CHAPTER 3.

An Act to amend the Acts relating to County Courts so far as regards the payment of certain expenses connected with County Courts. [28th April 1887.]

WHEREAS doubts have arisen with respect to the construction of certain provisions of the County Courts Act, 1856, and the County Courts Act, 1866, with respect to the payment of the expenses of officers and other expenses connected with county courts, and it is expedient to remove such doubts: 19 & 20 Vict. c. 108. 29 & 30 Vict. c. 14.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the County Courts (Expenses) Act, 1887. Short title.

2. Where in section eighty-two of the County Courts Act, 1856, or in section fourteen of the County Courts Act, 1866, the words "and in the courts in which the plaints exceed the number of six "thousand the amount of salary shall be fixed" occur, the words "and in any court in which the plaints shall have at any time "exceeded six thousand the amount of salary shall be fixed from "time to time" shall be read in lieu thereof. Amendment of s. 82 of 19 & 20 Vict. c. 108. and of s. 14 of 29 Vict. c. 14.

3. Where in section eighty-five of the County Courts Act, 1856, the words "and all other expenses incident to the holding of the "said courts" occur, the words "and all other expenses arising "out of any jurisdiction now or hereafter conferred on such courts, "or any officer thereof," shall be read in lieu thereof. Amendment of s. 85 of 19 & 20 Vict. c. 108.

CHAPTER 4.

An Act to amend the provisions of the Merchant Shipping (Fishing Boats) Acts. [28th April 1887.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Merchant Shipping (Fishing Boats) Act, 1887. Short title and construction.

This Act shall be construed as one with the Merchant Shipping (Fishing Boats) Act, 1883, in this Act referred to as the principal Act, and that Act and this Act may be cited together as the Merchant Shipping (Fishing Boats) Acts, 1883 and 1887. 46 & 47 Vict. c. 41.

2. For the purposes of the principal Act and this Act, in their application to steam trawlers, expressions referring to register tonnage shall be construed as referring to gross tonnage. Tonnage of steam trawlers.

3. The Board of Trade may, in any cases in which they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners and skippers of fishing Power to exempt fishing boats from ss. 19, 21 of

46 & 47 Vict. c. 41.

boats from the provisions of sections nineteen and twenty-one of the principal Act.

Extension to skippers of certain provisions of 46 & 47 Vict. c. 41. relating to seamen.

4. The provisions relating to seamen contained in sections twenty-four, twenty-five, twenty-eight (sub-sections one, two, three, eight, and nine), thirty-three, thirty-four, and thirty-five of the principal Act shall apply to skippers in like manner and to the same extent as they apply to seamen, and skippers shall be entitled to the same rights and privileges, and be subject to the same duties, liabilities, and penalties, in all respects, as, by those enactments are conferred or imposed upon seamen:

Provided that any notice given by a skipper under section thirty-three of the principal Act shall be given to the owner of the boat or the owner's agent.

Provisions of 47 Vict. c. 41. ss. 46, 47, to apply to disputes between skippers and owners, and as to provisions.

5. (1.) The provisions of sections forty-six and forty-seven of the principal Act relating to certain disputes shall apply to disputes between skippers and owners in like manner, and to the same extent, as they apply to disputes between skippers or owners and seamen; and shall also apply to any dispute respecting the cost, quantity, or quality of provisions supplied to the crew.

(2.) Any decision of a superintendent of a mercantile marine office under those sections or this section shall be enforced by any justice of the peace within whose jurisdiction the person or goods of anyone against whom the decision is given may be found, in the same manner as if such decision were an order made by justices in the exercise of their summary jurisdiction.

Accounts to be rendered by owners to crews paid by share.

6. (1.) Where a skipper or any other member of the crew of a fishing boat is paid by a share in the catch, the owner of the fishing boat shall render to him a full and true account, in a form sanctioned by the Board of Trade, showing in detail the amounts for which the fish have been sold, and all deductions made from those amounts and chargeable in any respect to the men who are paid by share, either in respect of stores supplied to the fishing boat, or provisions furnished to the crew, or otherwise.

(2.) If any owner makes default in compliance with the requirements of this section he shall, for each default, incur a penalty not exceeding five pounds.

Certificates of service to be issued to second hands until 1st July 1888.

7. (1.) Every person who has, before the first day of July one thousand eight hundred and eighty-eight, served as second hand on a trawler of twenty-five tons register tonnage and upwards, or on such other fishing boats as the Board of Trade may think have afforded the person sufficient experience, for a period amounting in all to not less than twelve months, shall be entitled to a certificate of service as second hand of a fishing boat.

(2.) Every such certificate shall apply in the same manner, and shall be subject to the same conditions, and shall contain the same particulars as certificates of service issued under section forty of the principal Act.

No trawler above 25 tons to go to sea without certificated second hand.

