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Sea Fisheries Decree
No 71 of 1992
Laws of the Federation of Nigeria

30th day of November 1992

The Federal Military Government hereby decrees as follows:

Licensing of motor fishing boats

1. (1) subject to the provisions of this section no person shall operate or navigate any motor fishing boat for the purpose of fishing or a reefer vessel for the purpose of discharging frozen fish within the territorial waters of Nigeria or its exclusive economic zone, unless that boat or reefer vessel has been duly registered and licensed.
- (2) Any person operating or navigating or causing to be operated or navigated a motor fishing boat or a reefer vessel in contravention of subsection (d) of this section shall be guilty of an offence under this Decree and on conviction shall be liable to imprisonment for five years or to a fine of \$250,000, or both such fine and imprisonment and in addition forfeiture of the motor fishing boat and the fish or shrimp catch onboard
- (3) The provisions of this section shall not apply to any motor fishing boat or a reefer vessel entering the territorial waters of Nigeria not for fishing or disposal the disposal of fish, but solely for re-fuelling at any port or for shelter or solely because the motor fishing boat or reefer vessel is in distress or there is any other emergency.
2. Every unlicensed motor fishing boat in transit or enjoying the right of innocent passage within Nigeria's territorial waters or its exclusive economic zone shall have its -
 - (a) fishing gear stowed wholly inboard;
 - (b) nets and trawl boards disconnected from towing warps or hauling ropes; and
 - (c) fishing gear above deck firmly secured to the vessel's superstructure as it is customary when steaming to and from the fishing ground.
3. (1) Any person, being the owner of a motor fishing boat may apply to a licencing officer for a licence in respect of the motor fishing boat to -
 - (a) trawl for fish or shrimp in Nigeria's territorial waters or Nigeria's exclusive economic zone; or
 - (b) navigate for the purpose of discharging imported frozen fish in any Nigerian port; or
 - (c) navigate Nigerian or foreign waters for the purpose of processing or

discharging wet fish caught from such waters in any Nigerian port.

(2) An application for a licence shall be in such form and manner as may be prescribed and shall-

- (a) contain the particulars and descriptions of the motor fishing boat in respect of which the application is made; an
- (b) a statement in detail as to -
 - (i) the methods employed for taking fish,
 - (ii) the area within which it is proposed that the motor fishing boat shall operate;
 - (iii) the arrangements that are to be made for the preservation and marketing of the catch in Nigeria; and
 - (iv) such particulars as may be required from time to time by regulations made under this Decree.

4. (1) On being satisfied that -

- (a) an application for a licence has been made in the prescribed manner and contains all the information that is required under section 3 of this Decree;
- (b) the prescribed fees have been paid;
- (c) the applicant is the lawful owner of the motor fishing boat in respect of which the application is made, and that he is a fit and proper person to be granted a licence; and
- (d) the operation of the motor fishing boat in the territorial waters of Nigeria or its exclusive economic zone is not likely to be prejudicial to the interests of sea fishing industry in Nigeria, the licensing officer shall issue a licence in respect of the motor fishing boat.

(2) Subject to the provisions of this Decree, a licence shall be in the prescribed form and may be issued subject to such conditions as the licencing officer may think fit to impose, and any conditions so imposed shall be endorsed on the licence.

(3) A licence shall be a yearly licence or a quarterly licence and -

- (a) if the licence is a yearly licence, it shall expire on the 31st day of December in the year in which it is issued;
- (b) if the licence is a quarterly licence, it shall expire on the 31st day of March, the 30th day of June, the 30th day of September or 31st day of December, which ever day falls next after the date of the issue of the licence.

(4) When the ownership of a motor fishing boat in respect of which a licence has been issued is transferred from one person to another person, the licence shall not be valid in respect of the new owner of the vessel, until such time as a

licensing officer has approved the transfer of the ownership of the motor fishing boat and has endorsed the licence to that effect.

