



Sea Fish (Conservation) Act 1967

1967 CHAPTER 84

Enforcement of orders, etc.

15 Powers of British sea-fishery officers for enforcement of Act.

- (1) ^{F1}... Every British sea-fishery officer shall have the powers conferred by the following provisions of this section.
- (2) Any such officer may seize—
 - ^{F2}(a) any fish in respect of which an offence has been or is being committed under section 1(3) of this Act;
 - (aa) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been or is being committed;
 - (b) any fish in respect of which an offence has been or is being committed under section ^{F3F4}... 5(1) or (6) of this Act ^{F5}, or under section 14(6) or 16(6) of, or paragraph 1(4) of Schedule 3 to, the Fisheries Act 2020,] where the fish are on the fishing boat with or on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat;]
 - ^{F6}(c) any net or other fishing gear used in contravention of a prohibition imposed by an order under ^{F7}section 5 of this Act or by section 15 or 17 of the Fisheries Act 2020;]]
 - (d) any fish landed in contravention of an order under section 6 of this Act, and any net or other fishing gear used in catching any fish so landed.
- ^{F8}(2A) Any such officer may—
 - (a) enter at any reasonable time any premises (other than a dwelling-house) used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish;
 - (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, trans-shipment, sale or disposal of any sea fish;
 - (c) take copies of any such document;

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and, if he has reason to suspect that an offence under this Act has been committed, he may also—

- (d) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (e) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2B) Any such officer may—

- (a) go on board any vessel into which sea fish are being trans-shipped or into which he has reason to believe that sea fish have been or are about to be trans-shipped;
- (b) require any person on the vessel to produce any documents which are in his custody or possession relating to sea fish which have been or are to be trans-shipped into that vessel;
- (c) for the purpose of ascertaining whether an offence has been committed under this Act search the vessel for any such document;
- (d) take copies of any such document;
- (e) inspect any sea fish on, and the equipment of, the vessel, and observe any trans-shipment of sea fish into, the vessel;
- (f) require any person on the vessel to do anything which appears to the officer to be necessary for facilitating the exercise of his powers under paragraph (a), (c) or (e) above.

(2C) Any person who—

- (a) without reasonable excuse fails to comply with any requirement imposed under subsection (2A) or (2B) above; ^[F9]or
- (b) assaults an officer who is exercising any of the powers conferred on him by either of those subsections or wilfully obstructs an officer in the exercise of any of those powers,]

shall be guilty of an offence and liable ^[F10]on summary conviction, or on conviction on indictment, to a fine].]

^[F11](2D) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (2A) or (2B) above shall be guilty of an offence and liable on summary conviction to ^[F12]a fine].

(2E) Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (2A) or (2B) above shall be guilty of an offence and liable on summary conviction to ^[F13]a fine].]

^[F14](3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to the United Kingdom and within ^[F15]relevant^[F16]British fishery limits] and in relation to any ^[F15]relevant] British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8(2) to (4) of the ^{M1}Sea Fisheries Act 1968 as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of any of the provisions of sections 1 to 7 of this Act or any order made under any of those sections ^[F17]or any of the provisions of sections 14 to 18 of, or Schedule 3 to, the Fisheries Act 2020 or any regulations made under any of those provisions.]

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[The powers which may be conferred on any such officer by an order under this section^{F18}(3A) shall include power to—

- (a) require any person on board the boat to produce—
 - (i) any automatic recording equipment or transmitting equipment used in accordance with a condition included in a licence by virtue of section^{F19} ... 4A(6) of this Act [^{F20}or paragraph 1 of Schedule 3 to the Fisheries Act 2020], or
 - (ii) any record produced by means of such equipment, or partly by those and partly by other means;
- (b) search the boat for any such equipment or record, and require any person on board the boat to do anything which appears to the officer to be necessary to facilitate the search;
- (c) examine and take copies of any such record;
- (d) seize and detain any such equipment or record for the purpose of enabling that equipment or record, or any record which may be produced by means of that equipment, to be used as evidence in proceedings for any offence.

(3B) An order under this section shall not permit anything which is required to be carried on board the boat by a condition included in a licence by virtue of section^{F21} ... 4A(6) of this Act [^{F22}or paragraph 1 of Schedule 3 to the Fisheries Act 2020] to be seized and detained except while the boat is detained in a port.]

(4) An order under this section may make different provision for different cases.

(5) Section 10 of the^{M2}Sea Fisheries Act 1968 shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred; and, in relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly.]

