



Sea Fish (Conservation) Act 1967

1967 CHAPTER 84

Regulation of fishing for sea fish

5 Power to restrict fishing for sea fish.

[^{F1}(1) Subject to the provisions of this section, the appropriate national authority may make an order—

- (a) prohibiting, in any area specified in the order and either for a period so specified or without limitation of time—
 - (i) all fishing for sea fish;
 - (ii) fishing for any description of sea fish specified in the order;
 - (iii) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified;
- (b) restricting, in any area specified in the order and either for a period so specified or without limitation of time, the amount of sea fish, or sea fish of a description specified in the order, that may, in any period so specified, be taken by—
 - (i) any person;
 - (ii) any fishing boat.

A person who contravenes any prohibition or restriction imposed by an order under this section shall be guilty of an offence under this subsection.

(1A) Where any fishing boat is used in contravention of any prohibition or restriction imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under subsection (1) above.

(1B) An order under this section which prohibits in any area—

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

may provide that any fishing gear, or any fishing gear of a description specified in the order, of any fishing boat in that area must be stowed in accordance with provision made by the order.

Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Section 5. (See end of Document for details)

- (1C) An order under this section restricting the amount of sea fish of any description that may be caught in a period specified in the order may provide that, for the purposes of paragraph (b) of subsection (1) above, any sea fish of that description that, after being caught in that period, is returned to the sea as soon as that amount is exceeded is not to be treated as having been caught in contravention of the restriction imposed by the order.]
- (2) Orders under this section may make different provision [^{F2}for different cases] .
- (5) Any prohibition [^{F3}or restriction] imposed by an order under this section may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.
- (6) Where an order under this section is made [^{F4}by virtue of paragraph (a) of subsection (1) above] in respect of a description of sea fish specified in the order, and, in the course of [^{F5}fishing] in an area so specified and at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) [^{F6}are caught by a person, or taken on board a fishing boat, in contravention of the prohibition] , those sea fish shall, subject to section 9 of this Act [^{F7}and except where the order otherwise provides], be returned to the sea forthwith.
- [^{F8}(6A) A person who does not comply with subsection (6) above shall be guilty of an offence under that subsection.]
- (7) Where subsection (6) 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.
- [^{F9}(8) The only provision that may be made by an order under this section in relation to an area outside British fishery limits, or an area within the Scottish zone or the Northern Ireland zone, is provision applying to—
- (a) a British fishing boat, other than a Scottish fishing boat or a Northern Ireland fishing boat, that is registered in the United Kingdom; or
 - (b) in so 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 1995.
- (9) In this section—
- “the appropriate national authority” means—
- (a) in relation to Wales [^{F10}or the Welsh zone] (within the meaning of the Government of Wales Act 2006), the Welsh Ministers;
 - (b) in any other case, the Secretary of State;
- “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;
- “Northern Ireland zone” has the meaning given by the Northern Ireland Act 1998 (see section 98 of that Act).]

Changes to legislation: There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Section 5. (See end of Document for details)

Textual Amendments

- F1** S. 5(1)-(1C) substituted for s. 5(1) (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. 198\(2\)](#), [324\(1\)\(c\)\(d\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F2** Words in s. 5(2) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 324\(3\)](#), [Sch. 15 para. 3\(2\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F3** Words in s. 5(5) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 324\(3\)](#), [Sch. 15 para. 3\(3\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F4** Words in s. 5(6) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 324\(3\)](#), [Sch. 15 para. 3\(4\)\(a\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F5** Word in s. 5(6) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 324\(3\)](#), [Sch. 15 para. 3\(4\)\(b\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F6** Words in s. 5(6) substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 324\(3\)](#), [Sch. 15 para. 3\(4\)\(c\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F7** Words inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 22\(2\)\(b\)](#)
- F8** S. 5(6A) inserted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 324\(3\)](#), [Sch. 15 para. 3\(5\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#); and 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\(a\)](#)
- F9** S. 5(8)(9) substituted for s. 5(8) (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. 198\(3\)](#), [324\(1\)\(c\)\(d\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 8](#)
- F10** Words in s. 5(9) inserted (31.3.2010) by [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\)](#), [arts. 1\(3\)](#), [4\(4\)](#) (with [art. 4\(5\)](#))

Modifications etc. (not altering text)

- C1** S. 5: 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\(1\)](#), [Sch. 1 para. 3\(1\)\(2\)\(h\)](#)
- C2** S. 5: functions made exercisable concurrently with Welsh Ministers (1.4.2018) by 2006 c. 32, [Sch. 3A para. 2](#) (as inserted by [Wales Act 2017 \(c. 4\)](#), [s. 71\(4\)](#), [Sch. 4 para. 2](#) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, [reg. 3\(p\)](#))
- C3** S. 5(1) amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 33\(1\)](#), [Sch. 4 Pt. I para. 16](#)
- C4** S. 5(6) amended by [Fisheries Act 1981 \(c. 29, SIF 52:1\)](#), [s. 33\(1\)](#), [Sch. 4 Pt. I para. 16](#)

Changes to legislation:

There are currently no known outstanding effects for the Sea Fish (Conservation) Act 1967, Section 5.