STATUTORY INSTRUMENTS

1970 No. 117

SEA FISHERIES

WHITE FISH INDUSTRY

The White Fish Authority (General Levy) Regulations Confirmatory Order 1970

Made - - -	*28th January* 1970
Laid before Parliament	*5th February* 1970
Coming into Operation	*15th February* 1970

Whereas the White Fish Authority (hereinafter referred to as "the Authority"), in exercise of the powers conferred on them by sections 5, 11 and 15 of the Sea Fish Industry Act 1951(**a**), as amended and extended by section 4 of the Sea Fisheries Act 1968(**b**) and as extended to Northern Ireland by the Northern Ireland (Sea Fish Industry) Order 1951(**c**), and of all other powers enabling them in that behalf, have made the White Fish Authority (General Levy) Regulations 1969 (hereinafter referred to as "the Regulations");

And Whereas the Authority have transmitted to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, being the Secretary of State concerned with the sea fishing industry in Scotland, and the Secretary of State for the Home Department, being the Secretary of State concerned with the sea fishing industry in 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to as "the Ministers") the objections to the Regulations which have been duly made to the Authority and have not been withdrawn and the Ministers have considered such objections;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 and have caused notice thereof to be published in such manner as they thought best adapted for informing persons affected;

Now therefore the Ministers, in exercise of the powers conferred on them by section 5(6) of the Sea Fish Industry Act 1951, as extended to Northern Ireland, and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the White Fish Authority (General Levy) Regulations Confirmatory Order 1970 and shall come into operation on 15th February 1970.

(**a**) 1951 c. 30.
(**b**) 1968 c. 77.
(**c**) S.I. 1951/1797 (1951 I, p. 738).

2. The Regulations, having been modified in the following respects, that is to say,

(*a*) by adding at the end of the first paragraph of Regulation 1 the following paragraph:

"Provided that the said levy shall not be payable in respect of any molluscs (not being oysters, scallops or queen scallops) in shell or of any oysters purchased for cultivation or in respect of canned or bottled white fish or white fish products";

(*b*) by inserting after the word "Provided" in Regulation 1 the word "also";

(*c*) by substituting in Regulation 6 for the words and figures "thirtieth day of November 1969" the words and figures "fifteenth day of February 1970";

(*d*) by deleting from the Schedule to the Regulations, wherever they appear, the words "at firsthand";

(*e*) by deleting from the Schedule to the Regulations the item in Column 1 "Canned and bottled white fish" and the figures in Column 2 opposite such item;

(*f*) by substituting in the second column of the Schedule to the Regulations rates of levy in place of those first appearing therein;

are hereby confirmed and are set out in the Schedule to this Order.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st January 1970.

(L.S.) *Cledwyn Hughes,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 22nd January 1970.

(L.S.) *William Ross,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 28th January 1970.

James Callaghan,
Secretary of State for the Home Department.

SCHEDULE

THE WHITE FISH AUTHORITY (GENERAL LEVY) REGULATIONS 1969

1. There shall be paid to the Authority subject to and in accordance with the provisions of these regulations by every person who purchases any white fish or any white fish product on a firsthand sale thereof a levy (hereinafter referred to as "the said levy")

at the rate per stone set out in the second column of the Schedule hereto in respect of any white fish or white fish product specified opposite thereto in the first column of the said Schedule so purchased by him.

Provided that the said levy shall not be payable in respect of any molluscs (not being oysters, scallops or queen scallops) in shell or of any oysters purchased for cultivation or in respect of canned or bottled white fish or white fish products.

Provided also that if any white fish or any white fish product is purchased on a firsthand sale through or from a wholesale merchant who sells on commission the said 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 white fish or white fish product a sum equal to the amount of the said levy so paid.

2. The amount payable to the Authority by any person in respect of the said levy under the last foregoing regulation shall be paid to the Authority within seven days after the end of either the week during which there took place the firsthand sale of the white fish or white fish product in respect of which the said levy is payable or the week during which such white fish or white fish product was imported or brought into the United Kingdom, whichever is the later.

