



Fisheries Act 1891

1891 CHAPTER 37 54 and 55 Vict

F1

An Act to carry into effect an International Declaration respecting the North Sea Fisheries, and to amend the Law relating to Sea Fisheries and Salmon and Freshwater Fisheries. [21st July 1891]

Textual Amendments

F1 Act repealed (E.W.N.I.) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), [Sch. 23 para. 31\(b\)](#)

PART I

^{M1}BELGIAN DECLARATION AND SEA FISHERIES ACT 1883

Modifications etc. (not altering text)

C1 Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), [art. 2\(1\)](#)

Marginal Citations

M1 [1883 c. 22](#).

1 Confirmation of Declaration.

The Declaration set out in the Schedule to this Act (hereinafter referred to as the Scheduled Declaration) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

2 Powers of Commission appointed under Declaration.

(1) Any commission appointed by the Board of Trade in pursuance of Article One of the Scheduled Declaration shall, for the purpose of its duties, have the same powers as

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an inspector appointed by the Board of Trade [^{F2}under section 256 of the Merchant Shipping Act 1995], and [^{F2}Part X of that Act] of that Act shall apply as if the commission were such an inspector.

- (2) Any such commission may take security, in such form as the Board of Trade may by rule prescribe, for the attendance of a witness before a court of justice in Belgium, and any sum which may become due in pursuance of such a security may be recovered in like manner as a sum due in pursuance of a security given under the ^{M2}Summary Jurisdiction Act 1879.

Textual Amendments
F2 Words in s. 2(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 9** (with s. 312(1))

Marginal Citations
M2 1879 c. 49.

3 Evidence of report or certificate under Article 3 of Declaration.

A document purporting to be certified by a Secretary or Assistant Secretary of the Board of Trade to be a report made or certificate given in pursuance of Article Three of the Scheduled Declaration shall be deemed to be such a report or certificate and to have been duly forwarded.

4 Punishment for violation of Article 4 of Declaration.

If either within or without [^{F3}British fishery limits], any person belonging to a British sea fishing boat acts in contravention of Article Four of the Scheduled Declaration, he shall be liable to the like penalty as for a contravention of Articles thirteen to twenty-two of the First Schedule to the ^{M3}Sea Fisheries Act 1883.

Provided that if the Scheduled Declaration ceases to be binding on Her Majesty, this section shall cease to apply in the case of injuries to the gear or boat of a fisherman being a subject of the foreign State party to the Declaration, but shall nevertheless continue to apply as between British subjects.

Textual Amendments
F3 Words substituted by **Fishery Limits Act 1976 (c. 86), Sch. 2 para. 7**

Marginal Citations
M3 1883 c. 22.

5 ^{F4}

Textual Amendments
F4 Ss. 5, 6(2) repealed by **Sea Fisheries Act 1968 (c. 77), Sch. 2 Pt. II**

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6 Construction, title, and commencement of this Part of Act.

(1) This Part of this Act shall be construed . . . ^{F5}, so far as relates to Scotland and the [^{F6}Scottish zone within the meaning of the Scotland Act 1998], . . . ^{F5} as one with the ^{M4}Sea Fisheries (Scotland) Amendment Act 1885.

(2) ^{F7}

[^{F8}(3) The Sea Fisheries (Scotland) Amendment Act 1885 and this Part of this Act may be cited collectively as the Sea Fisheries Acts 1885 to 1891.]

(4) ^{F9}

Textual Amendments

- F5** Words repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 2 Pt. II**
- F6** Words in s. 6(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 8**
- F7** Ss. 5, 6(2) repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), **Sch. 2 Pt. II**
- F8** S. 6(3) substituted (19.11.1998) by 1998 c. 43, s. 1(2), **Sch. 2 para. 9**
- F9** S. 6(4) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

Marginal Citations

- M4** 1885 c. 70.

PARTS II, III

7—11. ^{F10}

Textual Amendments

- F10** Ss. 7—11 repealed by [Sea Fisheries Regulation Act 1966 \(c. 38\)](#), **Sch. Pt. I**

12 ^{F11}

Textual Amendments

- F11** S. 12 repealed by [Salmon and Freshwater Fisheries Act 1923 \(c. 16\)](#), **Sch. 5**

PART IV

GENERAL

^{F12}13 Explanation as to power of taking legal proceedings for enforcing Fisheries Acts.

