



# Sea Fisheries Act 1883

1883 CHAPTER 22 46 and 47 Vict

An Act to carry into effect an International Convention concerning the Fisheries in the North Sea, and to amend the laws relating to British Sea Fisheries. [2nd August 1883]

## **Modifications etc. (not altering text)**

- C1** Act repealed (with saving) (*prosp.*) by [Sea Fisheries Act 1968 \(c. 77\)](#), ss. 22(6), 23(2), **Sch. 2 Pt. II** which repeal was brought into force 24.11.1969 by [S.I. 1969/1551](#), **art. 2** with the exception of the following provisions: ss. 1–5, 11, 12, 14–22, in s. 25 the words “this Act shall apply to the whole of the British Islands as defined by this Act and to the seas surrounding the same whether within or without the fishery limits of the British Islands”, ss. 26, 28, 31 and the articles XIII–XXIII, XXX, XXXI and XXXIII of the First Schedule.

## *Preliminary*

### **1 Short title.**

This Act may be cited as the Sea Fisheries Act 1883.

## *Confirmation of Convention*

### **2 Confirmation of Convention.**

The Convention set out in the first schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1883 (repealed 19.11.1998). (See end of Document for details)*

### *Fishery Regulations*

#### **3 Power to Her Majesty, by Orders in Council, to make, etc. regulations for execution of Act and maintenance of order.**

It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act, and the intent and object thereof, and for the maintenance of good order among sea fishing boats, and the persons belonging thereto, and to impose fines not exceeding ten pounds for the breach of such regulations.

##### **Modifications etc. (not altering text)**

- C2** S. 3 : Criminal Law Act 1977 (c. 45, SIF 39:1), s. 31(5)(6) (increase of fines) and Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 (conversion to levels on the standard scale) apply (E.W.) and Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289C(4) (increase of fines), 289G (conversion to levels on the standard scale) apply (S.)

#### **4 Punishment for violation of Articles 13 to 22 of Convention, and for other offences.**

If within [<sup>F1</sup>British fishery limits] any person, or if outside those limits any person belonging to a British sea-fishing boat,

- (a) acts in contravention of Articles thirteen to twenty-two (both inclusive) of the first schedule to this Act, or any of them; or
- (b) causes injury to any person in any one or more of the following ways, namely, by assaulting anyone belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or
- (c) fishes for oysters or has on board his boat any oyster dredge within any seas and during any time within and during which oyster fishing is prohibited by law, or by any convention, treaty, or arrangement to which this Act may be hereafter applied;

such person shall be liable, on summary conviction, to a fine not exceeding [<sup>F2</sup>fifty pounds][<sup>F2</sup>level 3 on the standard scale], or, in the discretion of the court, to imprisonment for a term not exceeding three months, . . . <sup>F3</sup>

##### **Textual Amendments**

- F1** Words substituted by Fishery Limits Act 1976 (c. 86), Sch. 2 para. 5
- F2** Words “level 3 on the standard scale” substituted for words “fifty pounds” (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G
- F3** Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), s. 1(2) and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), s. 221(2) and repealed (N.I.) by Criminal Justice Act (Northern Ireland) 1953 (c. 14), s. 1(2)

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## 5 Punishment for violation of Article 23 of Convention.

If within the [<sup>F4</sup>British fishery limits], any person, or if outside those limits any person belonging to a British sea-fishing boat,

- (a) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by Articles twenty and twenty-one of the first schedule to this Act; or,
- (b) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

such person shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup>fifty pounds][<sup>F5</sup>level 3 on the standard scale], or in the discretion of the court to imprisonment for a term not exceeding three months, . . . <sup>F6</sup>, and the instrument shall be liable to be forfeited.

### Textual Amendments

- F4** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 2 para. 5**
- F5** Words “level 3 on the standard scale” substituted for words “fifty pounds” (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F6** Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), **s. 1(2)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)** and repealed (N.I.) by Criminal Justice Act (Northern Ireland) 1953 (c. 14), **s. 1(2)**

6, 7. <sup>F7</sup> .....

### Textual Amendments

- F7** **Ss. 6, 7, 9, 10, 13, 23** Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by Sea Fisheries Act 1968 (c. 77), s. 22(6), **Sch. 2 Pt. II**

8 <sup>F8</sup> .....

### Textual Amendments

- F8** **S. 8** repealed by Merchant Shipping Act 1894 (c. 60), **Sch. 22**

9, 10. <sup>F9</sup> .....

