



Fishery Limits Act 1976

CHAPTER 86

ARRANGEMENT OF SECTIONS

Extension of British fishery limits

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Fishery Limits Act 1976

1976 CHAPTER 86

An Act to extend British fishery limits and make further provision in connection with the regulation of sea fishing. [22nd December 1976]

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:—

Extension of British fishery limits

1.—(1) Subject to the following provisions of this section, British fishery limits extend to 200 miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

(2) Her Majesty may by Order in Council, for the purpose of implementing any international agreement or the arbitral award of an international body, or otherwise, declare that British fishery limits extend to such other line as may be specified in the Order.

(3) Where the median line defined below is less than 200 miles from the baselines referred to in subsection (1), and no other line is for the time being specified by Order in Council under subsection (2), British fishery limits extend to the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of, on the one hand, the baselines referred to in subsection (1) and, on the other hand, the corresponding baselines of other countries.

(5) Subject to section 10(2)(b) below, references to British fishery limits in any enactment for the time being in force relating to sea fishing or whaling are to the limits set by or under this section.

Access to
British
fisheries.

2.—(1) The Ministers may by order designate any country outside the United Kingdom, the Channel Islands and the Isle of Man and, in relation to it, areas within British fishery limits in which, and descriptions of sea fish for which, fishing boats registered in that country may fish.

(2) A foreign fishing boat not registered in a country for the time being designated under subsection (1) shall not enter British fishery limits except for a purpose recognised by international law or by any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those limits for such a purpose—

(a) shall return outside the limits as soon as the purpose has been fulfilled; and

(b) shall not fish or attempt to fish while within the limits.

(3) A foreign fishing boat registered in a country designated under subsection (1) shall not fish or attempt to fish within British fishery limits except in an area and for descriptions of fish for the time being designated under this section in relation to that country.

(4) At any time when a foreign fishing boat is in an area within British fishery limits and either—

(a) it is prohibited by this section from fishing in that area at all; or

(b) it is permitted under this section to fish only for certain descriptions of fish,

then, its fishing gear, or so much of the gear as is not required for permitted fishing, shall be stowed in accordance with an order made by the Ministers.

(5) If this section is contravened in the case of any fishing boat—

(a) the master of the boat is liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine;

(b) the court may on convicting him of an offence under this section order the forfeiture of any fish or fishing gear found in the boat or taken or used by any person from the boat; and

(c) where the contravention takes place in Scotland, any fish or fishing gear forfeited under paragraph (b) above may be destroyed or disposed of as the court may direct.

(6) The foregoing provisions of this section do not prohibit or restrict fishing by fishing boats registered in a country outside the United Kingdom in any area with respect to which special

provision is made by any arrangement between Her Majesty's Government in the United Kingdom and the government of that country for fishing by such boats for the purpose of scientific research.

(7) Orders made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Without prejudice to section 38(1) of the Interpretation Act 1889 (references to provisions repealed and replaced), a reference to this section is substituted for every reference to section 6 of the Sea Fisheries Act 1968 in the following enactments, that is to say, in—

- (a) sections 4, 6, 7, 8 and 10 of the Sea Fisheries (Scotland) Amendment Act 1885 ; 1885 c. 70.
- (b) section 374 of the Merchant Shipping Act 1894 ; 1894 c. 60.
- (c) section 17(2) of the Sea Fish Industry Act 1962 ; and 1962 c. 31.
- (d) sections 8(1) and (4), 12(1) and (2), 13(2) and (4) and 14 of the Sea Fisheries Act 1968.

Regulation of sea fishing, etc.

3. The following section is substituted for section 4 of the Sea Fish (Conservation) Act 1967—

“Licensing of fishing boats.

4.—(1) The Ministers may by order provide—

- (a) that in any specified area within British fishery limits fishing by fishing boats (whether British or foreign) is prohibited unless authorised by a licence granted by one of the Ministers ;
- (b) that in any specified area outside those limits fishing by British fishing boats is prohibited unless so authorised.

(2) Such an order may apply to fishing generally in the specified area or to fishing—

- (a) for a specified description of sea fish ;
- (b) by a specified method ;
- (c) during a specified season of the year or other period ; or
- (d) in the case of an order under subsection (1)(a), by fishing boats registered in a specified country,

and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.

