1. Date of Act.	2. Title of Act.	3. Extent of Repeal.
59 Geo. 3. c. 48 -	14. An Act to amend an Act passed in the fifty-fifth year of His present Majesty for granting to His Majesty the sum of twenty thousand pounds towards repairing roads between London and Holyhead by Chester, and between London and Bangor by Shrewsbury, and for giving additional powers to the Commissioners therein named to build a bridge over the Menai Straits, and to make a new road from Bangor Ferry to Holyhead, in the county of Anglesea.	So far as the same relate to that portion of the road from Shrewsbury to Holyhead which is situate in the counties of Anglesey, Carnarvon, Denbigh, and Merioneth.
5 & 6 Will. 4. c. 21 -	15. An Act to amend and alter an Act of the fifty-ninth year of His late Majesty King George the Third, for vesting in commissioners the line of road from Shrewsbury, in the county of Salop, to Bangor Ferry, in the county of Carnarvon; and for discharging the trustees under several Acts of the seventeenth, twenty-eighth, thirty-sixth, forty-first, forty-second, forty-seventh, and fiftieth years of His then present Majesty, from the future repair and maintenance thereof; and for repealing so much of the said Acts as affects the said line of road.	
3 & 4 Vict. c. 104 -	16. An Act to transfer to the Commissioners of Her Majesty's Woods and Works, and other commissioners, the several powers now vested in the commissioners for repairing the line of road from Shrewsbury, in the county of Salop, to Bangor Ferry, in the county of Carnarvon; and to amend the London and Holyhead Roads Acts, so far as relates to the Dunstable Road.	
26 Vict. c. xxx. -	17. An Act for more effectually repairing and improving the several roads comprised in the Flint, Holywell and Mostyn Districts of roads; and for reviving and extending the powers for the construction of certain new roads; and for other purposes.	The whole Act.

CHAPTER 22.

An Act to carry into effect an International Convention concerning the Fisheries in the North Sea, and to amend the laws relating to British Sea Fisheries.

[2nd August 1883.]

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.

1. This Act may be cited as the Sea Fisheries Act, 1883. Short title.

Confirmation of Convention.

Confirmation of Convention.

2. The Convention set out in the first schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

Fishery Regulations.

Power to Her Majesty, by Orders in Council, to make, &c. regulations for execution of Act and maintenance of order.

3. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act, and the intent and object thereof, and for the maintenance of good order among sea fishing boats, and the persons belonging thereto, and to impose fines not exceeding ten pounds for the breach of such regulations.

Punishment for violation of Articles 13 to 22 of Convention, and for other offences.

4. If within the exclusive fishery limits of the British Islands any person, or if outside those limits any person belonging to a British sea-fishing boat,

(*a.*) acts in contravention of Articles thirteen to twenty-two (both inclusive) of the first schedule to this Act, or any of them; or,

(*b.*) causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or

(*c.*) fishes for oysters or has on board his boat any oyster dredge within any seas and during any time within and during which oyster fishing is prohibited by law, or by any convention, treaty, or arrangement to which this Act may be hereafter applied;

such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour.

Punishment for violation of Article 23 of Convention.

5. If within the exclusive fishery limits of the British Islands, any person, or if outside those limits any person belonging to a British sea-fishing boat,

(*a.*) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by Articles twenty and twenty-one of the first schedule to this Act; or,

(*b.*) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

such person shall be liable on summary conviction to a fine not exceeding fifty pounds, or in the discretion of the court to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

Regulations as to lights for sea fishing boats.

6. The regulations respecting lights for the time being in force under the Acts relating to merchant shipping shall, so far as they relate to sea-fishing boats, be deemed to be provisions of this Act and may be enforced accordingly, and a sea-fishery officer shall for that purpose, in addition to his powers under this Act, have the

same powers as are given to any officer by the said Acts relating to merchant shipping.

Exclusive Fishery Limits.

Regulations as to foreign sea-fishing boats within exclusive fishery limits.

