

Chapter IV

FISHING IN THE TERRITORIAL SEA

Australia

- (a) COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT, 9 JULY 1900, AS ALTERED TO 1946 ¹

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PART V. POWERS OF THE PARLIAMENT

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:

- (x.) Fisheries in Australian waters beyond territorial limits:

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- (b) FISHERIES ACT, 1952-1953 ²

PART I. PRELIMINARY

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4. In this Act, unless the contrary intention appears—"Australian waters" means—

- (a) Australian waters beyond territorial limits;
- (b) The waters adjacent to a Territory and within territorial limits; and
- (c) The waters adjacent to a Territory, not being part of the Commonwealth, and beyond territorial limits;

. . .

"proclaimed waters" means Australian waters specified by Proclamation in force under section seven of this Act;

. . .

"Territory" means Territory of the Commonwealth;

. . .

5. This Act extends to all the Territories and to all Australian waters.

PART II. ADMINISTRATION

6. (1) The Minister or the Secretary may, by instrument in writing, delegate to a person or authority all or any of his powers, functions and

¹ Australia, Constitution, 1947, printed by Commonwealth Government Printer, Canberra, p. 13.

² For Fisheries Act 1952, see *Commonwealth Acts*, 1952, vol. L, p. 26. For the Amendment to this Act, see *ibid.*, 1953, p. 12.

authorities under this Act (except this power of delegation) in relation to a matter or class of matters, or to a State, part of the Commonwealth or Territory, or in relation to an area of Australian waters, so that the delegated powers, functions and authorities may be exercised by the delegate with respect to the matter or class of matters, or with respect to the State, part of the Commonwealth, Territory or area of Australian waters specified in the instrument of delegation.

(2) A delegation under the last preceding sub-section is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Minister or the Secretary.

PART III. REGULATION OF FISHERIES

7. The Governor-General may, by Proclamation, declare any Australian waters to be proclaimed waters for the purposes of this Act.

8. (1) The Minister may, by notice published in the *Gazette*—

(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters, of fish or of fish of a species specified in the notice;

(b) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish of a species specified in the notice not exceeding a size so specified; and

(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish of a species specified in the notice, by a method or equipment specified in the notice.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

9. (1) The Secretary or a prescribed authority may grant to a person a licence to take fish in proclaimed waters or in an area of proclaimed waters.

(2) The Secretary or a prescribed authority may grant to a person a licence in respect of a boat authorizing the use of the boat in the taking of fish in proclaimed waters or in an area of proclaimed waters.

(3) The Secretary or a prescribed authority may grant to a person registration of nets, traps and other equipment for use in the taking of fish in proclaimed waters or in an area of proclaimed waters and may issue certificates of registration accordingly.

10. An officer may—

(a) Board or enter upon a boat in proclaimed waters or a boat which he has reason to believe has been used, is being used, or is intended to be used, for the taking of fish in proclaimed waters and may search the boat for fish, nets, traps and other equipment used or capable of being used for taking fish;

(b) Examine any nets, traps or other equipment found in any place, being nets, traps or equipment which he has reason to believe have been used, are being used, or are intended to be used, for the taking of fish in proclaimed waters;

(c) Seize, take, detain, remove and secure any fish, boat, net, trap or equipment which the officer has reason to believe has been taken or used, is being used, or is intended to be used, in contravention of this Act;

PART IV. RESEARCH AND DEVELOPMENT

11. The Secretary may, subject to the directions of the Minister, carry out operations—

(a) For ascertaining whether fishing in an area of Australian waters can be engaged in on a commercial basis; and

(b) For the development of fisheries in Australian waters.

12. The Secretary shall, subject to the directions of the Minister, cause investigations to be made into economic matters relating to fisheries in Australian waters.

PART V. MISCELLANEOUS

13. A person shall not—

(a) In an area of proclaimed waters, engage in the taking of fish unless he is the holder of a licence in force under section nine of this Act authorizing him to do so;

(b) In an area of proclaimed waters, use a boat, net, trap or other equipment for the taking of fish, or have a boat, net, trap or other equipment for the taking of fish in his possession or in his charge, unless that boat, net, trap or equipment is licensed or registered under this Act, in his name or in the name of a person on whose behalf he is acting, for use in the taking of fish in that area;

(c) PEARL FISHERIES ACT, 1952-1953¹

Note. Section 5 (sub-section 1, paragraphs (a), (b) and (c)), 6 and 7 of this Act are similar to section 4 (paragraphs (a), (b) and (c)), 5 and 6 of the Fisheries Act, 1952-53, mentioned above (b).

PART III. REGULATION OF PEARL FISHERIES

8. The Governor-General may, by Proclamation, declare any Australian waters to be proclaimed waters for the purposes of this Act.

9. (1) The Minister may, by notice published in the *Gazette* —

(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail;

(b) Prohibit the taking from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail not exceeding a size specified in the notice;

(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of pearl shell, trochus, bêche-de-mer or green snail by a method or equipment specified in the notice;

(d) Prohibit the taking, by any one pearling ship, during a period and in an area of proclaimed waters specified in the notice, of pearl shell, trochus, bêche-de-mer or green snail in excess of a quantity so specified; and

(e) Prohibit the removal of live pearl shell, trochus, bêche-de-mer or green snail from proclaimed waters.

¹ For the Pearl Fisheries Act, 1952, see *Commonwealth Acts*, 1952, vol. L, p. 32; for the Amendment to this Act, see *ibid.*, 1953, p. 13.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

10. (1) The Secretary or a prescribed authority may grant to a person a licence to search for and obtain pearl shell, trochus, bêche-de-mer or green snail in proclaimed waters or in an area of proclaimed waters.

(2) The Secretary or a prescribed authority may grant to a person a licence in respect of a ship authorizing the use of the ship in searching for and obtaining pearl shell, trochus, bêche-de-mer or green snail in proclaimed waters or in an area of proclaimed waters.

. . .

11. An officer may —

(a) Board or enter upon a ship or boat in proclaimed waters or a ship or boat which he has reason to believe has been used, is being used, or is intended to be used, for pearling in proclaimed waters and may search the boat for equipment used or capable of being used for pearling;

(b) Examine any equipment found in any place, being equipment which he has reason to believe has been used, is being used, or is intended to be used, for pearling in proclaimed waters;

(c) Seize, take, detain, remove and secure any ship, pearl shell, trochus, bêche-de-mer or green snail which the officer has reason to believe has been taken or used, is being used or is intended to be used, in contravention of this Act;

. . .

PART IV. RESEARCH AND DEVELOPMENT

12. The Secretary may, subject to the directions of the Minister, carry out operations —

(a) For ascertaining whether any pearl shell, trochus, bêche-de-mer or green snail fishery in Australian waters can be engaged in on a commercial basis; and

(b) For the development of pearl shell, trochus, bêche-de-mer or green snail fisheries in Australian waters.

13. The Secretary shall, subject to the directions of the Minister, cause investigations to be made into economic matters relating to pearling in Australian waters.

PART V. MISCELLANEOUS

14. A person shall not —

(a) In an area of proclaimed waters, engage in pearling otherwise than in pursuance of a licence in force under sub-section (1) of section ten of this Act of which he is the holder;

(b) In an area of proclaimed waters, use a ship for pearling otherwise than in pursuance of a licence in respect of the ship in force under this Act in his name or in the name of a person on whose behalf he is acting;

(c) Being the holder of a licence under this Act, contravene a condition of the licence;

(d) Do an act prohibited by a notice for the time being in force under section nine of this Act; or

(e) Employ, or have on board a ship, in proclaimed waters, for the purpose of pearling, a diver, trial diver or diver's tender who is not licensed under sub-section (4) of section ten of this Act.

. . .

(d) WHALING ACT, 1935-1948¹

. . .

4. (1) This Act shall extend to Australian waters beyond territorial limits, to the Territories of the Commonwealth, to ships registered in Australia, whether or not such ships are in Australian waters or the waters of a Territory of the Commonwealth, and to all ships over which the Commonwealth has jurisdiction.

(2) The Governor-General may, by proclamation, declare that this Act shall apply in Australian territorial waters or any portion of such waters.

. . .

8. A ship designed and equipped for taking, killing or treating whales shall not be brought into any port or place in Australia or any Territory of the Commonwealth unless the owner or charterer of the ship is the holder of a licence in force under this Act authorizing the ship to be used for taking, killing or treating whales or the ship is duly authorized by the Government of the country whose flag she flies to engage in taking, killing or treating whales.

. . .

15. (1) Where —

(a) Any whale taken or killed; or

(b) Any part or product of any whale taken or killed,

in contravention of this Act or of any condition of a license, is brought into any port or place in Australia or any Territory of the Commonwealth, that whale, part or product, as the case may be, shall be forfeited to the King.

. . .

16. (1) For the purposes of this Act, an officer may —

(a) Board any ship or enter any factory which he has reason to believe is used for taking or treating whales, and inspect the ship or factory and its plant and equipment;

. . .

17. (1) At least two officers shall be maintained on board any ship which is used for treating whales and shall be entitled to remain on board the ship, to be provided with subsistence and accommodation therein and to be present at all operations in connexion with the treating of whales on board the ship.

(2) There shall be paid to the owner or master of the ship, in respect of each day during which an officer remains on board the ship, such sum as is prescribed for the provision of subsistence and accommodation of an officer boarding the ship and remaining on board the ship in pursuance of this section.

. . .

¹ Australia, *Commonwealth Acts*, 1901-1950, vol. V, pp. 4740 *et seq.*

(e) WHALING INDUSTRY ACT 1949-1952 ¹

PART I. PRELIMINARY

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4. In this Act, unless the contrary intention appears —

“Australian waters” means —

(a) Australian waters beyond territorial limits, being the waters referred to in placitum (x.) of section fifty-one of the Constitution; and

(b) The territorial waters of any Territory under the authority of the Commonwealth;

“the Commission” means the Australian Whaling Commission constituted under this Act.

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PART II. THE AUSTRALIAN WHALING COMMISSION

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Division 2. Functions and Powers of the Commission

15. Subject to this Act, the functions of the Commission shall be —

(a) To engage in whaling in Australian waters; and

(b) As an aid to the economic and stable operation of its whaling activities in Australian waters, to employ, in whaling in the vicinity of any Australian waters, vessels not required for the time being for whaling in Australian waters.

. . .

States of Australia(a) FISHERIES AND OYSTER FARMS ACT, 1935-1949 (NEW SOUTH WALES) ²

PART I. PRELIMINARY

. . .

4. (1) In this Act, unless the context or subject-matter otherwise indicates or requires, —

. . .

“Crown lands” means and includes any foreshore as well as any land under the sea, within territorial limits, or under any tidal or inland water, or under any river, lake, lagoon, or other water, or any training-wall, breakwater, retaining-wall, or guide-bank, in New South Wales, the property in which is by law vested in the Crown, or in any trustees for the purpose of public recreation, or for any other public purpose, but does not include lands held under lease under this Act or any Act hereby repealed.

. . .

“High-water mark” means the mean line between approximate high-water at spring tide and at neap tide.

. . .

¹ For the Whaling Industry Act 1949 see *Commonwealth Acts* 1901-1950, vol. V, pp. 4748 *et seq*; for the amendment to this Act see *ibid.*, 1952, vol. L, p. 41.

² Text of Act provided by the Permanent Mission of Australia to the United Nations.

“Inspector” means any inspector of fisheries appointed under this Act, and includes a person who by the provisions of this Act has and may exercise the powers, authorities, duties and functions of an inspector.

. . .

“Tidal waters” means all waters which ebb and flow over Crown lands, or over lands in the possession or under the control of the Crown or the Minister, within the territorial jurisdiction of the Crown in New South Wales, together with, in each case, the soil of such Crown lands or lands in the possession or under the control of the Crown or the Minister; and also all coastal saltwater lakes, lagoons and ponds in the said State and the soil or bed thereof.

. . .

PART II. ADMINISTRATION

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12. An inspector may, at any time or season, for the purpose of ascertaining whether the provisions of this Act have been contravened or of securing the observance of the provisions of this Act or of doing any act or thing which he is required or empowered to do under this Act, enter into and pass through or along any leased area or the banks or borders of any waters or within a reasonable distance above high water mark on any land abutting thereon, and with boats or otherwise enter upon such waters, and pass along the same.

. . .

14. An inspector may —

(a) Board and enter upon any boat and search the same for any fish, engines, nets, or other articles;

. . .

PART III. FISHING GENERALLY

Division 1. Closing of waters

18. (1) (a) The Minister may from time to time by notification published in the Gazette prohibit the taking of fish from tidal waters or inland waters.

. . .

(2) (a) The Governor may by proclamation published in the Gazette prohibit the taking of fish from tidal waters or inland waters.

. . .

(3) Any provision inserted in any such notification or proclamation may apply —

(a) to tidal or inland waters generally, or to any specified tidal or inland waters or part thereof or to tidal or inland waters other than those specified;

. . .

19. (1) No person shall haul or set any net of any kind whatsoever for the purpose of taking, or which is adapted to take or capable of taking, fish —

(a) in any of the waters of Brisbane Water or of its tributaries north of a line drawn from Box or Hawk Head to Green Point; or

(b) in any of the waters of Port Hacking or its tributaries to the westward of a line drawn southerly from the southernmost extremity of Hungry Point to the northernmost extremity of Cabbage Tree or Pulpit Point; or

(c) in any of the waters of Wagonga River or its tributaries westward of a line drawn north-west across the entrance from the northernmost extremity of Wagonga Head; or

(d) in any of the waters more particularly described in Schedule A ¹ to this Act, or of the tributaries thereto.

. . .

(5) In this section the word “ waters ” includes all waters, whether the same are subject to or beyond the influence of the tide.

20. (1) The Governor may by proclamation prohibit or restrict either absolutely or during the period or periods specified in such proclamation the bringing into the State or the landing from any boat at any port or place within the State of any live fish, whether such fish were taken in territorial waters or elsewhere.

(2) Any provision inserted in any such proclamation may apply —

(a) To fish generally or to any specified species of fish or to fish other than fish of a specified species;

(b) To fish taken from any waters whether territorial waters or otherwise, or to fish taken from any specified part of such waters, or to fish taken from any waters other than those specified.

. . .

Division 3. Licensing of fishing boats and fishermen

23. (1) Every boat used for or in connection with the taking of fish for sale from any territorial waters, whether tidal waters or inland waters, by any method, shall be licensed.

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. . .

25. (1) Every person who takes or attempts to take fish for sale by any method from any territorial waters, whether tidal waters or inland waters, shall hold a fisherman's license under this section.

. . .

(7) Any person who, without lawful authority, takes or attempts to take fish for sale by any method whatever from any territorial waters, whether tidal waters or inland waters, without first having obtained a fisherman's license, shall be liable to a penalty of not less than one pound for a first offence and not less than five pounds for a second or subsequent offence.

. . .

¹ Schedule not reproduced.

PART IV. TROUT AND SALMON

Division 5. Licenses

51. (1) No person, other than the holder of a license issued under this section, shall take, or attempt to take, any salmon or trout from any of the waters of New South Wales.

PART VII. REGULATIONS

120 (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Act into effect.

(2) Without limiting the generality of the power conferred by subsection one of this section the Governor may make regulations —

(ff) Controlling and regulating methods of trawling within territorial waters;

(b) FISH AND OYSTER ACTS, 1914-1945¹ (QUEENSLAND)

PART I. PRELIMINARY

4. *Interpretation.* 60 Vic. No. 22, s. 3; 51 Vic. No. 6, s. 2. — In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say —

“High water”—The mean height of the higher high water at spring tides;

“Queensland waters” includes all salt, brackish, and fresh waters within the territorial limits of Queensland which are not upon land which is the property of a private person;

PART II. GENERAL FISHERIES

7. *Governor in Council may prohibit or restrict fishing for certain period.* 51 Vic. No. 6, s. 18.—(1) The Governor in Council may from time to time by Order in Council prohibit or restrict the taking of all or any kind of fish in any Queensland waters specified in the Order, either absolutely or except by such means as are prescribed by the Order.

16. (1) *License for vessels.* 51 Vic. No. 6, s. 12.—It is unlawful to employ a vessel in Queensland waters in taking fish —

¹ *The Public Acts of Queensland*, 1828-1936, vol. III, pp. 566 *et seq.* and *ibid.*, 1945-1946, p. 78.

- (a) With a net, whether for sale or not;
 - (b) With a line, for sale;
- unless the owner of the vessel has obtained from the Minister a license to employ it for that purpose.

. . .

17. (1) *License for fishermen.* 51 Vic. No. 6, ss. 13, 14.—It is unlawful for any person —

- (a) To engage in taking fish for sale; or
 - (b) To have in possession (unless he is a maker of or dealer in such nets) or to use any net for taking fish;
- unless he has obtained from the Minister a license for that purpose.

. . .

18. *Exclusive licenses.* W. A., No. 24, 1911, s. 30.—(1) The Governor in Council may grant to any person, on such terms and conditions as he thinks fit, a license to the exclusion of all other persons to take, subject to this Act, for any term not exceeding fourteen years, from any specified part of Queensland waters (including the foreshore or adjacent land above high-water mark), not being subject to a subsisting lease or license under this Act, any fish or marine products.

. . .

PART III. OYSTERS

19. *Part to apply as declared by Order in Council.* 50 Vic. No. 22, s. 31.—This Part extends to and is in force only in such ports and parts of Queensland as the Governor in Council from time to time, by Order in Council, declares.

An Order in Council of Dec. 2, 1915, declares that this Part shall be in force in and along such part of the Queensland coast as lies between the southern limit of Queensland and the tenth degree of south latitude, and all the ports and all the rivers and creeks discharging themselves into the sea within such limits.

20. *Governor in Council may close place wholly or in part.* 50 Vic. No. 22, s. 24.—The Governor in Council may from time to time, by Order in Council, prohibit, for a time specified in such Order, the taking of oysters from any specified place in Queensland waters.

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PART IV. ANCILLARY PROVISIONS

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44. *General powers of inspectors.* (1.) Any inspector, with or without warrant, in addition to such other powers or duties as from time to time devolve upon him under this Act, may —

- (a) At any time, stop, enter upon, examine, and search any vessel or punt used in connection with any fish or oysters;

. . .

46. *Pollution of waters.* Any person who discharges into any tidal or inland waters or into any watercourse, whether dry or not, leading into the

same, from any mining works, paper mills, gas works, saw mills, or other manufactory, or from any boiling-down or wool-washing establishment, or from any source whatever, any deposit of filth, refuse, or other matter deleterious to fish or oyster life, or to the growth and development of oysters, or who drowns or destroys any animal on oyster ground under lease or license, or deposits thereon any dead carcass, shall be liable to a penalty not exceeding fifty pounds.

The discharge of garbage, rubbish, ashes or organic refuse into the sea from vessels in Australian waters within any prohibited area, without the permission of the Director of Quarantine or of a Chief Quarantine Officer first obtained, is an offence under the Beaches, Fishing Grounds and Sea Routes Protection Act 1932 (Commonwealth). See s. 3 thereof.

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(c) PEARL-SHELL AND BÊCHE-DE-MER FISHERY ACT
OF 1881, AS AMENDED ¹ (QUEENSLAND)
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3. *Ships or boats employed in fishery to be licensed.* From and after the commencement of this Act it shall not be lawful to use or employ any ship or boat in the pearl-shell and bêche-de-mer fishery within the Colony of Queensland, or within one league to seaward from any part thereof, unless such ship or boat is duly licensed as hereinafter provided.

6. *Penalty for using unlicensed ship or boat.* If any ship or boat is employed in the pearl-shell and bêche-de-mer fishery without a license under this Act having been first obtained, the owner or master of any such ship or boat shall be liable to a penalty not exceeding three times the amount of the license fee payable in respect of such ship or boat, and which may be recovered in a summary way before any police magistrate or two justices of the peace.

Forfeiture in default of payment. In default of immediate payment of such penalty, the ship or boat, and all things found on board thereof, shall be seized and kept for a period of sixty days, and if at the expiration of that period the penalty is still unpaid, then the ship or boat, together with all her tackle, apparel, furniture, and cargo shall be forfeited to Her Majesty.

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(d) PEARL-SHELL AND BÊCHE-DE-MER FISHERY ACT AMENDMENT
ACT OF 1891, AS AMENDED ² (QUEENSLAND)
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6. *Powers of inspectors.* An inspector may, within the limits of the territorial jurisdiction of Queensland, exercise any of the following powers:

He may go on board any ship or boat employed in the fishery, or enter upon any fishing station or any buildings thereon;

He may require the master or employer, or any person in charge of a fishing station, to produce any certificate of registry, license, official log-book, official papers, articles of agreement, muster-roll, or other document,

¹ *The Public Acts of Queensland, 1828-1936*, vol. III, p. 543.

² *Ibid.*, p. 552.

relating to the ship or boat, or to any person who is employed on board the ship or boat, or who is at the station, and which are in their respective possession or control, and may take copies thereof or of any part thereof;

He may muster the persons employed on board the ship or boat or at the station;

He may require the master or employer, or the person in charge of the station, to give any explanation concerning the ship, boat, or station, or any person who is employed on board the ship or boat, or at the station, or who is at the station, or concerning any such certificate of registry, license, official log-book, official papers, articles of agreement, muster-roll, or other document;

He may examine the sails, lights, boats, anchors, grapnels, and fishing implements belonging to the ship, boat, or fishing station;

He may examine the diving-dress, air-pump, air-tubes, and gear, and all other gear and tackle used in the ship or boat or at the station;

He may by order in writing under his hand forbid the further use of any gear and tackle which is, in his opinion, unsafe or insufficient;

He may make any inquiries or searches that he thinks necessary to ascertain whether any contravention of the provisions of the Pearl-shell and Bêche-de-Mer Fishery Acts has been committed.

. . . .

16. *Leases of pearl-shell or bêche-de-mer ground.* The Governor in Council may grant a lease of the whole or any part of an outlying reef or bank, or of the foreshore of an island, or of any Crown lands lying below high-water mark in any river, inlet, estuary, or creek, or any lands lying below tidal waters within the limits of the territorial jurisdiction of Queensland, for the collection, storage, cultivation, or propagation, of pearl oyster shell [or of trochus shell] or of bêche-de-mer, or of sponges or other products of the sea. Such leases shall be granted under and subject [to the provisions next hereinafter contained and] to such conditions and stipulations as the Governor in Council may prescribe by Regulations.

. . . .

(e) WHALING ACT, 1935-1936 ¹ (QUEENSLAND)

. . . .

3. *Interpretation.* In this Act, unless the context otherwise indicates, the following terms have the meanings respectively set against them, that is to say:

. . . .

“Queensland waters”—Includes all salt, brackish, and fresh waters within the territorial limits of Queensland which are not upon land which is the property of a private person;

. . . .

4. *Application of Act.* (1.) This Act shall be in force within Queensland and within all Queensland waters.

. . . .

7. *Taking, killing, or treating whales without a license.* (1.) It shall be unlawful for a ship to be used for taking, killing, or treating whales, or for

¹ *The Public Acts of Queensland, 1828-1936*, vol. III, p. 607.

a factory to be used for treating whales unless the owner or charterer of the ship or the occupier of the factory is the holder of a license in force under this Act authorising the ship or the factory, as the case may be, to be so used.

. . .

8. *Unlicensed ship entering Queensland.* A ship designed and equipped for taking, killing, or treating whales shall not be brought into any port or place in Queensland unless the owner or charterer of the ship is the holder of a license in force under this Act authorising the ship to be used for taking, killing, or treating whales [or the ship is duly authorised by the Government of the country whose flag she flies to engage in taking, killing, or treating whales].

. . .

16. *Powers of officers to board and search ships.* (1.) For the purposes of this Act an officer may —

(a) [Board any ship or enter any factory] which he has reason to believe is used for taking or treating whales, and inspect the ship or factory and its plant and equipment;

. . .

17. *Officer may board and remain on board ship.* (1.) An officer may go on board any ship which is used for treating whales and shall be entitled to remain on board the ship, to be provided with subsistence and accommodation therein, and to be present at all operations in connection with the treating of whales on board the ship.

. . .

(f) FISHERIES ACT, 1917-1946 (SOUTH AUSTRALIA)¹

PART I. PRELIMINARY

. . .

4. In this Act, unless some other meaning is clearly intended —

. . .

“closed waters” means any waters reserved for a hatchery, or any waters declared by proclamation to be waters within which it shall not be lawful to take fish or oysters:

“Crown lands” means Crown lands as defined in any Act or Acts for the time being in force relating to Crown lands, and includes any foreshore, as well as any land under the sea within the territorial limits of the State, or under any tidal or inland water, or under any river, lake, lagoon, or other water in the State, the property in which land is vested in the Crown:

. . .

“waters” includes the sea, and all bays, gulfs, and inlets of the sea, and every lake and lagoon, river, creek, and stream, and any waters on or over private land:

. . .

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.

PART II. ADMINISTRATION

Division III. Inspectors and their duties

9. An inspector may at any time —

(c) Board any fishing-boat or oyster fishing-boat:

(h) Seize any boat containing any illegal device, or any boat which is being used for the purpose of taking fish or oysters contrary to this Act: and

10. Every inspector, in addition and without prejudice to any other power vested in him, may go on board any boat, or enter any fish market or other place where fish or oysters are, or are reasonably suspected by him to be, sold, or packed or prepared for sending to any market or shop or to any agent, fish salesman, or auctioneer, or to any person or place for sale, and therein search for and examine any device, or fish or oysters, and may seize and take away any fish or oysters which are under the prescribed size, or any parcel, box, or bag of fish or oysters in which such undersized fish or oysters, or any fish or oysters, diseased or unwholesome, are found, and may examine and make copies of any records, books, or documents relating to any fish or oysters: Provided that the chief inspector may, in his discretion, order the restoration to the owner thereof of any or all of the fish or oysters and things so seized.

(g) FISHERIES ACT, 1935, AS AMENDED UP TO 1950 (TASMANIA) ¹

PART I. PRELIMINARY

3. *Interpretation.* (1) In this Act, unless the contrary intention appears —

“Board” means the Sea Fisheries Board constituted under this Act:

“Waters”, used in relation to the Board, means any part of the sea within a distance of three miles from any part of the coast of Tasmania, and any estuary, port, harbour, or other inlet of the sea, and all tidal waters; and, used in relation to the Commissioners, means any salt, brackish, or fresh waters in Tasmania, and any part of the sea within a distance of three miles of any part of the coast of Tasmania, and also all reservoirs, dams, channels, or works for water storage or distribution vested in, or under the control of, the Crown, or any statutory authority, but not any waters the property of any private person.

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.

(h) FISHERIES ACT, 1905-1951 ¹ (WESTERN AUSTRALIA)

. . .

PART I. PRELIMINARY

. . .

3. In this Act:

“Western Australian Waters” include the sea to three miles from high-water mark, and every tidal river, and every estuary or arm of the sea, and the waters of every river, stream, brook, creek, lake, or lagoon, the water whereof, at any time of the year, has access to the sea, and notwithstanding that the land covered by the water is private land alienated by the Crown.

. . .

PART II. ADMINISTRATION

. . .

6. The Governor may, from time to time, make, alter, and repeal regulations for the purposes of this Act mentioned, and also, in so far as express provision has not been made by this Act, and more particularly for —

. . .

(i) Prescribing fees for general and exclusive licenses to gather or collect from any portion of Western Australian waters any product of the sea exclusive of food fish;

. . .

(ma) Prohibiting or regulating the bringing of fish or portions of fish into Western Australian waters or on to land;

. . .

Such regulations may provide for their enforcement by the imposition of a penalty not exceeding in any case the sum of fifty pounds and the forfeiting of nets, lines, implements, or appliances used and fish taken in breach of such regulations.

