SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 42.

An Act for the better Regulation of Scottish Sea Fisheries. [6th July 1895.]

A.D. 1895.

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 Sea Fisheries Regulation (Scotland) Act, 1895, and shall be read along with the Sea Fisheries Acts.

Extent of Act.

2. This Act shall apply to Scotland only, and to the parts of the sea adjoining Scotland, or within the jurisdiction of the Fishery Board for Scotland.

Definition.
31 & 32 Vict. c. 45.
38 & 39 Vict. c. 15.
46 & 47 Vict. c. 22.
48 & 49 Vict. c. 70.

3. In this Act the expression "Sea Fisheries Acts" means the Sea Fisheries Act, 1868, the Sea Fisheries Act, 1875, the Sea Fisheries Act, 1883, and the Sea Fisheries (Scotland) Amendment Act, 1885, and the expression "Herring Fishery (Scotland) Acts" means the Herring Fishery Acts enumerated in Schedule I. to the Fishery Board (Scotland) Act, 1882, and includes any enactments amending these Acts or any of them.

Constitution of Fishery Board.
45 & 46 Vict. c. 78.

4. From and after the first day of January one thousand eight hundred and ninety-six the Fishery Board for Scotland established by the Fishery Board (Scotland) Act, 1882, shall be reconstituted in manner following (that is to say):—

(1.) The Board shall consist of seven members, (viz., three members, of whom one shall be the chairman of the Board, a second shall be the sheriff of a county in Scotland, and the third shall be a person of skill in the branches of science concerned with the habits and food of fishes, and four members who shall be representative of the various sea fishing interests of Scotland,) to be appointed by Her Majesty from time to time after the passing of this Act on the recommendation of the Secretary for Scotland, and to hold office for five years, unless they sooner die or resign office. Four members shall be a quorum. The chairman or deputy chairman, as the case may be, shall have a casting as well as a deliberative vote.

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Save as regards the number of the quorum, nothing in this Act shall affect the provisions of section four, sub-section (2), of the Fishery Board (Scotland) Act, 1882.

(2.) It shall be lawful for the Secretary for Scotland to appoint a scientific superintendent, who shall hold office during pleasure, and be paid such salary as may be determined by the Commissioners of Her Majesty's Treasury.

The superintendent shall, under the directions of the Fishery Board, conduct and supervise such scientific inquiries as the Board may deem necessary in carrying out the provisions of the Herring Fishery and Sea Fishery Acts.

(3.) The personal and travelling expenses of the members of the Fishery Board on scales to be approved by the Treasury shall be defrayed from moneys to be provided by Parliament.

(4.) The first meeting of the reconstituted Board shall take place on such day as shall be determined by the Secretary for Scotland, on and after which date the present members of the Board (other than the chairman) shall cease to hold office and be discharged of their duties.

Establishment of sea fisheries districts.

5.—(1.) On the application of a county council or of a town council, or of the police commissioners of a police burgh, the Secretary for Scotland may, from time to time, by order—

(*a*) create a sea fisheries district, including any part of the sea adjoining Scotland, or within the jurisdiction of the Fishery Board for Scotland; and

(*b*) define the limits of the district and the area chargeable with any expenses under this Act; and

(*c*) provide for the constitution of a fishery district committee for the regulation of the sea fisheries carried on within the district;

and may from time to time, on a like application by subsequent order, vary any order made under this section, and unite one or more districts or parts of districts into a separate district, or dissolve any district that may have been formed. Provided that no order shall be made affecting any county or burgh or police burgh, or any part thereof, except with the consent of the county council, town council, or police commissioners of such county or burgh or police burgh, as the case may be.

(2.) Before making any order creating a sea fisheries district the Secretary for Scotland shall cause the draft of such order to be locally published in such manner as he may direct, and shall, if any objections are made to such order, or to any of the provisions thereof, cause such local inquiry to be held as may in his opinion be required. Due notice of such inquiry shall be given by advertisement or otherwise, and the report of the person holding such inquiry shall, if the order is made, be laid with the order before both Houses of Parliament.

(3.) Every order made 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 the order so made ought not to be in force, the same shall not have any force, without prejudice nevertheless to the making of any other order in its place. Subject to any such resolution, every order so made shall come into force at the expiration of the thirty days aforesaid.

Establishment of fishery district committees.