- (5) A licencing officer may, without assigning any reason -
 - (a) cancel a licence; or
 - (b) suspend a licence for such period as he thinks fit.
5. Any person who operates a motor fishing boat with an expired licence shall be guilty of an offence and liable on conviction to a fine of N 50,000 and forfeiture of catch.
6. The Provisions of this Decree relating to application for a licence and the issue of a licence shall apply in relation to an application for the renewal of the licence and to such renewal.
7. (1) Any person aggrieved by any refusal by a licensing officer to issue or renew a licence or by the cancellation or suspension of a licence or by any condition endorsed on a licence may within fourteen days of receiving notice of the refusal, cancellation, suspension or endorsement appeal to the Minister in respect thereof.
 - (2) After considering any appeal made under subsection (1) of this section the Minister shall take such decision thereon as he deems fit and the licensing officer shall give effect thereto, accordingly.
 - (3) The decision of the Minister on any appeal under this section shall be final.
8. The owner of a motor fishing boat in respect of which a licence has been issued shall -
 - (a) render to a licensing officer such periodical returns concerning the operation of the motor fishing boat as many be prescribed; and
 - (b) permit a licensing officer or any person authorised in writing by a licencing officer to inspect the catch of the motor fishing boat either before or after the catch has been landed and shall give the licencing officer or that person all reasonable facilities for the inspection of the catch.
9. (1) An authorised person may, within the territorial waters of Nigeria or its exclusive economic zone for the purpose of enforcing any provision of this Decree
 - (a) require the owner or the person in charge of a motor fishing boat in respect of which a licence has been issued, to exhibit his licence fishing apparatus and catch;
 - (b) require the owner or the person in charge of any motor fishing boat .or any person engaged in fishing to exhibit his fishing apparatus and catch;
 - (c) go on board any motor fishing boat, search and examine the motor fishing boat and any fishing apparatus that may be therein;
 - (d) where there is reasonable suspicion that an offence under the Decree has been committed, take the alleged offender and the motor fishing boat fishing apparatus and catch to the most convenient port

police station.

- (2) The powers vested in an authorised person under subsection (1) of this section may be exercised by him without warrant summons or other process.
 - (3) Any motor fishing boat or apparatus taken from an alleged offender under the provisions of paragraph
 - (d) of subsection (1) of this section, may be detained or kept pending the trial of the alleged offender and the catch may be sold and the proceeds of the sale detained or kept pending such trial.
 - (4) Any motor fishing boat, apparatus or money detained or kept under subsection (3) of this section shall unless forfeited under the provisions of sections 1(2) or 13 of this Decree be returned to the person from whom the same was taken or the lawful owner thereof.
 - (5) If a motor fishing boat after detention under subsection (3) of this section proceeds to sea before it is released by an authorised person or a court, the master of the motor fishing boat and also the owner and any person who sends the motor fishing boat to sea, if the owner or person is privy to master's offence, shall be guilty of an offence under this Decree.
 - (6) In this section "an authorised" person means -
 - (a) a licensing officer;
 - (b) any commissioned officer in the Nigerian Army, Navy or Air force;
 - (c) a police officer not below the rank of assistant superintendent of police;
 - (d) a customs officer not below the rank of assistant preventive superintendent;
 - (e) a surveyor or examiner appointed under the provisions of the Merchant Shipping Act; and
 - (f) any other person authorised in writing by the Minister in that behalf.
- 10.** (1) No person shall take or destroy or attempt to take or destroy any fish within the territorial waters of Nigeria or its exclusive economic zone by any of the following methods, that is -
- (a) by the use of any explosive substance; or
 - (b) by the use of any noxious or poisonous matter.
- (2) Any person, who contravenes the provisions of subsection (1) of this section, shall be guilty of an offence and liable on conviction to imprisonment for two years or a fine of N 50,000.
- 11.** Any person who -
- (a) contravenes or fails to comply with any of the provisions of this Decree; or

- (b) contravenes or fails to comply with any requirement made under this Decree: or
- (c) contravenes or fails to comply with any condition endorsed on a licence; or
- (d) is in breach of any regulation made under this Decree.

for which no penalty is prescribed shall be guilty of an offence under this Decree and liable on conviction to a fine of N 50,000.

