



Sea Fisheries Act 1968

1968 CHAPTER 77

Regulation of sea fishing operations

7 Sea-fishery officers.

(1) The following persons shall be British sea-fishery officers for the purposes of the Sea Fisheries Acts, that is to say—

- (a) officers of the sea-fishery inspectorates of each of the appropriate Ministers other than assistant fishery officers;
- (b) commissioned officers of any of Her Majesty's ships;
- (c) persons in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;

[^{F1}(ca) persons appointed as marine enforcement officers under section 235 of the Marine and Coastal Access Act 2009;]

(d) officers of the fishery protection service ^{F2}... [^{F3}of the Scottish Ministers] holding the rank of commander, first officer or second officer;

(e) ^{F4}

(g) other persons appointed as British sea-fishery officers by one of the appropriate Ministers.

[^{F5}(1A) A person falling within paragraph (b), (c) or (ca) of subsection (1) above may not exercise the powers or perform the duties of a British sea-fishery officer in any case where the person may, in the person's capacity as a marine enforcement officer, exercise the common enforcement powers conferred by the Marine and Coastal Access Act 2009 (see Chapter 1 of Part 8 of that Act).]

(2) The appropriate Minister may appoint any person to exercise and perform the powers and duties of a British sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and for the purposes of the Sea Fisheries Act a person so appointed shall be a British sea-fishery officer within those limitations, but not otherwise.

(3) An appointment made under subsection (2) above may be limited in any one or more of the following ways, that is to say—

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 7. (See end of Document for details)

- (a) to particular matters;
 - (b) to a particular area;
 - (c) to a particular order or class of orders.
- (4) In this Act, “foreign sea-fishery officer”, in relation to any convention with respect to the conduct or safeguarding of fishing operations or operations ancillary thereto to which Her Majesty’s Government in the United Kingdom is a party, means a person of any class specified in an order made by the Ministers, being a person appointed by the government of any other country which is a party to the convention to enforce its provisions or any other person having power under the laws of that other country to enforce those provisions.
- (5) In this section “the appropriate Minister” means—
- ^{F6}(a)
 - (b) in relation to Scotland, the [^{F7}Scottish Ministers]; and
 - (c) in relation to Northern Ireland, the [^{F8}Department] of Agriculture for Northern Ireland.

Textual Amendments

- F1** S. 7(1)(ca) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 239(2)(a), 324(3) (with s. 295); S.I. 2009/3345, art. 2, Sch. para. 18
- F2** Words in s. 7(1)(d) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 239(2)(b), 324(3), Sch. 22 Pt. 6 (with s. 295); S.I. 2009/3345, art. 2, Sch. para. 18
- F3** Words in s. 7(1)(d) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 48(3)(a); S.I. 1998/3178, art. 3
- F4** S. 7(1)(e)(f) repealed by Fisheries Act 1981 (c. 29, SIF 52:1), s. 46, Sch. 5 Pt. II
- F5** S. 7(1A) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 239(3), 324(3) (with s. 295); S.I. 2009/3345, art. 2, Sch. para. 18
- F6** S. 7(5)(a) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 239(4), 324(3), Sch. 22 Pts. 6 (with s. 295); S.I. 2009/3345, art. 2, Sch. para. 18
- F7** Words in s. 7(5)(b) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 48(3)(b); S.I. 1998/3178, art. 3
- F8** Word substituted by virtue of Northern Ireland Constitution Act 1973 (c. 36), Sch. 5 para. 8(1)

Modifications etc. (not altering text)

- C1** Functions exercisable jointly by Ministers under s. 7 now exercisable by Ministers and Secretary of State for Wales jointly: S.I. 1978/272, art. 2(3), Sch. 1
- C2** Certain functions of Minister of Agriculture, Fisheries and Food under s. 7 now exercisable (W.) by Secretary of State, or by Minister and Secretary of State jointly: S.I. 1978/272, art. 2(1)(4), Sch. 1
- C3** S. 7(1)(g) 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))
- C4** S. 7(2) 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))

Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 7.