



British Fishing Boats Act 1983

1983 CHAPTER 8

F1

An Act to prohibit the fishing for and trans-shipment of sea fish by or from British fishing boats, in areas specified by order made by the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, unless those boats satisfy conditions prescribed by an order of those Ministers with respect to the nationality of members of the crew; and to prohibit the landing of sea fish in the United Kingdom from British fishing boats that do not satisfy conditions so prescribed. [28th March 1983]

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:—

Textual Amendments

F1 Act repealed (E.W.N.I) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), [Sch. 23 para. 31\(c\)](#)

Modifications etc. (not altering text)

C1 Act: power to transfer certain functions conferred (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

C2 Act: 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\(1\)\(d\)](#)

1 Restrictions on fishing, etc., by British fishing boats.

(1) The operations mentioned in subsection (2) below may not be carried out by or from a [^{F2}relevant]British fishing boat unless the boat is qualified in accordance with an order made by the Ministers under this subsection for use in carrying out operations of that description.

(2) Those operations are—

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- (a) fishing for sea fish in any area for the time being specified in an order made by the Ministers;
- (b) the trans-shipment of sea fish in any such area; and
- (c) the landing of sea fish in the United Kingdom.

References below in this Act to a restricted fishing area are references to any area for the time being specified in an order made by the Ministers under this subsection.

- (3) An order under subsection (1) above prescribing qualifications for [^{F2}relevant] British fishing boats for use in carrying out any such operations may prescribe conditions for qualification with respect to the nationality of members of the crew of a fishing boat, or of any proportion of those members specified in the order.
- (4) The conditions so prescribed shall be such as appear to the Ministers to be necessary or expedient for the protection of the [^{F3}sea fishing industry in England and Wales and Northern Ireland]; but any such conditions shall not discriminate between British citizens and persons who are nationals of any other member State.
- (5) Where a [^{F2}relevant] British fishing boat is not for the time being qualified under this section for use in carrying out operations of any description mentioned in subsection (2)(a) or (b) above in a restricted fishing area, its fishing gear shall be stowed in accordance with an order made by the Ministers at any time when it is within such an area.
- (6) If this section is contravened in the case of any fishing boat the master, the owner and the charterer (if any) of the boat shall be liable [^{F4}on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine]^{F4} on summary conviction, or on conviction on indictment, to a fine]].
- (7) The court by or before which a person is convicted of an offence under subsection (6) above may order the forfeiture of any fish or fishing gear found in the boat in relation to which the offence was committed or taken or used by any person from the boat; and, in Scotland, any fish or fishing gear forfeited under this subsection may be destroyed or disposed of as the court may direct.
- (8) Any power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F2** Words in s. 1(1)(3)(5) inserted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 70\(2\)\(a\)](#); [S.I. 1998/3178, art. 3](#)
- F3** Words in s. 1(4) substituted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 70\(2\)\(b\)](#); [S.I. 1998/3178, art. 3](#)
- F4** Words in s. 1(6) 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. 12\(2\)](#) (with [reg. 5\(1\)](#))

Modifications etc. (not altering text)

- C3** S. 1: 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\(3\), Sch. 3 para. 7\(1\)](#)
- C4** S. 1: transfer of functions (5.12.2012) by [The Transfer of Functions \(Sea Fisheries\) Order 2012 \(S.I. 2012/2747\), arts. 1\(2\), 3\(1\)\(e\)](#) (with [art. 5](#))

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| C5 | S. 1(4) modified (28.3.2002) by S.I. 2002/790, art. 3(3), Sch. 3 para. 7(3) |
| C6 | S. 1(8) excluded (28.3.2002) by S.I. 2002/790, art. 3(3), Sch. 3 para. 7(4) |