6.— (1.) In each fishery district there shall be a fishery district committee, who shall be a committee composed of such number of members (in this Act referred to as ordinary members) of the county councils of the counties, and of the town councils of the royal or parliamentary burghs, and the burgh commissioners of the police burghs, comprised within the district and appearing to have an interest, as may be fixed by the order creating the district, or by any other order of the Secretary for Scotland, with the addition of such number of fishery members representing the fishing interests of the district as may be directed by the order, but not exceeding one half in number of the whole committee. The fishery members may be distributed or apportioned among such portions of counties and among such burghs and police burghs as the Secretary for Scotland shall determine by the order. A fishery district committee shall, subject to the provisions of the order creating the sea fishery district, be a committee of a county council, or town council, or commissioners of a police burgh, or if two or more of such bodies are represented upon it shall be deemed to be a joint committee of such bodies, and the provisions of the Local Government (Scotland) Act, 1889, relative to joint committees shall apply accordingly.

52 & 53 Vict. c. 50.

(2.) So soon as an order creating a district has come into force—

(*a.*) The ordinary members shall be appointed annually in accordance therewith by the said county councils, town councils, and burgh commissioners respectively, from among their own number, and shall hold office until their successors are appointed.

(*b.*) Where such order has come into force before the first day of November in the year one thousand eight hundred and ninety-eight, the fishery members may be nominated by the Secretary of Scotland, but shall cease to hold office when their successors are elected as herein-after provided.

(3.) (*a.*) In the year one thousand eight hundred and ninety-eight, and in every third year thereafter, being the year in which a county electoral roll falls to be prepared in terms of the provisions of the Local Government (Scotland) Act, 1889, or of any Act or Acts amending the same, the fishery members shall be elected (subject to regulations to be framed as to nomination, the manner of conducting the elections, and the mode of defraying the costs thereof, in so far as not herein provided, by the Secretary for Scotland) by all persons included in the expression "fishing interests" as herein-after defined.

(*b.*) The county and burgh assessors respectively, or other persons charged within a fishery district with the duty of the preparation of the county council and burgh registers of voters (including the registers of police burghs), shall, in the year one

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thousand eight hundred and ninety-eight, and in every third year thereafter, prefix a distinctive mark (of which they shall have given due notice on the lists published by them) to the number or name of any county or burgh elector whom they shall respectively consider to be entitled, or who shall satisfy them that he is entitled, to be included in the expression "fishing interests."

It shall be lawful to object to the insertion or omission of the distinctive mark in this section mentioned as nearly as may be in the same manner and subject to the same provisions as to appeal and otherwise as in the case of any other entry in or omission from the register and lists of voters.

(*c.*) At an election each voter shall be entitled to a number of votes equal to the number of members to be elected for the county or burgh or police burgh, or for any two or more of them, for which fishery members are to be elected, and for which he has a vote, but he shall not be entitled to give more than one vote to any candidate.

(*d.*) The elections shall take place in counties (exclusive of burghs and police burghs) on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of county councillors for the county in which the fishery district or part thereof, as the case may be, is situate, or, if there is a contested election for fishery members but there is no contested election for county councillors in the county council electoral division or divisions corresponding to such fishery district or part thereof, as the case may be, as if there were a contested election for county councillors in such electoral division or divisions; and, in burghs and police burghs not divided into wards, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of town councillors and burgh commissioners for the burghs and police burghs in which the fishery district or part thereof, as the case may be, is situate, or, if there is a contested election for fishery members but no contested election for town councillors or burgh commissioners in such burgh or in any ward thereof (if it is divided into wards), as if there were a contested election for town councillors or burgh commissioners in such burgh or police burgh or in a ward or wards thereof; and in burghs and police burghs divided into wards the elections shall take place at such time and in such place within the burgh as the town council or the police commissioners respectively may determine, and as nearly as may be in the same manner as the election of town councillors or police commissioners for a ward of such burgh.

(*e.*) The fishery members shall hold office for three years, and any casual vacancy shall be filled by a representative of the fishing interest, to be appointed by the fishery district committee of the district in which the vacancy occurs; provided that any person appointed to fill such vacancy shall remain in office so long only as the person in whose room he was appointed would have remained in office.

