

STATUTORY INSTRUMENTS

**1992 No. 2633**

**SEA FISHERIES**

**CONSERVATION OF SEA FISH**

**[<sup>F1</sup>The Sea Fish Licensing Order 1992**

*Made* - - - - - *22nd October 1992*  
*Laid before Parliament* *23rd October 1992*  
*Coming into force* - - *13th November 1992*

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, acting jointly, in exercise of the powers conferred on them by sections 4, 15(3), 20(1) and 22(2)(a) of the Sea Fish (Conservation) Act 1967(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Textual Amendments**

**F1** Order revoked (E.) (1.7.2015) by [The Sea Fish Licensing \(England\) Order 2015 \(S.I. 2015/647\)](#), art. 1(1), [Sch.](#) (with art. 1(2))

**Title and commencement**

1. This Order may be cited as the Sea Fish Licensing Order 1992 and shall come into force on 13th November 1992.

**Textual Amendments**

**F1** Order revoked (E.) (1.7.2015) by [The Sea Fish Licensing \(England\) Order 2015 \(S.I. 2015/647\)](#), art. 1(1), [Sch.](#) (with art. 1(2))

**Commencement Information**

**II** Art. 1 in force at 13.11.1992, see [art. 1](#)

(1) 1967 c. 84; section 4 was amended by the Fishery Limits Act 1976 (c. 86), section 3 and by the Fisheries Act 1981 (c. 29), section 20; section 15(3) was amended by the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 38(3) and by the Fishery Limits Act 1976, Schedule 2, paragraph 16(1); section 22(2)(a) which contains a definition of “the Ministers” for the purposes of sections 4 and 15(3) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b).

## Interpretation

<sup>F2</sup>2. ....

### Textual Amendments

**F2** Art. 2 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 paras. 6(2), **13(2)** (with s. 50, Sch. 4 para. 31)

## Prohibition of fishing without a licence and exceptions thereto

<sup>F3</sup>3. ....

### Textual Amendments

**F3** Art. 3 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 paras. 6(2), **13(2)** (with s. 50, Sch. 4 para. 31)

## Enforcement

4.—(1) For the purpose of the enforcement of [<sup>F4</sup>section 14 of the Fisheries Act 2020] a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below anywhere in relation to any British fishing boat registered in the United Kingdom and any British-owned fishing boat (not so registered).

(2) He may go on board the 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) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in paragraph (1) above and, in particular—

- (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination;
- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under [<sup>F5</sup>section 14(6) of, or paragraph 1(4) or 3(2) or (3) of Schedule 3 to, the Fisheries Act 2020], 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
- (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, 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 sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of [<sup>F6</sup>section 14 of the Fisheries Act 2020] has at any time taken place within British fishery limits, he may—

- (a) require the master of the boat in relation to which the contravention took place 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.

#### Textual Amendments

- F1** Order revoked (E.) (1.7.2015) by [The Sea Fish Licensing \(England\) Order 2015 \(S.I. 2015/647\)](#), art. 1(1), [Sch.](#) (with art. 1(2))
- F4** Words in art. 4(1) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 13\(3\)\(a\)](#) (with s. 50, [Sch. 4 para. 31](#))
- F5** Words in art. 4(3)(c) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 13\(3\)\(b\)](#) (with s. 50, [Sch. 4 para. 31](#))
- F6** Words in art. 4(4) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(b), [Sch. 4 para. 13\(3\)\(c\)](#) (with s. 50, [Sch. 4 para. 31](#))

#### Commencement Information

- I2** Art. 4 in force at 13.11.1992, see [art. 1](#)

#### Revocation

5. The Sea Fish Licensing Order 1989(2), the Sea Fish Licensing (Variation) (No.2) Order 1990(3) and the Sea Fish Licensing (Variation) Order 1991(4) are hereby revoked.

#### Textual Amendments

- F1** Order revoked (E.) (1.7.2015) by [The Sea Fish Licensing \(England\) Order 2015 \(S.I. 2015/647\)](#), art. 1(1), [Sch.](#) (with art. 1(2))

#### Commencement Information

- I3** Art. 5 in force at 13.11.1992, see [art. 1](#)

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereto affixed on

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

(2) [S.I. 1989/2015](#).  
(3) [S.I. 1990/1014](#).  
(4) [S.I. 1991/2196](#).

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**Changes to legislation:** *There are currently no known outstanding effects for the The Sea Fish Licensing Order 1992. (See end of Document for details)*

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*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

*Patrick Mayhew*  
Secretary of State for Northern Ireland]

F7 SCHEDULE

Article 2

**Textual Amendments**

- F7** Sch. revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), Sch. 4 paras. 6(2), **13(2)** (with s. 50, Sch. 4 para. 31)

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order consolidates with variations the Sea Fish Licensing Order 1989 (“the 1989 Order”), as varied, which prohibited fishing, subject to exceptions, by British fishing boats in specified areas of sea for sea fish, unless authorised by a licence.

This Order extends the requirement for a licence to fishing anywhere by fishing boats which are registered in the United Kingdom or are British-owned (article 3(1)), subject to exceptions (article 3(2)).

British sea-fishery officers are given certain enforcement powers for the purpose of the enforcement of the Order (article 4).

This Order revokes the 1989 Order, together with the Orders which varied it (article 5).

**Changes to legislation:**

There are currently no known outstanding effects for the The Sea Fish Licensing Order 1992.