



# Sea Fisheries Act 1968

## 1968 CHAPTER 77

### *Regulation of sea fishing operations*

#### **13 Compensation for damage caused by offence.**

- <sup>F1</sup>(1) Where on convicting a person of an offence under section 5 or 10 of this Act it appears to a court in England and Wales or Northern Ireland that personal injury or damage to property has been caused by the offence, the court may by the conviction adjudge the person convicted to pay, in addition to any fine, a reasonable sum, not exceeding £400, as compensation for the injury or damage, and the sum when recovered shall be paid to the person who has suffered the injury or damage.]
- (2) Where a person is to be brought to trial before a sheriff in Scotland for an offence under section 5 or 10 of this Act or [<sup>F2</sup>section 12 of the Fisheries Act 2020]—
- (a) any person who considers that personal injury to him or damage to his property has been caused by the offence may, at any time before the commencement of the trial, give notice in writing to the accused person and the sheriff clerk that at the trial of the offence the sheriff shall be called upon to make an award of compensation in respect of that injury or damage;
  - (b) if notice has been given as aforesaid and the accused is convicted of the offence the sheriff shall thereupon dispose of the question of compensation, but shall not order payment of a sum by way of compensation exceeding [<sup>F3</sup>level 5 on the standard scale]
  - (c) any evidence led at the trial shall be admissible as evidence in the disposal of the question of compensation, and if the compensation claimed is in respect of damage to property and a report of a British sea-fishery officer relating to the damage is produced as evidence, that report shall, unless the sheriff considers that it is necessary in the interests of justice to allow additional evidence, be sufficient evidence for the disposal of the question of compensation; and
  - (d) in disposing of the question of compensation the sheriff may, subject to paragraph (b) above, give decree as in any ordinary action brought before him.
- (3) Section 12 of this Act shall apply in relation to compensation [<sup>F4</sup>adjudged or] ordered to be paid under this section by the master, owner, or charterer or a member of the

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*Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 13. (See end of Document for details)*

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crew of a fishing boat as it applies in relation to a fine imposed by a [<sup>F4</sup>magistrates' court or] sheriff on such a person.

- (4) The provisions of this section shall not be taken to derogate from any right of a person who has suffered personal injury or damage to property in consequence of an offence under section 5 or 10 of this Act or [<sup>F5</sup>section 12 of the Fisheries Act 2020] to recover damages in respect of the injury or damage in civil proceedings.

#### Textual Amendments

- F1** S. 13(1) repealed (E.W.)(S.) by [Fishery Limits Act 1976 \(c. 68\)](#), [Sch. 4](#)
- F2** Words in s. 13(2) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 2\(4\)](#) (with [Sch. 4 para. 31](#))
- F3** Words in s. 13(2) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), [Sch. 4 paras. 7, 99](#) (with [Sch. 3 para. 6](#))
- F4** Words repealed (E.W.)(S.) by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 4](#)
- F5** Words in s. 13(4) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 2\(4\)](#) (with [Sch. 4 para. 31](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 13.