(*f.*) Where a town council of a burgh or burgh commissioners of a police burgh are represented by an ordinary member or ordinary members upon a fishery district committee, no county councillor appointed under the provisions of the Local Government (Scotland) Act, 1889, to represent any such burgh or police burgh shall in a county council vote in such appointment; and where fishery members are elected in terms of this section for a police burgh, the county electors within such police burgh shall not be entitled to vote in the election of fishery members for the county in which such police burgh is situate.

(4.) A fishery district committee shall from time to time elect a chairman, who shall hold office for such period as shall be fixed at the time of his election. The chairman shall have a casting as well as a deliberative vote.

(5.) The order creating a fishery district shall make provision in regard to the time and place of meeting of the fishery district committee and the appointment of a clerk.

(6.) The expenses of a fishery district committee, so far as sanctioned and payable by a county council, shall be levied and collected within the county (excluding police burghs) as an addition to the general purposes rate, and, so far as sanctioned and payable by a town council or burgh commissioners, by the town council acting as such or as police commissioners, and by the burgh commissioners as an addition to the burgh general assessment, or where there is no burgh general assessment, to any other available assessment, and the amounts so collected shall on or before the fifteenth day of January next ensuing be paid to the fishery district committee without any deductions whatever.

Annual meeting of representatives of fishery district committees.

7. The Fishery Board shall convene, at least once in each year, a meeting composed of not less than one representative nominated for that year by each fishery district committee to confer with the Fishery Board, and for consultative purposes on matters relating to this Act.

Byelaws for regulation of sea fisheries.

8.—(1.) A fishery district committee may, from time to time, subject to such regulations as may be made in that behalf by the Fishery Board, impose penalties, and also make byelaws to be observed within their district, for all or any of the following purposes, namely,—

(*a.*) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish, and for determining the size of mesh, form, and dimensions of any instrument of fishing for sea fish;

(*b.*) For constituting within their district any district of oyster cultivation for the purposes of section four of the Fisheries (Oyster, Crab, and Lobster) Act, 1877; 40 & 41 Vict. c. 42.

(*c.*) For directing that the proviso to section eight of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, which permits edible crabs in certain conditions or under a certain size to be taken by or be in the possession of any person if those crabs are intended for bait for fishing, shall not apply;

(*d.*) For repealing or amending any order made under section ten of the Fisheries (Oyster, Crab, and Lobster) Act, 1877;

(*e.*) For the regulation, protection, and development of fisheries for all or any specified kinds of shell-fish, and any such byelaws shall provide amongst other things for—

(1.) The fixing of the sizes and condition at which shell-fish may not be removed from a fishery, and the mode of determining such sizes;

(2.) The obligation to re-deposit in specified localities any shell-fish, the removal or possession of which is prohibited by, or in pursuance of, any Act of Parliament;

(3.) The protection of shell-fish laid down for breeding purposes;

(4.) The protection of culch and other material for the reception of spat, that is to say, of the spawn or young of any kinds of shell-fish; and

(5.) The obligation to re-deposit such culch or other material in specified localities.

(*f.*) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing; and

(*g.*) For repealing or amending any byelaw made by the fishery district committee in pursuance of this Act.

(2.) A fishery district committee shall further have power to stock or re-stock any public fishery for shell-fish.

Power to prohibit seine trawling in certain localities.

9.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the method of fishing known as seine trawling shall not be used in any area or areas within the limits specified in section six of the Herring Fishery (Scotland) Act, 1889, or in the schedule annexed to that Act, as defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section.

(2.) Any person, who uses such method of fishing in contravention of any such byelaw, shall be liable, on summary conviction, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of any such byelaw, may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts. Provided always that, if no conviction shall follow, any net so seized shall be forthwith returned, and due compensation shall be made for any loss or damage occasioned thereto by such seizure.

Restriction as to beam trawling and otter trawling.

10.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used in any area or areas under the jurisdiction of Her Majesty, within thirteen miles of the Scottish coast, to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section. Provided that the powers conferred in this section shall not be exercised in

respect to any areas under Her Majesty's jurisdiction lying opposite to any part of the coasts of England, Ireland, or the Isle of Man, within thirteen miles thereof.

(2.) No byelaw under this section shall be confirmed by the Secretary for Scotland until he shall have directed a local inquiry to be held in the district adjoining the part of the sea to be included in the byelaw; at which inquiry all persons interested shall be heard, whether resident in the district or not; and notice of such inquiry shall be sent to all committees of sea fishery districts in the United Kingdom.

