CHAPTER 23.

An Act to amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto.

[26th July 1889.]

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:

Short title.

1. This Act may be cited as the Herring Fishery (Scotland) Act, 1889.

Extent of Act.

2. This Act extends only to Scotland, and to the parts of the sea adjoining Scotland.

Definition.
45 & 46 Vict. c. 78.

3. In this Act "Herring Fishery (Scotland) Acts" means the Herring Fishery Acts enumerated in Schedule I. to the Fishery Board (Scotland) Act, 1882, and includes any enactments amending those Acts or any of them.

Use of cran or quarter cran measure.

4. Any person buying, selling, delivering, or receiving fresh herrings in the Scotch herring fishery shall be entitled to use for the purpose thereof the measure known as the cran, or a quarter cran measure, being a measure of such capacity that four times its content, when filled with herrings, shall be equal to one cran; and such measure shall be made of wood, or of such other material as the Fishery Board for Scotland shall direct, and shall be made and branded or otherwise marked in accordance with any regulations for the time being in force of the Fishery Board for Scotland, which regulations that Board are hereby authorised to make, and from time to time to alter and revoke as they see fit.

These measures made, branded, or otherwise marked in all respects in conformity with the regulations for the time being in force of the said Board, shall be the only legal measures for use in buying, selling, delivering, or receiving fresh herrings in the Scotch herring fishery; and any person using any box, basket, or other measure not so made, branded, or otherwise marked shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and also to the forfeiture of the measure or measures, which may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts: Provided always, that nothing in this Act contained shall prevent the sale of herrings by weight or number or in bulk.

Daylight fishing and Sunday fishing prohibited on West Coast.

5. It shall not be lawful to set or shoot any herring net on any day between sunrise and one hour before sunset on any day between the first day of June and the first day of October, nor between sunrise on Saturday morning and one hour before sunset on Monday evening, on the West Coasts of Scotland between the

Points of Ardnamurchan on the north and the Mull of Galloway on the south.

Any person acting in contravention of this section shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding for the first offence five pounds, and for the second or any subsequent offence twenty pounds; and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts.

Beam and otter trawling within certain limits prohibited.

6.—(1.) It shall not be lawful to use the method of fishing known as beam trawling or otter trawling within three miles of low-water mark of any part of the coast of Scotland, nor within the waters specified in the schedule hereto annexed, save only between such points on the coast or within such other defined areas as may from time to time be permitted by byelaws of the Fishery Board for Scotland, and subject to any conditions or regulations made by those byelaws. Provided that this section shall not apply to the Solway Firth nor to the Pentland Firth; and provided also, that nothing herein contained shall affect the powers of the Fishery Board under section four of the Sea Fisheries (Scotland) Amendment Act, 1885. 48 & 49 Vict. c. 70.

(2.) The Fishery Board may from time to time make, alter, and revoke byelaws for the purposes of this section, but a byelaw shall not be of any validity until it is confirmed by the Secretary for Scotland.

(3.) Any person who uses any method of fishing in contravention of this enactment or of any byelaw of the Fishery Board, shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts.

Power to prohibit beam and otter trawling in certain localities.

7.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section, but no such byelaw shall be of any validity until it has been confirmed by the Secretary for Scotland.

(2.) Any person who uses any such method of fishing in contravention of any such byelaw shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of any such byelaw may be seized and destroyed or otherwise disposed of as in the sixth section of this Act mentioned.

Fish illegally caught not to be landed or sold.

8. It shall not be lawful to land or to sell in Scotland any fish caught in contravention of this Act, or of any byelaw made thereunder, and all superintendents and other officers employed in the execution of the Herring Fishery (Scotland) Acts are hereby empowered and required to prevent the landing or sale of any fish so caught.

SCHEDULE.

Wigtown Bay, within a line drawn from Great Ross Point, near Little Ross Lighthouse, on the east to Isle of Whithorn on the west.

Luce Bay, within a line drawn from a point near Port William on the east to Killyness Point, near Drummore, on the west.

Loch-in-dail, within a line drawn from Rudha na Cathair (Mull of Oe) on the south to the Rhynns, near Rhynns of Islay Lighthouse, on the north.

Loch Snizort, within a line drawn from Vatternish Point on the west to Dunlea on the east.

Broad Bay, within a line drawn from Tolsta Head on the north to Tiumpan Head on the south.

Stornoway Bay, within a line drawn from Kebock Head on the south to Bayble Head on the north.

Thurso Bay, within a line drawn from Brimsness on the west to Dunnet Head on the east.

Sinclair Bay, within a line drawn from Noss Head on the south to Duncansby Head on the north.

Scapa Bay, within a line drawn from St. Mary's Point on the east to Houton Heads on the west.

St. Magnus Bay, within a line drawn from Esha Ness on the north to a point near Sandness on the south.

The waters inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Cantyre, in the county of Argyll.

The waters inside a line from Port Askadel, near Ardnamurchan Point, on the west to Ru-Cisteach, near Arasaig, on the east.

The waters inside a line from Ru-geur, Slate Point, on the south to a point near Ru-an-dunan on the north.

The waters inside a line from Ru-na-uag, Loch Torridon, on the south to a point at Long Island, Gareloch, on the north.

The waters outside Loch Tarbert, Harris, from Toe Head on the south to Camus-Huisnish on the north.

East and west Loch Roag, from Gallon Head on the west to Coul Point on the east.

The waters inside a line from Greenstone Point on the west to a point near Meal-Sgreaton, Ru-Cooygach, on the east.

The waters inside a line from Ru-Stoer on the west to a point at Scourie Bay on the east.

Dornoch Firth,
Fraserburgh Bay,
Montrose Bay,
Moray Firth (upper parts of),
Aberdeen Bay,
Saint Andrew's Bay,
Firth of Forth.

} All as specified in the existing byelaws of the Fishery Board.