7. (1.) A foreign sea-fishing boat shall not enter within the exclusive fishery limits of the British Islands, except for purposes recognised by international law, or by any convention, treaty, or arrangement for the time being in force between Her Majesty and any Foreign State, or for any lawful purpose.

(2.) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

(*a.*) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;

(*b.*) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;

(*c.*) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed.

(3.) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of a second or any subsequent offence, twenty pounds.

Registry of British Sea-fishing Boats.

Amendment of 31 & 32 Vict. c. 45. ss. 22–26.

8. (1.) Sections twenty-two, twenty-three, twenty-four, and twenty-six of the Sea Fisheries Act, 1868 (which relate to the registry of British sea-fishing boats), shall have effect as if Articles five to twelve (both inclusive) of the first schedule to this Act were therein referred to in addition to the Articles of the first schedule to that Act in the said sections mentioned, and as if offences under this Act were offences in the said sections mentioned; provided that nothing in the said sections shall be deemed to authorise any foreign sea-fishery officer to do anything which he is not, under the first schedule to this Act, authorised to do.

39 & 40 Vict. c. 36.

(2.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876, shall not apply to any British sea-fishing boat entered or registered in pursuance of the said sections of the Sea Fisheries Act, 1868.

Miscellaneous.

Prohibition of manufacture and sale of instruments for destroying fishing implements.

9. (1.) There shall not be manufactured or sold or exposed for sale at any place within the British Islands, any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise.

(2.) In the event of any contravention of this section a person guilty thereof shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

Provision as to wreck (Article 25 of Convention).

10. The boats and things specified in Article twenty-five of the first schedule to this Act shall be deemed to be "wreck" within the meaning of any Acts relating to merchant shipping, so however that the provisions of the said Article shall be duly observed.

Enforcement of Act.

Who are to be British and foreign sea-fishery officers.

11. (1.) The provisions of this Act and of any Order in Council under this Act or under the sections of the Sea Fisheries Act, 1868, amended by this Act shall be enforced by sea-fishery officers, either British or foreign.

(2.) The following persons shall be British sea-fishery officers; that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every officer authorised in that behalf by the Admiralty, every British Consular Officer, every collector and principal officer of Customs in any place in the British Islands, and every officer of Customs in the British Islands authorised in that behalf by the Commissioners of Customs, every divisional officer of the coast guard, and every principal officer of a coastguard station.

(3.) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the Government of any Foreign State bound by the Convention, and any officer appointed by a Foreign State for the purpose of enforcing the Convention, or otherwise recognised by Her Majesty as a sea-fishery officer of a Foreign State.

Powers of British sea-fishery officers.

12. For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under the Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits exercise the following powers:

(1.) He may go on board it;

(2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat, or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;

(3.) He may muster the crew of the boat;

(4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;

(5.) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;

(6.) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;

(7.) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and

(8.) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

Powers of British and foreign sea-fishery officers.

13. For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruisers and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that—

(*a.*) Nothing in this section shall authorise a sea-fishery officer to do anything not authorised by the Convention; and

(*b.*) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the state to which such boat belongs.

Protection of and punishment for obstructing sea-fishery officers. 39 & 40 Vict. c. 36.

14. (1.) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to any officer of customs by the Customs Consolidation Act, 1876, or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.

(2.) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Legal Proceedings.

Compensation for damage caused by offence.

15. (1.) Where on the conviction of any person under this Act for an offence it appears to the court that any injury to person or property has been caused by the offence, the court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act and when recovered shall be paid to the person injured.

(2.) Any compensation specified in a document signed in accordance with Article thirty-three of the first schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a court of summary jurisdiction.

(3.) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the

said Article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

Summary prosecution of offences and recovery of fines.

16. (1.) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say,—

42 & 43 Vict. c. 49.
27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

(*a.*) In England before a justice or justices, in manner provided by the Summary Jurisdiction (English) Acts;

(*b.*) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881;

(*c.*) In Ireland within the police district of Dublin metropolis in manner provided by the Acts regulating the powers and duties of the justices of the peace of such district, or of the police of such district, and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

14 & 15 Vict. c. 93.

(*d.*) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.

(2.) If any person feels aggrieved by any conviction under this Act by a court of summary jurisdiction, or by any determination or adjudication of such court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows:—

(*a.*) In England the appeal shall be to quarter sessions in manner provided by the Summary Jurisdiction (English) Acts;

(*b.*) In Ireland the appeal shall be to the court of quarter sessions in manner directed by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

(*c.*) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

Evidence.

17. (1.) Any document drawn up in pursuance of the first schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.

(3.) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of a sea-fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.

Jurisdiction of courts.

18. For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea-fishing boat within the exclusive fishery limits of the British Islands, and persons belonging thereto, as such court would have if such boat were a British sea-fishing boat.

Service to be good if made personally or on board ship.

19. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

Masters of boats liable to fines imposed.

20. (1.) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.

(2.) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the court think fit so to order, by distress or poinding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

Application of fines.

21. (1.) The court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the Commissioners of the Treasury may direct.

(2.) Forfeitures may be destroyed, sold, and disposed of as the court adjudging the forfeiture may direct.

Saving of liability and rights.

22. (1.) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2.) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

Application of Act.

Extension of Act by Order in Council.

23. If at any time after the commencement of this Act any convention, treaty, or arrangement respecting sea fisheries is made between Her Majesty and any Foreign State, it shall be lawful for Her Majesty by Order in Council, to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the Order mentioned) apply to the said convention, treaty, or arrangement, and have effect in like manner as if the said convention, treaty, or arrangement were set forth in the first schedule to this Act, and were part of that schedule and were the Convention referred to in this Act.

Application of Act to seas between British Islands and France, and continuance of 6 & 7 Vict. c. 79. as to French Convention.

24. If the provisions of this Act are applied by Order in Council to any convention, treaty, or arrangement made in substitution for the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, or for the Convention and Articles set forth in the schedule to 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 the Convention between Her Majesty and "the King of the French, concerning the fisheries in the seas "between the British Islands and France," that last-mentioned Act shall, after the date fixed by the said Order for the application of this Act be repealed, but such last-mentioned Act shall, until the said date or any earlier date at which the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, comes into operation, continue in force so far as regards French sea-fishing boats and persons belonging thereto within the seas to which the said Convention and Articles set forth in the schedule thereto apply, so far as those seas are outside the exclusive fishery limits of the British Islands, and are not within the North Sea as defined in the first schedule to this Act.

General application of Act.

25. This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by Article four of the first schedule to this Act, or within the seas specified in any convention, treaty, or arrangement to which this Act may be applied by Order in Council made in pursuance of this Act, and to the boats and officers of a Foreign State bound by the Convention in the first

schedule to this Act or by any convention, treaty, or arrangement to which this Act may be applied, but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective Courts.

Supplemental.

Publication of Orders in Council.

26. Orders in Council made in pursuance of this Act shall be published in the London Gazette, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

Amendment of 31 & 32 Vict. c. 45. s. 18. 39 & 40 Vict. c. 36.

27. The reference in section eighteen of the Sea Fisheries Act, 1868, to section two hundred of the Customs Consolidation Act, 1853, shall be construed to refer to section one hundred and seventy of the Customs Consolidation Act, 1876.

Definitions.

28. In this Act,—

"Sea-fishing:"

The expression "sea-fishing" shall not include fishing for salmon as defined by any Act relating to salmon, but save as aforesaid, means the fishing for every description both of fish, and shell fish, found in the seas to which this Act applies; and the expression "sea fisherman" and other expressions relating to sea-fishing shall be construed accordingly:

"Sea-fishing boat:"

The expression "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea fisherman:

"Fishing implements:"

The expression "fishing implement" means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea fishing:

"British Islands:"

The expression "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies:

"Exclusive fishery limits:"

The expression "exclusive fishery limits of the British Islands" means that portion of the seas surrounding the British Islands within which Her Majesty's subjects have, by international law, the exclusive right of fishing, and where such portion is defined by the terms of any convention, treaty, or arrangement for the time being in force between Her Majesty and any Foreign State, includes, as regards the sea-fishing boats and officers and subjects of that State, the portion so defined:

The expression "the Admiralty" means the Lord High Admiral for the time being of the United Kingdom of Great Britain and Ireland, or any two or more of the Commissioners for executing the office of Lord High Admiral of the United Kingdom:

"Consular officer:"

The expression "Consular officer" includes Consul-General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul-General, Consul, or Vice-Consul:

"Person:" The expression "person" includes a body of persons corporate or unincorporate:

"Court." The expression "court" includes any tribunal or magistrate exercising jurisdiction under this Act.

