



Fisheries Act 1981

1981 CHAPTER 29

PART III

REGULATION OF SEA FISHING

Modifications etc. (not altering text)

- C1** Pts. II-IV: transfer of functions (31.3.2010) by [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\)](#), arts. 1(3), **4(1)(e)** (with arts. 5(2)(3), 6(2))

19 Size limits for fish.

(1) For section 1 of the ^{M1}Sea Fish (Conservation) Act 1967 (size limits for fish) there shall be substituted—

- (1) Subject to the provisions of this section and of section (1) of this Act, no person shall land in Great Britain any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description by an order of the Ministers.
- (2) Subject to the provisions of this section, no person shall, in Great Britain, sell, expose or offer for sale or have in his possession for the purpose of sale, any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description by an order of the Ministers.
- (3) Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an order of the Ministers shall not be carried, whether within or outside British fishery limits, on a British fishing boat; and an order under this subsection may prohibit the carrying by any foreign fishing boat in waters adjacent to the United Kingdom and within British fishery limits of sea fish of any description prescribed by the order

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which are of less than the minimum size so prescribed in relation to sea fish of that description.

- (4) Different sizes may be prescribed for the purposes of each of the foregoing provisions of this section; and an order under subsection (1) above may prescribe different sizes in relation to fish of different sexes.
 - (5) Where an order under subsection (1) above prescribes a size for fish of any description (or of any description and sex), whether generally or in relation to any particular area, then, except so far as provision to the contrary is made by such an order, a person who in Great Britain or, as the case may be, in that area lands a part of a fish of that description (or of that description and sex) shall, subject to section 9(1) of this Act, be deemed to contravene subsection (1) above if the part is of a smaller size than the one so prescribed.
 - (6) An order under this section may confer exemptions from any prohibition imposed by or by virtue of this section; and any such exemption may be general or subject to conditions and may relate to all fish to which the order applies or to fish of any specified description.
 - (7) Any person who contravenes subsection (1) or (2) above shall be guilty of an offence under that subsection.
 - (8) If subsection (3) above is contravened in the case of a British fishing boat the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection; and if a prohibition imposed by virtue of that subsection is contravened in the case of a foreign fishing boat, the master shall be guilty of an offence under that subsection.
 - (9) In this section “British fishing boat” means a fishing boat which is registered in the United Kingdom, exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894 or owned wholly by a person who is (within the meaning of that Act) a person qualified to own a British ship; and “foreign fishing boat” means any fishing boat other than a British fishing boat.”
- (2) In consequence of subsection (1) above the said Act of 1967 shall be amended as follows—
- (a) in section 2(2) (size limits for fish used in course of business) for “1(1)” there shall be substituted “ 1(2) ”;
 - (b) in section 9(1) (exemptions) for “1(1) or (2)” there shall be substituted “ 1(1) or (5) ”;
 - ^{F1}(c)
 - (d) in section 22(2) (definition of “the Ministers”), in paragraphs (a) and (b) for “1” there shall be substituted “ 1(1) and (2) ”;
 - (e) in section 23(4) (extent), in paragraph (a), for the words “section 1(1) and (2), section 1(6) so far as it relates to a contravention of section 1(1)” there shall be substituted the words “ section 1(1), (2), (5) and (7) ” and, in paragraphs (c) and (d), for the words “section 1(1)” there shall be substituted the words “ section 1(1) and (2) ”.
- (3) Any order in force under section 1 of the said Act of 1967 immediately before the coming into force of this section shall have effect as if made under that section as substituted by this section.

Status: Point in time view as at 24/02/2011.

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

Textual Amendments

- F1** S. 19(2)(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 s. 19(2)(c) repealed (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), s. 168\(1\), sch. 4 para. 11\(2\)\(a\)](#) (with s. 162); S.S.I. 2011/58, art. 2(b)

Modifications etc. (not altering text)

- 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.

Marginal Citations

- M1** [1967 c. 84.](#)

20 Licensing of fishing boats.

- (1) After subsection (6) of section 4 of the ^{M2}Sea Fish (Conservation) Act 1967 (licensing of fishing boats) there shall be inserted—

“(6A) The conditions subject to which a licence may be granted under this section may differ as between different vessels or between vessels of different descriptions.”

