2. One calendar month at least before the meeting of the council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the council.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the area of the council by whom the resolution is passed, and otherwise in such manner as the council thinks sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Local Government Board.

5. The resolution of adoption shall come into operation at such time, not less than one month after the first publication of the advertisement, as may be fixed by the Local Government Board.

CHAPTER 41.

An Act to regulate Whale Fisheries in Scotland.

[28th August 1907.]

BE it enacted by the King'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:

Prohibition of exercise of whaling industry without licence.

1. No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other primary products, without a licence granted and issued subject to the conditions hereinafter provided, and any person acting in contravention of this section shall be liable on summary conviction to a penalty not exceeding five hundred pounds.

Licences may be granted by Fishery Board for Scotland on certain conditions.

2. It shall be lawful for the Fishery Board for Scotland (in this Act referred to as the Board) to issue licences under this Act, subject to the following conditions:—

(1) A person applying to the Board for a licence shall, at least two months before making such application, publish notice thereof once in each of two consecutive weeks with an interval between each publication of not less than six days in one or more newspaper or newspapers circulating in the district in which the factory or station, existing or to be erected, is situate:

Such notice shall state the name and address of the applicant, and shall contain a description of the site or intended site of the factory or station where the process of manufacture as aforesaid is to be conducted:

(2) It shall be lawful for the local authority under the Public Health (Scotland) Act, 1897, or for any persons interested, within fourteen days after the publication of such notice as aforesaid to lodge with the Board objections to the granting of any such licence, and the Board shall consider any such objections, and, after

60 & 61 Vict. c. 38.

such inquiry, if any, as they may think necessary, shall grant or refuse such licence:

(3) Each licence shall contain a description of the site of the factory or station erected or proposed to be erected as aforesaid, and no such factory or station shall be removed from the site in the said licence described to any other site, unless and until such other site shall have been approved by the Board, and their approval shall have been endorsed on the licence:

(4) Subject as hereinafter mentioned the holder of a licence shall not use or employ more than one whaling steamer; provided that the Board shall, on the application of any person who before the first day of January one thousand nine hundred and seven has erected a factory or station for the prosecution of the whaling industry, authorise such person, by special permission endorsed on his licence, to use or employ not more than three additional whaling steamers, when the Board, after due inquiry, are satisfied that such additional steamer or steamers are necessary for the full and proper working of such factory or station as it existed at that date:

(5) No licence shall be granted except to a British subject or to a Company registered in Great Britain. Provided that this subsection shall not apply to the case of a person who has erected a factory or station for the prosecution of the whaling industry before the date mentioned in the immediately preceding subsection:

(6) The Board may at any time, on the application of the holder of a licence, cancel the licence, or in the case of the holder of a licence endorsed with a special permission vary the number of whaling steamers (but in no case to exceed four) the use of which is authorised thereby; but it shall not be lawful to transfer or assign any licence without the consent of the Board, and any transfer or assignment shall be endorsed upon the licence;

(7) There shall be paid to the Board in respect of every licence issued under the provisions of this Act a sum of one hundred pounds for each whaling steamer, the use of which is authorised thereby, and such sum shall be payable on the issue of the licence and thereafter annually during its continuance:

(8) Every licence shall be subject to all the conditions contained in this Act, and it shall be lawful for the Board, in the event of the infringement of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him of an offence under this Act, without compensation to cancel any licence or to suspend any licence for a specified period.

Offences by holder of licence and others.

3.—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for manufacture.

(2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the Board, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.

(3) No holder of a licence or person employed by him shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.

(4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Scotland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(5) No holder of a licence or person employed by him shall kill or shoot any herring-hog whale, or any whale which is accompanied by a calf.

(6) No holder of a licence or person employed by him shall in any year pursue, kill, or shoot whales between the first day of November and the thirty-first day of March, both days inclusive, or pursue, kill, or shoot whales within a distance of forty miles from low-water mark of any part of the coast of Scotland within such limits and during such period, not exceeding in any case five weeks during the summer herring fishing, as the Board may from time to time prescribe.

(7) In this section the expression "mile" means a nautical mile.

(8) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(9) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area.

Inspection of whaling factories, &c.

4.—(1) The Board shall give every assistance in carrying out the provisions of this Act and, where necessary, shall employ their officers to facilitate its execution, and may, with the consent of the Secretary for Scotland, provide for the inspection of the factories or stations and vessels employed by the holders of licences, and such holders of licences and all persons employed by them shall give all reasonable facilities for such inspection, and shall make such returns on any matter connected with their

whaling business as the Board may from time to time prescribe, and if required by the Board shall verify such returns by statutory declaration.

(2) The expenses incurred in any year by the Board in the execution of this Act shall, to the amount approved by the Treasury, be paid out of moneys provided by Parliament.

Saving for certain whales and whaling industries.

5.—(1) Nothing in this Act contained shall make it unlawful for any person to drive ashore and appropriate, sell, or otherwise make use of the smaller whales known as bottle-nose and caa-ing whales, or to appropriate, sell, or otherwise make use of such whales as he may find dead, whether floating on the sea or stranded on the shore.

(2) Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry.

Penalties.

6. Any person guilty of an offence under this Act shall, save as otherwise provided, be liable on summary conviction to a penalty not exceeding one hundred pounds, and, on failure to make payment of the penalty which may have been imposed immediately or within a specified period, shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts. Every offence under this Act may be prosecuted in any sheriff court which the Board may declare, by a notice under the hand of the Chairman of or 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.

Local inquiry. 52 & 53 Vict. c. 50.

7. For the purposes of this Act subsection one of section ninety-three of the Local Government (Scotland) Act, 1889, respecting the holding of local inquiries shall apply as if it were enacted herein, with the substitution of the Board for the Secretary for Scotland; provided that the nomination of a person to hold an inquiry shall be certified by writing under the hand of the Chairman of or the Secretary to the Board, and such person shall be paid his reasonable expenses and such remuneration as may be approved by the Treasury.

Definition.

8. In this Act the expression "whaling steamer" includes any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise.

Application, commencement, and short title.

9.—(1) This Act shall apply to Scotland only, and shall commence on the first day of January one thousand nine hundred and eight.

(2) This Act may be cited as the Whale Fisheries (Scotland) Act, 1907.