(9) As soon as may be after the thirtieth day of September in each year the Commission shall make to the Secretary of State a report on the discharge of their functions for the period of twelve months ending with that day, and the Secretary of State shall lay a copy of every such report before Parliament.

Expenses under Scholarship Plan.

2. The expenses of the Secretary of State—

(*a*) in making such awards as are mentioned in paragraph (*a*) of subsection (1) of the foregoing section up to the number of five hundred tenable at any one time,

(*b*) in supplementing any such awards as are mentioned in paragraph (*c*) of the said subsection (1), and

(*c*) in defraying the expenses of the Commission (including the allowances mentioned in subsection (8) of the foregoing section),

shall be defrayed out of moneys provided by Parliament.

Short title.

3. This Act may be cited as the Commonwealth Scholarships Act, 1959.

CHAPTER 7

Sea Fish Industry Act, 1959

ARRANGEMENT OF SECTIONS

Section
1. Increase of aggregate amount of white fish and herring subsidies.
2. Increase of aggregate amount of grants by White Fish Authority towards new vessels and engines.
3. Amendment of s. 5 (2) of White Fish and Herring Industries Act, 1957.
4. Measures for increase or improvement of marine resources.
5. Regulation of nets and other fishing gear.
6. Size limits.
7. Power to restrict fishing for sea-fish.
8. Extension of power to license fishing-boats.
9. Amendments as to certain penalties.
10. Consequential amendment of s. 22 of Sea Fish Industry Act, 1951.
11. Application of certain provisions to Isle of Man and Channel Islands and fishing-boats registered therein.
12. Orders.
13. Interpretation.
14. Provisions as to Northern Ireland.
15. Short title.

An Act to increase the aggregate amounts of grants made in pursuance of schemes under sections one and five of the White Fish and Herring Industries Act, 1953, and section three of the White Fish and Herring Industries Act, 1957, and otherwise to amend the provisions as to schemes under those Acts; to authorise measures for the increase or improvement of marine resources; to make further provision for regulating the catching of sea-fish and for licensing fishing-boats; and for purposes connected with those matters.

[17th December, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of aggregate amount of white fish and herring subsidies.

1. In section four of the White Fish and Herring Industries Act, 1957 (which limits the aggregate amount of the grants made in pursuance of schemes under section five of the White Fish and Herring Industries Act, 1953, and under section three of the said Act of 1957 to seventeen million pounds or such greater sum, not exceeding nineteen million pounds, as may be prescribed by an order made by the Ministers with the approval of the Treasury) there shall be substituted, for the words " seventeen million pounds " the words " twenty-two million pounds ", and for the words " nineteen million pounds " the words " twenty-four million pounds ".

Increase of aggregate amount of grants by White Fish Authority towards new vessels and engines.

2.—(1) The aggregate amount of the grants which may be made in pursuance of a scheme or schemes under section one of the White Fish and Herring Industries Act, 1953 (which enables the White Fish Authority to make grants towards new vessels and engines) shall not exceed twelve million pounds or such greater sum, not exceeding fourteen million pounds, as may be prescribed by an order made by the Ministers with the approval of the Treasury.

(2) Subsection (2) of the said section one (which limits the said aggregate amount to nine million pounds) is hereby repealed.

Amendment of s. 5 (2) of White Fish and Herring Industries Act, 1957.

3. In subsection (2) of section five of the White Fish and Herring Industries Act, 1957 (which provides that a scheme under that Act or under the White Fish and Herring Industries Act, 1953, shall not be so varied or revoked as to affect the payment of grant in pursuance of an application approved before the variation or revocation) for the word " affect " there shall be substituted the words " reduce or prevent ".

Measures for increase or improvement of marine resources.

4.—(1) The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the Government of any other country.

(2) Any expenses incurred by the Ministers under this section shall be defrayed out of moneys provided by Parliament.

Regulation of nets and other fishing gear.

5.—(1) In subsection (1) of section three of the Sea-Fishing Industry Act, 1933 (which provides for the regulation of the construction and size of mesh of fishing nets) for the words from " fishing nets " to " at least such size " there shall be substituted the words " nets and other fishing gear carried in any British fishing-boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh ".