- (2) In subsection (7) of that section (penalty for failure to comply with requirement to furnish information) after the word “fails” there shall be inserted the words “ without reasonable excuse ”.

- (3) After subsection (7) of that section there shall be inserted—

“(7A) Any person who—

- (a) for the purpose of obtaining a licence under this section; or
- (b) in purported compliance with subsection (7) above,

furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular shall be guilty of an offence under this subsection.”

- (4) After subsection (9) of that section there shall be inserted—

“(9A) Where an order under this section prohibits fishing in a specified area for a specified description of sea fish there shall be returned to the sea forthwith—

- (a) any sea fish of that description taken on board a fishing boat in contravention of the order; and
- (b) except so far as the order otherwise provides, any sea fish of that description taken on board a fishing boat in that area in the course of fishing for sea fish of a different description;

but, where the order applies only to fishing by a specified method or during a specified period or by boats of a specified description, paragraph (b) above applies only if the fish are caught by that method, during that period or by a boat of that description.

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(9B) Where subsection (9A) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.”

Modifications etc. (not altering text)

C3 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.

Marginal Citations

M2 1967 c. 84.

21 Licensing of vessels receiving trans-shipped fish.

(1) After section 4 of the ^{M3}Sea Fish (Conservation) Act 1967 (licensing of fishing boats) there shall be inserted the following section:—

- (1) The Ministers may by order provide that within British fishery limits or in any specified area within those limits the receiving by any vessel (whether British or foreign) of fish trans-shipped from any other vessel is prohibited unless authorised by a licence granted by one of the Ministers.
- (2) Such an order may apply to the receiving of fish generally or to the receiving of—
 - (a) a specified description of fish; or
 - (b) fish caught by a specified method; or
 - (c) fish caught in a specified area; or
 - (d) fish caught or trans-shipped during a specified season of the year or other period; or
 - (e) fish caught or received by vessels of a specified description, including vessels registered in a specified country;
 and may provide for exceptions from the prohibitions contained in it.
- (3) Where any vessel is used for contravention of a prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (4) An order under this section, if made with the consent of the Treasury given for the purposes of this subsection, may authorise the making of a charge for a licence under this section, and if it does so it shall specify maximum charge and may specify different maxima in relation to different classes of licence.
- (5) A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorise the receiving of fish generally or may confer limited authority by reference to, in particular—
 - (a) the area within which the fish was caught or is trans-shipped; or
 - (b) the periods, times or particular voyages during which the fish was caught or trans-shipped; or
 - (c) the descriptions and quantities of fish that may be received; or

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- (d) the description of vessel or method by which the trans-shipped fish was caught.
- (6) A licence under this section may authorise the receiving of fish either unconditionally or subject to such conditions as appear to the Minister granting the licence as to be necessary or expedient for the regulation of trans-shipment, including conditions as to the treatment on board the vessel of the fish received by it; and different conditions may be so imposed with respect to different vessels or vessels of different descriptions.
- If such a condition is broken the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.
- (7) The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence and any agent named in the licence to provide him with such statistical information as he may direct, and a person who fails without reasonable excuse to comply with such a requirement is guilty of an offence under this subsection.
- (8) Any person who—
- (a) for the purpose of obtaining a licence under this section; or
 - (b) in purported compliance with subsection (7) above,
- furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence under this subsection.
- (9) The licensing power conferred by this section may be exercised so as to limit the number of vessels, or of any description of vessel (including vessels or any description of vessel registered in a specified country) engaged in receiving fish to such an extent as appears to the Ministers necessary or expedient for the regulation of trans-shipment.
- (10) A licence under this section—
- (a) may be varied from time to time; and
 - (b) may be revoked or suspended, if it appears to the Minister who granted it to be necessary or expedient for the regulation of trans-shipment.
- (11) If a licence is varied, revoked or suspended, the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.
- (12) The Ministers may make arrangements for any of their licensing powers under this section (but not the power to make orders under subsection (1)) to be exercised by other persons on their behalf.”
- (2) In the following provisions of the said Act of 1967, after “4” there shall be inserted “4A,”
- (a) in section 9(5) (exceptions for scientific investigations, etc.);
 - (b) in section 20(2) and (5) (orders to be made by statutory instrument and subject to negative resolution); and
 - (c) in the words in parenthesis in the definition of “sea fish” in section 22(1) (which relate to the inclusion of salmon and migratory trout).

