

## SCHEDULES

### SCHEDULE 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART II

##### AMENDMENTS COMING INTO FORCE ON APPOINTED DAY

##### *The Sea Fisheries (Scotland) Amendment Act 1885 (c. 70)*

24 In section 1 (citation and construction), for the words " the Sea Fisheries Act 1883 " there shall be substituted the words " the Sea Fisheries Act 1968 ".

25 In section 4 (control of modes of fishing within defined areas) for the last paragraph there shall be substituted the following paragraphs—

“Any person contravening a byelaw duly confirmed shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100, or in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding £200 or both ; and the court by which the offender is convicted may order the forfeiture of any net or other fishing gear used in committing the offence.

Sections 12(2) and 14 of the Sea Fisheries Act 1968 shall apply to an offence under this section as they apply to an offence under section 5, 6 or 10 of that Act; and any fishing gear forfeited under this section may be destroyed or otherwise disposed of as the court may direct.”

26 In section 6 (returns about sea fisheries) the words " against the Sea Fisheries Act 1883 " shall be omitted and at the end there shall be inserted the words " and sections 12(2) and 14 of the Sea Fisheries Act 1968 shall apply to an offence under this section as they apply to an offence under section 5, 6 or 10 of that Act ".

27 After section 6 there shall be inserted the following section—

##### **“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.”

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*Status: This is the original version (as it was originally enacted).*

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- 28      In section 7 (report of sea-fishery officer concerning compensation), for any reference to a sea-fishery officer there shall be substituted a reference to a British sea-fishery officer and at the end there shall be inserted the following proviso—
- “Provided that nothing in the first paragraph of this section shall apply to an offence under section 5, 6 or 10 of the Sea Fisheries Act 1968.”
- 29      In section 8 (compensation for damage caused by offence), for the reference to a sea-fishery officer there shall be substituted a reference to a British sea-fishery officer and at the end there shall be inserted the following proviso—
- “Provided that nothing in this section shall apply to an offence under section 5, 6 or 10 of the Sea Fisheries Act 1968.”
- 30      In section 10 (powers of sea-fishery officers) for the words from " sea" where it first occurs to the end there shall be substituted the words " a British sea-fishery officer may exercise all the powers conferred on him by section 8 of the Sea Fisheries Act 1968 for the purpose of enforcing the provisions of an order under section 5 of that Act or of section 6 of that Act or any order thereunder ".