



Sea Fisheries Act 1868

1868 CHAPTER 45 31 and 32 Vict

An Act to carry into effect a Convention between Her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea Fisheries. [13th July 1868]

Extent Information

E1 For extent see [s. 70](#).

Modifications etc. (not altering text)

C1 Act extended by [S.I. 1988/1926, reg. 32](#)

Commencement Information

I1 Act wholly in force at Royal Assent.

PART I

Preliminary

1 F1

Textual Amendments

F1 [S. 1](#) repealed by [Sea Fisheries Act 1968 \(c. 77\), Sch. 2 Pt. I](#)

2 **Short title.**

This Act may be cited as “The Sea Fisheries Act 1868.”

3, 4. F2

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1868 (repealed). (See end of Document for details)

Textual Amendments

F2 Ss. 3, 4, 6–21, 59, 61, Sch. 1 repealed by Fishery Limits Act 1964 (c. 72), **Sch. 2**

5 Interpretation of terms: “Sea-fish:” “Sea-fishing boat:” “British Islands:” “Court:”

In this Act—

The term “sea-fish” does not include salmon, as defined by any Act relating to salmon, but, save as aforesaid, includes every description both of fish and of shell fish which is found in the seas to which this Act applies; and “sea-fishing,” “sea-fisherman,” and other expressions referring to sea-fish, shall in this Act be construed to refer only to sea-fish as before defined:

The term “Sea-fishing boat” includes every vessel, of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman.

The term “British Islands” includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies . . . ^{F3}

..... ^{F4}

The term “court” includes any tribunal or magistrate exercising jurisdiction under this Act:

..... ^{F5}

Textual Amendments

F3 Words repealed by Sea Fisheries Act 1968 (c. 77), **Sch. 2 Pt. II**

F4 Definitions repealed by Fishery Limits Act 1964 (c. 72), **Sch. 2** and Sea Fisheries Act 1968 (c. 77), **Sch. 2 Pt. II**

F5 Definitions repealed by Sea Fisheries Act 1968 (c. 77), **Sch. 2 Pt. I**

Modifications etc. (not altering text)

C2 Reference to Ireland to be construed as exclusive of Republic of Ireland: S. R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

PART II

CONVENTION AND FISHERIES

6—21. ^{F6}

Textual Amendments

F6 Ss. 3, 4, 6–21, 59, 61, Sch. 1 repealed by Fishery Limits Act 1964 (c. 72), **Sch. 2**

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Registry of Sea Fishing Boats

22— ^{F7}
24.

Textual Amendments

F7 Ss. 22–24 repealed by [Merchant Shipping Act 1894 \(c. 60\)](#), [Sch. 22](#)

25 ^{F8}

Textual Amendments

F8 Ss. 25, 71, [Sch. 2](#) repealed by [Sea Fisheries Act 1883 \(c. 22\)](#), [Sch. 2 Pt. I](#)

[^{F9}**26** **Registered fishing boats and foreign fishing boats within British waters to have official papers.**

- (1) The master of every sea-fishing boat which is registered under Part II of the Merchant Shipping Act 1988 shall (whether his boat is within British waters or not) have on board the certificate of registration issued in pursuance of that Part of that Act.
- (2) The master of every foreign sea-fishing boat within British waters shall have on board official papers evidencing its nationality.
- (3) If any person, without reasonable excuse (the proof of which lies on him), contravenes subsection (1) or (2) of this section, he shall be liable on summary conviction to a fine not exceeding the second level on the standard scale; and where a fine is imposed under this subsection on the master of a foreign sea-fishing boat the court may 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 period is the shorter).
- (4) Section 8(4) of the Sea Fisheries Act ^{M1}1968 (power of British sea-fishery officer to take fishing boat to nearest port and detain it there) shall apply in relation to a contravention of subsection (1) or (2) of this section as it applies in relation to such a contravention as is mentioned in that provision.
- (5) In this section—
 - “British waters” means waters within the seaward limits of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man;
 - “foreign sea-fishing boat” means a sea-fishing boat which—
 - (a) is not registered in the United Kingdom, the Channel Islands or the Isle of Man, and
 - (b) is not excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988, and
 - (c) is not wholly owned by persons qualified to be owners of British ships for the purposes of Part I of the Merchant Shipping Act ^{M2}1894;
 - “master” includes, in relation to any sea-fishing boat, a person for the time being in command or charge of the boat.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1868 (repealed). (See end of Document for details)

Textual Amendments

F9 S. 26 substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 57(4), 58(4), Sch. 6, **Sch. 8 para. 1**

Marginal Citations

M1 1968 c.77 (52:1).
M2 1894 c.60 (111).

PART III

27— ^{F10}
56.

Textual Amendments

F10 Ss. 27–56, 68 repealed by Sea Fisheries (Shellfish) Act 1967 (c. 83), **Sch. 3**

PART IV

LEGAL PROCEEDINGS

57 Mode of recovering penalties.

All penalties, offences, and proceedings under this Act . . . ^{F11}, may be recovered, prosecuted, and taken in a summary manner, and—

In England, before any justice, and

In Scotland, before any court or judge acting under the [^{F12M3}Criminal Procedure (Scotland) Act 1975], and any Act amending the same, in manner directed by those Acts, and

In the Isle of Man, and the islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like penalties, offences, and proceedings are by law recovered, prosecuted, and taken, or as near thereto as circumstances admit.

Textual Amendments

F11 Words repealed by Criminal Law Act 1967 (c. 58), **Sch. 3 Pt. I**, Criminal Law Act (Northern Ireland) 1967 (c. 18), **Sch. 2 Pt. I** and Sea Fisheries Act 1968 (c. 77), **Sch. 2 Pt. II**
F12 Words substituted by virtue of Interpretation Act 1889 (c. 63), **s. 38(1)**

Marginal Citations

M3 1975 c. 21.

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58 Appeal.

If any person feels aggrieved by any conviction under this Act, or by any determination or adjudication of the court with respect to any compensation under this Act, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, he may appeal therefrom in manner following; (that is to say,)

..... F13

In Ireland, in manner directed by the ^{M4}Petty Sessions, Ireland Act 1851, and any Act amending the same:

In . . . ^{F13}, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, in manner in which appeals from the like convictions and determinations and adjudications are made.

Textual Amendments

F13 Words repealed by [Sea Fisheries \(Shellfish\) Act 1967 \(c. 83\)](#), [Sch. 3](#)

Modifications etc. (not altering text)

C3 Reference to Ireland to be construed as exclusive of Republic of Ireland: S. R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

C4 [S. 58](#) repealed (E.W.)(S.) by [Sea Fisheries \(Shellfish\) Act 1967 \(c. 83\)](#), [Sch. 3](#)

Marginal Citations

M4 [1851 c. 93](#).

59 F14

Textual Amendments

F14 [Ss. 3, 4, 6–21, 59, 61](#), [Sch. 1](#) repealed by [Fishery Limits Act 1964 \(c. 72\)](#), [Sch. 2](#)

60 Jurisdiction of courts.

For the purpose of giving jurisdiction to courts under this Act, the following provisions shall have effect:

- (1) A sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship:
- (2) The same court shall have power to exercise the jurisdiction conferred by this Act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject:

61 F15

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Textual Amendments

F15 Ss. 3, 4, 6–21, 59, 61, Sch. 1 repealed by Fishery Limits Act 1964 (c. 72), **Sch. 2**

62 Service to be good if made personally or on board ship.

Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

63 **F16**

Textual Amendments

F16 S. 63 repealed by Fishery Limits Act 1964 (c. 72), **Sch. 2** and Sea Fisheries Act 1968 (c. 77), **Sch. 2 Pt. II**

64 Application of penalties.

The court imposing any penalty or enforcing any forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, and to any direction given under any express provision in this Act, all penalties and forfeitures recovered under this Act shall be paid into the receipt of Her Majesty’s Exchequer in such manner as the Treasury may direct, and shall be carried to the Consolidated Fund.

Modifications etc. (not altering text)

C5 S. 64 amended by Northern Ireland Act 1962 (c. 30), s. 25(2), **Sch. 2**

65 Saving of rights as herein stated.

Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

..... **F17**

Textual Amendments

F17 Words repealed by Sea Fisheries Act 1968 (c. 77), **Sch. 2 Pt. II**

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PART V

MISCELLANEOUS

66, 67. ^{F18}

Textual Amendments

F18 Ss. 66, 67 repealed by Sea Fisheries Act 1968 (c. 77), Sch. 2 Pts. I, II

68 ^{F19}

Textual Amendments

F19 Ss. 27–56, 68 repealed by Sea Fisheries (Shellfish) Act 1967 (c. 83), Sch. 3

69 ^{F20}

Textual Amendments

F20 S. 69 repealed by Statute Law Repeals Act 1981 (c. 19), s. 1(1), Sch. 1 Pt. XII

70 **Application of Act.**

..... ^{F21} this Act shall apply to ^{F21} the British Islands as defined by this Act ^{F21}; and the Royal Courts of Guernsey and Jersey shall register this Act in their respective Courts.

..... ^{F22}

Textual Amendments

F21 Words repealed by Sea Fisheries Act 1968 (c. 77), Sch. 2 Pt. II

F22 S. 70 proviso repealed by Sea Fisheries Act 1968 (c. 77), Sch. 2 Pt. I

71 ^{F23}

Textual Amendments

F23 Ss. 25, 71, Sch. 2 repealed by Sea Fisheries Act 1883 (c. 22), Sch. 2 Pt. I

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F24F24 FIRST SCHEDULE

Textual Amendments

F24 Ss. 3, 4, 6–21, 59, 61, Sch. 1 repealed by Fishery Limits Act 1964 (c. 72), **Sch. 2**

F24

F25F25 SECOND SCHEDULE

Textual Amendments

F25 Ss. 25, 71, Sch. 2 repealed by Sea Fisheries Act 1883 (c. 22), **Sch. 2 Pt. I**

F25

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries Act 1868 (repealed).