Textual Amendments

- F1** Words repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 2 Pt. II**
- F2** S. 15(2)(a)(aa)(b) substituted for s. 15(2)(a)(b) by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), **Sch. 2 para. 16(3)** and [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 25(1)**
- F3** Words in s. 15(2)(b) omitted (S.) (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), **Sch. 4 para. 6(9)(a)(ii)** (with [Sch. 4 para. 31](#))
- F4** Words in s. 15(2)(b) omitted (E.W.N.I.) (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), **Sch. 4 para. 6(9)(a)(i)** (with [Sch. 4 para. 31](#))
- F5** Words in s. 15(2)(b) inserted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), **Sch. 4 para. 6(9)(a)(iii)** (with [Sch. 4 para. 31](#))
- F6** S. 15(2)(c) substituted by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), **Sch. 2 para. 16(3)**
- F7** Words in s. 15(2)(c) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), **Sch. 4 para. 6(9)(a)(iv)** (with [Sch. 4 para. 31](#))
- F8** S. 15(2A)–(2C) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 25(2)**
- F9** S. 15(2C)(b) and word repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 199(3)(a), 324(3), **Sch. 22 Pt. 5(A)**; S.I. 2009/3345, art. 2, **Sch. paras. 827(b)**; and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158, 168(1)** (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F10** Words in s. 15(2C) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 4(3)(a)** (with reg. 5(1))

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- F11** S. 15(2D)(2E) inserted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 199(3)(b)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 8**; and amendment extended (S.) (24.2.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 158**, 168(1) (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F12** Words in s. 15(2D) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 4(3)(b)** (with reg. 5(1))
- F13** Words in s. 15(2E) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 4(3)(c)** (with reg. 5(1))
- F14** S. 15(3)–(5) substituted for s. 15(3)–(7) by Sea Fisheries Act 1968 (c. 77), s. 22(5), **Sch. 1 para. 38(3)**
- F15** Words in s. 15(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 43(2)(b)**; S.I. 1998/3178, **art. 3**
- F16** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 2 para. 16(1)**
- F17** Words in s. 15(3) inserted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(9)(b)** (with Sch. 4 para. 31)
- F18** S. 15(3A)(3B) inserted (17.12.1992) by Sea Fish (Conservation) Act 1992 (c. 60), **s. 6** (with s. 11(4)).
- F19** Words in s. 15(3A)(a)(i) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(9)(c)(i)** (with Sch. 4 para. 31)
- F20** Words in s. 15(3A)(a)(i) inserted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(9)(c)(ii)** (with Sch. 4 para. 31)
- F21** Words in s. 15(3B) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(9)(d)(i)** (with Sch. 4 para. 31)
- F22** Words in s. 15(3B) inserted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(9)(d)(ii)** (with Sch. 4 para. 31)

Modifications etc. (not altering text)

- C1** S. 15(2) extended by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 30(1)(b)**
- C2** S. 15(3): certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred (28.3.2002) by S.I. 2002/790, art. 3(1), **Sch. 1 para. 3(1)(2)(m)**
- C3** S. 15(3): functions made exercisable concurrently (31.3.2010) by The Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), arts. 1(3), **5(1)(b)**
- C4** S. 15(3): functions made exercisable concurrently with Welsh Ministers (1.4.2018) by 2006 c. 32, **Sch. 3A para. 2** (as inserted by Wales Act 2017 (c. 4), s. 71(4), Sch. 4 para. 2 (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)
- C5** S. 15(3): functions made exercisable concurrently or jointly with Welsh Ministers (1.4.2018) by 2006 c. 32, **Sch. 3A para. 1** (as inserted by Wales Act 2017 (c. 4), s. 71(4), Sch. 4 para. 1 (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)

Marginal Citations

- M1** 1968 c. 77.
M2 1968 c. 77.

16 Enforcement of orders under ss. 1 and 2.

- (1) With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say—
- (a) any officer authorised by the appropriate Minister,
 - ^{F23}(aa) any British sea-fishery officer]
 - (b) any police officer,
 - (c) any officer of a market authority, acting within the limits of any market which that authority has power to regulate,

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- ^{F24}(d) and
(e) any officer authorised by the Fishmongers' Company and acting within the City of London,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

^{F25}(1A) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (1) above shall be guilty of an offence and liable on summary conviction to [^{F26}a fine].

(1B) Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (1) above shall be guilty of an offence and liable on summary conviction to [^{F27}a fine].]

^{F28}(2)

^{F29}(3) An officer shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him by this section if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.]

Textual Amendments

- F23** S. 16(1)(aa) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 25(3)**
- F24** S. 16(1)(d) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, **art. 3(b)** (with arts. 8, 12); S.I. 2011/556, **art. 2(2)(o)** (with art. 2(3)); and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158, 168(1)** (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F25** S. 16(1A)(1B) substituted for s. 16(1A) (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 199(4), 324(3)**; S.I. 2009/3345, **art. 2, Sch. para. 8**; and amendment extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158, 168(1)** (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F26** Words in s. 16(1A) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 4(4)(a)** (with reg. 5(1))
- F27** Words in s. 16(1B) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 4(4)(b)** (with reg. 5(1))
- F28** S. 16(2) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, **art. 3(b)** (with arts. 8, 12); S.I. 2011/556, **art. 2(2)(o)** (with art. 2(3)); and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 158, 168(1)** (with s. 162); S.S.I. 2011/58, **art. 2(a)**
- F29** S. 16(3) inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s.25(5)**

Modifications etc. (not altering text)

- C6** S. 16(1A) amended (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), **Sch. 4 Pt. III**; S.I. 1992/333, **art. 2(2), Sch.2**.