2 Powers of British sea-fishery officers in relation to British fishing boats in restricted fishing areas.

- (1) The powers conferred by the following provisions of this section are exercisable by British sea-fishery officers, in relation to any British fishing boat within a restricted fishing area, for the purpose of enforcing the provisions of section 1 of this Act.
- (2) Any such officer may go on board any such 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) Any such officer may require the attendance of the master and other persons on board any boat he has boarded under subsection (2) above and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the provisions of section 1 of this Act.
- (4) Without prejudice to the generality of subsection (3) above, any such officer—
 - (a) may require any person on board any such boat to produce any document he has with him on board that is or may be relevant for determining his nationality and any document relating to the boat, to its fishing operations or other operations ancillary to its fishing operations or to persons on board which is in his custody or possession, and may take copies of any such document;
 - (b) for the purpose of ascertaining whether an offence under section 1 of this Act has been committed in relation to any such boat, 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; and
 - (c) if he has reason to suspect that any such offence has been committed in relation to any such boat, 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 (c) above shall permit any document required by law to be carried on board the boat to be seized except while the boat is detained in a port.
- (5) Where it appears to any such officer that an offence under section 1 of this Act has been committed in relation to any fishing boat, he may—
 - (a) require the master of the boat 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.

3 Powers of entry of British sea-fishery officers in relation to premises on land.

- (1) Subject to the following provisions of this section, if—
 - (a) in England, Wales or Northern Ireland, a justice of the peace; or
 - (b) in Scotland, the sheriff or a justice of the peace;

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is satisfied by information on oath that there is reasonable ground for suspecting that an offence under section 1 of this Act has been committed in relation to any fishing boat, and that any document relevant for determining whether such an offence has been committed in relation to that boat may be found on any premises specified in the information, he may grant a search warrant for the purposes of this section.

- (2) The premises specified in any information laid for the purposes of subsection (1) above must be premises (other than a dwellinghouse) used for carrying on a business in connection with the operation of fishing boats or activities connected with or ancillary to the operation of fishing boats.
- (3) For the purposes of this section, a document shall be regarded as relevant for determining whether an offence under section 1 of this Act has been committed in relation to a fishing boat if it relates—
 - (a) to that boat, to its fishing operations or to other operations ancillary to its fishing operations; or
 - (b) to the nationality of members of the crew of that boat.
- (4) A warrant granted under subsection (1) above shall authorise any British sea-fishery officer named in the warrant, with or without any constables, to enter the premises specified in the information and to search the premises for any document relevant for determining whether the suspected offence has been committed.
- (5) Any such officer may require any person on any premises he has entered in pursuance of any such warrant to produce any document relevant for determining whether the suspected offence has been committed which is in his custody or possession, and may take copies of any such document.
- (6) Any such officer may require any such person to do anything which appears to him to be necessary for facilitating any search carried out by him in pursuance of the warrant.
- (7) Any such officer may seize and detain any document relevant for determining whether the suspected offence has been committed which is produced to him or found in the course of any such search, for the purpose of enabling the document to be used as evidence in proceedings for the offence.
- (8) A warrant granted under subsection (1) above shall remain in force for a period of one month.

4 Supplementary provisions with respect to powers of British sea-fishery officers.

- (1) Any person who—
 - (a) without reasonable excuse fails to comply with any requirement imposed by a British sea-fishery officer under section 2 or 3 of this Act;
 - (b) prevents, or attempts to prevent, any other person from complying with any such requirement; or
 - (c) assaults any such officer while exercising any of the powers conferred on him under section 2 or 3 of this Act or wilfully obstructs any such officer in the exercise of any of those powers;

shall be liable [^{F5}on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine [^{F5}on summary conviction, or on conviction on indictment, to a fine]].

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- (2) A British sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in purported exercise of the powers conferred on him by section 2 or 3 of this Act if the court is satisfied that the act was done in good faith and with reasonable skill and care and that there were reasonable grounds for doing it.

