FIFTH SCHEDULE.

Session and Chapter.	Abbreviated Title.	Extent of Repeal.
26 & 27 Vict. c. 65. -	The Volunteer Act, 1863 - -	Section twenty-six from "all exemptions contained in the Gunpowder Act, 1860," inclusive, to the end of the section.

CHAPTER 18.

An Act to provide for the establishment of a Close Time in the Seal Fishery in the Seas adjacent to the eastern coasts of Greenland. [14th June 1875.]

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:

Application of Act by Order in Council in conjunction with foreign states.

1. When it appears to Her Majesty in Council that the foreign states whose ships or subjects are engaged in the seal fishery in the area mentioned in the schedule to this Act, or any part of such area, have made or will make with respect to their own ships and subjects the like provisions to those contained in this Act, it shall be lawful for Her Majesty, by Order in Council, to direct that this Act shall, after the date mentioned in the Order, apply to the seal fishery within the said area, or such part thereof as may be specified in the Order.

Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

So long as an Order under this section remains in force this Act shall, subject to any such limitation, condition, exemption, or qualification as aforesaid, apply to the seal fishery within the said area, or such part as may be specified in the Order.

Her Majesty may from time to time, by Order in Council, rescind, alter, or add to any Order made in pursuance of this section, and make a new Order in lieu thereof.

Every Order in Council made in pursuance of this section shall be laid before both Houses of Parliament within six weeks after it is made, or if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

Close time for seal fishery.

2. When an Order in Council has been made for applying this Act, then, so long as such Order remains in force, the master or person in charge of or any person belonging to any British ship, or any British subject, shall not kill or capture or attempt to kill or capture any seal within the area mentioned in the schedule to this Act, or the part of the area specified in the Order, before such day in any year as may be fixed by the Order, and the master or person in charge of a British ship shall not permit such ship to be employed in such killing or capturing, or permit any person belonging to such ship to act in breach of this section.

Any person who is guilty of any breach (by any act or default) of this section shall be liable to a penalty not exceeding five hundred pounds for each offence.

Prosecution of offences.

3. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered—

(1.) In England, before two justices of the peace in a summary manner, or by action in any of Her Majesty's superior courts at Westminster, together with full costs of suit; and

(2.) In Scotland, by action as for a debt in the ordinary sheriff court or in the court of session; and

(3.) In Ireland, before two justices of the peace in a summary manner, or by personal action in any of Her Majesty's superior courts at Dublin.

Provided that the penalty imposed in a summary manner by two justices shall not exceed one hundred pounds, exclusive of costs.

One half of every penalty recovered under this Act shall be paid to the person who prosecuted the offence or sued for such penalty.

For all purposes of and incidental to the trial and punishment of any person accused of an offence under this Act, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Liability of owner and master of ship in certain cases.

4. Where an offence under this Act is committed, then—

(*a.*) If the same is committed by the fault or with the connivance of the master of any ship, that master, and—

(*b.*) If the same is committed by the fault or with the connivance of the owner of any ship, that owner—

shall be liable to the like penalty to which the person committing such offence is liable under this Act.

Liability of ship to penalty.

5. Where the owner or master of a ship is adjudged to pay a penalty for an offence under this Act, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship and her tackle.

Definition of "seal."

6. In this Act the expression "seal" means the harp or saddleback seal, the bladder-nosed or hooded seal, the ground or bearded seal, and the floe seal or floe rat, and includes any animal of the seal kind which may be specified in that behalf by an Order in Council under this Act.

Short title.

7. This Act may be cited as the Seal Fishery Act, 1875.

SCHEDULE.

Area to which Act applies.

The area included between the parallels of sixty-seven degrees and seventy-five degrees of North Latitude, and between the meridians of five degrees East and seventeen degrees West Longitude, reckoned from the meridian of Greenwich.

CHAPTER 19.

An Act for making perpetual the Bishops Resignation Act, 1869.

[14th June 1875.]

32 & 33 Vict. c. 111.

WHEREAS by section sixteen of the Bishops Resignation Act, 1869, it is enacted that that Act shall remain in force for two years, and further until the end of the then next ensuing session of Parliament:

And whereas the said Act was continued for three years from the end of the session of Parliament in the year one thousand eight hundred and seventy-two, and if Parliament should be then in session until the end of that session:

And whereas it is expedient that the said Act should be made perpetual: