



# Sea Fisheries Act 1968

## 1968 CHAPTER 77

### *Supplemental*

#### 18 Orders.

- (1) Any power conferred on the Ministers by this Act to make an order shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order made by the Ministers under any provision of this Act, . . . <sup>F1</sup> shall be laid before Parliament [<sup>F2</sup>or, in the case of an order in relation to Scotland, the Scottish Parliament].
- (3) Any power conferred by this Act on the Ministers to make an order includes power to vary or revoke the order by a subsequent order.

#### **Textual Amendments**

- F1** Words repealed by [Sea Fish Industry Act 1970 \(c. 11\)](#), [Sch. 6 Pt. I](#)
- F2** Words in [s. 18\(2\)](#) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 48(4); [S.I. 1998/3178](#)

#### **Modifications etc. (not altering text)**

- C1** [S. 18\(1\)\(2\)](#) excluded (28.3.2002) by [The Sea Fisheries \(Northern Ireland\) Order 2002 \(S.I. 2002/790\)](#), art. 3(3), [Sch. 3](#) {para.3(3)}
- C2** [S. 18\(1\)\(2\)](#) excluded (28.3.2002) by [The Sea Fisheries \(Northern Ireland\) Order 2002 \(S.I. 2002/790\)](#), art. 3(3), [Sch. 3](#) {para.3(3)}

#### 19 Interpretation.

- (1) In this Act, except so far as the context otherwise requires,—
  - [<sup>F3</sup>“British fishing boat” means a fishing boat which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 or is wholly British-owned;]
  - “convention” includes an agreement or other arrangement;

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“convention area” means, in relation to any international convention, the area to which the convention relates;

“enactment” includes an enactment of the Parliament of Northern Ireland;

“fish” includes shellfish, and cognate expressions shall be construed accordingly;

“fishing boat” means any vessel for the time being employed in fishing operations or any operations ancillary thereto;

[<sup>F4</sup>“foreign fishing boat” means any fishing boat other than a [<sup>F5</sup>relevant] British fishing boat [or a Scottish fishing boat;]]

“foreign sea-fishery officer” has the meaning assigned to it by section 7 of this Act;

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

“the Ministers” means [<sup>F6</sup>, in relation to England, Wales and Northern Ireland;] the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland [<sup>F6</sup>and, in relation to Scotland, the Scottish Ministers];

[<sup>F7</sup>“relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat]

[<sup>F7</sup>“relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone]

[<sup>F7</sup>“Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging]

[<sup>F7</sup>“the Scottish zone” has the same meaning as in the Scotland Act 1998]

<sup>F8</sup>

“Sea Fisheries Acts” means any enactments for the time being in force relating to sea-fishing, [<sup>F9</sup>including any Act of the Scottish Parliament and any subordinate legislation made under such an Act, and] including any enactment relating to fishing for shellfish, salmon or migratory trout.

[<sup>F4</sup>“wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of Part II of the Merchant Shipping Act 1995;]

(2) ..... <sup>F10</sup>

(3) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied by or under any other enactment, including this Act.

#### Textual Amendments

- F3** Definition in s. 19(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 43(c)(i)** (with s. 312(2))
- F4** Definitions in s. 19(1) inserted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 43(c)(ii)** (with s. 312(1))
- F5** Words in s. 19(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(5)(b)**; S.I. 1998/3178, **art. 3**
- F6** Words in s. 19(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(5)(c)**; S.I. 1998/3178, **art. 3**

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- F7** Definitions in s. 19(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(5)(a)**; S.I. 1998/3178, **art. 3**
- F8** Definitions repealed by Sea Fish Industry Act 1970 (c. 11), **Sch. 6 Pt. I** and Fishery Limits Act 1976 (c. 86), **Sch. 4**
- F9** Words in s. 19(1) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 48(5)(d)**; S.I. 1998/3178, **art. 3**
- F10** S. 19(2) repealed by Fishery Limits Act 1976 (c. 86), **Sch. 4**

**Modifications etc. (not altering text)**

- C3** Reference to enactment of Parliament of Northern Ireland to be construed as including reference to Measure of Northern Ireland Assembly: Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 1(1)**

**20** ..... <sup>F11</sup>

**Textual Amendments**

- F11** S. 20 repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

**21 Isle of Man and Channel Islands.**

- (1) Her Majesty may by Order in Council direct that all or any of the provisions of sections 5 to 14, 16, 17, 19, 22 and 23 of this Act and of Part II of Schedule 1 and Part II of Schedule 2 thereto—
  - (a) shall extend, with such exceptions, adaptations and modifications if any, as may be specified in the Order to the Isle of Man or any of the Channel Islands; and
  - (b) shall apply, with such exceptions, adaptations and modifications as aforesaid, in relation to British fishing boats registered in the Isle of Man or any of the Channel Islands as they apply in relation to British fishing boats registered in the United Kingdom.
- (2) An Order in Council under this section may be varied or revoked by a subsequent Order thereunder.

**22 Minor and consequential amendments and repeals, and savings.**

- <sup>X1</sup>(1) The enactments specified in Schedule 1 of this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this act.
- <sup>X1</sup>(2) The enactments specified in Schedule 2 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) <sup>F12</sup>
- (5) The amendment by Schedule 1 to this Act of section 15 of the <sup>M1</sup>Sea Fish (Conservation) Act 1967 shall not affect any order made under that section, but any such order which is in force immediately before the coming into force of the amendment shall have effect as if made under that subsection as so amended.

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F13(6) .....

#### **Editorial Information**

**X1** The text of ss. 15(2)(7), 22(1)(2), Sch. 1 Pt. II paras. 24, 26–31, 34, 36–39, Sch. 2 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

#### **Textual Amendments**

**F12** S. 22(3)(4) repealed by [Sea Fish Industry Act 1970 \(c. 11\)](#), **Sch. 6 Pt. I**

**F13** S. 22(6) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), **Sch. 1 Pt. X Group 2**

#### **Marginal Citations**

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

### **23 Short title and commencement.**

- (1) This Act may be cited as the Sea Fisheries Act 1968.
- (2) Sections 5 to 14 of this Act and Part II of Schedule 1 and Part II of Schedule 2 thereto shall come into force on such day as the Ministers may by order appoint, and different days may be so appointed for different purposes of those provisions.
- (3) Any order under this section may make such transitional provision as appears to the Ministers to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

#### **Subordinate Legislation Made**

**P1** Power of appointment conferred by s. 23(2) partly exercised: [S.I. 1969/1551](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Sea Fisheries Act 1968, Cross Heading: Supplemental.