Status: Point in time view as at 24/02/2011.

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Modifications etc. (not altering text)

- C4** 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.

Marginal Citations

- M3** 1967 c. 84.

22 Power to restrict sea fishing.

- (1) For subsections (1) to (4) of the ^{M4}Sea Fish (Conservation) Act 1967 (power to restrict fishing for sea fish) there shall be substituted—

“(1) Subject to the provisions of this section, the Ministers may by order prohibit in any area specified in the order and either for a period so specified or without limitation of time—

- (a) all fishing for sea fish; or
- (b) fishing for any description of sea fish specified in the order; or
- (c) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,

by any fishing boat to which the prohibition applies; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

- (2) Orders under this section may make different provision in relation to fishing boats of different descriptions.”

- (2) In subsection (6) of that section (duty to return of fish to the sea)—

- (a) [^{F2} for the words “a fishing boat to which the obligation imposed by this subsection applies” there shall be substituted the words “ a fishing boat to which the order applies ” ;]
- (b) after the words “subject to section 9 of this Act” there shall be inserted the words “ and except where the order otherwise provides ”;

- (3) [^{F3}For subsection (8) of that section there shall be substituted—

“(8) An order under this section relating to an area outside British fishery limits shall not apply to any fishing boat other than—

- (a) a British fishing boat registered in the United Kingdom; or
- (b) in do far as the order relates to fishing for salmon or migratory trout, a fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894;

but an order under this section relating to an area within those limits may apply to any fishing boat.”]

- (4) Section 23(1) of the said Act of 1967 (restricted operation of section 5 in waters adjacent to Northern Ireland) shall cease to have effect.

- (5) Any order in force under the said section 5 immediately before the coming into force of this section shall have effect as if made under that section as amended by this section.

Status: Point in time view as at 24/02/2011.

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

Textual Amendments

- F2** S. 22(2)(a) 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 s. 22(2)(a) repealed (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), s. 168\(1\), Sch. 4 para. 11\(2\)\(b\)](#) (with s. 162); S.S.I. 2011/58, art. 2(b)
- F3** S. 22(3) 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 s. 22(3) repealed (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\), s. 168\(1\), Sch. 4 para. 11\(2\)\(b\)](#) (with s. 162); S.S.I. 2011/58, art. 2(b)

Modifications etc. (not altering text)

- C5** 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.

Marginal Citations

- M4** 1967 c. 84.

23 Prohibition of trans-shipment of sea fish.

- (1) Sections 6 and 7 of the ^{M5}Sea Fish (Conservation) Act 1967 (prohibition on landing of sea fish caught in certain areas) shall be amended as follows.
- (2) After subsection (1) of section 6 there shall be inserted—
- “(1A) The Ministers, after consultation with the Secretary of State for Trade, may by order prohibit, in accordance with the provisions of this section, the trans-shipment within British fishery limits of sea fish, or any particular description of sea fish, being caught in any such waters as may be specified in the order.”
- (3) In subsection (5) of section 6 for the words “under this section” in the second place where they occur there shall be substituted the words “ under this subsection ”, and after that subsection there shall be inserted—
- “(5A) If any sea fish are—
- (a) trans-shipped into a vessel in contravention of an order under this section; or
- (b) trans-shipped from a vessel in contravention of such an order, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.”.
- (4) In subsections (1) and (2) of section 7 for the words “any order under section 6 of this Act” there shall be substituted the words “ any order under section 6(1) of this Act ”.
- (5) After subsection (2) of section 7 there shall be inserted—
- “(2A) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be trans-shipped within British fishery limits from that vessel while an order under section 6(1A) of this Act is in force, a written declaration that those sea fish are not sea fish the trans-shipment of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are trans-shipped, to the officer or to such other

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person or at such place as may be specified in the notice and as appears to the officer to be reasonable in the circumstances:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the trans-shipment of any sea fish after the end of the period of six months from the date on which the notice is served.

- (2B) Where any sea fish have been or are being trans-shipped, or where a British sea-fishery officer has reasonable grounds for believing that any sea fish are about to be trans-shipped, within British fishery limits from any vessel while an order under section 6(1A) of this Act is in force, any such officer may request the master of the vessel to make and deliver to the officer a written declaration that the sea fish in question are not sea fish the trans-shipment of which is prohibited by the order.