Commencement of Act.

29. This Act shall come into force on such day as may be fixed by a notice in that behalf published in the London Gazette, which day is in this Act referred to as the commencement of this Act.

Repeals.

30. (1.) After the commencement of this Act the Acts specified in the first part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

(2.) After the commencement of this Act, the Acts specified in the second part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule:

Provided that, until the date herein-after mentioned at which such repeal takes full effect, the repeal of the enactments specified in the said second part shall, except within the North Sea as defined by the first schedule to this Act, be subject to the following limitations:

(*a.*) The repeal shall not extend to section twelve of the Sea Fisheries Act, 1868 (which section relates to oyster fishing), nor to the recovery of any penalty for a violation of that section;

(*b.*) The repeal shall extend only to officers and boats within the exclusive fishery limits of the British Islands and to British sea-fishing boats when outside the exclusive fishery limits of the British Islands;

(*c.*) The repeal shall not affect the power of French sea-fishery officers and French courts over British sea-fishing boats when outside the exclusive fishery limits of the British Islands, or the power of British and French sea-fishery officers and British courts over French sea-fishing boats brought within the exclusive fishery limits of the British Islands for offences committed outside those limits;

(*d.*) The repeal shall not alter the power of receiving as evidence any depositions, minutes, and other documents which by the said Acts are made receivable as evidence;

(*e.*) If the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, comes into operation, then, upon notice thereof being given in the London Gazette, the said enactments shall, subject to the provisions of this section, be in force for the purposes of such Convention.

If this Act is applied by Order in Council to French sea-fishery officers and French sea-fishing boats within the seas to which the Convention set forth in the first schedule to the Sea Fisheries Act, 1868, applies, the said repeal of the enactments specified in the second part of the second schedule to this Act shall take full effect as from the date at which such application of this Act takes effect.

(3.) The repeal of any enactment by this Act shall not affect anything duly done or suffered, or any liability, penalty, forfeiture, or punishment incurred under any enactment hereby repealed, and any legal proceeding or remedy in respect of such liability, penalty, forfeiture, or punishment may be carried on as if this Act had not passed.

31. So much of this Act as has effect outside of the exclusive fishery limits of the British Islands shall, if the Convention ceases to be binding on Her Majesty, cease to apply to the boats and officers of any Foreign State bound by the Convention, and if the Convention ceases to be binding on any Foreign State shall cease to apply to the boats and officers of such State, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the Convention. Continuance of Act.

SCHEDULES.

FIRST SCHEDULE.

INTERNATIONAL CONVENTION for the purpose of regulating the POLICE of the FISHERIES in the NORTH SEA outside TERRITORIAL WATERS.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the Emperor of Germany, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; the President of the French Republic; and His Majesty the King of the Netherlands, having recognised the necessity of regulating the police of the fisheries in the North Sea, outside territorial waters, have resolved to conclude for this purpose a Convention, and have named their Plenipotentiaries as follows:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Stuart, Companion of the Most Honourable Order of the Bath, &c., Her Envoy Extraordinary and Minister Plenipotentiary at the Hague; Charles Malcolm Kennedy, Esq., Companion of the Most Honourable Order of the Bath, &c., Head of the Commercial Department of the Foreign Office; and Charles Cecil Trevor, Esq., Barrister at Law, Assistant Secretary to the Board of Trade, &c.;

