



Sea Fish (Conservation) Act 1967

1967 CHAPTER 84

Penalties for, and other provisions as to, offences

11 Penalties for offences. **E+W**

- [^{F1}(1) Any person guilty of an offence [^{F2}under sections 1 to 7 of this Act shall be liable on summary conviction, or on conviction on indictment, to a fine.]
- (2) Subject to the following provisions of this section, the court by or before which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1, 3, ^{F3}..., 4A(3) and (6), 5(1) and (6) and 6(5) and (5A)(b) may—
- (a) in the case of an offence under section 1, order the forfeiture of any fish in respect of which the offence was committed;
 - (b) in the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;
 - (c) in the case of an offence under section ^{F4}... 4A(3) or (6), order that the owner or the charterer (if any) of the vessel used to commit the offence or, as the case may be, of the vessel named in the licence of which a condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that vessel;
 - (d) in the case of an offence under ^{F5}... section 5(1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;
 - (e) in the case of an offence under section 6(5) or (5A)(b), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed or trans-shipped in contravention of an order under that section.
- (3) Any person guilty of an offence under section 1, 3, ^{F6}..., 4A(3) or (6), 5(1) or (6) or 6 of this Act shall, subject to [^{F7}subsection (4)] below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed or, in the case of an offence under section 3, the fish caught with the net or other fishing gear in respect of which the contravention constituting the offence occurred.]

Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Penalties for, and other provisions as to, offences. (See end of Document for details)

- (4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.
- (5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

Textual Amendments

- F1** S. 11(1)–(3) substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 24(1)
- F2** Words in s. 11(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. 4(2) (with reg. 5(1))
- F3** Words in s. 11(2) omitted (E.W.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 para. 6(7)(b)(i) (with Sch. 4 para. 31)
- F4** Words in s. 11(2)(c) omitted (E.W.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 para. 6(7)(b)(iii) (with Sch. 4 para. 31)
- F5** Words in s. 11(2)(d) omitted (E.W.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 para. 6(7)(b)(v) (with Sch. 4 para. 31)
- F6** Words in s. 11(3) omitted (E.W.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 para. 6(7)(c) (with Sch. 4 para. 31)
- F7** Words in s. 11(3) substituted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 15 para. 4; 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)

Modifications etc. (not altering text)

- C1** S. 11 extended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 30(1)(b)
- C2** S. 11 applied (17.6.2024) by The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 (S.S.I. 2024/165), regs. 1(2)(b), 12(6)

11 Penalties for offences. **S+N.I.**

- ^{F12}(1) Any person guilty of an offence under this Act shall be liable—
- (a) in the case of an offence under section [^{F13}^{F14}section 1, 2, 3, ^{F15}...], 4A(3) or (6)], [^{F16}5(1) or 6(5A)(a)] [^{F16}5(1) or (6) or 6(5) or (5A)], on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine;
- (b) [^{F17}in the case of an offence under section 3 ^{F18}^{F19}... or 5(6), on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine;]

Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Penalties for, and other provisions as to, offences. (See end of Document for details)

- (c) in the case of an offence under section [^{F20}1, 2,]^{F21} ..., 4A(7) or (8) [^{F20}, 6(5) or (5A)(b)] or 7(3), on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.
- (2) Subject to the following provisions of this section, the court by or before which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1, 3, ^{F22F3} ..., 4A(3) and (6), 5(1) and (6) and 6(5) and (5A)(b) may—
- (a) in the case of an offence under section 1, order the forfeiture of any fish in respect of which the offence was committed;
- (b) in the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;
- (c) in the case of an offence under section ^{F23F4} ... 4A(3) or (6), order that the owner or the charterer (if any) of the vessel used to commit the offence or, as the case may be, of the vessel named in the licence of which a condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that vessel;
- (d) in the case of an offence under ^{F24F5} ... section 5(1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;
- (e) in the case of an offence under section 6(5) or (5A)(b), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed or trans-shipped in contravention of an order under that section.
- (3) Any person guilty of an offence under section 1, 3, ^{F25F6} ..., 4A(3) or (6), 5(1) or (6) or 6 of this Act shall, subject to [^{F26}subsection (5)] [^{F26}subsection (4)] below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed or, in the case of an offence under section 3, the fish caught with the net or other fishing gear in respect of which the contravention constituting the offence occurred.]
- (4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.
- (5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only

Textual Amendments

- F3** Words in s. 11(2) omitted (E.W.N.I.) (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\), s. 54\(3\)\(b\), Sch. 4 para. 6\(7\)\(b\)\(i\)](#) (with [Sch. 4 para. 31](#))
- F4** Words in s. 11(2)(c) omitted (E.W.N.I.) (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\), s. 54\(3\)\(b\), Sch. 4 para. 6\(7\)\(b\)\(iii\)](#) (with [Sch. 4 para. 31](#))

Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Penalties for, and other provisions as to, offences. (See end of Document for details)

- F5** Words in s. 11(2)(d) omitted (E.W.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(b)(v)** (with Sch. 4 para. 31)
- F6** Words in s. 11(3) omitted (E.W.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(c)** (with Sch. 4 para. 31)
- F12** S. 11(1)–(3) substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 24(1)**
- F13** Words in s. 11(1)(a) substituted (17.1.1993) by Sea Fish (Conservation) Act 1992 (c. 60), **ss. 5(a), 11(1)** (with s. 11(4)).
- F14** Words in s. 11(1)(a) substituted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 199(2)(a), 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)**
- F15** Words in s. 11(1)(a) omitted (S.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(a)(i)** (with Sch. 4 para. 31)
- F16** Words in s. 11(1)(a) substituted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 199(2)(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)**
- F17** S. 11(1)(b) repealed (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(A)**; S.I. 2009/3345, art. 2, **Sch. para. 27(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)**
- F18** Word in s. 11(1)(b) omitted (N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(a)(ii)** (with Sch. 4 para. 31)
- F19** Word in s. 11(1)(b) repealed (S.) (1.8.2007) by Aquaculture and Fisheries (Scotland) Act 2007 (asp 12), s. 45(2), **sch. para. 3(b)(i)** (with s. 39); S.S.I. 2007/333, art. 2(1)
- F20** Words in s. 11(1)(c) repealed (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 5(A)**; S.I. 2009/3345, art. 2, **Sch. para. 27(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)**
- F21** Words in s. 11(1)(c) omitted (S.N.I.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(a)(iii)** (with Sch. 4 para. 31)
- F22** Words in s. 11(2) omitted (S.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(b)(ii)** (with Sch. 4 para. 31)
- F23** Words in s. 11(2)(c) omitted (S.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(b)(iv)** (with Sch. 4 para. 31)
- F24** Words in s. 11(2)(d) omitted (S.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(b)(vi)** (with Sch. 4 para. 31)
- F25** Words in s. 11(3) omitted (S.) (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(7)(d)** (with Sch. 4 para. 31)
- F26** Words in s. 11(3) substituted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 15 para. 4**; 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)**

Modifications etc. (not altering text)

- C2** S. 11 applied (17.6.2024) by The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations 2024 (S.S.I. 2024/165), regs. 1(2)(b), **12(6)**
- C7** S. 11 extended by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 30(1)(b)**

[F8]12 Offences by directors, partners, etc

- (1) Where a relevant offence has been committed by a body corporate and it is proved that the offence—
- (a) has been committed with the consent or connivance of a person falling within subsection (2), or
 - (b) is attributable to any neglect on the part of such a person,

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that person (as well as the body corporate) is guilty of that offence and liable to be proceeded against and punished accordingly.

- (2) The persons are—
 - (a) a director, manager, secretary or similar officer of the body corporate;
 - (b) any person who was purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.
- (4) Where a relevant offence has been committed by a Scottish firm and it is proved that the offence—
 - (a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or
 - (b) is attributable to any neglect on the part of such a person,that person (as well as the firm) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (5) In this section “relevant offence” means an offence under any provision of sections 1 to 6 of this Act.]

Textual Amendments

- F8** S. 12 substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 200**, 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)**

Modifications etc. (not altering text)

- C3** S. 12 extended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), **s. 30(1)(b)**
- C4** S. 12 applied (S.) (17.6.2024) by [The Sea Fisheries \(Remote Electronic Monitoring and Regulation of Scallop Fishing\) \(Scotland\) Regulations 2024 \(S.S.I. 2024/165\)](#), regs. 1(2)(b), **12(5)**

^{F9}13 Institution of proceedings by local fisheries committee.

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Textual Amendments

- F9** S. 13 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)**

[^{F10}14 Jurisdiction of court to try offences.

Proceedings for an offence under section 1(3), 3, ^{F11}... 4A, 5, 6, 7, 15, or 16 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.]

Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Cross Heading: Penalties for, and other provisions as to, offences. (See end of Document for details)

Textual Amendments

- F10** S. 14 substituted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 29**
- F11** Word in s. 14 omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 6(8)** (with Sch. 4 para. 31)
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Modifications etc. (not altering text)

- C5** S. 14 extended by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 30(1)(b)**
- C6** S. 14 saved (17.4.2000) by S.I. 2000/874, **art. 1(3)**

Changes to legislation:

There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967,
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