CHAPTER 31

Sea Fish Industry Act, 1962

ARRANGEMENT OF SECTIONS

Grants, advances, borrowing powers and marketing funds (white fish and herring industries)

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SCHEDULES:

First Schedule—Procedure for revising charges at fishery harbours.

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An Act to make further provision, by way of financial assistance and otherwise, with respect to the white fish and herring industries, including provision relating to the White Fish Authority and the Herring Industry Board; to make further provision for the regulation of fishing for, and the landing and commercial use of, sea-fish, and with respect to shellfish; to enable the charges leviable at certain harbours to be varied, and to facilitate borrowing for certain harbour and marine work undertakings; and for purposes connected with the matters aforesaid. [3rd July, 1962]

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:—

Grants, advances, borrowing powers and marketing funds (white fish and herring industries)

Extension of scope and duration, and provision for increase, of white fish and herring subsidies.

1.—(1) The persons to whom grants may be made in pursuance of a scheme under section five of the White Fish and Herring Industries Act, 1953 (which provides for subsidies for fishing vessels engaged in catching white fish) shall include the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in processing or transporting white fish caught by vessels registered in the United Kingdom or the products of any such white fish.

(2) The persons to whom grants may be made in pursuance of a scheme under section three of the White Fish and Herring Industries Act, 1957 (which provides for subsidies for fishing vessels engaged in catching herring) shall include the owners or charterers of vessels registered in the United Kingdom, being

vessels engaged in processing or transporting herring caught by vessels registered in the United Kingdom or the products of any such herring.

(3) The voyages in respect of which grants may be made in pursuance of a scheme under either of the relevant sections shall be voyages made by the vessel in question for any one or more of the following purposes, that is to say—

(*a*) catching white fish or herring, as the case may be;

(*b*) processing white fish or herring, as the case may be, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;

(*c*) transporting such white fish or herring (as the case may be) as are mentioned in the last preceding paragraph, or the products of such white fish or herring,

where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel.

(4) So much of subsection (1) of the said section three as limits the making of grants to vessels not exceeding one hundred and forty feet in length, and so much of subsection (2) of that section as prevents the making of grants in respect of voyages beyond particular waters specified therein or in respect of herring taken in the course of such voyages, shall cease to have effect.

(5) The date before which applications for grants under either of the relevant sections must be received by the appropriate Minister shall be postponed from the first day of May, nineteen hundred and sixty-three, to the first day of January, nineteen hundred and seventy-three.

(6) The amount by which the aggregate amount of the grants made in pursuance of schemes under either of the relevant sections may be increased at any one time by an order under section four of the White Fish and Herring Industries Act, 1957, shall be five million pounds instead of three million pounds.

(7) In this section " the relevant sections " means section five of the White Fish and Herring Industries Act, 1953, and section three of the White Fish and Herring Industries Act, 1957; and " white fish " has the same meaning as in the said section five.

Reorganisation of white fish subsidy for larger vessels.

2.—(1) The provisions of this section shall have effect in relation to any scheme made after the commencement of this Act under section five of the White Fish and Herring Industries Act, 1953, in so far as the scheme provides for the making of grants in the case of vessels to which this section applies.

(2) This section applies to vessels of or over eighty feet in length; and nothing in this section shall affect any scheme in so far as it relates to vessels of less than that length.

(3) Any such scheme, in so far as it provides for the making of grants in the case of vessels to which this section applies, shall provide for rates of grants of either or both of the following descriptions, that is to say—

(*a*) basic rates, payable either in respect of all vessels to which this section applies or in respect of all such vessels except vessels of any such class as may be specified in the scheme;

(*b*) special rates, limited to such classes of vessels (whether being vessels to which the basic rates are applicable or not) as may be specified in the scheme:

Provided that a scheme shall not provide for special rates in the case of any class of vessels except where the Ministers are satisfied that they are needed by reason of special circumstances relating to that class of vessels.

(4) Subject to any limit for the time being in force on the aggregate amount of grants which may be made in pursuance of any such scheme, and subject to the following provisions of this section, any such rates as are mentioned in the last preceding subsection shall be of such amounts as may be determined by or under the scheme; and different rates (whether basic or special) may be so determined in relation to different classes of vessels.

(5) Basic rates determined by or under a scheme may be so determined either for one year or for two or more years; but special rates may be so determined in respect of any period (of whatever length) for which it appears to the Ministers that the special circumstances in question are likely to continue.

(6) The basic rates determined in accordance with the preceding provisions of this section in relation to any class of vessels shall be progressively reduced year by year, in such a way that the basic rates for any year shall be less than those for the immediate preceding year by an amount being not less than seven and one-half per cent. and not more than twelve and one-half per cent. of the initial basic rates for that class of vessels.

(7) Special rates determined by or under any such scheme in accordance with the preceding provisions of this section shall be such that—

(*a*) the aggregate amount of the payments made by way of special rates in respect of any one year shall not exceed three hundred and fifty thousand pounds; and

(*b*) the aggregate amount of the payments so made in respect of the whole period beginning with the commencement of this Act and ending with the thirty-first day of December, nineteen hundred and seventy-two, shall not exceed two million five hundred thousand pounds.

(8) Where any such scheme provides for special rates but does not provide for basic rates, subsection (4) of section five of the White Fish and Herring Industries Act, 1957 (whereby a scheme is to be of no effect unless approved by a resolution of each House of Parliament) shall not apply; but any statutory instrument containing the scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(9) In this section "year" means any period of twelve months for which basic rates are determined as therein mentioned, and "the initial basic rates", in relation to any class of vessels, means the basic rates so determined in relation to that class of vessels for the first year for which such rates are so determined.

Extension of powers of White Fish Authority and Herring Industry Board to make grants.

3.—(1) The powers conferred on the White Fish Authority by section one of the White Fish and Herring Industries Act, 1953, and on the Herring Industry Board by section six of that Act (which sections respectively empower the Authority and the Board to make grants in respect of the acquisition of new fishing vessels and new engines for fishing vessels, but limited in each case to vessels not exceeding one hundred and forty feet in length) shall be extended and shall have effect in accordance with, and subject to, the following provisions of this section.

(2) The expenditure in respect of which grants may be made in pursuance of a scheme made after the commencement of this Act under either of the relevant sections shall be expenditure incurred in the acquisition of any vessel to which that section applies, or in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which that section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel:

Provided that no grant shall be so made in respect of expenditure incurred in the acquisition of any secondhand vessel, engine, part, equipment or apparatus.

(3) Section one of the said Act of 1953 shall apply to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing white fish or transporting white fish or the products of white fish; and for the purposes of that section a person shall be taken to be

engaged in the white fish industry in Great Britain if he carries on the business of operating one or more vessels registered in Great Britain (of whatever size and in whatever way propelled) in carrying on any of those activities.

(4) Section six of the said Act of 1953 shall apply to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing herring or transporting herring or the products of herring; and for the purposes of that section a person shall be taken to be engaged in the herring industry if he carries on the business of operating one or more boats (as defined by the Herring Industry Act, 1935) registered in Great Britain in carrying on any of those activities.

(5) The date before which applications for grants under either of the relevant sections must be approved by the White Fish Authority or the Herring Industry Board, as the case may be, shall be the first day of January, nineteen hundred and seventy-three (instead of any earlier date specified in that behalf in section one of the White Fish and Herring Industries Act, 1957).

(6) No grant in pursuance of a scheme made after the commencement of this Act under either of the relevant sections shall be made in respect of any expenditure, unless the White Fish Authority or the Herring Industry Board, as the case may be, are satisfied that it is incurred in pursuance of a contract made after the first day of November, nineteen hundred and sixty-one.

(7) The aggregate amount of the grants which may be made in pursuance of schemes under the relevant sections taken together (instead of the existing separate limits of fourteen million pounds for schemes under section one of the said Act of 1953 and seven hundred and fifty thousand pounds for schemes under section six of that Act) shall be seventeen million pounds or such greater sum as may be prescribed from time to time by an order made by the Ministers with the approval of the Treasury:

Provided that an order under this subsection shall not increase the aggregate amount of the grants by more than two million pounds at any one time.

(8) For the purposes of any scheme made after the commencement of this Act under either of the relevant sections, the limits imposed on the amount of a grant by subsection (3) of section one of the White Fish and Herring Industries Act, 1957 (which limits a grant to three-tenths of the expenditure in the case of a grant to a working owner for the acquisition of a new vessel or of an engine for a vessel, and to one-quarter of the expenditure in any other case) shall not apply; but no

grant made in pursuance of such a scheme in respect of any expenditure shall exceed the following amount, that is to say—

(*a*) where the vessel in question is less than eighty feet in length, three-tenths of the expenditure, or

(*b*) in any other case, one-quarter of the expenditure.

(9) In this section "the relevant sections" means sections one and six of the White Fish and Herring Industries Act, 1953, and "relevant equipment", in relation to a vessel to which either of the relevant sections applies, means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities referred to in subsection (3) or subsection (4) of this section by virtue of which the vessel is one to which that section applies; and for the purposes of this subsection equipment constructed or adapted for the purpose of transferring white fish or herring from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities.

Grants to Herring Industry Board.

4.—(1) The limit on the aggregate amount of the grants which may be made under subsection (1) of section five of the White Fish and Herring Industries Act, 1948, in respect of expenses incurred by the Herring Industry Board for promoting the sale of herring and other purposes specified therein—

(*a*) is hereby raised from three million five hundred thousand pounds to four million pounds, and

(*b*) may be further raised from time to time, by an amount not exceeding five hundred thousand pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(2) The period during which expenses qualifying for grants under that subsection may be incurred by the Herring Industry Board shall not expire on the nineteenth day of May, nineteen hundred and sixty-three; but no such grant shall be made except in respect of expenses approved under that subsection before the end of the year nineteen hundred and seventy-two.

Grants to White Fish Authority.

