

## 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”.