### Textual Amendments

- F9** **Ss. 6, 7, 9, 10, 13, 23** Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by Sea Fisheries Act 1968 (c. 77), s. 22(6), **Sch. 2 Pt. II**

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## *Enforcement of Act*

### **11 Who are to be British and foreign sea-fishery officers.**

- (1) The provisions of this Act and of any Order in Council under this Act or [<sup>F10</sup>under section 373 of the <sup>M1</sup>Merchant Shipping Act 1894] shall be enforced by sea-fishery officers, either British or foreign.
- (2) The following persons shall be British sea-fishery officers; that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every officer authorised in that behalf by the [<sup>F11</sup>Secretary of State], every British Consular Officer, [<sup>F12</sup>every collector and principal officer of Customs and Excise] in any place in the British Islands, and [<sup>F12</sup>every officer of Customs and Excise] in the British Islands authorised in that behalf by the [<sup>F12</sup>Commissioners of Customs and Excise], every divisional officer of the coastguard, and every principal officer of a coastguard station.
- (3) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the Government of any Foreign State bound by the Convention, and any officer appointed by a Foreign State for the purpose of enforcing the Convention, or otherwise recognised by Her Majesty as a sea-fishery officer of a Foreign State.

#### **Textual Amendments**

**F10** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)

**F11** Words substituted by virtue of [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s. 3\(2\)](#)

**F12** Words substituted by virtue of [Customs and Excise Act 1952 \(c. 44\), s. 318, Sch. 10 Pt. I](#)

#### **Modifications etc. (not altering text)**

**C3** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)

#### **Marginal Citations**

**M1** [1894 c. 60.](#)

### **12 Powers of British sea-fishery officers.**

For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under the [<sup>F13</sup>section 373 of the <sup>M2</sup>Merchant Shipping Act 1894,] a British sea-fishery officer may with respect to any sea-fishing boat within the [<sup>F14</sup>British fishery limits] and with respect to any British sea-fishing boat outside of those limits, exercise the following powers:

- (1) He may go on board it;
- (2) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat, or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;
- (3) He may muster the crew of the boat;

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- (4) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;
- (5) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;
- (6) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;
- (7) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and
- (8) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.

**Textual Amendments**

**F13** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)

**F14** Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 2 para. 5](#)

**Marginal Citations**

**M2** [1894 c. 60.](#)

**13** <sup>F15</sup> .....

**Textual Amendments**

**F15** [Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by \[Sea Fisheries Act 1968 \\(c. 77\\), s. 22\\(6\\), Sch. 2 Pt. II\]\(#\)](#)

**14 Protection of and punishment for obstructing sea-fishery officers.**

- (1) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to [<sup>F16</sup>any officer of Customs and Excise] by the [<sup>F17M3</sup>Customs and Excise Act 1952.] or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.
- (2) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer

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in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding [<sup>F18</sup>fifty pounds][<sup>F18</sup>level 3 on the standard scale][<sup>F18</sup>level 4 on the standard scale] or to be imprisoned for a term not exceeding three months, . . . <sup>F19</sup>

#### Textual Amendments

- F16** Words substituted by virtue of [Customs and Excise Act 1952 \(c. 44\)](#), s. 318, **Sch. 10 Pt. I**
- F17** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. **38(1)**
- F18** Words “level 3 on the standard scale” substituted for words “fifty pounds” (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46** and words “level 4 on the standard scale” substituted (S.) for words “fifty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. **289F, 289G**
- F19** Words omitted by virtue of (E.W.) [Criminal Justice Act 1948 \(c. 58\)](#), s. **1(2)** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. **221(2)** and repealed (N.I.) by [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\)](#), s. **1(2)**

#### Marginal Citations

- M3** 1952 c. 44.

