Any rule purporting to be made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not then sitting, within one month after the commencement of the then next session of Parliament, and shall be judicially noticed, and shall be of the same validity as if it had been enacted by Parliament.

General saving.

6. Nothing in this Act shall abridge or affect the prerogative of the Crown in relation to the grant or withholding the grant of any document.

Definitions.

7. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them:

"Great Seal" means the Great Seal of the United Kingdom:

"Document to which this Act applies" means any writ, commission, letters patent, letters close, or document of such a character, or belonging to such a class, as would at the date of the passing of this Act, be required to be or usually would be authenticated by being passed under the Great Seal.

"Crown Office" means the office of the Clerk of the Crown in Chancery.

CHAPTER 42.

An Act to amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries. [10th August 1877.]

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:

Preliminary.

Short title.

1. This Act may be cited as the Fisheries (Oyster, Crab, and Lobster) Act, 1877.

Commencement of Act.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

PART I.

Oysters.

This part of Act not to apply to Ireland.

3. This part of this Act shall not apply to Ireland or to any oyster bed or bank within the jurisdiction of the Inspectors of Irish Fisheries.

Prohibition on sale of oysters between certain dates.

4. A person shall not sell, expose for sale, consign for sale, or buy for sale,—

(1.) Any oysters known at the passing of this Act in the oyster trade as "deep-sea oysters," between the fifteenth day of June in any year and the following fourth day of August; or

(2.) Any description of oysters other than those aforesaid, between the fourteenth day of May in any year and the following fourth day of August.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second or any subsequent offence, and also to forfeit all oysters exposed for sale, consigned for sale, or bought for sale in contravention of this section:

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, consigned for sale, or bought for sale,—

(1.) Were taken within the waters of some foreign state; or

(2.) Were preserved in tins or otherwise cured; or

(3.) Were intended for the purpose of oyster cultivation within the same district in which the oysters were taken, or were taken from any place for cultivation with

the sanction of the Board of Trade; and for this purpose the Thames estuary, bounded by a line drawn from Orford Ness to the North Foreland, shall be deemed to be a district, and also any other area for the time being constituted a district for the purposes of this section by an order of the Board of Trade, and also where the place at which the oysters are taken is not within any such district as aforesaid, so much of the area within ten miles of the said place where the oysters are taken as is not included in any other such district as aforesaid, and the Board of Trade may from time to time make, and when made revoke or vary, an order for the purposes of this section.

Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks.

5. The Board of Trade, on such application as is in this part of this Act mentioned, and after such public inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the dredging for and taking of oysters on any oyster bank or bed, and may by such order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

The Board of Trade by order may from time to time renew, for a period not exceeding one year, or vary, an order under this section, and may at any time revoke the same.

Nothing in such order shall apply to a several right of fishery in any oyster bed or bank, or to any bed or bank of oysters which has been or shall hereafter be the subject of a grant or regulation order under Part III. of "The Sea Fisheries Act, 1868," or any Acts amending the same.

31 & 32 Vict. c. 45.

Persons entitled to apply to Board of Trade under this part of Act.

6. An application to the Board of Trade for an order under this part of this Act may be made by any persons appearing to the Board of Trade to represent the fishermen of any locality, or by any of the following authorities, if they appear to the Board of Trade to be locally interested in the fisheries; namely,

(1.) The justices of a county in general or quarter sessions assembled;
(2.) A town council or other urban sanitary authority;
(3.) A rural sanitary authority; and
(4.) Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour.

Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to to take effect on confirmation by Order in Council.

7. Where an order of the Board of Trade, under Part III. of the Sea Fisheries Act, 1868, either is limited to the grant of a right of fishery for a period not exceeding twenty-one years over an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition against the order by any local authority or persons affected thereby is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the scheme for confirmation to Her Majesty in Council, and every such order, if confirmed by Her Majesty in Council, shall have full operation as if it had been confirmed by Parliament as provided by the Sea Fisheries Act, 1868:

Provided that Her Majesty in Council may at any time, on the representation of the Board of Trade, cancel the order, and the grantees under the order shall not be entitled to any compensation in respect of such cancellation, or of any expenses they may have incurred in acting or with a view to act under the order.

PART II.

Crabs and Lobsters.

Prohibition on sale of edible crabs under a certain size.

8. A person shall not take, have in his possession, sell, expose for sale, consign for sale, or buy for sale,—

(1.) Any edible crab which measures less than four inches and a quarter across the broadest part of the back; or

(2.) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, whether known as "berried crab," "seed crab," "spawn crab," or "ran crab," or by any other name; or

(3.) Any edible crab which has recently cast its shell, whether known as "caster," "white crab," "white-footed crab," "white-livered crab," "soft crab," "glass crab," or by any other name.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all edible crabs exposed for sale, consigned for sale, or bought for sale in contravention of this section:

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the edible crabs found in his possession or alleged to have been sold, exposed for sale, consigned for sale, or bought for sale, were intended for bait for fishing.

