2. WHALING INDUSTRY

The Whaling Industry (Ship) Regulations, 1949

1949 No. 1948

Made - - - - 18*th October*, 1949
Coming into Operation 31*st October*, 1949

Whereas it is provided by the Whaling Industry (Regulation) Acts, 1934 and 1938(**a**) (hereinafter referred to as "the Acts"), that the Board of Trade after consultation with the Minister of Agriculture and Fisheries and the Secretary of State for Scotland may in relation to ships make Regulations prescribing:—

(*a*) the sizes of whales which may be killed or taken;

(*b*) the manner in which applications for licences are to be made;

(*c*) the forms of licences;

(*d*) the fees to be paid for licences; and

(*e*) the records to be kept in ships used for treating whales, the person by whom they are to be kept and the times and manner of their transmission to the licensing authority.

And further that the Board of Trade after consultation as aforesaid and with the approval of the Treasury may make Regulations prescribing the sums to be paid by Whale Fishery Inspectors for subsistence and accommodation provided for them in ships used for treating whales.

And Whereas by section 1 of the Whaling Industry (Regulation) Act, 1934 (hereinafter referred to as "the principal Act") it is provided that for the purpose therein mentioned His Majesty may by Order in Council direct that subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order the provisions of the principal Act shall apply in relation to whales other than whalebone whales or baleen whales and to such descriptions of such whales as may be so specified.

And Whereas by the Whaling Industry (Sperm Whales) Order, 1937(**b**) (hereinafter referred to as "the Order"), the provisions of the principal Act were applied to sperm whales as defined in the Order;

And Whereas the powers of the Board of Trade under the Acts and the Order are now vested in the Minister of Transport:

Now therefore the Minister of Transport in exercise of his powers under the Acts and the Order and of all other powers him enabling after such consultation and with such approval as aforesaid hereby makes in relation to ships the following Regulations:—

1.—(1) For the purpose of section 3 of the principal Act, whales of the undermentioned species shall be deemed to be immature if they are of less than the lengths set out below in relation to each species, that is to say:—

(*a*) Blue Whale, 70 feet;

(*b*) Fin Whale, 55 feet;

(a) 24 & 25 Geo. 5. c. 49; and 1 & 2 Geo. 6. c. 30.
(b) S.R. & O. 1937 (No. 628) p. 747.

(*c*) Sei Whale, 40 feet;

(*d*) Humpback Whale, 35 feet;

(*e*) Sperm Whale, 35 feet;

Provided that where Blue Whales, Fin Whales, or Sei Whales are taken for delivery to a land station and the meat of such whales is intended to be used for local consumption as human or animal food, the lengths shall be respectively as follows, that is to say:—

(*a*) Blue Whale, 65 feet;

(*b*) Fin Whale, 50 feet;

(*c*) Sei Whale, 35 feet.

In this Regulation—

the expression "Blue Whale" means a whale known by any of the names set out in Part II of the Schedule to the principal Act;

the expression "Fin Whale" means a whale known by any of the names set out in Part III of the Schedule to the principal Act;

the expression "Sei Whale" means any whale known by the name of Balaenoptera Borealis, Sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include Balaenoptera brydei, Bryde's whale;

the expression "Humpback Whale" means any whale known by any of the names, bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

the expression "Sperm Whale" means a whale known by any of the names set out in Article 2 of the Order.

(2) Whales shall be measured when at rest on the deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be inserted into the planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the body of the whale and read abreast the other end of the whale. The ends of the whale for the purposes of measurement shall in each case be the point of the upper jaw and the notch between the flukes of the tail. Measurements, after being accurately read on the tape measure, shall be recorded to the nearest foot, that is to say, any whale measuring between 75 feet 6 inches and 76 feet 6 inches shall be recorded as 76 feet, between 76 feet 6 inches and 77 feet 6 inches shall be recorded as 77 feet, and so on. Provided that the measurement of any whale which falls exactly on a half foot shall be recorded at the next highest foot, that is to say a measurement of 76 feet 6 inches precisely shall be recorded as 77 feet.

