STATUTORY INSTRUMENTS

1982 No. 168

SEA FISHERIES

The Sea Fish Industry Authority (Levy) Regulations 1982 Confirmatory Order 1982

Made - - - -	11*th February* 1982
Laid before Parliament	22*nd February* 1982
Coming into Operation	1*st March* 1982

Whereas the Sea Fish Industry Authority (hereinafter referred to as "the Authority") have made the Sea Fish Industry Authority (Levy) Regulations 1982 (hereinafter referred to as "the Regulations");

And whereas the Authority have transmitted to the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Scotland, Wales and Northern Ireland (hereinafter referred to as "the Ministers") the objections to the Regulations which have been duly made to the Authority and have not been withdrawn and the Ministers have considered such objections;

And whereas the Ministers, after consultation with the Authority, have considered it desirable to make such modifications in the Regulations as hereinafter appear;

Now, therefore, the Ministers, in exercise of the powers conferred on them by section 4(2) and (10) of the Fisheries Act 1981(**a**) and of all their other enabling powers, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Sea Fish Industry Authority (Levy) Regulations 1982 Confirmatory Order 1982 and shall come into operation on 1st March 1982.

Modification and confirmation

2. The Regulations, having been modified by substituting in regulation 1(2) thereof for the word "oysters" in the second place in which it occurs the words "live sea fish", are hereby confirmed and are set out in the Schedule to this order.

(**a**) 1981 c. 29.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th February 1982.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

(L.S.)

George Younger,
Secretary of State for Scotland.

9th February 1982.

Nicholas Edwards,
Secretary of State for Wales.

11th February 1982.

James Prior,
Secretary of State for Northern Ireland.

10th February 1982.

SCHEDULE

THE SEA FISH INDUSTRY AUTHORITY (LEVY) REGULATIONS 1982

Whereas it appears to the Sea Fish Industry Authority (hereinafter referred to as "the Authority") that it is desirable for the purpose of financing its activities to impose a levy on persons engaged in the sea fish industry in respect of sea fish and sea fish products, such levy to be payable on firsthand sales or trans-shipments within British fishery limits by way of firsthand sale.

Now therefore, the Authority in exercise of the powers conferred on them by sections 4 and 5 of the Fisheries Act 1981 hereby make the following regulations:—

Imposition of Levy

1.—(1) There shall be paid to the Authority subject to and in accordance with the provisions of these regulations by every person who—

(a) purchases any sea fish or any sea fish product on a firsthand sale, or

(b) trans-ships within British fishery limits any sea fish or any sea fish product by way of firsthand sale,

a levy (hereinafter referred to as "the levy") at the rate per kilogram set out in the second column of the Schedule hereto in respect of any sea fish or sea fish product specified opposite thereto in the first column of the said Schedule so purchased or trans-shipped by him.

(2) The levy shall not be payable in respect of any molluscs (not being oysters, scallops or queen scallops) in shell or of any live sea fish purchased for cultivation or in respect of canned or bottled sea fish or sea fish products.

(3) If any sea fish or any sea fish product is purchased on a firsthand sale through or from a wholesale merchant who sells on commission, the levy shall be paid to the Authority by the said wholesale merchant, who shall be entitled to recover as a civil debt from the purchaser of such sea fish or sea fish product a sum equal to the amount of the levy so paid.

(4) Where the levy becomes payable by any person in respect of any sea fish or sea fish product trans-shipped within British fishery limits by way of firsthand sale by him, it shall not be payable by any person who subsequently purchases such fish or fish product.

(5) Where any sea fish or sea fish product is trans-shipped by way of sale within British fishery limits more than once, the levy shall be payable in respect of the first such trans-shipment only.

(6) Where the levy becomes payable in respect of any sea fish it shall not be payable in respect of the products of such sea fish.

Time Limits for Payment

2.—(1) Levy payable by a person who purchases any sea fish or sea fish product on a firsthand sale shall be paid to the Authority within seven days after the end of—

(a) the week during which there took place the firsthand sale of the fish or fish product in respect of which the levy is payable, or

(b) the week during which such fish or fish product was imported or brought into the country,

whichever is the later.

(2) Levy payable by a person who trans-ships any sea fish or sea fish product by way of firsthand sale shall be paid to the Authority within seven days after the end of the week during which there took place the trans-shipment of the fish or fish product in respect of which the levy is payable.

Keeping of Records

3.—(1) Every person engaged in the sea fish industry who sells sea fish or sea fish products otherwise than by retail shall keep or cause to be kept an accurate record of all his purchases and sales of sea fish and sea fish products (other than sales by retail), including in respect of each such purchase or sale—

(a) the date,

(b) the name and address of the seller or purchaser,

(c) the description of sea fish or sea fish product purchased or sold,

(d) the net weight of each description of sea fish or sea fish product purchased or sold,

(e) the price invoiced, and

(f) the place of landing or import, if known.