(3) Where any fishing boat is used in contravention of any prohibition imposed by an order under

this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.

(4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section.

Such an order shall specify a maximum charge and may specify different maxima in relation to different classes of licence.

(5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise fishing generally or may confer limited authority by reference to, in particular,—

- (a) the area within which fishing is authorised ;
- (b) the periods, times or particular voyages during which fishing is authorised ;
- (c) the descriptions and quantities of fish which may be taken ; or
- (d) the method of sea fishing.

(6) A licence under this section may authorise fishing either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions—

- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed) ; or
- (b) as to the use to which the fish taken may be put :

and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.

(7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails to comply with such a requirement is guilty of an offence under this subsection.

(8) The licensing powers conferred by this section may be exercised so as to limit the number of fishing boats, or of any class of fishing boats, engaged

in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Ministers necessary or expedient for the regulation of sea fishing.

(9) A licence under this section—

- (a) may be varied from time to time ; and
- (b) may be revoked or suspended, if this appears to the Minister who granted the licence to be necessary or expedient for the regulation of sea fishing.

(10) If a licence is varied, revoked or suspended the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.

(11) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.

(12) In this section “British fishing boat” means a fishing boat which is registered in the United Kingdom or is British-owned, and “foreign fishing boat” means a fishing boat which is not so registered or owned.”.

4.—(1) In section 5 of the Sea Fisheries Act 1968 (regulation of conduct of fishing operations) in subsection (1) for the words “for the purpose of giving effect to any convention for the time being in force between Her Majesty’s Government in the United Kingdom and the government of any other country” there are substituted the words “whenever it appears to them necessary or expedient”.

Extension of power to regulate conduct of fishing operations, etc. 1968 c. 77.

(2) In subsection (2) of that section, in paragraph (a) (British fishing boats) for the words “anywhere within the convention area to which the order relates” there are substituted the words “wherever they may be”.

(3) In subsection (2) of that section, in paragraph (b) (foreign fishing boats) for the words “waters which are within both the fishery limits of the British Islands and that convention area” there are substituted the words “waters within British fishery limits”.

(4) At the end of section 10 of the Sea Fisheries (Scotland) Amendment Act 1885 (powers of sea fishery officers) there are added the words “and section 10 of that Act shall apply for the purposes of this Act as if for any reference to section 8 or 9 of that Act there were substituted a reference to this section.”.

1885 c. 70.

Revised penalties for offences.

5. The enactments mentioned in Schedule 1 to this Act are amended as there provided, being amendments which revise the penalties for certain offences under enactments relating to sea fishing.

General

Orders.

6.—(1) Orders made under any provision of this Act shall be made by statutory instrument.

(2) Power conferred by any provision of this Act to make an Order in Council or other order includes power to vary or revoke by a further Order in Council or order under that provision.

Finance.

7.—(1) The Minister of Agriculture, Fisheries and Food may, with the approval of the Treasury, incur expenditure in employing officers and vessels and generally taking such measures as appear to him necessary to protect British fisheries.

(2) Expenses incurred by the Ministers which are attributable to the provisions of this Act, being—

(a) such expenses as are referred to in subsection (1) above ; or

(b) increased administrative expenses,

shall be defrayed out of money provided by Parliament.

Interpretation.

8. In this Act—

“enactment” includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly ;

“fishing boat” means any vessel for the time being employed in fishing operations or any operations ancillary thereto ;

“foreign fishing boat” means a fishing boat which is not—

(a) registered in the United Kingdom, the Channel Islands or the Isle of Man ; or

(b) exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894 ; or

(c) owned wholly by a person who is (within the meaning of the Merchant Shipping Act 1894) qualified to own a British ship ;

“miles” means international nautical miles of 1,852 metres ;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with sea fishing in Scotland and Northern Ireland respectively ;

“sea fish” includes shellfish, salmon and migratory trout, and “sea fishing” has a corresponding meaning.

9.—(1) The enactments mentioned in Schedule 2 to this Act are amended as there provided, being amendments consequential on the provisions of this Act. Amendments, transitional provisions and repeals.

(2) The transitional provisions in Schedule 3 to this Act have effect.

(3) The enactments mentioned in Schedule 4 to this Act are repealed to the extent there specified.

10.—(1) This Act, except the repeals in section 13 of the Sea Fisheries Act 1968 (compensation for damage caused by offence), extends to Northern Ireland. Northern Ireland, 1968 c. 77.

