



Sea Fisheries Act 1968

1968 CHAPTER 77

Regulation of sea fishing operations

5 Regulation of conduct of fishing operations. E+W

- (1) The Ministers may, [^{F1}whenever it appears to them necessary or expedient], by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.
- (2) The provisions of any order under subsection (1) above shall, except as provided by the order, apply—
 - (a) to all [^{F2}relevant] British fishing boats, and things done by such boats and their crews, [^{F3}wherever they may be], and
 - ^{F4}[(b) to all Scottish or foreign fishing boats, and things done by such boats and their crews, in waters within relevant British fishery limits]
- (3) The Ministers may by order make such provision as is mentioned in subsection (1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, enter [^{F5}relevant][^{F6}British fishery limits] for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.
- (4) Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction [^{F7}to [^{F8}the statutory amount]][^{F9}or on conviction on indictment to a fine].
- (5) The provisions of any order under this section shall be taken to be in addition to and not to derogate from the provisions of any other enactment or any instrument made under any other enactment.
- ^{F10}(6) This section has effect in relation to Scotland with the following modifications—

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S+N.I. - Scotland and Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 5. (See end of Document for details)

- (a) in subsection (2)(a), for “relevant British fishing boats” there is substituted “Scottish fishing boats”;
- (b) in subsection (2)(b)–
 - (i) for “Scottish” there is substituted “relevant British”; and
 - (ii) for “relevant British fishery limits” there is substituted “the Scottish zone”; and
- (c) in subsection (3) for “relevant British fishery limits” there is substituted “the Scottish zone”.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only.

Textual Amendments

- F1** Words substituted by [Fishery Limits Act 1976 \(c. 86\), s. 4\(1\)](#)
- F2** Word in s. 5(2)(a) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 48\(2\)\(a\)\(i\)](#); S.I. 1998/3178, [art. 3](#)
- F3** Words substituted by [Fishery Limits Act 1976 \(c. 86\), s. 4\(2\)](#)
- F4** S. 5(2)(b) substituted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 48\(2\)\(a\)\(ii\)](#); S.I. 1998/3178, [art. 3](#)
- F5** Word in s. 5(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 48\(2\)\(b\)](#); S.I. 1998/3178, [art. 3](#)
- F6** Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 2 para. 17\(1\)](#)
- F7** Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 1 para. 3\(1\)](#)
- F8** Words in s. 5(4) substituted (E.W.) (1.10.1992) by virtue of [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 17\(3\), Sch. 4, Pt. III](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- F9** Words inserted by [Fisheries Act 1981 \(c. 29, SIF 52:1\), s. 24\(2\)](#)
- F10** S. 5(6) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 48\(2\)\(c\)](#); S.I. 1998/3178, [art. 3](#)

Modifications etc. (not altering text)

- C1** Functions exercisable jointly by Ministers under s. 5 now exercisable by Ministers and Secretary of State for Wales jointly: [S.I. 1978/272, art. 2\(3\), Sch. 1](#)
- C2** S. 5: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, ss. 6, 86 and transferred by [The Sea Fisheries \(Northern Ireland\) Order 2002 \(S.I. 2002/790\), art. 3\(3\), Sch. 3 paras. 2, 3](#)
- C3** S. 5 functions made exercisable concurrently (31.3.2010) by [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010 \(S.I. 2010/760\), arts. 1\(3\), 5\(1\)\(c\)](#)
- C4** S. 5 transfer of functions (5.12.2012) by [The Transfer of Functions \(Sea Fisheries\) Order 2012 \(S.I. 2012/2747\), arts. 1\(2\), 3\(1\)\(b\) \(with art. 5\)](#)
- C5** S. 5(1) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 4 para. 1 \(with Sch. 7 paras. 1, 6\); S.I. 2017/1179, reg. 3\(p\)](#))
- C6** S. 5(1) functions made exercisable concurrently with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 2 (as inserted (1.4.2018) 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\(p\)](#))
- C7** S. 5(2)(a) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 4 para. 1 \(with Sch. 7 paras. 1, 6\); S.I. 2017/1179, reg. 3\(p\)](#))

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C8 S. 5(2)(a) functions made exercisable concurrently with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 2 (as inserted (1.4.2018) 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\(p\)](#))

5 Regulation of conduct of fishing operations. **S+N.I.**

- (1) The Ministers may, [^{F11}whenever it appears to them necessary or expedient], by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.
- (2) The provisions of any order under subsection (1) above shall, except as provided by the order, apply—
 - (a) to all [^{F12}relevant] British fishing boats, and things done by such boats and their crews, [^{F13}wherever they may be], and
 - ^{F14}[(b) to all Scottish or foreign fishing boats, and things done by such boats and their crews, in waters within relevant British fishery limits]
- (3) The Ministers may by order make such provision as is mentioned in subsection (1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, enter [^{F15}relevant][^{F16}British fishery limits] for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.
- (4) Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction [^{F17}to a fine not exceeding £1,000][^{F18}or on conviction on indictment to a fine].
- (5) The provisions of any order under this section shall be taken to be in addition to and not to derogate from the provisions of any other enactment or any instrument made under any other enactment.
- ^{F19}(6) This section has effect in relation to Scotland with the following modifications—
 - (a) in subsection (2)(a), for “relevant British fishing boats” there is substituted “Scottish fishing boats”;
 - (b) in subsection (2)(b)—
 - (i) for “Scottish” there is substituted “relevant British”; and
 - (ii) for “relevant British fishery limits” there is substituted “the Scottish zone”; and
 - (c) in subsection (3) for “relevant British fishery limits” there is substituted “the Scottish zone”.]

Extent Information

E2 This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

Textual Amendments

F11 Words substituted by [Fishery Limits Act 1976 \(c. 86\), s. 4\(1\)](#)

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- F12** Word in s. 5(2)(a) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(2)(a)(i)**; S.I. 1998/3178, **art. 3**
- F13** Words substituted by Fishery Limits Act 1976 (c. 86), **s. 4(2)**
- F14** S. 5(1)(b) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(2)(ii)**; S.I. 1998/3178, **art. 3**
- F15** Word in s. 5(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(2)(b)**; S.I. 1998/3178, **art. 3**
- F16** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 2 para. 17(1)**
- F17** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 1 para. 3(1)**
- F18** Words inserted by Fisheries Act 1981 (c. 29, SIF 52:1), **s. 24(2)**
- F19** S. 5(6) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(2)(c)**; S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

- C9** Functions exercisable jointly by Ministers under s. 5 now exercisable by Ministers and Secretary of State for Wales jointly: S.I. 1978/272, art. 2(3), **Sch. 1**
- C10** S. 5: certain functions made exercisable in or as regards N.I. for the purposes of 1998 c. 47, ss. 6, 86 and transferred by The Sea Fisheries (Northern Ireland) Order 2002 (S.I. 2002/790), art. 3(3), Sch. 3 paras. 2, 3

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
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Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 5.