2. Any application for a licence in respect of a ship shall be made in writing by the owners or charterers of the ship, and shall be sent with the amount of the licence fee to the Ministry of Agriculture and Fisheries, St. Stephen's House, Victoria Embankment, London, S.W.1, or to the Scottish Home Department, Edinburgh.

3. The fees to be paid in respect of the granting of licences for the use of ships shall be—

(*a*) in the case of a licence authorising the use of a ship for treating whales the sum of £200; and

(*b*) in the case of a licence authorising the use of a ship for taking whales the sum of £75.

Provided that—

(i) where in addition to the licence granted under the Acts a licence for the same whaling season has been or shall be granted in respect of any ship for taking whales in the coastal waters of Newfoundland or any colony there shall be refunded from the sum specified in paragraph (*b*) either one-half thereof or one-half of the sum paid in respect of the licence for coastal waters whichever is the lesser; and

(ii) where the right to use any ship or ships for taking whales in such coastal waters without licence fee is embodied in the terms of the lease of a land station a refund of one-half of the sum specified in paragraph (*b*) or one-half of the sum ordinarily charged in respect of a licence for such coastal waters whichever is the lesser shall be made in respect of each such ship the use of which is authorised by the lease.

4.—(i) Every licence shall be in such one of the forms set out in the Schedule to these Regulations as is appropriate in the case.

(ii) Notwithstanding anything to the contrary in these Regulations, every licence issued in accordance with the Whaling Industry (Ship) (No. 2) Regulations, 1948(**a**), or any regulations revoked by those Regulations which is in force immediately before the coming into operation of these Regulations, shall be treated for the purposes of these Regulations as if it had been issued in accordance with these Regulations and in such one of the forms set out in the Schedule to these Regulations as is appropriate in the case.

5. For the purpose of section 6, subsection (2) of the principal Act, the master or person in charge of every ship used for treating whales shall keep a record, on forms to be provided by the Minister of Transport, of the following particulars regarding each whale treated in the ship, that is to say—

(*a*) the date when and the approximate latitude and longitude where the whale was taken;

(*b*) the species and sex of the whale;

(*c*) the length measured in accordance with paragraph (2) of Regulation 1 hereof;

(*d*) whether the whale contained a foetus or foetuses;

(*e*) the length and sex, if ascertainable, of foetus or foetuses (if any) found in the whale;

(*f*) whether the whale was producing milk.

Such record shall be arranged so far as possible in the chronological order of the taking of the whales.

6. The master or person in charge of every ship used for treating whales shall also keep a record on forms to be provided by the Minister of Transport containing the following particulars of operations carried on, in, or in connection with, the ship, that is to say:—

(*a*) for each day—

the number of whales of each species taken by ships attached thereto;

the number of whales lost;

the number of whales treated; and

the yield of oil of each grade produced; and

(a) S.I. 1948 (No. 2504) I, p. 1198.

(*b*) for each week—

the quantity produced (if any) of meal, fertiliser (guano) or other products specified separately.

7.—(1) The official measurements of the length of all whales treated, made as prescribed by paragraph (2) of Regulation 1 hereof, shall be taken by a Whale Fishery Inspector.

(2) All other particulars required to be kept under Regulations 5 and 6 hereof shall be verified by a Whale Fishery Inspector at the time of tally.

8. The master or person in charge of every ship used for treating whales shall—

(*a*) within two days after the end of each calendar week transmit by means of wireless messages to the International Bureau for Whaling Statistics, Sandefjord, Norway, details of the number of blue whale units and of the number of humpback whales caught in waters south of 40° south latitude by the ships attached thereto; and

(*b*) on the conclusion of each season's operations furnish the International Whaling Commission, London, England, with—

(i) details of the particulars entered in the records required to be kept under Regulation 6 hereof;

(ii) the name and gross tonnage of the ship;

(iii) the number and aggregate gross tonnage of the ships used for taking whales attached thereto;

(iv) any information collected or obtained concerning the calving grounds and migration routes of whales.

