SCHEDULE.

ACT REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
6 Geo. 4. c. 87. -	An Act to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public purposes.	The whole Act so far as unrepealed, except sections ten to fifteen, so far as they relate to any church, hospital, chapel, or burial ground for which, or to the office of any chaplain for whom, provision is being made, at the commencement of this Act, out of money provided by Parliament.

CHAPTER 37.

An Act to carry into effect an International Declaration respecting the North Sea Fisheries, and to amend the Law relating to Sea Fisheries and Salmon and Freshwater Fisheries. [21st July 1891.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

BELGIAN DECLARATION AND SEA FISHERIES ACT, 1883.

Confirmation of Declaration.

1. The Declaration set out in the Schedule to this Act (hereinafter referred to as the Scheduled Declaration) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

Powers of Commission appointed under Declaration.

17 & 18 Vict. c. 104.

2.—(1.) Any commission appointed by the Board of Trade in pursuance of Article One of the Scheduled Declaration shall, for the purpose of its duties, have the same powers as an inspector appointed by the Board of Trade in pursuance of section fourteen of the Merchant Shipping Act, 1854, and sections fifteen and sixteen of that Act shall apply as if the commission were such an inspector.

(2.) Any such commission may take security, in such form as the Board of Trade may by rule prescribe, for the attendance of a witness before a court of justice in Belgium, and any sum which may become due in pursuance of such a security may be recovered in like manner as a sum due in pursuance of a security given under the Summary Jurisdiction Act, 1879.

42 & 43 Vict. c. 49.

3. A document purporting to be certified by a Secretary or Assistant Secretary of the Board of Trade to be a report made or certificate given in pursuance of Article Three of the Scheduled Declaration shall be deemed to be such a report or certificate and to have been duly forwarded. Evidence of report or certificate under Article 3 of Declaration.

4. If, either within or without the exclusive fishery limits of the British Islands, any person belonging to a British sea fishing boat acts in contravention of Article Four of the Scheduled Declaration, he shall be liable to the like penalty as for a contravention of Articles thirteen to twenty-two of the First Schedule to the Sea Fisheries Act, 1883. Punishment for violation of Article 4 of Declaration. 46 & 47 Vict. c. 22.

Provided that if the Scheduled Declaration ceases to be binding on Her Majesty, this section shall cease to apply in the case of injuries to the gear or boat of a fisherman being a subject of the foreign State party to the Declaration, but shall nevertheless continue to apply as between British subjects.

5. In the event of any contravention of section seven of the Sea Fisheries Act, 1883, on the part of any foreign sea fishing boat, or of any person belonging thereto, any fish or fishing gear found in the boat or shown to have been taken or used by any person belonging to the boat within the exclusive fishery limits of the British Islands shall, on conviction for the offence, be liable to be forfeited. Forfeiture for offence against 46 & 47 Vict. c. 22, s. 7.

6.—(1.) This Part of this Act shall be construed as one with the Sea Fisheries Act, 1883, and, so far as relates to Scotland and the parts of the sea adjoining Scotland, also as one with the Sea Fisheries (Scotland) Amendment Act, 1885. Construction, title, and commencement of this Part of Act. 48 & 49 Vict. c. 70.

(2.) In particular, the powers of making Orders in Council conferred by sections three and twenty-three of the Sea Fisheries Act, 1883, may be exercised for the purposes of this Part of this Act, and section twenty-three of the said Act shall, for the purpose of any such Order, apply as if the Schedule to this Act were the First Schedule to that Act, and the Declaration referred to in this Act were the Convention referred to in that Act.

(3.) The Sea Fisheries Act, 1883, the Sea Fisheries (Scotland) Amendment Act, 1885, and this Part of this Act may be cited collectively as the Sea Fisheries Acts, 1883 to 1891.

(4.) This Part of this Act shall come into force on such day as may be fixed in that behalf by a notice published in the London Gazette.

PART II.

SEA FISHERIES REGULATION ACT, 1888.

7. The powers of a local fisheries committee to make byelaws in pursuance of section two of the Sea Fisheries Regulation Act, 1888, shall extend to making byelaws, to be observed within their district, for restricting or prohibiting, either entirely or subject to any exceptions and regulations, the fishing for or taking of all or any specified kinds of sea fish during any period specified in any such byelaw. Extension of powers of local fisheries committee for making byelaws. 51 & 52 Vict. c. 54.