(2) In subsection (2) of that section (which enables orders under that section prescribing minimum sizes of mesh to make also certain incidental provisions and, in paragraph (*c*), provides for exempting nets from any restrictions imposed by such an order so long as any conditions imposed by or under the order are complied with) the words " for securing that the nets will be used only for taking sea-fish of the descriptions specified in the order " shall be omitted.

(3) Without prejudice to the said subsection (2), an order under the said section three may, in relation to any fishing gear,—

(*a*) restrict the manner in which it may be used;

(*b*) prescribe the manner in which its size is to be measured;

(*c*) make provision for securing that the restrictions imposed by the order are not evaded;

(*d*) make the like provision for exemption as is mentioned in relation to nets in paragraph (*c*) of that subsection (as amended by subsection (2) of this section).

(4) Subsections (4) and (6) of that section and subsection (2) of section one of the White Fish and Herring Industries Act, 1948 (which provide for the seizure and forfeiture of nets in respect of which an order under that section is contravened) shall apply to any other fishing gear as they apply to nets.

(5) An order under the said section three may be so made as to extend to nets or other fishing gear carried within the limits of the territorial waters adjacent to the United Kingdom,—

(*a*) by fishing boats registered neither in the United Kingdom nor elsewhere, and

(*b*) if provision to that effect is made by any convention or agreement for the time being in force between Her

Majesty's Government in the United Kingdom and the Government of any other country, by fishing boats registered in that other country.

(6) References in any enactment to the said section three shall be construed as including references to this section.

Size limits.

6.—(1) An order under subsection (1) of section four of the Sea-Fishing Industry Act, 1933 (which section prohibits the landing and disposal of sea-fish of less than the prescribed size and requires such fish, if taken on board, to be returned to the sea) may provide for exempting any fishing-boat or class of fishing-boat from the obligation to return fish of any description specified in the order, if and so long as such conditions as may be imposed by or under the order are complied with; and if and so long as such further conditions (if any) as may be so imposed are complied with, any fish retained on board under such an exemption shall be excepted from the prohibitions of the said subsection (1).

(2) The reference to the said section four in section four B of the said Act of 1933 (which provides for the extension of the said section four to the Channel Islands and the Isle of Man) shall be construed as including a reference to this section.

Power to restrict fishing for sea-fish.

7.—(1) Where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the Government of any other country they may by order prohibit, for any period and in any area specified in the order,—

(*a*) all fishing for sea-fish; or

(*b*) the fishing for any description of sea-fish specified in the order; or

(*c*) the fishing for sea-fish by any method specified in the order;

by any fishing-boat to which the prohibition applies.

(2) Where, in the course of any fishing operations conducted during a period and in an area specified in an order under paragraph (*b*) of subsection (1) of this section, any sea-fish of a description specified in the order are taken on board a fishing-boat to which the obligation imposed by this subsection applies, they shall be returned to the sea forthwith.

(3) Any prohibition imposed by an order under this section and the obligation imposed by subsection (2) of this section shall apply to all British fishing-boats registered in the United Kingdom and, within the limits of the territorial waters adjacent to the United Kingdom, also to all other fishing-boats; but neither such a prohibition nor that obligation shall apply in relation to

fishing operations conducted under the authority of one of the Ministers for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(4) Where any fishing-boat is used in contravention of any prohibition imposed by an order under this section, or subsection (2) of this section is not complied with in the case of any fishing-boat, the master, the owner and the charterer (if any) shall each be liable on summary conviction to a fine not exceeding one hundred pounds or, on a second or subsequent conviction,—

(*a*) in the case of a contravention of such a prohibition, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds or both;

(*b*) in the case of a failure to comply with subsection (2), to a fine not exceeding two hundred pounds;

and the court by which the offender is convicted may order the forfeiture of any net or other fishing gear used in committing the offence and of any fish in respect of which it was committed.

(5) Section six hundred and eighty-four of the Merchant Shipping Act, 1894 (which relates to the jurisdiction of courts) shall apply for the purposes of this section as it applies for the purposes of that Act.

