch. 2](#)

**Marginal Citations**  
**M8** 1889 c. 23.

<sup>F18</sup>9 .....

**Textual Amendments**  
**F18** Sch. 4 Pt. I para. 9 repealed by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\), s. 10\(2\), Sch. 2](#) and [Statute Law \(Repeals\) Act 1986 \(c.12\), s. 1\(1\), Sch. 1 Pt. XI](#)

<sup>F19</sup>10 .....



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**Textual Amendments**

**F19** Sch. 4 para. 10 repealed (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 4](#); S.I. 2010/630, art. 3(b) (with arts. 812)

- 11 Any offence under section 17 of the <sup>M9</sup>Sea Fisheries (Shellfish) Act 1967 of taking an edible crab or landing a lobster in a condition prohibited by subsection (1) or (3) of that section.

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**Marginal Citations**

**M9** 1967 c. 83.

- 12 Any offence under section 1(1) or (3) of the <sup>M10</sup>Sea Fish (Conservation) Act 1967 (landing or carrying fish [<sup>F20</sup>smaller than prescribed size][<sup>F20</sup>which do not meet prescribed size requirements]).

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**Textual Amendments**

**F20** Words in Sch. 4 para. 12 substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 15 para. 5\(2\)\(a\)](#); S.I. 2009/3345, art. 2, Sch. para. 8

.....

**Marginal Citations**

**M10** 1967 c. 84.

- 13 Any offence under section 3(5) [<sup>F21</sup>or (5A)] of that Act (contravention of order regulating nets and gear).

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**Textual Amendments**

**F21** Words in Sch. 4 para. 13 inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 15 para. 5\(2\)\(b\)](#); S.I. 2009/3345, art. 2, Sch. para. 8

- 14 Any offence under section 4(3) or (9A) of that Act (contravention of order prohibiting fishing without licence and failure to return to sea fish caught in contravention of such a prohibition).
- 15 Any offence under section 4A(3) of that Act (contravention of order prohibiting trans-shipment of fish without licence).
- 16 Any offence under section 5(1) or (6) of that Act (contravention of order prohibiting [<sup>F22</sup>or restricting] fishing and failure to return to sea fish caught in contravention of such a prohibition).

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**Textual Amendments**

**F22** Words in Sch. 4 para. 16 inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 15 para. 5\(2\)\(c\)](#); S.I. 2009/3345, art. 2, Sch. para. 8

- 17 Any offence under section 6 of that Act (landing or trans-shipping fish in contravention of order).

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[<sup>F23</sup>17A Any offence under section 3 of the Inshore Fishing (Scotland) Act 1984 (fishing with mobile gear near fixed salmon nets or contravention of order restricting fishing for sea fish).]

**Textual Amendments**  
**F23** Sch. 4 Pt. I para. 17A added (S.) by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), **Sch. 1**

[<sup>F24</sup>17B Any offence under section 163 of the Marine and Coastal Access Act 2009 (contravention of byelaws made by inshore fisheries and conservation authorities).]

**Textual Amendments**  
**F24** Sch. 4 para. 17B inserted (1.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 14 para. 10**; S.I. 2011/556, art. 2(2)(k)

[<sup>F25</sup>17C Any offence under section 190 of the Marine and Coastal Access Act 2009 (contravention of an order made by the Welsh Ministers in relation to fisheries in Wales).]

**Textual Amendments**  
**F25** Sch. 4 para. 17C inserted (E.W.) (12.5.2010) by [Marine and Coastal Access Act 2009 \(Consequential Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1410\)](#), arts. 1(2), 2

**PART II**

OFFENCES TO WHICH SECTION 33(5) OF THIS ACT APPLIES

*Offences relating to freshwater fish and salmon*

<sup>F26</sup>18 .....

**Textual Amendments**  
**F26** Sch. 4 paras. 18-25 repealed (S. except in relation to the River Tweed or the Upper Esk) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), ss. 70(2), 71(2), **Sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2; and repealed (in relation to the Tweed district) (15.11.2006) by [Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2)(3), **Sch. 4 Pt. 2**

<sup>F26</sup>19 .....

**Textual Amendments**  
**F26** Sch. 4 paras. 18-25 repealed (S. except in relation to the River Tweed or the Upper Esk) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), ss. 70(2), 71(2), **Sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2; and repealed (in relation to the Tweed district) (15.11.2006) by [Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2)(3), **Sch. 4 Pt. 2**

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F26<sup>20</sup> .....

