



Sea Fisheries (Scotland) Amendment Act 1885

1885 CHAPTER 70 48 and 49 Vict

An Act to amend the Law relating to Scottish Sea Fisheries and for other purposes relating thereto. [14th August 1885]

Modifications etc. (not altering text)

C1 Preamble omitted under authority of Statute Law Revision Act 1898 (c. 22), Sch. Pt. I

1 Short title.

This Act may be cited as the Sea Fisheries (Scotland) Amendment Act 1885, and shall be read and construed along with [^{F1}the ^{M1}Sea Fisheries Act 1968].

Textual Amendments

F1 Words substituted by Sea Fisheries Act 1968 (c. 77), Sch. 1 para. 24

Marginal Citations

M1 1968 c. 77.

2 Application.

This Act shall apply only to Scotland, and to the [^{F2}Scottish zone; and in this Act, “the Scottish zone” has the same meaning as in the Scotland Act 1998].

Textual Amendments

F2 Words in s. 2 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. 1 para. 6(3)

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885. (See end of Document for details)

3 F3

Textual Amendments

F3 S. 3 repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), [Sch. 2 Pt. II](#)

4 F4

Textual Amendments

F4 S. 4 repealed by [Inshore Fishing \(Scotland\) Act 1984 \(c. 26, SIF 52:1\)](#), s. 10(2), [Sch. 2](#)

5 **Steam trawlers fishing off Scotland to have letters and numbers painted on the quarter.**

Every British sea fishing boat propelled by steam, fishing in [^{F5}the Scottish zone], shall, in addition to having the number and letters painted on the bow in manner provided by the ^{M2}Sea Fisheries Act 1883, have the initial letter or letters of the port to which it belongs, and the registry number in the series of numbers for that port, painted in white oil-colour on a black ground, on the funnel twelve inches from the top, and on the quarter three or four inches below the gunwale, and so as to be clearly visible, of the dimensions prescribed for the letters and numbers on the bow by the regulations in force for the time being for the lettering, numbering, and registering of British sea-fishing boats under the Sea Fisheries Acts or any Act amending the same.

This section shall be enforced in the same manner as if it were contained in such regulations.

It shall be the duty of the [^{F6}Scottish Ministers] to enforce the provisions of the Sea Fisheries Acts, and of any Orders in Council following thereon, with respect to the numbering and lettering of fishing boats by directing their officers being sea fishery officers to use the powers in that behalf conferred upon sea fishery officers by the said Acts and Orders in Council.

Textual Amendments

F5 Words in s. 5 substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. 1 para. 6\(4\)](#)

F6 Words in s. 5 substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. 1 para. 6\(2\)](#)

Modifications etc. (not altering text)

C2 S. 5 repealed (prosp.) by [Sea Fisheries Act 1968 \(c. 77\)](#), s. 23(2), [Sch. 2 Pt. II](#)

Marginal Citations

M2 1833 c. 22.

6 **Fishery Board may require statistics of sea fisheries.**

[^{F7}The Scottish Ministers] shall have power to require all fishermen and other persons belonging to British sea-fishing boats, and all fish curers catching or curing any kind of sea fish in Scotland, or in [^{F8}the Scottish zone], to make returns, in such form and

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885. (See end of Document for details)

at such periods as may be prescribed by . . . ^{F9}the [^{F7}Scottish Ministers], of all sea fish which are caught or cured by them respectively.

The [^{F7}Scottish Ministers], before [^{F10}prescribing] the form or period . . . ^{F9} for any such return, shall communicate with the [^{F11}Minister of Agriculture, Fisheries and Food], and copies of all such returns shall be immediately furnished by the [^{F7}Scottish Ministers] to the [^{F11}Minister of Agriculture, Fisheries and Food].

Any person failing to make a full and correct return under this section shall be guilty of an offence against the . . . ^{F12}, and shall be liable on summary conviction to a fine not exceeding [^{F13}level 2 on the standard scale]^{F14} and sections 12(2) and 14 of the ^{M3}Sea Fisheries Act 1968 shall apply to an offence under this section as they apply to an offence under section 5 or 10 of that Act [^{F15}or section 2 of the ^{M4}Fishery Limits Act 1976].]