### Legal Proceedings

#### 15 Compensation for damage caused by offence.

- <sup>F20</sup>(1) Where on the conviction of any person under this Act for an offence it appears to the court that any injury to person or property has been caused by the offence, the court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act and when recovered shall be paid to the person injured. ]
- (2) Any compensation specified in a document signed in accordance with Article thirty-three of the first schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a court of summary jurisdiction.
- (3) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the said Article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

#### Textual Amendments

- F20** S. 15(1) repealed (S.) by [Sea Fisheries \(Scotland\) Amendment Act 1885 \(c. 70\)](#), s. **8**

#### 16 Summary prosecution of offences and recovery of fines.

- (1) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say—
- (a) In England before a justice or justices, in manner provided by the Summary Jurisdiction (English) Acts;

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- (b) In Scotland in manner provided by the [<sup>F21</sup>M4Criminal Procedure (Scotland) Act 1975;]
  - (c) .....<sup>F22</sup> in Ireland in manner provided by the <sup>M5</sup>Petty Sessions (Ireland) Act 1851, and the Acts amending the same;
  - (d) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.
- (2) If any person feels aggrieved by any conviction under this Act by a court of summary jurisdiction, or by any determination or adjudication of such court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows:—
- (a) In England the appeal shall be to [<sup>F23</sup>the Crown Court] in manner provided by the Summary Jurisdiction (English) Acts;
  - (b) In Ireland the appeal shall be to the court of quarter sessions in manner directed by the <sup>M6</sup>Petty Sessions (Ireland) Act 1851, and the Acts amending the same;
  - (c) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

#### Textual Amendments

- F21** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)
- F22** Words omitted under authority of [Statute Law Revision Act 1950 \(c. 6\), s. 3](#)
- F23** Words substituted by virtue of [Courts Act 1971 \(c. 23\), Sch. 8 para. 2](#)

#### Modifications etc. (not altering text)

- C4** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

#### Marginal Citations

- M4** [1975 c. 21.](#)
- M5** [1851 c. 93.](#)
- M6** [1851 c. 93.](#)

## 17 Evidence.

- (1) Any document drawn up in pursuance of the first schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.
- (2) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.
- (3) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by a sea-fishery



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officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

- (4) If any person forges the signature of a sea-fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months . . . <sup>F24</sup>, [<sup>F25</sup>and on conviction on indictment to be imprisoned . . . <sup>F26</sup> for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.]

#### Textual Amendments

- F24** Words omitted by virtue of (E.W.) [Criminal Justice Act 1948 \(c. 58\), s. 1\(2\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(2\)](#) and repealed (N.I.) by [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\), s. 1\(2\)](#)
- F25** Words repealed (E.W.) (N.I.) by [Forgery Act 1913 \(c. 27\), Sch. Pt. I](#)
- F26** Words omitted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(2\)](#)

## 18 Jurisdiction of courts.

For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea-fishing boat within the [<sup>F27</sup>British fishery limits,] and persons belonging thereto, as such court would have if such boat were a British sea-fishing boat.

#### Textual Amendments

- F27** Words substituted by [Fishery Limits Act 1976 \(c. 86\), Sch. 2 para. 5](#)

## 19 Service to be good if made personally or on board ship.

Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

## 20 Masters of boats liable to fines imposed.

- (1) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, 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 practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.



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- (2) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the court think fit so to order, by distress or [<sup>F28</sup>pounding][<sup>F28</sup>arrestment]and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

#### Textual Amendments

- F28** Word "arrestment"substituted (S.) for word "pounding"by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), ss. 108(1)(2), Sch. 6 para. 9 Sch. 7 paras. 5, **9(1)**

## 21 Application of fines.

- (1) The court adjudging any fine or forfeiture under this Act may, if it thinks fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the Treasury may direct.
- (2) Forfeitures may be destroyed, sold, and disposed of as the court adjudging the forfeiture may direct.

#### Modifications etc. (not altering text)

- C5** [S. 21](#) amended by [Northern Ireland Act 1962 \(c. 30\)](#), s. 25(2), **Sch. 2**

## 22 Saving of liability and rights.

- (1) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.
- (2) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

### *Application of Act*

23 <sup>F29</sup> .....

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**Textual Amendments**

**F29** Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), s. 22(6), **Sch. 2 Pt. II**

**24** <sup>F30</sup> .....

**Textual Amendments**

**F30** Ss. 24, 30, Sch. 2 repealed by [Fishery Limits Act 1964 \(c. 72\)](#), **Sch. 2**

**25 General application of Act.**

.....<sup>F31</sup> this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without [<sup>F32</sup>British fishery limits,].....<sup>F33</sup>

**Textual Amendments**

**F31** Words repealed by [Fishery Limits Act 1964 \(c. 72\)](#), **Sch. 2** and [Sea Fisheries Act 1968 \(c. 77\)](#), s. 22(6), **Sch. 2 Pt. II**

