



Merchant Shipping Act 1894

1894 CHAPTER 60

PART IV

FISHING BOATS.

Application of Part IV, &c.

369 Application of Part IV.

- (1) This Part of this Act relates partly—
 - (a) to all fishing boats and to the whole fishing service; and partly
 - (b) to all fishing boats of twenty-five tons tonnage and upwards; and partly
 - (c) to fishing boats being trawlers of twenty-five tons tonnage and upwards, and where so expressly provided, to fishing boats being trawlers of whatever tonnage.
- (2) The Board of Trade may, by order published in the London Gazette,—
 - (a) exempt from the date in the order mentioned, any class of such trawler or trawlers belonging to any port from the whole or any portion of this Part of this Act, and
 - (b) extend all or any of the provisions of this Part of this Act to any fishing boats referred to in the order,and may revoke or alter any such order by an order published in like manner, but such order shall not extend to any of the provisions relating to the fishing boat register, or to the boats and lifebuoys to be carried on fishing boats.
- (3) The Board of Trade may, before making any order under this section, institute such inquiry, as in their opinion may be required for enabling them to make the order, by such person as the Board may appoint, and the person so appointed shall for the purpose of the inquiry have all the powers of a Board of Trade inspector under this Act.
- (4) The provisions of this Act with respect to fishing boats being trawlers shall, save as otherwise expressly provided, apply to vessels employed as tenders or carriers to

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fishing boats or for the purpose of collecting and conveying to the land the catch of fishing boats.

370 Definitions: " Fishing boat "; " Second hand "; " Voyage ".

In this Part of this Act, unless the context otherwise requires—

The expression " fishing boat " means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service, but save as otherwise expressly provided, that expression shall not include a vessel used for catching fish otherwise than for profit.

The expression " second hand " means, with respect to a fishing boat, the mate or person next to the skipper in authority or command on board the boat.

The expression " voyage " shall mean a fishing trip commencing with a departure from a port for the purpose of fishing, and ending with the first return to a port thereafter upon the conclusion of the trip, but a return due to distress only shall not be deemed to be a return, if it is followed by a resumption of the trip.

371 Ascertainment of tonnage of fishing boat.

- (1) The tonnage of a fishing boat for the purpose of this Part of this Act shall be taken to be in the case of a steam trawler her gross tonnage, but in any other case her register tonnage.
- (2) Where a fishing boat is registered under Part I. of this Act, her gross or register tonnage as ascertained for the purpose of that registry shall be her gross or register tonnage for the purpose of this Part of this Act.
- (3) Where a fishing boat is not so registered a certificate signed by a surveyor of ships under this Act stating her gross or register tonnage, ascertained as in the case of a ship registered under Part I. of this Act, shall be conclusive of that tonnage.

372 Extent of Part IV.

This Part of this Act shall not, except where otherwise expressly provided, apply to Scotland, or to any British possession.