His Majesty the Emperor of Germany, King of Prussia, Veit Richard von Schmidthals, Knight of the Order of the Red Eagle of the Third Class, and of the Order of St. John, &c., Councillor of Legation, his Chargé d'Affaires at the Hague; and Peter Christian Kinch Donner, Knight of the Order of the Red Eagle of the fourth class with the Sword, and of the Crown of the fourth class, &c., his Councillor of State, Captain in the Navy, on the Reserve;

His Majesty the King of the Belgians, the Baron d'Anethan, Commander of the Order of Leopold, &c., his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and M. Léopold Orban, Commander of the Order of Leopold, &c., his Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Political Department in the Ministry of Foreign Affairs;

His Majesty the King of Denmark, Carl Adolph Bruun, Knight of the Order of the Danebrog, &c., Captain in the Navy;

The President of the French Republic, the Count Lefèbvre de Béhaine, Commander of the National Order of the Legion of Honour, &c., Envoy Extraordinary and Minister Plenipotentiary of the French Republic at the Hague; and M. Gustave Émile Mancel, Officer of the National Order of the Legion of Honour, &c., Commissary of Marine;

His Majesty the King of the Netherlands, the Jonkheer Willem Frederik Rochussen, Commander of the Order of the Lion of the Netherlands, &c., his Minister of Foreign Affairs; and Eduard Nicolaas Rahusen, Knight of the Order of the Lion of the Netherlands, &c., President of the Committee for Sea Fisheries;

Who, after having communicated the one to the other their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The provisions of the present Convention, the object of which is to regulate the police of the fisheries in the North Sea outside territorial waters, shall apply to the subjects of the High Contracting Parties.

ARTICLE II.

The fishermen of each country shall enjoy the exclusive right of fishery within the distance of three miles from low water mark along the whole extent of the coasts of their respective countries, as well as of the dependent islands and banks.

As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles.

The present Article shall not in any way prejudice the freedom of navigation and anchorage in territorial waters accorded to fishing boats, provided they conform to the special police regulations enacted by the Powers to whom the shore belongs.

ARTICLE III.

The miles mentioned in the preceding Article are geographical miles, whereof sixty make a degree of latitude.

ARTICLE IV.

For the purpose of applying the provisions of the present Convention, the limits of the North Sea shall be fixed as follows :—

1. On the north by the parallel of the 61st degree of latitude ;
2. On the east and south :—
   (1.) By the coasts of Norway between the parallel of the 61st degree of latitude and Lindesnaes Lighthouse (Norway) ;
   (2.) By a straight line drawn from Lindesnaes Lighthouse (Norway) to Hanstholm Lighthouse (Denmark) ;
   (3.) By the coasts of Denmark, Germany, the Netherlands, Belgium, and France, as far as Gris Nez Lighthouse ;
3. On the west :—
   (1.) By a straight line drawn from Gris Nez Lighthouse (France) to the easternmost lighthouse at South Foreland (England) ;
   (2.) By the eastern coasts of England and Scotland ;
   (3.) By a straight line joining Duncansby Head (Scotland) and the southern point of South Ronaldsha (Orkney Islands) ;
   (4.) By the eastern coasts of the Orkney Islands ;
   (5.) By a straight line joining North Ronaldsha Lighthouse (Orkney Islands) and Sumburgh Head Lighthouse (Shetland Islands) ;
   (6.) By the eastern coasts of the Shetland Islands ;
   (7.) By the meridian of North Unst Lighthouse (Shetland Islands) as far as the parallel of the 61st degree of latitude.

ARTICLE V.

The fishing boats of the high contracting parties shall be registered in accordance with the administrative regulations of each country. For each port there shall be a consecutive series of numbers, preceded by one or more initial letters, which shall be specified by the superior competent authority.

Each government shall draw up a list showing these initial letters.

This list, together with all modifications which may subsequently be made in it, shall be notified to the other contracting powers.

ARTICLE VI.

Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

ARTICLE VII.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 8 centim. in height and 12 millim. in breadth.

ARTICLE VIII.

The letter or letters and numbers shall be placed on each bow of the boat, eight or ten centim. below the gunwale, and so as to be clearly visible. They shall be painted in white oil colour on a black ground.

