



## CHAPTER xcviij.

An Act to preserve the Fisheries in the Navigable Rivers and  
Broads of the counties of Norfolk and Suffolk and the  
county of the city of Norwich. [12th July 1877.]

A.D. 1877.

**W**HEREAS the fisheries in the navigable rivers of the counties  
of Norfolk and Suffolk and the county of the city of Norwich;  
and in the broads connected with such rivers, have of late years  
been greatly injured, and it is expedient that better provision be  
made for preserving and increasing the same, but that object  
cannot be accomplished without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ;  
and 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 :

1. This Act may be cited for all purposes as the " Norfolk and Suffolk Fisheries Act, 1877." Short title.

2. This Act shall extend and apply only to the navigable rivers in the counties of Norfolk and Suffolk and the county of the city of Norwich, and to the broads connected with such rivers, and shall not include the sea or sea coast. Limits of Act.

3. The justices of the peace of the counties of Norfolk and Suffolk and of the city and county of the city of Norwich, at any court of quarter sessions held in and for their respective counties after the passing of this Act (due notice having been previously given according to the practice of such sessions), and the mayor, aldermen, and burgesses of the boroughs of King's Lynn and Sudbury (herein-after called the Corporations), shall have power to appoint conservators as follows ; (that is to say,) the justices of the county of Norfolk twenty conservators, the justices of the county of Suffolk

Board of Conservators appointed.

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A.D. 1877. twenty conservators, the justices of the city and county of the city of Norwich ten conservators, and the Corporations five conservators each, which conservators shall be a Board of Conservators (herein-after called "the Board") for the preservation and regulation of the fisheries within the limits of this Act.

How vacancies to be filled up.

4. Whenever any vacancy in the office of conservator appointed by the before-mentioned respective justices shall occur, the same may at any time be filled up by the justices assembled at general or quarter sessions as follows; viz., if the vacancy be caused by a conservator for the county of Norfolk, by the justices for Norfolk assembled at Norwich; if the vacancy be caused by a conservator for the county of Suffolk, by the justices for Suffolk assembled at Ipswich; and if the vacancy be caused by a conservator for Norwich, then by the justices for Norwich; and if any vacancy shall occur in the number of conservators to be appointed by the Corporations, the same shall be filled up by the Corporation of King's Lynn or Sudbury, as the case may be.

Board to be a body corporate.

5. The Board shall be a body corporate, having perpetual succession and a common seal, with power to make contracts and to sue and be sued, by the name or style of "The Conservators of the Norfolk and Suffolk Fisheries."

Vacancies in Board and defect in appointment of members.

6. No act or proceeding of the Board shall be questioned on account of any vacancy or vacancies in their body, and no defect in the appointment of any person or persons acting as member or members of such Board shall be deemed to vitiate any proceedings of such Board in which he or they have taken part.

Proceedings of Board.

7. The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the election of a chairman of their meetings, the summoning, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of business, including the quorum of meetings, as they think fit, subject to the following conditions:

(a.) The first meeting after the formation of the Board shall be held at the Shire Hall in the county of Norfolk, within three months after the passing of this Act, and all subsequent meetings at such place or places as the Board may from time to time direct:

(b.) An extraordinary meeting may be summoned at any time and place on the requisition of three members of the Board:

(c.) The quorum to be fixed by the Board shall consist of not less than three members: A.D. 1877.

(d.) Every question shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

8. The Board may appoint committees of their members, may fix a quorum for each committee, and may lay down rules for its guidance. Every question before a committee shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote. Appointment  
of com-  
mittees.

9. Any minute made of proceedings at a meeting of the Board, if signed by the chairman of that meeting, either at the meeting of the Board at which such proceedings took place, or at the next ensuing meeting of the Board at which such person may be present, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified. Evidence of  
proceedings  
at meetings.

10. The Board shall have power within the limits of this Act to do the following things, or such of them as they may in their discretion think expedient; (that is to say,)

Powers of  
Board.

(1.) From time to time, by writing under the seal of the Board, to appoint a sufficient number of water bailiffs and other officers, to assign to them their salaries and duties, and to remove any water bailiff or officer so appointed: Provided always, that nothing herein contained shall prevent the Board from obtaining the services of additional constables under the Act 3rd and 4th Victoria, chapter 88, section 19, for the purpose of carrying out the provisions of this Act, such constables, when appointed, to have all the powers and privileges of water bailiffs, and to be paid for their services by the said Board:

(2.) To take legal proceedings against persons violating the provisions of this Act:

(3.) Generally to execute such works, do such acts, and incur such expenses as they may deem expedient to be executed, done, or incurred for carrying out the purposes of this Act, but so that it shall not be lawful for the Board to

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pay to any member of the Board any salary, fees, or other remuneration for his acting in any way as a member of or under the Board :

Provided that this section shall not authorise the construction of any works below high-water mark, or anything which may injuriously affect any navigable river, cut, or inland navigation.