3.(*a*) Every person who sells white fish or white fish products otherwise than by retail shall keep or cause to be kept an accurate record of all his purchases and sales of white fish and white fish products (other than sales by retail), including in respect of each such purchase or sale the date thereof, the name and address of the seller or purchaser, the description of the white fish or white fish product purchased or sold, the net weight of each description thereof purchased or sold and the price paid or charged.

(*b*) Every person who sells white fish or white fish products by retail and every fish frier shall keep or cause to be kept an accurate record of all his purchases of white fish and white fish products, including in respect of each such purchase the date thereof, the name and address of the seller, the description of the white fish or white fish product, the net weight of each description thereof and the price paid.

(*c*) In respect of every sale or purchase of white fish or of a white fish product which it is customary or usual to sell or purchase by reference to a method of calculation of quantity other than a calculation by weight, the records which are required to be kept under the provisions of the two foregoing paragraphs of this regulation by the persons referred to therein, shall, in addition to and not in derogation of the requirements of the said paragraphs, include particulars of the white fish or white fish product so sold or purchased by reference to the said method of calculation of quantity.

(*d*) The retention by any person of an accurate invoice or a copy thereof shall, as respects any of the matters hereinbefore mentioned of which sufficient particulars are contained therein, be deemed to be to that extent a compliance by that person with the foregoing provisions of this regulation.

4.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them that is to say:—

"firsthand sale" means—

(*a*) in relation to any white fish or white fish product which has been landed outside the United Kingdom and to any white fish product manufactured outside the United Kingdom from such white fish or white fish product which in either case is purchased by a person carrying on business in the white 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;

(*b*) in relation to any other white fish or white fish product which is landed in the United Kingdom, the first sale thereof (other than a sale by retail) whether prior to or after it has been landed in the United Kingdom.

"sale by retail" means—

a sale to a person buying otherwise than for the purpose of re-sale 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.

"stone" means—

a weight of fourteen pounds avoirdupois.

"week" means—

a period of seven consecutive days ending at midnight on any Saturday.

"wholesale merchant" means—

any person selling or offering for sale white fish or white fish products otherwise than by retail.

(2) The Interpretation Act 1889 shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

5. The White Fish Authority (General Levy) Regulations 1952, The White Fish Authority (General Levy) (Amendment) Regulations 1953, The White Fish Authority (General Levy) (Amendment) Regulations 1956 and The White Fish Authority (General Levy) (Amendment) Regulations 1962 are hereby revoked.

6. These regulations which may be cited as the White Fish Authority (General Levy) Regulations 1969 shall come into operation on the fifteenth day of February 1970.

The Common Seal of the WHITE FISH AUTHORITY was hereunto affixed in the presence of:— (L.S.)

Member: Charles Hardie

Secretary: L. W. Jackson

SCHEDULE

Column 1	*Column* 2 *Rate per stone*
White Fish	
White fish other than white fish sold for fishmeal production...	1.2d.
White fish sold for fishmeal production	0.12d.
White Fish Products	
Fresh, frozen and chilled white fish	
Gutted	1.2d.
Headless and gutted	1.6d.
Fillets, skin on	2.4d.
Fillets, skinless	3d.
Smoked white fish	
Headless and gutted	2d.
Fillets, skin on	3d.
Fillets, skinless	3.2d.
Salted and cured white fish	
Wet	2.4d.
Dried	3.6d.
White fish products sold for fishmeal production	0.12d.
White fishmeal	0.6d.
Any white fish product not referred to above	2.4d.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order confirms, after modification, Regulations made by the White Fish Authority in place of the White Fish Authority (General Levy) Regulations 1952 (S.I. 1952/1077) (as amended by Regulations of 1953, 1956 and 1962) (S.I. 1953/887, 1956/1061, 1963/1169) which are revoked.

The Regulations impose a levy on firsthand sales of white fish and their products landed with certain exceptions. The levy, payable by the firsthand buyer, is based on a rate of 1.2d. per stone on whole white fish and their equivalents with variations up to 3.6d. for their products, 0.12d. for fish sold for reduction to meal and 0.6d. for fishmeal.

The Regulations apply to the United Kingdom.

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