(3.) Provided that no area of sea within the said limit of thirteen miles shall be deemed to be under the jurisdiction of Her Majesty for the purposes of this section unless the powers conferred thereby shall have been accepted as binding upon their own subjects with respect to such area by all the States signatories of the North Sea Convention, 1882.

(4.) Any person who uses any such method of fishing in contravention of any such byelaw, shall be liable on conviction, under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding one hundred pounds, and failing immediate payment of the fine to imprisonment for a period not exceeding sixty days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction; and every net set, or attempted to be set, in contravention of any such byelaw, may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts. Provided always that, if no conviction shall follow, any net so seized shall be forthwith returned, and due compensation made for any loss or damage occasioned thereto by such seizure.

(5.) Sub-section two of section seven of the Herring Fishery (Scotland) Act, 1889, is hereby repealed, and the provisions of the foregoing sub-section shall be and are hereby substituted therefor. 52 & 53 Vict. c. 23.

(6.) Failing payment by a certain date named in the conviction of the fine imposed upon the person or persons convicted, decree therefor may be pronounced against the owner or owners of the offending vessel or boat, and upon such decree being pronounced the person or persons convicted shall be relieved therefrom and from all penalties attaching thereto.

Mussel Fisheries.

11. The Fishery Board shall, within six months after the passing of this Act, and after due notice and advertisement of their intention so to do, draw up a list or schedule of mussel or clam fisheries or beds or scalps as presently existing within the area defined by this Act, and shall specify therein the situation and limits thereof and the names of the owners or reputed owners respectively. Fishery Board to draw up a list of mussel beds.

The list or schedule shall be published and circulated in such manner as the Fishery Board shall think fit, and a copy shall be sent to each of the owners or reputed owners specified therein.

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The principal list or schedule shall be kept and retained in the office of the Fishery Board, and shall be revised or added to as circumstances may require.

Acquisition of musseland clam bed.

12. For the purposes of this Act, and with a view to the maintenance and regulation of mussel or clam fisheries or beds or scalps, and for the cultivation of mussels and clams generally, the Fishery Board may, if it see fit, take on lease or acquire by purchase any mussel or clam fisheries or beds or scalps whether on the list or schedule herein-before provided for or not; and with respect to the purchase of such fisheries or beds or scalps otherwise than by agreement, the provisions of the Lands Clauses Acts in regard to the taking of land otherwise than by agreement are hereby incorporated with this Act.

Byelaws for regulation, &c. of mussel and clam beds.

13. A fishery district committee may, from time to time subject to such regulations as may be made in that behalf by the Fishery Board, impose penalties and also make byelaws for the establishment or improvement and for the maintenance and regulation of mussel and clam fisheries or beds or scalps and for the cultivation of mussels and generally for all or any of the following purposes, viz.:—

(*a.*) For restricting or prohibiting, either entirely or subject to such regulations as the Fishery Board may think fit, the removal or taking of mussels or clams from the mussel or clam fisheries or beds or scalps established or acquired as aforesaid within the area to which this Act applies;

(*b.*) For prohibiting the sale, removal, or taking of mussels or clams for the purposes of manure from any part of the sea adjoining Scotland;

(*c.*) For prohibiting the removal or taking of mussels or clams below a certain specified size from any part of the sea adjoining Scotland;

(*d.*) For letting on lease by the Fishery Board, either for one year or for a period of years, any mussel or clam fishery or bed or scalp either in whole or in part in any part of the sea adjoining Scotland, subject to such payment of rent and other stipulations and to such restrictions and conditions as the Fishery Board shall direct;

(*e.*) For repealing or amending any byelaw made in pursuance of this section.

Right to deposit, dredge, or take mussels and clams.

14. The Fishery Board or their sub-lessees or tenants shall, where they have respectively acquired a title under this Act, and subject to the rights of the Crown and its grantees, and also subject to any byelaws from time to time in force in the district, have within the limits of each fishery district the exclusive right of depositing, propagating, dredging, and taking mussels and clams, and in the exercise of that right may within the limits of the district make and maintain mussel or clam fisheries and beds or scalps and collect and remove the same from place to place, and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery: Provided always that,

when the Fishery Board or their sub-lessees or tenants hold any mussel or clam fishery or bed or scalp on lease, they shall in no case exceed the powers conferred upon them in their respective leases.