Textual Amendments

- F7** Words in s. 6 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 6(2)**
- F8** Words in s. 6 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 6(4)**
- F9** Words repealed by S.R. & O. 1939/782 (Rev. XV, p. 172: 1939 II, p. 2933), Sch.
- F10** Words substituted by S.R. & O. 1939/782 (Rev. XV, p. 172: 1939 II, p. 2933), Sch.
- F11** Words substituted by virtue of Board of Agriculture and Fisheries Act 1903 (c. 31), **s. 1(6)**, Ministry of Agriculture and Fisheries Act 1919 (c. 91), **s. 1(1)** and S.I. 1955/554 (1955 I, p. 1200), art. 3
- F12** Words repealed by Sea Fisheries Act 1968 (c. 77), **Sch. 1 para. 26**
- F13** Words substituted (S.) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289(G)**
- F14** Words inserted by Sea Fisheries Act 1968 (c. 77), **Sch. 1 para. 26**
- F15** Words substituted by virtue of Fishery Limits Act 1976 (c. 86), **s. 2(8)(a)**

Marginal Citations

- M3** 1968 c. 77.
- M4** 1976 c. 86.

[^{F16}6A Vicarious liability of master of boat.

Where any offence under this Act has been committed by some person belonging to a sea-fishing boat, the master of such boat shall in every case be liable to be deemed guilty of such offence:

Provided that it shall be a defence for the master to prove that he issued proper orders for the observance, and used due diligence to enforce the observance, of the provision of the Act or byelaw contravened and that the offence in question was actually committed by some other person without his connivance.]

Textual Amendments

- F16** S. 6A inserted by Sea Fisheries Act 1968 (c. 77), **Sch. 1 para. 27**

7 Sea fishery officer may award compensation under ten pounds.

Every case under the Sea Fisheries Acts may be prosecuted in any sheriff court which the [^{F17}Scottish Ministers] may declare, by a notice under the hand of [^{F18}a member of the staff of the Scottish Administration]^{F19} duly authorised] to the Procurator Fiscal of

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885. (See end of Document for details)

such sheriff court, to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

Where an offence has been committed by any person belonging to a British sea-fishing boat in Scotland, or in [^{F20}the Scottish zone], against the Sea Fisheries Acts, whereby any injury is done by one sea-fishing boat to another, or the nets, lines, and gear thereof, or any of the apparatus used in fishing by the said boat, it shall be lawful for any [^{F21}British sea-fishery officer] to whom complaint is made by the party injured, verbally or in writing, to make such examination or inquiry into the said complaint as he deems necessary, and, after affording the respondent an opportunity of being heard, to prepare and sign a report to the [^{F17}Scottish Ministers], setting forth succinctly the facts of the case and the amount of the damage done, and he shall supply a copy of such report to the party injured or to the respondent on payment of the sum of [^{F22}5p] therefor, and it shall be competent for either party in any legal proceedings that may be raised for the recovery of the damage or any part thereof, to call upon the [^{F17}Scottish Ministers] to transmit such report to the clerk of the court in which such case is to be tried, and such report shall be received as evidence in the cause without requiring that the said [^{F21}British sea-fishery officer] shall appear to make oath to the truth thereof, and when such report is produced, no other evidence shall be received of the amount of such damage unless the court shall consider it necessary, in order to be able to do justice in the cause; and in any case in which the damage as found by the [^{F23}sheriff principal] before whom the case comes for trial shall exceed twelve pounds, appeal shall be competent as in ordinary causes before the sheriff court.

[^{F24}Provided that nothing in the first paragraph of this section shall apply to an offence under section 5 or 10 of the ^{M5}Sea Fisheries Act 1968 [^{F25}or section 2 of the ^{M6}Fishery Limits Act 1976].]

Textual Amendments

- F17** Words in s. 7 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 6(2)**
- F18** Words in s. 7 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 6(5)**
- F19** Words substituted by virtue of **Reorganisation of Offices (Scotland) Act 1939 (c. 20), s. 1(6)(b)**
- F20** Words in s. 7 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 6(4)**
- F21** Words substituted by virtue of **Sea Fisheries Act 1968 (c. 77), Sch. 1 para. 28**
- F22** Words substituted by virtue of **Decimal Currency Act 1969 (c. 19), s. 10(1)**
- F23** Words substituted by virtue of **Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4**
- F24** S. 7 proviso inserted by **Sea Fisheries Act 1968 (c. 77), Sch. 1 para. 28**
- F25** Words substituted by virtue of **Fishery Limits Act 1976 (c. 86), s. 2(8)(a)**

Marginal Citations

- M5** 1968 c. 77.
- M6** 1976 c. 86.

8 Compensation for damage caused by offence.

. . . ^{F26} Where any offence is committed, as set forth in section seven hereof, it shall be competent for the person whose property has been injured to give notice in writing to the person committing such offence, and to the sheriff clerk, that at the trial of said offence the [^{F27}sheriff principal] will be called upon to consider and dispose of the question of damages, and, in such case, the evidence led at said trial shall be evidence for the consideration of the [^{F27}sheriff principal] on the question of damages, and the [^{F27}sheriff principal], at the conclusion of the said trial, shall proceed to consider and dispose of the question of compensation to the injured party, and if a report of a

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885. (See end of Document for details)

[^{F28}British sea-fishery officer] has been produced, as set forth in section seven hereof, the [^{F27}sheriff principal] shall not allow any additional evidence to be heard unless he shall consider it to be necessary in order to do justice in the case; and, if he shall allow additional evidence, the accused person shall be allowed to be examined as a witness on the question of the amount of damages, and shall, if oral evidence is to be taken on the question of damages, allow the accused person to be examined as a witness on the question of damages, and shall, after hearing parties, give decree as in an ordinary action before the sheriff court.

[^{F29}Provided that nothing in this section shall apply to an offence under section 5 or 10 of the ^{M7}Sea Fisheries Act 1968 [^{F30}or section 2 of the ^{M8}Fishery Limits Act 1976].]

Textual Amendments

- F26** Words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#), **Sch. Pt. I**
- F27** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), **s. 4**
- F28** Words substituted by virtue of [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 1 para. 29**
- F29** [S. 8](#) proviso inserted by [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 1 para. 29**
- F30** Words substituted by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), **s. 2(8)(a)**

Marginal Citations

- M7** [1968 c. 77](#).
- M8** [1976 c. 86](#).

9 ^{F31}

Textual Amendments

- F31** [S. 9](#) repealed by [Sea Fish Industry Act 1970 \(c. 11\)](#), **Sch. 6 Pt. II**

10 Powers of sea fishery officers.

For the purpose of carrying out the provisions of this Act, [^{F32}a British sea-fishery officer may exercise all the powers conferred on him by section 8 of the ^{M9}Sea Fisheries Act 1968 for the purpose of enforcing the provisions of an order under section 5 of that Act or of [^{F33}section 2 of the ^{M10}Fishery Limits Act 1976] or any order thereunder][^{F34}and section 10 of that Act shall apply for the purposes of this Act as if for any reference to section 8 or 9 of that Act there were substituted a reference to this section].

Textual Amendments

- F32** Words substituted by [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 1 para. 30**
- F33** Words substituted by virtue of [Fishery Limits Act 1976 \(c. 86\)](#), **s. 2(8)(a)**
- F34** Words added by [Fishery Limits Act 1976 \(c. 86\)](#), **s. 4(4)**

Marginal Citations

- M9** [1968 c. 77](#).
- M10** [1976 c. 86](#).

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885. (See end of Document for details)

11 **F35**

Textual Amendments

F35 S. 11 repealed by [Inshore Fishing \(Scotland\) Act 1984](#) (c. 26, SIF 52:1), s. 10(2), [Sch. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885.