



Fisheries Act 1981

1981 CHAPTER 29

PART III

REGULATION OF SEA FISHING

26 **British sea-fishery officers.**

- (1) Section 7(1)(e) and (f) of the ^{M1}Sea Fisheries Act 1968 (officers of Customs and Excise and members of the Coastguard to be British sea-fishery officers) shall cease to have effect.
- (2) In section 8(3) of that Act (general powers of British sea-fishery officers) for paragraph (b) there shall be substituted—
 - “(b) may require any person on board the boat to produce any document relating to the boat, 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 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 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. ”

- (3) For section 8(4) of the said Act of 1968 there shall be substituted—

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 1981, Section 26. (See end of Document for details)

- “(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serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.”
- (4) For section 10(1) of the said Act of 1968 (protection of officers exercising powers under that Act) there shall be substituted—
- “(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.”.
- (5) In section 10(2) of the said Act of 1968 (offences connected with enforcement)—
- (a) in paragraph (a) after the word “fails” there shall be inserted the words “without reasonable excuse”;
 - (b) in paragraph (c) for the word “obstructs” there shall be substituted the words “wilfully obstructs”.
- (6) After section 10(2) of the said Act of 1968 there is inserted the following—
- “(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
 - (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.”.

Modifications etc. (not altering text)

- C1** Pts. 2-4 functions transferred (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 53\(2\)\(c\)\(3\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(1\)](#)
- C2** The text of s. 3(6), 19–26, 28, 29, 35(2)–(7), 36(2), 37–39, 45, 46(2), Sch. 1 para. 10, Sch. 3 para. 8(2) (3), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects
for the Fisheries Act 1981, Section 26. (See end of Document for details)

Marginal Citations

M1 1968 c. 77.

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