(2) Subject to subsection (3) below,—

(a) nothing in this Act affects the extent of British fishery limits in the waters adjacent both to Northern Ireland and the Republic of Ireland to a distance of 12 miles from the baselines from which the breadth of the respective territorial seas is measured ; and

(b) references to “British fishery limits” in any enactment for the time being in force relating to sea fishing or whaling shall be construed as including a reference to those limits as well as to the limits set by or under section 1 of this Act.

(3) The power conferred on Her Majesty by section 1(2) of this Act to declare the extent of British fishery limits by Order in Council includes power to declare the extent of the limits in the waters referred to in subsection (2)(a) above.

11.—(1) Her Majesty may by Order in Council make such provision for the Isle of Man and the Channel Islands as appears to Her Majesty to be necessary in consequence of the extension of British fishery limits by or under this Act. Isle of Man and Channel Islands.

(2) Such an Order may, in particular, specify waters adjacent to the Isle of Man or any of the Channel Islands as waters to which enactments relating to sea fishing or whaling apply—

(a) by virtue of having been extended by Order in Council to the Isle of Man or any of the Channel Islands ; and

(b) with the exceptions, adaptations and modifications (if any) specified in the extending Order.

(3) Her Majesty may by Order in Council direct that all or any of the provisions of sections 2(2) to (7), 3, 4, 5, 8 and 9 and of the Schedules to this Act—

- (a) shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man or any of the Channel Islands ;
- (b) shall apply, with such exceptions, adaptations and modifications as may be specified in the Order, in relation to British fishing boats registered in the Isle of Man or any of the Channel Islands as they apply in relation to British fishing boats registered in the United Kingdom.

Short title and commencement.

12.—(1) This Act may be cited as the Fishery Limits Act 1976.

(2) The provisions of this Act come into force on such day as the Ministers may by order appoint and different days may be appointed for different provisions and for different purposes.

(3) Without prejudice to subsection (2) orders under that subsection may so provide that the extension of British fishery limits by section 1 of this Act comes into force on different days in relation to different parts of the United Kingdom, the Channel Islands and the Isle of Man.

(4) An order under subsection (2) may contain such supplementary, incidental and transitional provisions as appear to the Ministers to be necessary or expedient in connection with the provisions of this Act which are thereby brought (wholly or partly) into operation, including such adaptations of those provisions then in force as appear to the Ministers to be necessary or expedient in consequence of their partial operation (whether before, on or after the day appointed by the order).

SCHEDULES

SCHEDULE 1

Section 5

REVISED PENALTIES FOR OFFENCES

Sea Fisheries Regulation Act 1966 (c. 38)

1.—(1) In section 11(1) of the Sea Fisheries Regulation Act 1966 (obstruction of fishery officer) for the words “fifty pounds” substitute the words “£1,000”.

(2) In section 11(2) of that Act (contravention of byelaws restricting fishing, etc.) for the words from “in the case of a first offence” to the end substitute the words “£1,000”.

(3) After section 11(2) of that Act insert the following subsection—

“(2A) The court by which a person is convicted of an offence under subsection (2) above may order the forfeiture of—

- (a) any net or other fishing gear used in committing the offence ;
- (b) any fish in respect of which the offence was committed.”.

(4) In section 11(5) of that Act (contravention of other byelaws) for the words from “fifty pounds” to the end substitute the words “£1,000”.

Sea Fish (Conservation) Act 1967 (c. 84)

2.—(1) For section 11(1) of the Sea Fish (Conservation) Act 1967 (penalties for offences under that Act) substitute the following subsection—

“(1) Any person guilty of an offence under this Act shall be liable—

- (a) in the case of an offence under section 4(3) or 5(1), on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine ;
- (b) in the case of an offence under sections 1(1) or (3), 2, 3, 4(6), 5(6) or 6, on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine ;
- (c) in the case of an offence under section 4(7) or 7(3) on summary conviction to a fine not exceeding £1,000”.

(2) After paragraph (b) of section 11(2) of that Act, insert the following paragraph—

“(bb) in the case of an offence under section 4(3) or (6), order that the owner or the charterer (if any) of the fishing boat used to commit the offence, or, as the case may be, of the boat named in the licence of which a condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that boat ;”.