**F32** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), **Sch. 2 para. 5**

**F33** Words repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), s. 22(6), **Sch. 2 Pt. II**

*Supplemental*

**26 Publication of Orders in Council.**

Orders in Council made in pursuance of this Act shall be published in the London Gazette, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

**Modifications etc. (not altering text)**

**C6** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), **art. 2(1)**

**27** <sup>F34</sup> .....

**Textual Amendments**

**F34** S. 27 repealed by [Customs and Excise Act 1952 \(c. 44\)](#), **Sch. 12 Pt. I**

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**28 Definitions. “sea-fishing:” “sea-fishing boat:” “Fishing implements:” “British Islands:” “Person:” “Court.”**

In this Act—

The expression “sea-fishing” . . . <sup>F35</sup>, means the fishing for every description both of fish, and shell fish, found in the seas to which this Act applies; and the expression “sea fisherman” and other expressions relating to sea-fishing shall be construed accordingly:

The expression “sea-fishing boat” includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea fisherman:

The expression “fishing implement” means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea fishing:

The expression “British Islands” includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies:

..... <sup>F36</sup>

The expression “person” includes a body of persons corporate or unincorporate:

The expression “court” includes any tribunal or magistrate exercising jurisdiction under this Act.

**Textual Amendments**

**F35** Words repealed by [Fishery Limits Act 1964 \(c. 72\), Sch. 2](#)

**F36** Definitions repealed by [Statute Law Revision Act 1898 \(c. 22\)](#) and [Fishery Limits Act 1964 \(c. 72\), Sch. 2](#)

**Modifications etc. (not altering text)**

**C7** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

**29** <sup>F37</sup> .....

**Textual Amendments**

**F37** [S. 29](#) repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

**30** <sup>F38</sup> .....

**Textual Amendments**

**F38** [Ss. 24, 30, Sch. 2](#) repealed by [Fishery Limits Act 1964 \(c. 72\), Sch. 2](#)

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### **31 Continuance of Act.**

So much of this Act as has effect outside of the [<sup>F39</sup>British fishery limits] shall, if the Convention ceases to be binding on Her Majesty, cease to apply to the boats and officers of any Foreign State bound by the Convention, and if the Convention ceases to be binding on any Foreign State shall cease to apply to the boats and officers of such State, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the Convention.

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#### **Textual Amendments**

**F39** Words substituted by [Fishery Limits Act 1976 \(c. 86\)](#), [Sch. 2 para. 5](#)

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## SCHEDULES

### FIRST SCHEDULE

Section 2.

#### INTERNATIONAL CONVENTION FOR THE PURPOSE OF REGULATING THE POLICE OF THE FISHERIES IN THE NORTH SEA OUTSIDE TERRITORIAL WATERS

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the Emperor of Germany, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; the President of the French Republic; and His Majesty the King of the Netherlands, having recognised the necessity of regulating the police of the fisheries in the North Sea, outside territorial waters, have resolved to conclude for this purpose a Convention, and have named their Plenipotentiaries as follows:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Stuart, Companion of the Most Honourable Order of the Bath, &c., Her Envoy Extraordinary and Minister Plenipotentiary at the Hague; Charles Malcolm Kennedy, Esq., Companion of the Most Honourable Order of the Bath, &c., Head of the Commercial Department of the Foreign Office: and Charles Cecil Trevor, Esq., Barrister at Law, Assistant Secretary to the Board of Trade, &c.;

His Majesty the Emperor of Germany, King of Prussia, Veit Richard von Schmidthals, Knight of the Order of the Red Eagle of the Third Class, and of the Order of St. John, &c., Councillor of Legation, his Charge d’Affaires at the Hague; and Peter Christian Kinch Donner, Knight of the Order of the Red Eagle of the fourth class with the Sword, and of the Crown of the fourth class, &c., his Councillor of State, Captain in the Navy, on the Reserve;

His Majesty the King of the Belgians, the Baron d’Anethan, Commander of the Order of Leopold, &c., his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and M. Leopold Orban, Commander of the Order of Leopold, &c., his Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Political Department in the Ministry of Foreign Affairs;

His Majesty the King of Denmark, Carl Adolph Bruun, Knight of the Order of the Danebrog, &c., Captain in the Navy;

The President of the French Republic, the Count Lefebvre de Behaine, Commander of the National Order of the Legion of Honour, &c., Envoy Extraordinary and Minister Plenipotentiary of the French Republic at the Hague; and M. Gustave Emile Mancel, Officer of the National Order of the Legion of Honour, &c., Commissary of Marine;

His Majesty the King of the Netherlands, the Jonkheer Willem Frederik Rochussen, Commander of the Order of the Lion of the Netherlands, &c., his Minister of Foreign Affairs; and Eduard Nicolaas Rahusen, Knight of the Order of the Lion of the Netherlands, &c., President of the Committee for Sea Fisheries;

Who, after having communicated the one to the other their full powers, found in good and due form, have agreed upon the following Articles:—

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

*Changes to legislation: There are currently no known outstanding effects for the*  
*Sea Fisheries Act 1883 (repealed 19.11.1998). (See end of Document for details)*

**ARTICLES I—XII. . . . . F40**

**Textual Amendments**

**F40** Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), s. 22(6), [Sch. 2 Pt. II](#)

**ARTICLE XIII**

The nationality of a boat must not be concealed in any manner whatsoever.

**ARTICLE XIV**

No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

**ARTICLE XV**

Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

**ARTICLE XVI**

Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats.

As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

**ARTICLE XVII**

No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

**ARTICLE XVIII**

No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other part of the fishing tackle of another fisherman.

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

*Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1883 (repealed 19.11.1998). (See end of Document for details)*

**ARTICLE XIX**

When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

**ARTICLE XX**

When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

**ARTICLE XXI**

When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

**ARTICLE XXII**

Except in cases of salvage and the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

**ARTICLE XXIII**

The use of any instrument or engine which serves only to cut or destroy nets is forbidden.

The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

**ARTICLES XXIV—XXIX. .... F41**

**Textual Amendments**

**F41** Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), s. 22(6), [Sch. 2 Pt. II](#)

**ARTICLE XXX**

The commanders of the cruisers of the Signatory Powers shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take



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*Changes to legislation: There are currently no known outstanding effects for the*  
*Sea Fisheries Act 1883 (repealed 19.11.1998). (See end of Document for details)*

cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declarations of the parties interested and from the testimony of those present.

The commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fishermen belong. He may even take on board the cruiser a part of the crew of the fishing boat in order to hand them over to the authorities of her nation.

### ARTICLE XXXI

The formal statement referred to in the preceding Article shall be drawn up in the language of the commander of the cruiser, and according to the forms in use in his country.

The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

### ARTICLE XXXII.....<sup>F42</sup>

#### **Textual Amendments**

**F42** Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by [Sea Fisheries Act 1968 \(c. 77\)](#), s. 22(6), [Sch. 2 Pt. II](#)

### ARTICLE XXXIII

When the act alleged is not of a serious character, but has nevertheless caused damage to any fisherman, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid.

Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

One copy of this document shall remain on board the cruiser, and the other shall be handed to the master of the boat to which compensation is due, in order that he may, if necessary, be able to make use of it before the Courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of Article XXX.

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

*Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1883 (repealed 19.11.1998). (See end of Document for details)*

ARTICLES XXXIV—XXXIX. . . . . F43

**Textual Amendments**

**F43** Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by Sea Fisheries Act 1968 (c. 77), s. 22(6), Sch. 2 Pt. II

ADDITIONAL ARTICLE

F44

**Textual Amendments**

**F44** Ss. 6, 7, 9, 10, 13, 23 Sch. 1 arts. I–XII, XXIV–XXIX, XXXII, XXXIV–XXXIX, Additional Article repealed by Sea Fisheries Act 1968 (c. 77), s. 22(6), Sch. 2 Pt. II

In witness whereof the Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done at the Hague, in six copies, the 6th May 1882.

(L.S.)	W.STUART.
(L.S.)	C. M.KENNEDY.
(L.S.)	C.CECIL TREVOR.
(L.S.)	V.SCHMIDTHALS.
(L.S.)	CHR.DONNER.
(L.S.)	Bon A. D'ANETHAN.
(L.S.)	LEOPOLD ORBAN.
(L.S.)	C.BRUUN.
(L.S.)	Cte LEFEBVRE DE BEHAINE.
(L.S.)	EM.MANCEL.
(L.S.)	ROCHUSSEN.
(L.S.)	E. N.RAHUSEN.

F45F45 SECOND SCHEDULE

**Textual Amendments**

**F45** Ss. 24, 30, Sch. 2 repealed by Fishery Limits Act 1964 (c. 72), Sch. 2

F45

**Status:**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Sea Fisheries Act 1883 (repealed 19.11.1998).