



# Fisheries Act 1981

## 1981 CHAPTER 29

### PART III

#### REGULATION OF SEA FISHING

#### **23 Prohibition of trans-shipment of sea fish.**

(1) Sections 6 and 7 of the <sup>M1</sup>Sea Fish (Conservation) Act 1967 (prohibition on landing of sea fish caught in certain areas) shall be amended as follows.

(2) After subsection (1) of section 6 there shall be inserted—

“(1A) The Ministers, after consultation with the Secretary of State for Trade, may by order prohibit, in accordance with the provisions of this section, the trans-shipment within British fishery limits of sea fish, or any particular description of sea fish, being caught in any such waters as may be specified in the order.”

(3) In subsection (5) of section 6 for the words “under this section” in the second place where they occur there shall be substituted the words “under this subsection”, and after that subsection there shall be inserted—

“(5A) If any sea fish are—

(a) trans-shipped into a vessel in contravention of an order under this section; or

(b) trans-shipped from a vessel in contravention of such an order, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.”.

(4) In subsections (1) and (2) of section 7 for the words “any order under section 6 of this Act” there shall be substituted the words “any order under section 6(1) of this Act”.

(5) After subsection (2) of section 7 there shall be inserted—

“(2A) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be trans-shipped within British

*Changes to legislation: There are currently no known outstanding effects  
 for the Fisheries Act 1981, Section 23. (See end of Document for details)*

fishery limits from that vessel while an order under section 6(1A) of this Act is in force, a written declaration that those sea fish are not sea fish the trans-shipment of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are trans-shipped, to the officer or to such other person or at such place as may be specified in the notice and as appears to the officer to be reasonable in the circumstances:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the trans-shipment of any sea fish after the end of the period of six months from the date on which the notice is served.

- (2B) Where any sea fish have been or are being trans-shipped, or where a British sea-fishery officer has reasonable grounds for believing that any sea fish are about to be trans-shipped, within British fishery limits from any vessel while an order under section 6(1A) of this Act is in force, any such officer may request the master of the vessel to make and deliver to the officer a written declaration that the sea fish in question are not sea fish the trans-shipment of which is prohibited by the order.

Nothing in this subsection shall be taken to affect the operation of subsection (2A) above.”

- (6) In subsection (3) of section 7 for the words from “as the case may be” onwards there shall be substituted the words “the said sea fish shall—
- (a) where the notice or request was served or made under subsection (1) or (2) above, be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act; and
  - (b) where the notice or request was served or made under subsection (2A) or (2B) above, be presumed until the contrary is proved to be sea fish the trans-shipment of which is prohibited under that section.”
- (7) In subsection (4) of section 7 after the word “subsection (1)” there shall be inserted the words “ or (2A) ”.

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

- C1** Pts. 2-4 functions transferred (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. [53\(2\)\(c\)\(3\)](#), [71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(1\)](#)
- 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

- M1** [1967 c. 84](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Fisheries Act 1981, Section 23.