(6) Any person who, by virtue of section eleven of the Sea Fisheries Act, 1883, or of section twenty-five of the Sea Fish Industry Act, 1951, is a British sea-fishery officer may seize any net or other fishing gear used in contravention of a prohibition imposed by an order under subsection (1) of this section and may exercise, with respect to any fishing-boat within the limits of the territorial waters adjacent to the United Kingdom, and with respect to any British fishing-boat registered in the United Kingdom, wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of orders under subsection (1) or of subsection (2) of this section; and for the purposes of an order under this subsection—

(*a*) section twelve of the Sea Fisheries Act, 1883, shall apply as if any reference in paragraph (7) of that section to that Act or to an Order in Council thereunder included a reference to this section or to an order under subsection (1) thereof; and

(*b*) section fourteen of that Act (which provides for the protection of sea-fishery officers and for the punishment of persons obstructing them) shall apply as if any references in that section to that Act included a reference to this section.

Extension of power to license fishing-boats.

8.—(1) Section two of the White Fish and Herring Industries Act, 1948 (which provides for the licensing of fishing-boats used by way of trade or business for fishing for white fish in the North Sea) shall be amended as follows:—

(*a*) in subsection (1) for the words " for white fish in the North Sea " there shall be substituted the words " in any area specified in the order " and at the end of the subsection there shall be added the words " and any such licence may authorise either fishing generally or fishing for, or except for, any description of fish specified in the licence, and may do so either unconditionally or subject to such conditions as appear to the Minister expedient for the purpose of preventing overfishing ";

(*b*) in subsection (2) for the words " engaged in fishing for white fish in the North Sea " there shall be substituted the words " engaged in fishing in any area or in fishing in any area for any description of fish ";

(*c*) in subsection (5) for the words " adjacent to Great Britain " there shall be substituted the words " adjacent to the United Kingdom ", the words " in the North Sea " shall be omitted, and for the words " in any part of the North Sea " there shall be substituted the words " wherever it may be ";

(*d*) in subsection (6) after the word " made " and after the word " exercising " there shall be inserted the words " in relation to any area " and for the words " the North Sea ", in both places where they occur, there shall be substituted the words " that area "; and

(*e*) subsection (7) (which defines the limits of the North Sea), and in subsection (8) the definition of " white fish " shall be omitted.

(2) Any order under the said section two—

(*a*) may be varied or revoked by a subsequent order under that section;

(*b*) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Amendments as to certain penalties.

9.—(1) As respects offences committed after the commencement of this Act the following amendments shall be made in the enactments mentioned in this section (which impose penalties for certain offences against the enactments relating to the regulation of sea-fishing), that is to say:—

(*a*) the words " to a fine not exceeding one hundred pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds " shall be substituted for the words from " to imprisonment " to

" fifty pounds " in subsection (5) of section two and subsection (4) of section three of the Sea-Fishing Industry Act, 1933, and for the words from " to imprisonment " (in the first place where they occur) to " two hundred pounds " in subsection (3) of section two of the White Fish and Herring Industries Act, 1948; and

(*b*) the words " one hundred pounds or, in the case of a second or subsequent conviction, to a fine not exceeding two hundred pounds " shall be substituted for the words " fifty pounds " in subsection (3) and in subsection (5) of section four of the said Act of 1933; and

(*c*) the words " or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds or both; and the court by which the offender is convicted may order the forfeiture of any net or other fishing gear used in committing the offence " shall be substituted, in section four of the Sea Fisheries (Scotland) Amendment Act, 1885, for the words from " and failing " to the end of the section; and

(*d*) the words " one hundred pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding two hundred pounds or both " shall be substituted for all the words following " not exceeding " in subsection (3) of section seven of the Sea Fisheries Act, 1883, and the amendment made by this paragraph shall extend to the Channel Islands and the Isle of Man.

(2) Subsection (4) of section fifty-four of the Sea Fish Industry Act, 1938 (which increased the penalty imposed by the enactment mentioned in paragraph (*d*) of subsection (1) of this section) and, in subsection (5) of the said section fifty-four, the words " of the last proceeding subsection and " are hereby repealed.

