



Sea Fisheries Act 1968

1968 CHAPTER 77

Regulation of sea fishing operations

5 Regulation of conduct of fishing operations.

- (1) The Ministers may, [^{F1}whenever it appears to them necessary or expedient], by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.
- (2) The provisions of any order under subsection (1) above shall, except as provided by the order, apply—
 - (a) to all British fishing boats, and things done by such boats and their crews, [^{F2}wherever they may be], and
 - (b) to all foreign fishing boats, and things done by such boats and their crews, in [^{F3}waters within British fishery limits].
- (3) The Ministers may by order make such provision as is mentioned in subsection (1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, enter [^{F4}British fishery limits] for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.
- (4) Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction [^{F5}to a fine not exceeding £1,000][^{F6}or on conviction on indictment to a fine].
- (5) The provisions of any order under this section shall be taken to be in addition to and not to derogate from the provisions of any other enactment or any instrument made under any other enactment.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Cross Heading: Regulation of sea fishing operations. (See end of Document for details)

Textual Amendments

- F1 Words substituted by [Fishery Limits Act 1976 \(c. 86\), s. 4\(1\)](#)
- F2 Words substituted by [Fishery Limits Act 1976 \(c. 86\), s. 4\(2\)](#)
- F3 Words substituted by [Fishery Limits Act 1976 \(c. 86\), s. 4\(3\)](#)
- F4 Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 2 para. 17\(1\)](#)
- F5 Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 1 para. 3\(1\)](#)
- F6 Words inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 24\(2\)](#)

Modifications etc. (not altering text)

- C1 Functions exercisable jointly by Ministers under s. 5 now exercisable by Ministers and Secretary of State for Wales jointly: [S.I. 1978/272, art. 2\(3\)](#), [Sch. 1](#)

6 F7

Textual Amendments

- F7 S. 6 repealed by [Fishery Limits Act 1976 \(c. 86\), Sch. 4](#)

7 Sea-fishery officers.

- (1) The following persons shall be British sea-fishery officers for the purposes of the Sea Fisheries Acts, that is to say—
 - (a) officers of the sea-fishery inspectorates of each of the appropriate Ministers other than assistant fishery officers;
 - (b) commissioned officers of any of Her Majesty’s ships;
 - (c) persons in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;
 - (d) officers of the fishery protection service of the Secretary of State holding the rank of commander, first officer or second officer;
 - (e) F8
 - (g) other persons appointed as British sea-fishery officers by one of the appropriate Ministers.
- (2) The appropriate Minister may appoint any person 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 for the purposes of the Sea Fisheries Act a person so appointed shall be a British sea-fishery officer within those limitations, but not otherwise.
- (3) An appointment made under subsection (2) above may be limited in any one or more of the following ways, that is to say—
 - (a) to particular matters;
 - (b) to a particular area;
 - (c) to a particular order or class of orders.
- (4) In this Act, “foreign sea-fishery officer”, in relation to any convention with respect to the conduct or safeguarding of fishing operations or operations ancillary thereto to which Her Majesty’s Government in the United Kingdom is a party, means a person

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of any class specified in an order made by the Ministers, being a person appointed by the government of any other country which is a party to the convention to enforce its provisions or any other person having power under the laws of that other country to enforce those provisions.

- (5) In this section “the appropriate Minister” means—
- (a) in relation to England and Wales, the Minister of Agriculture, Fisheries and Food;
 - (b) in relation to Scotland, the Secretary of State; and
 - (c) in relation to Northern Ireland, the [^{F9}Department] of Agriculture for Northern Ireland.

Textual Amendments

F8 S. 7(1)(e)(f) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II

F9 Word substituted by virtue of Northern Ireland Constitution Act 1973 (c. 36), Sch. 5 para. 8(1)

Modifications etc. (not altering text)

C2 Functions exercisable jointly by Ministers under s. 7 now exercisable by Ministers and Secretary of State for Wales jointly: S.I. 1978/272, art. 2(3), Sch. 1

C3 Certain functions of Minister of Agriculture, Fisheries and Food under s. 7 now exercisable (W.) by Secretary of State, or by Minister and Secretary of State jointly: S.I. 1978/272, art. 2(1)(4), Sch. 1

8 General powers of British sea-fishery officers.

- (1) For the purpose of enforcing the provisions of any order under section 5 above or of [^{F10}section 2 of the ^{M1}Fishery Limits Act 1976] or any order thereunder a British sea-fishery officer may exercise in relation to any fishing boat within [^{F11}British fishery limits] and in relation to any British fishing boat anywhere outside those limits the powers conferred by subsection (2) to (4) below.
- (2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.
- (3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (1) above and, in particular,—
- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and
 - [^{F12}(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
 - (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under any of the provisions mentioned in subsection (1) above, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;
 - (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document

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produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.]