The distance above mentioned shall not, however, be obligatory for boats of small burden, which may not have sufficient space below the gunwale.

For boats of fifteen tons burden and upwards the dimensions of the letters and numbers shall be forty-five centim. in height and 6 centim. in breadth.

For boats of less than fifteen tons burden the dimensions shall be twenty-five centim. in height and 4 centim. in breadth.

The same letter or letters and numbers shall also be painted on each side of the mainsail of the boat, immediately above the close reef, in black oil colour on white or tanned sails, and in white oil colour on black sails.

The letter or letters and numbers on the sails shall be one-third larger in every way than those placed on the bows of the boat.

ARTICLE IX.

Fishing boats may not have, either on their outside or on their sails, any names, letters, or numbers other than those prescribed by Articles VI., VII., and VIII. of the present Convention.

ARTICLE X.

The names, letters, and numbers placed on the boats and on their sails shall not be effaced, altered, made illegible, covered, or concealed in any manner whatsoever.

ARTICLE XI.

All the small boats, buoys, principal floats, trawls, grapnels, anchors, and generally all fishing implements, shall be marked with the letter or letters and numbers of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

ARTICLE XII.

The master of each boat must have with him an official document, issued by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat.

This document must always give the letter or letters and number of the boat, as well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

ARTICLE XIII.

The nationality of a boat must not be concealed in any manner whatsoever.

ARTICLE XIV.

No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

ARTICLE XV.

Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

ARTICLE XVI.

Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats.

As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result

shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

ARTICLE XVII.

No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

ARTICLE XVIII.

No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other part of the fishing tackle of another fisherman.

ARTICLE XIX.

When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

ARTICLE XX.

When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

ARTICLE XXI.

When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

ARTICLE XXII.

Except in cases of salvage and the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

ARTICLE XXIII.

The use of any instrument or engine which serves only to cut or destroy nets is forbidden.

The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

ARTICLE XXIV.

Fishing boats shall conform to the general rules respecting lights which have been, or may be, adopted by mutual arrangement between the high contracting parties with the view of preventing collisions at sea.

ARTICLE XXV.

All fishing boats, all their small boats, all rigging gear or other appurtenances of fishing boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and of the nation of the owner of the articles found. They [the same authority] shall restore the articles to the owners thereof or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the laws of the different countries may provide, shall fix the amount which the owners shall pay to the salvors.

It is, however, agreed that this provision shall not in any way prejudice such conventions respecting this matter as are already in force, and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salved.

Fishing implements of any kind found unmarked shall be treated as wreck.

ARTICLE XXVI.

The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the high contracting parties. In the case of Belgium, such vessels may be vessels belonging to the State, commanded by captains who hold commissions.

ARTICLE XXVII.

The execution of the regulations respecting the document establishing nationality, the marking and numbering of boats, &c., and of fishing implements, as well as the presence on board of instruments which are forbidden (Articles VI., VII., VIII., IX., X., XI., XII., XIII., and XXIII., § 2), is placed under the exclusive superintendence of the cruizers of the nation of each fishing boat.

Nevertheless, the commanders of cruizers shall acquaint each other with any infractions of the above-mentioned regulations committed by the fishermen of another nation.

ARTICLE XXVIII.

The cruizers of all the high contracting parties shall be competent to authenticate all infractions of the regulations prescribed by the present convention, other than those referred to in Article XXVII., and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXIX.

When the commanders of cruizers have reason to believe that an infraction of the provisions of the present convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be endorsed upon it immediately.

The commanders of cruizers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of regulations respecting the police of the fisheries.

ARTICLE XXX.

The commanders of the cruizers of the Signatory Powers shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declarations of the parties interested and from the testimony of those present.

The commander of the cruizer may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fishermen belong. He may even take on board the cruizer a part of the crew of the fishing boat in order to hand them over to the authorities of her nation.

ARTICLE XXXI.

The formal statement referred to in the preceding Article shall be drawn up in the language of the commander of the cruizer, and according to the forms in use in his country.

The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

ARTICLE XXXII.