Board may make bye-laws.

11. The Board shall have power to make, and similarly from time to time to vary or rescind, byelaws for any or all of the purposes following; (that is to say,)

(1.) To determine the time in each year during which it shall be illegal to fish for, take, or kill, or attempt to take or kill, otherwise than by rod or line, all or any of the different kinds of fresh-water fish found within the limits of this Act:

(2.) To determine the mesh, size, and description of nets, and to regulate the use of nets, engines, trimmers, liggers, or instruments of any kind for the purpose of taking fish within the limits of this Act. The Board may make any byelaw to apply to the whole or to any part or parts of the said navigable rivers and broads.

Byelaws to come into force on certain conditions.

12. Any byelaws made in pursuance of this Act shall come into force only when the following conditions have been complied with :

(1.) They shall have been advertised as proposed byelaws in one or more newspapers generally circulating in each of the counties of Norfolk and Suffolk :

(2.) They shall, after the expiration of one month after such advertisement, have been approved by one of Her Majesty's Principal Secretaries of State :

Provided always, that all byelaws made in pursuance of this Act shall be advertised as approved byelaws in one or more newspapers generally circulating in each of the counties of Norfolk and Suffolk, and shall be further published in such manner as the Board shall think fit; and the production of a written or printed copy of any byelaws purporting to have been made by the Board, and approved by a Secretary of State, shall in any legal proceedings be taken to be proof of the due making, allowing, publication, and existence of such byelaws until the contrary be shown.

Penalty for offences against byelaws.

13. Any person acting or attempting to act, in contravention of any byelaw made in pursuance of this Act shall for each such offence incur a penalty of not exceeding ten pounds, in addition to the forfeiture of the nets or instruments used in contravention of such byelaw.

**14.** Any officer of the Conservators, or any police constable or other police officer, may, within the limits of this Act, stop and search any wherry or boat in which he shall have reasonable ground for believing there are any fish taken, or any nets, engines, trimmers, liggers, or other instruments used or intended to be used for the taking of fish within such limits, in contravention of any such byelaw, and if he shall find therein any such fish, nets, or other things, or if he shall find any person using or attempting to use or having used any such nets or other things within such limits, in contravention of any such byelaw, he may seize and detain the same, and he shall in such case forthwith apply to some justice of the peace for a summons citing the person in charge of such wherry or boat, or in possession or use of any such fish, nets, or other things, to appear before two justices, who shall inquire and determine whether such person has incurred any penalty under this Act, and in the event of the justices finding that he has incurred any such penalty, they may determine that, in addition to any penalty, all or any such fish, nets, or other things shall be forfeited.

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Power to officers of Conservators or police officers to stop and search boats, &c.

**15.** Any person refusing to allow any such wherry or boat to be stopped and searched as in the last preceding section provided, or resisting or obstructing such search, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for not allowing search.

**16.** All penalties imposed by this Act, and all costs or expenses, may be recovered in a summary manner, within six months of the commission of the offence, before two justices in manner directed by an Act passed in the 11th and 12th years of the reign of Her present Majesty Queen Victoria, chapter 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," or of any Act amending the same; and all moneys received in respect of such penalties shall be paid to the Board, to be applied by them to the purposes of this Act, unless the justices for some special reason shall otherwise order; and all forfeitures shall be disposed of as the justices may direct, and the proceeds (if any) shall be applied in manner in which the moneys received in respect of penalties for offences under this Act are hereby directed to be applied.

Recovery of penalties.

**17.** Where any offence under this Act is committed in or upon any waters forming the boundary between the counties of Norfolk

Offences committed on boundary.

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Preservation  
of rights of  
Norwich  
Corporation  
and Great  
Yarmouth  
Commis-  
sioners.

**18.** Provided always, that nothing in this Act contained shall prejudice or interfere with the rights or privileges of the body corporate of the mayor, aldermen, and citizens of the city of Norwich or of the Great Yarmouth Port and Haven Commissioners in or over the rivers and broads within the limits of this Act.

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