Nothing in this subsection shall be taken to affect the operation of subsection (2A) above.”

- (6) In subsection (3) of section 7 for the words from “as the case may be” onwards there shall be substituted the words “the said sea fish shall—
- (a) where the notice or request was served or made under subsection (1) or (2) above, be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act; and
 - (b) where the notice or request was served or made under subsection (2A) or (2B) above, be presumed until the contrary is proved to be sea fish the trans-shipment of which is prohibited under that section.”
- (7) In subsection (4) of section 7 after the word “subsection (1)” there shall be inserted the words “ or (2A) ”.

Modifications etc. (not altering text)

C6 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.

Marginal Citations

M5 1967 c. 84.

24 Penalties for offences.

- (1) For section 11(1) to (3) of the ^{M6}Sea Fish (Conservation) Act 1967 (penalties for offences) there shall be substituted—

“(1) Any person found guilty of an offence under this Act shall be liable—

- (a) in the case of an offence under section 4(3), 4A(3), 5(1) or 6(5A) (a), on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine;
- (b) in the case of an offence under section 3, 4(6) or (9A), 4A(6) or 5(6), on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine;

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- (c) in the case of an offence under section 1, 2, 4(7) or (7A), 4A(7) or (8), 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, 4(3), (6) and (9A), 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 2, 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 4(3), (6) or (9A) or 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 section 4(3), (6) or (9A) or 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, 4(3), (6) or (9A), 4A(3) or (6), 5(1) or (6) or 6 of this Act shall, subject to subsection (5) 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.”
- (2) In section 5(4) of the ^{M7}Sea Fisheries Act 1968 (penalty for contravening order regulating fishing operations) after the words “on summary conviction to a fine not exceeding £1,000” there shall be inserted the words “ or on conviction on indictment to a fine ”.
- (3) In section 10(4) of that Act (penalty for obstructing officer etc.) for the words “on summary conviction” onwards there shall be substituted the words “ on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine. ”

Modifications etc. (not altering text)

C7 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.

Marginal Citations

M6 1967 c. 84.

Status: Point in time view as at 24/02/2011.

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

M7 1968 c. 77.

25 Enforcement of Act of 1967.

(1) In subsection (2) of section 15 of the ^{M8}Sea Fish (Conservation) Act 1967 (powers of British sea-fishery officers to seize fish and nets) for paragraphs (a) and (b) there shall be substituted—

- “(a) any fish in respect of which an offence has been committed under section 1(3) of this Act;
- (aa) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been or is being committed;
- (b) any fish in respect of which an offence has been or is being committed under section 4(3), (6) or (9A) or 5(1) or (6) of this Act where the fish are on the fishing boat with or on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat;”.

(2) After subsection (2) of that section there shall be inserted—

“(2A) Any such officer may—

- (a) enter at any reasonable time any premises (other than a dwelling-house) used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish;
 - (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, trans-shipment, sale or disposal of any sea fish;
 - (c) take copies of any such document;
- and, if he has reason to suspect that an offence under this Act has been committed, he may also—
- (d) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
 - (e) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2B) Any such officer may—

- (a) go on board any vessel into which sea fish are being trans-shipped or into which he has reason to believe that sea fish have been or are about to be trans-shipped;
- (b) require any person on the vessel to produce any documents which are in his custody or possession relating to sea fish which have been or are to be trans-shipped into that vessel;
- (c) for the purpose of ascertaining whether an offence has been committed under this Act search the vessel for any such document;
- (d) take copies of any such document;
- (e) inspect any sea fish on, and the equipment of, the vessel, and observe any trans-shipment of sea fish into, the vessel;

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- (f) require any person on the vessel to do anything which appears to the officer to be necessary for facilitating the exercise of his powers under paragraph (a), (c) or (e) above.
- (2C) Any person who—
- (a) without reasonable excuse fails to comply with any requirement imposed under subsection (2A) or (2B) above; or
- (b) assaults an officer who is exercising any of the powers conferred on him by either of those subsections or wilfully obstructs an officer in the exercise of any of those powers,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine.”
- (3) In subsection (1) of section 16 of the said Act of 1967 (officers entitled to enforce orders under sections 1 and 2) after paragraph (a) there shall be inserted—
- “(aa) any British sea-fishery officer”.
- (4) After subsection (1) of that section there shall be inserted—
- “(1A) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (1) above or wilfully obstructs an officer in the exercise of any of those powers shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.”
- (5) After subsection (2) of that section there shall be inserted—
- “(3) An 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 this section if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.”