**Textual Amendments**

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F26<sup>21</sup> .....

**Textual Amendments**

**F26** Sch. 4 paras. 18-25 repealed (S. except in relation to the River Tweed or the Upper Esk) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), ss. 70(2), 71(2), **Sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2; and repealed (in relation to the Tweed district) (15.11.2006) by [Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2)(3), **Sch. 4 Pt. 2**

F26<sup>22</sup> .....

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F26<sup>23</sup> .....

**Textual Amendments**

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F26<sup>24</sup> .....

**Textual Amendments**

**F26** Sch. 4 paras. 18-25 repealed (S. except in relation to the River Tweed or the Upper Esk) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), ss. 70(2), 71(2), **Sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2; and repealed (in relation to the Tweed district) (15.11.2006) by [Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2)(3), **Sch. 4 Pt. 2**

F26<sup>25</sup> .....

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#### Textual Amendments

**F26** Sch. 4 paras. 18-25 repealed (S. except in relation to the River Tweed or the Upper Esk) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), ss. 70(2), 71(2), **Sch. 4 Pt. 2** (with s. 71(3)(4)(6)); S.S.I. 2005/174, art. 2; and repealed (in relation to the Tweed district) (15.11.2006) by [Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), art. 1(2)(3), **Sch. 4 Pt. 2**

26 An offence under section 2(2)(b) of the <sup>M11</sup>Salmon and Freshwater Fisheries Act 1975 (buying, selling, exposure for sale or possession of unclean or immature fish or parts of such fish).

#### Marginal Citations

**M11** 1975 c. 51.

27 Any offence under section 22(1) of that Act (buying, selling, exposure for sale or possession for sale of fish at prohibited times of year).

<sup>F27</sup>28 .....

#### Textual Amendments

**F27** Sch. 4 para. 28 repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 22 Pt. 5(B)**; S.I. 2009/3345, art. 2, Sch. para. 27(b)

#### *Offences relating to sea fishing*

<sup>F28</sup>29 .....

#### Textual Amendments

**F28** Sch. 4 Pt. II para. 29 repealed by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), **Sch. 2** and [Statute Law \(Repeals\) Act 1986 \(c.12\)](#), s. 1(1), **Sch. 1 Pt. XI**

30 Any offence under section 16 of the <sup>M12</sup>Sea Fisheries (Shellfish) Act 1967 (sale, exposure for sale, buying for sale or consignment for the purpose of sale of oysters at prohibited times of year).

#### Marginal Citations

**M12** 1967 c. 83

31 Any offence under section 17(1) of that Act of possessing, selling or offering for sale, buying for sale or consigning for the purpose of sale an edible crab in a condition prohibited by that subsection.

32 Any offence under section 17(3) of that Act of selling, exposing or offering for sale, or possessing for the purpose of sale a lobster in a condition prohibited by that subsection.

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- 33 Any offence under section 1(2) of [<sup>F29</sup>the Sea Fish (Conservation) Act 1967] (selling, exposing or offering for sale, or possessing for the purpose of sale fish [<sup>F29</sup>which do not meet the prescribed size requirements]).

**Textual Amendments**

**F29** Words in Sch. 4 para. 33 substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 15 para. 5\(3\)\(a\)\(b\)](#); S.I. 2009/3345, art. 2, Sch. para. 8; same words substituted (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), s. 168(1), [Sch. 4 para. 11\(3\)](#) (with s. 162); S.S.I. 2011/58, art. 2(b)

- 34 Any offence under section 2 of that Act (possession for use in the course of a business of fish prohibited from being sold under section 1(2) of that Act).

- [<sup>F30</sup>34A Any offence under section 3 of the Inshore Fishing (Scotland) Act 1984 (fishing with mobile gear near fixed salmon nets or contravention of order restricting fishing for sea fish).]

**Textual Amendments**

**F30** Sch. 4 Pt. II para. 34A added (S.) by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), [Sch. 1](#)

SCHEDULE 5

Section 46.

REPEALS

**Modifications etc. (not altering text)**

**C3** The text of s. 3(6), 19–26, 28, 29, 35(2)–(7), 36(2), 37–39, 45, 46(2), Sch. 1 para. 10, Sch. 3 para. 8(2) (3), Sch. 5 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.

