



Behring Sea Award Act 1894 (repealed)

1894 CHAPTER 2 57 and 58 Vict

1 Enactment of articles of arbitrators' award respecting the fur seal.

- (1) The provisions of the Behring Sea Arbitration Award set out in the First Schedule to this Act shall have effect as if those provisions (in this Act referred to as the scheduled provisions) were enacted by this Act, and the acts directed by Articles one and two thereof to be forbidden were expressly forbidden by this Act.
- (2) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanor within the meaning of the ^{M1}Merchant Shipping Act 1854, and the ship employed in such contravention and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section one hundred and three of the said Act: Provided that the court, without prejudice to any other power, may release the ship, equipment, or thing, on payment of a fine not exceeding five hundred pounds.
- (3) The provisions of the ^{M2}Merchant Shipping Act 1854, with respect to official logs (including the penal provisions) shall apply to every vessel engaged in fur seal fishing.
- (4) Every person who forges or fraudulently alters any licence or other document issued for the purpose of Article four or of Article seven in the First Schedule to this Act, or who procures any such licence or document to be forged or fraudulently altered, or who knowing any such licence or document to be forged or fraudulently altered uses the same, or who aids in forging or fraudulently altering any such licence or document, shall be guilty of a misdemeanor within the meaning of the ^{M3}Merchant Shipping Act 1854.
- (5) Subject to this Act, the provisions of sections one hundred and three and one hundred and four and Part Ten of the Merchant Shipping Act 1854, and of section thirty-four of the ^{M4}Merchant Shipping Act 1876, which are set out in the Second Schedule to this Act, shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act; and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Behring Sea Award Act 1894 (repealed). (See end of Document for details)

Marginal Citations

- M1** 1854 c. 104.
M2 1854 c. 104.
M3 1854 c. 104.
M4 1876 c. 80.

2 Provisions as to ship's papers.

- (1) Where an officer seizes, under this Act, a ship's certificate of registry, he shall either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case shall direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding one hundred pounds.
- (2) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3 Orders in Council.

- (1) Her Majesty the Queen in Council may make, revoke, and alter Orders for carrying into effect the scheduled provisions, and . . . ^{F1} every such Order shall be forthwith laid before both Houses of Parliament . . . ^{F1}.
- (2) If there is any contravention of any regulation made by any such Order, any person committing, procuring, aiding, or abetting such contravention shall be liable to a penalty not exceeding one hundred pounds.
- (3) An Order in Council under this Act may provide, that such officers of the United States of America as are specified in the Order may, in respect of offences under this Act, exercise the like powers under this Act as may be exercised by a commissioned officer of Her Majesty in relation to a British ship, and the equipment and certificate thereof, or such of those powers as appear to Her Majesty in Council to be exercisable under the law of the United States of America against ships of the United States; and that such British officers as are specified in the Order may exercise the powers conferred by this Act, with any necessary modifications specified in the Order, in relation to a ship of the United States of America, and the equipment and certificate thereof.

Textual Amendments

- F1** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

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4 Liability of master to punishment.

- (1) Where any offence under this Act has been committed by some person belonging to a ship, or by means of a ship, or the equipment of a ship, the master of the ship shall be deemed guilty of such offence, and the ship and her equipment shall be liable to forfeiture under this Act;
- (2) Provided that if it is proved that the master issued proper orders for the observance, and used due diligence to enforce the observance of this Act, and the regulations in force thereunder, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all proper means in his power to prosecute such offender, if alive, to conviction, the master or the ship shall not be liable to any penalty or forfeiture other than such sum as will prevent any profit accruing by reason of the offence to the master or crew or owner of the ship.

5 Definitions.

The expression “equipment” in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

6 Short title.

This Act may be cited as the Behring Sea Award Act 1894.

7 †Commencement of Act.

- (1) . . . ^{F2} Her Majesty in Council, if at any time it appears expedient so to do, having regard to the circumstances which have then arisen in relation to the scheduled provisions or to the enforcement thereof, may suspend the operation of this Act or any part thereof during the period mentioned in the Order, and the same shall be suspended accordingly.
- (2) Where on any proceeding in any court against a person or ship in respect of any offence under this Act it is proved that the ship sailed from its port of departure before the provisions of the award mentioned in the First Schedule to this Act were known there, and that such person or the master of the ship did not, after such sailing and before the alleged offence, become aware of those provisions, such person shall be acquitted, and the ship shall be released and not forfeited.

Textual Amendments

F2 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

Modifications etc. (not altering text)

C1 Unreliable marginal note

8 Duration of Act.

This Act shall remain in force so long as the scheduled provisions remain in force and no longer;

Provided that if by agreement between Her Majesty the Queen and the Government of the United States of America, the scheduled provisions are modified, then Her Majesty

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in Council may order that this Act shall, subject to any modifications specified in the order, apply, and the same shall accordingly apply, to the modified provisions in like manner as if they were set out in the First Schedule to this Act.

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