Provided that when a road board acting under any authority in that behalf contained in any Act relating to local government now or hereafter in force has made and gazetted by-laws for any of the purposes of paragraphs (b) and (c) of this section and applying to any West Australian waters vested in or under the control of the road board or to specified portions of such waters, regulations made by the Governor, so far as they relate to the purposes of paragraphs (b) and (c) of this section, shall not, so long as the by-laws remain in force, apply to such waters nor to the taking of fish therein.

. . .

PART III. FISHING

9. The Governor may by proclamation prohibit all persons from —

(a) Taking fish of any specified species, by any specified means of capture;

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.

- (b) Taking any fish whatsoever, by any specified means of capture;
- (c) Taking any fish whatsoever, by any means of capture whatsoever, in any specified portion of Western Australian waters during any specified time in any specified year or during a specified portion of every year.

Provided that when a road board acting under any authority in that behalf contained in any Act relating to local government now or hereafter in force has made and gazetted by-laws applying to any Western Australian waters vested in or under the control of the road board or specified portions of such waters and relating to any of the purposes for which the Governor may make proclamations under this and the next succeeding section proclamations made under such sections shall not, so long as the by-laws remain in force, apply to such waters nor to the taking of fish therein.

10. The Governor may, subject to the proviso contained in the last preceding section, by proclamation prohibit all persons from taking any fish whatsoever, in every or any specified portion of Western Australian waters, by means of fishing nets and fishing lines, or either of such means of capture, or by any other specified means of capture, for any specified term.

(i) PEARLING ACT, 1912 (WESTERN AUSTRALIA), AS AMENDED
UP TO 1949 ¹

PART I. PRELIMINARY

5. In this Act, subject to the context —

“Diver’s Tender” means the person attending on a diver and in charge of the diving operations when the diver is below;

“Inspector” means the Chief or any other Pearling Inspector appointed under this Act;

“Pearl-shell Area” means and includes the pearl-shell area defined in the Second Schedule hereto and any other area which shall be hereafter declared to be a pearl-shell area by proclamation, or in respect of which a proclamation has heretofore been issued under the Act 61 Vict., No. 19;

“The State” means the State of Western Australia, including the territorial waters thereof;

PART II. LICENCES

Division 1. General

10. The following licenses may be issued under this Act:

- (a) Ship licenses;
- (b) Exclusive licenses;

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.

- (c) General Licenses;
- (d) Beach combers' licenses;
- (e) Divers' licenses;
- (f) Divers' tenders' licenses;
- (g) Shell buyers' licenses;
- (h) Pearl dealers' licenses;
- (i) Pearl cleaners' licenses.

11. No license other than a diver's, diver's tender's, or pearl dealer's license shall be granted, transferred, or renewed to or in favour of any person who is not a natural born or naturalised British subject.

Division 2. Ship licenses

22. (1) Notwithstanding anything hereinbefore contained, a ship license may be granted, transferred or renewed to or in favour of any alien who, at the commencement of this Act, is the holder of a license under the Pearl Shell Fishery Act, 1886, and any holder of a license under this section may lawfully acquire and have the profits of pearling operations carried on by virtue thereof: but the grant, renewal or transfer of licenses hereunder shall be subject to the following condition:

That the number of ships in respect of which such alien is licensed shall at no time exceed the number in respect of which he was licensed at the commencement of this Act.

(2) Any of the provisions in Part III of this Act or the Fifth Schedule to this Act which would not otherwise apply to non-British ships, or the owners, masters, or crews thereof, may, by proclamation, be made applicable within the jurisdiction of the State to any ships licensed under this section and to the masters, owners, or crews thereof, and such provisions shall then apply accordingly to the same extent as they would be applicable if the ships were owned by British subjects only or were registered as British ships.

Division 3. Exclusive and General Licenses

35. The Minister may (subject to this Act and to payment of the prescribed fee) grant an exclusive license to any person which shall give to the licensee the sole and exclusive right to plant, cultivate, and propagate pearl oyster shell and to gather, collect, and remove pearl-shell and pearls within or from any specific area of the coasts, islands, and territorial waters of Western Australia to be defined in the license or from any portion so defined of a pearl-shell area.

51. No person shall gather, collect, or remove pearls or pearl-shells from any pearl-shell area or from any area which is the subject of an exclusive license, or use or employ or permit or cause to be used or employed a ship or boat (whether licensed or unlicensed) for that purpose, except under the authority of a general or exclusive license.

PART IV. THE REGULATION OF PEARLING OPERATIONS
AND PEARLING SHIPS

101. (1) An inspector may at any time of the day or night —

(a) Enter and search any vessel which he shall on reasonable grounds believe to be engaged or to be about to be engaged in pearling;

(b) Bring any ship which he is satisfied is being used or employed in pearling contrary to this Act into any port, and proceed against the owner, master, or other person liable under any provision of this Act applicable to the case, and hold the ship pending the proceedings;

(c) Enter any fishing station;

(d) Require the owner or master of any vessel or any person in charge of a fishing station to produce and allow to be examined any of the following documents, if in his possession or control, that is to say, any certificate of registry, license, official paper, pearling agreement, muster roll, or other document relating to any ship or boat or to any person employed thereon or who is at the station, and may take copies of any such document or any part thereof;

(e) By order in writing forbid any vessel being employed in pearling, or being sent or taken to sea in order to be employed in pearling without having on board a supply of provisions and articles of protection against cold and heat certified to be sufficient by an inspector or magistrate, or if in his opinion the ship is unseaworthy;

(f) Muster the persons employed at the station or on board any ship or boat engaged in pearling;

(g) Require the owner or master or the person in charge of the station to give any explanation concerning the station or any ship or boat, or any person employed in any ship, boat, or the station, or who is at the station, or concerning any document required to be produced;

(h) Examine the sails, lights, boats, anchors, grapnels, and fishing implements belonging to any ship, boat, or station;

(i) Examine the diving dress, air pump, air-tubes, and gear, and all other gear or tackle in any ship or boat or at a station or at any other place; and by order under his hand forbid the further use of any articles so examined which is, in his opinion, unsafe or insufficient.

(j) Make any inquiries or searches (whether of the person or of premises or effects) that he thinks necessary to ascertain whether any contravention of this Act or of the Aborigines Act, 1905, or of any regulation under either Act, has been committed on or about any ship or fishing station;

(k) Employ assistants in and about the exercise of any of the foregoing powers, and use force whether by breaking open doors or otherwise.

(2) No power by this section conferred shall be exercised in respect of any vessel which is South of the twenty-seventh parallel of South Latitude.

PART V. MISCELLANEOUS

109. (1) An inspector may, subject to this Act and the payment of the prescribed fee, grant a beach-comber's license in the prescribed form, which shall give a general but not an exclusive right to collect and remove pearl-shell from such portion or portions of the sea-shore of Western Australia North of the Tropic of Capricorn as shall not for the time being be included in a pearl-shell area or be subject to an exclusive license.

(3) No person shall gather, collect, or remove pearl-shell from any part of the sea-shore of Western Australia North of the Tropic of Capricorn, except under the authority of a beach-comber's or some other license granted under this Act.

(4) For the purposes of this section, "sea-shore" includes all that portion of the shore of the mainland or any island or reef which is uncovered at the lowest tide.

113. (1) It shall be unlawful for any person to produce or attempt to produce, or to sell or offer for sale, or otherwise deal in culture pearls, or to have any culture pearls in his possession, custody, or control for the purpose of selling or otherwise dealing in the same.

Penalty: Five hundred pounds, or imprisonment for not exceeding six months.

(2) The words "culture pearls" mean and include any pearl, baroque pearl or blister pearl not being the natural production of the pearl oyster, but produced by any means of artificial cultivation.

(3) The words "artificial cultivation" mean and include any process, either by the insertion within the shell of the pearl oyster of some foreign substance, or any other artificial treatment of the pearl oyster, whereby the production of a pearl or baroque pearl or blister pearl is, or may be, or is intended to be incited.

(4) Any inspector may enter upon any place within the territorial waters of the State, whether the subject of an exclusive license under this Act or not, and search therein by divers, dredging, or other means, for pearl oysters treated for the cultivation of culture pearls; and may enter into and upon and search any ship or boat or any building or premises within the State used or reasonably suspected of being used for or in connection with the production or cultivation of culture pearls; and if any pearl oysters apparently so treated, or any culture pearls or any plant, apparatus, or instruments used, or apparently intended to be used for or in connection with the artificial cultivation of pearls are found they shall be forfeited to the Crown, and it shall be lawful for the inspector to cause all pearl oysters to be removed from the place in which the cultivation of culture pearls has apparently been carried on, and destroyed or otherwise disposed of.

SCHEDULES

SECOND SCHEDULE

Sharks Bay Pearl-shell Area

The area is bounded by a South-West line from Charles Point on the mainland to Section 5. Cape Ronsard at the North end of Bernier Island, then by the Western shores of Bernier and Dorre Islands to Cape St. Cricq, then by a straight line to Cape Inscription at the North end of Dirk Hartog Island and by its Western shore to Surf Point, thence by a straight line to Steep Point on the mainland, and from thence by the coast line to the starting place at Charles Point.

(j) WHALING ACT, 1937 (WESTERN AUSTRALIA) ¹

4. This Act shall extend to waters within the territorial limits of Western Australia and its Dependencies, to ships registered in Western Australia, whether or not such ships are in the said waters, and to all others ships over which the State of Western Australia may for the time being or from time to time have jurisdiction.

9. (1) A person shall not take or kill —

- (a) Any right whale;
- (b) Any calf or suckling whale or immature whale; or
- (c) Any female whale accompanied by calf or suckling whale.

(2) Any person who has in his possession any calf or whale taken or killed in contravention of this section, or any part or product of any such calf or whale, shall be guilty of an offence.

(3) For the purposes of this section, a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

10. (1) It shall be unlawful for a ship to be used for taking, killing, or treating whales, or for a factory to be used for treating whales, unless the owner or charterer of the ship, or the occupier of the factory, is the holder of a license in force under this Act authorising the ship or the factory, as the case may be, to be so used.

11. A ship designed and equipped for taking, killing, or treating whales shall not be brought into any port or place in Western Australia unless the owner or charterer of the ship is the holder of a license in force under this Act authorising the ship to be used for taking, killing or treating whales, or the ship is duly authorized by the Government of the country whose flag she flies to engage in taking, killing, or treating whales.

Note. See also: Fisheries Act, 1928 (Victoria), section 3 (*supra*, Chapter I, under *States of Australia*).

Belgique

(a) LOI DU 19 AOÛT 1891 RELATIVE À LA PÊCHE DANS
LES EAUX TERRITORIALES ²

Article 1^{er}. Conformément aux stipulations des articles 2 et 3 de la convention internationale conclue à La Haye, le 6 mai 1882, approuvée par

¹ Text of Act provided by the Permanent Mission of Australia to the United Nations.

² *Les Codes Larcier*, éd. 1953, t. II, Bruxelles, p. 335.

la loi du 6 janvier 1884, la pêche, soit qu'elle s'exerce à bord, soit qu'elle ait lieu par embarcation détachée, est désormais interdite à tout bateau étranger, dans le rayon de trois milles géographiques de 60 au degré de latitude, comptés à partir de la laisse de basse mer, le long de toute l'étendue de la côte belge.

Sont considérés comme faits de pêche :

1° La capture ou la tentative de capture de tout poisson, mollusque ou crustacé ;

2° La destruction ou l'enlèvement du frai, du fretin et du naissain.

Le Roi pourra déroger à cette prohibition par des conventions internationales.

Article 2. Un arrêté royal réglera les dispositions auxquelles devront se conformer les bateaux de pêche naviguant ou mouillant dans les eaux territoriales.

(b) ARRÊTÉ ROYAL DU 5 SEPTEMBRE 1892 RÉGLANT LES DISPOSITIONS AUXQUELLES DEVRONT SE CONFORMER LES BATEAUX DE PÊCHE ÉTRANGERS NAVIGUANT OU MOUILLANT DANS LES EAUX TERRITORIALES ¹

Article 1^{er}. Durant son séjour dans les eaux belges, tout bateau étranger doit avoir ses engins de pêche rentrés à bord et porter le pavillon de sa nationalité.

Article 2. Il se conformera aux règles imposées aux bateaux nationaux, concernant les feux, les signaux, les marques et les manœuvres de navigation et de mouillage.

Article 3. Il sera muni de pièces officielles délivrées par les autorités compétentes de son pays, attestant sa nationalité, justifiant de ses marques extérieures et indiquant le nom de son propriétaire et celui du capitaine ou patron.

Ces pièces seront exhibées à toute réquisition des autorités désignées à l'article 3 de la loi du 19 août 1891.

Article 4. Il lui est interdit de gêner la navigation à l'entrée des ports ou des rades et les opérations de pêche des bateaux belges.

En conséquence, il est tenu de déférer immédiatement à l'injonction de se retirer, qui lui sera faite par les autorités belges.

Article 5. Toute infraction aux dispositions du présent arrêté donnera lieu à l'application des mesures et des peines prévues par les articles 4, 7, 9 et 10 de la loi du 19 août 1891.

(c) LOI DU 22 AOÛT 1901 MODIFIANT L'ARTICLE 13 DU DÉCRET DU 16 DÉCEMBRE 1811, RELATIF À LA PÊCHE DES MOULES ²

Article 1^{er}. Seront punis d'une amende de 5 à 25 francs et d'un emprisonnement d'un jour à sept jours ou d'une de ces peines seulement, sans préjudice, le cas échéant, des autres peines édictées à l'égard des étrangers par la loi du 19 août 1891 relative à la pêche maritime dans les eaux territoriales, ceux qui, à l'aide d'instruments quelconques et sans autorisation,

¹ *Les Codes Larcier*, éd. 1953, t. II, Bruxelles, p. 336.

² *Ibid.*, p. 337.

auront pêché ou recherché les moules, le naissain de moules, les escargots et autres produits maritimes sur les ouvrages dépendant de la côte et des ports du littoral.

. . .

- (d) ARRÊTÉ ROYAL DU 29 OCTOBRE 1928 RELATIF À L'INTERDICTION DE L'EMPLOI DE CERTAINS FILETS TRAÎNANTS, MODIFIÉ PAR CELUI DU 17 NOVEMBRE 1952 ¹

Article 1^{er}. La pêche au moyen de filets traînants pourvus d'une corde de dos dont la longueur est supérieure à 15 mètres, est interdite le long de toute la côte belge à une distance de moins de trois milles géographiques comptés à partir de la laisse de basse mer.

. . .

- (e) ARRÊTÉ ROYAL DU 30 DÉCEMBRE 1950 RELATIF À LA TAILLE MINIMA DES MAILLES DES FILETS, MODIFIANT L'ARRÊTÉ ROYAL DU 5 SEPTEMBRE 1892 QUI DÉTERMINE LES RESTRICTIONS ET LES MESURES NÉCESSAIRES POUR EMPÊCHER LA DESTRUCTION ET L'ENLÈVEMENT DU FRAI, DU FRETIN ET DU NAISSAIN PAR LES PÊCHEURS RÉGNICOLES ²

Article 1^{er}. Les articles 2 et 3 de l'arrêté royal du 5 septembre 1892 modifié par l'arrêté du Régent du 14 avril 1945, sont remplacés par les dispositions suivantes:

Article 2....(b) Dans les eaux situées au nord du 66^e degré de latitude Nord et à l'est du méridien de Greenwich, ainsi que dans les eaux islandaises, situées entre les parallèles de 68° et 62° de latitude Nord et entre les méridiens de 28° et 10° de longitude Ouest, la taille minimum de la maille de filets traînés ou halés sur le fond ou près du fond de la mer doit être telle que lorsque la maille est étirée dans le sens de la longueur du filet, une jauge plate (navette) de 110 mm. de large et de 2 mm. d'épaisseur puisse passer aisément lorsque le filet est mouillé.

Ces dispositions ne s'appliquent pas à la pêche aux maquereaux, aux clupéidés et aux crevettes, pour laquelle l'emploi de filets à mailles de dimensions inférieures est autorisé.

Article 3. Les longueurs en dessous desquelles les poissons ci-après doivent être rejetés à la mer sont déterminées comme suit:

Cabillaud	30 cm.
Eglefin	27 cm.
Merlu	30 cm.
Plie	25 cm.
Plie cynoglosse	28 cm.
Limande sole	25 cm.
Sole	24 cm.
Turbot	30 cm.
Barbue	30 cm.
Cardine	25 cm.
Merlan	20 cm.
Limande	20 cm.

¹ *Les Codes Larcier*, éd. 1953, t. II, Bruxelles, p. 337.

² *Ibid.*, p. 336-338.

Pour la détermination de la longueur, les poissons sont mesurés dans le sens de leur longueur du bout du museau jusqu'à l'extrémité de la nageoire caudale.

Sont considérés comme provenant de la mer territoriale, les poissons des espèces précitées trouvées à bord des bateaux de pêche naviguant ou mouillant dans les eaux belges.

Article 2. A l'article 3bis de l'arrêté royal du 5 septembre 1892 modifié par l'arrêté du Régent du 14 avril 1945, est ajouté un deuxième alinéa libellé comme suit:

« La détention à bord de bâtiments de pêche destinés à la pêche dans ces eaux, ainsi que l'usage des engins suivants sont interdits:

« 1° le chalut muni de bras de filin entre les panneaux et le filet;

« 2° la chaîne de charruage ("Wekker"). »

. . .

Note. Le premier alinéa de l'article 3 bis de l'arrêté royal du 5 septembre 1892 modifié par l'arrêté du Régent du 14 avril 1945 dispose ce qui suit: « Le chalutage avec des filets autres que des filets à la pêche aux crevettes est défendu le long de toute la côte sur une profondeur de mer de moins de trois milles géographiques de la laisse de basse mer ¹. »

(f) ARRÊTÉ ROYAL DU 25 JANVIER 1951 RÉGLANT LA RECHERCHE ET LA CUEILLETTE DE MOULES, DE NAISSAIN DE MOULES, D'ESCARGOTS ET D'AUTRES PRODUITS MARITIMES SUR LES OUVRAGES DE LA CÔTE ET DES PORTS DU LITTORAL ²

Article 1^{er}. Nul ne peut rechercher ni cueillir des moules, du naissain de moules, des escargots ou d'autres produits maritimes sur les ouvrages de la côte et des ports du littoral sans avoir obtenu, à cet effet, l'autorisation écrite et préalable de l'ingénieur en chef-directeur du service spécial de la côte (administration des ponts et chaussées à Ostende) ou de son délégué, ou de la société anonyme « Compagnie des Installations maritimes de Bruges », en ce qui concerne les ouvrages concédés à cette société.

. . .

Brazil

LEGISLATIVE DECREE NO. 794 OF 19 OCTOBER 1938 APPROVING AND PROMULGATING THE FISHING CODE ³

. . .

CHAPTER I

Fishing and its practice

. . .

Article 2. Fishing is divided, according to the waters in which it is practised, into *inland* and *maritime* fishing, and the latter is subdivided into shore fishing, coastal fishing and high-sea fishing.

¹ *Les Codes Larcier*, éd. 1953, t. II, Bruxelles, p. 336.

² *Ibid.*, p. 338.

³ *Diário Oficial* (secção 1) 21 October 1938, p. 21172. Translation by the Secretariat of the United Nations.

1. Shore fishing is fishing carried on in ports, bays, inlets, lagoons, lakes and arms of the sea, canals or any other basins of salt or brackish water, even if they only communicate with the sea during part of the year.
2. Coastal fishing is fishing carried on within a distance of twelve miles from the coast, measured perpendicularly to it.
3. High-sea fishing is fishing carried on outside territorial waters.

Article 4. All animals and vegetables in waters that are public property, according to the definition contained in Articles 6 to 11 of the Waters Code, promulgated as Legislative Decree No. 24,643 of 10 July 1934, shall be public property.

Article 5. Only Brazilians are authorized to carry on and engage professionally in the fishing and related industries.

Sole paragraph. The requirement laid down in this article also applies to owners of fishing vessels and to the directors of civil, commercial and industrial companies engaged in the fishing industry.

CHAPTER IV

General restrictions on fishing

Article 15. It is forbidden to fish:

- (a) With nets or gear of any sort or type, however named, in places where they interfere with navigation;
- (b) With static nets or gear which prevent the free movement of aquatic animal species in the entrances of harbours, rivers, streams and canals or within five miles of such places;
- (c) With trawling nets or gear of any sort or type, however named, in inland or shore fishing;
- (d) With trawls within three miles of the coast;
- (e) With beach-seines in shore or inland fishing or in the vicinity of river-mouths;
- (f) With drag-nets within two hundred metres of the shore, in bays or inlets;
- (g) With dynamite or any explosive;
- (h) With poisonous substances;
- (i) Within 500 metres of the discharge pipes of sewers;
- (j) Within 200 metres, either at the upper or at the lower level, or waterfalls, water-mills, weirs or fish-ladders;
- (k) With a torch or light of any kind, if such a procedure can interfere with navigation;
- (l) In other places prohibited by the Game and Fisheries Service;
- (m) By means of any system or process which, in the opinion of the Game and Fisheries Service, is prejudicial to the rearing or breeding of aquatic animal species.

1. Persons violating this article shall be liable to a fine of from one hundred thousand to two million réis, to be increased to twice the amount if the offence is repeated.

2. The violation of sub-paragraphs (g) and (h) shall be regarded as a crime, and persons who violate them shall be liable to the penalties provided by the Consolidated Penal Laws.

. . .

Article 38. Foreign vessels and Brazilian vessels manned by aliens are forbidden to carry on fishing in Brazilian territorial waters.

Sole paragraph. In case of violation of this article the vessel and its fishing gear and cargo shall be seized as contraband and the offence shall be punishable under the laws governing the subject.

Canada

(a) FISHERIES ACT, 1932¹

. . .

Interpretation

2. In this Act,

- (a) "Canadian" means a British subject resident in Canada;
- (b) "close time" means a specified period during which fish to which it applies, may not be fished;
- (c) "fish" includes shell fish, crustaceans and marine animals;
- (d) "fishery" includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net weir, or other fishing appliance used in connection therewith;
- (e) "fishing" means fishing for or catching fish by any method;
- (f) "fishing vessel" includes any ship or boat, or any other description of vessel used in fishing;
- (g) "lawful excuse" means
 - (i) Ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or
 - (ii) The unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;
- (h) "Minister" means the Minister of Fisheries. 1932, c. 42, s. 2.

. . .

Fishery Leases and Licenses

7. The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued, leases and licences for fisheries or fishing, wheresoever situate or carried on; but except as hereinafter provided, leases or licences for any term exceeding nine years shall be issued only under authority of the Governor General in Council. 1932 c. 42, s. 7.

. . .

General Prohibitions

21. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or licence, or place,

¹ *Revised Statutes of Canada*, 1952, Chapter 119.

use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery. 1932, c. 42, s. 21.

31. No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing for such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear implements or appliances used in such fishing. 1932, c. 42, s. 31.

Injury to Fishing Grounds and Pollution of Waters

33. (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried ashore, above high water mark.

(2) No persons shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or saw dust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water. 1932, c. 42, s. 33.

Regulations

34. (1) The Governor in Council may make regulations
- (a) To prevent or remedy the obstruction and pollution of streams;
 - (b) To regulate and prevent fishing;
 - (c) To prohibit the destruction of fish or eggs of fish;
 - (d) To forbid fishing except under authority of leases or licences;
 - (e) Prescribing the time when and the manner in which fish may be fished for and caught;
 - (f) To prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;
- and without restricting the foregoing provisions of this section,

(g) Generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

(2) Every offence against any regulation may be stated as in violation of this Act. 1932, c. 42, s. 34.

Powers of Fishery Officers and Other Justices

35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used. 1932, c. 42, s. 35.

36. Any fishery officer or justice of the peace may search, break open and search, or grant a warrant to search, any house, vessel or place where he has reason to believe that any fish taken in violation of this Act, or of any regulation, or anything used in violation thereof, is concealed. 1932, c. 42, s. 36.

37. Any fishery officer, fishery guardian or peace officer may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence against this Act or any regulation, or whom he finds committing or preparing to commit an offence against this Act or any regulation. 1932, c. 42, s. 37.

38. Where any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before any fishery officer for either fishery district. 1932, c. 42, s. 38.

. . .

41. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer. 1932, c. 42, s. 41.

. . .

43. The Minister, or any fishery officer duly authorized by the Minister, has power to define the boundaries of tidal waters and estuaries and to designate what is the mouth of any river, stream or other water for the purposes of this Act. 1932, c. 42, s. 43.

. . .

45. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the

waters, where for the time being and for the purposes above described, they are so engaged. 1932, c. 42, s. 45.

General

49. Special licences and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or licence has the exclusive right to the oysters produced or found on the beds within the limits of such lease or licence. 1932, c. 42, s. 49.

Offences and Penalties

55. (1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

(b) Knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an "otter" or other trawl of a similar nature, or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words "three miles" shall be substituted for the words "twelve miles".

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

(5) Regulations may be made under the provisions of section 34

(a) Prescribing the form of licence;

- (b) Specifying the evidence to be submitted with an application for a licence;
- (c) Fixing the conditions under which a licence shall be issued; and
- (d) Making any other provisions respecting licences.
- (6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, lies upon the person accused, and intent or knowledge shall be presumed unless negatived by proof. 1932, c. 42, s. 56; 1934, c. 6, s. 1; 1949, c. 6, s. 27.

. . .

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs; or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, is liable to penalty and imprisonment as aforesaid for each offence. 1932, c. 42, s. 60.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, is liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. 1932, c. 42, s. 61.

. . .

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation, or in connection with which a violation of this Act or any regulation, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to Her Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. 1932, c. 42, s. 64.

. . .

(b) COASTAL FISHERIES PROTECTION ACT (ASSENTED TO
31 MARCH 1953) ¹

Interpretation

2. In this Act

- (a) "Canadian fishing vessel" means a fishing vessel that is
 - (i) Registered in Canada,
 - (ii) Owned by one person domiciled and resident in Canada,
 - (iii) Owned by two or more persons, all of whom are domiciled and resident in Canada, or
 - (iv) Owned by a body corporate incorporated under the laws of Canada or the laws of a province and having its principal place of business in Canada;
- (b) "Canadian territorial waters" means any waters designated by any Act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbours of Canada, and includes the inland waters of Canada;
- (c) "fish" includes shellfish, crustaceans and marine animals;
- (d) "fishing" means fishing for or catching or killing fish by any method;
- (e) "fishing vessel" includes any ship or boat or any other description of vessel used in or equipped for fishing or processing fish or transporting fish from fishing grounds and includes any vessel used or equipped for taking, processing or transporting marine plants;
- (f) "foreign fishing vessel" means a fishing vessel that is not a Canadian fishing vessel;
- (g) "government vessel" means any vessel that belongs to or is in the service of Her Majesty in right of Canada;
- (h) "Minister" means the Minister of Fisheries; and
- (i) "Protection Officer" means
 - (i) A fishery officer within the meaning of the *Fisheries Act*,
 - (ii) An officer of the Royal Canadian Mounted Police,
 - (iii) Any commissioned officer of the Royal Canadian Navy, or
 - (iv) Any person authorized by the Governor in Council to enforce this Act.

Foreign Fishing Vessels

- 3. (1) No foreign fishing vessel shall enter Canadian territorial waters for any purpose unless authorized by
 - (a) This Act or the regulations,
 - (b) Any other law of Canada, or
 - (c) A treaty.
- (2) No person, being aboard a foreign fishing vessel or being a member of the crew of or attached to or employed on a foreign fishing vessel shall in Canada or in Canadian territorial waters
 - (a) Fish or prepare to fish,
 - (b) Unload, land or transship any fish, outfit or supplies,
 - (c) Ship or discharge any crew member or other person,

¹ *Statutes of Canada*, 1952-1953, Chapter 15.