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Textual Amendments

F12 S. 13 repealed (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 234(c), 324(3), [Sch. 22 Pts. 5\(C\)](#); S.I. 2010/298, art. 2, Sch. para. 11Sch. para. 12

14 Short title.

This Act may be cited as the Fisheries Act 1891.

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SCHEDULE

DECLARATION RESPECTING THE NORTH SEA FISHERIES

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Belgians, being desirous of simplifying the procedure for the settlement of differences between British and Belgian fishermen in the North Sea outside territorial waters, and of reducing as much as possible the injuries they may sustain from the fouling of their fishing gear, have agreed upon the following provisions:—

ARTICLE I

Whenever a complaint involving a claim for damages shall be preferred by a fisherman of one of the two countries against a fisherman of the other country, it shall be referred for preliminary inquiry—in Belgium, to a Commission composed of, at least, two officers appointed by the Minister of Railways, Posts, and Telegraphs; in the United Kingdom, to a Commission also composed of, at least, two officers appointed by the Board of Trade; these officers shall hold their inquiry at the place where the allegations of the complainants can most easily be verified.

ARTICLE II

No complaint shall be transmitted either to the British or to the Belgian Government, as the case may be, unless:—

- 1 The Commission has recognized it as well founded;
- 2 Such fishermen as are specified by the Commission engage themselves to appear in person in case they should be summoned to give evidence.

ARTICLE III

The complaints must be accompanied by—

- 1 A Report from the Commission of Inquiry;
- 2 A certificate from this Commission, verifying the ownership of the lost or injured fishing gear;
- 3 A certificate of an expert nominated, (as the case may be), in the United Kingdom by the Board of Trade, in Belgium by the Minister of Railways, Posts, and Telegraphs, and giving an estimate of the damages in money value.

These certificates must be forwarded through the proper diplomatic channel, and shall be received as evidence unless the contrary is proved.

ARTICLE IV

When a fisherman fouls or otherwise interferes with the fishing gear of another fisherman he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

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ARTICLE V

In the Kingdom of Belgium the tribunal which has cognizance of an infraction of the North Sea Fisheries Convention of the 6th May 1882, or of Article 4 of the present Declaration, shall be empowered to award damages for injury to person or property at the request of the injured party and at the suit of the Official Prosecutor.

The execution of awards of damages shall be effected, on the application of the Official Prosecutor, by the competent Administration, which will advance the costs and recover them from the condemned parties according to the usual process of law in such cases.

In the United Kingdom the Court before which proceedings are taken for the above-mentioned infractions shall be empowered, at the suit of the Official Prosecutor on the request of the injured party, to award damages for injury to person or property, and the Official Prosecutor shall, at his own cost, recover the sum so awarded, or so much thereof as is possible, from the parties liable.

The amount of damages recovered, as stipulated above, shall be remitted free of cost to the injured party through the proper diplomatic channel.

ARTICLE VI

The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Declaration, and especially for punishing, either by fine or imprisonment, or both, persons who may contravene Article IV.

ARTICLE VII

The present Declaration shall be ratified, and the ratifications shall be exchanged as Brussels as soon as possible.

ARTICLE VIII

The present Declaration shall come into force at a date to be agreed upon subsequently by the High Contracting Parties.

It shall remain in force for three years from that date, and in the event of neither of the High Contracting Parties having notified twelve months before the expiry of the said period of three years their intention of terminating it, shall continue to remain in force for a year, and so on from year to year.

In witness whereof the undersigned Envoy Extraordinary and Minister Plenipotentiary at Brussels of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the undersigned Minister for Foreign Affairs of His Majesty the King of the Belgians, have drawn up the present Declaration in duplicate, and have affixed thereto the seals of their arms.

Done at Brussels, the 2nd May 1891.

(L.S.)

VIVIAN.

(L.S.)

Le Prince DE CHIMAY.

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