5.—(1) The expenditure in respect of which grants may be made to the White Fish Authority under subsection (2) of section seventeen of the Sea Fish Industry Act, 1951 (which relates to expenditure of the Authority on research or experiment) shall include any expenditure incurred by the Authority in the exercise of the powers conferred on them by subsection (1) of section four of the said Act of 1951 to do any of the things mentioned in paragraph (*f*) of that subsection (which, as amended by this Act, relates to the provision, acquisition, equipment and operation of plants for processing white fish and of plants for making ice in Great Britain).

(2) The limit on the aggregate amount of such grants—

(*a*) is hereby raised from one million pounds to two million pounds, and

(*b*) may be further raised from time to time, by an amount not exceeding one million pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(3) The period during which grants may be made under subsection (2) of the said section seventeen shall not expire on the nineteenth day of May, nineteen hundred and sixty-three; but no such grants shall be made except in respect of expenditure approved by the Treasury before the end of the year nineteen hundred and seventy-two.

Borrowing powers of White Fish Authority and Herring Industry Board.

6.—(1) The limit on the amount outstanding at any time of the sums borrowed by the White Fish Authority under subsection (2) of section fifteen of the Sea Fish Industry Act, 1951,—

(*a*) is hereby raised from twenty-five million pounds to thirty million pounds, and

(*b*) may be further raised from time to time, by an amount not exceeding five million pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(2) The limit on the amount outstanding at any time of the sums borrowed by the Herring Industry Board under section seven of the Herring Industry Act, 1935, may be raised from time to time, by an amount not exceeding five hundred thousand pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

Exchequer advances to White Fish Authority and Herring Industry Board.

7.—(1) The limit on the amount outstanding at any time of the sums advanced to the White Fish Authority under subsection (1) of section seventeen of the Sea Fish Industry Act, 1951,—

(*a*) is hereby raised from twenty-five million pounds to thirty million pounds, and

(*b*) may be further raised from time to time, by an amount not exceeding five million pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(2) The limit on the amount outstanding at any time of the sums advanced to the Herring Industry Board under subsection (2) of section seven of the White Fish and Herring Industries Act, 1953, or under subsection (1) of section four of the Herring Industry Act, 1944,—

(*a*) is hereby raised from three million five hundred thousand pounds to four million pounds, and

(*b*) may be further raised from time to time, by an amount not exceeding five hundred thousand pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(3) The period during which any such advances as are mentioned in subsection (1) or subsection (2) of this section may be made shall not expire on the nineteenth day of May, nineteen hundred and sixty-three; but no such advance—

(*a*) if it is for the purpose of enabling the White Fish Authority or the Herring Industry Board to give financial assistance by way of loan, shall be made unless the application for that assistance is approved by the Authority or the Board, as the case may be, before the end of the year nineteen hundred and seventy-two, or

(*b*) in any other case, shall be made after the end of the year nineteen hundred and seventy-two.

Extension of duration of White Fish and Herring Marketing Funds.

8. The White Fish Marketing Fund and the Herring Marketing Fund shall be continued until the end of the year nineteen hundred and seventy-two; and accordingly in the following enactments, that is to say,—

(*a*) subsection (2) of section four and subsection (5) of section seven of the White Fish and Herring Industries Act, 1953 (which provide respectively for the payment into those Funds of certain sums received before the expiration of the period of ten years from the passing of that Act), and

(*b*) subsection (6) of section four of that Act and subsection (7) of section four of the Herring Industry Act, 1944 (which provide respectively for the winding up of those Funds at the expiration of that period),

for any reference to the expiration of the period of ten years from the passing of the said Act of 1953 there shall be substituted a reference to the end of the year nineteen hundred and seventy-two.

Reimbursement of Isle of Man subsidies.

9.—(1) This section applies to any grant made (whether before or after the commencement of this Act) by the Government of the Isle of Man to the owners or charterers of vessels registered in the United Kingdom, in respect of herring landed in the Isle of Man or in respect of voyages made by the vessel in question for any one or more of the following purposes, that is to say—

(*a*) catching herring;

(*b*) processing herring caught wholly or mainly by the vessel in question, or by other vessels registered in the

United Kingdom, or by the vessel in question and by other vessels so registered;

(*c*) transporting such herring as are mentioned in the last preceding paragraph or the products of such herring,

where (in any such case) it was part of the purpose that the herring or the products of the herring were to be landed in the Isle of Man, whether by the vessel which caught them or by another vessel.

(2) Subject to the next following subsection, the Ministers or either of them may repay to the Government of the Isle of Man the amount of any grant to which this section applies.

(3) Where any such grant (in this subsection referred to as "the Isle of Man grant") has been made in respect of any herring landed in the Isle of Man, or in respect of any voyage made for a purpose specified in subsection (1) of this section,—

(*a*) no repayment shall be made under this section unless a grant to the owners or charterers of the vessel could have been made in pursuance of a scheme under section three of the White Fish and Herring Industries Act, 1957, in force at the time of the Isle of Man grant, if the herring in question had been landed in the United Kingdom, or, as the case may be, the voyage had been made for the corresponding purpose specified in subsection (2) of that section, and

(*b*) the amount of the repayment shall not exceed the amount of the grant which could in those circumstances have been made in pursuance of that scheme.

(4) In this section any reference to the Government of the Isle of Man includes a reference to any department or agency of that Government.

Regulation of fishing for, and landing and commercial use of, sea-fish

Power to restrict fishing for sea-fish.

10.—(1) In relation to the imposition of any prohibition—

(*a*) on fishing for salmon or migratory trout, whether within or outside the limits of the territorial waters adjacent to Great Britain, or

(*b*) on fishing for any other sea-fish within the limits of those territorial waters,

the power conferred by subsection (1) of section seven of the Sea Fish Industry Act, 1959 (which empowers the Ministers to restrict fishing for sea-fish in a specified area for the purpose of giving effect to international conventions or agreements) shall be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose

of giving effect to such a convention or agreement as is therein mentioned or not.

(2) Any order made under the said subsection (1), except an order which —

(*a*) has effect in relation to salmon or migratory trout (whether it has effect in relation to any other description of fish or not), and

(*b*) is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in that subsection,

may be made so as to continue in force either for a period specified in the order or without limitation of time.

(3) Any prohibition imposed by an order under the said subsection (1) may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(4) In paragraph (*c*) of that subsection, for the reference to fishing for sea-fish by any method specified in an order under that section, there shall be substituted a reference to fishing for sea-fish, or for any description of sea-fish specified in the order, by any method so specified.

(5) Any prohibition imposed by an order under that section, in so far as it relates to fishing for salmon or migratory trout, shall apply to any fishing-boats which are British-owned but not registered under the Merchant Shipping Act, 1894, as it applies to such British fishing-boats as are mentioned in subsection (3) of that section; and subsection (6) of that section (which makes provision for the enforcement of orders under that section) shall have effect accordingly.

(6) The power conferred on British sea-fishery officers by subsection (6) of that section (as extended by the last preceding subsection) to seize any net or other fishing gear used in contravention of a prohibition imposed by an order under subsection (1) of that section shall include power to seize any fish caught in contravention of such a prohibition, where the fish are on the vessel used in contravention of the prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the vessel.

(7) Where any order under subsection (1) of the said section seven is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in that subsection, the order shall contain a statement to that effect.

Licensing of British fishing-boats.

11.—(1) In relation to the imposition of any restriction—

(*a*) on fishing for salmon or migratory trout, whether within or outside the limits of the territorial waters adjacent to Great Britain, or

(*b*) on fishing for any other sea-fish within the limits of those territorial waters,

subsection (6) of section two of the White Fish and Herring Industries Act, 1948 (whereby the power conferred by that section to restrict fishing by British fishing-boats in any area is limited by reference to measures taken by the governments of other countries) shall not apply.

(2) An order made under that section in respect of fishing in any area may be made so as to apply to fishing in that area generally, or may be made subject to any one or more, or any combination, of the following limitations, that is to say, limitations whereby the order applies to fishing in that area—

(*a*) for fish of a description specified in the order and not for any other descriptions of fish, or for fish of any description except a description so specified;

(*b*) by a method specified in the order and not by any other method, or by any method except a method so specified;

(*c*) during a season of the year specified in the order and not during any other season of the year, or at any season of the year except a season so specified;

(*d*) during a period specified in the order and at no other time.

(3) Where an order under that section is made subject to any such limitations as are mentioned in the last preceding subsection, the licensing powers exercisable thereunder in pursuance of that order shall be exercisable only within those limitations.

(4) In exercising the licensing powers conferred by subsection (1) of that section, it shall be the duty of the Ministers (in substitution for any corresponding duty imposed by subsection (2) of that section) to exercise those powers in such a way as appears to the Ministers to be likely to cause the least possible hardship.

(5) An order under that section, made with the consent of the Treasury for the purposes of this subsection, may authorise any of the Ministers to make a charge, not exceeding such amount as may be specified in the order, for the granting of a licence under that section; and different amounts may be so specified in relation to different classes of licences.

(6) In respect of fishing for salmon or migratory trout, subsection (1) of that section shall have effect in relation to fishing-boats which are British-owned but not registered under the

Merchant Shipping Act, 1894, as it has effect in relation to such British fishing-boats as are mentioned in that subsection; and subsection (5) of that section (which makes provision for the enforcement of orders under that section) shall have effect accordingly.

(7) The power of the court under subsection (3) of that section to order the forfeiture of any net or gear used in a contravention in respect of which a person is convicted under that subsection shall, in the case of a contravention committed after the passing of this Act, include power to order the forfeiture of any fish in respect of which the contravention was committed.

(8) The power conferred on British sea-fishery officers by subsection (5) of that section (as extended by subsection (6) of this section) to seize any net and gear used in contravening subsection (1) of that section shall include power to seize any fish caught by the use of the vessel in contravening the said subsection (1), where the fish are on that vessel or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the vessel.