- (d) Purchase or obtain bait or any supplies or outfits, or
 - (e) Take or prepare to take marine plants
- unless he is authorized to do so by
- (f) This Act or the regulations,
 - (g) Any other law of Canada, or
 - (h) A treaty.
- (3) No person, being aboard a Canadian fishing vessel, shall bring into Canadian territorial waters fish received outside Canadian territorial waters from a foreign fishing vessel, unless he is authorized to do so by the regulations.

Regulations

4. The Governor in Council may make regulations
- (a) For authorizing, by means of licences, permits or otherwise,
 - (i) Foreign fishing vessels to enter Canadian territorial waters for any purpose specified in the regulations, or
 - (ii) Persons to do all or any of the things described in paragraphs (a) to (e) of subsection (2) of section 3 or in subsection (3) of section 3;
 - (b) Respecting the issue, suspension and cancellation of any licences or permits provided for under paragraph (a), prescribing their terms, conditions and forms and the fees payable therefor;
 - (c) For appointing or authorizing persons to enforce the provisions of this Act and the regulations;
 - (d) Designating territorial waters of Canada for the purposes of this Act;
 - (e) For securing and keeping any fishing vessels or things seized pursuant to this Act; and
 - (f) Generally for carrying out the purposes and provisions of this Act.

Inspection. Seizure and Forfeiture

5. A Protection Officer may
- (a) Go on board of any fishing vessel found within Canadian territorial waters and stay on board so long as she remains within Canadian territorial waters,
 - (b) Bring the fishing vessel into port and search her cargo, and
 - (c) Examine the master or any member of the crew upon oath touching the cargo and voyage.
6. (1) Whenever a Protection Officer suspects on reasonable grounds that an offence against this Act has been committed, he may seize
- (a) Any fishing vessel by means of or in relation to which he reasonably believes the offence was committed,
 - (b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or
 - (c) The fishing vessel and any of the goods mentioned in paragraph (b).
- (2) A Protection Officer may arrest without warrant any person whom he on reasonable grounds suspects of having committed an offence against this Act.
- (3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) Any fishing vessel seized under subsection (1) by means of or in relation to which the offence was committed,

(b) Any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4), the proceeds thereof, or

(c) The fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof, be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order redelivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(7) Any fishing vessel or goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (4), shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the offence, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the offence are instituted.

(8) Where proceedings in respect of an offence against this Act have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realised from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

Offences and Penalties

7. Every person is guilty of an offence who

(a) Being master or in command of a fishing vessel,

(i) Enters Canadian territorial waters contrary to this Act, or

(ii) Without legal excuse, the proof whereof shall lie on him, fails to bring to when required so to do by any Protection Officer or upon signal of a government vessel;

(b) Being aboard a fishing vessel, refuses to answer any questions on oath put to him by a Protection Officer;

(c) After signal by a government vessel to bring to, throws overboard or staves or destroys any part of the vessel's cargo, outfit or equipment; or

(d) Resists or wilfully obstructs any Protection Officer in the execution of his duty.

. . .

Jurisdiction of Courts

. . .

9. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respects to offences under this Act as they have under sections 680 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

(c) ORDER IN COUNCIL P.C. 1954-1586 OF 19 OCTOBER 1954¹

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 4 of the Coastal Fisheries Protection Act, is, pleased, hereby, to order that during the calendar year 1955 the Minister of Fisheries shall have authority,

1. To issue licences to United States fishing vessels enabling them to enter any port on the Atlantic coast of Canada for the purposes of the purchase of bait, ice, seines, lines and all other supplies and outfits, the fee for each licence to be one dollar.

2. Subject to the customs laws, to permit the landing in any Canadian port on the Atlantic coast of any fish on board of any disabled United States fishing vessel in port for repairs, upon such conditions as the Minister may determine.

3. To permit, by Notice published in the *Canada Gazette*, United States fishing vessels to pass through that part of the Canadian territorial waters in British Columbia commonly known as the "Inside Passage" upon such conditions as the Minister may prescribe.

4. To permit, by Notice published in the *Canada Gazette*, United States sport fishing vessels to enter Canadian territorial waters for sport fishing subject to compliance with applicable fisheries, customs and navigation laws of Canada and any conditions prescribed by the Minister.

5. To issue licences to any foreign fishing vessels, enabling them to enter any port in the Provinces of Newfoundland and Nova Scotia, during the period or periods of the calendar year stated in such licences, for any or all of the following purposes, *viz*: the purchase of bait, ice, seines, lines and all other supplies and outfits, the fee for each licence to be one dollar.

¹ *Statutory Orders and Regulations*, 1954-482.

(d) MINISTERIAL NOTICE OF 22 DECEMBER 1954¹

Pursuant to authority vested in me by Order in Council P.C. 1954-1586 of 19th October, 1954, notice is hereby given that during the calendar year 1955 United States fishing vessels are permitted to pass through that part of the Canadian territorial waters in British Columbia, commonly known as the "Inside Passage" upon the following conditions:

1. That all fishing gear is removed from its normal position of operation on board the vessel and stowed in such manner that it is not in readiness for fishing.
2. That the fishing vessels comply with any directions given by a Protection Officer.

(e) MINISTERIAL NOTICE OF 5 FEBRUARY 1954²

Pursuant to the provisions of Order in Council P.C. 1954-44 of 14th January, 1954, notice is hereby given that during the year 1954 United States sport fishing vessels are permitted to enter Canadian territorial waters for sport fishing subject to compliance with applicable fisheries, customs and navigation laws of Canada.

(f) FISHERY REGULATIONS FOR THE PROVINCE OF PRINCE EDWARD ISLAND, ADOPTED BY ORDER IN COUNCIL (P.C. 837) OF 11 MAY 1927³

Section 19. Trawlers prohibited. 1. The use or operation of vessels known as trawlers, operating "beam", "otter", or other trawls of a similar nature for the purpose of catching fish, is prohibited within the territorial waters of Canada.

. . .

Note. See also: Northern Pacific Halibut Fishery Convention Act (*Statutes of Canada*, 1953, Chapter 43); Pelagic Sealing (Provisional Agreement) Act (*Revised Statutes of Canada*, 1952, Chapter 205); Sockeye Salmon Fisheries Convention Act (*ibid.*, Chapter 252); Whaling Convention Act (*ibid.*, Chapter 293); Northern Pacific Fisheries Convention Act (*Statutes of Canada*, 1953, Chapter 44); and Northwest Atlantic Fisheries Convention Act (*ibid.*, 1954, Chapter 18). The three first Acts mentioned above have been published with certain modifications in *United Nations Legislative Series*, Laws and Regulations on the Régime of the High Seas, vol. I, 1951, pp. 200, 207, 224.

Ceylon

(a) FISHERIES ORDINANCE NO. 24 OF 1940, AS AMENDED UP TO 1952⁴

. . .

Fishing licences and registration of fishing boats

5. Subject as hereinafter provided, no person shall take, or employ any other person to take, any fish for profit in Ceylon waters except under the

¹ *Statutory orders and Regulations*, 1954-720.

² *Statutory Orders and Regulations*, 1954-30.

³ *Statutes of Canada*, 1928, Prefix, p. XXVII; *United Nations Legislative Series*, Laws and Regulations on the Régime of the High Seas, vol. I, 1951, p. 57.

⁴ Text of Ordinance provided by the Ministry for External Affairs of Ceylon.

authority of a fishing licence granted by a prescribed officer under this Ordinance:

Provided, however, that nothing hereinbefore contained shall apply —

- (a) To a Ceylonese or a Ceylon company;
- (b) To a person who is employed by, and takes fish on behalf of, a Ceylonese or a Ceylon company or the holder of a fishing licence; and
- (c) To any person who is a member of a class of persons exempted by regulation from the necessity for obtaining a fishing licence.

9. Regulations may be made providing for the registration of fishing boats used for the purpose of taking fish in Ceylon waters, and of the owners of such boats.

10. On or after such date as may be prescribed, no person shall use any fishing boat for the purpose of taking fish in Ceylon waters, unless the boat has been registered under this Ordinance.

Powers of officers, offences, regulations, &c.

19. The Director or any prescribed officer, or any person authorised in writing by the Director either generally or specially in that behalf, may —

(a) Go on board any fishing boat which is for the time being within Ceylon waters and may make such examination of the boat, the personnel of the crew thereof, the nets and other equipment carried therein and the fish found therein, as may be necessary for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened;

(b) Examine any fishing nets, fishing kraals, fishing stakes or other fishing equipment, which may be found in Ceylon waters;

(c) Enter any premises in which fish is stored, kept or cured for profit, or in which any aquarium is maintained for profit, and examine any fish found therein for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened.

19A. (1) Any officer appointed under section 2 (1) may, if he has reason to believe that any offence under this Ordinance has been committed, seize and detain any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connection with the commission of the offence, or any fish taken in the course of such commission.

20. For the purposes of this Ordinance it shall be presumed until the contrary is proved —

(a) That where any fish is found at any time in any fishing boat at any place in Ceylon or in Ceylon waters, such fish was taken —

(i) By the owner of that boat, if he is in the boat at that time or if no person is found in the boat at that time, or

(ii) By the person for the time being in the boat and in charge thereof, if the owner is not in the boat at that time;

(b) That any person who takes, or is presumed under paragraph (a)

(ii) To have taken, any fish from a fishing boat of which he is not the owner, is employed by the owner of that boat for the purpose of taking such fish;

(c) That where any fishing boat which has not been registered is at any time within Ceylon waters, any fish found in that boat, at that time was taken for profit in Ceylon waters;

(d) That any fish which is not taken for sport, scientific research or for any other prescribed purpose, is taken for profit.

. . .

25. Where any offence under this Ordinance is committed by any person in any part of the sea which is within Ceylon waters, the Magistrate's Court having jurisdiction —

(a) Over that part of the coast nearest to the place at which the offence was committed; or

(b) Over the place at which the person comes ashore after the commission of the offence,

shall have jurisdiction to try the offence.

26. (1) The Executive Committee may make regulations for the regulation and control of the fishing industry, for the protection of fish in Ceylon waters, and generally for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

. . .

27. In this Ordinance, unless the context otherwise requires —

. . .

“Ceylon waters” includes —

(a) The territorial waters of Ceylon; and

(b) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds and channels and all other public inland waters;

. . .

“territorial waters” means the part of the sea within a distance of three nautical miles from any point of the coast of Ceylon measured from low-water mark of ordinary spring tides.

. . .

(b) CHANKS ORDINANCE OF 30 JUNE 1891, AS AMENDED BY CHANKS (AMENDMENT) ACT No. 12 OF 1948¹

. . .

2. The Minister may, by notification published in the *Gazette*, declare any area within the coastal waters of the Island to be a chank fishery area.

3. (1) On and after such date as may be appointed by the Minister and notified in the *Gazette*, no person shall, within any chank fishery area —

(a) Carry out any operations for taking chanks, or take any chanks, unless he is the holder, or the agent or servant of the holder, of a permit in force under this Ordinance authorising him to take chanks in that area; or

¹ For the text of the Chanks Ordinance, 30 June 1891, see *Legislative Enactments of Ceylon, Revised Edition*, 1938, vol. IV, p. 295. The amendment to this Ordinance has been provided by the Ministry for External Affairs of Ceylon. The Chanks Ordinance, 30 June 1891, as amended, is to be replaced by the Chanks Fishery Act No. 8 of 1953 as soon as that Act enters into force, under Section 17 thereof.

(b) Use or employ any vessel for the purpose of taking chanks, unless that vessel has been registered under this Ordinance in his name and that area is specified in the registration card thereupon issued to him as a chank fishery area in which that vessel may be used, and unless the registration card is in the vessel at the time when the vessel is so used.

(2) If any person takes chanks, or uses or employs a vessel for the purpose of taking chanks, in contravention of this section, he shall be guilty of an offence punishable on conviction after summary trial by a Magistrate with imprisonment of either description for a term not exceeding six months, or with a fine not exceeding one hundred rupees, or with both such imprisonment and such fine; and every vessel so used or employed as aforesaid, together with all chanks unlawfully taken, may be declared by the Magistrate to be forfeited to the Crown.

. . .

24. (1) It shall not be lawful for any person to fish for, dive for, or collect bêche-de-mer, coral, or shells in the seas within the limits defined in Schedule B except in accordance with rules for the regulation, supervision, protection, or control of such operations which may be made by the Governor and published in the *Gazette* and every person who shall fish for, dive for, or collect, or who shall use or employ any vessel in the collection of bêche-de-mer, coral, or shells in the said seas, except in accordance with such rules shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every vessel so employed as aforesaid, together with all bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited:

Provided that —

(a) Nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less;

(b) It shall be lawful for the Governor from time to time or at any time, by notification in the *Gazette*, to alter the limits defined in Schedule B, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance;

(c) Rules made under this section shall not be construed so as to permit any person to fish for, dive for, or collect bêche-de-mer, coral, or shells within the area specified in Part I of the First Schedule to the Pearl Fisheries Ordinance.

. . .

25. (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any Fisheries Inspector or by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the Government Agent of the province or the Assistant Government Agent of the District within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such Inspector, officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, vessel, dredge, or apparatus

seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence, and liable to a fine of one hundred rupees.

. . .

28. In this Ordinance unless the context otherwise requires —

. . .

“coastal waters” means the part of the sea within a distance of three nautical miles from any point on the coast of the Island measured from low water mark of ordinary spring tides;

. . .

SCHEDULE B

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Talaivilla.

(c) WHALING ORDINANCE OF 4 JULY 1936¹

. . .

3. (1) No person shall, within the coastal waters of the Island, kill or take or attempt to kill or take —

- (a) A right whale, or
- (b) An immature whale, or
- (c) A female whale which is accompanied by a calf.

. . .

4. (1) Without prejudice to the provisions of section 3, no person shall use any vessel for the purpose of taking or treating whales within the coastal waters of the Island or use any factory situate within the Island for the purpose of treating whales, unless the master of the vessel or the occupier of the factory is the holder of a licence in force under this Ordinance authorising the vessel or the factory, as the case may be, to be so used.

. . .

7. (1) Notwithstanding anything in this Ordinance contained, the Marine Biologist may, with the approval of the Executive Committee and of the Governor, grant to any person a special permit authorising that person to kill, take or treat whales within the coastal waters of the Island for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as may be specified in that permit; and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Ordinance.

(2) The Marine Biologist may at any time, with the approval of the Executive Committee and of the Governor, revoke a permit granted by him under this section.

. . .

¹ *Legislative Enactments of Ceylon*, vol. IV, Revised 1938, p. 313.

11. In this Ordinance, unless the context otherwise requires —

. . .

“coastal waters” means the part of the sea within a distance of three nautical miles from any point on the coast of the Island measured from low water mark of ordinary spring tides;

. . .

(d) PEARL FISHERIES ORDINANCE, 12 FEBRUARY 1925¹

PART I

Preliminary

. . .

2. In this Ordinance, unless the context otherwise requires —

. . .

“pearl bank” means the areas from time to time specified in the First Schedule and includes the bed of any pearl bank. The said Schedule may from time to time be altered by regulation ;

. . .

“pearl oyster” means pearl-bearing oysters of all descriptions, and includes the mollusc commonly called the “window pane oyster” or “the Tampalakam pearl oyster,” and scientifically known as *Placuna Placenta*, as well as any other pearl-producing molluscs which may be introduced, or laid down, off the coasts of Ceylon, or in the bays or inland waters of the Island;

. . .

3. The exclusive right of fishing for and taking pearl oysters off the coasts of Ceylon and in all bays and inland waters of the Island is vested in the Crown.

PART II

Regulation of Pearl Fisheries

4. (1) No person shall fish, or dive for, or collect, pearl oysters on, or from any pearl bank, or use a vessel for any such purpose, unless he holds a licence (in this Ordinance referred to as a pearl fishery licence) authorising him so to do.

. . .

5. Regulations may be made regulating the fishing or diving for or collection of pearl oysters under a pearl fishery licence and the use of vessels for such purposes and the forms of and the fees to be charged for pearl fishery licences, and generally for the protection, management, control, development, and improvement of the pearl fisheries off the coasts of Ceylon or in any bay or inland water of the Island.

. . .

¹ *Legislative Enactments of Ceylon*, vol. IV, Revised 1938, p. 300.

9. (1) If any vessel is found on a pearl bank anchoring or hovering and not proceeding to her proper destination as wind and weather permit, or is found on or near a pearl bank in circumstances giving rise to reasonable suspicion that she is being or has been used for the unlawful collection of pearl oysters, any pearl fishery guard specially authorised by a Government Agent, Assistant Government Agent, or the inspector of pearl banks to act for the purposes of this section may enter, seize, and search such vessel, and convey the same to some convenient place in the Island for adjudication.

(2) As soon as may be after the arrival of a vessel seized under this section proceedings shall be commenced before a Magistrate against the person appearing to be in charge of the vessel and the owner thereof, if known and in the Island, alleging that the vessel has been used for the unlawful collection of pearl oysters, and in such proceedings, unless satisfactory evidence is given that the vessel had not been used for the unlawful collection of pearl oysters, the Magistrate may declare that the vessel and her gear shall be forfeited to the Crown, unless a fine not exceeding one thousand rupees is paid within a time to be specified in the order, and shall also declare all appliances found in the vessel and appearing to be intended for the collection of pearl oysters and any pearl oysters or pearls found in the vessel to be forfeited to the Crown.

(3) If such proceedings are not commenced within one month from the arrival of the vessel, then, unless the delay is accounted for to the satisfaction of the Magistrate, the Magistrate shall, on the application of the owner of the vessel or of the person in charge, order the vessel to be released.

. . .

China

CHINESE FISHERIES ACT OF 1 JULY 1930, AS AMENDED ¹

. . .

Article 3. Any person who has acquired the right of fishing in the territorial seas or any other public waters of the Republic of China shall, in accordance with the provisions of this Act, apply to the appropriate administrative authorities for approval and registration, which, in turn, shall report to the competent Board and Ministry concerned for record.

The application mentioned in the above paragraph shall be restricted to persons who possess the nationality of the Republic of China.

. . .

Article 20. The administrative authorities concerned, may, in approving the operation of fisheries, impose such restrictions or conditions as are necessary to ensure the natural multiplication and growth of marine fauna and flora or to protect other public interests.

. . .

¹ This Act was promulgated on 11 November 1929, brought into operation on 1 July 1930, amended on 5 August 1932 and on 1 November 1932. Translation by the Secretariat of the United Nations. This translation is based upon the Chinese text of the Act as it appears in *The Newest Code of China*, compiled by Yu Ssu-ping and published by the Far East Publishing Co., Taipei, Taiwan, 1953, pp. 1521-1526.

Article 22. The administrative authorities concerned may restrict or suspend the operation of fisheries already approved or rescind its approval when:

- (1) Any such action is necessary to ensure the natural multiplication and growth of marine fauna and flora;
- (2) Any such action is necessary in the interests of navigation and mooring of ships;
- (3) Any such action is necessary for the installation of submarine cables or for national defence and other military reasons;
- (4) The operation of such fisheries is found detrimental to the public interest.

. . . .

Chile

LAW NO. 4601 OF 18 JUNE 1929¹

. . . .

Article 7. Only Chileans and aliens domiciled in Chile who employ exclusively Chilean vessels and comply with the requirements of the Law may engage in maritime hunting in the territorial sea.

For the purposes of this article, a vessel shall be deemed Chilean if it fulfils the conditions regarding nationality prescribed in article 10 (2) of Law No. 4144 of 26 June 1927 or in article 38 of the Regulations giving effect thereto, contained in Executive Decree No. 2557, issued by the Treasury on 24 November 1927.

. . . .

Note. See also: Civil Code, 14 December 1855, article 611 (*supra*, Chapter I, under Chile (a)); Presidential Regulation of 23 June 1947 concerning the continental shelf (*supra*, Chapter I, under Chile (b)).

Colombia

ACT NO. 96 OF 7 DECEMBER 1922, CONFERRING POWERS UPON THE GOVERNMENT TO REGULATE FISHING IN THE WATERS OF THE REPUBLIC²

Article 1. The Government is hereby empowered to organize fishing in the waters of the Republic as it may deem most beneficial to the national interests.

Article 2. The Government may, if in organizing fishing as aforesaid it decides to enter into an agreement to delegate administration, fix for such agreement a term longer than that laid down by the Fiscal Code but not exceeding ten years.

Article 3. If the Government adopts a system of grants for the pearl fisheries, it may establish different tariffs according to the method of working.

Article 4. Act No. 58 of 1914 is hereby amended in accordance with the foregoing articles.

Note. See also: Law No. 14 of 31 January 1923 amending the Law concerning deposits of hydrocarbons, article 17 (*supra*, Chapter I, under Colombia (a)).

¹ Text of Law provided by the Permanent Mission of Chile to the United Nations. Translation by the Secretariat of the United Nations.

² *Leyes expedidas por el Congreso Nacional en su legislatura del año de 1922*, p. 285. Translation by the Secretariat of the United Nations.

Costa Rica

- (a) MARITIME FISHING AND HUNTING ACT, ENACTED BY DECREE No. 190 OF 28 SEPTEMBER 1948¹, AS AMENDED BY DECREE No. 426 OF 8 MARCH 1949²

The Founding Junta of the Second Republic

Considering:

That this Junta has made the declaration incorporating the submarine wealth enclosed by our continental and insular shelf and the maritime zone adjacent to the continental and insular coasts of the nation, and that fishing and maritime hunting should be placed under the control of the State because the defective utilization thereof constitutes a danger to the biological conservation of the species; that it is fitting also to bring fishing in the rivers and lakes of the country under such control; and that it is also in the national interest to promote the industries which are derived from fishing and maritime hunting;

Therefore, decrees the following:

Maritime Fishing and Hunting Act

Article 1. Fishing concerns a natural resource which is part of the national wealth and the regulation thereof is therefore within the competence of the Executive Power for which purpose the present decree is issued to prescribe the conditions for the right to work such resources and to lay down rules for the exercise of that right, a rational utilization, a higher economic output and the conservation and protection of the species which live in the water.

. . .

Article 7. Fishing and maritime hunting in the waters under the protection and control of the State shall be carried out solely by vessels, installations or floating factories registered in Costa Rica or by vessels of foreign registry, provided they have obtained the authorization of the Ministry of Agriculture and Industry.

. . .

- (b) REGULATION No. 363 OF 11 JANUARY 1949³ AS AMENDED BY DECREE No. 739 OF 4 OCTOBER 1949

Fisheries

Article 1. Maritime fisheries shall be classified as:

- (a) *Coastal fishing*, if carried on by vessels at a distance not exceeding twelve miles from the coast;
- (b) *Sea fishing*, if carried on by vessels at a distance of not less than twelve and not more than 200 miles from the coast;

¹ *La Gaceta*, vol. 70, No. 229, p. 1749. Translation by the Secretariat of the United Nations.

² Text of Amendment provided by the Permanent Mission of Costa Rica to the United Nations. Translation by the Secretariat of the United Nations.

³ *La Gaceta*, vol. 71, No. 27, 3 February 1949, p. 157, and, for the amendment, *ibid.*, No. 226, 8 October 1949, p. 1826. Text of Regulation and Amendment thereto provided by the Permanent Mission of Costa Rica to the United Nations. Translation by the Secretariat of the United Nations.

(c) *Deep-sea fishing*, if carried on by vessels at a distance of more than 200 miles from the coast.

. . .

Contraventions

Article 11. For the purposes of the penalties presented in article 30 of the Sea Fisheries Act, contraventions of the said Act and of the present Regulations shall be either minor offences or major offences, according to the classification hereunder.

Article 12. It shall be deemed to be a minor offence

(a) To fish with lawful equipment in places where fishing is prohibited, provided that the offence does not cause prejudice to a third party;

(b) To fish with equipment or gear not marked with the proper flag by day and with the lights required by night;

(c) To navigate without the lights required by night;

(d) To engage in fishing without the authorization of the Department of Conservation and Fisheries, in cases in which the persons concerned are Costa Rican nationals operating from the shore;

(e) . . .

(f) To omit to obtain the permission of the Seaman's Employment Exchange for the engagement of crew;

(g) To leave products of or refuse from fishing activities on beaches or shores or to throw the same into the sea at a distance of less than three miles from the coast.

Article 13. It shall be deemed to be a major offence

(a) To engage in maritime fishing or hunting, or to carry on any business or industry using the products of maritime fishing and hunting, or to transport, preserve or otherwise use the said products for commercial purposes, unless the permits and documents mentioned in these regulations have first been obtained;

(b) To use explosives or chemical and poisonous substances injurious to fish life, or even to be in possession of such substances on board any vessel without good and sufficient reason;

(c) To take sperm whale (*marsopa*) intentionally. It shall be sufficient grounds for applying the prescribed penalty if parts of a sperm whale are found aboard a vessel;

(d) To make any untruthful statement in any report or to give false particulars with the object of evading the payment of some charge or tax;

(e) To use any type of drag-net or *chinchorro* within the area designated by the Ministry of Agriculture and Industry; this provision shall not, however, apply to seine nets used for sardine and anchovy fishing.

. . .

Article 15. Violations of the Maritime Fisheries Act or of the present Regulations shall constitute grounds for endorsement of the navigation licenses of masters and pilots by the Department of Conservation and Fisheries, a measure which may involve temporary or permanent suspension of such licenses, in the case of Costa Rican nationals, or, in the case of aliens, permanent withdrawal of the right to fish in Costa Rican territorial waters.

. . .

Article 23. Every person who proposes to engage in fishing from vessels of Costa Rican or foreign registry must first register with the Seaman's Employment Exchange of the Department of Conservation and Fisheries, and every ship owner, whether a Costa Rican national or an alien, or in his absence, the master or duly authorized representative, shall apply to the aforesaid office for the necessary crew which he may select from the existing lists.

Cuba

(a) LEGISLATIVE DECREE NO. 704 OF 28 MARCH 1936: GENERAL FISHERIES STATUTE ¹

General Provisions

Article 1. Fisheries being part of the natural resources which constitute the wealth of the nation, the exploitation, regulation, use, conservation and development of fisheries and all trade and industry connected therewith shall be governed by this Legislative Decree.

Article 2. All species of fish, crustaceans and molluscs, including pearl oysters and mother-of-pearl, sponge fisheries, coral, aquatic mammals and reptiles, marine plants and all other species of marine and river flora and fauna shall be in the ownership of the State and available for the common use of the people. Any person normally resident in the Republic may freely fish, remove, utilize and market these resources, subject only to the provisions of this Legislative Decree of the Regulations made to give effect thereto and of such other rules and orders as may be enacted; and it shall not be lawful to grant to any individual or body corporate any monopoly, public contract or lease of any kind whatsoever conferring fishing rights in or about the whole or part of any sea area, river, bay, harbour, creek, cove, inlet, lagoon, channel, cay, offshore island or the like, if the effect of the grant would be to confer privileges which infringe the right of common use vested in the people.

Article 3. Subject to the prior approval of the competent advisory fisheries authority and subject further to the provisions of the relevant regulations, concessions may nevertheless be granted in coastal areas, around cays and in rivers or other appropriate places, for the development, hatching, rearing, improvement and propagation of molluscs.

Article 4. For purposes of fishing, regardless of the form or object thereof or of the method employed, the breadth of Cuban territorial waters shall be three miles measured from the base line on the Cuban coast.

Article 5. For the purposes of this Legislative Decree, the term "base line" means the low-water line along the Cuban coast.

Where the coast is indented or cut into by harbours, rivers, creeks or other features, the base line shall be deemed to follow the straight line drawn across the entrance of the indentation, provided that such entrance does not exceed six miles.

. . .

¹ *Revista Cubana de Derecho*, Marzo 1-31 de 1936, Año VIII, No. 3, p. 188. Translation by the Secretariat of the United Nations.

Article 7. As a general rule, only residents who possess the status of Cuban nationals may engage in fishing in the waters of the Republic.