Sea Fisheries Act 1968 (c. 77)

3.—(1) In section 5(4) of the Sea Fisheries Act 1968 (contravention of order regulating conduct of sea fishing operations) for the words

SCH. 1 from “in the case of a first offence” to the end substitute the words “to a fine not exceeding £1,000”.

(2) In section 10(4) of that Act (penalty for obstruction, etc. of fishery officer) for the words from “in the case of a first offence” to the end substitute the words “to a fine not exceeding £1,000”.

(3) Section 13(1) of that Act (compensation for damage caused by offence) is repealed.

(4) In section 13(3) of that Act omit the words “adjudged or” and the words “magistrates’ court or”.

Sea Fish Industry Act 1970 (c. 11)

4. In section 50 of the Sea Fish Industry Act 1970 (offences in connection with white fish and herring subsidies) for the words “£400” substitute the words “£1,000”.

Section 9(1).

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Herring Fisheries (Scotland) Act 1860 (c. 92)

1. In section 2 of the Herring Fisheries (Scotland) Act 1860 (definition of “the coasts of Scotland”) for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.

Herring Fisheries (Scotland) Act 1867 (c. 52)

2. In section 11 of the Herring Fisheries (Scotland) Act 1867 (definition of “the coasts of Scotland”) for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.

Sea Fisheries Act 1868 (c. 45)

3. In section 26 of the Sea Fisheries Act 1868 (fishing boats to have official papers on board)—

(a) for the words “the exclusive fishery limits of the British Islands within the meaning of the Sea Fisheries Act 1968” substitute the words “waters adjacent to the United Kingdom, the Channel Islands or the Isle of Man, which are not more than six nautical miles from the baselines from which the breadth of the territorial sea is measured”; and

(b) for the words “outside of those limits” substitute the words “outside such waters”.

Sea Fisheries (Clam and Bait Beds) Act 1881 (c. 11)

4. In section 2 of the Sea Fisheries (Clam and Bait Beds) Act 1881 (power to prohibit beam trawling where injurious to clam and bait beds) for the words “within the fishery limits of the British Islands” substitute the words “not more than six nautical miles from the baselines from which the breadth of the territorial sea is measured”.

Sea Fisheries Act 1883 (c. 22)

5. In the Sea Fisheries Act 1883 (enforcement of certain fishery conventions), in sections 4, 5, 12, 18, 25 and 31, for the words "the fishery limits of the British Islands" substitute the words "British fishery limits".

Sea Fisheries (Scotland) Amendment Act 1885 (c. 70)

6. In section 4 of the Sea Fisheries (Scotland) Amendment Act 1885 (control of modes of fishing within defined areas) for the words "the fishery limits of the British Islands" substitute the words "British fishery limits".

Fisheries Act 1891 (c. 37)

7. In section 4 of the Fisheries Act 1891 (liability for contravening Convention) for the words "the exclusive fishery limits of the British Islands" substitute the words "British fishery limits".

Whale Fisheries (Scotland) Act 1907 (c. 41)

8. In section 3(4) of the Whale Fisheries (Scotland) Act 1907 (prohibition on whaling in coastal waters) for the words "the fishery limits of the British Islands" substitute the words "British fishery limits".

Cran Measures Act 1908 (c. 17)

9. In section 11(1) of the Cran Measures Act 1908 (application of Act) for the words "and within the exclusive fishery limits of the British Islands" substitute the words "to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured".

Whale Fisheries (Ireland) Act 1908 (c. 31)

10. In section 3(4) of the Whale Fisheries (Ireland) Act 1908 (prohibition on whaling in coastal waters) for the words "such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964" substitute the words "waters within British fishery limits which are adjacent to Northern Ireland and are not nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Great Britain or the Isle of Man is measured than to any point on the corresponding Northern Irish baselines".

Whaling Industry (Regulation) Act 1934 (c. 49)

11. In section 17(1) of the Whaling Industry (Regulation) Act 1934 (definition of "coastal waters") for the words "the fishery limits of the British Islands" substitute the words "British fishery limits".

Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c. 26)

12. In section 4(a) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (prohibition on use of explosives, etc. to take or destroy fish) for the words "within the fishery limits of the British Islands" substitute the words "up to twelve nautical miles from the baselines from which the breadth of the territorial sea is measured".