Jurisdiction as to offences.

8. Where any offence under the Sea Fisheries Regulation Act, 1888, or under any byelaw made in pursuance thereof, is committed on the sea coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county abutting on that sea coast or adjoining that sea, and may be tried and punished accordingly.

Powers of local fisheries committee for enforcement of Sea Fisheries Acts.

9. A local fisheries committee appointed in pursuance of the Sea Fisheries Regulation Act, 1888, may, within their district, enforce the provisions of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, and of any other Act relating to sea fisheries.

Power for county council, &c. to pay or contribute to expenses under 51 & 52 Vict. c. 54.

10. Any county or borough council may, if they think fit, pay or contribute to any expenses incurred by a board of salmon conservators in exercise of their powers under the Sea Fisheries Regulation Act, 1888.

Construction and short title of Part of Act.

11. This Part of this Act shall be construed as one with the Sea Fisheries Regulation Act, 1888, and that Act and this Part of this Act may be cited collectively as the Sea Fisheries Regulation Acts, 1888 and 1891.

PART III.

SALMON AND FRESHWATER FISHERIES.

Power to constitute Stour fishery district.

12.—(1.) The Board of Trade may, if they think fit, issue a certificate forming a fishery district for the river Stour (dividing the counties of Suffolk and Essex), its estuary, and its tributaries, and such waters and coasts as may be declared in the certificate to belong thereto, and may thereby fix the number of conservators to be appointed as a board, and the number of the members of the board of conservators to be appointed by each county in the district, and may make such other arrangements as may seem to the Board necessary or proper in connexion with the formation of the district.

40 & 41 Vict. c. 98. 47 & 48 Vict. c. 11.

(2.) On the issue of a certificate under this section the provisions of the Norfolk and Suffolk Fisheries Act, 1877, and of section eight of the Freshwater Fisheries Act, 1884, shall cease to apply within the district formed by the certificate, and the provisions of the Salmon and Freshwater Fisheries Acts, 1861 to 1886, shall apply therein as if no part of the district were included in the county of Suffolk, and the district so formed shall for all purposes be deemed to be a district formed under the provisions of the said Salmon and Freshwater Fisheries Acts other than the Norfolk and Suffolk Fisheries Act, 1877.

(3.) On the issue of the certificate the certificates of the formation of the Stour (Essex), and Stour (Suffolk) fishery districts, dated the nineteenth day of March one thousand eight hundred and eighty-eight, shall cease to have effect, so, however, that nothing in this section shall affect the validity of anything done or suffered under the certificates, and that all proceedings under the certificates and pending at the date of the issue of the new certificate

may be carried on and completed as if the old certificates were in force.

(4.) Any byelaws made under the Salmon and Freshwater Fisheries Acts, 1861 to 1886, or any of them, and in force within the districts or either of them at the date of the new certificate, shall, notwithstanding any limitation of time for the continuance of such byelaw, continue to be in force until repealed by the board of conservators of the new district, and the board may, if it thinks fit, repeal any such byelaws in manner provided for the repeal of byelaws made under the Freshwater Fisheries Act, 1884. 47 & 48 Vict. c. 11.

(5.) The persons who are at the date of the issue of the new certificate the members of the board of conservators of the Stour (Essex) fishery district shall be the first appointed members representing the county of Essex on the board of the new district, and shall come into office on the issue of the certificate.

PART IV.

GENERAL.

13. The powers conferred by the Sea Fisheries Act, 1883, or this Act, or any other Act relating to sea fisheries, or by any Act relating to salmon and freshwater fisheries, upon any authorities or officers to enforce any such Act shall not be construed as limiting or taking away the power of any other person to take legal proceedings for the enforcement of any such Act or of any byelaw made thereunder. Explanation as to power of taking legal proceedings for enforcing Fisheries Acts.

14. This Act may be cited as the Fisheries Act, 1891. Short title.

SCHEDULE.

DECLARATION RESPECTING THE NORTH SEA FISHERIES.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Belgians, being desirous of simplifying the procedure for the settlement of differences between British and Belgian fishermen in the North Sea outside territorial waters, and of reducing as much as possible the injuries they may sustain from the fouling of their fishing gear, have agreed upon the following provisions :—

ARTICLE I.

