



Fisheries Act 1981

1981 CHAPTER 29

PART III

REGULATION OF SEA FISHING

25 Enforcement of Act of 1967.

(1) In subsection (2) of section 15 of the ^{M1}Sea Fish (Conservation) Act 1967 (powers of British sea-fishery officers to seize fish and nets) for paragraphs (a) and (b) there shall be substituted—

- “(a) any fish in respect of which an offence has been committed under section 1(3) of this Act;
- (aa) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been or is being committed;
- (b) any fish in respect of which an offence has been or is being committed under section 4(3), (6) or (9A) or 5(1) or (6) of this Act where the fish are on the fishing boat with or on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat;”.

(2) After subsection (2) of that section there shall be inserted—

“(2A) Any such officer may—

- (a) enter at any reasonable time any premises (other than a dwelling-house) used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish;
- (b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, trans-shipment, sale or disposal of any sea fish;
- (c) take copies of any such document;

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 1981, Section 25. (See end of Document for details)

and, if he has reason to suspect that an offence under this Act has been committed, he may also—

- (d) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;
- (e) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

(2B) Any such officer may—

- (a) go on board any vessel into which sea fish are being trans-shipped or into which he has reason to believe that sea fish have been or are about to be trans-shipped;
- (b) require any person on the vessel to produce any documents which are in his custody or possession relating to sea fish which have been or are to be trans-shipped into that vessel;
- (c) for the purpose of ascertaining whether an offence has been committed under this Act search the vessel for any such document;
- (d) take copies of any such document;
- (e) inspect any sea fish on, and the equipment of, the vessel, and observe any trans-shipment of sea fish into, the vessel;
- (f) require any person on the vessel to do anything which appears to the officer to be necessary for facilitating the exercise of his powers under paragraph (a), (c) or (e) above.

(2C) Any person who—

- (a) without reasonable excuse fails to comply with any requirement imposed under subsection (2A) or (2B) above; or
- (b) assaults an officer who is exercising any of the powers conferred on him by either of those subsections or wilfully obstructs an officer in the exercise of any of those powers,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine.”

- (3) In subsection (1) of section 16 of the said Act of 1967 (officers entitled to enforce orders under sections 1 and 2) after paragraph (a) there shall be inserted—

“(aa) any British sea-fishery officer”.

- (4) After subsection (1) of that section there shall be inserted—

“(1A) Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (1) above or wilfully obstructs an officer in the exercise of any of those powers shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.”

- (5) After subsection (2) of that section there shall be inserted—

“(3) An officer shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him by this section if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.”

Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 1981, Section 25. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Pts. 2-4 functions transferred (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [s. 53\(2\)\(c\)\(3\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(1\)](#)
- C2** The text of s. 3(6), 19–26, 28, 29, 35(2)–(7), 36(2), 37–39, 45, 46(2), Sch. 1 para. 10, Sch. 3 para. 8(2) (3), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1967 c. 84](#).

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