SCH. 2

Weights and Measures Act 1963 (c. 31)

13. In section 60 of the Weights and Measures Act 1963 (saving for cran measures) for the words “and within the exclusive fishery limits of the British Islands” substitute the words “to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured”.

Fisheries Act (Northern Ireland) 1966 (c. 17) (N.I.)

14. In the Fisheries Act (Northern Ireland) 1966 for the words “such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964” in each place where they occur, that is to say,—

- (a) in sections 16(1)(f) and 206(3) (power to define boundary of waters within Londonderry Area),
- (b) in section 125(1) (power to prohibit trawling in certain areas),
- (c) in section 126(b) (landing or selling fish caught in contravention of byelaws about beam or other trawling),
- (d) in section 206(1) (definition of “waters”), and
- (e) in Schedule 8 (repeals) in the third column of the entry relating to the Steam Trawling (Ireland) Act 1889,

1889 c. 74.

substitute the words “waters within British fishery limits which are adjacent to Northern Ireland and are not nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Great Britain or the Isle of Man is measured than to any point on the corresponding Northern Irish baselines”.

Sea Fisheries (Shellfish) Act 1967 (c. 83)

15. In section 1(1) of the Sea Fisheries (Shellfish) Act 1967 (power to make orders as to fisheries for shellfish) for the words “so much of the exclusive fishery limits of the British Islands as is adjacent to Great Britain” substitute the words “waters adjacent to Great Britain to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured”.

Sea Fish (Conservation) Act 1967 (c. 84)

16.—(1) In sections 1(3) and (4), 3(2), 5(2) and (8) and 15(3) of the Sea Fish (Conservation) Act 1967, for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.

(2) In section 11(2) and (3) of that Act (penalties) for the reference to an offence under section 4 of that Act substitute a reference to an offence under section 4(3) or (6).

(3) In section 15(2) of that Act (powers of seizure of sea-fishery officers) for paragraphs (b) and (c) substitute the following paragraphs—

“(b) any fish caught in contravention of a prohibition imposed by an order under section 4 or 5 of this Act, 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, the master or the charterer (if any) of the fishing boat ;

- (c) any net or other fishing gear used in contravention of a prohibition imposed by an order under the said section 4 or 5 ;”.

(4) In section 18 of that Act (enforcement of orders in relation to salmon and migratory trout) in subsection (1) for the words “section 4 of this Act, or any order under section 5 or 6 thereof” substitute the words “any order under section 4, 5 or 6 of this Act”.

(5) In the said section 18 in subsection (2) for the words “the said section 4, or any order under the said section 5 or 6,” substitute the words “any order under the said section 4, 5 or 6”.

(6) Section 19(2) of that Act is repealed.

(7) In section 23(1) of that Act (certain exceptions for waters adjacent to Northern Ireland)—

- (a) for the words “Sections 4(9) and 5(2)” substitute the words “Section 5(2)” ; and

- (b) for the words “such part of the fishery limits of the British Islands as is mentioned in section 4(2) of the Fishery Limits Act 1964” substitute the words “waters within British fishery limits which are adjacent to Northern Ireland and are not nearer to any point on the baselines from which the breadth of the territorial sea adjacent to Great Britain or the Isle of Man is measured than to any point on the corresponding Northern Irish baselines”.

Sea Fisheries Act 1968 (c. 77)

17.—(1) In sections 5(3), 8(1), (4), (5) and (6), 9(1) and 10(2) and (3) of the Sea Fisheries Act 1968 for the words “the fishery limits of the British Islands” substitute the words “British fishery limits”.

(2) The following provisions of that Act are repealed, that is to say,—

- (a) section 6 ;
(b) in section 19(1), the definition of “outer belt” ;
(c) section 19(2) ; and
(d) in paragraph 23 of Schedule 1, sub-paragraph (b).

Sea Fish Industry Act 1970 (c. 11)

18.—(1) In section 49 of the Sea Fish Industry Act 1970 (white fish and herring subsidies), in subsections (2) and (3) for the words “the exclusive fishery limits” in the three places where they occur substitute the words “coastal waters”.

SCH. 2

(2) In subsection (7) of that section, for the words from “the exclusive fishery limits” to the end substitute the words “coastal waters are to the waters adjacent to any part of the United Kingdom to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured”.

