



# British Fishing Boats Act 1983

## 1983 CHAPTER 8

An Act to prohibit the fishing for and trans-shipment of sea fish by or from British fishing boats, in areas specified by order made by the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland, unless those boats satisfy conditions prescribed by an order of those Ministers with respect to the nationality of members of the crew; and to prohibit the landing of sea fish in the United Kingdom from British fishing boats that do not satisfy conditions so prescribed. [28th March 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Restrictions on fishing, etc., by British fishing boats**

- (1) The operations mentioned in subsection (2) below may not be carried out by or from a British fishing boat unless the boat is qualified in accordance with an order made by the Ministers under this subsection for use in carrying out operations of that description.
- (2) Those operations are—
  - (a) fishing for sea fish in any area for the time being specified in an order made by the Ministers ;
  - (b) the trans-shipment of sea fish in any such area; and
  - (c) the landing of sea fish in the United Kingdom.

References below in this Act to a restricted fishing area are references to any area for the time being specified in an order made by the Ministers under this subsection.

- (3) An order under subsection (1) above prescribing qualifications for British fishing boats for use in carrying out any such operations may prescribe conditions for qualification with respect to the nationality of members of the crew of a fishing boat, or of any proportion of those members specified in the order.

- (4) The conditions so prescribed shall be such as appear to the Ministers to be necessary or expedient for the protection of the British sea fishing industry ; but any such conditions shall not discriminate between British citizens and persons who are nationals of any other member State.
- (5) Where a British fishing boat is not for the time being qualified under this section for use in carrying out operations of any description mentioned in subsection (2)(a) or (b) above in a restricted fishing area, its fishing gear shall be stowed in accordance with an order made by the Ministers at any time when it is within such an area.
- (6) If this section is contravened in the case of any fishing boat the master, the owner and the charterer (if any) of the boat shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.
- (7) The court by or before which a person is convicted of an offence under subsection (6) above may order the forfeiture of any fish or fishing gear found in the boat in relation to which the offence was committed or taken or used by any person from the boat; and, in Scotland, any fish or fishing gear forfeited under this subsection may be destroyed or disposed of as the court may direct.
- (8) Any power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **2 Powers of British sea-fishery officers in relation to British fishing boats in restricted fishing areas**

- (1) The powers conferred by the following provisions of this section are exercisable by British sea-fishery officers, in relation to any British fishing boat within a restricted fishing area, for the purpose of enforcing the provisions of section 1 of this Act.
- (2) Any such officer may go on board any such boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.
- (3) Any such officer may require the attendance of the master and other persons on board any boat he has boarded under subsection (2) above and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the provisions of section 1 of this Act.
- (4) Without prejudice to the generality of subsection (3) above, any such officer—
  - (a) may require any person on board any such boat to produce any document he has with him on board that is or may be relevant for determining his nationality and any document relating to the boat, to its fishing operations or other operations ancillary to its fishing operations or to persons on board which is in his custody or possession, and may take copies of any such document;
  - (b) for the purpose of ascertaining whether an offence under section 1 of this Act has been committed in relation to any such boat, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search ; and
  - (c) if he has reason to suspect that any such offence has been committed in relation to any such boat, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in paragraph (c) above shall permit any document required by law to be carried on board the boat to be seized except while the boat is detained in a port.

- (5) Where it appears to any such officer that an offence under section 1 of this Act has been committed in relation to any fishing boat, he may—
- (a) require the master of the boat to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
  - (b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

### **3 Powers of entry of British sea-fishery officers in relation to premises on land**

- (1) Subject to the following provisions of this section, if—
- (a) in England, Wales or Northern Ireland, a justice of the peace; or
  - (b) in Scotland, the sheriff or a justice of the peace ;
- is satisfied by information on oath that there is reasonable ground for suspecting that an offence under section 1 of this Act has been committed in relation to any fishing boat, and that any document relevant for determining whether such an offence has been committed in relation to that boat may be found on any premises specified in the information, he may grant a search warrant for the purposes of this section.
- (2) The premises specified in any information laid for the purposes of subsection (1) above must be premises (other than a dwelling-house) used for carrying on a business in connection with the operation of fishing boats or activities connected with or ancillary to the operation of fishing boats.
- (3) For the purposes of this section, a document shall be regarded as relevant for determining whether an offence under section 1 of this Act has been committed in relation to a fishing boat if it relates—
- (a) to that boat, to its fishing operations or to other operations ancillary to its fishing operations; or
  - (b) to the nationality of members of the crew of that boat.
- (4) A warrant granted under subsection (1) above shall authorise any British sea-fishery officer named in the warrant, with or without any constables, to enter the premises specified in the information and to search the premises for any document relevant for determining whether the suspected offence has been committed.
- (5) Any such officer may require any person on any premises he has entered in pursuance of any such warrant to produce any document relevant for determining whether the suspected offence has been committed which is in his custody or possession, and may take copies of any such document.
- (6) Any such officer may require any such person to do anything which appears to him to be necessary for facilitating any search carried out by him in pursuance of the warrant.
- (7) Any such officer may seize and detain any document relevant for determining whether the suspected offence has been committed which is produced to him or found in the course of any such search, for the purpose of enabling the document to be used as evidence in proceedings for the offence.