Textual Amendments

- F5** Words in s. 4(1) 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. 12\(3\)](#) (with reg. 5(1))

5 Recovery of fines.

- (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 1 or 4 of this Act, the court may—
- 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
 - order the boat 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 1 or 4 of this Act, the sheriff may—
- issue a warrant for the [^{F6}arrestment] and sale of the boat and its gear and catch and any property of the person convicted; and
 - order the boat 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) Sections 77(1) and 78 of the ^{M1}Magistrates' Courts Act 1980 (postponement of issue of, and defects in, [^{F7}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 ^{F8}....
- (4) Article 114(2) of the ^{M2}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 that paragraph.

Textual Amendments

- F6** Word substituted by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1)(2), [Sch. 6 para. 24](#), [Sch. 7 paras. 5, 9\(1\)](#)
- F7** Words in s. 5(3) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 67\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F8** Words in s. 5(3) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 67\(b\)](#), [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Marginal Citations

- M1** 1980 c. 43.

Changes to legislation: There are currently no known outstanding effects for the British Fishing Boats Act 1983. (See end of Document for details)

M2 S.I. 1981/1675 (N.I. 26).

6 Offences committed by bodies corporate.

Where any offence under section 1 or 4 of this Act committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

7 Jurisdiction to try offences.

Proceedings for an offence under section 1 or 4 of this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

8 Administrative expenses.

Any administrative expenses incurred by the Ministers by virtue of this Act shall be met out of money provided by Parliament.

9 Interpretation.

In this Act—

[^{F9}“British fishing boat” means a fishing vessel which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 or is wholly British-owned;]

“British sea-fishery officer” means any person who by virtue of section 7 of the ^{M3}Sea Fisheries Act 1968 is a British sea-fishery officer;

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

“master” includes, in relation to any fishing boat, the person for the time being in command or charge of the boat;

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

[^{F10}“relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone;]

[^{F11}“relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;]

[^{F12}“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;]

[^{F13}“the Scottish zone” has the same meaning as it has for the purposes of the Scotland Act 1998;]

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

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[^{F14}“wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of Part II of the Merchant Shipping Act 1995;]

and references to a restricted fishing area shall be read in accordance with section 1(2) of this Act.

Textual Amendments

- F9** Definition of “British fishing boat” in s. 9 substituted (1.1.1996) by virtue of 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 68(a)** (with s. 312(1))
- F10** S. 9: definition of “relevant British fishery limits” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 70(3); S.I. 1998/3178, art. 3**
- F11** S. 9: definition of “relevant British fishing boat” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 70(3); S.I. 1998/3178, art. 3**
- F12** S. 9: definition of “Scottish fishing boat” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para 70(3); S.I. 1998/3178, art. 3**
- F13** S. 9: definition of “the Scottish zone” inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para 70(3); S.I. 1998/3178, art. 3**
- F14** Definition of “wholly British-owned” in s. 9 inserted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 68(b)** (with s. 312(1))

Marginal Citations

- M3** 1968 c. 77.

- [^{F15}**9A** (1) This Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).
- (2) In section 1—
- (a) for “relevant British fishing boat” or “relevant British fishing boats” there is substituted “Scottish fishing boat” or “Scottish fishing boats”; and
- (b) for “England and Wales and Northern Ireland” there is substituted “Scotland”.
- (3) In section 1(8) for “either House of Parliament” there is substituted “the Scottish Parliament”.
- (4) In section 9, in the definition of “the Ministers”, from “Minister” to the end there is substituted “Scottish Ministers”.]

Textual Amendments

- F15** S. 9A inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 70(4); S.I. 1998/3178, art. 3**

10 Isle of Man and Channel Islands.

Her Majesty may by Order in Council direct that, subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order, sections 1 to 7, 9 and 11(2) of this Act shall extend to the Isle of Man or any of the Channel Islands.

Changes to legislation: There are currently no known outstanding effects for the British Fishing Boats Act 1983. (See end of Document for details)

11 Short title and consequential amendment.

(1) This Act may be cited as the British Fishing Boats Act 1983.

(2) F16

Textual Amendments

F16 S. 11(2) repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 57(4)(5), Sch. 7, **Sch. 8 para. 1**

Changes to legislation:

There are currently no known outstanding effects for the British Fishing Boats Act 1983.