(3) In section 51 of that Act (reimbursement of Isle of Man herring subsidies), in subsection (1) for the words “exclusive fishery limits” in the two places where they occur substitute the words “coastal waters”.

(4) For subsection (5) of that section substitute the following subsection—

“(5) In this section ‘the coastal waters of the Isle of Man’ means the waters to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.”.

Water Act 1973 (c. 37)

19. In paragraph 4 of Schedule 2 to the Water Act 1973 (seaward boundary of water authority areas) for the words “in which Her Majesty’s subjects have the exclusive right of fishing” substitute the words “to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured”.

Salmon and Freshwater Fisheries Act 1975 (c. 51)

20. In section 5(1) of the Salmon and Freshwater Fisheries Act 1975 (prohibition on use of explosives, etc. to take or destroy fish) for the words “and within the exclusive fishery limits of the British Islands” substitute the words “to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured”.

Section 9(2).

SCHEDULE 3

TRANSITIONAL PROVISIONS

Designation orders

1964 c. 72.

1.—(1) The provisions of this paragraph apply to orders made under section 1(3) of the Fishery Limits Act 1964 designating a country and the area in which and the descriptions of sea fish for which fishing boats registered in that country may fish in the outer belt defined by that Act.

(2) Such an order continues in force notwithstanding the repeal of section 1(3) by this Act and has effect (and may be varied or revoked) as if it were an order made under section 2(1) of this Act designating that country for the purposes of that section and designating in relation to it that area (within the former outer belt) and those descriptions of fish.

Fish size orders

SCH. 3

2.—(1) The provisions of this paragraph apply to orders made under section 1 of the Sea Fish (Conservation) Act 1967 prescribing minimum fish sizes for the purpose of prohibitions imposed by and under that section on the carrying, landing and commercial use of under-sized fish. 1967 c. 84.

(2) From the coming into force of the amendment by this Act of subsection (4) of that section replacing the reference to the fishery limits of the British Islands, orders which by virtue of that subsection impose a prohibition on the carrying of under-sized fish by foreign fishing boats shall have effect—

- (a) as if made by virtue of the subsection as amended ; and
- (b) as if the reference in the order to the fishery limits of the British Islands were a reference to British fishery limits.

Nets and gear orders

3.—(1) The provisions of this paragraph apply to orders made under section 3 of the Sea Fish (Conservation) Act 1967 imposing requirements relating to nets and other fishing gear carried by fishing boats.

(2) From the coming into force of the amendment by this Act of subsection (2) of that section replacing the reference to the fishery limits of the British Islands, the prohibitions imposed on foreign fishing boats by Articles 5 and 7 of The Fishing Nets (North-East Atlantic) Order 1976 shall have effect— S.I. 1976,
No. 1324.

- (a) as if that order had been made under the subsection as amended ; and
- (b) as if the reference in those Articles to the fishery limits of the British Islands were a reference to British fishery limits.

(3) The said amendment does not, in the case of other orders made before its coming into force, extend any prohibition imposed by virtue of the said subsection (2), but this is without prejudice to—

- (a) the power conferred by paragraph 8(3) below to adapt such orders ; or
- (b) the power to vary such orders under the subsection as amended.

Licensing orders

4.—(1) The provisions of this paragraph apply to orders made under section 4 of the Sea Fish (Conservation) Act 1967 specifying an area in which fishing by British fishing boats by way of trade or business is prohibited unless authorised by licence.

(2) Such an order continues in force notwithstanding the substitution of a new section 4 by section 3 of this Act and has effect (and may be varied or revoked) as if it were an order made under the new section 4 prohibiting, unless licensed, fishing by British fishing boats by way of trade or business in the area specified in the order.

SCH. 3

(3) Where such an order specifies the areas to which it applies by reference to the "fishery limits of the British Islands", that reference shall continue to be construed in accordance with the Fishery Limits Act 1964.

1964 c. 72

(4) Where an order continues in force by virtue of sub-paragraph (2), licences authorising fishing in the area to which the order applies also continue in force and have effect (and may be varied, revoked or suspended) as if they had been granted under the new section 4.

Prohibition orders

1967 c. 84

5.—(1) The provisions of this paragraph apply to orders made under section 5 of the Sea Fish (Conservation) Act 1967 imposing a prohibition in relation to fishing in an area specified in the order.