Whenever a complaint involving a claim for damages shall be preferred by a fisherman of one of the two countries against a fisherman of the other country, it shall be referred for preliminary inquiry—in Belgium, to a Commission composed of, at least, two officers appointed by the Minister of Railways, Posts, and Telegraphs; in the United Kingdom, to a Commission also composed of, at least, two officers appointed by the Board of Trade; these officers shall hold their inquiry at the place where the allegations of the complainants can most easily be verified.

ARTICLE II.

No complaint shall be transmitted either to the British or to the Belgian Government, as the case may be, unless:—

1. The Commission has recognized it as well founded;

2. Such fishermen as are specified by the Commission engage themselves to appear in person in case they should be summoned to give evidence.

ARTICLE III.

The complaints must be accompanied by—

1. A Report from the Commission of Inquiry;

2. A certificate from this Commission, verifying the ownership of the lost or injured fishing gear;

3. A certificate of an expert nominated (as the case may be), in the United Kingdom by the Board of Trade, in Belgium by the Minister of Railways, Posts, and Telegraphs, and giving an estimate of the damages in money value.

These certificates must be forwarded through the proper diplomatic channel, and shall be received as evidence unless the contrary is proved.

ARTICLE IV.

When a fisherman fouls or otherwise interferes with the fishing gear of another fisherman he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

ARTICLE V.

In the Kingdom of Belgium the Tribunal which has cognizance of an infraction of the North Sea Fisheries Convention of the 6th May 1882, or of Article 4 of the present Declaration, shall be empowered to award damages for injury to person or property at the request of the injured party and at the suit of the Official Prosecutor.

The execution of awards of damages shall be effected, on the application of the Official Prosecutor, by the competent Administration, which will advance the costs and recover them from the condemned parties according to the usual process of law in such cases.

In the United Kingdom the Court before which proceedings are taken for the above-mentioned infractions shall be empowered, at the suit of the Official Prosecutor on the request of the injured party, to award damages for injury to person or property, and the Official Prosecutor shall, at his own cost, recover the sum so awarded, or so much thereof as is possible, from the parties liable.

The amount of damages recovered, as stipulated above, shall be remitted free of cost to the injured party through the proper diplomatic channel.

ARTICLE VI.

The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Declaration, and especially for punishing, either by fine or imprisonment, or both, persons who may contravene Article IV.

ARTICLE VII.

The present Declaration shall be ratified, and the ratifications shall be exchanged at Brussels as soon as possible.

ARTICLE VIII.

The present Declaration shall come into force at a date to be agreed upon subsequently by the High Contracting Parties.

It shall remain in force for three years from that date, and in the event of neither of the High Contracting Parties having notified twelve months before the expiry of the said period of three years their intention of terminating it, it shall continue to remain in force for a year, and so on from year to year.

In witness whereof the undersigned Envoy Extraordinary and Minister Plenipotentiary at Brussels of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the undersigned Minister for Foreign Affairs of His Majesty the King of the Belgians, have drawn up the present Declaration in duplicate, and have affixed thereto the seals of their arms.

Done at Brussels, the 2nd May 1891.

(L.S.) VIVIAN.
(L.S.) Le Prince DE CHIMAY.

CHAPTER 38.

An Act to consolidate the Law relating to the Management of Stamp Duties. [21st July 1891]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act.

Act to apply to all stamp duties.

1. All duties for the time being chargeable by law as stamp duties shall be under the care and management of the Commissioners, and this Act shall apply to all such duties and to all fees which are for the time being directed to be collected or received by means of stamps.

Mode of recovering Money received for Duty.

Moneys received for duty and not appropriated to be recoverable in High Court.

2.—(1.) Every person who, having received any sum of money as or for any duty, or any fee collected by means of a stamp, does not apply the money to the due payment of the duty or fee, and improperly withholds or detains the same, shall be accountable for the amount of the duty or fee, and the same shall be a debt from him to Her Majesty, and recoverable as such accordingly.

(2.) The Commissioners may sue out of the High Court in England or Ireland, or of the Court of Session sitting as the Court of Exchequer in Scotland, as the case may require, a writ of summons commanding any such person to deliver an account of every sum of money so received by him, and withheld or detained, and to pay the money to them, together with the costs of the proceedings, or to show cause to the contrary.

(3.) If cause is shown the court shall make such order as to the court seems just.

Sale of Stamps.

Power to grant licences to deal in stamps.

3.—(1.) The Commissioners may, in their discretion, grant a licence to any person to deal in stamps at any place to be named in the licence.