Any voter unable to write shall affix his mark at the foot of the voting paper in presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter, under the heading "in favour of" or "against" according as such voter intends to vote for or against the resolution.

This paper will be collected on the day of between the hours of and .

CHAPTER 54.

An Act for the Regulation of the Sea Fisheries of England and Wales. [24th December 1888.]

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:

Establishment of sea fisheries districts and local fisheries committees.

1.—(1.) The Board of Trade may from time to time on the application of a county council or borough council, by order,

(*a*) create a sea fisheries district comprising any part of the sea within which Her Majesty's subjects have by international law the exclusive right of fishing, either with or without any part of the adjoining coast of England and Wales; and

(*b*) define the limits of the district, and the area chargeable with any expenses under this Act; and

(*c*) provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district;

and may from time to time on like application by subsequent order vary any order made under this section, or unite two or more districts or parts of districts into a separate district, or dissolve any district that may have been formed.

(2.) The local fisheries committee for a sea fisheries district shall be a committee of a county council or borough council, or, if two or more councils appear to be interested, a joint committee of those councils, with the addition in each case of such members representing the fishing interests of the district, including members representing any board of salmon conservators having jurisdiction within the district, as may be directed by the order creating the district, such number of fishery members not being in the aggregate less than the number of members of the county or borough councils provided by the order creating the district. The fishery members shall hold office for the same time as the members appointed by the county or borough council or councils, and any vacancy amongst the fishery members which may arise in the interval shall be filled up by a representative of the fishing interest in respect of which it occurs. The members representing a board of salmon conservators shall be appointed by that board.

(3.) The law relating to committees and joint committees of county councils shall, subject to the provisions of the order constituting a local fisheries committee, apply to the local fisheries committee in like manner as if the powers and duties of that committee were powers and duties transferred by the Local Government Act, 1888, to the council or councils represented on the committee and delegated to the committee by the said council or councils, and as if any borough council represented on the committee were a county council.

51 & 52 Vict. c. 41.

(4.) Every order made by the Board of Trade under this section shall be laid for thirty days before both Houses of Parliament while in session, and if either House within that period resolves that the whole or any part of the order ought not to be in force the same shall not have any force, without prejudice nevertheless to the making of any other order in its place. Subject to any such resolution, every order so made shall come into force at the expiration of the thirty days aforesaid.

(5.) In case a county council or borough council, to whom application has been made by not less than twenty inhabitant ratepayers interested in sea fisheries, refuse or neglect to apply to the Board of Trade to create a sea fisheries district for the space of six months from the date of the application, the persons making such application shall, within twelve months from the date thereof, be entitled to apply to the Board of Trade for an order establishing such sea fisheries district, and the Board of Trade shall, unless the council can show to their satisfaction that such order should not be made, proceed as if an application had been made by the council.

(6.) Before making any order creating a sea fisheries district the Board of Trade shall cause the draft of such order to be locally published in such manner as they direct, and shall, if any objections are made to such orders, or any of the provisions thereof, cause such local inquiry to be held as may in their opinion be required. Due notice of such inquiry shall be given by advertisement or otherwise, and the report of the person holding such inquiry shall, if the order is made, be laid with the order before both Houses of Parliament.

Byelaws for regulation of sea fisheries.

2.—(1.) A local fisheries committee for a sea fisheries district may from time to time, subject to such regulations as may be made in that behalf by the Board of Trade, make byelaws, to be observed within their district, for all or any of the following purposes, namely,—

(*a.*) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish, and for determining the size of mesh, form, and dimensions of any instrument of fishing for sea fish;

(*b.*) For constituting within their district any district of oyster cultivation for the purposes of section four of the Fisheries (Oyster, Crab, and Lobster) Act, 1877;

40 & 41 Vict. c. 42.

(*c.*) For directing that the proviso to section eight of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, which permits edible crabs in certain conditions or under a certain size to be taken

by or be in the possession of any person if those crabs are intended for bait for fishing, shall not apply;

(*d.*) For repealing or amending any order made under section ten of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, or under the Fisheries (Oyster, Crab, and Lobster) Act (1877) Amendment Act, 1884; 47 & 48 Vict. c. 26.

(*e.*) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing; and

(*f.*) For repealing or amending any byelaw made in pursuance of this Act.

(2.) A byelaw made in pursuance of this Act may provide for its application either to the whole or any specified part or parts of the district for which it is made, and either during the whole or any specified part or parts of the year.

Penalties for breach of byelaws.

3. A local fisheries committee may, by their byelaws, impose as penalties for the breach of any byelaw fines not exceeding for any one offence the sum of twenty pounds, and in the case of a continuing offence the additional sum of ten pounds for every day during which the offence continues, and in any case forfeiture of any fishing instrument used or sea fish taken in contravention of, or found in the possession of a person contravening, any byelaw; and any such penalties may be recovered and enforced on summary conviction.

Confirmation of byelaws.

4.—(1.) A byelaw made in pursuance of this Act shall not be of any validity until it has been confirmed by the Board of Trade.

(2.) The Board of Trade may, if they think fit, before confirming a byelaw made in pursuance of this Act, cause such local inquiry as they think fit to be held with respect to the byelaw, and may, in any case, confirm any such byelaw, either without modifications, or with such modifications as may be assented to by the local fisheries committee.

Copies and evidence of byelaws.

5.—(1.) The local fisheries committee shall cause copies of all byelaws made by them under this Act, and for the time being in force, to be kept posted up in some conspicuous place or places within their district, and shall supply copies of all such byelaws to any applicant, on payment of a sum not exceeding one penny for each copy.

(2.) The production of a copy of any byelaw made in pursuance of this Act, purporting to be signed by a secretary or assistant secretary of the Board of Trade, shall be conclusive evidence of the byelaw and of the due making and confirmation thereof.

Appointment and powers of fishery officers.

6.—(1.) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee: Provided that nothing in this section shall exempt the coastguard

and Admiralty officers from their statutory duty in enforcing the laws and regulations affecting vessels engaged in sea fishing.

(2.) For the purpose of enforcing those byelaws every such fishery officer may within the limits of the district, or of any adjoining sea fisheries district or district under the jurisdiction of salmon conservators, or of a harbour authority,—

(*a.*) Stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaws; and

(*b.*) Search and examine all instruments used in catching or carrying fish; and

(*c.*) Seize any sea fish or instrument liable to be forfeited in pursuance of any such byelaws.

(3.) If any person without reasonable excuse (proof whereof shall lie on him) refuses to allow any such officer to exercise the powers conferred upon him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall for every such offence be liable on summary conviction to a fine not exceeding five pounds.

(4.) For the enforcement of the provisions of any such byelaws every such officer shall be deemed to be a constable, and to have the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constablewick at common law or by statute.

(5.) A local fisheries committee may, with the consent of any board of salmon conservators, appoint as an officer of the committee any officer of the board; and a board of salmon conservators may, with the consent of a local fisheries committee, appoint as an officer of the board any officer of the committee.

Power to enter suspected places.

7. It shall be lawful for any justice of the peace, upon information on oath that there is probable cause to suspect any breach of any byelaw made under this Act to have been committed on any premises, or that any sea fish or instrument liable to be forfeited in pursuance of any such byelaw is concealed on any premises, by warrant under his hand and seal to authorise and empower any fishery officer appointed under this Act, or any police officer, to enter the premises for the purpose of detecting the offence or the concealed fish or instrument at such time or times in the day or night as in the warrant may be mentioned, and to seize any such fish or instruments which may be found on the premises: Provided that the warrant shall not continue in force for more than one week from the date thereof.

Returns by local fisheries committees.

8. Every local fisheries committee shall collect such statistics relating to the sea fisheries within the district of the committee and make such returns to the Board of Trade as to the proceedings of the committee under this Act and as to the sea fisheries aforesaid as the Board of Trade may reasonably require: Provided that any expenses which the local fisheries committee may be required by the Board of Trade to incur in the collection of statistics shall be borne by moneys to be provided by Parliament.

9. The Board of Trade shall convene a meeting composed of not less than one representative selected by each of the local fisheries committees at least once in each year, to confer with the heads of the Fishery Department of the Board of Trade, and for consultative purposes on matters relating to this Act. Annual meeting of representatives of local committees.

10. The expenses of a local fisheries committee, so far as payable by a county council, shall, according as is provided by the order providing for the constitution of the local fisheries committee, be general or special expenses within the meaning of the Local Government Act, 1888, and if special expenses shall be charged in manner directed by the order, and the expenses of the committee, so far as payable by the council of a borough, shall be paid out of the borough rate or borough fund. Expenses of committee. 51 & 52 Vict. c. 41.

11. An order providing for the constitution of a local fisheries committee may contain such regulations consistent with this Act with respect to the number and mode of appointment of the members of the committee, and with respect to other matters relating to the constitution of the committee, as may seem expedient to the Board of Trade. Contents of order for constitution of committee.

12.—(1.) Where a proposed sea fisheries district will adjoin or overlap the district of a board of salmon conservators, the Board of Trade shall, by the order defining the limits of the sea fisheries district, draw a line at or near the mouth of every river or stream flowing into the sea, or into any estuary within those limits, or at the option of the Board of Trade at or near the mouth of any estuary within those limits, and the sea fisheries district shall not extend into any such river, stream, or estuary above that line; but the order may provide that with respect to any such river, stream, or estuary, or any area subject to a bye-law made under section thirty-nine, subsection eight, of the Salmon Fishery Act, 1873, the conservators shall have the powers of a local fisheries committee. Relations of local fisheries committees to conservators under Salmon Acts and harbour authorities.

