



Sea Fisheries Act 1968

1968 CHAPTER 77

Regulation of sea fishing operations

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 who is convicted by the court of an offence under section 5 or 10 of this Act or [^{F1}section 12 of the Fisheries Act 2020], 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 or [^{F2}section 12 of the Fisheries Act 2020], the sheriff may—
 - (a) issue a warrant for the [^{F3}poinding][^{F3}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) [^{F4}Sections 77(1) and 78 of the Magistrates' Courts Act 1980] (postponement of issue of, and defects in, [^{F5}warrants]), as they apply to warrants of the kinds mentioned there,] shall apply to a warrant of distress issued under this section in England and Wales ^{F6}....
- (4) [^{F7}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 [^{F7}that paragraph].

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 12. (See end of Document for details)

Textual Amendments

- F1** Words in s. 12(1) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 2(3)** (with Sch. 4 para. 31)
- F2** Words in s. 12(2) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 2(3)** (with Sch. 4 para. 31)
- F3** 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)**
- F4** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 77**
- F5** Words in s. 12(3) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 31(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** Words in s. 12(3) repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 31(b), **Sch. 23 Pt. 3** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F7** Words substituted by S.I. 1981/1675 (N.I. 26), art. 170(2), **Sch. 6 para. 16**

Modifications etc. (not altering text)

- C1** 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))

Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 12.