Prohibition on sale of lobsters under a certain size.

9. A person shall not take, have in his possession, sell, expose for sale, consign for sale, or buy for sale any lobster which measures less than eight inches from the tip of the beak to the end of the tail when spread as far as possible flat.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all lobsters found in his possession, sold, exposed for sale, consigned for sale, or bought for sale in contravention of this section.

Power on local application to prohibit or restrict the taking of crabs and lobsters in certain areas.

10. The Board of Trade, after such public inquiry and notice as they think expedient, may, if they think fit, from time to time, by order restrict or prohibit, either entirely or subject to any exceptions and regulations, the fishing for and taking of edible crabs and lobsters, or either of them, or any description of them or either of them, within the area named in the order, during such period of years or during such period either in every year or in such number of years as may be limited by the order, and may by the order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

The Board of Trade by order may from time to time vary, and at any time revoke, an order under this section.

Nothing in such order shall apply to a several right of fishery.

The powers of the Board of Trade under this section shall, as regards any area within the jurisdiction of the Inspectors of Irish Fisheries, be vested in and exercised by those inspectors with the approval of the Lord Lieutenant or other chief governor or governors of Ireland.

PART III.

Supplemental.

Prosecution of offences and recovery of fines.

11. All offences against this Act, or against any order made in pursuance of this Act, may be prosecuted, and all fines under this Act or any such order may be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

For all purposes of and incidental to the prosecution of any such offence, or the recovery of any such fine, and the proceedings and matters preliminary and incidental thereto, and consequential thereon, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may for the time being be found.

All fines recovered under this Act in any of the Channel Islands shall be paid to the receiver general of the island in which they are recovered.

Search for and seizure of oysters, crabs,

12. All oysters, crabs, and lobsters of which the possession, exposure for sale, consignment for sale, or purchase for sale is prohibited by this Act, may be searched for, seized,

and lobsters illegally exposed for sale.

condemned, destroyed, and disposed of by any authority lawfully acting under any Act, charter, or byelaw, or by any persons appointed by that authority, or in Ireland by the Inspectors of Irish Fisheries, with the approval of the Lord Lieutenant, in like manner as if such oysters, crabs, and lobsters respectively were found to be diseased, unsound, unwholesome, corrupt, unfit to be sold, or unfit for the food of man.

Definitions.

13. In this Act—

The expression "Summary Jurisdiction Acts" means,—

(1.) As regards England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of Justices of the Peace out of sessions within "England and Wales, with respect to Summary Convictions and Orders," and any Act amending the same; and

27 & 28 Vict. c. 53.

(2.) As regards Scotland, the Summary Procedure (Scotland) Act, 1864; and

(3.) As regards Ireland, with reference to any matter or proceeding in the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices of the peace for or the police of such district, and with reference to any matter or proceeding elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same; and

14 & 15 Vict. c. 93.

(4.) As regards the Isle of Man and the Channel Islands, the law relating to offences and fines, and proceedings therefor.

The expression "Court of Summary Jurisdiction" means,—

(*a.*) As regards England and Ireland, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Acts; provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice; and

(*b.*) As regards Scotland, the sheriff or his substitute; and

(*c.*) As regards the Isle of Man and the Channel Islands, any court, governor, deputy governor, deemster, jurat, or other magistrate before whom offences and fines are by law prosecuted and recovered.

The expression "Inspectors of Irish Fisheries" means the Inspectors of Fisheries acting in execution of the Fisheries (Ireland) Act, 1869.

32 & 33 Vict. c. 92.

The expression "person" includes a body corporate.

Application of Act to Isle of Man and Channel Islands.

14. This Act shall apply to the Isle of Man and the Channel Islands, and the royal courts of the Channel Islands are hereby respectively authorised and required to register this Act.

Temporary revival of 6 & 7 Vict. c. 79. 31 & 32 Vict. c. 45.

15. Notwithstanding anything contained in the Sea Fisheries Act, 1868, the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-nine, intituled "An Act to carry into effect a Convention between Her Majesty and the King "of the French concerning the Fisheries in the Sea between the British Islands and "France," so far as regards French fishermen and French sea-fishing boats, shall be in force as if it had not been repealed, and shall continue in force until the day when the convention set out in the first schedule to the Sea Fisheries Act, 1868, comes into operation.

Repeal of 39 & 40 Vict. c. cli.

16. The Crab and Lobster Fisheries (Norfolk) Act, 1876, is hereby repealed, without prejudice to anything done or suffered in pursuance of that Act.