- 12.** If any person in furnishing any Information for purposes of procuring a licence, makes a false statement which he knows to be false in any material particular, that person shall be guilty of an offence under this Decree and liable on conviction to a fine of N50,000.
- 13.** A court before which any person is convicted of an offence under this Decree may -
- (a) order the forfeiture to the Government of the Federation of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which that person is so convicted.
 - (b) where the fishing boat employed in the Commission of the offence is a motor boat in respect of which a licence had been issued, cancel the licence or suspend the licence for such time as the court may think fit.
- 14. (1)** The Minister may make regulations -
- (a) for furthering the interests of sea fishing industry in Nigeria; and
 - (b) for giving effect to the provisions of this Decree.
- (2)** Without prejudice to the generality of the foregoing provisions of section, regulations under this section may -
- (a) regulate, prohibit or restrict the taking of fish in any specific areas within the territorial waters of Nigeria
 - (b) prohibit or restrict the use of any fishing boat, apparatus or method of taking fish that is considered harmful to the sea fishing industry in Nigeria.
 - (c) prescribe limits to the size of nets or the mesh of nets that may be employed in the taking of fish within the territorial waters of Nigeria or in any specific area therein
 - (d) prescribe the form of a licence and the amount of fee to be paid in respect of a licence;
 - (e) provided for the inspection of buildings, and premises used for the curing, preservation, storage or sale of fresh, cured or preserved fish;
 - (f) provide for the seizure and destruction of any fresh, cured or preserved fish that is that is unfit for human or animal consumption.
 - (g) provide for the exemption of specified persons from any provision of

this decree where such exemption is considered necessary for scientific or experimental purposes in connection with the sea fishing industry in Nigeria or otherwise for the furtherance of the national interest of the Federation;

(h) regulate any other matter relating to the conservation and protection of the stocks of sea fish.

15. In this Decree, unless the context otherwise requires -

"exclusive economic zone" has the meaning assigned to it in the Exclusive Economic Zone Act.

"fish" means any aquatic creature whether fish or not and includes shell fish, crustaceans, turtles and aquatic mammals;

"fishing boat" means any ship, boat, canoe or other craft used for the taking of fish for sale or barter;

"licence" in relation to a motor fishing boat means a licence issued under section 4 of this Decree;

"licensing officer" means the Minister of Agriculture, Water Resources, and Rural Development, or any persons appointed by him to carry out any of the provisions of this Decree;

"Minister" means the Minister charged with responsibility for fisheries;

"motor fishing boat" means any fishing boat propelled by means of steam, internal combustion or other machinery except one or more portable outboard engines;

"port" includes a place and harbour;

"prescribed" means prescribed by regulations under this Decree;

"taking fish" includes any method of catching fish;

"territorial waters of Nigeria" has the meaning as in section 1 of the Territorial Waters Act.

16. (1) The Sea Fisheries Act is hereby repealed.

(2) The repeal of the enactment mentioned in subsection (1) of this Decree shall not affect anything done under the repealed enactment prior to the commencement of this Decree.

(3) Accordingly any licence issued under the repealed Act being a licence that was in force immediately before the date of the commencement of this Decree shall from that date have effect as if it were a licence issued under this Decree.

(4) Any licence, which under subsection (2) of this section has effect as if it were a licence issued under this Decree, shall from the date of commencement of this Decree be read and construed with such adaptations and modifications as may be necessary for the purposes of this Decree, and subject to section 6 of this Decree, the licence may on or after that date be canceled or suspended or be made subject to the new conditions, by a licensing officer.

17. This Decree may be cited as the Sea Fisheries Decree 1992.

Made at Abuja this 30th day of November 1992.

General I. B. Babangida,
*President, Commander-in-Chief of the Armed Forces
Federal Republic of Nigeria.*