**PART I**

WHITE FISH AUTHORITY AND HERRING INDUSTRY BOARD

Chapter	Short title	Extent of repeal
1970 c. 11.	The Sea Fish Industry Act 1970.	The whole Act except sections 14, 42 and 62.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 4, the entry relating to the White Fish Authority. In Schedule 6, paragraph 79.
1973 c. 3.	The Sea Fish Industry Act 1973.	The whole Act.

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1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entries relating to the Herring Industry Board, the White Fish Authority and the committee constituted under section 2 of the Sea Fish Industry Act 1970.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entries relating to the Herring Industry Board, the White Fish Authority and the committee constituted under section 2 of the Sea Fish Industry Act 1970.
1976 c. 86.	The Fishery Limits Act 1976.	In Schedule 1, paragraph 4. In Schedule 2, paragraph 18.
1980 c. 35.	The Sea Fish Industry Act 1980.	The whole Act.

## PART II

### MISCELLANEOUS

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Chapter or number	Title	Extent of repeal
48 Geo. 3. c. 110.	The Herring Fishery (Scotland) Act 1808.	Section 48. Section 50. Section 57.
55 Geo. 3. c. 94.	The Herring Fishery (Scotland) Act 1815.	Section 41.
1 & 2 Geo. 4. c. 79.	The White Herring Fishery (Scotland) Act 1821.	Section 5.
45 & 46 Vict. c. 78.	The Fishery Board (Scotland) Act 1882.	Section 5(3).
7 Edw. 7. c. 41.	The Whale Fisheries (Scotland) Act 1907.	The whole Act.
12 & 13 Geo. 5. c. 34.	The Whale Fisheries (Scotland) Amendment Act 1922.	The whole Act.
24 & 25 Geo. 5. c. 49.	The Whaling Industry (Regulation) Act 1934.	In section 17(2) the words “the Whale Fisheries (Scotland) Acts 1907 and 1922, and of”.

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S.R. & O. 1937 No. 628.	The Whaling Industry (Sperm Whales) Order 1937.	The whole Order.
1967 c. 84.	The Sea Fish (Conservation) Act 1967.	In section 22(2) the words “and Wales”. Section 23(1).
1968 c. 77.	The Sea Fisheries Act 1968.	Section 7(1)(e) and (f). Section 16.
1976 c. 86.	The Fishery Limits Act 1976.	In section 2(8)(d) the words “and (4)” in the first place where they occur. In Schedule 1, paragraphs 2 and 3(2). In Schedule 2, in paragraph 16(1) the words “1(3) and (4)” and “5(2) and (8)”, paragraph 16(2) and (7) and in paragraph 17(1) the figure “(4)”.
1978 c. 35.	The Import of Live Fish (Scotland) Act 1978.	In section 2(1) the words “a police constable”.
1980 c. 27.	The Import of Live Fish (England and Wales) Act 1980.	In section 2(1) the words “a police constable”.

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 5(4) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 30(1) words substituted by [S.I. 2019/746 reg. 3\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/746, reg. 3(4)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1599, regs. 1(2), 2(2))
- s. 30(1) words substituted by [S.I. 2019/746 reg. 3\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/746, reg. 3(5)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1599, regs. 1(2), 2(3))
- s. 30(2) words substituted by [S.I. 2019/746 reg. 3\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/746, reg. 3(4)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1599, regs. 1(2), 2(2))
- s. 30(2) words substituted by [S.I. 2019/746 reg. 3\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/746, reg. 3(5)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1599, regs. 1(2), 2(3))
- s. 30(3) words substituted by [S.I. 2019/746 reg. 3\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/746, reg. 3(4)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1599, regs. 1(2), 2(2))
- s. 30(3) words substituted by [S.I. 2019/746 reg. 3\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/746, reg. 3(5)(b)-(d) substituted immediately before IP completion day by S.I. 2020/1599, regs. 1(2), 2(3))
- s. 31(3) omitted by [S.I. 2019/746 reg. 3\(6\)](#)
- Sch. 4 para. 6(c) words substituted by [2009 c. 23 Sch. 16 para. 18\(5\)\(a\) Sch. 22 Pt. 5\(B\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)