For the purpose of this Regulation, blue whale units shall be calculated on the basis that one blue whale equals—

(*a*) two fin whales;

(*b*) two and a half humpback whales;

(*c*) six sei whales.

In this Regulation the expressions "blue whale" "fin whale" "sei whale" and "humpback whale" have the same meanings as in Regulation 1 hereof.

9. The master or person in charge of every ship used for treating whales shall at the earliest possible opportunity after the conclusion of the whaling operations of each season send the said records either directly or through the owners or charterers of the ship to the Ministry of Agriculture and Fisheries, St. Stephen's House, Victoria Embankment, London, S.W.1, or to the Scottish Home Department, Edinburgh, for transmission to the Minister of Transport.

10. The sum to be paid pursuant to section 8, subsection (2) of the principal Act by a Whale Fishery Inspector to the master of a ship in respect of each day on which he is provided with subsistence and accommodation on board the said ship shall be five shillings.

11. The Whaling Industry (Ship) (No. 2) Regulations, 1948(**a**), are hereby revoked.

12.—(1) These Regulations shall come into operation on the 31st day of October, 1949, and may be cited as the Whaling Industry (Ship) Regulations, 1949.

(**a**) S.I. 1948 (No. 2504) I, p. 1198.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport this eighteenth day of October, 1949.

(L.S.)

G. I. Morris,
An Under Secretary of the Ministry of Transport.

SCHEDULE

WHALING INDUSTRY (REGULATION) ACTS, 1934 AND 1938, AND WHALING INDUSTRY (SPERM WHALES) ORDER, 1937

Licence of the Minister of Transport for ship used in taking Whales

Issued on behalf of the Minister of Transport by officers of the Ministry of Agriculture and Fisheries or the Scottish Home Department

Pursuant to the provisions of the Whaling Industry (Regulation) Acts, 1934 and 1938 (hereinafter referred to as "the Acts"), and the Whaling Industry (Sperm Whales) Order, 1937 (hereinafter referred to as "the Order"), authority is hereby given to Messrs.
owners-charterers of the ship for the use of the said ship for the purpose of taking whales outside the coastal waters of the United Kingdom, subject to the provisions of the Acts and the Order and to the Regulations made thereunder and for the time being in force during the currency of this licence and to the following conditions:—

1. There shall not be taken by the ship

(*a*) any baleen whale in any of the following areas:—

(i) in the waters north of 66° north latitude other than the waters which are both eastwards of 150° east longitude as far as 140° west longitude and between 66° north latitude and 72° north latitude;

(ii) in the Atlantic Ocean and its dependent waters north of 40° south latitude;

(iii) in the Pacific Ocean and its dependent waters east of 150° west longitude between 40° south latitude and 35° north latitude;

(iv) in the Pacific Ocean and its dependent waters west of 150° west longitude between 40° south latitude and 20° north latitude;

(v) in the Indian Ocean and its dependent waters north of 40° south latitude;

(vi) in the waters south of 40° south latitude from 70° west longitude as far as 160° west longitude;

(*b*) any baleen whales in any waters, being waters other than those specified in paragraph (*a*) of this Condition, south of 40° south latitude at any time other than during a period beginning on the 22nd December in any year and terminating on the 7th April in the following year, both days inclusive;

Provided that if the International Bureau for Whaling Statistics, Sandefjord, Norway, shall determine an earlier date on which the quota of 16,000 blue whale units shall be deemed to have been reached in accordance with paragraph 8 of the Schedule to the International Agreement of the 2nd December, 1946 (amending the International Agreement of the 8th June, 1937, the Protocol of 24th June, 1938, and the Protocol of the 26th November, 1945, for the Regulation of Whaling), no baleen whale shall be taken after that date;

