



Sea Fisheries Act 1883

1883 CHAPTER 22

Legal Proceedings

15 Compensation for damage caused by offence

- (1) Where on the conviction of any person under this Act. for an offence it appears to the court that any injury to person or property has been caused by the offence, the court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act and when recovered shall be paid to the person injured.
- (2) Any compensation specified in a document signed in accordance with Article thirty-three of the first schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a court of summary jurisdiction.
- (3) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the said Article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

16 Summary prosecution of offences and recovery of fines

- (1) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner ; that is to say,—
 - (a) In England before a justice or justices, in manner provided by the Summary Jurisdiction (English) Acts ;
 - (b) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881;
 - (c) In Ireland within the police district of Dublin metropolis in manner provided by the Acts regulating the powers and duties of the justices of the peace of such district, or of the police of such district, and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same ;

Status: This is the original version (as it was originally enacted).

- (d) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.
- (2) If any person feels aggrieved by any conviction under this Act by a court of summary jurisdiction, or by any determination or adjudication of such court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows :—
- (a) In England the appeal shall be to quarter sessions in manner provided by the Summary Jurisdiction (English) Acts;
 - (b) In Ireland the appeal shall be to the court of quarter sessions in manner directed by the Petty Sessions (Ireland) Act, 1S51, and the Acts amending the same.
 - (c) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

17 Evidence

- (1) Any document drawn up in pursuance of the first schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.
- (2) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.'
- (3) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.
- (4) If any person forges the signature of a sea-fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.

18 Jurisdiction of courts

For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea fishing boat within the exclusive fishery limits of the British Island's, and persons belonging thereto, as such court would have if such boat were a British sea fishing boat.

19 Service to be good if made personally or on board ship

Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

20 Masters of boats liable to fines imposed

- (1) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.
- (2) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the court think fit so to order, by distress or poinding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

21 Application of fines

- (1) The court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings ; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer, in such manner as the Commissioners of the Treasury may direct.
- (2) Forfeitures may be destroyed, sold, and disposed of as the court adjudging the forfeiture may direct.

22 Saving of liability and rights

- (1) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.
- (2) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order "with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.