Execution of agreement.

4. Any agreement made by a local authority under this Act shall be binding so far as respects such authority if executed by the chairman for the time being of the local authority and two other members of such authority, or, where such authority is a corporation, if executed under the corporate seal.

No such agreement shall be valid unless it has been approved by the Privy Council.

Definition of "jurisdiction."

5. The expression "jurisdiction" shall not include the power of making or levying a rate, but shall include all other powers, duties, and obligations exerciseable by or imposed on a local authority or its officers under the Contagious Diseases (Animals) Act, 1878, or any Order of Council from time to time enforced by virtue of such Act.

Application of Act to Scotland.

6. In the application of this Act to Scotland, "rateable value" means value according to the valuation roll.

Application of Act to Ireland.

7. In the application of this Act to Ireland, the expression "Privy Council" means the Lord Lieutenant and Privy Council.

CHAPTER 48.

An Act to promote the Cultivation of Oysters in Ireland.

[7th August 1884.]

WHEREAS under the provisions of the Act 32 & 33 Victoria, chapter ninety-two, and the Acts incorporated therewith, the Inspectors of Irish Fisheries are empowered to grant licenses to certain persons to form or plant oyster beds or layings, whether above or below low-water mark, and it is expedient, with the view of further promoting the cultivation of oysters in certain places, to extend these powers: Be it therefore 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 quoted as the Oyster Cultivation (Ireland) Act, 1884.

Power to Inspectors of Irish Fisheries to make order for oyster fishery.

2. The Inspectors of Irish Fisheries may make orders for the establishment or improvement, and for the maintenance and regulation, of an oyster fishery on the shore and bed of the sea, or of an estuary or tidal river above or below or partly above and partly below low-water mark (which shore and bed are in this Act referred to as the seashore), and including, if desirable, provisions for the constitution of a board or body corporate for the purpose of such order, on an application by memorial presented to the said Inspectors by any person or persons desirous of obtaining such an order.

Publication of notices.

3. If on consideration of the memorial the Inspectors of Irish Fisheries think fit to proceed with the case they shall cause notices to that effect to be published and circulated in the district to be affected by said order, and shall give notice of the application in such manner as they shall think sufficient and proper for giving information to all parties interested, and to the owners or reputed

owners, lessees or reputed lessees, and occupiers or reputed occupiers, so far as they may be known or ascertained, of the portion of the seashore to which the proposed order relates, or of the lands adjoining thereto.

Objections and representations respecting order.

4. During one month after the publication of said notices the Inspectors of Irish Fisheries shall receive any objections or representations made to them in writing respecting the proposed order.

Inquiry into proposed order by public sittings.

5. After the expiration of one month the Inspectors of Irish Fisheries, or any one of them, shall proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the seashore to which the proposed order relates, and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the proposed order, with power from time to time to adjourn any sitting; and the Inspectors may, for the purpose of such inquiry, take evidence, and by summons require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as they think expedient, and may administer an oath or take any affidavit or declaration for the purpose of the inquiry; and any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey such summons, and any person who refuses or neglects to answer any question which the Inspectors are authorised to ask, shall be liable, on summary conviction, to a penalty not exceeding ten pounds for each offence; and any person who wilfully gives false evidence in any examination on oath in any such inquiry, or in an affidavit or declaration to be used in any such inquiry, shall be deemed guilty of perjury.

Notice shall be published in such manner as the Inspectors of Irish Fisheries direct of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

Settlement and making of order.

6. As soon as conveniently may be after such inquiry, they shall proceed to consider the objections or representations that have been made respecting the proposed order, and thereupon they shall either refuse the application or settle and make an order in such form, and containing such provisions as they think expedient.

Publication of order.

7. Where the Inspectors of Irish Fisheries make an order, they shall cause it to be published and circulated in such manner as they shall think sufficient for giving information to all parties interested, and shall give notice of it in such manner as they approve to the owners or reputed owners, lessees or reputed lessees, and occupiers or reputed occupiers (if any), so far as they may be known or ascertained of the portion of the seashore to which the order relates or of the lands adjoining thereto.

Order to be approved by Lord Lieutenant.

8. An order of the Inspectors of Irish Fisheries shall not of itself have any operation until confirmed by the Lord Lieutenant in Council.

Appeal against order.

9. Any person feeling aggrieved with an order of the Inspectors of Irish Fisheries may, within one month after the making of same, appeal to the Lord Lieutenant in Council against same.

Amendment of order.

10. The Inspectors of Irish Fisheries may from time to time make an order for amending an order that has been confirmed by the Lord Lieutenant, and all the provisions relative to an original order shall apply also to an amending order mutatis mutandis.

Effect of order.