- [^{F13}(4) Where it appears to a British sea-fishery officer that a contravention of any provision of an order under section 5 above or of section 2 of the Fishery Limits Act 1976 or any order thereunder has at any time taken place within British fishery limits, he may—
- (a) require the master of the boat in relation to which the contravention took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
 - (b) detain or require the master to detain the boat in the port;
- and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.]
- (5) If it appears to a British sea-fishery officer that a British fishing boat or a fishing boat belonging to a country which is party to a convention to which Her Majesty's Government in the United Kingdom is a party is being so navigated or stationed as to interfere or be likely to interfere with fishing operations which are being carried on, or about to be carried on, within [^{F11}British fishery limits], he may require the boat to move away or to move in a direction or to a position specified by him.
- (6) For the purpose of enforcing the collision regulations made under section 418 of the ^{M2}Merchant Shipping Act 1894, so far as they apply to fishing boats, a British sea-fishery officer may exercise, in relation to any fishing boat within [^{F11}British fishery limits] and in relation to a British fishing boat anywhere outside those limits, the powers conferred by section 723(1) of that Act (enforcement), whether or not he is mentioned in that subsection, and also the powers conferred by the foregoing provisions of this section, and section 723(2) of that Act so far as it relates to the former powers shall apply accordingly.

Textual Amendments

- F10** Words substituted by virtue of [Fishery Limits Act 1976 \(c. 86\), s. 2\(8\)\(d\)](#)
- F11** Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 2 para. 17\(1\)](#)
- F12** [S. 8\(3\)\(b\)–\(d\)](#) and following paragraph substituted for [S. 8\(3\)\(b\)](#) by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 26\(2\)](#)
- F13** [S. 8\(4\)](#) substituted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 26\(3\)](#)

Modifications etc. (not altering text)

- C4** [S. 8](#) applied by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 25\(3\), 58\(4\), Sch. 8 para. 1](#)
[S. 8](#) applied (21.3.1994) by [1993 c. 22, s. 5\(9\); S.I. 1993/3137, art. 3\(1\), Sch.1](#)
- C5** [S. 8](#) extended by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 30\(1\)\(c\)](#)

Marginal Citations

- M1** [1976 c. 86.](#)
- M2** [1894 c. 60.](#)

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9 Powers of sea-fishery officers to enforce conventions.

- (1) For the purpose of enforcing the provisions of any convention with respect to the conduct or safeguarding of fishing operations to which Her Majesty's Government in the United Kingdom is a party a foreign sea-fishery officer may, in relation to a British fishing boat, and a British sea-fishery officer may, in relation to any foreign fishing boat, exercise anywhere within the convention area outside [^{F14}British fishery limits] the powers conferred by section 8(2) and (3) above.
- (2) Nothing in this section shall authorise a British or foreign sea-fishery officer to do anything not authorised by the convention he is purporting to enforce or authorise him to exercise in relation to a boat belonging to a country which is a party to the convention any power which the government of that country has informed the other parties to the convention is not to be exercised in relation to its fishing boats.

Textual Amendments

F14 Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 17\(1\)](#)

Modifications etc. (not altering text)

C6 Ss. 9, 10 applied by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 25(3), 58(4), [Sch. 8 para. 1](#)
S. 9 applied (21.3.1994) by [1993 c. 22, s. 5\(9\)](#); [S.I. 1993/3137, art. 3\(1\)](#), [Sch.1](#)
S. 9 applied (1.1.1996) by [1995 c. 21, ss. 15\(9\), 316\(2\)](#) (with s. 312(1))

10 Miscellaneous provisions as to sea-fishery officers.

- ^{F15}(1) A British sea-fishery 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 section 8 or 9 of this Act, section 15 of the Sea Fish (Conservation) Act 1967 or section 27 of the Fisheries Act 1981, and a foreign sea-fishery officer shall not be liable in any such proceedings for anything done in purported exercise of the powers conferred on him by section 9 of this Act, if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.]
- (2) Any person who on any fishing boat within [^{F16}British fishery limits], or on a British fishing boat anywhere outside those limits,—
 - (a) fails [^{F17}without reasonable excuse] to comply with any requirement imposed, or to answer any question asked, by a British sea-fishery officer under section 8 or 9 of this Act;
 - (b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or
 - (c) assaults any such officer while exercising any of the powers conferred on him by or by virtue of section 8 or 9 of this Act or [^{F18}wilfully obstructs] any such officer in the exercise of any of those powers;shall be guilty of an offence.
- ^{F19}(2A) Any person who on any vessel within British fishery limits—
 - (a) fails without reasonable excuse to comply with any requirement imposed, or to answer any question asked, by a British sea-fishery officer under section 27 of the Fisheries Act 1981;
 - (b) prevents, or attempts to prevent, any other person complying with any such requirement or answering any such question; or

