CHAPTER 73.

An Act to amend the Law relating to the use of Flags in the British Merchant Service. [30th August 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:

Explanation of law as to national colours for ships.

1. The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any subject of Her Majesty, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

Penalty on ship not showing colours.

2.—(1.) A ship belonging to any subject of Her Majesty shall, on a signal being made to her by one of Her Majesty's ships, and on entering or leaving any foreign port, and if of fifty tons gross tonnage or upwards shall also on entering or leaving any British port, hoist the proper national colours.

(2.) If default is made on board any such ship in complying with the requirements of this section, the master of the ship shall incur a penalty not exceeding one hundred pounds.

Provided that this section shall not apply to any sea fishing boat duly registered, lettered, and marked as required by the Acts relating to the sea fisheries.

Amendment of s. 105 of the Merchant Shipping Act, 1854.

3.—(1.) Any penalty incurred under section one hundred and five of the Merchant Shipping Act, 1854, in respect of the improper hoisting of colours or of a pendant on board any ship or boat belonging to any subject of Her Majesty, with the costs of recovering the penalty, may be recovered in Her Majesty's High Court of Justice in England or Ireland, or in the Court of Session in Scotland, or in any Vice-Admiralty Court within Her Majesty's dominions.

(2.) Any offence mentioned in that section may also be prosecuted, and the penalty for it recovered, in the same manner as if the offence were an offence declared by the Merchant Shipping Act, 1854, to be punishable by a penalty not exceeding one hundred pounds.

Provided as follows:

(*a.*) Where any such offence is prosecuted as last aforesaid the Court imposing the penalty shall not impose a higher penalty than one hundred pounds; and

(*b.*) Nothing in this section shall authorise the imposition of more than one penalty in respect of the same offence.

Definition of Her Majesty's ships.

4. The expression "one of Her Majesty's ships" includes any vessel being under the command of an officer of Her Majesty's Navy on full pay.

Saving for Admiralty.

5. Nothing in this Act shall affect any power of the Admiralty in respect of the red ensign usually worn by merchant ships.

6. This Act may be cited as the Merchant Shipping (Colours) Act, 1889, and shall be construed as one with the Merchant Shipping Acts, 1854 to 1887, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1854 to 1889. Title and construction of Act.

CHAPTER 74.

An Act to enable the Inspectors of Irish Fisheries to prohibit Steam Trawling within a certain distance of the Coast of Ireland. [30th August 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:

1. This Act may be cited for all purposes as the Steam Trawling (Ireland) Act, 1889. Short title.

2. This Act shall not extend to England or Scotland. Extent of Act.

3.—(1.) The Inspectors of Irish Fisheries may from time to time make, alter, and revoke byelaws in the manner and under the regulations in the Fisheries Act, 1842, mentioned, prohibiting the use in or from any steamer or steamship, or vessel propelled by steam, of the method of fishing known as beam trawling or other trawling within three miles of low water mark of any part of the coast of Ireland, or within the waters of any other defined areas specified in any such byelaw, and subject to any conditions or regulations contained in such byelaws. Prohibition of steam trawling within certain limits. 5 & 6 Vict. c. 106.

(2.) Each and every person who uses any trawl net, or any method of fishing in contravention of any byelaw of the Inspectors of Irish Fisheries made in pursuance of this section, shall be liable on conviction 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 used or attempted to be used in contravention of any such byelaw, and every rope, warp, tackle, beam, pole, iron, and other matter or thing fastened to or used with any such net, shall be forfeited, and may be seized by any person empowered to enforce the provisions of the Fisheries (Ireland) Acts, and shall when seized be dealt with in the manner prescribed by section one hundred and three of the Fisheries Act, 1842; and for the purpose of such seizure all persons empowered by section eighty-six of the said Act to go on board any vessel employed in fishing are hereby empowered to go on board any steamer or steamship or vessel propelled by steam employed in fishing. 5 & 6 Vict. c. 106.

4. It shall not be lawful for any person to land or sell in Ireland any fish caught in contravention of any byelaw of the Inspectors of Irish Fisheries made in pursuance of this Act, and each and every person who lands or sells any such fish shall be liable on conviction to a fine not exceeding five pounds for the first offence, Fish illegally caught not to be landed or sold.