Restrictions on landing of sea-fish.

12.—(1) The provisions of section two of the Sea-Fishing Industry Act, 1933 (which empowers the Ministers to impose temporary prohibitions on the landing in the United Kingdom of sea-fish caught in certain areas) shall have effect in relation to salmon and migratory trout as they have effect in relation to other sea-fish.

(2) Any prohibition imposed by an order under that section in relation to sea-fish, or any particular description of sea-fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea-fish, or sea-fish of that description, as the case may be,—

(*a*) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified;

(*b*) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified;

(*c*) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(3) Without prejudice to the last preceding subsection, any prohibition imposed by an order under the said section two may

be imposed subject to such exceptions as may be specified in the order.

(4) If any sea-fish are landed from a vessel in contravention of an order under that section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.

(5) Any person guilty of an offence under the last preceding subsection shall be liable on summary conviction—

(*a*) in the case of a first offence under that subsection, to a fine not exceeding one hundred pounds;

(*b*) in the case of a second or subsequent offence under that subsection, 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 of any offence in respect of the landing of any fish from a vessel in contravention of an order under that section may order the forfeiture of any fish in respect of which the offence was committed, and of any net or other fishing gear used on that vessel in catching any fish landed in contravention of the order.

(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—

(*a*) may seize any fish landed in contravention of an order under the said section two, and any net or other fishing gear used in catching any fish so landed;

(*b*) 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 the said section two; and

(*c*) may exercise with respect to any fishing-boat which is British-owned but not registered under the Merchant Shipping Act, 1894, wherever it may be, such of the powers mentioned in the last preceding paragraph as may be conferred on him by order of the Ministers, being powers which (in so far as they are not exercisable with respect to any such fishing-boat by virtue of an order under the last preceding paragraph) the Ministers consider necessary for the enforcement of orders under the said section two in relation to the landing of salmon or migratory trout.

(7) For the purposes of the last preceding subsection and of any order made thereunder—

(*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 section two of the said Act of 1933 or to an order under the said section two; and

(*b*) section fourteen of the Sea Fisheries Act, 1883 (which provides for the protection of sea-fishery officers and for the punishment of persons obstructing them) shall apply as if any reference in that section to that Act included a reference to the last preceding subsection.

Additional fine instead of forfeiture.

13.—(1) Any person guilty of an offence to which this section applies shall, subject to the following provisions of this section, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(2) This section applies to any offence of which a person is convicted under any of the following enactments, that is to say, subsection (3) of section two of the White Fish and Herring Industries Act, 1948, subsection (4) of section seven of the Sea Fish Industry Act, 1959, and subsections (4) and (5) of section twelve of this Act, being an offence committed after the passing of this Act.

(3) A person shall not be liable to a fine under this section in respect of an offence if, under any of the enactments mentioned in the last preceding subsection, the court orders the forfeiture of the fish in respect of which the offence was committed; and, where a fine is imposed under this section, the court shall not have power to order the forfeiture of the fish under any of those enactments.

(4) Subject to the last preceding subsection, any fine to which a person is liable under this section in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under any of the enactments mentioned in subsection (2) of this section or under any other enactment.

Enforcement of orders in relation to salmon and migratory trout.

14.—(1) In so far as any enactment or order to which this section applies imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which, for the purposes of the functions of a river board relating to fisheries, are included in the area of the river board, or on landing salmon or migratory trout at a place within a river board area,—

(*a*) paragraph (*d*) of subsection (1) of section sixty-seven of the Salmon and Freshwater Fisheries Act, 1923 (which confers powers of seizure on water bailiffs) shall

apply as if the reference therein to that Act included references to this Act and the Acts mentioned in subsection (3) of this section, and the references to the said Act of 1923 in subsections (3) and (4) of the said section sixty-seven and in section seventy-nine of that Act (which contain provisions ancillary thereto) shall be construed accordingly as including references to that Act as applied by this subsection;

(*b*) the provisions of subsection (1) and subsections (4) to (8) of section sixteen, and section seventeen, of the River Boards Act, 1948 (which confer powers for the enforcement of that Act) shall apply as if any such enactment or order were an enactment relating to the functions of the river board.

(2) Where any enactment or order to which this section applies imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district board within the meaning of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951, or on landing salmon or migratory trout at a place within such a district as aforesaid, any water bailiff, constable or any person appointed by the Secretary of State in pursuance of subsection (5) of section ten of the said Act of 1951 may exercise in relation to the contravention of such an enactment or order any of the powers conferred upon him in relation to a contravention of that Act by the following provisions thereof, that is to say—

(*a*) sections eleven and twelve (which confer powers of search and arrest); and

(*b*) paragraph (*d*) of subsection (1) of section ten, and section twenty, so far as those provisions relate to the seizure of fish, instruments or articles liable to forfeiture or to the disposal of such fish,

and subsections (3) and (6) of the said section ten (which contain provisions ancillary thereto) shall apply as if the Acts therein mentioned included a reference to this Act and the Acts mentioned in subsection (3) of this section.

(3) This section applies to the following enactments and orders, that is to say, subsection (1) of section two of the White Fish and Herring Industries Act, 1948, and any order made after the commencement of this Act under section seven of the Sea Fish Industry Act, 1959, or under section two of the Sea-Fishing Industry Act, 1933.

Size limits for fish.

15.—(1) Subject to any exemption granted under this section, no person shall in Great Britain have in his possession any fish to which this section applies for the purpose of processing or otherwise using it in the course of any business.

(2) This section applies to any fish which, under subsection (1) of section four of the Sea-Fishing Industry Act, 1933 (which imposes certain restrictions in relation to fish of a smaller size than that prescribed for the purposes of that subsection), is prohibited from being sold in Great Britain.

(3) Where it appears to an officer authorised in that behalf by the appropriate Minister that any fish which have been caught are fish to which this section applies, the officer may grant to any person such exemption from subsection (1) of this section as the officer considers requisite to enable the fish to be disposed of.

(4) Any person who contravenes this section shall be liable on summary conviction—

(*a*) in the case of a first offence under this section, to a fine not exceeding one hundred pounds;

(*b*) in the case of a second or subsequent offence under this section, to a fine not exceeding two hundred pounds.

(5) Subsection (6) of section four of the said Act of 1933 (which relates to the enforcement of orders under that section) shall have effect for the purposes of this section as if any reference in that subsection to an order under that section were a reference to this section and any reference therein to contravention of that section were a reference to contravention of this section.

Increase of penalties in respect of foreign sea-fishing boats.

16.—(1) The maximum amount of the fine which may be imposed on any person under subsection (3) of section seven of the Sea Fisheries Act, 1883 (which relates to contraventions of the provisions of that section with respect to foreign sea-fishing boats within the exclusive fishery limits of the British Islands) shall be increased, in the case of a first conviction, from one hundred pounds to two hundred and fifty pounds and, in the case of a second or subsequent conviction, from two hundred pounds to five hundred pounds; and accordingly, in that subsection, for the words from " not exceeding " to the end there shall be substituted the words " not exceeding two hundred and fifty 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 five hundred pounds or both ".

(2) This section shall not apply in relation to any contravention of the said section seven committed before the passing of this Act.

Exemption for operations for scientific and other purposes.

17.—(1) No enactment to which this section applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the Ministers, are conducted for the purposes of scientific investigation, or for

the purpose of transplanting sea-fish from one fishing ground to another, or shall restrict the landing of sea-fish caught in the course of any such operations.

(2) This section applies to any enactment contained in, or having effect as modified by, sections ten to twelve and section sixteen of this Act, and to any other enactment which provides for regulating the catching or landing of sea-fish.

(3) Subsection (1) of this section shall have effect in addition to, and not in derogation of, any express saving or exemption contained in any enactment to which this section applies, or in any order or byelaw made under such an enactment.

Appointment of British sea-fishery officers.

18.—(1) The power conferred on the Ministers by section twenty-five of the Sea Fish Industry Act, 1951, to appoint officers to be British sea-fishery officers shall include power to appoint any officer to exercise and perform the powers and duties of a British sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and an officer so appointed shall be a British sea-fishery officer within those limitations, but not otherwise, and references in any enactment to British sea-fishery officers shall be construed accordingly.

(2) An appointment made in accordance with the preceding subsection may be limited in any one or more, or any combination, of the following ways, that is to say, by reference—

(*a*) to particular matters;

(*b*) to a particular area;

(*c*) to a particular order or class of orders.

Shellfish

Power to prohibit deposit of shellfish.

19.—(1) The appropriate Minister may by order designate any waters to which this section applies, and prohibit the deposit in those waters of shellfish of any description, or of shellfish of a description specified in the order, being (in either case) shellfish taken (as the order may provide) either—

(*a*) from any shellfish bed outside the waters so designated, or

(*b*) from any shellfish bed in an area specified in the order.

(2) This section applies to the following waters, that is to say—

(*a*) all tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to Great Britain, and

(*b*) all inland waters from which, in the opinion of the appropriate Minister, diseases or pests carried by shellfish deposited in them may be conveyed into any such

tidal waters as are mentioned in the preceding paragraph.

(3) An order under this section designating any waters may also designate any land adjacent to those waters, being land from which, in the opinion of the appropriate Minister, diseases or pests carried by shellfish deposited on it may be conveyed into those waters; and any prohibition imposed by the order on depositing shellfish in those waters shall apply also to depositing shellfish on that land.

(4) An order under this section may provide that the prohibition thereby imposed shall not apply to any shellfish if—

(*a*) they are deposited under the authority of a licence granted by the appropriate Minister, and

(*b*) the conditions (if any) specified in that licence are complied with.

(5) Where any person deposits any shellfish in any waters or on any land in contravention of an order under this section, and is convicted of an offence under this Act in respect of that contravention, the appropriate Minister shall have power to remove those shellfish from those waters or that land, and also to remove therefrom any other shellfish which, in his opinion, may have become affected by any disease or pest carried by the shellfish so deposited.