(*c*) any humpback whale in any waters south of 40° south latitude after the ship has been notified by the said International Bureau for Whaling Statistics

(a) 52 & 53 Vict. c. 63.

that a total of 1,250 humpback whales have been taken in such waters during any such period as is referred to in paragraph (*b*) of this Condition;

(*d*) any calves or suckling whales or female whales which are accompanied by calves or suckling whales;

(*e*) any gray whales or right whales, except when the meat and products of such whales are to be used for local consumption by the aborigines.

For the purpose of paragraph (*e*) of this Condition—

the expression "Gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, or ripsack;

the expression "Right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, Cowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale or Southern right whale.

Provided that if the ship shall be attached to, and during the currency of this licence used for the purpose of taking whales for treatment by a land station, the foregoing conditions shall not apply to such ship, but the following condition shall apply thereto:—

The taking of baleen whales by the ship during the currency of this licence shall be limited to a period of six successive calendar months. The said period shall not commence on a date earlier than six calendar months after the expiration of any other such period under any previous licence and during any residue of the currency of this licence no baleen whale shall be taken by the ship.

In this condition "land station" means a factory on the land.

2. The remuneration of the gunners and crew of the ship shall, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil and other yield and value of the whales taken and in such manner as to exclude remuneration in respect of whales the taking of which is prohibited by the Acts and the Order.

3. The owners and/or charterers shall furnish to the Minister of Agriculture and Fisheries or the Scottish Home Department as the case may be on or before the 31st August in each year an account showing the remuneration of each gunner and member of the crew employed during the period of twelve months prior to 31st July in each year and the manner in which the remuneration of each of them is calculated.

This licence shall take effect from the day of and unless previously cancelled shall continue in force until the day of

WHALING INDUSTRY (REGULATION) ACTS, 1934 AND 1938, AND WHALING INDUSTRY (SPERM WHALES) ORDER, 1937

Licence of the Minister of Transport for ship engaged in treating whales

Issued on behalf of the Minister of Transport by officers of the Ministry of Agriculture and Fisheries or the Scottish Home Department

Pursuant to the provisions of the Whaling Industry (Regulation) Acts, 1934 and 1938 (hereinafter referred to as "the Acts"), and the Whaling Industry (Sperm Whales) Order, 1937 (hereinafter referred to as "the Order"), authority is hereby granted to Messrs.
owners-charterers of ship for the use of the said ship for the purpose of treating whales outside the coastal waters of the United Kingdom, subject to the provisions of the Acts and the Order and to

the Regulations made thereunder and for the time being in force during the currency of this licence and to the following conditions:—

1. There shall not be treated by the ship

(*a*) any baleen whale in any of the following areas:—

(i) in the waters north of 66° north latitude other than the waters which are both eastwards of 150° east longitude as far as 140° west longitude and between 66° north latitude and 72° north latitude;

(ii) in the Atlantic Ocean and its dependent waters north of 40° south latitude;

(iii) in the Pacific Ocean and its dependent waters east of 150° west longitude between 40° south latitude and 35° north latitude;

(iv) in the Pacific Ocean and its dependent waters west of 150° west longitude between 40° south latitude and 20° north latitude;

(v) in the Indian Ocean and its dependent waters north of 40° south latitude;

(vi) in the waters south of 40° south latitude from 70° west longitude westward as far as 160° west longitude;

(*b*) any baleen whales in any waters, being waters other than those specified in paragraph (*a*) of this Condition, south of 40° south latitude at any time other than during a period beginning on the 22nd December in any year and terminating on the 7th April in the following year, both days inclusive provided that the treatment of baleen whales which have been taken during such period may be completed after the end of it:

Provided also that if the International Bureau for Whaling Statistics, Sandefjord, Norway, shall determine an earlier date on which the quota of 16,000 blue whale units shall be deemed to have been reached in accordance with paragraph 8 of the Schedule to the International Agreement of the 2nd December, 1946 (amending the International Agreement of the 8th June, 1937, the Protocol of 24th June, 1938, and the Protocol of the 26th November, 1945, for the Regulation of Whaling), no baleen whale shall be taken after that date;

(*c*) any humpback whale in any waters south of 40° south latitude after the ship has been notified by the said International Bureau for Whaling Statistics that a total of 1,250 humpback whales have been taken in such waters during any such period as is referred to in paragraph (*b*) of this Condition.

2. Where the ship has been used for treating baleen whales south of 40° south latitude, it shall not be used for that purpose elsewhere within a period of twelve months from the end of the season during which the ship last treated whales south of 40° south latitude.

3. The remuneration of persons employed in treating whales on board the ship shall, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil and other yield and value of the whales treated and not merely on the number of whales taken by the attendant ships.

4. The owners and/or charterers of the ship shall furnish to the Minister of Agriculture and Fisheries or the Scottish Home Department, as the case may be, on or before the 31st August in each year an account showing the remuneration of each person employed in the ship during the period of twelve months prior to 31st July in each year and the manner in which the remuneration of each of them is calculated.

5. The master or person in charge of the ship shall keep the records prescribed in Regulations 5 and 6 of the Whaling Industry (Ship) Regulations, 1949.

6. The master or person in charge of the ship shall transmit the said records in accordance with Regulation 9 of the said Regulations.

7. The master or person in charge of the ship shall—

(*a*) within two days of the end of each calendar week cause to be transmitted by wireless messages to the International Bureau for Whaling Statistics, Sandefjord, Norway, details of the number of blue whale units and of the

number of humpback whales caught by the attendant ships in waters south of 40° south latitude, the number of blue whale units being calculated according to Regulation 8 of the Whaling Industry (Ship) Regulations, 1949; and

(*b*) on the conclusion of each season's operations furnish the International Whaling Commission, London, England, with—

(i) details of the particulars entered in the records required to be kept under Regulation 6 of the said Regulations;

(ii) the name and gross tonnage of the ship;

(iii) the number and aggregate gross tonnage of the ships used for taking whales attached thereto;

(iv) any information collected or obtained concerning the calving grounds and migration routes of whales.

8. The plant in the ship for the extraction of oil from the blubber, flesh and bones of whales, the type of which is hereby approved, shall be kept in good order and operated efficiently.

9.—(1) There shall be delivered to the ship all whales taken by the attendant ships and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food and for feeding animals.

(2) Notwithstanding anything in the foregoing provisions of this Condition, the complete treatment of carcasses of "Dauhval" and of whales used as fenders shall not be required in cases where the meat or bone of such whales is in bad condition.

(3) In this Condition the expression "Dauhval" means any unclaimed dead whale found floating.

10. The taking of whales for delivery to the ship, shall be so regulated or restricted by the master or person in charge of the ship that no whale carcase, except that of a whale used as a fender, shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the ship for treatment. All ships used in taking whales must report by wireless to the factory ship the time when each whale is caught.

11. There shall be maintained on each ship engaged in treating whales at least two inspectors of whaling for the purposes of maintaining continuous inspection while the ship is so engaged.

This licence shall take effect from the day of and unless previously cancelled shall continue until the day of

---

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations re-enact with amendments the Whaling Industry (Ship) (No. 2) Regulations, 1948, and give effect to certain resolutions of the International Whaling Commission which came into force after the Whaling Industry (Ship) (No. 2) Regulations, 1948, were made.

The principal amendments are:—

1. the alteration of the dates of commencement and termination of the Antarctic Whaling season;

2. a relaxation of the total prohibition of the taking of humpback whales in waters south of 40° south latitude, so as to allow the taking of a maximum of 1,250 humpback whales in these waters in any one season.