(2) Every person who carries on the business of selling sea fish or sea fish products by retail or the business of a fish fryer shall keep or cause to be kept an accurate record of all his purchases of sea fish and sea fish products, including in respect of each such purchase—

(a) the date,

(b) the name and address of the seller,

(c) the description of the sea fish or sea fish product,

(d) the net weight of each description of sea fish or sea fish product,

(e) the price invoiced, and

(f) the place of landing or import, if known.

(3) Every person engaged in the sea fish industry who trans-ships within British fishery limits by way of firsthand sale any sea fish or sea fish product shall keep an accurate record of all such trans-shipments including in respect of each one—

(a) the date,

(b) the names of the vessels from and to which the trans-shipment was made, together with their places of registration and registration numbers,

(c) the description of the sea fish or sea fish product,

(d) the net weight of each description of sea fish or sea fish product, and

(e) the price invoiced.

(4) In respect of every purchase, sale or trans-shipment of sea fish or a sea fish product which it is customary or usual to sell, purchase or trans-ship by reference to a method of calculation of quantity other than a calculation by weight, the records which are required to be kept under paragraphs (1) to (3) of this regulation shall, in addition to and not in derogation of the requirements of those paragraphs, include particulars expressed by reference to the said method of calculation of quantity.

(5) The retention by any person of an accurate invoice or a copy thereof shall, as respects any of the matters mentioned in paragraphs (1) to (4) of this regulation of which sufficient particulars are contained therein, be deemed to be to that extent a compliance by that person with the provisions of the said paragraphs.

Making of Returns

4.—(1) Every person required to keep records in accordance with regulation 3 and who is liable to pay levy under regulation 1 hereof shall make returns in writing to the Authority in respect of each transaction so leviable. Such returns shall include the information in respect of which they are required to keep records in the said regulation 3.

(2) The returns required to be made in accordance with paragraph (1) above shall be made at the same time as levy is paid in accordance with regulation 1.

Interpretation

5. In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"firsthand sale" means—

(a) in relation to any sea fish or sea fish product which is first landed in the United Kingdom the first sale thereof (other than a sale by retail) whether prior to or after landing in the United Kingdom;

(b) in relation to any sea fish or sea fish product which has been first landed outside the United Kingdom and any sea fish product manufactured outside the United Kingdom from such sea fish or sea fish product which in either case is purchased by a person carrying on business in the sea fish industry and is imported or brought into the United Kingdom for the purposes of any such business, the first sale thereof (whether in the United Kingdom or elsewhere) to such a person as aforesaid;

(c) in relation to any sea fish or sea fish product which is trans-shipped within British fishery limits, the first sale thereof;

"sale by retail" means a sale to a person buying otherwise than for the purpose of resale or processing or use as bait, and includes a sale to a person for the purposes of a catering business (other than a fish frying business); and "sell by retail" has a corresponding meaning;

"week" means a period of seven consecutive days ending at midnight on any Saturday;

"wholesale merchant" means a person selling or offering for sale sea fish or sea fish products otherwise than by retail.

Revocation

6. The White Fish Authority (General Levy) Regulations 1980,(**a**) and so much of the Herring Industry Scheme 1951(**b**) or the Rules made thereunder as relate to the imposition of a levy by the Herring Industry Board are hereby revoked.

Citation and Commencement

7. These regulations may be cited as the Sea Fish Industry Authority (Levy) Regulations 1982, and shall come into operation on the day on which the confirmatory order by Ministers comes into operation.

(a) Set out in the Schedule to S.I. 1980/1199.
(b) S.I. 1951/1478.

The Common Seal of the
SEA FISH INDUSTRY AUTHORITY
was hereunto affixed
on the Fourteenth
day of January
Nineteen Hundred and Eighty Two
in the presence of:—

Member: J. Philip Rettie

Secretary: R. Alastair Davie (L.S.)

SCHEDULE

Column 1	Column 2 Rate per Kilogram
Sea Fish	
Sea fish other than sea fish sold for fishmeal production	0.3500 p
Sea fish sold for fishmeal production	0.0350 p
Sea Fish Products	
Fresh, frozen or chilled sea fish	
Gutted	0.3500 p
Headless and gutted	0.4667 p
Fillets, skin on	0.7000 p
Fillets, skinless	0.8750 p
Smoked Sea Fish	
Headless and gutted	0.5833 p
Fillets, skin on	0.8750 p
Fillets, skinless	0.9333 p
Salted and Cured Sea Fish	
Wet	0.7000 p
Dried	1.0500 p
Sea fish products sold for fishmeal	0.0350 p
Sea fishmeal	0.1750 p
Any sea fish product not referred to above	0.7000 p

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order confirms, after modification, regulations made by the Sea Fish Industry Authority imposing for the purpose of financing its activities a levy in respect of sea fish and sea fish products landed in the United Kingdom or transshipped within British fishery limits.

SI 1982/168
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