(2.) Where an area is under the jurisdiction of salmon conservators, or of a harbour authority, and an application for the creation of a sea fisheries district comprising that area or any part thereof has not been made or has been refused, the Board of Trade may, if they think fit, by order, confer on the conservators or harbour authority the powers of a local fisheries committee with respect to that area, and may vary or rescind any such order if the area, or any part thereof, is subsequently comprised in a sea fisheries district.

(3.) A local fisheries committee shall not have jurisdiction within any area for the time being subject to a byelaw made under section thirty-nine, subsection eight, of the Salmon Fishery Act, 1873.

(4.) Where salmon conservators or a harbour authority have the powers of a local fisheries committee in pursuance of this section, those powers shall be exercised subject to the same conditions as if exercised by a local fisheries committee, and the provisions of this Act shall apply in the case of byelaws made or officers appointed in exercise of any such powers as if the byelaws were made or the officers appointed by a local fisheries committee.

Saving for several fisheries, &c.

13. Nothing in this Act shall authorise a local fisheries committee to make any byelaw

(*a*) prejudicially affecting any right of several fishery, or any right on, to, or over any portion of the seashore, where any such 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 that person; or

(*b*) affecting any byelaw made, or to be made, by a board of salmon conservators, and for the time being in force within the district of the committee, or restricting the power of a board of salmon conservators to make any such byelaw; or

(*c*) affecting any power of a sanitary or other local authority to discharge sewage in pursuance of any power given by a general or local Act of Parliament, or by a Provisional Order confirmed by Parliament.

Definitions.

14. For the purposes of this Act—

The expression "county council" shall mean a county council established under the Local Government Act, 1888.

The expression "borough council" shall mean the council of any municipal borough containing, according to the census of one thousand eight hundred and eighty-one, a population of not less than twenty thousand.

The expression "sea fish" shall not include salmon as defined by any Act relating to salmon, but, save as aforesaid, shall mean fish of all kinds found in the sea, and shall also include lobsters, crabs, shrimps, prawns, oysters, mussels, cockles, and other kinds of crustaceans and shell fish.

The expression "sea" includes the coast up to high-water mark.

The expression "vessel" includes ship, boat, lighter, and craft of every kind, whether stationary or navigated by steam or otherwise.

The expression "person" includes any body of persons corporate or unincorporate.

The expression "fishing interests" includes all persons interested in fisheries, either as owners of fisheries or interests therein, fishermen, fishing-boat owners, smack owners, fish curers, fish merchants, or otherwise, and any board of salmon conservators.

The expression "salmon conservators" means conservators under the Salmon and Freshwater Fisheries Acts, 1861 to 1886, or any of them.

The expression "harbour authority" means any body corporate, persons, or person being or claiming to be proprietors or proprietor of, or entrusted with the duty of improving, managing, maintaining, or regulating any harbour.

Extent of Act.

15. This Act shall not extend to Scotland or Ireland.

Repeal.

16. The Acts described in the schedule to this Act are hereby repealed, without prejudice to any order made or thing done under any such Act before the passing of this Act.

Short title.

17. This Act may be cited as the Sea Fisheries Regulation Act, 1888.

SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.
44 & 45 Vict. c. 11.	The Sea Fisheries (Clam and Bait Beds) Act, 1881.
47 & 48 Vict. c. 26.	The Fisheries (Oyster, Crab, and Lobster) Act (1877) Amendment Act, 1884.

CHAPTER 55.

An Act for the better Protection of the Sand-Grouse in the United Kingdom. [24th December 1888.]

WHEREAS it is expedient to provide for the protection of the sand-grouse, in order that it may, if possible, become acclimatised in the United Kingdom:

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:

Penalty for killing sand-grouse.

1. Any person who shall, after the first day of February one thousand eight hundred and eighty-nine, and before the first day of January one thousand eight hundred and ninety-two, knowingly or with intent kill, wound, or take any sand-grouse, or shall expose or offer for sale any sand-grouse killed or taken in the United Kingdom, shall, on conviction of any such offence before any justice or justices of the peace in England and Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such bird so killed, wounded, or taken, or exposed or offered for sale, such sum of money not exceeding one pound as to the said justice or justices shall seem meet, together with the costs of conviction.

Short title.

2. This Act may be cited as the Sand-Grouse Protection Act, 1888.

CHAPTER 56.

An Act to make further provision for the Nomination of Bishops Suffragans. [24th December 1888.]

WHEREAS by the Act of the twenty-sixth year of the reign of King Henry the Eighth, chapter fourteen, intituled "An Act for nomination and consecration of suffragans within this realm," it was enacted that the towns therein named should be taken and accepted for sees of bishops suffragans:

And whereas it is desirable to add to the number of towns for the purposes of that Act:

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: