SCHEDULE.

Section 15.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
24 & 25 Vict. c. 100.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.	Section forty-nine, and in section fifty-two the words "or any attempt "to have carnal knowledge of any girl "under twelve years "of age."
38 & 39 Vict. c. 94. -	The Offences against the Person Act, 1875.	The whole Act.

CHAPTER 70.

An Act to amend the Law relating to Scottish Sea Fisheries and for other purposes relating thereto.

[14th August 1885.]

WHEREAS it is expedient to amend the Sea Fisheries Act, 1883, in so far as it applies to Scottish Sea Fisheries: 46 & 47 Vict. c. 22.

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:

1. This Act may be cited as the Sea Fisheries (Scotland) Amendment Act, 1885, and shall be read and construed along with the Sea Fisheries Act, 1883. Short title.

2. This Act shall apply only to Scotland, and to the parts of the sea adjoining Scotland. Application.

3. In this Act "Sea Fisheries Acts" shall mean the Sea Fisheries Act, 1868, the Sea Fisheries Act, 1875, and the Sea Fisheries Act, 1883, and this Act. Definition. 31 & 32 Vict. c. 45. 38 Vict. c. 15.

4. When the Fishery Board for Scotland, herein-after called the Fishery Board, are satisfied that any mode of fishing in any part of the sea adjoining Scotland, and within the exclusive fishery limits of the British Islands, is injurious to any kind of sea fishing within that part, or where it appears to the Fishery Board desirable to make experiments or observations with the view of ascertaining whether any particular mode of fishing is injurious, or for the purposes of fish culture or experiments in fish culture, the Fishery Board may make byelaws for restricting or prohibiting, either entirely or subject to such regulations as may be provided by the byelaw, any method of fishing for sea fish within the said part, during such time or times as they think fit, and may from time to time make byelaws for altering or revoking any such byelaws. Fishery Board may make byelaws prohibiting or regulating trawling within defined areas.

A byelaw under this Act shall not be of any validity until it is confirmed by the Secretary for Scotland.

A byelaw shall not be confirmed until the expiration of one month after notice of the intention to apply for its confirmation has

been given by the Fishery Board by advertisement in one or more newspapers circulating in the county or counties adjoining the part of the sea to which such byelaw applies.

The Secretary for Scotland shall allow any person to make a representation for his interest against the confirmation of any byelaw, on a notice of objection being given by such person to the Fishery Board within the said period of one month, and may, if he see fit, allow parties to be heard thereon.

Every byelaw when confirmed shall be published in the Edinburgh Gazette, and in such further mode as the Secretary for Scotland may direct.

A copy of the Edinburgh Gazette containing a byelaw shall be evidence in all legal proceedings until the contrary is proved of the due making, confirmation, and existence of such byelaw, without further or other proof.

Any person contravening a byelaw duly confirmed shall be guilty of an offence under the Sea Fisheries Act, 1883, and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and failing immediate payment of the fine to imprisonment for a period not exceeding sixty days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction.

Steam trawlers fishing off Scotland to have letters and numbers painted on the quarter.

5. Every British sea-fishing boat propelled by steam, fishing in any part of the sea adjoining Scotland, shall, in addition to having the number and letters painted on the bow in manner provided by the Sea Fisheries Act, 1883, have the initial letter or letters of the port to which it belongs, and the registry number in the series of numbers for that port, painted in white oil-colour on a black ground, on the funnel twelve inches from the top, and on the quarter three or four inches below the gunwale, and so as to be clearly visible, of the dimensions prescribed for the letters and numbers on the bow by the regulations in force for the time being for the lettering, numbering, and registering of British sea-fishing boats under the Sea Fisheries Acts or any Act amending the same.

This section shall be enforced in the same manner as if it were contained in such regulations.

It shall be the duty of the Fishery Board to enforce the provisions of the Sea Fisheries Acts, and of any Orders in Council following thereon, with respect to the numbering and lettering of fishing boats by directing their officers being sea fishery officers to use the powers in that behalf conferred upon sea fishery officers by the said Acts and Orders in Council.

Fishery Board may require statistics of sea fisheries.

6. The Fishery Board shall have power to require all fishermen and other persons belonging to British sea-fishing boats, and all fish curers catching or curing any kind of sea fish in Scotland, or in any part of the sea adjoining Scotland, to make returns, in such form and at such periods as may be prescribed by the Fishery Board with the sanction of the Secretary for Scotland, of all sea fish which are caught or cured by them respectively.

The Secretary for Scotland, before sanctioning the form or period prescribed for any such return, shall communicate with the Board of Trade, and copies of all such returns shall be immediately furnished by the Fishery Board to the Board of Trade.

Any person failing to make a full and correct return under this section shall be guilty of an offence against the Sea Fisheries Act, 1883, and shall be liable on summary conviction to a fine not exceeding twenty pounds.

Sea fishery officer may award compensation under ten pounds.

7. Every case under the Sea Fisheries Acts may be prosecuted in any sheriff court which the Fishery Board may declare, by a notice under the hand of the secretary to the board to the Procurator Fiscal of such sheriff court, to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

Where an offence has been committed by any person belonging to a British sea-fishing boat in Scotland, or in any part of the sea adjoining Scotland, against the Sea Fisheries Acts, whereby any injury is done by one sea-fishing boat to another, or the nets, lines, and gear thereof, or any of the apparatus used in fishing by the said boat, it shall be lawful for any sea fishery officer to whom complaint is made by the party injured, verbally or in writing, to make such examination or inquiry into the said complaint as he deems necessary, and, after affording the respondent an opportunity of being heard, to prepare and sign a report to the Fishery Board, setting forth succinctly the facts of the case and the amount of the damage done, and he shall supply a copy of such report to the party injured or to the respondent on payment of the sum of one shilling therefor, and it shall be competent for either party in any legal proceedings that may be raised for the recovery of the damage or any part thereof, to call upon the Fishery Board to transmit such report to the clerk of the court in which such case is to be tried, and such report shall be received as evidence in the cause without requiring that the said sea fishery officer shall appear to make oath to the truth thereof, and when such report is produced, no other evidence shall be received of the amount of such damage unless the court shall consider it necessary, in order to be able to do justice in the cause; and in any case in which the damage as found by the sheriff before whom the case comes for trial shall exceed twelve pounds, appeal shall be competent as in ordinary causes before the sheriff court.

Compensation for damage caused by offence.

8. Sub-section one of section fifteen of the Sea Fisheries Act, 1883, is hereby repealed.

Where any offence is committed, as set forth in section seven hereof, it shall be competent for the person whose property has been injured to give notice in writing to the person committing such offence, and to the sheriff clerk, that at the trial of said offence the sheriff will be called upon to consider and dispose of the question of damages, and, in such case, the evidence led at said trial shall be evidence for the consideration of the sheriff on the question of damages, and the sheriff, at the conclusion of the said trial, shall proceed to consider and dispose of the question of compensation to the injured party, and if a report of a sea fishery officer has been produced, as set forth in section seven hereof, the sheriff shall not allow any additional evidence to be heard unless he shall consider it to be necessary in order to do justice in the case; and, if he shall allow additional evidence, the accused person shall be allowed to be examined as a witness on the question of the amount of

damages, and shall, if oral evidence is to be taken on the question of damages, allow the accused person to be examined as a witness on the question of damages, and shall, after hearing parties, give decree as in an ordinary action before the sheriff court.

Construction and hooping of herring barrels.

9. Notwithstanding anything contained in section forty of the Act passed in the session of the forty-eighth year of His Majesty King George the Third, chapter one hundred and ten, it shall be lawful to pack, ship, or export cured white herrings in barrels made in such manner and of such materials, and with such hoops as may be approved by the Fishery Board, who are hereby empowered to make regulations on the subject, and from time to time to alter the same.

Powers of sea fishery officers.

10. For the purpose of carrying out the provisions of this Act, sea fishery officers shall have all the powers conferred upon sea fishery officers by section twelve of the Sea Fisheries Act, 1883.

Transfer of powers of Board of Trade.

11. All the powers and duties of the Board of Trade, so far as they can be exercised in Scotland, with respect to—

(*a.*) Oyster and mussel fisheries contained in the Sea Fisheries Acts and the Fisheries (Oyster, Crab, and Lobster) Act, 1877;

40 & 41 Vict. c. 42.

(*b.*) Crab and lobster fisheries contained in the last-mentioned Act;

44 Vict. c. 11.

(*c.*) Clam and bait beds contained in the Sea Fisheries (Clam and Bait Beds) Act, 1881,

are hereby transferred to the Fishery Board.

CHAPTER 71.

An Act to amend the County Officers and Courts (Ireland) Act, 1877, in relation to the Pensions of Clerks of the Crown and Clerks of the Peace. [14th August 1885.]

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:

Payment by Parliament of pensions of clerks of the Crown and clerks of the peace.

1. Whereas under the County Officers and Courts (Ireland) Act, 1877, any special pension granted to the clerk of the Crown or clerk of the peace of any county or borough, on his retirement, is payable by the grand jury or the town council of such county or borough out of local rates, in the same manner as the salary of such clerk of the Crown or clerk of the peace was paid previous to the occurrence of such vacancy in office:

And whereas it is provided by the same Act that if a temporary clerk of the Crown or temporary clerk of the peace is appointed to fill such vacancy, the grand jury or town council shall pay out of local rates the salary of such temporary officer during his continuance in office as such temporary officer:

And whereas it is expedient to relieve the grand jury or town council from the liability arising under the circumstances aforesaid to pay the special pension aforesaid so long as they continue liable to pay the salary of such temporary clerk of the Crown or temporary clerk of the peace: