

SCHEDULES.

FIRST SCHEDULE

INTERNATIONAL CONVENTION FOR THE PURPOSE OF REGULATING THE POLICE OF THE FISHERIES IN THE NORTH SEA OUTSIDE TERRITORIAL WATERS

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the Emperor of Germany, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; the President of the French Republic; and His Majesty the King of the Netherlands, having recognised the necessity of regulating the police of the fisheries in the North Sea, outside territorial waters, have resolved to conclude for this purpose a Convention, and have named their Plenipotentiaries as follows:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland the Honourable William Stuart, Companion of the Most Honourable Order of the Bath, &c, Her Envoy Extraordinary and Minister Plenipotentiary at the Hague ; Charles Malcolm Kennedy, Esq., Companion of the Most Honourable Order of the Bath, &c, Head of the Commercial Department of the Foreign Office; and Charles Cecil Trevor, Esq., Barrister at Law, Assistant Secretary to the Board of Trade, &c.;

His Majesty the Emperor of Germany, King of Prussia, Veit Richard von Schmidthals, Knight of the Order of the Red Eagle of the Third Class, and of the Order of St. John, &c, Councillor of Legation, his Charge d'Affaires at the Hague; and Peter Christian Kinch Donner, Knight of the Order of the Red Eagle of the fourth class with the Sword, and of the Crown of the fourth class, &c, his Councillor of State, Captain in the Navy, on the Reserve;

His Majesty the King of the Belgians, the Baron d'Anethan, Commander of the Order of Leopold, &c, his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and M. Leopold Orban, Commander of the Order of Leopold, &c, his Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Political Department in the Ministry of Foreign Affairs;

His Majesty the King of Denmark, Carl Adolph Bruun, Knight of the Order of the Danebrog, &c, Captain in the Navy ;

The President of the French Republic, the Count Lefebvre de Behaine, Commander of the National Order of the Legion of Honour, &c, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at the Hague : and M. Gustave Emile Mancel, Officer of the National Order of the Legion of Honour, &c, Commissary of Marine;

His Majesty the King of the Netherlands, the Jonkheer Willem Frederik Rochussen, Commander of the Order of the Lion of the Netherlands, &c, his Minister of Foreign Affairs; and Eduard Nicolaas Rahusen, Knight of the Order of the Lion of the Netherlands, &c, President of the Committee for Sea Fisheries ;

Who, after having communicated the one to the other their full power, found in good and due form, have agreed upon the following Articles:—

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

ARTICLE I.

The provisions of the present Convention, the object of which is to regulate the police of the fisheries in the North Sea outside territorial waters, shall apply to the subjects of the High Contracting Parties.

ARTICLE II.

The fishermen of each country shall enjoy the exclusive right of fishery within the distance of three miles from low water mark along the whole extent of the coasts of their respective countries, as well as of the dependent islands and banks.

As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles.

The present Article shall not in any way prejudice the freedom of navigation and anchorage in territorial waters accorded to fishing boats, provided they conform to the special police regulations enacted by the Powers to whom the shore belongs.

ARTICLE III.

The miles mentioned in the preceding Article are geographical miles, whereof sixty make a degree of latitude.

ARTICLE IV.

For the purpose of applying the provisions of the present Convention, the limits of the North Sea shall be fixed as follows :—

- 1 On the north by the parallel of the 61st degree of latitude ;
- 2 On the east and south :—
 - (1) By the coasts of Norway between the parallel of the 61st degree of latitude and Lindesnaes Lighthouse (Norway) ;
 - (2) By a straight line drawn from Lindesnaes Lighthouse (Norway) to Hanstholm Lighthouse (Denmark) ;
 - (3) By the coasts of Denmark, Germany, the Netherlands, Belgium, and France, as far as Gris Nez Lighthouse;
- 3 On the west:—
 - (1) By a straight line drawn from Gris Nez Lighthouse (France) to the easternmost lighthouse at South Foreland (England) ;
 - (2) By the eastern coasts of England and Scotland :
 - (3) By a straight line joining Duncansby Head (Scotland and the southern point of South Ronaldsha (Orkney Islands);
 - (4) By the eastern coasts of the Orkney Islands ; .
 - (5) By a straight line joining North Eonaldsha Lighthouse (Orkney Islands) and Sumburgh Head Lighthouse (Shetland Islands);

(6) By the eastern coasts of the Shetland Islands :

(7) By the meridian of North Unst Lighthouse (Shetland Islands) as far as the parallel of the 61st degree of latitude.

