

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXII.

An Act to make further Provision for the Regulation of the *British* White Herring Fishery in *Scotland*.

[1st *August* 1861.]

WHEREAS an Act was passed in the last Session of Parliament "to amend the Laws relating to the *Scottish* Herring Fisheries," and it is expedient that further Provision be made for carrying into effect the Purposes thereof: 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: 23 & 24 Vict. c. 92. s. 1.

1. Every Person who, during the Period fixed by the recited Act for the Annual Close Time in the Herring Fisheries on the West Coasts of *Scotland*, shall sell or dispose of, or offer to sell or dispose of, or shall have in his Possession, any Herring or Herring Fry known by such Person to have been taken on the said West Coasts of *Scotland*, or on any Part thereof, during such Close Time, shall be liable in a Penalty of not less than Five Pounds and not exceeding Twenty Pounds for every such Offence, over and above the Forfeiture of the said Herrings or Herring Fry, and of any Boat, Box, Basket, Creel, or other Article in which the same may be found; and the Proof that such Penalty for selling, &c. Herrings during Close Time.

such Herrings or Herring Fry when sold or disposed of, or offered for Sale or Disposal, or found in the Possession of any Person in the Ports, Harbours, Villages, or other Localities adjoining the said West Coasts of *Scotland*, were not taken contrary to the Provisions of the recited Act, shall be upon the Party selling or disposing or offering to sell or dispose of such Herrings or Herring Fry, or in whose Possession the same may be found.

Penalty for selling, &c. Herrings taken contrary to Provisions of 14 & 15 Vict. c. 26. s. 6.

2. Every Person who shall sell or dispose of, or offer to sell or dispose of, or who shall have in his Custody or Possession within a Boat, or recently removed therefrom, in any of the Ports, Harbours, Villages, or other Localities adjoining the Coasts of *Scotland*, any Herrings or Herring Fry taken contrary to the Provisions of the Act Fourteen and Fifteen *Victoria*, Chapter Twenty-six, Section Six, shall be liable in a Penalty of not less than Five Pounds and not exceeding Twenty Pounds for every such Offence, over and above the Forfeiture of the said Herrings or Herring Fry, and of every Boat, Box, Basket, Creel, or other Article in which the same may be found.

Penalty for defacing Marks or Numbers on Boats, Sails, &c.

3. After any Boat, Sail, Buoy, Net, or other Implement of Fishery shall have been marked or numbered under the Eleventh Section of the recited Act, it shall not be lawful to deface, alter, or endeavour in any way to conceal any such Mark or Number, without the Sanction of the Commissioners mentioned in the said Section; and every Person who shall so deface, alter, or endeavour to conceal the Mark or Number of any such Boat, Sail, Buoy, Net, or other Implement of Fishery shall be liable in a Penalty of not less than Forty Shillings and not exceeding Ten Pounds for every such Offence.

Herrings, &c. seized to be forfeited.

4. All Herrings or Herring Fry taken contrary to the Provisions of the recited Act, or of any Act incorporated therewith or referred to therein, and every Boat and Net used in the taking of such Herrings or Herring Fry, and every Boat, Box, Basket, Creel, or other Article in which the same may be found, may be seized by the Superintendent of Fisheries or any Officer acting under his Orders, or by any Officer of the Fisheries, or by any Order of any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under the said recited Act, and shall be forfeited.

Regulations may be made suspending Provisions of Act, to admit of Sprat

5. It shall be lawful to the Commissioners of the *British* White Herring Fishery at any Time, and from Time to Time, if Circumstances shall in their Opinion render it proper so to do, by Regulations to be made by them, to suspend within such Part of the *Firth of Forth* as is situate to the Westward of a straight Line drawn across the

the *Firth of Forth* from the West Pier of *South Queensferry* Harbour on the South Side through *Bimar* Beacon, and carried onwards to the Shore on the North Side, to such Extent and for such Period as they shall judge fit, the Operation of any of the Provisions of this Act or of the recited Act, or of any Act therein referred to, so as to admit of the Prosecution of the Sprat Fishing. Fishing within Part of Firth of Forth.

6. Whereas Doubts have been entertained regarding the Import of the Thirteenth Section of the recited Act, and the Penalty thereby imposed: It is hereby declared and enacted, That the Provisions of the said Section apply to all Nets other than the usual Drift Net, having Meshes of the legal Size of One Inch from Knot to Knot, and that the Penalty incurred by any Breach of the Provisions of the said Section is and shall be, for each Offence, not less than Five and not exceeding Twenty Pounds over and above the Forfeiture of the Net or Nets in reference to which the Penalty is incurred. Declaring Import of 13th Section of recited Act.

7. Any Constable or Officer of Police acting under the Authority and Orders of any Sheriff, or of any Justice of the Peace or Magistrate having Jurisdiction under the recited Act, shall be entitled, upon the Requisition of the Commissioners of the *British* White Herring Fishery, and until such Requisition be recalled, to exercise all the Powers, Functions, and Privileges which can be exercised or are enjoyed under or in virtue of this Act or the recited Act, or any Act therein referred to, by any Superintendent or Officer of the Fishery, except the superintending the curing of Herrings and the branding of Barrels containing the same; and every Person who resists or obstructs any Constable or Officer of Police so executing such Powers, Functions, and Privileges shall be liable to a Penalty not exceeding Fifty Pounds, or, failing Payment thereof, to Imprisonment for any Period not exceeding Sixty Days. Constables acting under Orders of Sheriffs, &c. may exercise Powers of Act.

8. All the Powers, Jurisdictions, and Authorities given, created, or conferred by the said recited Act, for carrying into effect the Purposes thereof, shall be held to extend to and be incorporated with this Act; and all Penalties incurred under the Provisions of this Act may be prosecuted and enforced after the Forms and according to the Rules and Procedure prescribed by the said recited Act. Powers of recited Acts extended to this Act.

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