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- (c) assaults any such officer while exercising any of the powers conferred on him by that section or wilfully obstructs any such officer in the exercise of any of those powers;
shall be guilty of an offence.]
- (3) Subsection (2) above shall apply in relation to things done on a British fishing boat anywhere within the convention area outside [^{F16}British fishery limits] by or in relation to a foreign sea-fishery officer who is exercising powers to enforce the provisions of the convention relating to that area as it applies in relation to things done on any fishing boat within those limits by or in relation to a British sea-fishery officer.
- (4) A person guilty of an offence under this section shall be liable [^{F20}on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine.]

Textual Amendments

- F15** S. 10(1) substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 26(4)
F16 Words substituted by Fishery Limits Act 1976 (c. 86), Sch. 2 para. 17(1)
F17 Words inserted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 26(5)(a)
F18 Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 26(5)(b)
F19 S. 10(2A) inserted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 26(6)
F20 Words substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 24(3)

Modifications etc. (not altering text)

- C7** Ss. 9, 10 applied by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 25(3), 58(4), Sch. 8 para. 1
 S. 10 applied (21.3.1994) by 1993 c. 22, s. 5(9); S.I. 1993/3137, art. 3(1), Sch.1
 S. 10 applied (1.1.1996) by 1995 c. 21, ss. 15(9), 316(2) (with s. 312(1))

11 Evidence.

- (1) In any civil or criminal proceedings a written statement purporting to be a report made by a British or foreign sea-fishery officer on matters ascertained in the course of exercising his powers under section 9 above for the purpose of enforcing the provisions of any convention mentioned in that section shall be admissible as evidence to the like extent as oral evidence to the like effect by that officer.
- (2) Subsection (1) above shall be taken to be in addition to, and not to derogate from, the provisions of any other enactment relating to the reception or admissibility of documentary evidence.

Modifications etc. (not altering text)

- C8** Ss. 11, 12 applied by Merchant Shipping Act 1988 (c.12, SIF 111), ss. 25(3), 58(4), Sch. 8 para. 1
 S. 11 applied (21.3.1994) by 1993 c. 22, s. 5(9); S.I. 1993/3137, art. 3(1), Sch.1
 S. 11 applied (1.1.1996) by 1995 c. 21, ss. 15(9), 316(2) (with s. 312(1))

12 Recovery of fines imposed on master, etc., or crew.

- (1) Where a fine is imposed by a magistrates' court in England and Wales or Northern Ireland on the master, owner or charterer or a member of the crew of a fishing boat

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- who is convicted by the court of an offence under section 5 or 10 of this Act [^{F21}or section 2 of the ^{M3}Fishery Limits Act 1976], the court may—
- (a) issue a warrant of distress against the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and
 - (b) if the boat is a foreign fishing boat, order it to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.
- (2) Where a fine is imposed by a sheriff in Scotland on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the sheriff of an offence under section 5 or 10 of this Act [^{F21}or section 2 of the Fishery Limits Act 1976], the sheriff may—
- (a) issue a warrant for the [^{F22}poining][^{F22}arrestment] and sale of the boat and its gear and catch and any property of the person convicted; and
 - (b) if the boat is a foreign fishing boat, order it to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid, whichever occurs first.
- (3) [^{F23}Sections 77(1) and 78 of the Magistrates' Courts Act 1980] (postponement of issue of, and defects in, warrants of distress) shall apply to a warrant of distress issued under this section in England and Wales as they apply to a warrant of distress issued under Part III of that Act.
- (4) [^{F24}Article 114(2) of the Magistrates' Courts (Northern Ireland) Order 1981] (postponement of issue of certain warrants) shall apply to a warrant of distress issued under this section in Northern Ireland as it applies to a warrant referred to in [^{F24}that paragraph].

