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for the Fisheries Act 2020, Paragraph 6. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 4

#### ACCESS AND LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 2

##### LICENSING OF FISHING BOATS

###### *Sea Fish (Conservation) Act 1967*

- 6 (1) The Sea Fish (Conservation) Act 1967 is amended as follows.
- (2) Omit section 4 (licensing of fishing boats).
- (3) In section 4AA (restrictions on time spent at sea: appeals)—
- (a) in subsection (2)(a), for “section 4 of this Act” substitute “ section 15 or 17 of the Fisheries Act 2020 ”;
  - (b) in subsection (4), for “order made under section 4(6C) of this Act” substitute “ regulations made under paragraph 7(5) of Schedule 3 to the Fisheries Act 2020 ”.
- (4) In section 4B (regulations supplementary to sections 4 and 4A)—
- (a) in the heading, for “sections 4 and 4A” substitute “ section 4A ”;
  - (b) in subsection (1)(a), omit “4 or”.
- (5) In section 4C (provisions supplementary to sections 4 and 4A: evidence)—
- (a) in the heading, for “Provisions supplementary to sections 4 and 4A” substitute “ Proceedings for offences relating to licences ”;
  - (b) in subsection (1)(a), for “condition included in a licence by virtue of section 4(6) or 4A(6) of this Act” substitute “ relevant condition ”;
  - (c) in subsection (1), in the closing words, for “an offence under section 4 or 4A” substitute “ a relevant offence ”;
  - (d) in subsection (2), in the opening words, for “an offence under section 4 or 4A” substitute “ a relevant offence ”;
  - (e) in subsection (2)(c)(i)—
    - (i) for “condition imposed under section 4(6) or 4A(6)” substitute “ relevant condition ”;
    - (ii) for “condition imposed under section 4(6)” substitute “ relevant condition within subsection (3A)(a) ”;
  - (f) in subsection (2)(c)(ii), for “requirement under section 4(7) or 4A(7)” substitute “ relevant requirement ”;
  - (g) after subsection (3) insert—

“(3A) In this section “relevant condition” means a condition—

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- (a) attached, by virtue of paragraph 1 of Schedule 3 to the Fisheries Act 2020, to a sea fishing licence granted under section 15 or 17 of that Act, or
- (b) included by virtue of subsection (6) of section 4A of this Act in a licence granted under that section.

(3B) In this section “relevant offence” means—

- (a) an offence under section 14(6) or 16(6) of, or paragraph 1(4) or 3(2) or (3) of Schedule 3 to, the Fisheries Act 2020 (offences relating to sea fishing licences), or
- (b) an offence under section 4A of this Act.

(3C) In this section “relevant requirement” means—

- (a) a requirement under paragraph 3 of Schedule 3 to the Fisheries Act 2020 (power to obtain information in connection with sea fishing licence), or
- (b) a requirement under section 4A(7) of this Act.”

(6) In section 9 (exemption for operations for scientific and other purposes), in subsection (5), omit “4,”.

(7) In section 11 (penalties for offences)—

- (a) in subsection (1)—
  - (i) in paragraph (a) (as it has effect in Scotland and Northern Ireland), omit “4(3), (6) or (9A)”;
  - (ii) in paragraph (b) (as it has effect in Northern Ireland), omit “4(9A)”;
  - (iii) in paragraph (c) (as it has effect in Scotland and Northern Ireland), omit “4(7) or (7A)”;
- (b) in subsection (2)—
  - (i) in the opening words as they have effect in England and Wales and Northern Ireland, omit “4(3), (6) and (9A)”;
  - (ii) in those words as they have effect in Scotland, omit “4(3) and (6)”;
  - (iii) in paragraph (c) as it has effect in England and Wales and Northern Ireland, omit “4(3), (6) or (9A) or”;
  - (iv) in that paragraph as it has effect in Scotland, omit “4(3) or (6) or”;
  - (v) in paragraph (d) as it has effect in England and Wales and Northern Ireland, omit “section 4(3), (6) or (9A) or”;
  - (vi) in that paragraph as it has effect in Scotland, omit “section 4(3) or (6) or”;
- (c) in subsection (3) as it has effect in England and Wales and Northern Ireland, omit “4(3), (6) or (9A)”;
- (d) in that subsection as it has effect in Scotland, omit “4(3) or (6)”.

(8) In section 14 (jurisdiction of court to try offences), omit “4,”.

(9) In section 15 (powers of British sea-fishery officers for enforcement of Act)—

- (a) in subsection (2)—
  - (i) in paragraph (b) as it has effect in England and Wales and Northern Ireland, omit “4(3), (6) or (9A) or”;
  - (ii) in that paragraph as it has effect in Scotland, omit “4(3) or (6) or”;

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- (iii) in that paragraph, after “this Act” insert “, or under section 14(6) or 16(6) of, or paragraph 1(4) of Schedule 3 to, the Fisheries Act 2020,”;
      - (iv) in paragraph (c), for the words after “an order under”, substitute “section 5 of this Act or by section 15 or 17 of the Fisheries Act 2020”;
    - (b) in subsection (3), at the end insert “ or any of the provisions of sections 14 to 18 of, or Schedule 3 to, the Fisheries Act 2020 or any regulations made under any of those provisions. ”;
    - (c) in subsection (3A)(a)(i)—
      - (i) omit “4(6) or”;
      - (ii) after “this Act” insert “ or paragraph 1 of Schedule 3 to the Fisheries Act 2020 ”;
    - (d) in subsection (3B)—
      - (i) omit “4(6) or”;
      - (ii) after “this Act” insert “ or paragraph 1 of Schedule 3 to the Fisheries Act 2020 ”.
- (10) In section 18 (enforcement of orders in relation to salmon and migratory trout)—
  - (a) in subsection (1)—
    - (i) in the opening words, omit “4,”;
    - (ii) in paragraph (b), omit “section 4 of this Act, and”;
  - (b) in subsections (2) and (3), omit “4.”.
- (11) In section 20 (orders)—
  - (a) in subsection (2), omit “4,”;
  - (b) in subsection (5)—
    - (i) omit “4,”;
    - (ii) after “thereunder,” insert “ and a statutory instrument containing an order made under section 15 in relation to any of the provisions of sections 14 to 18 of, or Schedule 3 to, the Fisheries Act 2020 or any regulations made under any of those provisions, ”;
    - (iii) omit “(5A) or”;
  - (c) omit subsections (5A) and (5B).
- (12) In section 22 (interpretation)—
  - (a) in subsection (1), at the appropriate place, insert—
    - ““British fishing boat” means a fishing boat—
    - (a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995,
    - (b) which is British-owned, or
    - (c) which is registered under the law of Jersey, Guernsey or the Isle of Man;”;
  - (b) in that subsection, in the definition of “sea fish”, omit “4,”;
  - (c) after subsection (1) insert—
    - “(1A) In any order or regulations made under this Act “foreign fishing boat” means (unless the contrary intention appears) a fishing boat which is not a British fishing boat.”

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- (13) In section 22A (application to Scotland)—
- (a) in subsection (3), for “sections 4 and” substitute “ section ”;
  - (b) in subsection (4), for “sections 4(4) and” substitute “ section ”;
  - (c) omit subsection (9A);
  - (d) in subsection (11)(b), after “approval”, in the second place it occurs, insert “ or annulment ”.

**Changes to legislation:**

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