(6) The appropriate Minister may cause any shellfish removed under the last preceding subsection to be disposed of (whether by destruction, sale or otherwise) as he may think fit, and shall be entitled to recover from the person convicted as mentioned in that subsection any expenses reasonably incurred by the appropriate Minister in removing the shellfish under that subsection, or in disposing of them under this subsection.

(7) For the purposes of this section a person shall be taken to deposit shellfish in any particular waters if he causes the shellfish to enter those waters; and any reference in this section to depositing shellfish on land includes a reference to throwing down, dropping or otherwise discharging the shellfish on that land.

Power to prohibit importation of shellfish in certain cases.

20.—(1) Where any waters are for the time being designated by an order under the last preceding section, the appropriate Minister may by order made under this section designate any area, consisting of any part of the coast or other land adjacent to those waters, and prohibit shellfish of any description specified in the order from being imported into that area, except at such places (if any) as may be specified in the order.

(2) A person shall be taken to contravene an order under this section if any shellfish to which the prohibition imposed by the order applies are imported in contravention of the order, and he, whether as owner, consignor or consignee, agent or broker, is in possession, or is in any way entitled to the custody or control, of the shellfish at the time when they are imported.

(3) In this section " imported " means imported on board any vessel, whether from a place outside Great Britain or not.

Supplementary provisions as to orders under ss. 19 and 20.

21.—(1) Where the appropriate Minister makes an order under section nineteen or section twenty of this Act, he shall take such steps (whether by the publication or display of notices or otherwise) as he may consider most suitable for informing all persons concerned of the effect of the order.

(2) Any person who contravenes the provisions of any order made under section nineteen or section twenty of this Act (including any person who contravenes those provisions by not complying with any conditions specified in a licence granted thereunder) shall be guilty of an offence under this subsection, and shall be liable on summary conviction—

(*a*) in the case of a first offence under this subsection, to a fine not exceeding one hundred pounds;

(*b*) in the case of a second or subsequent offence under this subsection, to imprisonment for a term not exceeding three months, or a fine not exceeding two hundred pounds, or both.

(3) A person authorised in that behalf by the appropriate Minister (in this section referred to as an " inspector ") shall, subject to the next following subsection, have the right, at any reasonable time, to enter any land designated by an order under section nineteen of this Act, or any waters, or land covered by waters, designated by such an order, where either—

(*a*) the inspector has reasonable grounds for believing that the prohibition imposed by the order is being or has been contravened, or

(*b*) entry is required for the purpose of removing any shellfish which the appropriate Minister is empowered to remove under subsection (5) of that section;

and an inspector having a right to enter any land or waters under this subsection shall also have the right to obtain and take away samples (which shall be marked, labelled or otherwise made capable of identification) of any shellfish found there, and to dispose of any such sample as the inspector may determine:

Provided that where an inspector enters any land or waters by virtue of paragraph (*a*) of this subsection, he shall retain

any shellfish so taken for as long as may be necessary to secure that they are available for production in any proceedings for an offence under this section in respect of the contravention in question.

(4) A right of entry under the last preceding subsection shall not be exercisable in respect of any occupied land unless not less than twenty-four hours' notice of the intended entry has been given to the occupier; and the inspector shall, if so required, produce written evidence of his authority before entering.

(5) Any person who obstructs an inspector in the exercise of any right conferred by subsection (3) of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Public fisheries.

22.—(1) This section applies to any waters in which the public have the right to fish, other than—

(*a*) waters which, for the purposes of Part III of the Sea Fisheries Act, 1868, are within the limits of a fishery in respect of which a right (whether a right of several fishery or of regulating a fishery) conferred by an order under that Part of that Act, or under the Oyster and Mussel Fisheries Act, 1866, is for the time being in force;

(*b*) waters (not falling within the preceding paragraph) in which a person has an exclusive right to take shellfish of any description.

(2) The appropriate Minister may take any action which appears to him to be requisite—

(*a*) for destroying any shellfish which are in any waters to which this section applies and which appear to him to be affected by a disease or pest, or

(*b*) for eliminating from any such waters any disease or pest affecting shellfish,

and (where he has taken any action in respect of any waters in accordance with paragraph (*a*) or paragraph (*b*) of this subsection) for causing those waters to be restocked with shellfish.

Making and variation of orders for several and regulated fisheries.

23.—(1) Any application made after the commencement of this Act for an order under Part III of the Sea Fisheries Act, 1868 (under which orders may be made for the establishment or improvement and the regulation of fisheries for oysters, mussels and cockles) shall be made in such form and manner as may be prescribed by regulations made by the appropriate Minister.

(2) Where any such application is made, the appropriate Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants; and section thirty of the said Act of 1868 (under which the applicants are required, among other things, to publish copies of the draft of the order which they propose should be made) shall have effect as if for references therein to such a draft there were substituted references to a draft order prepared by the appropriate Minister under this subsection.

(3) In section thirty-six of the said Act of 1868 (which relates to expenses incurred in consequence of a memorial applying for an order), for references to a memorial and the presentation of a memorial, there shall be substituted respectively references to an application and the making of an application.

(4) Section thirty-seven of the said Act of 1868 (which makes provision as to the coming into operation of orders under Part III of that Act and, in particular, provides that such an order shall, if objection to it is made and is not withdrawn, be subject to special parliamentary procedure) shall cease to have effect.

(5) Any order under Part III of the said Act of 1868, whether made before or after the commencement of this Act, may be varied by a subsequent order made thereunder; and the provisions of the said Part III, and the preceding provisions of this section, shall apply in relation to any such subsequent order, and to any application for such an order, as they apply in relation to an original order made under the said Part III on an application made after the commencement of this Act and to an application for such an order to be made.

(6) The power to make regulations under subsection (1) of this section shall be exercisable by statutory instrument.

Inspection of several and regulated fisheries.

24.—(1) This section applies to the provisions of section forty-five of the Sea Fisheries Act, 1868 (which provides for the termination in certain circumstances of the rights conferred by an order under Part III of that Act, and confers powers of inquiry and examination and of requiring information with respect to fisheries comprised in such orders) in so far as those provisions relate to the making of any inquiry or examination, or requiring information, with respect to any such fishery as is therein mentioned, and impose on the grantees or other persons a duty to afford facilities for any such inquiry or examination or to give information.

(2) For the purpose of carrying out any inquiry or examinations in respect of a fishery, in pursuance of the provisions to which this section applies, a person authorised in that behalf by the appropriate Minister shall, subject to the next following

subsection, have the right, at any reasonable time, to enter any land which, for the purposes of Part III of the said Act of 1868, is within the limits of the fishery, and to obtain and take away samples (which shall be marked, labelled or otherwise made capable of identification) of any shellfish found within those limits; and, notwithstanding anything contained in the said Act of 1868, when the purpose for which any such sample was taken has been satisfied, the person by whom the sample was taken may dispose of it as he may determine.

(3) A right of entry under the last preceding subsection shall not be exercisable in respect of any land unless not less than twenty-four hours' notice of the intended entry has been given to the occupier of the land, and also to the grantees or company referred to in the provisions to which this section applies, if they are not the occupiers of the land; and the person exercising the right shall, if so requested, produce written evidence of his authority before entering.

(4) Any duty imposed on any person by the provisions to which this section applies to afford facilities for any inquiry or examination in respect of a fishery shall include a duty to afford facilities for the exercise of any right exercisable in respect of the fishery in accordance with the preceding provisions of this section.

(5) Any person who obstructs an inspector or other person in the exercise of any power or right conferred by the provisions to which this section applies, or by this section, or who refuses or without reasonable excuse fails to provide any information reasonably required by an inspector or other person in the exercise of any such power or right, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Powers of grantees of regulated fisheries.

25.—(1) This section applies to any order made (whether before or after the commencement of this Act) under Part III of the Sea Fisheries Act, 1868, being such an order as is mentioned in section forty-one of that Act (which relates to orders which confer a right of regulating a fishery without conferring a right of several fishery).

(2) The restrictions imposed by an order to which this section applies may include restrictions prohibiting all persons from dredging, fishing for or taking, within the limits of the fishery, shellfish of the description to which the order applies, except under the authority of a licence issued in that behalf by the grantees.

(3) Any power to vary an order to which this section applies shall (without prejudice to the generality of that power) include

power to vary the order (whether made before or after the commencement of this Act) so as to impose restrictions in accordance with the last preceding subsection.

(4) Where an order to which this section applies (either as originally made or as varied) imposes any such restrictions, licences may (subject to the provisions of the order and of this section) be issued thereunder in such numbers and to such persons, and operative for such periods, and may authorise the dredging, fishing for or taking of shellfish at such times, in such manner and to such extent, as the grantees may determine.

(5) Where in pursuance of such an order the grantees propose to issue licences, they shall (unless they propose to issue licences to all such persons as may apply for them) notify the appropriate Minister of their intention; and the appropriate Minister may give directions to the grantees as to the exercise of their powers under the last preceding subsection.

(6) If the grantees issue or withhold licences without complying with the requirements of the last preceding subsection or of any directions given thereunder, then for the purposes of section forty-five of the said Act of 1868 (and without prejudice to the generality of that section) the grantees shall be taken not to be properly carrying into effect the restrictions imposed by the order; but no licence issued in contravention of any such requirements shall be invalid by reason only that it was so issued.

(7) Any licence issued under an order to which this section applies may with the consent of the appropriate Minister be cancelled by the grantees of the fishery if the person to whom the licence is issued, having been convicted of an offence of contravening a restriction imposed by the order, is subsequently convicted of another such offence; but, except as provided by this subsection, a licence so issued shall not be cancelled before it is due to expire, unless the person to whom it was issued dies or surrenders the licence.

(8) So much of the said section forty-one as requires restrictions thereunder to be imposed on and apply to all persons equally shall have effect subject to the preceding provisions of this section.