Textual Amendments

- F21** Words substituted by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), s. 2(8)(d)
- F22** Word “arrestment” substituted for “poining” (S.) by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), ss. 108(1)(2), Sch. 6 para. 13, Sch. 7 paras. 5, 9(1)
- F23** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, Sch. 7 para. 77
- F24** Words substituted by [S.I. 1981/1675 \(N.I. 26\)](#), art. 170(2), Sch. 6 para. 16

Modifications etc. (not altering text)

- C9** Ss. 11, 12 applied by [Merchant Shipping Act 1988 \(c.12, SIF 111\)](#), ss. 25(3), 58(4), Sch. 8 para. 1
S. 12 applied (21.3.1994) by [1993 c. 22, s. 5\(9\)](#); [S.I. 1993/3137](#), art. 3(1), Sch.1
S. 12 applied (1.1.1996) by [1995 c. 21](#) ss. 15(9), 316(2) (with s. 312(1))

Marginal Citations

- M3** [1976 c. 86](#).

13 Compensation for damage caused by offence.

- ^{F25}(1) Where on convicting a person of an offence under section 5 or 10 of this Act it appears to a court in England and Wales or Northern Ireland that personal injury or damage to property has been caused by the offence, the court may by the conviction adjudge the person convicted to pay, in addition to any fine, a reasonable sum, not exceeding

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£400, as compensation for the injury or damage, and the sum when recovered shall be paid to the person who has suffered the injury or damage.]

- (2) Where a person is to be brought to trial before a sheriff in Scotland for an offence under section 5 or 10 of this Act [^{F26}or section 2 of the ^{M4}Fishery Limits Act 1976]—
- (a) any person who considers that personal injury to him or damage to his property has been caused by the offence may, at any time before the commencement of the trial, give notice in writing to the accused person and the sheriff clerk that at the trial of the offence the sheriff shall be called upon to make an award of compensation in respect of that injury or damage;
 - (b) if notice has been given as aforesaid and the accused is convicted of the offence the sheriff shall thereupon dispose of the question of compensation, but shall not order payment of a sum by way of compensation exceeding [^{F27}level 5 on the standard scale]
 - (c) any evidence led at the trial shall be admissible as evidence in the disposal of the question of compensation, and if the compensation claimed is in respect of damage to property and a report of a British sea-fishery officer relating to the damage is produced as evidence, that report shall, unless the sheriff considers that it is necessary in the interests of justice to allow additional evidence, be sufficient evidence for the disposal of the question of compensation; and
 - (d) in disposing of the question of compensation the sheriff may, subject to paragraph (b) above, give decree as in any ordinary action brought before him.
- (3) Section 12 of this Act shall apply in relation to compensation [^{F28}adjudged or] ordered to be paid under this section by the master, owner, or charterer or a member of the crew of a fishing boat as it applies in relation to a fine imposed by a [^{F28}magistrates' court or] sheriff on such a person.
- (4) The provisions of this section shall not be taken to derogate from any right of a person who has suffered personal injury or damage to property in consequence of an offence under section 5 or 10 of this Act [^{F26}or section 2 of the ^{M5}Fishery Limits Act 1976] to recover damages in respect of the injury or damage in civil proceedings.

Textual Amendments

- F25** S. 13(1) repealed (E.W.)(S.) by Fishery Limits Act 1976 (c. 68), Sch. 4
- F26** Words substituted by virtue of Fishery Limits Act 1976 (c. 86), s. 2(8)(d)
- F27** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 56, Sch. 7 para. 2 (which substitution fell (1.1.1996) by reason of the repeal of 1982 c. 48 s. 56, Sch. 7 by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3))
- F28** Words repealed (E.W.)(S.) by Fishery Limits Act 1976 (c. 86), Sch. 4

Marginal Citations

- M4** 1976 c. 86.
- M5** 1976 c. 86.

14 Jurisdiction to try offences.

Proceedings for an offence under section 5 or 10 of this Act [^{F29}or section 2 of the ^{M6}Fishery Limits Act 1976] may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

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Textual Amendments

F29 Words substituted by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), **s. 2(8)(d)**

Modifications etc. (not altering text)

C10 S. 14 applied by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 25(3), 58(4), **Sch. 8 para. 1**
S. 14 applied (21.3.1994) by [1993 c. 22, s. 5\(9\)](#); S.I. 1993/3137, art. 3(1), **Sch.1**
S. 14 applied (1.1.1996) by [1995 c. 21, ss. 15\(9\)](#), 316(2) (with s. 312(1))

Marginal Citations

M6 [1976 c. 86](#).

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