8. (1.) After the first day of July one thousand eight hundred and eighty-eight, a trawler of twenty-five tons register tonnage or upwards shall not go to sea from any port in the United Kingdom unless the second hand (as well as the skipper) thereof is the holder of a certificate of competency or service entitling him under the principal Act or this Act to act as second hand of the trawler.

(2.) If any such trawler goes to sea contrary to this section the owner thereof shall incur for each such offence a penalty not exceeding twenty pounds.

(3.) Every person who, except in case of necessity,—

(*a.*) Having been engaged to serve as second hand of any such trawler, and not being the holder of a certificate entitling him under the principal Act to act as second hand of the trawler, serves as such second hand; or

(*b.*) Employs any person as second hand of any such trawler without having ascertained that he is the holder of a certificate entitling him under the principal Act or this Act to act in that capacity;

shall for each such offence incur a penalty not exceeding twenty pounds.

In case of absence of skipper, second hand may be authorised to act.

9. Where a skipper of a fishing boat is absent from his boat the superintendent of a mercantile marine office may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorise the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence.

Regulations respecting conveyance of fish from trawlers.

10. (1.) The Board of Trade, on the application of any owner or owners of a fleet of fishing vessels, or of any association of owners of fishing vessels, or of any person or persons having the charge or command of a fleet of fishing vessels, or without such application if the person or body of persons entitled to make the application fails after request by the Board of Trade to do so, may from time to time make, rescind, and vary such regulations respecting the conveyance of fish from trawlers to vessels engaged in collecting and carrying fish to ports, as may appear to the Board to be expedient for the purpose of preventing loss of life, or danger to life or limb.

(2.) All regulations made by the Board of Trade under this section shall be laid for thirty days before both Houses of Parliament while in session, and if either House within that period resolves that the whole or any part of any such regulations ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place. Subject to any such resolution, all regulations so made shall come into force at the expiration of the thirty days aforesaid.

(3.) All regulations made by the Board of Trade under this section shall, whilst in force, have effect as if they were enacted in this Act.

(4.) If any person to whom any regulation under this section for the time being applies makes default in compliance therewith he shall, for each default, incur a penalty not exceeding ten pounds.

Fees payable on engagements and discharges.

11. The Board of Trade may from time to time prescribe the fees to be payable upon engagements or discharges of members of the crews of fishing boats when effected before the superintendent of a mercantile marine office; and the superintendents, their deputies, clerks, and servants may refuse to proceed with any such engagement or discharge unless the fee payable thereon has first been paid. All fees so paid shall be carried to the credit of the Mercantile Marine Fund.

Power to hold inquiries in cases of loss of life from boats of fishing vessels. 42 & 43 Vict. c. 72. 17 & 18 Vict. c. 104.

12. (1.) Whenever loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or formal investigation to be held respecting the casualty, and all the provisions of the Merchant Shipping Acts, and of the Shipping Casualties Investigations Act, 1879, shall apply to any such inquiry or investigation, as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854.

(2.) This section shall extend to Scotland.

Extent of Act.

13. This Act shall not, except as expressly provided, extend to Scotland.

CHAPTER 5.

An Act to amend the law respecting the Customs Duties of the Isle of Man. [28th April 1887.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Isle of Man (Customs) Act, 1887.

Power to impose duties provisionally subject to approval of Parliament.

2. If the court of Tynwald of the Isle of Man resolve that it is expedient to impose, abolish, or vary any customs duties in the Isle of Man, and that such imposition, abolition, or variation should take effect immediately, and the Commissioners of Her Majesty's Treasury approve of such resolution, such resolution shall have full effect as from the date specified therein until the end of six months from the date of the resolution, and if Parliament is then in session until the end of the then current session of Parliament; but, save as otherwise provided by this or any other Act, shall at such date or at any earlier date at which either—

(*a*) an Act of Parliament relating to the duties of customs in the Isle of Man is passed; or

(*b*) the Commissioners of Her Majesty's Treasury by minute declare that there is no prospect of such resolution being confirmed by Parliament;

cease to have effect without prejudice to anything previously done in pursuance thereof.

Provided that—

(*a*) if any person satisfies the Commissioners of Her Majesty's Customs that by reason of any provision of any such resolution he has paid in respect of any goods duties in excess of the duty which he would otherwise have paid, and that such goods are still in his possession at the date of the said provision ceasing as aforesaid to be of effect, the Commissioners of Customs shall repay him so much of the duty as they consider to have been so paid in excess; and

(*b*) a person may not by virtue of any provision of any such resolution pay less duty than he otherwise would pay, unless and until he gives to the Commissioners of Her Majesty's Customs such undertaking or security, by deposit or otherwise, as they may require to pay the duty which he would otherwise have paid in the event of the said provision ceasing to be of effect.