Right of Fishery Board, &c. to impose tolls and royalties.

15. The Fishery Board or their sub-lessees or tenants, where they have respectively acquired a title under this Act, may, subject to the rights of the Crown and its grantees, impose tolls or royalties upon persons dredging and taking mussels or clams within the limits of the fishery district, and shall have power to carry into effect and enforce the restrictions and regulations which they are by this Act entitled to impose. All such restrictions, regulations, tolls, and royalties shall be imposed on and apply to all such persons equally, and shall be applied for the benefit of the fishery only.

Any person who dredges or takes mussels or clams in contravention of any such restriction or regulation, or without paying any such toll or royalty, shall be liable on summary conviction to pay a penalty not exceeding twenty pounds, and to forfeit all mussels so taken, or a sum equal to the value thereof if they have been sold, which forfeiture may be enforced in the same manner as a penalty.

The Court may direct such forfeiture to be delivered or paid to the Fishery Board, or to their sub-lessees or tenants, to be applied by them for the improvement and cultivation of mussel or clam fisheries within the fishery district.

Fishery Board may borrow on security of the tolls.

16. The Fishery Board may, with the approval of the Secretary of Scotland, borrow from the Public Works Loan Commissioners, and the said Commissioners may, if they think fit, lend on the security of the tolls and royalties to be imposed under the provisions of this Act, such sums as may be required for the purchase, lease, maintenance, or regulation of any mussel or clam fisheries, or beds or scalps, or for the cultivation of mussels or clams generally.

Protection of fisheries district.

17. It shall not be lawful for any person other than the Crown or its grantees, and the Fishery Board or their sub-lessees or tenants, in so far as they have respectively acquired a title under this Act, their agents, servants, and workmen, within the limits of a fishery district constituted by the order, knowingly to do any of the following things:—

To use on or near a mussel or clam fishery or bed or scalp, unless with the sanction of the Fishery Board or the fishery district committee, any implement of fishing, except a line and hook, or a net adapted solely for catching floating fish, and so used as not to disturb or injure in any manner any mussel or clam fishery or bed or scalp:

To dredge for any ballast or other substance upon or near a mussel or clam fishery or bed or scalp except under a lawful authority for improving the navigation:

To deposit any ballast, rubbish, or other substance on or near to a mussel or clam bed or scalp:

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To place any implement, apparatus, or thing prejudicial, or likely to be prejudicial, to any mussel or clam fishery or bed or scalp, except for a lawful purpose of navigation or anchorage:

And if any person does any act in contravention of this section, he shall be liable on summary conviction to pay a penalty not exceeding twenty pounds, and every such person shall also be liable to make full compensation to the Fishery Board, or to the fishery district committee, or to their sub-lessees or tenants, and to the owner respectively, for all damage sustained by them or him by reason of his unlawful act.

Saving of orders under 31 & 32 Vict. c. 45.

18. All orders made under the Sea Fisheries Act, 1868, or any Act amending the same, before the commencement of this Act, but not confirmed, and all proceedings taken before the commencement of this Act with a view to obtain any such orders shall have effect and be proceeded with as if this Act had not passed.

Appointment and power of fishery officers.

19.—(1.) A fishery district committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the law and regulations affecting vessels engaged in sea fishing.

(2.) For the purpose of enforcing those byelaws every such fishery officer may, within the limits of the district, or of any fishery district—

(*a*) stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance, the deposit or discharge of which is prohibited or regulated by any such byelaws; and

(*b*) search and examine all instruments used in catching or carrying fish; and

(*c*) seize any sea fish or instrument liable to be forfeited in pursuance of any such byelaws.

(3.) If any person without reasonable excuse (proof whereof shall lie on him) refuses to allow any such officer to exercise the powers conferred on him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding five pounds.

(4.) For the enforcement of the provisions of any such byelaws every such officer shall be deemed to be a police constable, and to have the same powers and privileges, and be subject to the same liabilities, as a police constable duly appointed has and is subject to at common law or by statute.

Power to Board to protect sea fisheries.