. . .

Article 11. It shall be a condition that the beneficial owner of any undertaking which engages in fishing any of the species to which this Legislative Decree relates must be a Cuban national by birth.

. . .

Article 35. Fishing by means of small dragnets (*chinchorros*), trammels or other nets shall be strictly prohibited in rivers and the mouths of rivers, in areas extending one mile seaward and on either side of all natural and artificial hatcheries, entrances leading thereto and spawning grounds, and in channels, harbours, bays, anchorages and other places where such equipment might endanger or interfere with shipping.

Article 36. Fishing by the methods known as *bou*, *bolinche* or *boliche* and fishing with seines shall be strictly prohibited at all times and in all parts of the territorial waters of the Republic.

(b) GENERAL REGULATIONS CONCERNING FISHERIES, APPROVED BY DECREE No. 973 OF 8 MAY 1939¹

CHAPTER I

General Provisions

Article 1. Whereas in accordance with the provisions of Legislative Decree No. 704 of 28 March 1936, article 2, all species of fish, crustaceans, molluscs, oysters, pearl oysters, mother-of-pearl, sponge fisheries, coral, mammals, aquatic reptiles, marine plants and all other species of marine and river flora and fauna are the property of the State and form part of the public domain for the public use, they may be fished, extracted, utilized and traded in by any habitual resident of the Republic subject to the provisions of Legislative Decree No. 704, and of the present Regulations, and to orders of the Fisheries Advisory Committee, or of the Chief of the Naval Staff of the Republic made under the powers conferred upon him by articles 70 and 71 of the said Legislative Decree No. 704 of 28 March 1936.

Article 2. No monopoly, contract or lease of any kind conferring privileges in derogation of the public rights mentioned in the foregoing article may be granted to any individual or corporate body for fishing in any of the waters of the sea, rivers, bays, ports, creeks, coves, inlets, lagoons, channels, shoals, adjacent islands or the like or of any part thereof.

. . .

Article 10. An authorization of the kind referred to in Legislative Decree No. 704, article 3, may be granted only if enquiry into the application shows that the grant would not in any way affect general interests, and in particular navigation and fishing, or the free movement of fish, or beds or other State-owned natural spawning grounds, for which the limits have been fixed at three kilometres.

. . .

¹ *Gaceta Oficial*, Mayo 16 de 1939, p. 9501. Translation by the Secretariat of the United Nations.

CHAPTER II

Fishing Licenses

Article 12. The condition in Legislative Decree No. 704, article 7, requiring Cuban citizenship shall be construed to apply to all persons engaged in fishing as a profession, craft or calling for commercial or industrial purposes, and hence not to persons fishing for sport, amusement or recreation, or, subject to any statutory provision or regulation relating to nationalization of labour or the like, to persons employed as fishermen, employees or labourers by corporations, companies or employers engaged in fishing.

. . .

Article 16. A vessel of any type, except a small auxiliary craft carried aboard a fishing vessel, must if fishing either alone or in collaboration with other craft be licensed as required by article 9 of the Legislative Decree.

. . .

Article 20. Any private person engaging in fishing as a sport, amusement or recreation in accordance with the provisions of article 10 of the Legislative Decree must procure the requisite special permit in writing from the head of the Department of Merchant Marine, Fisheries and Lighthouses or from the Port Captain in whose jurisdiction he wishes to fish, and must comply with all regulations in force. Such permit may likewise be issued by the *Corporación Nacional de Turismo*, which shall for such purpose be a legal person, to any tourist wishing to fish for amusement or recreation in Cuban jurisdictional waters.

(c) DECREE No. 142 OF 23 JANUARY 1941 CONCERNING FISHING AND NAVIGATION ¹

. . .

Article 4. The Ministry of Agriculture shall be responsible for all matters relating to fisheries, fishery concessions, and crawls and parks for the rearing and breeding of shell-fish; and also for the issue of permits for the extraction and transport of salt and sand.

Article 5. The National Fisheries Board (*Junta Nacional de Pesca*), established by Decree No. 368, of 17 May 1911, published in the *Gaceta Oficial* of 22 May 1911, is hereby re-established, as a department of the Ministry of Agriculture, with all the powers conferred upon it by the said Decree, to be responsible for dealing with all matters relating to fisheries which are within the competence of the Ministry of Agriculture, and with all matters which, under Legislative Decree No. 704 of 28 March 1936, published in the *Gaceta Oficial* of 31 March 1936, and the regulations made pursuant thereto, were to be within the competence of the "Advisory Commission on Fisheries" (*Comisión Consultiva de Pesca*).

Note. See also: Legislative Decree No. 1948 of 25 January 1955 relating to territorial sea, article 2 (*supra*, Chapter I, under Cuba (c)).

¹ Text of Decree provided by the Permanent Mission of Cuba to the United Nations. Translation by the Secretariat of the United Nations.

Denmark

(a) ACT NO. 59 OF 23 APRIL 1881 RESPECTING FISHING BY FOREIGN
NATIONALS OFF THE FAROE ISLANDS ^{1 2}

*Article 1.*³ Any foreign national engaging in any form of fishing off the Faroe Islands within the limits reserved to Danish fishermen shall be punished by a fine of 200 to 5,000 kroner.

*Article 2.*³ The same penalty shall apply to any alien fisherman who engages in the processing, packing or trans-shipping of fish or fish products or prepares, baits or lets out long lines in the territorial sea of the Faroe Islands. If any damage is caused in this connexion, compensation shall in addition be payable as generally prescribed by law. This provision may in exceptional circumstances (sea damage and the like) be waived by the National Executive (*Landsstyre*) of the Faroe Islands. The National Executive may likewise, either in a particular case or by virtue of a Notice, grant a general exemption from this provision if under a reciprocal agreement Faroe fishermen are guaranteed a similar privilege in a foreign State.

*Article 3.*⁴ Whenever a foreign fishing vessel puts into port⁵ in the Faroe Islands with a view to establishing contact with the shore, the master of the vessel shall, as soon as possible after his arrival and before allowing the crew of the vessel to enter into any contact with the population, report to the competent police authority or quarantine officer, who shall inspect the ship's papers and health conditions on board and in general ensure that the Faroe Islands Trade Act is not infringed. If the vessel enters port to seek medical assistance in connexion with a disease that has broken out among the crew, or if there otherwise seems to be anything irregular with regard to health conditions on board, the provisions of the relevant quarantine legislation shall be complied with. A fee of 5 øre per ton of the vessel shall be levied by the competent police authority or quarantine officer for the inspection of the ship's papers, and the ship's musterroll shall be endorsed to show that the inspection has been made and the required inspection fee paid. A foreign vessel which puts into port because of stress of weather, without any of the crew going ashore or having any contact with the population, shall not, even though lying at anchor, be required to produce its papers until it can safely put out to sea again. An offence against the provisions of this article shall be punished by a fine of 10 to 500 kroner.

(b) ORDER NO. 29 OF 27 FEBRUARY 1903 RESPECTING THE SUPERVISION OF
FISHERIES IN THE SEA SURROUNDING THE FAROE ISLANDS AND ICELAND
OUTSIDE THE DANISH TERRITORIAL SEA ⁶

General Provisions

Article 1. In the waters adjacent to the Faroe Islands and to Iceland, fishing shall be reserved exclusively to Danish nationals within an area up

¹ *Færøsk Lousamling*, 1687-1953, pp. 63 *et seq.* Translation by the Secretariat of the United Nations.

² As amended by Faroe Islands Act No. 12 of 8 March 1951.

³ Cf. Act No. 90 of 1 April 1925.

⁴ Cf. Notice and Instructions of 25 February 1897.

⁵ Cf. Ministry of Justice Letter of 10 March 1863.

⁶ *Færøsk Lousamling*, 1687-1953, pp. 126 *et seq.* Translation by the Secretariat of the United Nations.

to a distance of three nautical miles (*kvartermil*) measured from the outermost line along which the land is dry at low tide, throughout the extent of the coasts of the islands together with the islets, rocks and shoals appurtenant thereto. In the case of a bay the distance of three nautical miles shall be measured from a straight line drawn across the bay at the point nearest to the entrance where the width does not exceed ten nautical miles. This article shall not prejudice the recognized right of fishing vessels to sail or anchor freely in the territorial sea on condition that they abide by the relevant Danish police regulations, including the regulation requiring a trawler to keep its trawl stowed away on board so long as it is in the territory.¹ A nautical mile (*kvartermil*) as referred to in the first sentence is a Danish geographical quarter-mile (*geografisk kvartermil*), of which there are sixty to one degree of latitude.

- (c) ORDER NO. 160 OF 20 MAY 1955 TO AMEND ORDER NO. 29 OF 27 FEBRUARY 1903 RESPECTING THE SUPERVISION OF FISHERIES IN THE SEA SURROUNDING THE FAROE ISLANDS²

In accordance with the Exchange of Notes which took place on 22 April 1955 between the Danish Government and the Government of the United Kingdom of Great Britain and Northern Ireland, it is hereby ordered that article 1 of Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands shall be amended as follows in so far as it relates to the area of the sea surrounding the Faroe Islands in which fishing is reserved exclusively to Faroe Islanders and other Danish citizens:

The limits within which Faroe Islanders and other Danish citizens shall enjoy the exclusive right of fishery shall be defined as indicated below; all the arcs mentioned are to be drawn at a radius of three miles from low-water mark of the islands or off-lying rocks (drying); all geographical positions are taken from the Danish chart No. 80, edition of 1905 (corrected to 1953).

North Coast

From the arc centred on the rock close north of Myling along the common tangent to that arc and the arc round Rivtange. From the intersection of this tangent with the common tangent between the arcs round Rivtange and Kadlur, the limit runs along the tangent, thence following the arc off Kadlur, thence along the common tangent to the arc off Kadlur and the arc off the outermost drying rock off Enniberg. Along the arc round Enniberg and the common tangent between this arc and that round Nordberg in Fuglør. Thence along the arc round Nordberg and along the common tangent between that arc and that off the north-east point of Fuglør.

East Coast

Along the arc round the north-east point of Fuglør, to its intersection with the arc round Bispen, thence along that arc and the common tangent

¹ Cf. Act No. 90 of 1 April 1925.

² Denmark, *Lovtidende A*, 1955, pp. 513 *et seq.* Translation by the Secretariat of the United Nations.

to this arc and that round the most easterly point of Svinø. Thence along the arc round the most easterly point of Svinø and the common tangent between it and the arc round the south-easterly point of Svinø. Along the arc round the south-easterly point of Svinø, and the common tangent between it and the arc round Skoren. From the intersection of this tangent and the common tangent between the arcs round Skoren and round the eastern point of Nolsø the limit is formed by this tangent, until its intersection with the common tangent between the arc round the eastern point of Nolsø and the arc round the eastern Fleserne, thence along this common tangent. Thence along the arc round the eastern Fleserne to its intersection with the arc round the Munken rock.

West Coast

Along the arc round the Munken rock and along the common tangent between this arc and the arc round the south-western islet off Famarasund. Thence along the latter arc and the common tangent between that arc and the arc round Bergstange. Thence along the arc round Bergstange and along the common tangent between that arc and the arc round Kobbetange to a position 61 degrees 35.0 minutes North, 7 degrees 04.9 minutes West, which is 247 degrees 3.05 miles from Kobbetange. From this position the limit follows a straight line to a position 61 degrees 51.5 minutes North, 7 degrees 23.4 minutes West, which is 253½ degrees, 13.1 miles from the northern point of Troldhoved off Sandø. Thence as a straight line to the position on the arc round the outermost rock off Myggenaes at 62 degrees 03.9 minutes North, 7 degrees 45.95 minutes West, which is 236 degrees 3.3 miles from Myggenaes lighthouse. Then the limit follows the arcs round the rocks off Holm at the western end of Myggenaes.

North-west Coast

From the arc round the most northerly rock off Holm along the tangent to this arc which passes through the rock close north of Myling (not the arc round this rock) to a distance of three miles from the west coast of Strømø. Thence as a tangent from this position to the arc round the rock close north of Myling and continuing round that arc to the common tangent to that arc and the arc round Rivtange.

Attention is drawn further to the chart reproduced as an annex to this Order on which the new fishery limits are shown.

(d) FAROE ISLANDS ACT No. 90 OF 1 APRIL 1925 TO PROHIBIT TRAWL FISHING ¹

Article 1. ² It shall be unlawful to carry on fishing with trawls, including otter trawls, in the territorial sea adjacent to the Faroe Islands.

¹ *Færøsk Lovsamling*, 1687-1953, pp. 361 *et seq.* Translation by the Secretariat of the United Nations.

² As amended by Act No. 450 of 22 December 1939 and Interim Provision No. 61 of 12 December 1941. Cf. Interim Provision No. 36 of 24 November 1942 concerning the right to fish with otter trawls in a specified area and Interim Provision No. 25 of 25 July 1947 concerning permission to catch lobster with trawls.

. . . .

The ship may be seized and, after the levy of a distress, may be sold and the proceeds used to pay fines and defray costs.

Article 2. Fishing vessels with trawls (trawlers) shall keep all their fishing gear stowed away on board when in the territorial sea and for so long as they remain there.¹

. . . .

(e) ACT NO. 101 OF 27 MARCH 1933 CONCERNING FISHING IN THE WATERS
BORDERING ON DENMARK AND SWEDEN ²

1. To govern fishing in the waters covered by the Convention concluded on 31 December 1932 between the Kingdoms of Denmark and Sweden concerning fishing in the waters bordering on the two countries, namely:

The Kattegat, bounded to the north by a straight line drawn from the most northerly point of the Skaw to Vinga lighthouse and thence to the nearest point on the coast of Hisingen, and to the south by straight lines drawn from Hasenøre to Gniben and from Gilbjerg Hoved to Kullen lighthouse;

The Sound, between a line from Gilbjerg Hoved to Kullen lighthouse on the north and a line drawn from Stevn lighthouse to Falsterbo lighthouse to the south, and

The Baltic, in respect of waters along the coast from Falsterbo lighthouse to Simrishamn lighthouse and the waters around Bornholm and the Kristiansø group of islands,

special regulations may be issued by Royal Decree in conformity with the provisions of the said Convention.

Provisions necessary for the enforcement of the regulations enacted in accordance with the foregoing may likewise be issued by Royal Decree.

2. Provisions regarding the prosecution and punishment of infringements of the regulations contained in decrees issued under this Act may be established by decrees issued in accordance with the rules of Danish law currently in force regarding salt water fishing.

. . . .

(f) DECREE NO. 230 OF 29 JUNE 1933, CONCERNING FISHING IN THE WATERS
BORDERING ON DENMARK AND SWEDEN ³

General Provisions

1. The provisions of the present Decree shall apply to the following waters:

The Kattegat, bounded to the north by a straight line drawn from the most northerly point of the Skaw to the Vinga lighthouse and thence to

¹ In a letter of 27 July 1899 (not printed), the Ministry of Justice states that, in accordance with an opinion of the Ministry of Marine, fishing gear may be considered to be effectively stowed away on board as aforesaid only if: (1) the otter boards are in their usual place inboard of the gunwale or are below deck; and (2) the nets are detached from the otter boards and are put away or tied up on board (on or below deck) with the fish, of course, removed.

² *Danmarks Love* 1669-1946, p. 1238; translation by the Secretariat of the United Nations.

³ *Lovtidende A*, No. 34, p. 1383. Translation by the Secretariat of the United Nations.

the nearest point on the coast of Hisingen, and to the south by straight lines drawn from Hasenøre to Griben and from Gilbjerg Hoved to Kullen lighthouse;

The Sound, between a line from Gilbjerg Hoved to Kullen lighthouse on the north and a line drawn from Stevn lighthouse to Falsterbo lighthouse to the south; and

The Baltic, in respect of the waters along the coast from Falsterbo lighthouse to Simrishamn lighthouse and the waters around Bornholm and the Kristiansø group of islands.

2. (1) In the Kattegat, the fishermen of each country shall be entitled to fish up to a distance of three nautical miles from the coast of the other country or from the most outlying islets and rocks which are not constantly submerged.

As regards bays, the fishermen of both countries shall be entitled to fish up to a distance of three nautical miles from a straight line drawn across the bay in the part nearest the opening where the width is not greater than ten nautical miles. Off Laholm Bay, however, this distance shall be calculated from a straight line drawn from the Tylö lighthouse to Hallands Väderö lighthouse.

(2) In the Sound, fishing may be carried on everywhere by the fishermen of either country, with the restriction that off the coast within a depth of 7 metres, fishermen of the other country may not fish except for herring with nets and in the months of July, August, September and October with lines. Only "Haering" may be used as drift nets for herring fishing.

Beyond the above-mentioned 7-metre limit, fishing of any kind with trawls and seine nets shall be forbidden south of a line drawn from Ellskilde Hage to Lerberget; but bait seine nets (*Agnvaad*) which when stretched their full extent do not measure more than 7.5 metres between the ends of the arms may be used on the Middelgrund. North of the Ellekilde Hage-Lerberget line fishing may be carried on in accordance with the provisions in force in each country by means of trawl nets and turning seine nets (*Snurrevaad*) up to a distance of three nautical miles from the coast, while Danish fishermen retain the right to fish with turning seine nets on the Danish coast within that limit.

(3) Off the coasts of Bornholm and the Kristiansø group of islands, and off the Swedish coast from Falsterbo lighthouse to Simrishamn lighthouse, fishermen of either country may engage in herring fishing with drift nets from 1 May to 31 August inclusive.

. . .

Provisions Concerning the Conduct of Fishing

3. The fishermen of either country shall be permitted, without prejudice to special rights and provided they observe the existing Customs regulations and other similar provisions, to navigate freely and anchor at any point in the waters referred to in the present Decree; . . .

. . .

- (g) ROYAL ORDER No. 231 OF 29 JUNE 1933 ON THE PRESERVATION OF PLAICE IN THE SKAGERAK, KATTEGAT AND SOUND ¹

General Provisions

The provisions of the present Order shall apply to the following:

Skagerak, bounded on the west by a straight line from Hanstholm light to Lindesnaes light and on the south by a straight line from the most northerly point of the Skaw to Vinga light and thence to the nearest point on the coast of Hisingen;

Kattegat, bounded on the north by the Skagerak and on the south by the straight lines from Hasenøre to Griben and from Gilbjerg Hoved to Kullen light; and

Sound, bounded on the north by a straight line from Gilbjerg Hoved to Kullen light, and on the south by a straight line from Stevn light to Falsterbo light.

- (h) ACT No. 109 OF 15 MARCH 1939 ON WHALING ²

Article 1. The right to engage in whaling in Danish territorial waters or to bring the product of whaling, even though the catch was taken outside Danish territorial waters, to Denmark and the right to process the product of whaling shall be reserved exclusively to persons who are Danish nationals and have not become nationals of a foreign State or who have been resident in Denmark for not less than five years and to joint-stock companies having their seat in Denmark not less than one half of the share capital of which is owned by the board of directors which is composed of such persons.

Article 2. Whaling, transport and processing as referred to in Article 1 shall not be engaged in except under a licence issued by the Minister of Agriculture and Fisheries, and only such vessels of Danish registry as have been approved for whaling by the Minister aforesaid may be used for any such purpose.

Article 3. Every individual and joint-stock company engaged in an activity referred to in Article 1 shall submit to the Ministry of Agriculture and Fisheries before 1 May of each year written evidence duly certified by the said individual or the directors of the said company that the requirements set forth in Articles 1 and 2 have been complied with.

. . .

- (i) ACT No. 277 OF 27 MAY 1950 RESPECTING THE CONDUCT OF BUSINESS IN GREENLAND ³

CHAPTER I

Trapping, Fishing and Hunting

Article 1. The territorial sea of Greenland shall comprise:

The waters within a line drawn seaward of islands, islets, rocks and reefs (rock formations) at a distance of three nautical miles (*semit*) from the

¹ *Lovtidende A* of 5 July 1933, p. 875. Translation by the Secretariat of the United Nations.

² *Danmarks Love* 1669-1946, p. 1864. Translation by the Secretariat of the United Nations.

³ *Lovtidende A*, 1950, pp. 587. *et seq.* Translation by the Secretariat of the United Nations.

outermost line along which the land is dry at low tide; provided that in bays and inlets the distance of three nautical miles shall be measured from a straight line drawn across the bay or inlet at the place nearest to the entrance where the width does not exceed ten nautical miles.

The term "inner waters of Greenland" means:

Harbours, harbour entrances, roadsteads, bays, inlets, rivers and lakes, together with the waters between and within islands, islets, rocks and reefs (rock formations) which are not permanently covered by the sea.

Article 2. (1) Except as provided in article 21, the right to carry on commercial trapping, fishing and hunting in the land domain and territorial sea of Greenland shall be reserved to Danish nationals domiciled in Greenland and to such other Danish nationals as may be specially authorized by the Minister of State.

(2) The Minister of State may prescribe the conditions on which such authorization may be granted, and the conditions may include regulations governing the sale of the catch and the manning of the relevant vessels.

Article 3. Any vessel equipped for trapping, fishing or hunting which enters the territorial sea without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

Article 4. (1) If there is reason to believe that a vessel is committing or has committed an offence against the foregoing provisions, it may, within the limit of the territorial sea — or even outside that limit in the case of uninterrupted pursuit — be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities.

(2) A vessel detained by reason of an offence against this Act shall remain in custody, with all its gear, until the case is disposed of, unless the necessary security as prescribed by the court is furnished. If necessary to meet fines and costs, the vessel may be sold or confiscated.

Article 5. (1) An offence against the provisions of article 2 or 3 shall be punished by a fine, and, in addition, the yield of the unlawful trapping, fishing or hunting shall, and all trapping, fishing and hunting gear may, be confiscated.

(2) If an offence is repeated or there are other aggravating circumstances, not only all the trapping, fishing and hunting gear but also the entire catch, whether on board or elsewhere, may be confiscated, and where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

. . .

CHAPTER II

Exports from Greenland

Article 9. For the purposes of this Act the term "export activity" means any activity by which raw materials originating in or imported into the land domain or territorial sea of Greenland are utilized or processed in the land domain or territorial sea of Greenland with a view to their sale outside Greenland.

. . .

(j) ACT No. 500 OF 19 DECEMBER 1951 RESPECTING MARINE FISHING ¹

CHAPTER I.

General Provisions

Applicable, save as limited or amplified by regulations relating to specific areas, to all marine fishing in the Danish territorial sea.

Article 1. (1) Subject to the limitations laid down in this Act, and except as otherwise prohibited by law, every person who is a Danish national or has been domiciled in Denmark for two years may carry on fishing anywhere in the Danish territorial sea except where special fishing rights have been granted.

. . .

(4) Save as provided by international agreement, it shall otherwise be unlawful to engage in fishing or to trans-ship a catch of fish in Danish territorial waters even in association with Danish nationals.

(5) The Minister of Fisheries may dispense with the foregoing provisions if in his opinion such action would promote the development of fishing.

(6) Regulations may be made by Royal Order to prescribe the manner in which foreign fishing vessels sailing or anchoring in the Danish territorial sea shall conduct themselves.

. . .

Article 12

(6) Except as specifically prohibited by law or regulation (cf., however, article 13, paragraphs (7) and (8)), Danish seine fishing — that is to say, fishing with nets without any arrangement for stretching (by means of otter boards, beams and the like) which when in use are hauled in to one vessel or to land and are unweighted on the lines and not weighted with more than twenty kilogrammes on the net — may be carried on anywhere in the territorial sea. The provision relating to weighting shall not apply to nets intended exclusively for eel-fishing.

. . .

Article 16. (1) Unless specifically authorized, fishing shall not be carried on at a distance, at normal daily high tide, of less than 300 metres from the point where a natural or artificial outlet or mouth of a river, stream or lake meets the sea or an inlet if the river, stream or lake is not less than two metres wide at the said outlet or mouth. An unobstructed passage to the conservation zone shall be available at all times through an area measuring not less than 200 metres in width and not less than 100 metres in length running in a direct line from the outlet or mouth of the watercourse or lake. The foregoing provisions shall apply both to the outlet or mouth of a watercourse that discharges into a lake and to the outlet or mouth of a lake that discharges into an inlet or the sea. In the months of August, September, October and November the present provisions shall not, however, apply to traps designed to catch silver eels and placed so that their mouths and intercepting arms are directed against the current. In the case of lakes, the

¹ *Lovtidende A*, 1951, pp. 1271 *et seq.* Translation by the Secretariat of the United Nations.

Minister of Fisheries may, after consultation with the principal fishery organizations and the Danish biological station, designate likewise within the relevant mouth or outlet such conservation zone as he deems appropriate.

(2) During a period beginning two months before and continuing to the end of the close season for coloured salmon and sea trout, the provisions of paragraph (1) shall also apply to the outlet of a watercourse discharging into the sea, an inlet or a lake and to the outlet or mouth of a lake even if the width at the said outlet or mouth is less than two metres.

. . .

(4) In case of doubt the Minister of Fisheries shall decide what point shall be considered to be the outlet or mouth of a watercourse or lake at normal daily high tide. The Minister of Fisheries, after consultation with the principal fishery organizations and the Danish biological station, may, if in his opinion the circumstances make it desirable to do so, designate a conservation zone larger or smaller than aforesaid, prescribe in respect of the protected area of passage a direction and length other than the aforesaid, and otherwise specify the limits of the said area.

. . .

(6) The Minister of Fisheries may, after consultation with the principal fishery organizations and the Danish biological station, designate in and about the mouth of an inlet, a conservation zone within which fishing gear may not be used. A conservation zone may be designated both inside and outside the mouth. In the case of Ringkøbing and Nisum inlets, there shall, when the mouth is unobstructed, be such a conservation zone for a distance of 750 metres outside the mouth. Nevertheless, during the period from 1 August to 30 September, shoals of mackerel appearing off the said inlets may be caught in the protected area on condition that, when such fishing is begun, notice thereof is given forthwith to the fishery control authorities and all fish other than mackerel which are caught with the gear employed are not landed but are returned to the sea without delay and so far as possible in a condition that will ensure survival.

. . .

Article 21. The Government may conclude with other States agreements valid both outside and inside the Danish territorial sea for the purpose of prescribing minimum sizes and close seasons for fish, crustaceans and the like and regulating the arrangement and use of specific types of gear in respect of the area to which an agreement relates. Regulations giving effect to such agreements shall be made by Royal Order.

. . .

CHAPTER II

Provisions Concerning By-laws

Article 27. (1) By-laws to regulate fishing anywhere in the territorial sea (cf. article 28) with the exception of Limfjorden inlet may be made if the majority of local fishermen entitled to vote (cf. paragraph (2)) so desire and the Minister of Fisheries considers that natural conditions and the extent and character of the relevant waters make such regulation appropriate. The Minister of Fisheries shall specify the limits of each area made subject to such by-laws.

. . .

- (k) NOTICE No. 292 OF 11 NOVEMBER 1953 RESPECTING COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND AND EXPORTS FROM GREENLAND ¹

Trapping, Fishing and Hunting

Article 1. For the purposes of this Notice, the term "Greenland waters" means:

(1) Inner waters of Greenland which, in addition to harbours, harbour entrances, road-steads, inlets, rivers, lakes and bays, comprise the waters between and within islands, islets, rocks and reefs (rock formations) which are not permanently covered by the sea, and

(2) The territorial sea, i.e. the waters within a line drawn seaward of islands, islets, rocks and reefs (rock formations) at a distance of three nautical miles (*sømil*) from the outermost line along which the land is dry at low tide; provided that in bays and inlets the distance of three nautical miles shall be measured from a straight line drawn across the bay or inlet at the place nearest to the entrance where the width does not exceed ten nautical miles.

Article 2. Trawling — which shall not include the use of seines or trawls for catching shrimps, herring and *mallotus villosus* — shall be prohibited in Greenland waters.

