

**CHAPTER 404**

**SEA FISHERIES ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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**SCHEDULE**

**ENACTMENTS REPEALED**

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## CHAPTER 404

## SEA FISHERIES ACT

1971  
No. 30.**An Act to make provisions for the control, regulation and protection of Sea Fisheries in the Territorial waters of Nigeria.**Commence-  
ment.

[10th June, 1971]

Licensing of  
motor fishing  
boats.

1. (1) Subject to the provisions of this section, no person shall operate or navigate any motor fishing boat within the territorial waters of Nigeria unless a licence in respect of that vessel has been issued to the owner thereof.

(2) Any person operating or navigating or causing to be operated or navigated a motor fishing boat in contravention of subsection (1) of this section shall be guilty of an offence under this Act and on conviction shall be liable to imprisonment for one year, or to a fine of one thousand naira for each day during which the offence continues, or to both such fine and imprisonment.

(3) The provisions of this section shall not apply to any motor fishing boat entering the territorial waters of Nigeria not for fishing or the disposal of fish, but solely for re-fuelling at any port or for shelter, or solely because the motor fishing boat is in distress or there is any other emergency.

Application  
for a licence.

2. (1) Any person, being the owner of a motor fishing boat, may apply to a licensing officer for a licence in respect of the motor fishing boat.

(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; and

(b) a statement in detail as to—

(i) the methods of taking fish that are to be employed,

(ii) the area within which it is proposed that the motor fishing boat shall operate, and

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(iii) the arrangements that are to be made for the preservation and marketing of the catch in Nigeria.

3. (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 2 of this Act;
- (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 is not likely to be prejudicial to the interests of sea fishing industry in Nigeria,

Grounds for  
issue of a  
licence etc

the licensing officer shall issue a licence in respect of the motor fishing boat.

(2) Subject to the provisions of this Act, a licence shall be in the prescribed form and may be issued subject to such conditions as the licensing 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; and
- (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 the 31st day of December, whichever day falls next after the date of the issue of the licence.

(4) Where 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 licensing officer may, without assigning any reason—

- (a) cancel a licence, or
- (b) suspend a licence for such period as he thinks fit.

Renewal of a licence.

4. The provisions of this Act 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.

Appeals.

5. (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, as may be necessary.

(3) The decision of the Minister on any appeal under this section shall be final.

Returns.

6. 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 may be prescribed; and
- (b) permit a licensing officer or any person authorised in writing by a licensing officer to inspect the catch of the motor fishing boat either before or after the catch has been landed and shall give the licensing officer or that person all reasonable facilities for the inspection of the catch.

Enforcement of the Act.

7. (1) An authorised person may, within the territorial waters of Nigeria, for the purpose of enforcing any provision of this Act—

- (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 other motor fishing boat or any person engaged in fishing to exhibit his fishing apparatus and catch;
- (c) go on board of any fishing boat and search and examine the fishing boat and any fishing apparatus that may be therein;
- (d) where there is reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the

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motor fishing boat, fishing apparatus and catch to the most convenient port or 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 fishing boat or apparatus taken from an alleged offender under the provisions of paragraph (d) of subsection (1) of this section may be detained pending the trial of the alleged offender, and the catch may be sold and the proceeds of the sale detained pending such trial.

(4) Any vessel, apparatus or money detained under subsection (2) of this section shall, unless forfeited under the provisions of section 10 of this Act, be returned to the person from whom the same was taken or to the lawful owner thereof.

(5) If a vessel, after detention under subsection (2) of this section, proceeds to sea before it is released by an authorised person or a court, the master of the vessel and also the owner and any person who sends the vessel to sea, if the owner or person is privy to the master's offence, shall be guilty of an offence under this Act.

(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.

8. No person may take or destroy or attempt to take or destroy any fish within the territorial waters of Nigeria 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.

Prohibited  
method of  
fishing.

## Offences.

**9.** (1) Any person who—

- (a) contravenes or fails to comply with any of the provisions of this Act;
- (b) contravenes or fails to comply with any requirement made under this Act; or
- (c) contravenes or fails to comply with any condition endorsed on a licence,

shall be guilty of an offence under this Act.

(2) Any person who is guilty of an offence under this Act for which no other penalty is specifically provided shall on conviction be liable to a fine of two hundred naira or to imprisonment for six months or to both such fine and imprisonment; and where the offence is a continuing offence the person shall be liable to a further sum of ₦ 100 for each and every day during which such failure continues, the liability to such further sum to commence from the day following the last conviction, or from such day thereafter as the court may order.

## Forfeiture, etc.

**10.** A court before which any person is convicted of an offence under this Act 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.

## Regulations.

**11.** (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 Act.

(2) Without prejudice to the generality of the foregoing provisions of this section regulations made under this section may—

- (a) regulate, prohibit or restrict the taking of fish in any specific area within the territorial waters of Nigeria;

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- (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 specified area therein;
- (d) prescribe the form of a licence and the amount of fee to be paid in respect of a licence.
- (e) provide 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 unfit for human or animal consumption;
- (g) provide for the exemption of specified persons from any provision of this Act where such exemption is considered necessary for scientific or experimental purposes in connection with the development of 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.

12. In this Act, unless the context otherwise requires—

Interpretation.

- “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 2 of this Act;
- “licensing officer” means the Director of the Federal Department of Fisheries or any person appointed by him to carry out any of the provisions of this Act;
- “Minister” means 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 place and harbour;

“prescribed” means prescribed by regulations under this Act.

“taking fish” includes any method of catching fish;

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“territorial waters of Nigeria” has the same meaning as in section 1 of the Territorial Waters Act.

Repeal and  
transitional  
provisions.

13. (1) Subject to the provisions of this section, the enactments set out in the Schedule to this Act are hereby repealed.

Schedule.

(2) Any licence issued under any enactment mentioned in the Schedule to this Act, being a licence that was in force immediately before the date of the commencement of this Act, shall from that date have effect as if it were a licence issued under this Act.

(3) Any licence, which under subsection (2) of this section has effect as if it were a licence issued under this Act, shall from the date of commencement of this Act be read and construed with such adaptations and modifications as may be necessary for the purposes of this Act; and subject to section 5 of this Act, the licence may on or after that date be cancelled or suspended or be made subject to new conditions, by a licensing officer.

Short title.

14. This Act may be cited as the Sea Fisheries Act.

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SCHEDULE

(section 13)

ENACTMENTS REPEALED

PART A—ACTS AND LAWS

1961 No. 30 .. .. .	.. .. .	Sea Fisheries (Lagos) Act 1961.
WRL. No. 12 of 1965	.. .. .	Sea Fisheries Law 1965.

PART B—SUBSIDIARY INSTRUMENTS

W.S.L.N. 120 of 1967	.. .. .	Sea Fisheries (Motor Fishing Boats Licensing) Regulations 1967.
L.S.L.N. 15 of 1969	.. .. .	Sea Fisheries (Licensing) Regulations 1969.

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