Modifications etc. (not altering text)

C8 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.

Marginal Citations

M8 1967 c. 84.

26 British sea-fishery officers.

- (1) Section 7(1)(e) and (f) of the ^{M9}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

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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—

“(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—

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- (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)

C9 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.

Marginal Citations

M9 1968 c. 77.

27 Enforcement of provisions as to trans-shipment.

- (1) For the purpose of enforcing the provisions of an order under section 4A or 6(1A) of the ^{M10}Sea Fish Conservation Act 1967 or the conditions of any licence granted under section 4A of that Act, a British sea-fishery officer may exercise in relation to any vessel (whether British or foreign) within British fishery limits the powers conferred by the following provisions of this section.
- (2) He may go on board the vessel, with or without persons assigned to assist him in his duties, and for that purpose may require the vessel to stop and do anything else which will facilitate the boarding of the vessel.
- (3) He may require the attendance of the master and other persons on board the vessel and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (1) above.
- (4) Where it appears to him that a contravention of the order or a breach of a condition of the licence has at any time taken place he may—
 - (a) require the master of the vessel in relation to which the contravention took place to take, or may himself take, the vessel 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 vessel in the port;and if he detains or requires the detention of the vessel he shall serve on the master a notice in writing stating that the vessel 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.

Marginal Citations

M10 1967 c. 84.

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28 Offences by bodies corporate.

[^{F4} In section 12 of the ^{M11} Sea Fish (Conservation) Act 1967 (offences committed by bodies corporate) after “section 3”, there shall be inserted “ 4, 4A, 5 ” .]

Textual Amendments

F4 S. 28 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 s. 28 repealed (S.) (24.2.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), s. 168(1), [sch. 4 para. 11\(2\)\(c\)](#) (with s. 162); S.S.I. 2011/58, art. 2(b)

Modifications etc. (not altering text)

C10 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.

Marginal Citations

M11 1967 c. 84.

29 Jurisdiction.

For section 14 of the Sea Fish (Conservation) Act 1967 (jurisdiction to try offences) there shall be substituted—

Proceedings for an offence under section 1(3), 3, 4, 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.”

Modifications etc. (not altering text)

C11 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.

30 Enforcement of Community rules.

(1) The following provisions apply in relation to enforceable Community restrictions [^{F5} , and enforceable Community obligations,] relating to sea fishing except where, or to the extent that, other provision is made by an order under subsection (2) below—

(a) [^{F6}if any fishing boat within British fishery limits—

- (i) fishes in contravention of any such restriction, or
- (ii) fails to comply with any such obligation,

the master, the owner and the charterer (if any) are each guilty of an offence;]

[^{F8}(aa) if any English or Welsh fishing boat outside British fishery limits—

- (i) fishes in contravention of any such restriction, or
- (ii) fails to comply with any such obligation,

the master, the owner and the charterer (if any) are each guilty of an offence;]