ARTICLE V.

The fishing boats of the high contracting parties shall be registered in accordance with the administrative regulations of each country. For each port there shall be a consecutive series of numbers, preceded by one or more initial letters, which shall be specified by the superior competent authority.

Each government shall draw up a list showing these initial letters.

This list, together with all modifications which may subsequently be made in it, shall be notified to the other contracting powers.

ARTICLE VI.

Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

ARTICLE VII

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 8 centim. in height and 12 millim. in breadth.

ARTICLE VIII

The letter or letters and numbers shall be placed on each bow of the boat, eight or ten centim. below the gunwale, and so as to be clearly visible. They shall be painted in white oil colour on a black ground.

The distance above mentioned shall not, however, be obligatory for boats of small burden, which may not have sufficient space below the gunwale.

For boats of fifteen tons burden and upwards the dimensions of the letters and numbers shall be forty-five centim. in height and 6 centim. in breadth.

For boats of less than fifteen tons burden the dimensions shall be twenty-five centim. in height and 4 centim. in breadth.

The same letter or letters and numbers shall also be painted on each side of the mainsail of the boat, immediately above the close reef, in black oil colour on white, or tanned sails, and in white oil colour on black sails.

The letter or letters and numbers on the sails shall be one-third larger in every way than those placed on the bows of the boat.

ARTICLE IX.

Fishing boats may not have, either on their outside or on their sails, any names, letters, or numbers other than those prescribed by Articles VI, VII, and VIII of the present Convention.

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

ARTICLE X.

The names, letters, and numbers placed on the boats and on their sails shall not be effaced, altered, made illegible, covered, or concealed in any manner whatsoever.

ARTICLE XI.

All the small boats, buoys, principal floats, trawls, grapnels, anchors, and generally all fishing implements, shall be marked with the letter or letters and numbers of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

ARTICLE XII.

The master of each boat must have with him an official document, issued by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat.

This document must always give the letter or letters and number of the boat, as-well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

ARTICLE XIII.

The nationality of a boat must not be concealed in any manner whatsoever.

ARTICLE XIV.

No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

ARTICLE XV.

Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

ARTICLE XVI.

Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats,

>As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the

boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

ARTICLE XVII.

No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

ARTICLE XVIII.

No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other part of the fishing tackle of another fisherman.

ARTICLE XIX.

When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

ARTICLE XX.

When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

ARTICLE XXI

When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

ARTICLE XXII.

Except in cases of salvage and the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

ARTICLE XXIII.

The use of any instrument or engine which serves only to cut or destroy nets is forbidden.

The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

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

ARTICLE XXIV.

Fishing boats shall conform to the general rules respecting lights which have - been, or may be, adopted by mutual arrangement between the high contracting parties with the view of preventing collisions at sea.

ARTICLE XXV.

All fishing boats, all their small boats, all rigging gear or other appurtenances of fishing boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and of the nation of the owner of the articles found. They [the same authority] shall restore the articles to the owners thereof or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the laws of the different countries may provide, shall fix the amount which the owners shall pay to the salvors.

It is, however, agreed that this provision shall not in any way prejudice such conventions respecting this matter as are already in force', and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salvaged.

Fishing implements of any kind found unmarked shall be treated as wreck.

ARTICLE XXVI.

The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the high contracting parties. In the case of Belgium, such vessels may be vessels belonging to the State, commanded by captains who hold commissions.

ARTICLE XXVII.

The execution of the regulations respecting the document establishing nationality, the marking and numbering of boats, &c, and of fishing implements, as well as the presence on board of instruments which are forbidden (Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XXIII, § 2), is placed under the exclusive superintendence of the cruisers of the nation of each fishing boat.

Nevertheless, the commanders of cruisers shall acquaint each other with any infractions of the above-mentioned regulations committed by the fishermen of another nation.

ARTICLE XXVIII.

The cruisers of all the high contracting parties shall be competent to authenticate all infractions of the regulations prescribed by the present convention, other than those referred to in Article XXVII, and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXIX.

When the commanders of cruisers have reason to believe that an infraction of the provisions of the present convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be endorsed upon it immediately.

The commanders of cruisers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of regulations respecting the police of the fisheries.

ARTICLE XXX.

The commanders of the cruisers of the Signatory Powers shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declarations of the parties interested and from the testimony of those present.

The commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fishermen belong. He may even take on board the cruiser a part of the crew of the fishing boat in order to hand them over to the authorities of her nation.

ARTICLE XXXI.

The formal statement referred to in the preceding Article shall be drawn up in the language of the commander of the cruiser, and according to the forms in use in his country.

The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

ARTICLE XXXII.

Resistance to the directions of commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the authority of the nation of the fishing boat.

ARTICLE XXXIII.

When the act alleged is not of a serious character, but has nevertheless caused damage to any fisherman, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid.

Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

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

One copy of this document shall remain on board the cruizer, and the other shall be handed to the master of the boat to which the compensation is due, in order that he may, if necessary, be able to make use of it before the Courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of Article XXX.

ARTICLE XXXIV.

The prosecutions for offences against, or contraventions of, the present convention shall be instituted by, or in the name of, the State.

ARTICLE XXXV.

The high contracting parties engage to propose to their respective Legislatures the necessary measure, for insuring the execution of the present convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of Articles VI to XXIII inclusive.

ARTICLE XXXVI.

In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of another nationality, the Courts of the country to which the boats of the offenders belong shall be empowered to try them.

The same rule shall apply with regard to offences against, and contraventions of, the present convention.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

ARTICLE XXXVIII.

The present convention shall be ratified. The ratifications shall be exchanged at the Hague as soon as possible.

ARTICLE XXXIX.

The present convention shall be brought into force from and after a day to be agreed upon by the high contracting parties.

The convention shall continue in operation for five years from the above day ; and, unless one of the high contracting parties shall, twelve months before the expiration of the said period of five years, give notice of intention to terminate its operation, shall continue in force one year longer, and so on from year to year. If, however, one of the Signatory Powers should give notice to terminate the convention, the same shall be maintained between the other contracting parties, unless they give a similar notice.

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

ADDITIONAL ARTICLE.

The Government of His Majesty the King of Sweden and Norway may adhere to the present convention, for Sweden and for Norway, either jointly or separately.

This adhesion shall be notified to the Netherlands Government, and by it to the other Signatory Powers.

In witness whereof the Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done at the Hague, in six copies, the 6th May, 1882.

(L.S.)

W. STUART.

(L.S.)

C. M. KENNEDY.

(L.S.)

C. CECIL TREVOR.

(L.S.)

v. SCHMIDTHALS.

(L.S.)

CHR. DONNER.

(L.S.)

Bon A. D'ANETHAN.

(L.S.)

LÉOPOLD ORBAN.

(L.S.)

C. BRUUN.

(L.S.)

Cte LEFÈBVRE DE BÉHAINE.

(L.S.)

EM. MANCEL.

(L.S.)

ROCHUSSEN.

(L.S.)

E. N. RAHUSEN.

SECOND SCHEDULE

ENACTMENTS REPEALED

A description or citation of an Act in this schedule is inclusive of the word, section, or other part first and last-mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

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

PART I

ENACTMENTS WHOLLY REPEALED

Session and Chapter.	Title.	Extent of repeal.
6 & 7 Vict. c. 79.	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.	So much of the 'schedule thereto as prohibits any French fishing-boat from approaching nearer to any part of the Coast of the United Kingdom than the limit of three miles, and so much of the rest of the Act as relates to the portion of the schedule hereby repealed.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Section twenty-five. Section fifty-eight, from " in manner directed by law" to "the appeal shall be made", and from " for the county or place " to " costs to be paid by either party."
40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.	Section seventy-one and the second schedule. Section fifteen.

PART II

ENACTMENTS REPEALED PROVISIONALLY

Session and Chapter.	Title.	Extent of repeal.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections three and four. Section five, from " the term consular officer " to " construed to mean consular officer." Sections six to sixteen. Sections twenty and twenty-one. Section fifty-nine. Section sixty-one. Section sixty-three, from the beginning of the section to " the satisfaction of the court."

Session and Chapter.	Title.	Extent of repeal.
38 Vict. c. 15	An Act to amend the Sea Fisheries Act, 1868.	The first schedule, except articles four to eight, article thirty-one, and the Declaration and List of Ports annexed to the Convention. Section three.