(9) In this section any reference to the imposition of restrictions includes a reference to the making of regulations.

Grants and loans for restoration of oyster, mussel and cockle fisheries.

26.—(1) The appropriate Minister may, with the approval of the Treasury, make grants or loans to any person in respect of any expenses incurred or to be incurred by him in cleansing and reinstating (including restocking) any shellfish beds to which this subsection applies which have been affected by any disease or pest.

(2) The preceding subsection applies—

(*a*) to any shellfish bed within the limits of a fishery in respect of which an order under Part III of the Sea Fisheries Act, 1868, or under the Oyster and Mussel Fisheries Act, 1866, is for the time being in force, and

(*b*) to any other shellfish bed used for the propagation or cultivation of oysters, mussels or cockles, being a shellfish bed in respect of which a person has an exclusive right to take oysters, mussels or cockles.

Miscellaneous and supplementary provisions

Revision of charges at fishery harbours in England and Wales.

27.—(1) The provisions of the First Schedule to this Act shall have effect with respect to charges to which this section applies; and so much of any existing statutory provision as prescribes a procedure for the revision of any such charges, or as confers upon the undertakers any power of revising any such charges with the approval or sanction of the Minister, or within defined limits, shall cease to have effect:

Provided that any such provision conferring upon the undertakers a power of revising any such charge within defined limits shall not cease to have effect by virtue of this subsection unless and until that charge is revised by an order made under the provisions of the First Schedule to this Act.

(2) This section applies to any charges which, in pursuance of any statutory provision (whether passed or made before or after the passing of this Act), are for the time being authorised to be demanded and taken by undertakers in connection with any works at a fishery harbour in England or Wales:

Provided that this section does not apply—

(*a*) to charges in connection with any pleasure pier which is not used or adapted for use as a landing place for goods or passengers and is under the jurisdiction of undertakers other than the harbour authority for the harbour in question;

(*b*) to any charge which, by the statutory provision authorising the charge, is left to the discretion of the undertakers without any restriction or subject only to a requirement that the charge shall be reasonable.

(3) Any reference (however expressed) in any existing statutory provision to any charges to which this section applies shall be construed as including a reference to charges for the time being authorised by virtue of an order made under the provisions of the First Schedule to this Act.

(4) For the purposes of the promotion by any undertaking of a Bill containing a provision revising any charges to which this section applies, it shall be deemed, notwithstanding the passing of this section, that the objects of that provision cannot be attained except with new authority from Parliament.

(5) In this section "charges" includes rates, tolls, fees and dues of every description, "statutory provision" means a provision whether of a general or a special nature contained in, or in any document made or issued in pursuance of a power conferred by or under, any Act other than this Act, whether of a general or a special nature, "existing statutory provision" means a statutory provision passed or made before the passing of this Act and any local Act passed at any time in the present Session of Parliament, "undertakers", in relation to any charges, includes any persons who, by or under the statutory provision in question, are authorised to demand and take those charges, and "undertaking" shall be construed accordingly, and "the Minister" means the Minister of Agriculture, Fisheries and Food.

(6) This section shall not apply to Scotland.

Rates of interest on sums borrowed by certain harbour authorities.

28.—(1) Where, under or by virtue of any order or Act to which this section applies, undertakers are empowered to borrow money at interest at a rate not exceeding that specified in the order or Act, the appropriate Minister shall have power by virtue of this section to authorise the undertakers to borrow money under that order or Act at a rate exceeding the rate so specified.

(2) This section applies to any order made before the commencement of this Act under the General Pier and Harbour Act, 1861, and to any local Act passed before the commencement of this Act in so far as the order or Act in question relates to the construction, improvement, management or maintenance of a fishery harbour in England or Wales, or, in Scotland, of a marine work within the meaning of the Harbours, Piers and Ferries (Scotland) Act, 1937.

Membership of White Fish Authority and Herring Industry Board.

29.—(1) The number of persons who, under subsection (2) of section one of the Sea Fish Industry Act, 1951, may be appointed to be members of the White Fish Authority shall be such number as the Ministers may from time to time determine.

(2) The number of persons who, under subsection (1) of section one of the Herring Industry Act, 1938, may be appointed to be members of the Herring Industry Board in addition to the chairman of that Board shall be such number as the Ministers may from time to time determine.

Powers of White Fish Authority.

30.—(1) The powers conferred on the White Fish Authority by subsection (1) of section four of the Sea Fish Industry Act, 1951, shall include power—

(*a*) to provide or acquire, equip and operate plants for making ice in Great Britain in any locality in which the Authority think it necessary so as to secure proper provision for the needs of the fishing industry;

(*b*) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry.

(2) In so far as those powers relate to the matters specified in paragraph (*b*) of that subsection (which relates to the encouragement of co-operative arrangements in the white fish industry) they shall have effect as if in that paragraph the reference to bringing arrangements into operation included a reference to continuing or extending them.

Modification of undertakings relating to grant-aided vessels and engines.

31.—(1) This section applies to any undertaking given to the White Fish Authority by a person to whom the Authority have made a grant, in pursuance of a scheme made before the commencement of this Act under section one of the White Fish and Herring Industries Act, 1953, being an undertaking by virtue of which the use of the vessel or engine in question for fishing outside certain waters is restricted.

(2) The Ministers may with the consent of the Treasury direct that the restrictions imposed by undertakings to which this section applies shall be relaxed to such extent as may be specified in the direction.

(3) Any such direction may require the White Fish Authority to take such steps as may be specified therein for bringing the direction to the notice of persons affected thereby.

Financial provisions.

32.—(1) There shall be paid out of moneys provided by Parliament—

(*a*) any expenditure incurred by the Minister of Agriculture, Fisheries and Food or the Secretary of State under section nine, section nineteen, section twenty-one, section twenty-two or section twenty-six of this Act;

(*b*) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under any other Act.

(2) There shall be paid into the Exchequer—

(*a*) any receipts of the Minister of Agriculture, Fisheries and Food or of the Secretary of State in pursuance of an order made in accordance with subsection (5) of section eleven of this Act, or in pursuance of subsection (6) of section nineteen of this Act, and any sums received by that Minister or the Secretary of State by way of interest on, or repayment of, loans under section twenty-six of this Act;

(*b*) any increase attributable to this Act in the sums payable into the Exchequer under any other Act.

Interpretation.

33.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" British-owned ", in relation to a fishing-boat, means owned by a person who is (within the meaning of the Merchant Shipping Act, 1894) a person qualified to own a British ship, or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified;

" fishery harbour " has the same meaning as in section twenty-one of the Sea Fish Industry Act, 1951;

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

" land " includes land covered by water;

" migratory trout " means trout which migrate to and from the sea;

" oyster " and " mussel " have the same meanings as in Part III of the Sea Fisheries Act, 1868;

" processing " has the same meaning as in Part I of the Sea Fish Industry Act, 1951;

" products ", in relation to fish, means anything produced by processing the fish;

" salmon " includes any fish of the salmon species;

" sea-fish " means fish of any description found in the sea, including shellfish and salmon and migratory trout;

" shellfish " includes crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, half-ware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish, and references in this Act to shellfish of any particular description shall be construed accordingly;

"shellfish bed" means any bed or ground used for the propagation or cultivation of shellfish;

"white fish" (subject to subsection (7) of section one of this Act) has the same meaning as in Part I of the Sea Fish Industry Act, 1951.

(2) In this Act "the appropriate Minister", in relation to England and Wales (and, in section one, in relation to Northern Ireland) means the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, means the Secretary of State concerned with the sea-fishing industry in Scotland, and "the Ministers"—

(*a*) except in sections ten to twelve and sections seventeen and eighteen, and subject to the provisions of section thirty-five, of this Act, means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea-fishing industry in Scotland;

(*b*) in sections ten to twelve and section eighteen of this Act, means the Minister of Agriculture, Fisheries and Food, the said Secretary of State, and the Secretary of State concerned with the sea-fishing industry in Northern Ireland; and

(*c*) in section seventeen of this Act, means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea-fishing industry in Scotland, and the Ministry of Commerce for Northern Ireland.

(3) Subsections (2) and (3) of section thirteen of the White Fish and Herring Industries Act, 1953, and subsection (4) of section one of the White Fish and Herring Industries Act, 1957 (which relate to the construction of references to the length of a vessel and to expenditure incurred in the acquisition of a vessel or engine) shall have effect for the purposes of this Act as they have effect for the purposes of the said Act of 1953.

(4) For the purposes of the application to England and Wales of any provision of this Act relating to fishery harbours, subsection (8) of section twenty-one of the Sea Fish Industry Act, 1951, shall apply as it applies for the purposes of that section.

(5) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended by or under any other enactment, including this Act.

Orders.

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

(2) Any power to make orders under any of the following provisions of this Act, that is to say—

(*a*) sections three to seven, and

(*b*) sections nineteen and twenty,

shall be exercisable by statutory instrument; and an order under any of the sections mentioned in paragraph (*a*) of this subsection shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

(3) Any power to make orders under Part III of the Sea Fisheries Act, 1868, under section two of the Sea-Fishing Industry Act, 1933, or under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, shall be exercisable by statutory instrument; and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where an order under subsection (1) of section seven of the Sea Fish Industry Act, 1959, is made so as to have effect in relation to salmon or migratory trout (whether it is made so as to have effect in relation to any other description of fish or not), then, if the order contains a statement in accordance with subsection (7) of section ten of this Act, the order shall be of no effect unless it is approved by a resolution of each House of Parliament.

(5) Notwithstanding anything in subsection (4) of section twelve of the said Act of 1959, a statutory instrument containing an order to which the last preceding subsection applies shall not be subject to annulment in pursuance of a resolution of either House of Parliament.

Northern Ireland.