(2) Where such an order specifies the area to which it applies by reference to "the fishery limits of the British Islands", "the exclusive fishery limits" or any similar expression that reference shall continue to be construed in accordance with the Fishery Limits Act 1964.

(3) From the coming into force of the amendment by this Act of subsection (8) of the said section 5 replacing the reference to the fishery limits of the British Islands that subsection applies as amended—

S.I. 1971,
No. 1623.

(a) to the prohibition contained in the Herring (Celtic Sea) (Prohibition of Fishing Method) Order 1971, and

(b) to subsection (6) of section 5 (duty to return fish) as that subsection applies to fish caught in contravention of that prohibition.

(4) The subsection applies as unamended—

(a) to prohibitions contained in other orders made before the coming into force of the amendment, and

(b) to subsection (6) of section 5 as that subsection applies to fish caught in contravention of such prohibitions.

Powers of British sea fishery officers

6.—(1) The provisions of this paragraph apply to orders made under section 15(3) of the Sea Fish (Conservation) Act 1967 conferring powers on British sea fishery officers to enforce the provisions of sections 1 to 7 of that Act or of orders made under those provisions.

(2) Where by virtue of any of the provisions of paragraphs 2 to 5 above any prohibition contained in, or operating by reference to, an order made under section 1, 3, 4 or 5 of the said Act of 1967 is extended to an area outside the old but within the new fishery limits, the powers conferred for the enforcement of that prohibition shall be correspondingly extended as if the order concerned had been made under section 15(3) as amended by this Act.

(3) In sub-paragraph (2) “the old fishery limits” means the fishery limits of the British Islands set by the Fishery Limits Act 1964 and “the new fishery limits” means British fishery limits set by or under this Act. SCH. 3
1964 c. 72.

Stowage of gear orders

7.—(1) The provisions of this paragraph apply to orders made under section 6(4) of the Sea Fisheries Act 1968 specifying requirements as to stowage of gear by foreign fishing boats. 1968 c. 77.

(2) Such an order continues in force notwithstanding the repeal of section 6 by this Act and has effect (and may be varied or revoked) as if it were an order made under section 2(4) of this Act specifying those requirements for gear of foreign fishing boats required by that section to be stowed while the boat is in any area within British fishery limits.

General

8.—(1) Subject to the foregoing provisions of this Schedule, the provisions of this paragraph apply to references in enactments and in instruments made under enactments to the “fishery limits of the British Islands”, the “exclusive fishery limits” and the “outer belt”, and to similar references.

(2) Such a reference in an enactment shall continue to be construed in accordance with the Fishery Limits Act 1964 until there is brought into force under this Act an amendment of the enactment replacing that reference.

(3) An order under section 12 of this Act which appoints a day for the coming into force of an amendment replacing such a reference in an enactment may provide for such consequential adaptations in instruments made under the enactment as appear to the Ministers to be necessary or expedient.

(4) Subject to sub-paragraph (3) above, such a reference in an instrument shall continue to be construed in accordance with the Fishery Limits Act 1964.

9. Except so far as expressly provided, the provisions of this Schedule do not prejudice—

- (a) sections 1(5) and 10(2)(b) of this Act (meaning of “British fishery limits” in enactments);
- (b) section 12(2) to (4) of this Act (commencement and related powers);
- (c) section 31 of the Interpretation Act 1889 (construction of instrument by reference to the enactment under which the instrument is made); 1889 c. 63.
- (d) section 38 of that Act (effect of repeals).

Section 9(3).

SCHEDULE 4

REPEALS

Chapter	Short Title	Extent of Repeal
1964 c. 72.	The Fishery Limits Act 1964.	Section 1(1), (3) and (4). Section 3(1).
1967 c. 84.	The Sea Fish (Conservation) Act 1967.	Section 19(2).
1968 c. 77.	The Sea Fisheries Act 1968.	Section 6. Section 13(1). In section 13(3), the words "adjudged or" and the words "magistrates' court or". In section 19(1), the definition of "the outer belt". Section 19(2). In Schedule 1, in paragraph 23, sub-paragraph (b).

The repeals of sections 1(1) and 3(1) of the Fishery Limits Act 1964 are subject to the saving in section 10(2)(a) of this Act.

PRINTED IN ENGLAND BY HAROLD GLOVER

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

35p net

ISBN 0 10 548676 0

(379840)