[^{F8}(ab) if any person in England or Wales—

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- (i) fishes in contravention of any such restriction, or
(ii) fails to comply with any such obligation,
that person is guilty of an offence;]
- (b) sections 11, 12, 14 and 15(2) of the Sea Fish (Conservation) Act 1967 (penalties, jurisdiction and powers of seizure) apply to [^{F9}such offences][^{F9}offences under paragraph (a), (aa) or (ab) of this subsection] as they apply to offences under section 5(1) of that Act; and
- (c) section 8 of the ^{M12}Sea Fisheries Act 1968 (general powers of British sea fishery officers) has effect in relation to such restrictions [^{F10}and obligations] as it has effect in relation to the provisions mentioned in subsection (1) of that section.
- (2) The Ministers may by order make such provision as appears to them to be requisite for the enforcement of any enforceable Community restriction or other obligation relating to sea fishing; and any such order may in particular contain provisions which (with any necessary modifications) apply or correspond to any relevant provisions of the said Act of 1967 or the said Act of 1968.
- [^{F11}(2ZA) The provision that may be made by an order made under subsection (2) by the Secretary of State includes—
- (a) provision applying to English or Welsh fishing boats outside British fishery limits;
- (b) provision applying to persons of a specified description on board any fishing boat, other than a Scottish or Northern Ireland fishing boat, outside British fishery limits.
- In this subsection “ specified ” means specified in the order.]
- [^{F12}(2A) Proceedings for an offence under any order made under subsection (2) above may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.]
- [^{F13}(2B) Her Majesty may by Order in Council provide for subsection (1) or (2) above to apply, with or without modifications, to any fishing boat within subsection (2C) below that is outside British fishery limits as it applies to any English or Welsh fishing boat outside those limits.]
- [^{F13}(2C) A fishing boat is within this subsection if—
- (a) it is registered under the law of the Isle of Man or any of the Channel Islands; or
- (b) it is wholly owned by persons qualified for the purposes of the law relating to the registration of vessels in the Isle of Man or any of the Channel Islands to own fishing vessels which are entitled to be registered as such under that law.]
- (3) In this section—
- “enforceable Community restriction” and “enforceable Community obligation” mean a restriction or obligation to which section 2(1) of the ^{M13}European Communities Act 1972 applies;
- [^{F14}“English fishing boat” means—
- (a) a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in England as the port to which the boat is to be treated as belonging; or

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(b) a fishing boat which is wholly owned by persons qualified to own British ships for the purposes of that Part, other than—

- (i) a Welsh, Scottish or Northern Ireland fishing boat,
- (ii) a fishing boat within subsection (2C) above, or
- (iii) a fishing boat registered in any country or territory other than the United Kingdom, the Isle of Man or any of the Channel Islands;]

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

”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 sea fishing in Scotland, Wales and Northern Ireland.

[^{F14}“Northern Ireland fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the boat is to be treated as belonging;]

[^{F14}“Scottish fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of that Act and whose entry in the register specifies a port in Scotland as the port to which the boat is to be treated as belonging;]

[^{F14}“Welsh fishing boat” means a fishing boat which is registered in the United Kingdom under Part 2 of that Act and whose entry in the register specifies a port in Wales as the port to which the boat is to be treated as belonging.]

(4) Any order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F15}(5) This section has effect in relation to Scotland with the following modifications (and any other necessary modifications)—

- (a) in subsection (3), in the definition of ”the Ministers”, from ”Minister” to the end there is substituted ”Scottish Ministers”; and
- (b) in subsection [^{F16}(4)] for ”either House of” there is substituted ”the Scottish”.]

Textual Amendments

- F5** Words in s. 30(1) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(2)(a)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 24**
- F6** S. 30(1)(a) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(2)(b)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 24**
- F7** Words in s. 30(1)(a) inserted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), **ss. 33(b)**, 45(2) (with s. 39); S.S.I. 2007/333, art. 2(1)
- F8** S. 30(1)(aa)(ab) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(2)(c)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 24**
- F9** Words in s. 30(1)(b) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(2)(d)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 24**
- F10** Words in s. 30(1)(c) inserted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), **ss. 33(c)**, 45(2) (with s. 39); S.S.I. 2007/333, art. 2(1); same words inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(2)(e)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 24**

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- F11** S. 30(2ZA) inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(3)**, 324(1)(c), (d)
- F12** S. 30(2A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 68(5)(a)**; S.I. 1998/3178, **art. 3**
- F13** S. 30(2B)(2C) inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(4)**, 324(1)(c), (d)
- F14** Definitions in s. 30(3) inserted (E.W.S.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 293(5)**, 324(3); S.I. 2009/3345, art. 2, **Sch. para. 24**
- F15** S. 30(5) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 68(5)(b)**; S.I. 1998/3178, **art. 3**
- F16** Word in s. 30(5)(b) substituted (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), s. 45(2), **Sch. para. 4** (with s. 39); S.S.I. 2007/333, art. 2(1)

Modifications etc. (not altering text)

- C12** S. 30(2) certain functions made exercisable (28.3.2002) in or as regards N.I. for the purposes of 1998 c. 47, **ss. 6, 86** and transferred by S.I. 2002/790, art. 3(2), **Sch. 2 para. 3(1)**
- C13** S. 30(4) excluded (28.3.2002) by S.I. 2002/790, art. 3(2), **Sch. 2 para. 3(3)**

Marginal Citations

- M12** 1968 c. 77.
- M13** 1972 c. 63.

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