The term "trawling" means fishing with some kind of seine attached to a boat or vessel driven by any kind of power whatever.

Article 3. Except as provided in article 16, the right to carry on trapping, fishing and hunting in the land domain and territorial sea of Greenland and to process the catch in Greenland waters or in the land domain of Greenland shall be reserved to Danish nationals domiciled in Greenland and to such other Danish nationals as may be specially authorized by the Minister of State.

Only ships sailing under the Danish flag may be used in carrying on trapping, fishing and hunting.

Article 4. Except as provided in article 16, the right to trans-ship a catch of fish in Greenland waters or to store such fish on land shall be reserved to Danish nationals domiciled in Greenland and to other persons specially authorized by the Minister of State.

Such authorization may not be granted to foreign vessels engaged in trawling.

Persons to whom an authorization is granted as provided in the first paragraph shall be required to contribute to the Greenland economic equalization fund (cf. article 14, third paragraph) in respect of fish not disposed of through the Greenland marketing organization (cf. article 7, first paragraph). The amount of the contributions shall be determined by the Minister of State. The said Minister may, if necessary, require security for the payment of the contribution.

Article 5. Any vessel equipped for trapping, fishing or hunting which enters the territorial sea without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

¹ *Løstidende A*, 1953, pp. 1313 *et seq.* Translation by the Secretariat of the United Nations.

Article 8. If there is reason to believe that a vessel has committed an offence against the provisions of articles 2-5 or has disregarded a condition prescribed by article 7, it may, even outside the territorial sea in the case of uninterrupted pursuit, be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities. If the vessel is detained, it shall, if requested to do so, accompany the patrol ship or local authorities to the nearest port.

Article 9. An offence against the provisions of articles 2-5 or the non-observance of a condition prescribed by article 7 shall be punished by a fine, and, in addition, the yield of the unlawful activities shall be confiscated. According to the circumstances, all trapping, fishing and hunting gear may also be confiscated. If an offence is repeated or there are other aggravating circumstances, the entire catch, whether on board or elsewhere, may likewise be confiscated. Where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

Dominican Republic

FISHERIES ACT No. 1518 OF 18 JUNE 1938,¹ AS AMENDED²

Article 1. This Act shall apply to fishing, which term means any act done in territorial waters with intent to obtain examples of biological species or elements whose natural habitat is water.

Article 6. A fishing permit, to be issued by the Ministry of Agriculture, Industry and Labour on application and valid for one year, must be obtained before any act of fishing is done otherwise than for home consumption.

Article 9. The fishing permits referred to in this Act shall not be subject to any tax or revenue duty, nor shall any municipal tax or fee be charged in respect thereof.

Article 14. The Executive Power shall establish —

- (a) Open and closed seasons for fishing;
- (b) Fishing methods, gear and equipment, indicating those prohibited as unduly destructive to fish;
- (c) Areas reserved for special breeding or for operations calling for official protection; and
- (d) Sanctuaries and public fishing areas.

¹ *Gaceta Oficial*, Año LIX, No. 5187, 29 de Junio de 1938, pp. 3 *et seq.* Translation by the Secretariat of the United Nations.

² By Act No. 1262 of 13 October 1946. The text of this Act was provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.

Ecuador

(a) DECREE No. 607 OF 29 AUGUST 1934 ¹

WHEREAS:

I. The Civil Code contains the following legal provisions:

Article 596. Hunting and fishing are occupations whereby possession is obtained of wild animals.

Article 597. Wild or savage animals are those which normally live free and independent of man, such as wild beasts and fish.

Article 600. Fishing in the sea is free, but only Ecuadorian nationals and aliens domiciled in Ecuador may fish in Ecuadorian territorial waters.

Fishing is also free in rivers and lakes open to the public.

The following Regulations governing Sea Fishing are hereby enacted:

PART ONE

Chapter I. Rules governing fishing

Article 1. The present Regulations establish:

Limits and rules for sea fishing

1. The limits for the observance of the rules relating to sea fishing, and those relating to river or lake fishing in cases where fresh water is in communication with salt water.

2. The rules for the preservation of species of fish and marine fauna in general, in so far as concerns the places, seasons, methods, and equipment for fishing, the trade in fish and the control of the waters.

3. The distance from the shore over which the fishing regulations, particularly those regarding the preservation of species, shall be applied.

4. The distances and rules applicable to fishing in general, or special types of fishing in estuaries, tunny fishing grounds, hatcheries for fish or other aquatic animals.

5. The provisions and police regulations necessary to guarantee the maintenance of order and the security of persons and property in the exercise of fishing.

Provision concerning fishing in private waters

Article 2. The Regulations also establish provisions governing fishing in waters immediately communicating with privately owned waters or those forming part of the public domain or the territorial sea.

Chapter II. Fishing

Places where fishing is permitted

Article 5. Fishing is permitted in the following places: the high seas, the territorial sea, rivers, lakes, seashores and river banks.

¹ *Registro Oficial*, Republica del Ecuador, I, No. 257, 31 de Agosto de 1934. Text of Decree provided by Permanent Mission of Ecuador to the United Nations. Translation by the Secretariat of the United Nations.

Chapter III. Fishermen

Concessions of the seashore or parts of the sea which may be granted by the President of the Republic

Article 9. The President of the Republic may grant concessions, by contract, for sections of the seashore or parts of the sea, for periods up to 20 years, for the sole purpose of the setting up of fishing operations and related industries, or the breeding of fish or shell-fish, in the conditions and subject to the requirements laid down in the relevant Regulations. Such contracts shall be issued through the Ministry of War, Marine and Air, subject to a report from the Directorate-General of Fishing and Hunting, forwarded through the Ministry of Public Works.

Concessionaires of sections of the seashore or of the sea shall retain such areas always open to passage and shall comply with the Maritime Police Regulations.

Concessions to foreigners or foreign undertakings

Article 10. If a foreigner or a foreign company or undertaking applies for a concession for hunting and fishing, in addition to the requirement that they must be domiciled in Ecuador, subject to article 600 of the Civil Code, and must comply with the provisions of the Foreign Company Act, in accordance with Article 151, No. 14, sub-paragraph 9 of the Constitution which provides that such concessions may only be operated subject to the restrictions prescribed by law and those stipulated in each case in the respective contracts, such concessions shall only be granted on the basis of contracts entered into with the Government *ad referendum* and subject, in any case, to the approval of Congress; in addition such contracts and concessions shall be of no effect and may not be applied in any particular, until the appropriate public document has been issued after the said legislative approval.

In addition, hunting and fishing in the Galápagos (Colón) Archipelago shall be subject to the special laws, decrees, agreements and decisions issued or to be issued by Congress.

Concessions which may be granted by the Minister of Marine

Article 32. The Minister of Marine may grant concessions, for periods not exceeding ten years, in respect of sections of shore under Customs control or of the territorial sea, to persons wishing to undertake the breeding of fish or other aquatic animals or the cultivation of molluscs, coral or sponges. Such concessions shall be subject to the conditions necessitated by the general interest or to ensure the effective security and continued operation of the undertakings.

PART TWO

Chapter I. Regulations

Freedom for the pursuit of fishing

Article 33. Fishing in Ecuadorian territorial waters is free to all Ecuadorian citizens and to foreigners domiciled in Ecuador, subject only to the

restrictions imposed by the present Regulations, in accordance with article 600 of the Civil Code.

Fishing by foreign vessels

Article 34. As regards foreign vessels, account shall be taken of the provisions of special treaties and conventions, but they must in any case conform to the national laws.

Article 35. National vessels engaged in fishing, and their crews, are subject to the regulations in force.

Rights and restrictions applicable to persons fishing from the shore

Article 36. Persons using gear which may be employed from the shores and beaches and for which vessels are not required shall enjoy the same freedom to fish and shall be subject to similar conditions.

. . .

Prohibition of the use of drag-nets

Article 41. In general drag-nets are prohibited in the following cases:

(a) When towed by vessels at distances of less than 15 miles from the coastline, measured from low water mark.

(b) If cast beyond the ancient marking posts known in each locality, for one end must always touch land.

Permit required for fishing with gear towed by vessels

Article 42. For fishing with gear towed by vessels in the waters of the Republic, a written permit is always required, indicating the names of the vessels, the fact that permission has been granted, the restrictions imposed and the duration of the permit.

. . .

Suspension of the free right to fish

Article 48. Port Captains may limit or suspend the free right to fish in certain localities as a precaution against the danger of attack upon fishermen or the danger of fishing being engaged in as a pretext for other unlawful pursuits.

. . .

PART THREE. HUNTING OR FISHING IN THE GALÁPAGOS (COLÓN) ARCHIPELAGO

Reserves or national parks

Article 74. The islands of the Galápagos (Colón) Archipelago enumerated in this article may be declared "RESERVES" or "NATIONAL PARKS", for an unlimited period, for all types of birds, reptiles, freshwater tortoises (*galápagos*), marine tortoises (*lagartos*) or other species of animal life. These reserves or national parks may be declared inviolable sanctuaries for all types of animal life, whether resident or migratory.

The islands or island areas referred to are the following: Espanolo (Hood) Island, San Salvador (James) Island, Pinzón, (Duncan), Santa Fé (Barrington), Rábida (Jervis), Seymour, Daphne, Towe, Marchena (Bindroe), Pinta (Abingdon), Wennman and Culpepper Islands and part of the Isabela (Albemarle) Island, from Point Albemarle to two miles beyond Tagus Cove (Ancón de Tagus), including a zone extending one mile inland from low water mark.

Restrictions relating to fishing in the Archipelago

Article 75. Fishing in the Archipelago is free to all inhabitants of the Archipelago, subject always to the general prohibitions established in these Regulations concerning fishing in closed seasons, or with explosives or poisonous substances (barbasco etc.) or with any gear harmful to breeding. The closed season for the Galápagos (Colón) Archipelago is from the end of December to the end of March.

. . .

Fishing in territorial waters by foreign vessels

Article 77. Fishing by foreign vessels within the territorial waters and the adjacent free waters within the boundary of the Archipelago is prohibited in accordance with these Regulations.

Territorial waters

Article 78. For fishing purposes, territorial waters are considered to be those within an area of 15 miles, measured from low water mark at the most salient points of the islands.

Cases in which the Authority may authorize fishing in the Archipelago

Article 79. The competent Authority may authorize fishing in the Galápagos (Colón) Archipelago in the following cases:

(a) By foreign vessels to which the Government has granted permission to visit the Archipelago, either for scientific or sporting purposes, or for those mentioned in the present Regulations

(b) After the fish have been caught, provided that the vessel presents evidence of having exhausted its food supply and provided that the authorities duly confirm the fact by an inspection of the vessel's stores

. . .

Fishing licence for foreign vessels

Article 85. In order to engage in sea fishing, including game fishing, in the Galápagos (Colón) Archipelago, vessels of foreign flag require a special permit, issued by the Port Captaincy of Guayaquil.

. . .

Legislation to which vessels of foreign flag fishing in Ecuadorian territorial waters shall be subject

Article 89. Every vessel of foreign flag wishing to fish in Ecuadorian territorial waters and adjacent waters is subject to all Ecuadorian legislation and, in addition, to the obligation to observe, in particular the port, customs and health laws.

Chapter III. Fishermen

Right to fish in territorial waters

Article 126. The right to fish in Ecuadorian territorial waters is reserved to Ecuadorian nationals, except in the case of concessions granted to foreign undertakings by special contract as a reciprocal measure for those granted to Ecuadorians, or in the case of foreign fishermen contracted to instruct Ecuadorian nationals in modern fishing methods unknown in Ecuador.

. . .

Fishing in free seas

Article 129. In general, fishing is free throughout the year, whether for fish, molluscs or crustaceans, with any kind of gear, provided it is carried on outside territorial waters, at a distance of over six miles from the coast, measured from low-water mark, subject to the provision against the fishing in the closed season indicated in the present Regulations.

Fishing in territorial waters

Article 130. Fishing in territorial waters, on the other hand, is subject to the provisions contained in the present Regulations.

Prohibition against the use of poisons which stun fish

Article 151. The use of vegetable substances for the purpose of stunning and capturing fish is strictly prohibited.

PART V

Article 162. The use of drag-nets is permitted only by vessels fishing outside territorial and policed waters, namely, those within a distance of 15 miles from low water mark.

Mollusc breeding grounds

Article 163. For the purpose of installing and operating mollusc breeding grounds, the President of the Republic may lease, for periods not exceeding ten years, the seashores or parts of the sea up to an area of four hectares per person.

Leases not to exclude freedom of passage

Article 164. The lease of such areas shall on no account prevent freedom of passage through the leased areas of sea or shore.

Chapter V

Mother-of-pearl fishing

Article 235. Those engaging in mother-of-pearl fishing in Ecuadorian waters must be Ecuadorian citizens or undertakings.

- (b) FISHING REGULATIONS ENACTED BY PRESIDENTIAL DECREE No. 80 OF 2 FEBRUARY 1938, AS AMENDED BY DECREES No. 208 OF 7 MARCH 1938 AND 471 OF 13 JUNE 1938¹

Article 1. The access or entry of any fishing vessel of foreign nationality to the territorial sea of the Galápagos (Colón) Archipelago or other territorial waters under Ecuadorian jurisdiction and sovereignty shall not be permissible except by virtue of a fishing permit to be granted by the Government of the Republic of Ecuador in accordance with the procedure laid down in these Regulations.

¹ *Ibid.*, I, No. 90. 11 February 1938, p. 2754. Translation by the Secretariat of the United Nations.

Article 3. The authority competent to issue the prescribed licences or permits for fishing in the territorial sea of Ecuador (other than licences or permits granted as part of contracts entered into with the Ecuadorian Government) shall be that of the three consulates named hereunder in whose jurisdiction the applicant's vessel is registered:

The Consulate-General at the City of Panama

The Consulate-General at San Francisco, California

The Consulate-General at San Diego or Los Angeles, California,
the issue of the licence or permit being conditional on the payment of the fees prescribed in the relevant legislation and subject to the provisions of these Regulations.

Article 4. If a foreign fishing vessel proposes to engage in commercial fishing in Ecuadorian waters it shall first be required to register with the Ecuadorian consulate competent for its port of registry, a fee of fifty United States dollars (\$50) (gold) being payable annually in respect of such registration.

Article 12. A vessel must not engage in fishing in the Galápagos (Colón) Archipelago or Ecuadorian territorial waters before its licence has been produced for stamping to the Governor at Port Baquerizo Moreno, San Cristóbal Island, together with the following documents:

(a) Health certificate;

(b) List of crew;

(c) Certificate of annual registry.

The first two of these documents shall be legalized by the Ecuadorian consul competent for the port from which the vessel first set out.

Article 14. If the commandant of the Coast Guard discovers a foreign vessel which engages in fishing in the Galápagos (Colón) Archipelago or other Ecuadorian territorial waters without first having had its licence stamped by the Governor or by the competent port authority, he shall proceed as indicated in article 12 of these Regulations and shall levy a fine of one hundred dollars (\$100) upon the captain of the vessel for infringement of the said article 12.

Article 19. If the Ecuadorian Coast Guard discovers a vessel of foreign nationality which engages in clandestine fishing in Ecuadorian territorial waters and is not in possession of the certificate of annual registration or of the prescribed fishing licence, that vessel shall be fined by the Minister of National Defence an amount equivalent to four times the fees prescribed in articles 6 and 7 of these Regulations. For this purpose, the vessel shall be seized and subsequently released according to the procedure indicated in the preceding article.

Article 22. The registration of a fishing vessel at an Ecuadorian consulate for the purpose of fishing in Ecuadorian waters shall carry with it the obligation to declare to the consulate which granted the licence the tonnage of the catch taken during each voyage, such declaration to be made on the form issued by the Department of Hunting and Fisheries of the State having jurisdiction in the vessel's port of registry.

Article 23. Failure to produce the aforesaid declaration for verification by the Ecuadorian consul shall disqualify the person concerned for the receipt of another consular fishing licence.

Article 24. It is unlawful for the Governor of the Galápagos (Colón) Archipelago in all circumstances to issue fishing permits or to receive payment in respect of such permits. Any official who violates this provision shall be dismissed and required to pay a sum equal to twice the fee for the prescribed consular licence.

If a fishing vessel, while on the high seas, fails to find fish in other territorial waters and proposes to fish in the waters of the Galápagos (Colón) Archipelago, it may apply by radio to the competent consulate for a fishing permit; the Ecuadorian consulate shall be authorized to grant such permit upon payment of the prescribed fee. Fishing operations must not commence before the said permit has been obtained.

Article 26. For the purpose of fishing in Ecuadorian waters other than those of the Galápagos (Colón) Archipelago, vessels must report to the port authority of the nearest Ecuadorian port and satisfy formalities analogous to those laid down in these Regulations with respect to the Governor of the Archipelago.

The port authority of the Ecuadorian port at which the foreign vessel arrives has the same obligations and duties as those prescribed by these Regulations for the Governor of the Galápagos (Colón) Archipelago.

TITLE II

Fishing in Ecuadorian waters by Ecuadorian vessels

Article 27. Ecuadorian nationals and aliens who are domiciled in Ecuador shall be free to fish in the territorial sea of Ecuador, subject to the restrictions laid down in the Regulations concerning fisheries and maritime hunting contained in Decree No. 607 of 29 August 1934 and to the provisions concerning Ecuadorian vessels contained in the present Decree.

Article 28. Vessels flying the Ecuadorian flag and of not more than five (5) register tons may fish freely in the territorial sea of the Republic, subject only to such conditions as are laid down in the preceding article or are contained in the Maritime Police Regulations and in Decree No. 518 of 12 July 1937 concerning the tax of one sucre per quintal of grouper (*bacalao*) or salt transported from Galápagos (Colón) Archipelago to the Ecuadorian mainland.

Article 29. Ecuadorian vessels of more than five (5) register tons may fish in the territorial sea of the Republic, but must carry, in addition to all the required shipping papers, a fishing licence issued by the port authority or by the Governor, as the case may be.

TITLE III

General Provisions

Article 38. The captain or master of a vessel which is anchored or navigating in the territorial sea of Ecuador for the purpose of fishing must obey any radio, flag or light signal, recognized by the International Signal

Code in force, that is made by the commanding officer of any Ecuadorian vessel, and if the latter sends on board an officer from his ship, the said captain or master must produce such documents as the officer may request.

This provision shall not apply to warships of friendly countries if advance notice of their visit to Ecuadorian waters was given.

Article 39. It shall be unlawful for privately-owned vessels to use any private code whatsoever for the purpose of communications within the territorial sea of the Republic.

Article 40. The use of nets for tuna fishing is strictly prohibited. A fishing vessel equipped with nets shall not qualify for registration with an Ecuadorian consulate or for the issue of a licence to proceed to Galápagos for the purpose of fishing.

Article 41. All decrees and provisions inconsistent with these Regulations are hereby repealed.

(c) DECREE No. 138 (TUNNY FISHING REGULATIONS) OF 21 FEBRUARY 1940, AS AMENDED BY DECREE No. 272 OF 3 MAY 1940 AND DECREE No. 329 OF 12 JUNE 1940¹

PART I

Fishing in Ecuadorian waters by foreign vessels

Article 1. No foreign vessel engaged in any type of fishing shall have access or entry to the territorial sea of the Galápagos (Colón) Archipelago or other territorial seas under Ecuadorian jurisdiction, unless carrying an official fishing licence granted by the Government of Ecuador in accordance with the procedure laid down in the present Regulations.

Article 2. For fishing purposes in general, the territorial sea of the Republic shall be deemed to include the sea within fifteen miles, measured from low water mark at the most salient points of the outermost islands which form the contour of the Galápagos (Colón) Archipelago and the sea within fifteen miles measured from low water mark at the most salient points of our coast and the adjacent islands.

Article 3. Fishing registration certificates and licences are obtainable solely from the Permanent Consulate of Ecuador within the jurisdiction of which the applicant vessels were registered or licensed.

. . .

Article 4. Any foreign vessel wishing to engage in commercial fishing in Ecuadorian waters must previously register at the appropriate Ecuadorian Permanent Consulate in accordance with the provisions of this Article, paying, in respect of registration, the duties indicated in the present Regulations.

. . .

Article 11. Should a fishing vessel on the high seas wish to fish in Ecuadorian territorial waters, either off the Galápagos (Colón) Archipelago or the mainland, it may apply by radio for a licence to the appropriate Consu-

¹ *Ibid.*, I, No. 422, 27 de Abril de 1940. Translation by the Secretariat of the United Nations.

late, which is empowered to grant the licence, upon payment of all the fees and subject to all the provisions in force, provided that the application is made before fishing is begun.

. . . .

Article 12. In order to be entitled to fish, every vessel must present to the Chief Territorial Authority of the Galápagos (Colón) Archipelago, for each voyage, in addition to the appropriate registration certificate and official fishing licence, its health certificate and the list of its crew, duly attested by the Consul issuing the licence. When a licence is issued by radio, the documents need not be attested.

The licence shall be valid from the time of issue but it must be stamped by the Galápagos (Colón) Chief Territorial Authority before the ship leaves Ecuadorian territorial waters.

Article 13. Each of the following acts or omissions shall be considered an offence against the laws governing contraband and shall be subject to the penalties indicated by these laws for each case:

(a) Entry into Ecuadorian territorial waters without possessing or carrying the official registration certificate and licence, issued in writing or by radio by the competent Ecuadorian consular official, or engaging in fishing without possessing those documents;

(b) Engaging in fishing with an expired licence or an illegal licence issued by an official not authorized by the present Regulations to do so; or with a licence involving an omission or deliberate infringement of any of the provisions of the present Regulations.

. . . .

Article 17. A vessel arriving in Ecuadorian territorial waters shall report its presence by radio to the Chief Territorial Authority, indicating whether it intends to obtain the required visa immediately or to engage in fishing first, and at the same time shall request instructions concerning the daily radio call sign from the Chief Territorial Authority.

Upon completion of their fishing in Ecuadorian territorial waters, fishing vessels must notify the Chief Territorial Authority of the Archipelago, by radio, of their departure from Ecuadorian waters.

. . . .

Article 26. For fishing in the territorial waters of the Ecuadorian mainland, fishing vessels must communicate with the captain of the nearest Ecuadorian port in order to comply with all the requirements laid down in the present Regulations concerning relations with the Chief Territorial Authority of the Galápagos (Colón) Archipelago.

PART II

Fishing in Ecuadorian waters by Ecuadorian national vessels

. . . .

Article 27. Fishing in the territorial waters of Ecuador is free to all Ecuadorians and to foreigners domiciled in Ecuador, subject to all the restrictions established by the Regulations concerning Maritime Fishing and Game-Fishing contained in Decree No. 607 of 29 August 1934 and the

provisions governing Ecuadorian vessels contained in the present Regulations.

Article 28. Any vessel of not more than five registered tons, flying the Ecuadorian flag, may fish freely in the territorial waters of the Republic, subject only to such conditions as are laid down in the preceding Article and as are contained in the Maritime Police Regulations and in Decree No. 518 of 12 July 1937 concerning the tax of one *sucre* per quintal of codfish (*bacalao*) or salt transported from the Galápagos (Colón) Archipelago to the Ecuadorian mainland.

Article 29. Any Ecuadorian vessel of over five registered tons may fish in the territorial waters of the Republic, but must carry, in addition to the necessary navigation papers, the fishing licence issued by the Port Captain or the Chief Territorial Authority.

PART III

General

Article 38. The captain or commander of any vessel anchored or sailing in Ecuadorian territorial waters for fishing purposes must obey any signal, by radio, semaphore or any other system included in the International Signals Code in force, given by the commander of any Ecuadorian vessel, and if the latter sends on board an officer from his ship, the captain or skipper of the fishing vessel must produce for the latter's inspection any documents he may require.

Warships of friendly countries which have given prior notice of their visit to Ecuadorian waters are exempted from the foregoing provision.

Article 39. The use by privately owned vessels of private codes of any kind for communications within the territorial waters of the Republic is prohibited.

The use of nets for tunny fishing is strictly prohibited. No fishing vessel equipped with a net, generally called a purse-seiner, may be registered at Ecuadorian Consulates nor obtain therefrom a licence to proceed to Ecuadorian territorial waters for the purpose of fishing.

Article 42. All Acts and provisions contrary to these Regulations are hereby abrogated.

(d) DÉCRET PRÉSIDENTIEL DU 22 FÉVRIER 1951 SANCTIONNANT LA LOI SUR LA PÊCHE ET LA CHASSE MARITIME ¹

La pêche et sa classification. Activités connexes

Article 1er. L'État exerce sa souveraineté sur les eaux territoriales (des mers insulaires et continentales, des lacs, des lagunes et des réseaux fluviaux) et sur toutes les ressources qui s'y trouvent.

¹ Cour internationale de Justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège), 1951, vol. III, p. 679.

Article 2. Aux fins de la pêche et de la chasse maritime en général seront considérées comme mer territoriale de la République:

La zone actuellement comprise à l'intérieur de la limite de douze milles marins, mesurés, à la plus basse mer, des points les plus avancés des îles extrêmes du groupe de Galápagos;

La zone comprise à l'intérieur de la limite de douze milles marins, mesurés, à la plus basse mer, à partir des caps les plus avancés de la côte équatorienne et des îles adjacentes, sans préjudice d'éventuelles modifications qui viendraient à être apportées à ce qu'il faut entendre par mer territoriale de la République.

Article 3. La pêche comprend toutes les activités destinées à capturer, acquérir, conserver et utiliser des éléments biologiques vivant normalement dans l'eau, c'est-à-dire, d'une manière générale, l'exploitation de ces éléments ainsi que toutes autres activités connexes.

Article 4. Selon l'endroit où elle se pratique, la pêche est qualifiée de: maritime, fluviale ou lacustre . . .

. . .

Article 6. L'exercice de la pêche pourra s'effectuer à condition de ne gêner, en aucune façon, la navigation, le cours naturel des eaux ou l'utilisation des eaux ayant fait l'objet de concessions; il ne devra pas non plus léser les droits légitimement acquis par d'autres pêcheurs ou affecter les mesures publiques de sécurité, de santé ou de police.

Article 7. La pêche dans les eaux territoriales équatoriennes est libre pour les ressortissants équatoriens et pour les étrangers domiciliés dans la République de l'Équateur, sous réserve toutefois que son produit soit destiné à recevoir un traitement industriel dans le pays ou à servir à la consommation intérieure. Quand elle s'effectue avec des bateaux, ceux-ci doivent être de nationalité équatorienne et doivent se conformer aux lois et règlements en vigueur pour tous actes relatifs à la pêche.

(e) DECREE No. 0160 OF 29 JANUARY 1952 CONCERNING FISHING ¹

. . .

Article 2. For the purpose of engaging in fishing operations in insular territorial waters of the Galápagos (Colón) Archipelago it shall be essential for vessels of foreign nationality to obtain the necessary licences in writing; only in the case specified in article 24 (1) of the existing Fishing Regulations (Maritime Fishing and Hunting Decree) may permission be obtained by wireless.

(f) DECREE No. 1376 OF 15 JULY 1952 CONCERNING FISHING ¹

. . .

Article 1. Decree No. 0160 of 29 January 1952 is hereby supplemented by a provision to the effect that the prohibition, therein contained, of all fishing operations by vessels of foreign nationality in the territorial waters of the mainland described in the first paragraph of the preamble above

¹ Text of Decree provided by the Permanent Mission of Ecuador to the United Nations. Translation by the Secretariat of the United Nations.

shall not apply or extend to foreign-flag vessels which are owned by or under lease, charter or other similar contract to individuals, firms, companies, undertakings or other bodies corporate that are parties to valid maritime fishing or hunting contracts with, or have received concessions from, the Government of Ecuador in conformity with enactments in force at the time when such contracts or concessions were made or awarded.