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F30 17 Enforcement of orders under s. 3.

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Textual Amendments

F30 S. 17 repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009](#) (c. 23), s. 324(3), [Sch. 22 Pt. 4](#); S.I. 2010/630, [art. 3\(b\)](#) (with arts. 8, 12); S.I. 2011/556, [art. 2\(2\)\(o\)](#) (with art. 2(3)); and repeal extended (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010](#) (asp 5), [ss. 158, 168\(1\)](#) (with s. 162); S.S.I. 2011/58, [art. 2\(a\)](#)

18 Enforcement of orders in relation to salmon and migratory trout.

(1) In so far as [^{F31}any order under section ^{F32}... 5 or 6 of this Act], imposes any prohibition or restriction on fishing for salmon or migratory trout within [^{F33}the waters specified in subsection (1A)] or on landing salmon or migratory trout

[^{F34}(a) section 31(1)(d) of the ^{M3}Salmon and Freshwater Fisheries Act 1975 (which confers power of seizure) shall apply as if the reference in it to that Act included a reference to this Act, and sections 36(1) and (2) of that Act, and paragraph 8 of Schedule 4 (all of which contain ancilliary provisions), shall be construed accordingly as including references to that Act as applied by this subsection;]

[^{F35}(b) the provisions of sections 169 and 172 of the Water Resources Act 1991 and, in relation to those sections, of Schedule 20 to that Act (which confer powers of entry) shall apply as if ^{F36}... any order under section 5 or 6 of this Act, were an enactment to which the said sections 169 and 172 applied.]

[^{F37}(1A) The waters specified for the purposes of subsection (1) are any waters which are included in the area in relation to which—

(a) by virtue of section 6(7) of the Environment Act 1995, the Environment Agency; or

(b) by virtue of section 6(7A) of that Act, the Natural Resources Body for Wales, carries out functions relating to fisheries under the Salmon and Freshwater Fisheries Act 1975.]

[^{F38}(2) Where any order under the said section ^{F39}... 5 or 6 imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district salmon fishery board within the meaning of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (asp 15), or on landing salmon or migratory trout at a place within such a district as aforesaid, the provisions of sections 52, 53, 54, 55, 57, 58 and 60(3) and (4) of that Act (which relate to enforcement and forfeiture) shall apply in relation to any contravention of the orders mentioned above as they apply in relation to a contravention of that Act.

[^{F40}(3) Where any order under the said section ^{F41}... 5 or 6 imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the Tweed district (as defined in article 2(1) of the Scotland Act 1998 (River Tweed) Order 2006 ([S.I. 2006/2913](#))), or on landing salmon or migratory trout at a place within that district, the provisions of articles 56 to 61 and 63(3) and (4) of that Order (which relate to enforcement and forfeiture) shall apply in relation to any contravention of the orders mentioned above as they apply in relation to a contravention of that Order.]]

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Textual Amendments

- F31** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), **Sch. 2 para. 16(4)**
- F32** Word in [s. 18\(1\)](#) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), [s. 54\(3\)\(b\)](#), **Sch. 4 para. 6(10)(a)(i)** (with [Sch. 4 para. 31](#))
- F33** Words in [s. 18\(1\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), **Sch. 2 para. 87(2)** (with [Sch. 7](#))
- F34** [S. 18\(1\)\(a\)](#) substituted by [Salmon and Freshwater Fisheries Act 1975 \(c. 51\)](#), **s. 42(2)**
- F35** [S. 18\(1\)\(b\)](#) substituted (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), [ss. 2\(1\), 4\(2\)](#), **Sch. 1 para. 18(b)**
- F36** Words in [s. 18\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), [s. 54\(3\)\(b\)](#), **Sch. 4 para. 6(10)(a)(ii)** (with [Sch. 4 para. 31](#))
- F37** [S. 18\(1A\)](#) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), **Sch. 2 para. 87(3)** (with [Sch. 7](#))
- F38** [S. 18\(2\)](#) substituted (S.) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), [s. 71\(2\)](#), **sch. 4 para. 1** (with [s. 71\(3\)\(4\)\(6\)](#)); [S.S.I. 2005/174](#), [art. 2](#)
- F39** Word in [s. 18\(2\)](#) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), [s. 54\(3\)\(b\)](#), **Sch. 4 para. 6(10)(b)** (with [Sch. 4 para. 31](#))
- F40** [S. 18\(3\)](#) inserted (15.11.2006) by [The Scotland Act 1998 \(River Tweed\) Order 2006 \(S.I. 2006/2913\)](#), [art. 1\(2\)](#), **Sch. 4 para. 1**
- F41** Word in [s. 18\(3\)](#) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), [s. 54\(3\)\(b\)](#), **Sch. 4 para. 6(10)(b)** (with [Sch. 4 para. 31](#))

Marginal Citations

- M3** [1975 c. 51](#).

Changes to legislation:

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