35.—(1) Section twenty of the Sea Fish Industry Act, 1951 (which provides for the extension of Part I of that Act to Northern Ireland) shall have effect as if the following provisions of this Act, that is to say, the provisions—

(*a*) of section five, subsection (1) of section six, subsection (1) of section seven, subsection (1) of section twenty-nine, section thirty and the Third Schedule;

(*b*) of subsection (3) of section seven in so far as it relates to subsection (1) of that section;

(*c*) of section eight in so far as it relates to section four of the White Fish and Herring Industries Act, 1953; and

(*d*) of sections thirty-three and thirty-seven, and the Second and Fourth Schedules to this Act, in so far as they have effect for the purposes of any provisions falling within the preceding paragraphs,

were contained in Part I of the said Act of 1951 and had been extended to Northern Ireland (without modification) by an Order in Council under section twenty of that Act; and the power of

Her Majesty to revoke or vary an Order in Council under that section shall accordingly include power to repeal or amend the provisions of this subsection.

(2) Subsections (2) to (4) of section fifteen of the Herring Industry Act, 1935 (which contain consequential provisions relating to the extension of that Act to Northern Ireland) shall have effect as if the following provisions of this Act, that is to say, the provisions—

(*a*) of section four, subsection (2) of section six, subsection (2) of section seven and subsection (2) of section twenty-nine;

(*b*) of subsection (3) of section seven in so far as it relates to subsection (2) of that section;

(*c*) of section eight in so far as it relates to section seven of the White Fish and Herring Industries Act, 1953, or to section four of the Herring Industry Act, 1944; and

(*d*) of sections thirty-three and thirty-seven, and the Second and Fourth Schedules to this Act, in so far as they have effect for the purposes of any provisions falling within the preceding paragraphs,

were contained in the said Act of 1935 and had been extended to Northern Ireland under subsection (1) of section fifteen of that Act.

(3) Subsection (1) of section ten and subsection (1) of section eleven of this Act shall not apply to the imposition of any prohibition or restriction on fishing within the limits of the territorial waters adjacent to Northern Ireland; and subsection (1) of section twelve of this Act, and the amendment of subsection (1) of section nine of the Sea-Fishing Industry Act, 1933, contained in the Second Schedule to this Act, shall not apply to the landing of salmon or migratory trout in Northern Ireland.

(4) So much of sections ten to twelve of this Act (as modified by the last preceding subsection), and of section thirteen thereof and the amendments effected by paragraphs 5, 10 and 25 of the Second Schedule thereto, 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.

(5) Sections three, nine, fourteen, fifteen, nineteen to twenty-eight and thirty-one of, and the First Schedule to, this Act shall not extend to Northern Ireland.

Channel Islands and Isle of Man.

36.—(1) Section sixteen of this Act shall extend to the Channel Islands and the Isle of Man.

(2) In section eleven of the Sea Fish Industry Act, 1959 (which provides for the extension to the Channel Islands and the Isle of Man of certain enactments, including section seven of that Act and section two of the White Fish and Herring Industries Act, 1948), references to the said section seven and the said section two shall be construed as referring to those sections as amended by the Second Schedule to this Act, and as including references—

(*a*) to sections ten and eleven of this Act, and

(*b*) to section thirteen of this Act except in so far as it relates to offences under section twelve of this Act.

(3) Her Majesty may by Order in Council direct that, subject to such extensions, adaptations and modifications (if any) as may be specified in the Order, the provisions of sections fifteen and seventeen of this Act shall extend to the Isle of Man or any of the Channel Islands.

Amendments and repeals.

37.—(1) Subject to the following subsection—

(*a*) the enactments specified in the Second Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the preceding provisions of this Act;

(*b*) the Sea Fish Industry Act, 1951, shall have effect subject to the further amendments specified in the Third Schedule to this Act, being amendments for extending the provisions of that Act so as to apply to certain classes of vessels which are not fishing vessels as defined in that Act;

(*c*) the enactments specified in Part I of the Fourth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule; and the statutory instrument specified in Part II of that Schedule is hereby revoked to the extent specified in that column.

(2) The amendment or repeal of any enactment by this Act shall not have effect so as to restrict the expenditure in respect of which grants may be made in pursuance of any scheme made before the commencement of this Act under section one or section six of the White Fish and Herring Industries Act, 1953, or so as to reduce or prevent the payment of any grant made under such a scheme; and the amendment by this Act of subsection (3) of section two of the White Fish and Herring Industries Act, 1948, shall not have effect in relation to any contravention of subsection (1) of that section committed before the passing of this Act.

Short title.

38. This Act may be cited as the Sea Fish Industry Act, 1962.

SCHEDULES

FIRST SCHEDULE

Section 27.

PROCEDURE FOR REVISING CHARGES AT FISHERY HARBOURS

1. An application may be made to the Minister at any time—

(*a*) by the undertakers, or

(*b*) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,

for the revision of any charges to which section twenty-seven of this Act applies.

2. If, on any such application with respect to any of the charges which the undertakers are authorised to demand and take, the Minister is satisfied that in the circumstances then existing it is proper to do so, he may (subject to the following provisions of this Schedule) make an order revising all or any of those charges, whether or not the subject matter of the application, including any classification by reference to which the amount of any of those charges is to be determined.

3. Subject to the following provisions of this Schedule, an order under the last preceding paragraph may revise any of the charges in question in such manner, and with effect from such date, as the Minister may think fit; and any such order shall have effect notwithstanding anything in any statutory provision relating to the subject matter of the order.

4. On an application under this Schedule the Minister shall not vary any charge other than those to which the application relates except after consultation with the undertakers, and such other persons, or such bodies representative of other persons, appearing to him to have a substantial interest as may appear to him appropriate.

5. Where on an application under this Schedule for an increase or decrease in any charge the Minister has made an order, or has decided that it is not proper to make an order, the Minister shall not entertain an application for a further increase, or, as the case may be, a further decrease in that charge, or for a further revision of any other charge revised by the order (if any) so made, if that application is made before the end of the period of twelve months from the date of the making of the order, or, as the case may be, from the date when the Minister gave notice of his decision not to make an order.

6. In making an order on an application under this Schedule, the Minister shall have regard to the financial position and future prospects of the undertaking, and (subject to the next following paragraph) shall not make any revision of charges which in his opinion would be likely to result in the undertaking receiving an annual revenue either substantially less or substantially more than adequate to meet such expenditure on the working, management

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7. Where the Minister is satisfied that, in view of the financial position of the undertaking during such period immediately preceding the application as may appear to him appropriate, there are special circumstances affecting the undertaking, the Minister may make such revision of charges as he may consider just and reasonable in the light of those special circumstances, notwithstanding that it is in his opinion likely to result in the undertaking receiving an annual revenue substantially less than adequate for the purposes mentioned in the last preceding paragraph.

8. Where an application is made under this Schedule, the applicant, and, where the application is made otherwise than by the undertakers, the undertakers shall furnish the Minister with such information and particulars, certified in such manner, as the Minister may require; and the applicant shall publish in such newspapers as the Minister may require a notice stating—

(*a*) the general effect of the application, and

(*b*) that, within a period of forty-two days from the date of the first publication of the notice, any person having a substantial interest may object to the application by giving notice to the Minister, accompanied by the grounds of his objection, with a copy to the applicant.

9. Before making an order on an application under this Schedule, the Minister shall, if required by the applicant or by any person who has objected to the application and has not withdrawn his objection, or, where the order would vary any charge other than those to which the application relates, by any person or body whom he has consulted in pursuance of paragraph 4 of this Schedule, and in any other case may if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

10. Where an inquiry is held under the last preceding paragraph, subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply as if it were an inquiry held in pursuance of subsection (1) of that section and the undertakers were a local authority.

11. Any order under this Schedule may be varied or revoked by a subsequent order made thereunder.

12. Any power to make orders under this Schedule shall be exercisable by statutory instrument.

13. Any reference in this Schedule to the revision or variation of charges shall be construed as including a reference to amending or varying the statutory provision in question so as to impose new charges (in addition to those previously authorised) either in

respect of the same works or in respect of any new works constructed or to be constructed for use in connection therewith; and (without prejudice to the generality of this paragraph) paragraphs 4 and 9 of this Schedule shall apply to the imposition of new charges not proposed in the application as they apply to the variation of charges other than those to which the application relates.

14. Subject to the last preceding paragraph, expressions used in this Schedule and in section twenty-seven of this Act have the same meanings in this Schedule as in that section.

SECOND SCHEDULE

Section 37.

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

The Sea Fisheries Act, 1868

1. In section twenty-nine, for the words "by a memorial in that behalf presented to the Board of Trade" there shall be substituted the words "made in accordance with subsection (1) of section twenty-three of the Sea Fish Industry Act, 1962".

2. In section thirty, for the words from "on consideration of the memorial" to "the Board of Trade require" there shall be substituted the words "a draft order is prepared and a copy thereof is served on the promoters in accordance with the said section twenty-three, the promoters shall cause printed copies of the draft order".

3. In section thirty-three, for the word "approved" there shall be substituted the word "made".

4. In section thirty-six, for the word "memorial", in the first place where it occurs, there shall be substituted the word "application", and for the words "presentation of the memorial" there shall be substituted the words "making of the application".

The Sea-Fishing Industry Act, 1933

5. In section two, in subsections (3) and (4), for the words from "during" to "section" there shall be substituted the words "while any order under this section is in force".

6. In subsection (1) of section nine, in the definition of "sea-fish", after the word "but" there shall be inserted the words "(except in section two of this Act)".

The Herring Industry Act, 1935

7. In section seven, after the words "four million pounds" there shall be added the words "or such greater amount as may be prescribed by an order for the time being in force under subsection (2) of section six of the Sea Fish Industry Act, 1962".

The Herring Industry Act, 1938

8. In section one, in subsection (1), the words "and two other members" shall be omitted, and after the words "the Ministers" there shall be inserted the words "and such number of other members so appointed as the Ministers may from time to time determine".