It shall be a condition of the foregoing exception that the whole of the catch must be used to satisfy the needs of the home market or that the surplus remaining after the satisfaction of the home market must be exported wholly under the supervision and surveillance of the Ecuadorian authorities, and that all fiscal liabilities must be discharged.

An undertaking or individual as described above shall be strictly answerable for the operations of a vessel of foreign nationality that is in its or his service.

(g) DECREE No. 950-D OF 6 AUGUST 1953 CONCERNING FISHING ¹

Article 1. It shall be unlawful for any vessel of foreign nationality to fish for the species known as grouper (*Cabrilla* or *Bacalao*) in Ecuadorian insular waters, such fishing being reserved to individuals, or bodies corporate, of Ecuadorian nationality.

Article 2. Commercial dealings in, and the transport of, grouper taken in territorial waters of the mainland or insular territories of the Republic shall not be carried on except for the purpose of satisfying the needs of the home market; consequently, no person or undertaking, whether of Ecuadorian or foreign nationality, may engage in gainful transactions of any kind involving the yield from the said species, which shall in its entirety be used for the country's food supply.

Article 3. In conformity with the provisions of the foregoing article, the Minister of Economic Affairs, if satisfied that the stocks of grouper are adequate for the needs of domestic consumption and for a reasonable reserve necessary to supply a permanent market in the Republic, shall be empowered, if such action is reconcilable with the size of the catch, to authorize the export of a specific quantity of frozen or dried and salted grouper, subject to licence.

(h) DECREE No. 995-A ON 29 APRIL 1955 CONCERNING FISHING ¹

Article 2. The permission granted to vessels of foreign nationality in the foregoing article ² shall [not apply to] a zone extending 1,000 metres seaward along the coast of the mainland and its adjacent islands from the Colombian border to the town of Las Playas, at which point the restricted

¹ Text of Decree provided by the Permanent Mission of Ecuador to the United Nations. Translation by the Secretariat of the United Nations.

² Article 1 of this decree has been replaced by Decree No. 1085 of 14 May 1955 (see below).

zone follows a straight line to the Island of Santa Clara or El Muerto and thence another straight line to Boca Capones at the Peruvian border.

Article 3. It shall be unlawful for Ecuadorian vessels to engage in bait-fishing (*pesca de carnada*) in a zone extending 1,000 metres along the coast-line beyond each extremity, of a coastal town or village and 1,000 metres seaward from the shore. This prohibition shall not apply to the local fishermen.

(i) DECREE No. 1085 OF 14 MAY 1955 CONCERNING FISHING ¹

Article 1. The following text replaces the text of article 1 of the Decree referred to [Decree No. 995-A of 29 April 1955]:

“Vessels of foreign nationality possessing the permits and licences required by existing enactments and regulations may engage in commercial fishing for marine species, except grouper (*cabrilla* or *bacalao*), prawns (*langostinos*) and lobsters (*langostas*), in the territorial waters of the mainland and insular territories of Ecuador, in the zone comprised within the limit of 200 nautical miles measured from the low water mark and following the configuration of the mainland and its adjacent islands, and in the zone comprised within the limit of 200 nautical miles measured from the low water mark at the outermost points of the Galápagos (Colón) Archipelago.”

Article 2. The following text is inserted after article 3 of the Decree in question:

“The permits of vessels of foreign nationality to fish and hunt marine species in Ecuadorian territorial waters referred to in the said Decree do not apply to whaling, which shall be regulated by the provisions of article 1 of the Regulations of 18 August 1952 concerning Maritime Hunting Operations in the Waters of the South Pacific, and, subsequently, on the entry into force in Ecuador of the Agreement relating to the Issue of Permits for the Exploitation of the Maritime Resources of the South Pacific, approved at the Lima Conference in December 1954, by the terms of that Agreement.”

Note. See also: Maritime Police Code, promulgated by Decree No. 765 of 9 August 1944, Title III, Section II (*supra*, Chapter II, Section A, under Ecuador).

El Salvador

DECREE No. 1961 OF 25 OCTOBER 1955 (MARITIME HUNTING AND FISHING ACT) ²

Article 2. This Act regulates fishing and maritime hunting carried on for commercial purposes.

¹ Text of Decree provided by the Permanent Mission of Ecuador to the United Nations. Translation by the Secretariat of the United Nations.

² Text of Decree provided by the Ministry of Foreign Affairs of El Salvador. Translation by the Secretariat of the United Nations.

Fishing and maritime hunting is classified into coastal fishing, sea fishing, and deep-sea fishing.

Coastal fishing is fishing carried on by vessels at a distance of not more than twelve miles from the coast.

Sea fishing is fishing carried on by vessels at a distance of not less than twelve and not more than 200 miles from the coast.

Deep-sea fishing is fishing carried on by vessels at a distance of more than 200 miles from the coast.

Coastal fishing shall be restricted to nationals of El Salvador, bodies corporate constituted by such nationals, and bodies corporate of Salvadorian nationality at least 50 per cent of the capital of which is owned by nationals of El Salvador.

. . .

Article 4. Fishing and maritime hunting for commercial purposes may not be carried on except by virtue of the licence to be issued by the Department of Economic Affairs of the Executive after consultation with the Ministry of Defence.

The licence referred to in the foregoing paragraph shall only be granted to persons and bodies corporate domiciled in El Salvador.

. . .

Article 7. If a person or body corporate obtains a fishing or maritime hunting licence for commercial purposes that person or body shall enjoy *ipso facto*, and for the period of five years, the following privileges:

(a) The State shall grant to persons and bodies corporate that engage in coastal fishing the right to use the seas, bays and estuaries which are in the public domain, and the shores thereof, and the right to use, for the purposes of fishing, all port facilities and installations, without payment of any tax or municipal dues; they shall, however, remain subject to all relevant laws and regulations. Persons and bodies corporate that engage in other types of fishing shall only enjoy the privileges relating to port facilities and installations;

(b) The State shall grant to the said undertaking complete exemption from customs duties in respect of the importation of vessels, tackle and fishing gear, building material, machinery, equipment, fuel and lubricants for vessels. The importation of goods covered by the foregoing exemption shall be subject to the prior approval of the Ministry of Economic Affairs and shall be effected, in conformity with the enactments relating to customs exemptions, free of all duties, taxes, dues or charges whatsoever that arise from or are payable by reason of the fact of importation, and exempt from consular fees for the examination of the required shipping documents;

(c) Anything imported under paragraph (b) above may not be re-exported except with the permission of the Ministry of Economic Affairs.

. . .

Article 15. Persons and bodies corporate engaged in fishing shall refrain from obstructing shipping, interfering with the natural flow of waters or with the utilization of same, and from injuring any rights lawfully acquired by third parties.

Article 16. The vessels used in fishing and maritime hunting must be registered in El Salvador.

Article 17. Notwithstanding the provisions of this Act, licences to fish for anchoveta sardines may be granted to foreign vessels. The issue of such licences shall be governed by a special enactment.

Article 18. If any person or body corporate engages in fishing in Salvadorian territorial waters without the authorization or licences prescribed in this Act, or in the Special Regulations made under the Act, that person or body shall be liable to the following penalties:

For the first offence, a fine of C 5,000.—

For the second offence, a fine of C 10,000.—

For the third offence, a fine of C 15,000.— and the seizure of the vessel and its equipment.

The catch shall be seized in all cases.

The foregoing penalties shall be imposed by executive action by the port authority competent to deal with the case.

. . .

Note. See also: Marine Administration Regulations of 27 October 1933, article 43 (*supra*, Chapter II, Section A, under El Salvador (*b*)); Civil Code of 1860, articles 592-594 (*supra*, Chapter II, Section A under El Salvador (*c*)).

Ethiopia

MARITIME PROCLAMATION No. 137 OF 1953, SECTIONS 9 AND 98
(*supra*, CHAPTER II, SECTION A UNDER ETHIOPIA)

France

(a) DÉCRET-LOI DU 9 JANVIER 1852, SUR L'EXERCICE DE LA PÊCHE CÔTIÈRE ¹

Article 1^{er}. L'exercice de la pêche côtière, ou pêche du poisson et du coquillage, tant à la mer, le long des côtes, que dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, est soumis aux dispositions suivantes.

Article 2. Aucun établissement de pêcherie, de quelque nature qu'il soit; aucun parc, soit à huîtres, soit à moules; aucun dépôt de coquillages, ne peuvent être formés sur le rivage de la mer, le long des côtes, ni dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, sans une autorisation spéciale, délivrée par le ministre de la marine.

Un règlement d'administration publique déterminera les formes suivant lesquelles cette autorisation sera accordée et pourra être révoquée.

Article 3. Des décrets détermineront, pour chaque arrondissement ou sous-arrondissement maritimes:

1. L'étendue de côte devant laquelle chaque espèce de pêche est permise;
2. La distance de la côte, ainsi que des graus, embouchures de rivières, étangs ou canaux, à laquelle les pêcheurs devront se tenir;

. . .

4. Les mesures d'ordre et de police à observer dans l'exercice de la pêche en flotte;

¹ Dalloz, *Code pénal*, 1955, p. 569.

. . .
Article 8. Sera puni d'un emprisonnement de deux à dix jours et d'une amende de 1.200 à 24.000 francs:

1. Quiconque se livrera à la pêche pendant les temps, saisons et heures prohibés, ou aura pêché en dedans des limites fixées par les décrets ou arrêtés rendus pour déterminer la distance de la côte, de l'embouchure des étangs, rivières et canaux dans lesquels la pêche aura été interdite;

2. Quiconque aura enfreint les prescriptions relatives à l'ordre et à la police de la pêche en flotte;

3. Quiconque se sera refusé à laisser opérer dans les pêcheries, parcs, lieux de dépôt de coquillages, bateaux de pêche et équipages, les visites requises par les agents chargés, aux termes du paragraphe 1^{er} de l'article 14, de la recherche et de la constatation des contraventions.

. . .

(b) DÉCRET DU 4 JUILLET 1853 PORTANT RÈGLEMENT SUR LA PÊCHE MARITIME DANS LES ARRONDISSEMENTS DE CHERBOURG, BREST, LORIENT ET ROCHEFORT ¹, MODIFIÉ PAR LE DÉCRET DU 19 NOVEMBRE 1859 ²

PREMIER RÈGLEMENT (ARRONDISSEMENT MARITIME DE CHERBOURG)

Article 1^{er}. Le règlement dont la teneur suit sera exécuté dans l'étendue de la circonscription du premier arrondissement maritime.

TITRE I^{er}. — POLICE DE LA PÊCHE MARITIME CÔTIÈRE

Dispositions préliminaires

Article 1^{er}. La police supérieure de la pêche côtière, tant à la mer, le long des côtes, que dans la partie des fleuves, rivières et canaux où les eaux sont salées, est exercée, dans l'arrondissement de Cherbourg, par le préfet maritime.

. . .

TITRE II. — MESURES D'ORDRE ET DE PRÉCAUTION PROPRES À ASSURER LA CONSERVATION DE LA PÊCHE ET À EN RÉGLER L'EXERCICE

Article 193. Le préfet maritime ou les chefs du service de la marine peuvent autoriser la pêche dans l'intérieur des ports et des bassins du commerce, après s'être concertés avec l'autorité compétente, lorsque cette autorisation n'entraîne point d'inconvénients soit pour la conservation des ouvrages hydrauliques, civils ou militaires, soit pour le mouvement des bâtiments de mer.

. . .

DEUXIÈME RÈGLEMENT (ARRONDISSEMENT MARITIME DE BREST)

Article 1^{er}. Le règlement dont la teneur suit sera exécuté dans l'étendue de la circonscription du deuxième arrondissement maritime.

. . .

¹ Dalloz, *Recueil périodique et critique de jurisprudence, de législation et de doctrine*, année 1853, 4^e partie, p. 170.

² *Ibid.*, année 1859, 4^e partie, p. 131.

TITRE II. — LITTORAL DE L'ARRONDISSEMENT. LIMITES DE LA PÊCHE MARITIME
ET DE LA ZONE DANS L'ÉTENDUE DE LAQUELLE LE PRÉSENT DÉCRET EST
APPLICABLE SUR LES FLEUVES, RIVIÈRES ET CANAUX

Article 45. Le littoral de l'arrondissement de Brest, divisé en deux sous-arrondissements (Saint-Servan et Brest), se compose des quartiers de Granville, Saint-Malo, Dinan, Saint-Brieuc, Paimpol, Morlaix, Brest et Quimper. Il s'étend depuis l'embouchure de la rivière d'Ay (département de la Manche), jusqu'à l'embouchure de l'Odet (département du Finistère).

Article 46. La pêche est maritime, c'est-à-dire libre, sans fermage ni licence, tant sur les côtes du deuxième arrondissement que dans les fleuves, rivières et canaux désignés au tableau suivant, jusqu'aux limites de l'inscription maritime.

. . .

TROISIÈME RÈGLEMENT (ARRONDISSEMENT MARITIME DE
L'ORIENT)

Article 1^{er}. Le règlement dont la teneur suit sera exécuté dans l'étendue de la circonscription du troisième arrondissement maritime.

. . .

TITRE II. — LITTORAL DE L'ARRONDISSEMENT. LIMITES DE LA PÊCHE MARI-
TIME ET DE LA ZONE DANS L'ÉTENDUE DE LAQUELLE LE PRÉSENT DÉCRET
EST APPLICABLE SUR LES FLEUVES, RIVIÈRES ET CANAUX

Article 45. Le littoral de l'arrondissement de Lorient, divisé en deux sous-arrondissements, Lorient et Nantes, se compose des quartiers de Lorient, d'Auray, de Vannes, de Belle-Ile, du Croisic, de Paimbœuf et de Nantes.

Il s'étend depuis la rive gauche de l'Odet, jusqu'au port de la Roche ou Étier-Dufresne, dans la baie de Bourgneuf.

. . .

QUATRIÈME RÈGLEMENT (ARRONDISSEMENT MARITIME DE
ROCHEFORT)

Article 1^{er}. Le règlement dont la teneur suit sera exécuté dans l'étendue de la circonscription du quatrième arrondissement maritime.

. . .

TITRE II. LITTORAL DE L'ARRONDISSEMENT. LIMITES DE LA PÊCHE MARITIME
ET DE LA ZONE DANS L'ÉTENDUE DE LAQUELLE LE PRÉSENT DÉCRET EST
APPLICABLE SUR LES FLEUVES, RIVIÈRES ET CANAUX

Article 45. Le littoral de l'arrondissement de Rochefort, divisé en deux sous-arrondissements, Rochefort et Bordeaux, se compose des quartiers de Noirmoutiers, les Sables-d'Olonne, la Rochelle, l'île de Ré, l'île d'Oléron, Rochefort, Marennes, Saintes, Royan, Blaye, Libourne, Pauillac, Bordeaux, Langon, la Teste-de-Buch, Dax, Bayonne et Saint-Jean-de-Luz.

Il s'étend depuis le port de la Roche ou Étier-Dufresne, dans la baie de Bourgneuf, jusqu'à la frontière d'Espagne.

Article 46. La pêche est maritime, c'est-à-dire libre, sans fermage ni licence, tant sur les côtes du quatrième arrondissement que dans les fleuves, rivières et canaux désignés au tableau suivant, jusqu'aux limites de l'inscription maritime.

Toutefois, les dispositions du présent décret ne sont applicables dans ces fleuves, rivières et canaux, que jusqu'au point de cessation de la salure des eaux.

Entre ce point et les limites de l'inscription maritime, la pêche, quoique libre et exempte de licence, est soumise aux mesures d'ordre et de police édictées par la loi du 15 avril 1829, sur la pêche fluviale.

. . .

(c) DÉCRET DU 19 NOVEMBRE 1859 SUR LA POLICE DE LA PÊCHE CÔTIÈRE
DANS LE CINQUIÈME ARRONDISSEMENT MARITIME ¹

TITRE 1^{er}. — POLICE DE LA PÊCHE MARITIME CÔTIÈRE

Dispositions préliminaires

Article 1^{er}. La police supérieure de la pêche qui se fait à la mer, le long des côtes, dans les étangs salés, ainsi que dans la partie des fleuves, rivières, canaux, plans ou cours d'eau communiquant directement ou indirectement avec la mer, où les eaux sont salées, est exercée, dans l'arrondissement de Toulon, par le préfet maritime.

. . .

Article 2. En temps de guerre, la pêche ne peut être interdite, suspendue ou limitée que par l'ordre du ministre de la marine.

. . .

TITRE III. — DISTANCE DE LA CÔTE AINSI QUE DES GRAUS, EMBOUCHURES DE RIVIÈRES, ÉTANGS OU CANAUX, À LAQUELLE LES PÊCHEURS DEVRONT SE TENIR

Article 58. Sauf les exceptions prévues par le présent décret, toute espèce de pêche est interdite sur la côte, du 1^{er} mars au 30 juin, à moins de 300 mètres, de l'ouverture des ports, des graus, des étangs salés et de l'embouchure des fleuves, rivières et canaux affluant à la mer, tant en avant que des deux côtés des ouvertures, graus et embouchures.

Aucune pêche ne pourra pareillement être exercée dans les étangs, pendant la même période, à moins de 50 mètres de l'embouchure des canaux ou cours d'eau qui y conduisent.

Article 59. Du 1^{er} juillet au dernier jour de février, toute espèce de pêche est interdite, soit sur la côte, soit dans les étangs salés, ainsi que dans les fleuves, rivières et canaux, à une distance moindre de 25 mètres des embouchures.

. . .

¹ Dalloz, *Recueil périodique et critique de jurisprudence, de législation et de doctrine*, année 1859, 2^e partie, p. 122.

(d) DÉCRET DU 10 MAI 1862 SUR LA PÊCHE CÔTIÈRE ¹

Article 1^{er}. La pêche de tous poissons, crustacés et coquillages, autres que les huîtres, est libre pendant toute l'année à une distance de 3 milles au large de la laisse de basse mer.

La pêche des huîtres est libre du 1^{er} septembre au 30 avril, sur les bancs hors baies ou situés à 3 milles des côtes, avec tous bateaux pontés ou non pontés, sans tonnage déterminé.

Les pêcheurs sont tenus d'observer, dans les mers situées entre les côtes de France et celles du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les prescriptions de la convention du 2 août 1839 et du règlement international du 25 juin 1843.

Article 2. Sur la demande des prud'hommes des pêcheurs, de leurs délégués et, à défaut, des syndics des gens de mer, certaines pêches peuvent être temporairement interdites sur une étendue de mer au-delà de 3 milles du littoral, si cette mesure est commandée par l'intérêt de la conservation des fonds ou de la pêche de poissons de passage.

L'arrêté d'interdiction est pris par le préfet maritime.

Article 3. En dedans de 3 milles des côtes, la pêche des poissons, crustacés et coquillages, autres que les huîtres, est permise toute l'année, de jour et de nuit, sous les conditions ci-après :

1° Les filets fixes à simple, double ou triple nappe, et les filets à poche auront des mailles d'au moins 25 millimètres en carré.

Les marins peuvent en faire usage en bateau ou autrement.

2° Les filets flottants ne sont assujettis à aucune dimension de maille.

Sont assimilés aux filets flottants, les filets fixes dont la ralingue inférieure est élevée de manière à laisser toujours un intervalle de 20 centimètres au moins entièrement libre au-dessous de ladite ralingue.

3° La grande seine à jet aura des mailles de 25 millimètres en carré.

Les dimensions des mailles des filets employés dans la Méditerranée restent fixées telles qu'elle l'ont été par le décret du 19 novembre 1859, lorsque ces dimensions sont inférieures à celles prescrites par le présent décret.

. . .

Article 6. L'usage des filets traînants pour la pêche de toutes espèces de poissons peut être, sur la proposition des préfets maritimes, autorisé par des arrêtés de notre ministre de la marine et des colonies, à moins de 3 milles de la côte, dans les localités où, soit à raison de la profondeur des eaux, soit pour toute autre cause, il ne présente aucun inconvénient.

Ces filets doivent avoir des mailles d'au moins 25 millimètres en carré.

Dans aucun cas, il n'est fait usage de filets traînants à moins de 500 mètres des huîtrières.

Article 7. Toute espèce de pêche, par quelque procédé que ce soit, à moins de 3 milles de la côte peut, sur une étendue déterminée du littoral, être temporairement interdite lorsque l'interdiction est reconnue nécessaire pour sauvegarder, soit la reproduction des espèces, soit la conservation du frai et du fretin.

¹ Dalloz, *Recueil périodique et critique de jurisprudence, de législation et de doctrine*, année 1862, 4^e partie, p. 58.

L'interdiction est prononcée par un décret impérial, rendu sur la proposition de notre ministre de la marine et des colonies.

Article 8. Les préfets maritimes fixent par des arrêtés les époques d'ouverture et de clôture de la pêche des huîtres sur les bancs dans l'intérieur des baies et sur ceux situés à moins de 3 milles de la côte.

Ils déterminent les huîtrières qui seront mises en exploitation.

Cette pêche est interdite avant le lever et après le coucher du soleil.

A moins d'exception ordonnée par le préfet maritime, dans l'intérêt du nettoyage des bancs d'huîtres, les pêcheurs doivent immédiatement rejeter à la mer les poussiers, sables, gravières et fragments d'écailles, ainsi que les petites huîtres au-dessous des dimensions réglementaires.

Toutefois, dans les localités où il existe des étalages ou autres établissements propres à recevoir les petites huîtres, ces dernières peuvent y être déposées au lieu d'être rejetées sur les fonds.

. . .

Article 12. Les préfets maritimes déterminent par des arrêtés toutes les mesures de police, d'ordre et de précaution propres à empêcher tous accidents, dommages, avaries, collisions, etc., et à garantir aux marins le libre exercice de la pêche.

. . .

(e) LOI AYANT POUR OBJET D'INTERDIRE LA PÊCHE AUX ÉTRANGERS DANS LES EAUX TERRITORIALES DE FRANCE ET D'ALGÉRIE DU 1^{er} MARS 1888 COMME MODIFIÉE PAR LA LOI DU 30 MARS 1928 ET PAR LA LOI DU 16 AVRIL 1933 ¹

Article 1^{er}. La pêche est interdite aux bateaux étrangers dans les eaux territoriales de la France et de l'Algérie, en deçà d'une limite qui est fixée à trois milles marins au large de la laisse de basse mer.

Pour les baies, le rayon de trois milles est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas dix milles. Dans chacun des arrondissements maritimes, et pour l'Algérie, des décrets déterminent la ligne à partir de laquelle cette limite est comptée.

. . .

Article 11. La présente loi ne porte pas atteinte à la libre circulation reconnue aux bateaux de pêche étrangers naviguant ou mouillant dans la partie réservée des eaux territoriales françaises.

Un décret rendu dans la forme des règlements d'administration publique déterminera les règles spéciales de police auxquelles, dans ce cas, les bateaux de pêche devront se conformer. . . .

Article 12. Il n'est pas dérogé aux dispositions des conventions internationales et des lois qui s'y réfèrent.

(f) DÉCRET DU 9 DÉCEMBRE 1926 ²

Article 1^{er}. Est applicable à toutes les colonies où elle n'a pas été promulguée à ce jour, la loi du 1^{er} mars 1888, interdisant aux bâtiments étrangers la pêche dans les eaux territoriales françaises.

. . .

¹ Dalloz, *Code pénal*, 1955, p. 575.

² *Journal officiel*, n° 291 du 15 décembre 1926, p. 13036.

(g) DÉCRET PRÉSIDENTIEL DU 1^{er} JUIN 1938 ¹

Article 1^{er}. Les lignes droites tirées en travers des baies du littoral de la Manche et de l'océan Atlantique et à partir desquelles la limite des trois milles marins déterminant la zone réservée à la pêche nationale dans les eaux territoriales françaises doit être comptée conformément à l'article 1^{er} de la loi du 1^{er} mars 1888, sont tracées comme suit:

Baie de Seine (carte 5085):

Du phare de la Hève au feu de la jetée ouest de Trouville, 8 milles 4.

Baie entre le cap Lévi et Cherbourg (carte 5069):

Du phare du cap Lévi au fort de Nacqueville, 9 milles 7.

Anse de Vauville (carte 5069):

Du sémaphore de Jobourg au sémaphore de Flamanville, 9 milles 5.

Baie de Saint-Malo (carte 5069):

1. De la pointe de Minga à Cézembre, 6 milles 2;

2. De Cézembre au cap Fréhel, 9 milles 5.

Baie de Saint-Brieuc (carte 5069):

1. De la roche les Bignons au phare du Grand-Lejon, 9 milles 5;

2. Du phare du Grand-Lejon à la roche la Mauve, 9 milles.

Baie de Paimpol (carte 5069):

1. De la roche la Mauve au rocher Men-March, 9 milles 5;

2. Du rocher de Men-March à la Horaine, 2 milles 2.

Embouchure du Trieux (carte 5069):

De la Horaine au phare des Héaux de Bréhat, 6 milles 6.

Embouchure du Jaudy (carte 5069):

Du phare des Héaux à la Basse-Laérès, 7 milles 2.

Anse de Perros (carte 5069):

De la Basse-Laérès à l'île Rouzic, 6 milles 8.

Baie de Lannion (carte 5069):

1. De l'île Rouzic au phare des Triagoz, 8 milles 4;

2. Du phare des Triagoz à la Méloine, 8 milles;

3. De la Méloine au sémaphore de l'île de Batz, 9 milles 4.

Chenal du Four (carte 3032):

Du phare du Four à la tourelle Men-Corn, 9 milles 3.

Iroise, baie de Douarnenez (carte 3032):

1. Du feu de la Jument aux Pierres-Vertes, 4 milles 4;

2. Des Pierres-Vertes au phare des Pierres-Noires, 6 milles 8;

3. Du phare des Pierres-Noires à la tourelle de la Parquette, 7 milles 5;

4. De la tourelle de la Parquette à la Basse-Vieille, 9 milles 5;

5. De la Basse-Vieille au phare de Tévennec, 9 milles 1.

Anse de Bénodet (carte 3032):

Du sémaphore de Lesconil à la tourelle des Bluinies, 7 milles 7.

¹ Cour internationale de Justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège), vol. III, p. 684.

Baie de Concarneau (carte 3032):

De Men-Skey à l'île Verte, 6 milles 9.

Coureaux de Groix (3032):

Du feu de la pointe des Chats à la tourelle des Pierres-Noires, 8 milles 4.

Coureaux de Belle-Ile (carte 3032):

1. De la pointe Beg-el-Lan au phare des Poulains, 7 milles 4;

2. Du phare de Kerdonis au phare des Grands-Cardinaux, 9 milles 3.

Baie de Quiberon (carte 3032):

Du phare des Grands-Cardinaux au phare du Four, 8 milles 3.

Embouchure de la Loire, baie de Bourgneuf (carte 3033):

1. Du phare du Four au phare de la Bauche, 10 milles;

2. Du phare de la Bauche au phare du Pilier, 9 milles.

Pertuis Breton (carte 3033):

De la pointe du Perray au feu du Haut-Banc du Nord, 10 milles.

Pertuis d'Antioche (carte 3033):

De la pointe de Chanchardon au phare de Chassiron, 9 milles 5.

Embouchure de la Gironde (carte 3033):

1. De la pointe de la Coubre au phare de Cordouan, 7 milles;

2. Du phare de Cordouan à la balise de la Négate, 6 milles 5.

(h) DÉCRET-LOI DU 17 JUIN 1938, RELATIF À LA MODIFICATION DES LIMITES DE L'INSCRIPTION MARITIME ¹

. . .

Article 5. Dans les fleuves, rivières, canaux et autres cours d'eau affluant à la mer, la pêche reste soumise aux règlements maritimes et s'exerce au profit des inscrits maritimes sans fermage ni licence jusqu'au point de cessation de salure des eaux.

. . .

