
 STATUTORY INSTRUMENTS

1983 No. 1139

SEA FISHERIES

CONSERVATION OF SEA FISH

**The Receiving of Trans-shipped Sea Fish
(Licensing) (Variation) Order 1983**

<i>Made</i> - - - - -	27th July 1983
<i>Laid before Parliament</i>	28th July 1983
<i>Coming into Operation</i>	10th August 1983

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland, acting jointly, in exercise of the powers conferred on them by sections 4A(1) and (2) and 20(1) of the Sea Fish (Conservation) Act 1967(a), and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Receiving of Trans-shipped Sea Fish (Licensing) (Variation) Order 1983 and shall come into operation on 10th August 1983.

Variation of the Receiving of Trans-shipped Sea Fish (Licensing) Order 1982

2. The Receiving of Trans-shipped Sea Fish (Licensing) Order 1982(b) shall be varied by substituting for article 3 thereof the following articles:—

“Prohibition of receiving trans-shipped sea fish without a licence

3. Within British fishery limits the receiving by any vessel (whether British or foreign) of any pelagic sea fish trans-shipped from any other vessel is prohibited unless authorised by a licence granted by one of the Ministers.

Defence

3A. In any proceedings under article 3 of this order in respect of the receiving of pelagic sea fish caught by a foreign fishing boat, it shall be a defence, unless the receiving of the fish took place within the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man, for the person charged to prove that the fish to which the charge relates were caught outside British fishery limits.”.

(a) 1967 c. 84; section 4A was inserted by section 21 of the Fisheries Act 1981 (c. 29); section 22(2)(a), which contains a definition of “the Ministers” for the purposes of section 4A(1), was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

(b) S.I. 1982/80.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th July 1983.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

26th July 1983.

Nicholas Edwards,
Secretary of State for Wales.

27th July 1983.

James Prior,
Secretary of State for Northern Ireland.

26th July 1983.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order varies the Receiving of Trans-shipped Sea Fish (Licensing) Order 1982, which prohibits the receiving within British fishery limits by any vessel (whether British or foreign) of any pelagic sea fish which—

- (a) have been caught by any British fishing boat registered in the United Kingdom, and
 - (b) are trans-shipped from a boat so registered to the receiving vessel,
- unless authorised by a licence granted by one of the Ministers.

The variation made by this order extends this prohibition on receiving fish without a licence so that it applies in respect of any pelagic sea fish trans-shipped within British fishery limits from any vessel, whether caught by a British fishing boat or by a foreign fishing boat. However, the variation also provides that where the fish were caught by a foreign fishing boat, it shall be a defence, unless the receiving took place in British territorial waters, to show that the fish were caught outside British fishery limits.

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