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The Herring Industry Act, 1944

9. In section four, in subsection (7), for the words "expiration of the period of ten years beginning with the date of the passing of the White Fish and Herring Industries Act, 1953" there shall be substituted the words "end of the year nineteen hundred and seventy-two".

The White Fish and Herring Industries Act, 1948

10.—(1) In section two, in subsection (2), for the words from "secure" to the end of the subsection there shall be substituted the words "exercise those powers in such a way as appears to them to be likely to cause the least possible hardship".

(2) In subsection (3) of that section, after the word "forfeiture" there shall be inserted the words "of any fish in respect of which the contravention was committed and".

(3) In subsection (5) of that section, after the word "seize" there shall be inserted the words "any fish caught by the use of a fishing boat in contravening subsection (1) of this section, where the fish are on the fishing boat or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat, and", and for the words "an order under this subsection" there shall be substituted the words "this subsection and any order made thereunder".

11. In section five, in subsection (1), for the words "during the period beginning with" there shall be substituted the word "after", the words "and ending ten years after the passing of the White Fish and Herring Industries Act, 1953" shall be omitted, and after the word "approved" there shall be inserted the words "before the end of the year nineteen hundred and seventy-two"; and the words from "not exceeding" to "pounds" shall be omitted, and after the word "determine" there shall be added the words "not exceeding in the aggregate four million pounds, or such greater amount as may be prescribed by an order for the time being in force under section four of the Sea Fish Industry Act, 1962".

The Sea Fish Industry Act, 1951

12. In section one, in subsection (2), for the words "five members appointed by the Ministers, and of the five" there shall be substituted the words "such number of members appointed by the Ministers as the Ministers may from time to time determine, and of those members".

13. In section four, in subsection (1), at the end of paragraph (*b*), there shall be inserted the words "or in continuing or extending any such arrangements"; in paragraph (*f*) of that subsection, after the words "Great Britain" there shall be inserted the words "or for making ice in Great Britain": and after paragraph (*g*) of that subsection there shall be inserted the following paragraph:—

"(*gg*) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making

ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry ".

14. In section fifteen, in subsection (2), for the words " twenty-five million pounds " there shall be substituted the words " thirty million pounds, or such greater amount as may be prescribed by an order for the time being in force under subsection (1) of section six of the Sea Fish Industry Act, 1962 ".

15.—(1) In section seventeen, in subsection (1), there shall be inserted at the beginning the words " Subject to the provisions of subsection (3) of section seven of the Sea Fish Industry Act, 1962 "; the words from " during the period " to " White Fish and Herring Industries Act, 1953 " shall be omitted; and at the end of the subsection there shall be added the words " so long as the amount outstanding at any time of the sums advanced does not exceed thirty million pounds, or such greater amount as may be prescribed by an order for the time being in force under subsection (1) of section seven of the Sea Fish Industry Act, 1962 ".

(2) After subsection (1), there shall be inserted the following subsection:—

" (1A) The foregoing subsection shall not be construed as extending the powers of the Authority to borrow money under subsection (2) of section fifteen of this Act."

(3) In subsection (2) of that section, the words " During the said period " shall be omitted; after the word " Treasury " there shall be inserted the words " given before the end of the year nineteen hundred and seventy-two "; for the words " one million pounds " there shall be substituted the words " two million pounds, or such greater amount as may be prescribed by an order for the time being in force under section five of the Sea Fish Industry Act, 1962 "; and at the end of the subsection there shall be added the words " or any expenditure incurred by the Authority in the exercise of the powers conferred on them by subsection (1) of section four of this Act to do any of the things mentioned in paragraph (*f*) of that subsection."

The White Fish and Herring Industries Act, 1953

16.—(1) In section one, in subsection (1), for paragraphs (*a*) and (*b*) there shall be substituted the following paragraphs:—

" (*a*) in the acquisition of any vessel to which this section applies;

(*b*) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel ",

and at the end of that subsection there shall be inserted the following proviso:—

" Provided that no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, engine, part, equipment or apparatus ".

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(2) In subsection (3) of that section, for the words from "for the catching or landing of white fish" to the end there shall be substituted the words "in carrying on any of the activities specified in the next following subsection".

(3) After the said subsection (3) there shall be inserted the following subsection:—

"(3A) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing white fish or transporting white fish or the products of white fish; and in this section—

'relevant equipment', in relation to a vessel to which this section applies, means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities referred to in this subsection by virtue of which the vessel is one to which this section applies; and for the purposes of this definition equipment constructed or adapted for the purpose of transferring white fish from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities; and

'white fish' has the same meaning as in Part I of the Sea Fish Industry Act, 1951".

17. In section four, in subsection (2), for the words "expiration of the period of ten years beginning with the passing of this Act", and in subsection (6), for the words "expiration of the period of ten years beginning with the date of the passing of this Act", there shall be substituted the words "end of the year nineteen hundred and seventy-two".

18.—(1) In section five, in subsection (1), for the words from "grants" to "United Kingdom" there shall be substituted the words "to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching white fish, or in processing or transporting white fish caught by vessels registered in the United Kingdom or the products of any such white fish, grants".

(2) In subsection (2) of that section (as set out in section two of the White Fish and Herring Industries Act, 1957) for the words from "white fish" to "or in respect" there shall be substituted the words—

"(*a*) white fish landed from the vessel in the United Kingdom, or

(*b*) voyages made by the vessel for any one or more of the following purposes, that is to say—

(i) catching white fish;

(ii) processing white fish, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;

(iii) transporting such white fish as are mentioned in the last preceding sub-paragraph, or the products of such white fish,

where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or

(*c*) any such other matter as may be specified in the scheme, or in respect."

(3) In subsection (3) of that section (as set out in the said section two) for the words from "first day of May", in the first place where they occur, to the end there shall be substituted the words "first day of January, nineteen hundred and seventy-three".

19.—(1) In section six, in subsection (1), for paragraphs (*a*) and (*b*) there shall be substituted the following paragraphs:—

"(*a*) in the acquisition of any vessel to which this section applies;

(*b*) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel",

and at the end of that subsection there shall be inserted the following proviso:—

"Provided that no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, engine, part, equipment or apparatus".

(2) In subsection (4) of that section, for the words "for the catching or landing of herring" there shall be substituted the words "in carrying on any of the activities specified in the next following subsection".

(3) After subsection (4) of that section, there shall be inserted the following subsection:—

"(4A) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing herring or transporting herring or the products of herring; and in this section 'relevant equipment', in relation to a vessel to which this section applies, means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities referred to in this subsection by virtue of which the vessel is one to which this section applies; and for the purposes of this subsection equipment constructed or adapted for the purpose of transferring herring from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities."

20. In section seven, in subsection (2), after the words "section seven" there shall be inserted the words "and subsection (3) of section seven of the Sea Fish Industry Act, 1962", and the words from "during the period" to "the passing of this Act" shall be omitted, and for the words "three million five hundred thousand pounds" there shall be substituted the words "four million pounds,

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or such greater amount as may be prescribed by an order for the time being in force under subsection (2) of section seven of the Sea Fish Industry Act, 1962"; and in subsection (5), for the words "expiration of the period of ten years beginning with the date of the passing of this Act" there shall be substituted the words "end of the year nineteen hundred and seventy-two".

The White Fish and Herring Industries Act, 1957

21.—(1) In section one, for subsection (2) there shall be substituted the following subsection:—

"(2) No grant shall be made in pursuance of a scheme under section one or section six of the principal Act except in pursuance of an application approved by the Authority or the Board, as the case may be, in accordance with the scheme before the first day of January, nineteen hundred and seventy-three".

(2) For subsection (3) of that section there shall be substituted the following subsection:—

"(3) The amount of a grant which may be made in pursuance of a scheme under section one or section six of the principal Act in respect of any expenditure shall not exceed the following amount, that is to say—

(*a*) where the vessel in question is less than eighty feet in length, three-tenths of the expenditure, or

(*b*) in any other case, one-quarter of the expenditure".

(3) After the said subsection (3) there shall be inserted the following subsection:—

"(3A) Subsections (6) and (7) of section three of the Sea Fish Industry Act, 1962, shall have effect in relation to the making of grants in pursuance of schemes under section one or section six of the principal Act."

(4) In subsection (4) of that section, for the words "a new engine" there shall be substituted the words "an engine".

22.—(1) In section three, in subsection (1), for the words from "grants" to "United Kingdom" there shall be substituted the words "to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching herring, or in processing or transporting herring caught by vessels registered in the United Kingdom or the products of any such herring, grants".

(2) In subsection (2) of that section, for the words from "herring", where that word first occurs, to "or in respect" there shall be substituted the words—

"(*a*) herring landed from the vessel in the United Kingdom, or

(*b*) voyages made by the vessel for any one or more of the following purposes, that is to say—

(i) catching herring;

(ii) processing herring, being herring caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;

(iii) transporting such herring as are mentioned in the last preceding sub-paragraph, or the products of such herring,

where (in any such case) it is part of the purpose that the herring or the products of the herring are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or

(*c*) any such other matter as may be specified in the scheme, or in respect"

(3) In subsection (3) of that section, for the words from "first day of May", in the first place where they occur, to the end there shall be substituted the words "first day of January, nineteen hundred and seventy-three".

23. In section four, after the word "prescribed" there shall be inserted the words "from time to time"; and at the end of the section there shall be added the following proviso:—

"Provided that an order under this section shall not increase the aggregate amount of the grants by more than five million pounds at any one time".

24. In section six, in subsection (1), there shall be added at the end the words "and 'the principal Act' means the White Fish and Herring Industries Act, 1953".

The Sea Fish Industry Act, 1959

25.—(1) In section seven, in paragraph (*c*) of subsection (1), for the words "by any method specified in the order" there shall be substituted the words "or for any description of sea-fish specified in the order, by any method so specified".