Resistance to the directions of commanders of cruizers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruizer, be considered as resistance to the authority of the nation of the fishing boat.

ARTICLE XXXIII.

When the act alleged is not of a serious character, but has nevertheless caused damage to any fisherman, the commanders of cruizers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid.

Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

One copy of this document shall remain on board the cruizer, and the other shall be handed to the master of the boat to which the compensation is due, in order that he may, if necessary, be able to make use of it before the Courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of Article XXX.

ARTICLE XXXIV.

The prosecutions for offences against, or contraventions of, the present convention shall be instituted by, or in the name of, the State.

ARTICLE XXXV.

The high contracting parties engage to propose to their respective Legislatures the necessary measures for insuring the execution of the present convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of Articles VI. to XXIII. inclusive.

ARTICLE XXXVI.

In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of another nationality, the Courts of the country to which the boats of the offenders belong shall be empowered to try them.

The same rule shall apply with regard to offences against, and contraventions of, the present convention.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

ARTICLE XXXVIII.

The present convention shall be ratified. The ratifications shall be exchanged at the Hague as soon as possible.

ARTICLE XXXIX.

The present convention shall be brought into force from and after a day to be agreed upon by the high contracting parties.

The convention shall continue in operation for five years from the above day; and, unless one of the high contracting parties shall, twelve months before the expiration of the said period of five years, give notice of intention to terminate its operation, shall continue in force one year longer, and so on from year to year. If, however, one of the Signatory Powers should give notice to terminate the convention, the same shall be maintained between the other contracting parties, unless they give a similar notice.

ADDITIONAL ARTICLE.

The Government of His Majesty the King of Sweden and Norway may adhere to the present convention, for Sweden and for Norway, either jointly or separately.

This adhesion shall be notified to the Netherlands Government, and by it to the other Signatory Powers.

In witness whereof the Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done at the Hague, in six copies, the 6th May 1882.

(L.S.) W. STUART.
(L.S.) C. M. KENNEDY.
(L.S.) C. CECIL TREVOR.
(L.S.) V. SCHMIDTHALS.
(L.S.) CHR. DONNER.
(L.S.) Bon A. D'ANETHAN.
(L.S.) LÉOPOLD ORBAN.
(L.S.) C. BRUUN.
(L.S.) Cte LEFÈBVRE DE BÉHAINE.
(L.S.) EM. MANCEL.
(L.S.) ROCHUSSEN.
(L.S.) E. N. RAHUSEN.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of an Act in this schedule is inclusive of the word, section, or other part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

PART I.—*Enactments wholly repealed.*

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 79.	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.	So much of the schedule thereto as prohibits any French fishing-boat from approaching nearer to any part of the Coast of the United Kingdom than the limit of three miles, and so much of the rest of the Act as relates to the portion of the schedule hereby repealed.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Section twenty-five. Section fifty-eight, from "in manner directed by law" to "the appeal shall be made", and from "for the county or place" to "costs to be paid by either party." Section seventy-one and the second schedule.
40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.	Section fifteen.

PART II.—*Enactments repealed provisionally.*

Session and Chapter.	Title.	Extent of Repeal.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections three and four. Section five, from "the term consular officer" to "construed to mean consular officer." Sections six to sixteen. Sections twenty and twenty-one. Section fifty-nine. Section sixty-one. Section sixty-three, from the beginning of the section to "the satisfaction of the court." The first schedule, except articles four to eight, article thirty-one, and the Declaration and List of Ports annexed to the Convention.
38 Vict. c. 15.	An Act to amend the Sea Fisheries Act, 1868.	Section three.

CHAPTER 23.

An Act to apply the sum of fifteen million one hundred and eighty-two thousand seven hundred and seven pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-four.

[2nd August 1883.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and 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:

Issue of 15,182,707*l.* out of the Consolidated Fund for the service of the year ending 31st March 1884.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-four the sum of fifteen million one hundred and eighty-two thousand seven hundred and seven pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time, on the credit of the said sum, any sum or sums not exceeding in the whole the sum of fifteen million one hundred and eighty-two