11. When an order of the Inspectors of Irish Fisheries has been confirmed by the Lord Lieutenant, the grantee or grantees shall by virtue of such order have within the limits of the oyster fishery named therein the exclusive right of depositing, propagating, dredging, and fishing for and taking oysters, and in the exercise of that right may, within the limits of the fishery, make and maintain oyster beds, and at any season collect oysters and remove the same from place to place, and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery, or for the regulation of such fishery.

Grantees may appoint bailiffs, and make regulations.

12. For the purpose of protecting an oyster fishery granted under such order, the grantee or grantees, under the hands of any two of them, where more than two, and subject to the approval of the Inspectors of Irish Fisheries, may appoint, at the cost and expense of the grantees, any bailiffs they may consider necessary for the protection of such fishery, and may make such regulations for the management of such fishery, subject to said approval, as they may consider necessary, and any bailiff so appointed may enforce such regulations, and shall have all the powers conferred on water bailiffs by any Act or Acts of Parliament in force relating to Irish Fisheries.

Penalty for trespass or breach of regulations.

13. Any person who wilfully trespasses on such fishery, or on any oyster bed or oyster layings for which a license has been heretofore granted under the provisions of any Act of Parliament in force in Ireland, or who, not being a grantee named in such order, or not having the written permission of the grantee or grantees, or, where more than two, of at least two thirds of the grantees, shall dredge, fish for, or take any oysters, or who, being a grantee or duly authorised as aforesaid, shall dredge, fish for, or take any oysters in contravention of any regulations made as aforesaid, shall be liable, on summary conviction, to pay a penalty not exceeding twenty pounds, and to forfeit all oysters taken, or a sum equal to the value thereof if they have been sold, or have not been delivered up to the bailiff so appointed, which forfeiture may be enforced in the same manner as a penalty; and the court may direct such penalties and forfeitures to be paid or delivered to the grantees to be applied by them for the improvement and cultivation of the fishery.

Inspectors of Irish Fisheries may make order as to dredging, &c. during part of close season.

14. The Inspectors of Irish Fisheries may, upon the application of any person possessed of or interested in any oyster fishery, make an order permitting the dredging for, taking, or having in possession any American, Portuguese, or other foreign oysters during such part only of the close season for oysters in Ireland, as now fixed or may hereafter be fixed, as the said inspectors shall, upon inquiry, think fit to appoint and determine for such purpose for or in any district or place: Provided always, that before making any such order the inspectors shall take the same steps as are provided by the Act of Parliament of the seventh and eighth Victoria, chapter

one hundred and eight, in case of altering the close season in any district or locality, and of publishing any such order, as are directed by such Act or any other Act of Parliament in force in Ireland.

Proof of order.

15. Whenever it is necessary in any legal proceeding to prove the existence of an order under this Act, a certificate, endorsed on a copy purporting to be a copy of said order, purporting to be under the hand of one of the Inspectors of Irish Fisheries, that same is a true copy of said order, and that same has been confirmed by the Lord Lieutenant, shall be taken and received as evidence in all courts of the existence of such order.

Orders determinable.

16. Whenever it shall appear to the Inspectors of Irish Fisheries that the grantee or grantees in any order made under this Act are not maintaining the oyster fishery granted thereunder, it shall be lawful for the Inspectors of Irish Fisheries, if they shall so think fit, to determine by a certificate under their hands such order, and thereupon all rights and privileges thereunder shall be absolutely determined, and shall be null and void; and for the purpose of this provision the Inspectors of Irish Fisheries may from time to time make such inquiries and examination, and require from the grantees such information as they think necessary or proper, and the grantees shall afford all facilities for such inquiries and examination, and give such information accordingly.

Order not to abridge right of several fishery, &c.

17. No order made under this Act shall take away or abridge any right of several fishery, or any right on, to, or over any portion of the seashore, which right is enjoyed by any person under any local or special Act of Parliament, or any royal charter, letters patent, prescription, or immemorial usage, without the consent of such person.

Copies of orders to be kept for sale.

18. The person or persons obtaining an order under this Act shall at all times keep at some convenient place in the neighbourhood of the portion of the seashore to which the order relates, copies of the order, and shall sell such copies to all persons desiring to buy them at a price not exceeding one shilling for each copy.

Extension of Act to mussels.

19. This Act shall apply to mussels, and to mussel beds and mussel fisheries, in the same way as it applies to oysters, and to oyster beds and oyster fisheries.

Saving for rights of the Crown.

20. Where any portion of the seashore proposed to be comprised in an order of the Inspectors of Irish Fisheries under this Act belongs to Her Majesty, Her heirs or successors, in right of the Crown, the Inspectors shall not make the order without the consent of the Board of Trade, or, if such portion of the seashore is not under the management of the Board of Trade, then without the consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them.

Extend to Ireland only.

21. This Act shall extend only to Ireland.