(2) For subsection (2) of that section there shall be substituted the following subsection:—

"(2) Where an order under subsection (1) of this section is made in respect of a description of sea-fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and at a time when a prohibition imposed by the order in relation to sea-fish of that description has effect in that area, any sea-fish of that description (or, if the prohibition applies only to fishing for sea-fish of that description by a method specified in the order, any sea-fish of that description caught by that method) are taken on board a fishing-boat to which the obligation imposed by this subsection applies, those sea-fish shall be returned to the sea forthwith".

(3) In subsection (6) of that section, after the words "subsection (1) of this section" there shall be inserted the words "and any fish caught in contravention of such a prohibition, where the fish are on the fishing-boat used in contravention of the prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing-boat", and for the words "an order under this subsection" there shall be substituted the words "this subsection and any order made thereunder".

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26. In section thirteen, in subsection (1), for the definition of "sea-fish" there shall be substituted the words "'sea-fish' has the same meaning as in the Sea Fish Industry Act, 1962", the definition of "shell-fish" shall be omitted, and, in the definition of "the Ministers", for the words "sections one and two" there shall be substituted the words "section one".

Section 37.

THIRD SCHEDULE

FURTHER AMENDMENTS OF SEA FISH INDUSTRY ACT, 1951

1. In section four, in paragraphs (*b*), (*e*) and (*g*) of subsection (1), for the words "fishing vessels", wherever they occur, there shall be substituted the words "vessels to which this Part of this Act applies"; in subsection (2), for the words "fishing vessels for the catching and landing of white fish" there shall be substituted the words "vessels to which this Part of this Act applies for catching or processing white fish or for transporting white fish or the products of white fish"; and in subsection (3), for the words "fishing vessel for the catching and landing of white fish" there shall be substituted the words "vessel for catching or processing white fish or for transporting white fish or the products of white fish".

2. In section five, in subsection (1), in paragraph (*a*), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies, being vessels", and in paragraph (*b*), the word "fishing" shall be omitted; in paragraph (*a*) of subsection (2), in sub-paragraph (i), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies", and in sub-paragraph (ii), for the word "fishing" there shall be substituted the word "such"; and in subsection (8), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies", and for the word "skipper" there shall be substituted the word "master".

3. In section seven, in subsection (3), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies".

4. In section eight, in subsection (1), for the words "fishing vessel", in the first place where those words occur, there shall be substituted the words "vessel to which this Part of this Act applies, being a vessel", and the word "fishing", in the second, third and fourth places where it occurs, shall be omitted; in subsection (2), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies"; in the said subsection (2) and in subsections (6) and (7), for the word "skipper" there shall be substituted the word "master"; in subsections (7) and (8), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies"; and in subsection (10), for the word "fishing" there shall be substituted the word "any".

5. In section eleven, in subsection (2), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies".

6. In section twelve, in subsection (1), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies, being a vessel".

7. In section fourteen, in subsection (2), for the words "skipper of a fishing boat" there shall be substituted the words "master of a vessel engaged in catching or processing sea fish or transporting sea fish or the products of sea fish", for the words "of the boat" there shall be substituted the words "of the vessel", and for the words "transmitted to the skipper" there shall be substituted the words "transmitted to the master".

8. In section eighteen, in paragraph (*b*) of subsection (3), the word "fishing" shall be omitted, and for the words "caught by the vessel while so used" there shall be substituted the words "caught or transported by the vessel, or (as the case may be) the value of the products of the fish processed thereon or of the products transported thereby, while the vessel was so used".

9. In section nineteen, the definition of "fishing vessel" shall be omitted; after the definition of "prescribed" there shall be inserted the words "'products', in relation to fish, means anything produced by processing the fish"; in the definition of "processing", for the words "manufacturing products" there shall be substituted the words "producing any substance or article"; and in the definition of "white fish industry", for the words "fishing vessels for the catching or landing of white fish" there shall be substituted the words "vessels to which this Part of this Act applies for catching or processing white fish or for transporting white fish or the products of white fish"; and at the end of the section there shall be added the following subsection:—

"(2) Any reference in this Part of this Act to a vessel to which this Part of this Act applies is a reference to a vessel (of whatever size and in whatever way propelled) which either—

(*a*) being registered in Great Britain, is for the time being employed in the business of catching or processing sea-fish, or transporting sea-fish or the products of sea-fish, or

(*b*) not being registered in Great Britain, is for the time being employed in the business of making voyages for the purpose of catching or processing sea-fish, or transporting sea-fish or the products of sea-fish, where (in any such case) it is part of the purpose of the voyage that the fish or the products of the fish are to be landed in Great Britain, whether by the vessel which caught them or by another vessel:

Provided that, for the purposes of the application of this subsection to any enactment contained in this Part of this Act which relates to the provision, acquisition or equipment of vessels, paragraphs (*a*) and (*b*) of this subsection shall apply with the substitution, for the word 'registered', of the words 'intended to be registered', and for the words 'is for the time being employed', of the words 'is to be employed'."

Section 37.

FOURTH SCHEDULE

REPEALS AND REVOCATION

PART I

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections thirty-seven to thirty-nine.
40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.	Section seven.
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act, 1938.	In section fifty-eight, subsection (3). In section sixty-one, in subsection (2), the words from " and section thirty-seven " to " section fifty-eight ".
1 & 2 Geo. 6. c. 42.	The Herring Industry Act, 1938.	In section one, in subsection (1), the words " and two other members ".
11 & 12 Geo. 6. c. 51.	The White Fish and Herring Industries Act, 1948.	In section five, in subsection (1), the words from " and ending " to " White Fish and Herring Industries Act, 1953 ", and the words from " not exceeding " to " pounds ".
14 & 15 Geo. 6. c. 30.	The Sea Fish Industry Act, 1951.	In section five, in paragraph (*b*) of subsection (1), the word " fishing ". In section eight, in subsection (1), the word " fishing " in the second, third and fourth places where it occurs. In section seventeen, in subsection (1), the words from " during the period " to " White Fish and Herring Industries Act, 1953 "; and in subsection (2), the words " During the said period ". In section eighteen, in paragraph (*b*) of subsection (3), the word " fishing ". In section nineteen, the definition of " fishing vessel ".
1 & 2 Eliz. 2. c. 17.	The White Fish and Herring Industries Act, 1953.	Section three. In section five, in subsection (5), the definition of " the inshore, near and middle waters ". In section six, subsection (2). In section seven, in subsection (2), the words from " during the period " to " the passing of this Act ". Section eight.

4TH SCH.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 17—*cont.*	The White Fish and Herring Industries Act, 1953—*cont.*	In section thirteen, in subsection (1), the words " or order "; and in subsection (3), the word " new " in the first place where it occurs, and the words from " and any such reference " to the end.
3 & 4 Eliz. 2. c. 7.	The Fisheries Act, 1955.	Section one.
5 & 6 Eliz. 2. c. 22.	The White Fish and Herring Industries Act, 1957.	In section one, subsection (1); in subsection (4), at the end of paragraph (*a*), the word " and ", and paragraph (*b*); subsection (5); and, in subsection (6), the words from " ' working owner ' " to the end. In section three, in subsection (2), the words from " but no such grant " to the end. In section five, in subsection (4), the words from " and an order " to " of this Act ".
8 & 9 Eliz. 2. c. 7.	The Sea Fish Industry Act, 1959.	Section two. In section eight, paragraph (*b*) of subsection (2). In section nine, paragraph (*d*) of subsection (1), and subsection (2). In section twelve, in subsection (2), the words " section two or "; and subsection (3). In section thirteen, the definition of " shell-fish ". In section fourteen, in subsection (1), the words " except section two ".
9 & 10 Eliz. 2. c. 18.	The White Fish and Herring Industries Act, 1961.	The whole Act.

PART II

STATUTORY INSTRUMENT

Number of Instrument	Title	Extent of Revocation
S.I. 1949 No. 2393	The Statutory Orders (Special Procedure) (Substitution) Order, 1949.	In the First and Second Schedules, the entries relating to the Sea Fisheries Act, 1868.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
General Pier and Harbour Act, 1861	24 & 25 Vict. c. 45.
Oyster and Mussel Fisheries Act, 1866	29 & 30 Vict. c. 85.
Sea Fisheries Act, 1868	31 & 32 Vict. c. 45.
Sea Fisheries Act, 1883	46 & 47 Vict. c. 22.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Salmon and Freshwater Fisheries Act, 1923 ...	13 & 14 Geo. 5. c. 16.
Sea-Fishing Industry Act, 1933	23 & 24 Geo. 5. c. 45.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Herring Industry Act, 1935	25 & 26 Geo. 5. c. 9.
Harbours, Piers and Ferries (Scotland) Act, 1937...	1 Edw. 8 & 1 Geo. 6. c. 28.
Herring Industry Act, 1938	1 & 2 Geo. 6. c. 42.
Herring Industry Act, 1944	7 & 8 Geo. 6. c. 32.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
White Fish and Herring Industries Act, 1948 ...	11 & 12 Geo. 6. c. 51.
Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951.	14 & 15 Geo. 6. c. 26.
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.
Sea Fish Industry Act, 1959	8 & 9 Eliz. 2. c. 7.

CHAPTER 32

An Act to extend certain provisions of the Marriage Act, 1949, to Wales and Monmouthshire. [3rd July, 1962]

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:—

Publication of banns, etc. in usual place of worship or by layman. 12, 13 & 14 Geo. 6. c. 76.

1.—(1) The following provisions of the Marriage Act, 1949 (which, being among the provisions specified in the Sixth Schedule to that Act, do not extend to Wales or Monmouthshire), that is to say,—

subsection (4) of section six

section nine

subsection (2) of section eleven

paragraph (*b*) of subsection (1) of section fifteen

paragraph (*b*) of subsection (1) of section sixteen, so far as it relates to marriages to be solemnized in the usual place of worship of one of the parties