20. Without prejudice to any powers otherwise vested in them, the Fishery Board may from time to time, subject to the approval of the Secretary for Scotland and of the Commissioners of Her Majesty's Treasury, employ such officers and vessels and take such other means as shall be necessary for the efficient protection of the sea fisheries and for the observance of such byelaws as may from

time to time be in force: Provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the law and regulations affecting vessels engaged in sea fishing.

Power to enter suspected places.

21. It shall be lawful for any sheriff or any two justices of the peace upon information on oath that there is probable cause to suspect any breach of any byelaw made under this Act to have been committed, or that any sea fish or instrument liable to be forfeited in pursuance of any such byelaw is concealed on any premises, by warrant under his hand to authorise and empower any fishery officer appointed under this Act, or any police constable, to enter the premises for the purpose of detecting the offence or the concealed fish or instrument at such time or times in the day or night as in the warrant may be mentioned, and to seize any such fish or instruments which may be found on the premises: Provided that the warrant shall not continue in force for more than one week from the date thereof.

Application of byelaws, &c.

22.—(1.) All byelaws made in pursuance of the provisions of this Act shall before coming into operation be confirmed by the Secretary for Scotland.

(2.) Any byelaw under this Act may provide for its application either to the whole or to any specified part or parts of a fishery district, and either during the whole or any specified part or parts of the year.

(3.) The Fishery Board may, by their byelaws, in so far as not otherwise provided for, impose as penalties for the breach of any byelaw fines not exceeding for any offence the sum of twenty pounds, and in the case of a continuing offence the additional sum of ten pounds for every day during which the offence continues, and in any case forfeiture of any fishing instrument used or sea fish taken in contravention of, or found in the possession of a person contravening, any byelaw.

Mode of recovering penalties.

23. All penalties, offences, and proceedings under this Act, or under any order made thereunder, may be prosecuted summarily under the Summary Jurisdiction Acts, and any person aggrieved by any conviction under this Act, or by any determination or adjudication of the Court with respect to any compensation under this Act, may appeal in the manner provided in these Acts.

Assistance from Fishery Board.

24. The Fishery Board shall give every assistance in carrying out the provisions of this Act, and where necessary shall employ their officers to facilitate its execution.

Saving.

25.—(1.) Nothing in or done under this Act shall—

(*a*) where the soil under any mussel or clam fisheries, or beds or scalps, is vested in the Crown, and is under the management of the Commissioners of Woods or the Board of Trade, entitle any person to acquire that soil without the consent of the Commissioners of Woods or the Board of Trade, as the case may require; or

(*b*) affect any powers, authorities, rights, or privileges, exerciseable by the Board of Trade in the public interest.

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(2.) Except in so far as powers are expressly given under this Act, nothing in this Act contained shall affect or alter the rights of any person having or claiming to have a right or title to mussel or clam fisheries, or mussel or clam beds or scalps, in the sea adjoining Scotland, and within the jurisdiction of the Fishery Board.

Powers of Fishery Board where no district committee is constituted.

26. The Fishery Board shall in respect of any parts of Scotland where there is no fishery district committee have all the powers to make regulations and byelaws and to impose penalties given in this Act to fishery district committees.

Power to apply grant under 5 G. 4. c. 64, as security to Public Works Loan Commissioners.

27. Section one of the Fishery Board (Scotland) Extension of Powers Act, 1894, shall be read as if the words "in providing "collateral security for any loan made by the Public Works Loan "Commissioners with the approval of the Fishery Board" were omitted, and the words "as security for obtaining a loan from the Public Works Loan Commissioners" inserted instead thereof.

Definitions.

28. For the purposes of this Act—

The expression "fishing interests" shall include all persons engaged or employed in the industry or business of sea fishing, excepting fisheries for salmon and fish of the salmon kind as defined by any Act relating to salmon, either as owners of fisheries or interests therein, fishermen, fishing boat owners, smack owners, fish curers, fish merchants, or otherwise:

The expression "sea fish" shall not include salmon as defined by any Act relating to salmon.

Repeal.

29. The Act specified in the schedule to this Act is hereby repealed to the extent in the third column of that schedule mentioned.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.	Date from which Repeal takes effect.
45 & 46 Vict. c. 78.	Fishery Board (Scotland) Act, 1882.	Sub-section one of section four. Sub-section two of section four, the words "three members shall be a quorum."	The first of January in the year one thousand eight hundred and ninety-six.

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FOR
T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.