



# Fisheries Act 1981

## 1981 CHAPTER 29

### PART III

#### REGULATION OF SEA FISHING

#### 30 Enforcement of Community rules.

- (1) The following provisions apply in relation to enforceable Community restrictions<sup>[F1]</sup>, 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) <sup>[F2]</sup>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;]
  - <sup>[F4]</sup>(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;]
  - <sup>[F4]</sup>(ab) if any person in England or Wales—
    - (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 <sup>[F5]</sup>such offences<sup>[F5]</sup>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 <sup>M1</sup>Sea Fisheries Act 1968 (general powers of British sea fishery officers) has effect in relation to such restrictions <sup>[F6]</sup>and obligations] as it has effect in relation to the provisions mentioned in subsection (1) of that section.

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- (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.

[<sup>F7</sup>(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. ]

[<sup>F8</sup>(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.]

[<sup>F9</sup>(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.]

[<sup>F9</sup>(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 <sup>M2</sup>European Communities Act 1972 applies;

[<sup>F10</sup>“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
- (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;

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”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.

[<sup>F10</sup>“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;]

[<sup>F10</sup>“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;]

[<sup>F10</sup>“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.

[<sup>F11</sup>(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 [<sup>F12</sup>(4)] for ”either House of” there is substituted ”the Scottish”.]

#### Textual Amendments

- F1** 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**
- F2** 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**
- F3** 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)
- F4** 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**
- F5** 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**
- F6** 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**
- F7** 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)
- F8** 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**
- F9** 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)
- F10** 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**
- F11** 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**
- F12** 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)

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**Changes to legislation:** *There are currently no known outstanding effects for the Fisheries Act 1981, Section 30. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** 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)**
- C2** S. 30(4) excluded (28.3.2002) by S.I. 2002/790, art. 3(2), **Sch. 2 para. 3(3)**

**Marginal Citations**

- M1** 1968 c. 77.
- M2** 1972 c. 63.

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