(i) DÉCRET DU 23 SEPTEMBRE 1922, PORTANT HABILITATION DES BRIGADES DES DOUANES À LA RECHERCHE ET À LA CONSTATATION DES DÉLITS DE PÊCHE MARITIME COMMIS SUR TOUTE L'ÉTENDUE DU TERRITOIRE ¹

Article 1^{er}. Les agents des brigades des douanes recherchent et constatent, sur toute l'étendue du littoral, les infractions aux lois, décrets et règlements en vigueur sur la pêche maritime côtière concurremment avec les fonctionnaires et agents désignés à l'article 16, paragraphe 1^{er}, de la loi du 9 janvier 1852 et à l'article 1^{er} du décret susvisé du 16 juin 1908.

. . .

(j) DÉCRET DU 18 DÉCEMBRE 1926, HABILITANT LES MILITAIRES DE LA GENDARMERIE DÉPARTEMENTALE À CONNAÎTRE DES INFRACTIONS EN MATIÈRE DE PÊCHE MARITIME CÔTIÈRE ¹

Article 1^{er}. Les militaires de la gendarmerie départementale pourront rechercher et constater sur toute l'étendue des côtes du territoire national

¹ Dalloz, *Code pénal*, 1955, p. 577.

et de l'Algérie, concurremment avec les fonctionnaires et agents désignés à l'article 16, paragraphe 1^{er}, de la loi du 9 janvier 1852, les infractions aux dispositions contenues dans la loi, les décrets et règlements sur la pêche maritime côtière.

. . .

Nouvelle-Calédonie

DÉCRET DU 23 SEPTEMBRE 1911 PORTANT INTERDICTION AUX NAVIRES ÉTRANGERS DE SE LIVRER À LA PÊCHE DANS LES EAUX TERRITORIALES DE LA NOUVELLE-CALÉDONIE ¹

1. Sont rendus applicables à la Nouvelle-Calédonie et dépendances les articles 2, 3, 4, 6, 7, 8, 9 et 10 de la loi du 1^{er} mars 1888, interdisant la pêche aux étrangers dans la limite des eaux territoriales et édictant des pénalités en cas d'infraction à cette disposition. (*V. L. 1^{er} mars 1888.*)

2. La limite des eaux territoriales est fixée par une ligne imaginaire courant à trois milles marins au large des grands récifs extérieurs et, là où ces récifs manquent, à 3 milles marins au large de la baisse de basse-mer.

3. La présente interdiction comprend tous les produits de la mer.

. . .

6. Le présent décret ne porte pas atteinte à la libre circulation reconnue aux bateaux étrangers naviguant ou mouillant dans la partie réservée aux eaux françaises.

Des arrêtés du gouverneur, soumis à l'approbation des ministres de la marine et des colonies, détermineront les règles spéciales de police auxquelles dans ce cas les bateaux de pêche devront se conformer. Les infractions à ces règlements seront constatées et poursuivies dans les formes prévues par la loi du 1^{er} mars 1888 et le présent décret. Elles seront punies conformément aux dispositions de l'article 2 de la loi du 1^{er} mars 1888.

. . .

8. Il n'est pas dérogé aux dispositions des conventions internationales et des lois qui s'y réfèrent.

Germany (Federal Republic)

(a) FISHERY ACT OF 11 MAY 1916 ²

CHAPTER I

General Provisions

Article 1. For the purposes of this Act:

(1) The term "coastal waters" means those parts of the North and Baltic Seas, including open bays and the sections of watercourses enumerated in the annex, over which Prussian sovereignty extends;

¹ *Juris-Classeur de la France d'outre-mer*, IV, Textes législatifs et parlementaires, 1, 1947, 23 septembre 1911, p. 13.

² *Preussische Gesetzsammlung*, 27 May 1916, No. 14, pp. 55 *et seq.* Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

(2) The term "inland waters" means all other waters.

. . .

CHAPTER 2

Fishery rights

Article 4. . . .

(3) For the purposes of this Act the term "fish" includes all forms of animal life subject to fishery rights. The term "fishing" includes all activities coming under paragraph (1).

. . .

Article 6. A German national may engage in fishing without restriction in coastal waters to which there is no title of ownership.

Article 7. Fishery rights in coastal waters to which there is a title of ownership and in inland waters shall vest in the owners.

. . .

CHAPTER 6

Fishing licences and permits

. . .

Article 96. (1) A fishing licence may be refused to:

. . .

3. A person who has no place of residence in the Reich.

. . .

Article 97. A fishing licence may be issued to a person other than a German national only by the President of the District. The President may make the issue of the licence conditional upon a person who is a citizen of, and domiciled in, Prussia standing surety for any damage for which the licensee may become liable under article 15 and for any costs and fines which the licensee may incur under this Act or under fishery-supervision regulations. An appeal from the decision of the President shall lie only to the supervisory authority.

. . .

(b) ACT OF 30 APRIL 1934 FOR THE PROTECTION OF THE NORTH SEA PLAICE FISHERIES¹

. . .

Article 1. It shall be unlawful to retain or carry on board ship in German coastal waters of the North Sea, or to land, offer for sale or sell at any port or on the coast adjoining German coastal waters of the North Sea, or to dispatch from such port or coast, any plaice (*Pleuronectes platessa*) measuring less than 24 cm from the tip of the snout to the end of the longest portion of the caudal fin.

¹ *Reichsgesetzblatt*, 4 May 1934, Part I, No. 48, p. 353. Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

Article 2. The Minister of Food and Agriculture, or such authorities as he may designate, may:

1. Make exceptions for scientific purposes;
2. Permit, in with shrimp caught by shrimp fishermen for the sole purpose of preparing dried shrimp, a quantity of undersized plaice not exceeding 5 per cent by weight of the total amount of shrimp.

. . .

(c) FISHING LICENCES ACT OF 19 APRIL 1939 ¹

General Provisions

Article 1. (1) Any person who engages in fishing (the catching of fishes, crustaceans, oysters or other molluscs or sea moss, or frogs in so far as these come within the scope of fishery laws) shall carry a fishing licence made out in his name and bearing his photograph and shall produce the same on request to a fishery officer, a police officer, another licensed fisherman or a fishery inspector.

(2) A fishing licence shall be valid throughout the territory of the Reich.

(3) A fishing licence shall not be required:

- (a) In respect of high-sea and herring fisheries;
- (b) By a German national who for the purpose of assisting a licensed fisherman engages in fishing with him. Where two or more such assistants are jointly engaged in fishing on behalf of a licensed fisherman in his absence, it shall be sufficient if one of the assistants carries a fishing licence made out in that assistant's name;

(c) In respect of fishing in a body of water with an area of less than 1,000 square metres and entirely surrounded by land owned by a licensed fisherman.

. . .

(d) FIRST ORDINANCE OF 21 APRIL 1939 TO GIVE EFFECT TO AND SUPPLEMENT THE FISHING LICENCES ACT OF 19 APRIL 1939 ²

. . .

Article 4. A fishing licence may be refused to:

. . .

- (3) A person who has no place of residence in the Reich;
- (4) A person who is not of German nationality;

. . .

¹ *Reichsgesetzblatt*, 22 April 1939, Part I, No. 76, pp. 795 *et seq.* Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

² *Reichsgesetzblatt*, 25 April 1939, Part I, No. 77, pp. 816 *et seq.* Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

(e) FISHERY ACT OF 26 FEBRUARY 1929 FOR THE DIVISION
(*Landesteil*) OF OLDENBURG (NIEDERSACHSEN) ¹

CHAPTER 1. GENERAL PROVISIONS

Article 1. (1) For the purposes of this Act:

1. The term "coastal waters" means those parts of the North Sea, including open bays, over which the sovereignty of Oldenburg extends, and the estuaries of the larger rivers;

2. The term "inland waters" means all other waters.

(2) The boundaries of inland and coastal waters shall be determined by regulation.

Article 2. (1) For the purposes of this Act the term "closed waters" means:

1. Artificial fishponds and such other artificial installations for the breeding of fish as are closed to the passage of fish of the prescribed minimum dimensions;

2. Such other waters as are not connected with open waters by a permanent outlet for fish.

Details concerning the nature of the closure referred to in subparagraph 1 may be prescribed by regulation.

(2) All other waters shall be "open waters".

(3) Open waters may be declared by the Ministry of the Interior to be closed waters if and to such extent as they are closed off to the passage of fish of the prescribed minimum dimensions.

Article 3. (1) For the purposes of this Act the term "public waters" means:

1. Those parts of the North Sea, including open bays, which belong to the division (*Landesteil*) of Oldenburg;

2. The public waters of the Reich and the State, as well as those of the cities and corporations (Act of the Reich concerning the State Treaty of 29 July 1921 on the transfer of waterways from the various States to the Reich; the Water Regulations of 20 November 1868; the Act of 9 August 1922 concerning the establishment of water corporations in the *Geest*; and the Dike Regulations of 8 June 1855).

(2) All other waters shall be "private waters".

Article 4. This Act, unless otherwise specifically provided therein, shall not apply to closed waters.

CHAPTER 2. FISHERY RIGHTS

Article 5. (1) The term "fishery rights" means the right to propagate in, or take from a body of water, fish, crustaceans, oysters and other molluscs, frogs, sea moss, coral moss and turtles.

(2) For the purposes of this Act the term "fish" includes all forms of animal life subject to fishery rights. The term "fishing" includes all activities coming under paragraph (1).

¹ *Gesetzblatt für den Freistaat Oldenburg. Landesteil Oldenburg*, Vol. 46, pp. 31 *et seq.* Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

Article 6. If a body of water overflows its banks, no measures may be taken to prevent fish from returning thereto.

CHAPTER 3. EXERCISE OF FISHERY RIGHTS

Article 7. (1) Fishery rights in coastal waters may by agreement be transferred either in their entirety (by lease) or with regard solely to the catching of fish (by permit). A permit may be restricted to specific sorts of fish and fishing equipment and may preclude the use of fishing craft.

. . .

CHAPTER 4. FISHING CARDS AND PERMITS

Article 11. (1) Any person who engages in fishing shall carry a valid fishing card bearing his name and shall produce the same on request to a police officer or fishery inspector. The validity of a fishing card issued to a person entitled to fish in his own waters shall extend to any member of his family and household other than a person to whom a fishing card may be refused under article 14, paragraph (1), sub-paragraph 2.

(2) A fishing card shall not be required:

. . .

3. For unrestricted fishing in the North Sea and in open bays, or for fishing in coastal waters in respect of which permits are issued by the State.

. . .

CHAPTER 6. PROTECTION OF FISHERIES

Part I. General provisions

. . .

Article 19. (1) It shall be unlawful to pollute open waters by the introduction of harmful substances in amounts likely to destroy or seriously damage fish and their young.

(2) The Ministry of the Interior may grant exceptions, subject to certain limitations, to the foregoing prohibition, and in particular may allow the discharge or drainage of the substances aforesaid into the water if the overriding interests of agriculture or industry so require. So far as local conditions permit, the proprietor of the establishment shall be required to carry out such arrangements as will serve to reduce the damage to the fishery.

(3) If a discharge of agricultural or industrial waste, as existing before the coming into force of this Act or as permitted under the foregoing paragraph, is destroying or seriously damaging the fish in a body of water, the proprietor of the establishment, on application by the owner of the waters, may be required by the Ministry of the Interior to take such measures not constituting an unreasonable burden on the business as will serve to eliminate the damage or reduce it as far as possible. An appeal against a requirement imposed under this paragraph may be lodged with the Higher Administrative Court within two weeks.

(4) It shall be unlawful to ret flax or hemp in open waters, but exceptions may be allowed by the fishery authorities.

. . .

CHAPTER 7. ADMINISTRATION OF FISHERIES

Article 31. (1) The supervision of fisheries shall be exercised by the fishery authorities. Except as otherwise provided, or where jurisdiction as a matter of principle vests in the ordinary courts, the said authorities shall settle all disputes arising under this Act. The fishery authorities shall be the administrative districts and the municipal councils of first class cities.

(2) An appeal against a decision or order of the fishery authorities shall, unless some other form of recourse is provided by law, lie to the Ministry of the Interior, whose decision shall be final. The provisions of article 5 of the Act of 7 January 1879 concerning the organization of administrative districts shall apply.

. . .

- (f) NOTICE OF 26 FEBRUARY 1929 OF THE MINISTRY OF STATE CONCERNING THE EXECUTION OF THE FISHERY ACT OF 26 FEBRUARY 1929 FOR THE DIVISION (*Landesteil*) OF OLDENBURG (FISHERY ORDER FOR THE DIVISION (*Landesteil*) OF OLDENBURG (NIEDERSACHSEN))¹

By virtue of article 37 of the Fishery Act of 26 February 1929 for the division (*Landesteil*) of Oldenburg and of article 9 of the Act of 5 December 1868 concerning the organization of the Ministry of State, it is hereby provided as follows:

Article 1 (*ad* article 1 of the Act). The boundaries of the inland and coastal waters shall be constituted:

- (1) in the Weser by the State boundary towards Bremen;
- (2) in the Hunte by a straight line drawn through the middle of the two dyke-openings maintained by the State at Huntebrück;
- (3) in the sluice channels emptying into the coastal waters by the sluices and locks.

. . .

- (g) REGULATIONS OF 28 APRIL 1950 MADE UNDER THE FISHERY ACT (SCHLESWIG-HOLSTEIN FISHERY ORDER) OF 11 MAY 1916 (SCHLESWIG-HOLSTEIN)²

. . .

CHAPTER 2

Closed seasons in respect of open waters

. . .

Article 11. The following areas shall be closed to fishing:

- (1) In the Geltinger Bucht, the area within a radius of 200 metres from the mouth of the Lippingau River, from 1 September to 15 January;

¹ *Gesetzblatt für den Freistaat Oldenburg. Landesteil Oldenburg*, Vol. 46, pp. 54 *et seq.* Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

² Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

(2) In the Flensburger Förde, the entire harbour of the Langballigau River, including the dredged area, and, in addition, the area off the mouth of the Langballigau River comprised within a circle with a radius of 200 metres drawn about the centre of the harbour mouth, from 1 September to 15 January;

(3) The area off the mouth of the Schlei comprised within a circle with a radius of 400 metres drawn about a point midway between the two extremities of the moles, throughout the year; this provision shall not apply to fishing with rod and line;

(4) The area in the Schlei off the mouth of the Loiter Au River bounded by a line drawn from the Kahleby church-tower through the buoy in front of the open entrance to the Loiter Au River to the Winning farmhouse, from 11 October to 31 December;

(5) The Schwentine outlet of the Kleiner Plöner See lake from Wittmoldt farm (a line from Polenkate to "Franzenort") downstream as far as the end of the estuary of the Schwentine, throughout the whole year;

(6) The Schwentine inlet of the Kellersee lake for a distance of 100 metres downstream from the new mill, throughout the year.

CHAPTER 3

Fishing gear for open waters

Article 20. (1) Fishing with drag-nets, trawls, bag-nets and similar nets, drawn by wind-, steam- or engine-power shall be prohibited in the following areas:

(a) In the coastal waters of the Baltic Sea within the three-mile limit;

(b) In the Elbe, above a line from Brockdorf to the entrance of Freiburg creek and in the area enclosed by two straight lines drawn southwards from the western and eastern extremities of the roadstead at the mouth of the Kiel canal at Brunsbüttelkoog;

(c) In the Eider, from Tönning (at a line from the harbour entrance to the south-west corner of the sea-wall at Karolinenkoog) to the dike at Nordfeld.

(2) The following exceptions shall be made to the provisions of paragraph (1), sub-paragraph (a), above:

1. Eckernförder Bucht:

(a) Trawl fishing at depths of over twenty metres shall be permitted seawards of the line Dänisch-Nienhof—Mittelgrundtonne Ost—Schwarze Mittelgrundtonne—road at Strandbek.

(b) The Fishery Board may in addition grant revocable written permission to individual fishing vessels with an engine-power not exceeding thirty-five horsepower and trawls with meshes at the rear of at least thirty-five millimetres to engage in fishing seawards of the line Lindhöft mill—Ludwigsburg castle at depths of over twenty metres.

(c) Individual fishing vessels with an engine-power not exceeding twenty-five horsepower and trawls with meshes at the rear of at least thirty-five millimetres may, from 1 September to 31 March and with the revocable written permission of the Fishery Board, engage in fishing east of the line Kronsor—outlet of Hemmelmarker See lake at depths of over twenty metres.

(d) Fishermen who have been granted permission under sub-paragraph (b) or (c) may from year to year be given general permission by the Fishery Board to use trawls of any width of mesh in the specified areas from 1 September to 31 October.

(e) The grant of permission under sub-paragraphs (b) and (c) may be made subject to conditions and shall be valid in all cases for a period of one year.

2. With regard to the Flensburger Förde, the provisions of the general regulations on fisheries, and in particular of the Schleswig-Holstein Fishery Order of 28 April 1950, shall apply only in so far as they have not been limited or modified by article 1 of the Police Regulations made by the district President of Schleswig on 5 March 1926 (GVOBl. 1954, p. 159).

3. Fehmarnbelt:

In the Fehmarnbelt along the coasts between Westermarkelsdorf and Marienleuchte on Fehmarn, trawl fishing by fishing boats with an effective engine-power not exceeding fifty horsepower shall be permitted from November to March inclusive in an area bounded:

- (a) On the south by a line at the twenty-metre depth;
- (b) On the west by the meridian passing through Westermarkelsdorf light;
- (c) On the east by the meridian $11^{\circ} 10''$ east (GVOBl. 51, p. 170).

4. Lübecker Bucht:

Along the Baltic coast of Schleswig-Holstein between Grömitz and Polzerhaken, trawl fishing shall be permitted also within the three-mile limit but only seaward of a line situated 1.5 miles from the coast.

The boundaries shall be:

1. On the north-east:

A line running from north-west to south-east through the Grömitz church-tower;

2. On the south-west:

The line from Polzerhaken light to the mouth of the Harkenbek, which line is recognizable at night on the basis of the eastern limit of the red sector of Polzerhaken light (GVOBl. 1952, p. 78).

(3) The Fishery Board may, on a revocable basis, grant permission for the use of harpoon-fishing trawls in specified areas of the Baltic coastal waters for specified periods from May to November between sunrise and sunset. During these periods, fishing with rod and line shall be prohibited in the areas in respect of which such permission has been granted. Harpoon-fishing trawls may be used only in depths of less than three metres and only when two fishing vessels are employed. The use of shearing-blocks shall not be allowed. In the permit granted as provided in the first sentence of this paragraph, the fishing gear shall be designated by the fish commissioner as a harpoon-fishing trawl.

(4) In order to protect young plaice in the Baltic Sea, the Fishery Board may prohibit fishing with rod and line in specified areas from May to September, inclusive, at depths of less than three metres.

. . .

CHAPTER 5

Identification of fishing equipment in open waters

. . .

Article 31. (1) Fishing vessels in coastal waters shall, in addition to the markings prescribed by the Act to give effect to the International Convention of 30 April 1884 on the North Sea Fisheries (RGBI., p. 48), bear as distinguishing marks the first three letters of the home port followed by the registration number assigned to the vessel by the Fishery Board. Where the names of two or more places begin with the same three letters the Fishery Board shall assign distinguishing letters in each case.

. . .

- (h) NAVIGATION AUTHORITY ORDER (POLICE REGULATIONS) OF 30 MAY 1952 FOR THE PROTECTION OF LOBSTER FISHERIES IN THE TERRITORIAL WATERS AROUND HELIGOLAND (SCHLESWIG-HOLSTEIN) ¹

. . .

Article 1. It shall be unlawful to navigate in the following areas from 1 April to 15 July and from 15 September to 31 December of each year:

(1) The area east of the buoyed channels (roadstead) bounded by a line joining the following points:

Sellebrunn light-and-whistle buoy—Düne 0/1 beacon buoy—Düne 0/2 beacon buoy—Düne S beacon buoy—spar-buoy A at the south entrance;

(2) The area west of the buoyed channels (roadstead) bounded by a line joining the following points: Nathurn light-buoy—HSG blue conical buoy—Heligoland light-and-whistle buoy.

Article 2. The provisions of article 1 shall not apply to vessels used by the Heligoland lobster-fishermen for the purposes of their occupation or to official vessels.

. . .

- (i) POLICE REGULATIONS OF 5 MARCH 1926 CONCERNING FISHING IN THE JOINT FISHERY AREA BETWEEN GERMANY AND DENMARK IN THE FLENSBURGER FÖRDE (SCHLESWIG-HOLSTEIN) ²

. . .

I. FISHING

. . .

Article 3. Before fishing areas are occupied for the purpose of laying pound nets or other fishing equipment secured with stakes, the relevant general regulations in force in each country shall be complied with. German law shall apply in German territory and Danish law in Danish territory.

The initial laying of pound nets, eelpots and other equipment similarly secured with stakes, the transfer of existing equipment as aforesaid from one

¹ *Amtsblatt für Schleswig-Holstein, Ausgabe A*, 14 June 1952, No. 24, p. 221. Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

² *Amtsblatt der Regierung in Schleswig*, p. 56. Text provided by the Permanent Observer of the Federal Republic of Germany to the United Nations. Translation by the Secretariat of the United Nations.

place to another and any change in the original direction of weirs shall be allowed only on the authorization of the competent fishery authorities.

This provision shall not apply to Danish fishermen in Danish territory. The relevant applications must be made to the fishery authorities of the home country, which shall secure the necessary authorization from the competent fishery authorities of the foreign country.

Article 11. In all cases where no specific provisions concerning fishing are set forth in these Regulations, the fishery laws and regulations of the country concerned shall apply within its territorial boundaries.

Greece

(a) ACT No. 652 OF 27 FEBRUARY TO 10 MARCH 1915 TO REGULATE FISHING IN GREEK COASTAL WATERS¹

Article 1. Vessels of foreign nationality shall be permitted to carry on fishing of all kinds, including sponge-fishing and coral-fishing, in Greek waters to the extent to which, and on the conditions subject to which, Greek vessels are permitted to carry on fishing in the waters of the States to which such foreign vessels belong.

Article 2. If a fishing vessel of foreign nationality which engages in fishing outside the coastal area enters a Greek port or any point of the Greek coast, it shall be liable to a tax of 30 lepta in respect of each *oka* of fresh fish and 40 lepta in respect of each *oka* of salted fish. Any vessel which engages in sponge-fishing or coral-fishing shall be required to dispose of the produce of its activities in Greece. A vessel having the nationality of a State in which such conditions and such taxation are not imposed by law shall be exempt from the effect of these provisions. Such vessel shall be subject in Greece to the same conditions as those to which a vessel in similar circumstances is subject in the country of its nationality.

Article 3. If a vessel which, under the foregoing provisions, is not entitled to fish in Greek waters is found fishing in the said waters, it shall be liable to a fine not exceeding one thousand drachmae. In this event, all State authorities shall be informed accordingly so that if the vessel at any time enters any Greek port it may be seized as security for the payment of such fine.

Article 4. The commanding officers of Greek warships, the port authorities and the local administrative, financial and police authorities shall be responsible for the strict enforcement of this Act. The Ministry of Finance shall inform these authorities by circular letter concerning the fishing regulations in force in States whose waters are frequented by Greek fishermen. The said authorities shall be under a duty to seize catches taken in contravention of the law and to take suitable proceedings against any person offending against the foregoing provisions.

Article 5. Any official of the aforementioned authorities who fails to perform his duty shall be liable to a fine of not less than 250 nor more than 500 drachmae for a first offence; if he commits a second offence, he shall

¹ Text of Act provided by the Permanent Mission of Greece to the United Nations. Translation by the Secretariat of the United Nations.

be dismissed from the service and shall not be eligible for reappointment for one year.

Article 6. All provisions inconsistent with the present Act are hereby repealed. This Act shall come into force upon the day of its publication in the official gazette (*Efimeris tis Kiverniseos*).

Honduras

CIVIL CODE OF 8 FEBRUARY 1906 ¹

. . .

Article 661. Hunting and fishing are occupations by means of which a person acquires the ownership of wild animals.

. . .

Article 665. Fishing on the high seas may be carried without restrictions; fishing in the territorial sea is, however, restricted to Honduran nationals and to aliens domiciled in Honduras.

. . .

Article 666. Fishermen may use the foreshore to the extent necessary for their occupation, for which purpose they may build huts, beach their fishing vessels, land their implements and their catch, dry their nets, etc. Nevertheless, they must not make use of the buildings or constructions on the foreshore without the permission of the owners thereof, nor may they obstruct other fishermen in the lawful use of the foreshore.

Article 667. For the purposes aforesaid, fishermen may also make use of the land adjacent to the foreshore up to a distance of ten metres inland; they must not, however, touch any buildings or constructions situated in the ten-metre strip, or cross any fences, or enter woods plantations or land under cultivation.

Article 668. The owners of land adjacent to the foreshore must not put up fences or erect any buildings or constructions or plant crops within the said ten-metre strip, unless they leave sufficient and convenient space for operations connected with fisheries.

If a landowner should fail to observe this rule, the fishermen may apply to the local authorities for action to remedy the situation.

Note. See also: Act of 9 April 1927, articles 8 and 14 (*supra*, Chapter II, Section A under Honduras (*a*)). and Congressional Decree No. 25 of 17 January 1951 approving Presidential Decree No. 96 of 28 January 1950, Single Article, article 2 (*supra*, Chapter I, under Honduras (*d*)).

Iceland

(a) ACT No. 33 OF 19 JUNE 1922 CONCERNING FISHING RIGHTS IN
TERRITORIAL WATERS ²

Article 1. Only Icelandic citizens may engage in fishing in the territorial waters of Iceland, and only Icelandic boats or ships may be used for such fishing.

¹ Text provided by the Secretary of State for External Relations of Honduras. Translation by the Secretariat of the United Nations.

² *Lagasafn*, 1945, p. 1424 *et seq.* Translation by the Secretariat of the United Nations.

Article 2. In this Act, the expression “Icelandic boats and ships” or any like expression means boats and ships owned by Icelandic citizens exclusively.

Article 3. Alien fishermen engaged in fishing outside territorial waters may seek shelter near the shore from storm or bad weather. Aliens must not, however, stay near land or in port in order to engage from there in fishing outside territorial waters.

Foreign vessels are forbidden to process their catch in territorial waters or in ports; it is furthermore forbidden to all but Icelandic citizens to bring their catch into territorial waters or ashore in order to process it there.

Article 4. If a foreign fishing vessel puts into port in Iceland, the master shall immediately, or as soon as possible and in any case not later than twenty-four hours after the vessel's entry into port, report to the responsible chief constable or parish bailiff (*hreppstjóri*) or their representative; the responsible official shall examine the ship's papers and satisfy himself that the laws concerning fishing, trade, customs duties or quarantine are not violated or evaded by the vessel and, if necessary, shall make any pertinent inquiries.

For the examination of the ship's papers the chief constable or parish bailiff shall receive the fee laid down in the Supplementary Revenue Act.¹ A note certifying the examination and the payment of the prescribed fee shall then be entered in the vessel's muster-roll . . .²

Article 5. If foreign herring-vessels are in territorial waters, they must keep their boats on deck in the usual position and their trawls or nets on board, but not in the boats.

. . .

Article 8. If a citizen of another State can prove by means of a certificate from a responsible official, that he has been domiciled in Iceland uninterruptedly for twelve months before this Act came into force, he shall have the same rights as those of an Icelandic citizen, and the conditions applicable to Icelandic citizens shall be equally applicable to him. Furthermore, the Minister of Industrial Affairs may for a period of three years after the entry into force of this Act grant to aliens who own fish-processing establishments in Iceland permission to process fish in those establishments notwithstanding the prohibition contained in the second paragraph of article 3. Such permission does not constitute authority to fish in territorial waters or to use foreign vessels in contravention of this Act.