Consequential amendment of s. 22 of Sea Fish Industry Act, 1951.

10. In subsection (1) of section twenty-two of the Sea Fish Industry Act, 1951 (which provides that the restriction imposed by subsection (3) of section one of the Sea-Fishing Industry Act, 1933, on the powers of the Board of Trade to regulate the landing of foreign caught sea-fish shall cease on the day appointed under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, for the commencement of the licensing powers conferred by that subsection) for the words from " the day appointed " to the end of the subsection there shall be substituted the words " the day on which the first restriction imposed by an order under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, comes into force "; and in subsection (2) of that section the words " appointed as " shall be omitted.

Application of certain provisions to Isle of Man and Channel Islands and fishing-boats registered therein.

11. Her Majesty may by Order in Council direct—

(*a*) that, subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order, the provisions of section seven of this Act, section four A of the Sea-Fishing Industry Act, 1933, and section two of the White Fish and Herring Industries Act, 1948, shall apply in relation to British fishing-boats registered in the Isle of Man or any of the Channel Islands as they apply in relation to British fishing-boats registered in the United Kingdom;

(*b*) that, subject as aforesaid, those provisions shall extend to the Isle of Man or any of the Channel Islands.

Orders.

12.—(1) Any power conferred by this Act to make an order includes power to vary or revoke such an order by a subsequent order.

(2) Any order made under section two or subsection (1) of section seven of this Act shall be made by statutory instrument.

(3) An order under section two of this Act shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

(4) A statutory instrument containing an order under subsection (1) of section seven of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

13.—(1) In this Act,—

" fishing-boat " means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea-fishing;

" master " includes the person for the time being in command or charge of a vessel;

" sea-fish " means fish of any kind found in the sea and includes shell-fish;

" shell-fish " includes crustaceans and molluscs of any kind;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea-fishing industry in Scotland and, except in sections one and two, the Secretary of State concerned with the sea-fishing industry in Northern Ireland.

(2) Any reference in this Act to any other enactment is a reference thereto as amended by any subsequent enactment, including, except where the context otherwise requires, this Act.

Provisions as to Northern Ireland.

14.—(1) This Act, except section two, extends to Northern Ireland.

(2) So much of this Act and of the Sea-Fishing Industry Act, 1933, as relates to matters in respect of which the Parliament of Northern Ireland has power to make laws shall be deemed for the purposes of section six of the Government of Ireland Act, 1920, to be contained in an Act passed before the day appointed for the purposes of that section.

15. This Act may be cited as the Sea Fish Industry Act, 1959. Short title.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Sea Fisheries Act, 1883	46 & 47 Vict. c. 22.
Sea Fisheries (Scotland) Amendment Act, 1885 ...	48 & 49 Vict. c. 70.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Sea-Fishing Industry Act, 1933	23 & 24 Geo. 5. c. 45.
Sea Fish Industry Act, 1938	1 & 2 Geo. 6. c. 30.
White Fish and Herring Industries Act, 1948 ...	11 & 12 Geo. 6. c. 51.
Sea Fish Industry Act, 1951	14 & 15 Geo. 6. c. 30.
White Fish and Herring Industries Act, 1953 ...	1 & 2 Eliz. 2. c. 17.
White Fish and Herring Industries Act, 1957 ...	5 & 6 Eliz. 2. c. 22.

CHAPTER 8

An Act to increase the allowance payable to Her Majesty's High Commissioner to the General Assembly of the Church of Scotland. [17th December, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section one of the Lord High Commissioner (Church of Scotland) Act, 1948 (which provides that the allowance payable to Her Majesty's High Commissioner to the General Assembly of the Church of Scotland shall be of such amount not exceeding in any year four thousand pounds as the Secretary of State may, with the concurrence of the Treasury, from time to time determine) shall have effect in relation to the year nineteen hundred and sixty and any ensuing year with the substitution for the words " four thousand pounds " of the words " seven thousand five hundred pounds ". Increase of allowance to Lord High Commissioner to Church of Scotland. 11 & 12 Geo. 6. c. 30.