- (8) A warrant granted under subsection (1) above shall remain in force for a period of one month.

#### **4 Supplementary provisions with respect to powers of British sea-fishery officers**

- (1) Any person who—
- (a) without reasonable excuse fails to comply with any requirement imposed by a British sea-fishery officer under section 2 or 3 of this Act;
  - (b) prevents, or attempts to prevent, any other person from complying with any such requirement; or
  - (c) assaults any such officer while exercising any of the powers conferred on him under section 2 or 3 of this Act or wilfully obstructs any such officer in the exercise of any of those powers ;

shall be liable on summary conviction to a fine not exceeding £5,000 or on conviction on indictment to a fine.

- (2) A British sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in purported exercise of the powers conferred on him by section 2 or 3 of this Act if the court is satisfied that the act was done in good faith and with reasonable skill and care and that there were reasonable grounds for doing it.

#### **5 Recovery of fines**

- (1) Where a fine is imposed by a magistrates' court in England and Wales or Northern Ireland on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under section 1 or 4 of this Act, the court may—
- (a) issue a warrant of distress against the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine ; and
  - (b) 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 or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.
- (2) Where a fine is imposed by a sheriff in Scotland on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the sheriff of an offence under section 1 or 4 of this Act, the sheriff may—
- (a) issue a warrant for the poinding and sale of the boat and its gear and catch and any property of the person convicted ; and
  - (b) 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 occurs first.
- (3) Sections 77(1) and 78 of the Magistrates' Courts Act 1980 (postponement of issue of, and defects in, warrants of distress) shall apply to a warrant of distress issued under this section in England and Wales as they apply to a warrant of distress issued under Part III of that Act.
- (4) Article 114(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (postponement of issue of certain warrants) shall apply to a warrant of distress issued under this section in Northern Ireland as it applies to a warrant referred to in that paragraph.

## **6 Offences committed by bodies corporate**

Where any offence under section 1 or 4 of this Act committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

## **7 Jurisdiction to try offences**

Proceedings for an offence under section 1 or 4 of this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

## **8 Administrative expenses**

Any administrative expenses incurred by the Ministers by virtue of this Act shall be met out of money provided by Parliament.

## **9 Interpretation**

In this Act—

" British fishing boat" means a fishing boat which is registered in the United Kingdom, exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894 or owned wholly by a person who is (within the meaning of that Act) a person qualified to own a British ship ;

" British sea-fishery officer" means any person who by virtue of section 7 of the Sea Fisheries Act 1968 is a British sea-fishery officer;

" fishing boat" means any vessel for the time being employed in fishing operations or any operations ancillary to fishing operations;

"master" includes, in relation to any fishing boat, the person for the time being in command or charge of the boat;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland, Wales and Northern Ireland ; and

" sea fish " includes shellfish, salmon and migratory trout, and " sea fishing industry " has a corresponding meaning;

and references to a restricted fishing area shall be read in accordance with section 1(2) of this Act.

## **10 Isle of Man and Channel Islands**

Her Majesty may by Order in Council direct that, subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order, sections 1 to 7, 9 and 11(2) of this Act shall extend to the Isle of Man or any of the Channel Islands.

## **11 Short title and consequential amendment**

(1) This Act may be cited as the British Fishing Boats Act 1983.

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*Status: This is the original version (as it was originally enacted).*

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- (2) In section 374 of the Merchant Shipping Act 1894 (fishing boat register to be conclusive evidence for purposes of certain proceedings), after the words " Sea Fisheries Act 1968 " there shall be inserted the words " or under the British Fishing Boats Act 1983 " .