5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 43—*cont.*	The County Courts Act, 1888—*cont*	words first occur; section one hundred and nineteen; in section one hundred and twenty-nine the words from "but if a copy" to the end of the section; sections one hundred and thirty and one hundred and thirty-three.
9 & 10 Geo. 5. c. 73.	The County Courts Act, 1919.	Subsections (2), (3) and (4) of section five; sections seven, eight, ten and thirteen; subsection (2) of section twenty-four.
14 & 15 Geo. 5. c. 17.	The County Courts Act, 1924.	Section eight.
15 & 16 Geo. 5. c. 18.	The Settled Land Act, 1925.	In subsection (3) of section one hundred and thirteen the words from "within the district" to the end of the subsection.

CHAPTER 18.

An Act to amend the law with regard to the enforcement of enactments prohibiting the use in Scotland of the methods of fishing known as beam and otter trawling, and to the penalties that may be imposed in Scotland for other offences in connection with sea fisheries; and for purposes connected therewith. [17th May 1934.]

BE it enacted by the King'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:—

Penalties for illegal trawling.

1.—(1) Any person who is guilty of illegal trawling shall be liable, on summary conviction,

(*a*) to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding three months; and

(*b*) on a second conviction, to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding six months; and

(*c*) on a third or subsequent conviction, to both such last mentioned fine and imprisonment.

(2) Any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts may seize any net and gear (exclusive of warps) used or attempted to be used for the purpose of illegal trawling. Any net and gear so seized shall be forfeited to the Fishery Board for Scotland if the owner of the vessel in or from which such net or gear was used or attempted to be used as aforesaid shall be convicted of illegal trawling or of an offence under subsection (3) of this section in respect of such use or attempted use, and if there shall be no such conviction the owner of such net and gear shall be entitled to recover them and to compensation for any damage occasioned to them by the seizure.

(3) Where any vessel is used for the purpose of illegal trawling and the skipper of such vessel at the date of such offence is a person who has, within the immediately preceding two years, been convicted of illegal trawling, or who has been so convicted within the immediately preceding five years and has been more than once so convicted, the owner of the vessel shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding, on a first conviction one hundred and fifty pounds, on a second conviction two hundred and fifty pounds, and on a third or subsequent conviction five hundred pounds:

Provided that it shall be a good defence to any charge under this subsection, if it is proved that, at the commencement of the voyage during which the first mentioned offence was committed the list required by subsection (6) of this section to be kept at mercantile marine offices did not include the previous conviction or convictions of illegal trawling founded on in the charge.

(4) Where any penalty imposed on the owner of a vessel in pursuance of the immediately preceding subsection falls to be, or is ordered to be, recovered by civil

diligence, such penalty may, without prejudice to any method of execution authorised by section forty-nine of the Summary Jurisdiction (Scotland) Act, 1908, be levied by distress or poinding and sale of the vessel in like manner as if it were a sum directed to be so levied under section six hundred and ninety-three of the Merchant Shipping Act, 1894.

8 Edw. 7. c. 65.

57 & 58 Vict. c. 60.

(5) Where a penalty is imposed on the owner of a vessel in pursuance of subsection (3) of this section, the court may make an order directing that the vessel be detained until such penalty is paid, and thereupon the provisions of section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to such vessel in like manner as they apply to a ship which is to be detained under that Act.

(6) The clerk of the court by whom any person shall, after the passing of this Act, be convicted of illegal trawling shall send particulars of such conviction to the Board of Trade and to the Fishery Board for Scotland, and the Board of Trade shall take such steps as may to them seem necessary to secure that a list containing the names of the persons who have been so convicted and particulars of such convictions is available at each mercantile marine office for inspection by the owner of any fishing boat or his authorised representative.

(7) For the purpose of any reference in subsection (1) of this section to a second, or third, or subsequent conviction, and for the purposes of subsection (3) of this section, no account shall be taken of any conviction of illegal trawling dated before the passing of this Act.

Penalty for contravention of regulations regarding registering lettering and numbering of sea fishing boats.

2. Notwithstanding anything contained in the Merchant Shipping Act, 1894, it shall be lawful for a court in Scotland on convicting any person of a contravention of any regulations for the registering lettering and numbering of British Sea Fishing Boats made by Order in Council under Part IV of that Act to sentence such person to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding sixty days or where such conviction is a second or subsequent conviction, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

Increased penalty for obstruction of sea fishery officer. 46 & 47 Vict. c. 22.

3. Subsection (2) of section fourteen of the Sea Fisheries Act, 1883, both as originally enacted and as applied by section five of this Act shall, in the case of a conviction in Scotland, have effect as if the words "two hundred pounds" were substituted for the words "fifty pounds."

Trawling gear to be inboard while in prohibited area. 52 & 53 Vict. c. 23.

4.—(1) While any vessel carrying trawling gear is within any area in which the methods of fishing known as beam trawling and otter trawling are illegal by virtue of section six of the Herring Fishery (Scotland) Act, 1889, or of any byelaw for the time being in force of the Fishery Board for Scotland, the boards of the trawl and the net shall be inboard.

(2) In the event of a contravention of the foregoing provisions of this section, the skipper of the vessel shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Application of 46 & 47 Vict. c. 22, ss. 12 & 14.

5. For the purpose of the enforcement of the enactments relating to illegal trawling, sections twelve and fourteen of the Sea Fisheries Act, 1883 (which relate to powers and protection of sea fishery officers) shall apply as if they were herein re-enacted with the following modifications:—

(*a*) the expression "this Act" shall mean the aforesaid enactments, and any reference to an Order in Council shall not apply;

(*b*) for any reference to a sea fishery officer there shall be substituted a reference to a superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts.

Interpretation.

6. In this Act, unless the context otherwise requires—

the expression "Herring Fishery (Scotland) Acts" means the Acts specified in the First Schedule to the Fishery Board (Scotland) Act, 1882, and the Herring Fishery (Scotland) Act, 1889; 45 & 46 Vict. c. 78.

the expression "illegal trawling" means any contravention of section six of the Herring Fishery

(Scotland) Act, 1889, or of any byelaw for the time being in force of the Fishery Board for Scotland prohibiting the methods of fishing known as beam trawling and otter trawling, and the expression "enactments relating to illegal trawling" means the said section six and any such byelaw, and sections one and four of this Act.

the expressions "fishing boat," "mercantile marine office" and "voyage" have the like meanings as in the Merchant Shipping Act, 1894.

Repeal.

7. The enactments set forth in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Short title.

8. This Act may be cited as the Illegal Trawling (Scotland) Act, 1934.

SCHEDULE.

Section 7.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 10.	The Herring Fishery (Scotland) Act Amendment Act, 1890.	The whole Act.
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act, 1895.	Subsections (4), (5) and (6) of section ten.