

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in respect of fishing boats exceeding 10 metres in overall length. The Order sets out principles on which the time which such boats may spend at sea is to be arrived at for the purpose of any condition included in a licence under section 4 of the Sea Fish (Conservation) Act 1967, as amended, by virtue of section 4(6)(c) of that Act.

In this Order articles 4 to 11 set out principles applicable in arriving at the initial allocation of time at sea in respect of a vessel in a period not exceeding 12 consecutive months. There is a minimum allocation of 160 half-days (article 4). Subject to that minimum, the Order provides for a basic allocation in that period based on half-days spent at sea by the vessel in a specified year, as derived from written returns submitted to the appropriate Minister (article 5).

Provision is made for the basic allocation to be increased to take account of a variety of circumstances (articles 6 to 11). Those circumstances include other time spent at sea in the specified year but not covered by written returns (articles 7 and 8) and cases where vessels spent significantly fewer half-days at sea in that year as a result of exceptional circumstances such as illness or family bereavement on the part of the master or crew (article 9). Special provision is made in respect of vessels to which the Sea Fishing (Days in Port) Regulations 1991 applied (article 6), in cases where there has been a significant change in the pattern of fishing activity of the vessel or a significant financial investment or commitment in the vessel (article 10) and in cases where a licence is granted in respect of a vessel on the occasion of the surrender of a licence in respect of a different vessel (article 11).

Principles applicable in arriving at subsequent allocations of time at sea in respect of a vessel are set out in article 12.

Changes to legislation:

There are currently no known outstanding effects for the The Sea Fish Licensing (Time at Sea) (Principles) Order 1993.