Article 9. The Minister of Industrial Affairs may grant permission to the owners of herring-oil or herring-meal factories or of similar factories to use foreign fishing vessels for the purpose of supplying these factories with raw material, notwithstanding the prohibition contained in the second paragraph of article 3. In the terms of the permission, which may be granted for two years at a time, it should be specified that it does not authorize foreign vessels to catch or process fish in territorial waters and also that the permission shall lapse if its conditions are not fulfilled in all respects.

Article 10. If a catch is processed as it is caught in a vessel which is entitled to fish in territorial waters, the vessel must first deposit with the

¹ Act No. 27 of 27 June 1921, article 54.

² Act No. 47 of 27 June 1925, article 2.

chief constable whatever security he determines for any payments that the vessel may have to make. The master of the vessel shall receive a certificate to the effect that the security has been deposited, and shall produce it upon request.

Article 11. Joint-stock companies are not entitled to engage in fishing or to process fish in territorial waters unless all the stock is the property of Icelandic citizens. However, joint-stock companies in which citizens of other States own stock may engage in fishing in territorial waters if more than half of the stock is the property of Icelandic citizens, the company is domiciled in Iceland and the members of its board of directors are Icelandic citizens, of whom not less than half must be resident in Iceland.

Before a joint-stock company can begin operations, its articles of association must be produced to the chief constable in the place of registry, or, if the company is not registered in Iceland, in the place where the fishing operations begin. Likewise, any amendment to the articles of association shall be reported to the chief constable. The discharge of this duty does not exempt the person concerned from the duty to report amendments pursuant to the Joint-Stock Company Act. The articles of association must contain a provision requiring all stock to be registered in the name of the holder and stipulating that no alienation or transfer of stock shall be valid unless notified in writing to the board of the company, which shall at all times maintain its register of stock-holders up to date, the said register to give particulars of the quantity of stock owned by each stock-holder. The chief constable shall satisfy himself that the articles of association are consistent with the law of Iceland.

Article 12. This Act in no way affects the rights . . . which may be granted to others by international treaties.

. . . .

(b) ACT No. 4 OF 4 MAY 1925 TO SUPPLEMENT ACT No. 33 OF 19 JUNE 1922 CONCERNING FISHING IN TERRITORIAL WATERS ¹

Article 1. Persons who are entitled to fish in the territorial waters of Iceland are not permitted to operate foreign vessels from Iceland or to use foreign vessels for fishing around Iceland whether in or outside territorial waters.

The Minister of Industrial Affairs may, however, grant an exemption from the foregoing provision, for a specified number of years, in cases in which foreign vessels are now under charter.

Article 2. The provisions of articles 9 and 12 of Act No. 33 of 19 June 1922 concerning fishing in territorial waters shall be maintained unchanged.

. . . .

(c) ACT No. 5 OF 18 MAY 1920 CONCERNING THE PROHIBITION OF TRAWLING ²

Article 1. Fishing with trawls shall be prohibited in the territorial waters of Iceland.

¹ *Lagasafn*, 1945, p. 1424 *et seq.* Translation by the Secretariat of the United Nations.

² *Lagasafn*, 1945, columns 1425 and 1426. Translation by the Secretariat of the United Nations.

(The Minister may grant an exemption from this prohibition to motor-boats which fish for deep-water prawns in specified areas with ordinary deep-water prawn nets.)¹

Article 2. If a trawler is in territorial waters, its entire fishing gear must be stowed away on board.²

. . .

(d) ACT No. 45 OF 13 JUNE 1937 CONCERNING THE PROHIBITION OF DANISH SEINE-NETTING IN TERRITORIAL WATERS³

Article 1. In Icelandic territorial waters, fishing with Danish seines shall be prohibited each year in the period from 1 January to 1 June and from 1 to 31 December. Furthermore, Danish seine-netting with vessels of a gross tonnage of 35 or more shall be prohibited throughout the year. In special circumstances the Minister of Industrial Affairs may grant these vessels permission to engage in such fishing between 1 October and 30 November. A county council (*sýslunefnd*) or town council may prohibit all Danish seine-netting within demarcated authorized port areas in the district in question by means of a by-law, which must be published in *Lögbirtingabladid* (official gazette).⁴

Danish seines are taken as including those nets which touch the bottom and are drawn along the bottom in fishing, including the plaice-net (*snurrevaad*).

Article 2. Owners and usufructuaries of land adjacent to the sea shall, however, be entitled to use drag-seines (*áðdráttarnaetur*) and to haul them ashore. It shall also be lawful to pen in herring and coal-fish up to the shore, in conformity with the provisions of the Order of 12 February 1872, and likewise to fish for herring in territorial waters by means of a purse-seine even if it touches the bottom.

On receiving special permission from the Minister of Industrial Affairs, which must in each case specify a time-limit, persons engaged in scientific research may be allowed to use Danish seines within territorial waters.

. . .

Article 7. Prosecutions in respect of offences against this Act shall be governed by the procedure applicable to public police cases.

. . .

(e) LAW No. 44 OF 5 APRIL 1948⁵ CONCERNING THE SCIENTIFIC CONSERVATION OF THE CONTINENTAL SHELF FISHERIES, AS AMENDED⁶

. . .

Article 1. The Ministry of Fisheries shall issue regulations establishing explicitly bounded conservation zones within the limits of the continental

¹ Act No. 56 of 23 June 1936, article 1.

² Cf. Act No. 31 of 27 June 1925, article 3.

³ *Lagasafn* 1945, columns 1426 and 1427. Translation by the Secretariat of the United Nations.

⁴ Act No. 26 of 12 February 1940, article 1.

⁵ *Stjórnartidindi*, 1948, A 4, p. 147; Text of Law provided by the Ministry for Foreign Affairs of Iceland; see also *United Nations Legislation Series, Laws and Regulations on the Régime of the High Seas*, Vol. I, 1951, p. 12.

⁶ By Provisional Act No. 37 of 19 March 1952 (*Stjórnartidindi*, 1952, A 2.)

shelf of Iceland; wherein all fisheries shall be subject to Icelandic rules and control; Provided that the conservation measures now in effect shall in no way be reduced. The Ministry shall further issue the necessary regulations for the protection of the fishing grounds within the said zones. The Fiski-félag Islands (Fisheries Society) and the Atvinnudeild Háskóla Islands (University of Iceland Industrial Research Laboratories) shall be consulted prior to the promulgation of the said regulations.

The regulations shall be revised in the light of scientific research.

Article 2. The regulations promulgated under article 1 of the present law shall be enforced only to the extent compatible with agreements with other countries to which Iceland is or may become a party.

. . .

Article 4. The Ministry of Fisheries shall, to the extent practicable, participate in international scientific research in the interest of fisheries conservation.

. . .

Reasons for the law of 5 April 1948 (submitted to the Icelandic Parliament):

It is well known that the economy of Iceland depends almost entirely on fishing in the vicinity of its coasts. For this reason, the population of Iceland has followed the progressive impoverishment of fishing grounds with anxiety. Formerly, when fishing equipment was far less efficient than it is today, the question appeared in a different light, and the right of providing for exclusive rights of fishing by Iceland itself in the vicinity of her coasts extended much further than is admitted by the practice generally adopted since 1900. It seems obvious, however, that measures to protect fisheries ought to be extended in proportion to the growing efficiency of fishing equipment.

Most coastal States which engage in fishing have long recognized the need to take positive steps to prevent over-exploitation resulting in a complete exhaustion of fishing grounds. Nevertheless, there is no agreement on the manner in which such steps should be taken. The States concerned may be divided into two categories. On the one hand, there are the countries whose interest in fishing in the vicinity of foreign coasts is greater than their interest in fishing in the vicinity of their own coasts. While recognizing that it is impossible not to take steps to mitigate the total exhaustion of fishing grounds, these States are nevertheless generally of opinion that unilateral regulations by littoral States must be limited as far as possible. They have also insisted vigorously that such measures can only be taken by virtue of international agreements.

On the other hand, there are the countries which engage in fishing mainly in the vicinity of their own coasts. The latter have recognized to a growing extent that the responsibility of ensuring the protection of fishing grounds in accordance with the findings of scientific research is, above all, that of the littoral State. For this reason, several countries belonging to the latter category have, each for its own purposes, made legislative provision to this end the more so as international negotiations undertaken with a view to settling these matters have not been crowned with success, except in the rather rare cases where neighbouring nations were concerned with the defence of common interests. There is no doubt that measures of protection and prohibition can be taken better and more naturally by means

of international agreements in relation to the open sea, i.e., in relation to the great oceans. But different considerations apply to waters in the vicinity of coasts.

In so far as the sovereignty of States over fishing grounds is concerned, two methods have been adopted. Certain States have proceeded to a determination of their territorial waters, especially for fishing purposes. Others, on the other hand, have left the question of the territorial waters in abeyance and have contented themselves with asserting their exclusive right over fisheries, independently of territorial waters. Of these two methods, the second seems to be the more natural, having regard to the fact that certain considerations arising from the concept of "territorial waters" have no bearing upon the question of an exclusive right to fishing, and that there are therefore serious drawbacks in considering the two questions together.

When States established their sovereignty over fishing zones in the vicinity of their coasts they adopted greatly varying limits; in the majority of cases, they adopted a specified number of nautical miles: three miles, four miles, six miles or twelve kilometres, etc. It would appear, however, to be more natural to follow the example of those States which have determined the limit of their fisheries jurisdiction in accordance with the contour of the continental shelf along their coasts. The continental shelf of Iceland is very clearly distinguishable, and it is therefore natural to take it as a basis. This is the reason why this solution has been adopted in the present draft law.

Commentary on article 1. Two kinds of provisions are concerned: on the one hand, the delimitation of the waters within which the measures of protection and prohibition of fishing should be applied, i.e., the waters which are deemed not to extend beyond the continental shelf; and, on the other hand, the measures of protection and prohibition of fishing which should be applied within these waters. In so far as the enactment of measures to assure the protection of stocks of fish is concerned, the views of marine biologists will have to be taken into consideration, not only as regards fishing grounds and methods of fishing, but also as regards the Seasons during which fishing shall be open, and the quantities of fish which may be caught.

At present, the limit of the continental shelf may be considered as being established precisely at a depth of 100 fathoms. It will, however, be necessary to carry out the most careful investigations in order to establish whether this limit should be determined at a different depth.

Commentary on article 2. The provisions of this article have a bearing upon the following agreements: the Agreement between Denmark and the United Kingdom, of 24 June 1901, and the International Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, of 23 March 1937. Should the provisions contained in this draft law appear to be incompatible with these agreements, they would not, of course, be applied against the States signatories to the said agreements, as long as these agreements remain in force.

Commentary on article 4. On 17 August 1946, the International Council for the Exploration of the Sea recommended that measures be taken to prohibit fishing in the Faxaflói. It goes without saying that Iceland will

take part, to the fullest possible extent, in any initiative of this kind in relation to her own coast as well as others. She has already given proof of her interest in these problems, in particular by taking part in international oceanographic research.

(f) REGULATIONS OF 19 MARCH 1952 CONCERNING CONSERVATION OF FISHERIES OFF THE ICELANDIC COASTS¹

Article 1. All trawling and Danish seine-netting is prohibited off the Icelandic coasts inside a line which is drawn four nautical miles from the outermost points of the coasts, islands and rocks and across the opening of bays.

The line shall be drawn by drawing straight base lines between the following points, and then a parallel line four nautical miles seawards:

1. Horn	66°27'4 N., 22°24'5 W.
2. Irabooi	66°19'8 N., 22°06'5 W.
3. Drangasker	66°14'3 N., 21°48'6 W.
4. Selsker	66°07'3 N., 21°31'2 W.
5. Asbúoarif	66°08'1 N., 20°11'2 W.
6. Siglunes	66°11'9 N., 18°50'1 W.
7. Flatey	66°10'3 N., 17°50'5 W.
8. Lágey	66°17'8 N., 17°07'0 W.
9. Rauoinúpur	66°30'7 N., 16°32'5 W.
10. Rifstangi	66°32'3 N., 16°11'9 W.
11. Hraunhafnartangi	66°32'3 N., 16°01'6 W.
12. Langanes	66°22'6 N., 14°32'0 W.
13. Skálatóarsker	65°59'7 N., 14°37'5 W.
14. Bjarnarey	65°47'1 N., 14°18'3 W.
15. Almenningsfles	65°33'1 N., 13°40'6 W.
16. Glettinganes	65°30'6 N., 13°36'4 W.
17. Norofjaroarhorn	65°10'0 N., 13°31'0 W.
18. Gerpir	65°04'7 N., 13°29'8 W.
19. Hólmur	64°58'9 N., 13°30'7 W.
20. Setusker	64°57'7 N., 13°31'6 W.
21. Pursasker	64°54'1 N., 13°36'9 W.
22. Yztibooi	64°35'2 N., 14°01'6 W.
23. Selsker	64°32'8 N., 14°07'1 W.
24. Hvitingar	64°23'8 N., 14°28'1 W.
25. Stokksnes	64°14'1 N., 14°58'5 W.
26. Hrollaugseyjar	64°01'7 N., 15°58'8 W.
27. Tvísker	63°55'6 N., 16°11'4 W.
28. Ingólfshöfoi	63°47'8 N., 16°38'6 W.
29. Hvalsíki	63°44'1 N., 17°33'7 W.
30. Meoallandssandur I	63°32'4 N., 17°56'0 W.
31. Meoallandssandur II	63°30'6 N., 18°00'0 W.
32. Myrnatangi	63°27'4 N., 18°12'0 W.
33. Kötlutangi	63°23'4 N., 18°43'0 W.
34. Lundadrangur	63°23'5 N., 19°07'6 W.

¹ Text of Regulations provided by the Ministry for Foreign Affairs of Iceland.

35. Geirfuglasker	63°19'0 N., 20°30'1 W.
36. Einídrangur	63°27'4 N., 20°37'2 W.
37. Selvogur	63°49'2 N., 21°39'4 W.
38. Hópsnes	63°49'3 N., 22°24'6 W.
39. Eldeyjardrangur	63°43'8 N., 22°59'6 W.
40. Gáluvíkurtangi	64°44'9 N., 23°55'2 W.
41. Hraunvör	64°49'6 N., 24°01'0 W.
42. Skálasnagi	64°51'2 N., 24°02'7 W.
43. Bjargtangar	65°30'2 N., 24°32'3 W.
44. Kópanes	65°48'3 N., 24°06'3 W.
45. Barði	66°03'7 N., 23°47'6 W.
46. Straumnes	66°25'7 N., 23°08'5 W.
47. Kögur	66°28'3 N., 22°55'8 W.
48. Horn	66°27'9 N., 22°28'5 W.

Also, a four-mile zone shall be drawn around the following:

49. Kolbeinsey	67°07'5 N., 18°36'0 W.
50. Hvalsbakur	64°35'8 N., 13°16'7 W.
51. Geirfugladrangur	63°40'6 N., 23°17'3 W.

Finally, a four-mile zone shall be drawn from the outermost points and rocks of the island of Grímsey (see map, p. 35).

Article 2. In the area defined in article 1 any other foreign fishing activities shall be prohibited in accordance with the provisions of Law No. 33 of 19 June 1922 concerning fishing in territorial waters.

. . .

Article 6. These regulations supersede regulations No. 56 of 22 April 1950, concerning the conservation of fisheries off the north coast.

India

INDIAN FISHERIES ACT, 1897, AS AMENDED ¹

. . .

4. *Destruction of fish by explosives in inland waters and on coasts.* (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

5. *Destruction of fish by poisoning of waters.* (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

¹ Sir Tej Bahadur Sapru, *Encyclopaedia of the General Acts and Codes of India*, vol. IV, p. 14.

(2) The [State Government] may, by notification in the Official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

6. *Protection of fish in selected waters by rules of State Government.* (1) The [State Government] may make rules for the purposes hereinafter in this section mentioned, and may by notification in the Official Gazette apply all or any of such rules to such waters, not being private waters, as the [State Government] may specify in the said notification.

. . .

Israel

(a) FISHERIES ORDINANCE, 1937¹

. . .

2. In this Ordinance, unless the context otherwise requires —

“Fish” means any aquatic animal whether piscine or not and includes sponges, shell fish, crustaceans, turtles and aquatic mammals.

“Taking fish” includes any lawful method of catching fish.

“Palestine” includes that part of the sea adjacent to the coast thereof which is within three nautical miles² measured from low water mark.

“Licensing authority” means any authority which has power to grant licences or permits under this Ordinance.

“Fishery officer” means any officer upon the establishment of the Fisheries Service of Palestine.

3. (1) The High Commissioner or any officer duly authorised by him may grant to suitable persons licences to take fish, or any named species of fish, in Palestine:

Provided that

(a) Subject to the provisions of sub-section (2) hereof, the High Commissioner or any officer duly authorised by him shall not grant a licence to take fish in Palestine to any person operating or manning any fishing vessel registered in any port or place not being a Palestinian port or place;

(b) The High Commissioner may, at his discretion and subject to such conditions as he may think fit, grant to suitable persons licences to take fish, or any named species of fish, exclusively in such part of Palestine as may be specified in any such licence.

(2) The High Commissioner may, if in his opinion the particular circumstances of the case make it expedient so to do, grant at his discretion and subject to such conditions as he may think fit, a special licence of any of the kinds indicated in sub-section (1) hereof to any person operating or manning any fishing vessel registered in any port or place not being a Palestinian port or place.

(3) A licence to take fish in Palestine granted under this Ordinance other than a licence to take fish exclusively in any part of Palestine or a special licence granted under sub-section (2) hereof, shall not be available for a longer period than one year. It shall, subject as provided in proviso (a) to sub-section (4) hereof, be personal to the person to whom it is issued and it shall not be transferable.

¹ *Government of Palestine, Ordinances, Regulations, Rules, Orders, and Notices*, Vol. I. 1937, p. 157.

² See *supra*, Chapter I, under Israel (a).

(4) No person shall take fish in Palestine, unless he is the holder of a licence to take fish in Palestine granted under this Ordinance:

Provided that

(a) Any person who takes fish with a line from the shore, and any person whose name is endorsed on a licence granted to a company or co-operative society or on a licence to take fish exclusively in any part of Palestine or on a special licence granted under sub-section (2) hereof shall not be required to obtain such licence;

(b) Nothing herein contained shall be deemed to enable either any person to whom a licence to take fish in Palestine has been granted under this Ordinance, or any person who takes fish with a line from the shore, to take fish in any area in respect of which an exclusive licence has been granted to some other person by the High Commissioner.

4. (1) The High Commissioner or any officer duly authorised by him may grant to suitable persons operating or manning any fishing vessel registered in a port or place not being a Palestinian port or place, a permit to land fish in Palestine:

Provided that the High Commissioner or any officer duly authorised by him shall not grant to any person being the master of any such vessel a permit to land fish in Palestine, before he on behalf of the owner shall have agreed in writing to conform to the rules in force for Palestinian vessels in respect of the minimum size of mesh in the nets in use, and of the minimum lengths of the fishes permitted to be landed.

(2) A permit to land fish in Palestine shall not be available for a longer period than one year. It shall be personal to the person to whom it is issued and shall not be transferable.

5. No person shall take or destroy or attempt to take or destroy any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter.

6. Any Fishery Officer, Police Officer, Customs Officer or any other officer of the Palestine Government empowered in that behalf by the High Commissioner, may for the purpose of enforcing the provisions of this Ordinance:

(a) Require any person engaged in fishing to exhibit his licence, permit, apparatus or catch;

(b) Go on board any vessel reasonably believed to be engaged in fishing and search and examine any fish or fishing apparatus therein;

(c) Where there is reasonable suspicion that any offence has been committed, take the alleged offender, the boat, apparatus, and catch, without summons, warrant or other process to the nearest or most convenient police station or port, and seize the boat and apparatus pending trial and sell the catch and impound the proceeds of sale;

(d) Demand from any person in possession of any fish, information regarding the source of his supply;

(e) Seize any fish which has been or is reasonably suspected of having been taken by the use of dynamite or other explosive substance or by any noxious or poisonous matter.

7. A licence or permit granted under this Ordinance may be cancelled by a licensing authority upon the conviction of the holder for any contravention of the terms of such licence or permit or for any breach of this Ordinance or of any rules made thereunder.

8. The Court may order the confiscation of any boat, apparatus or catch employed in the commission of or derived from any act proved to be an offence under this Ordinance or any rules made thereunder. Any boat, apparatus, or catch so confiscated shall be sold and the proceeds thereof shall be credited to general revenue.

9. The High Commissioner may make, and when made, may vary or revoke rules:

(a) Prohibiting any practices or methods, or employment of equipment or devices or materials which are likely to be injurious to the maintenance and development of a stock of fish;

(b) Prescribing areas and seasons within which the taking or landing of fish is prohibited or restricted, either entirely or with reference to any named species;

(c) Prescribing limits to the size of fish of named species which may be taken;

(d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish in Palestine or in any specified part thereof;

(e) Regulating the persons by whom licences and permits are to be granted and the procedure relating to the issue of and the cancellation of licences and permits and prescribing the forms of applications and licences and permits and the conditions to be attached to licences and permits;

(f) Prescribing the fees to be charged upon the issue of licences and permits;

(g) Regulating any other matter relating to the conservation, protection, and maintenance of a stock of fish which may be deemed requisite.

. . .

(2) Where any fishing vessel not being a fishing vessel registered in a Palestinian port or place is found fishing within the territorial waters of Palestine otherwise than under a special licence granted by the High Commissioner under section 3(2) of this Ordinance, the master, and if proved to have been privy to the offence, the owner, of such vessel shall be guilty of an offence and shall on conviction be liable:

(a) To a fine not exceeding five hundred pounds, jointly and severally in cases where the master and owner are both liable, or

(b) To imprisonment for a period not exceeding six months, or

(c) To both such penalties,

and in addition the fishing apparatus employed by such vessel may be confiscated or destroyed by order of the Court.

. . .

(b) FISHERIES RULES, 1937 ¹, AS AMENDED ²

. . .

3. (1) The Chief Fisheries Officer, or any Fishery Officer duly authorised by him, shall have power to grant to the master, or to the representative of the owner, of any foreign fishing vessel a permit to land fish in Palestine subject to the said master or representative complying with the provisions

¹ *Government of Palestine, Ordinances, Regulations, Rules, Orders and Notices*, vol. II, 1937, p. 103.

² *Ibid.*, p. 526.

laid down in section 4 (1) of the Ordinance, and signing a declaration in the form set out in the Schedule IV to these rules.

. . . .

4. (1) Fishing by any form of trawl net, whether beam or otter trawl, or by two vessels working in conjunction, is prohibited in the territorial waters of Palestine except to officers of the Fisheries Service when engaged in an investigation or an experiment.

(2) The use of the Lampara net when employed in conjunction with lights is prohibited within the territorial waters of Palestine.

(3) It is prohibited to use any net other than cast net (*Shabakat Tarh*) for the purpose of taking fish in the estuary of any river or in the sea within 100 metres of its mouth.

(4) No fixed net, barrier of matting, line of traps or other device of a nature intended or likely to stop the normal migration of fish to or from any pond, lake, river or estuary may be erected or employed except by special permission of the High Commissioner.

(5) The employment of chains, wire ropes and similar devices for the purpose of driving fish, and the beating of the water with oars or paddles throwing stones and shouting, or any other methods of frightening fish into nets or traps, are prohibited.

. . . .

7. Fish may not be landed for sale on the Mediterranean coast except at Zeeb, Acre, Haifa, Tantoura, Jaffa, Tel Aviv, Joura or Gaza, and then only at such places as the Chief Fisheries Officer shall appoint.

8. (1) No fishing by line, net, trap or any other means shall take place within the area of water enclosed by the main and lee breakwaters at Haifa or from those breakwaters. Provided that the Chief Fisheries Officer and the Port Manager, Haifa, may, jointly and at their discretion, grant to suitable persons special permits permitting such persons to fish with a line from the said main breakwater between the hours of sunrise and sunset.

(2) No fishing by line, net, trap or any other means shall take place within the area of water enclosed by the sea wall and the reef of rock immediately to the north of this wall at Jaffa, or from the sea wall and reef themselves,

9. Any person contravening or failing to comply with any of the provisions of these rules shall be guilty of an offence and shall be punishable upon conviction in the manner provided in the Ordinance.

. . . .

Italy

DECREE No. 1107 OF 26 SEPTEMBER 1912 ¹

. . . .

Article 1. No ship, boat, fishing vessel or other craft driven by steam or equipped with an auxiliary engine in addition to sail may engage in fishing in the territorial sea unless and until:

¹ *Gazzetta Ufficiale del Regno d'Italia*, Sept.-Oct. 1912, p. 6159. Translation by the Secretariat of the United Nations.

(a) The Ministry of Agriculture, after consultation with the Standing Committee on Fisheries, issues to the beneficial owner or manager of the said means of navigation or to the fisherman or fishing company concerned the provisional permit which may be delivered only to Italian citizens; and

(b) The said Ministry specifies, in each individual case, the authorized area of operation, the distance from the coast, the scheduled times, the kind and dimensions of the fishing gear, the meshes of the nets, the manner in which the "fishing log" is to be kept, and all other pertinent regulations.

The above provisions shall not prejudice in any way the application of any currently effective international agreements on fishing.

. . .

Article 2. Any person who, not being only authorized, engages in fishing with craft as described in article 1 within a zone extending not more than seven nautical miles to seaward from the coast, or who proposes to engage in fishing as aforesaid beyond the said zone and fails to give prior notice on each occasion to the maritime authority (which shall in turn notify the Ministry of Agriculture), or who violates a directive of the Ministry issued in pursuance article 1 (b) of this Decree, shall be liable to the penalties specified in articles 90 and 96 of the Maritime Fishing Regulations enacted by Royal Decree No. 1090 of 13 November 1882.

. . .

Note. See also: Navigation Code of 30 March 1942, articles 219-221 (*supra*, Chapter II, Section A, under Italy (a)).

Jordan

FISHERIES ACT NO. 25 OF 2 DECEMBER 1943¹

. . .

Article 2. In this Act, unless the context otherwise requires:

. . .

"Transjordan" includes that part of the sea which is contiguous to the coast of Transjordan and lies within a distance of three nautical miles from the low-water line.

. . .

Article 4. No one shall be permitted to engage in fishing unless he has obtained a fishing licence. A fee of 100 mills shall be charged for the issue of such licence in respect of each financial year.

. . .

Article 8. Any judicial, police or customs officer, and any other officer empowered thereto by the Prime Minister may, for the purpose of enforcing the provisions of this Act:

¹ *Official Gazette* No. 782, 16 December 1943, p. 235; *Official Collection of Jordan Laws and Regulations*, volume III, p. 381. Translation by the Secretariat of the United Nations.

(a) . . .

(b) Go on board and search any vessel or boat believed to be engaged in fishing and examine any fish or fishing implements therein.

(c) Where there are reasonable grounds for suspecting that an offence has been committed, take the alleged offender, the vessel or boat, the fishing implements and the catch without summons or warrant, to the most convenient police station or port, detain such vessel or boat and such fishing implements pending trial, sell the catch and impound the proceeds of the sale.

. . .

Korea

FISHERY RESOURCES CONSERVATION LAW No. 298 PROMULGATED 12 DECEMBER 1954¹

Article 1. The seas lying between the coasts of the peninsular and insular territories of Korea and line of demarcation made from the continuity of the lines mentioned hereunder are hereby defined as the jurisdictional water for the conservation of the fishery resources (hereinafter referred to as the jurisdictional water).

a. Line from the highest peak of U-Am-Ryung, Kyung-Hung-Kun, Ham-Kyung-Pukdo to the point of 42°15'N – 130°45'E.

b. Line from the point of 45°15'N – 130°45'E to the point of 38°00'N – 132°50'E.

c. Line from the point of 38°00'N – 132°50'E to the point of 35°00'N – 130°00'E.

d. Line from the point of 35°00'N – 130°00'E to the point of 34°40'N – 129°10'E.

e. Line from the point of 34°40'N – 129°10'E to the point of 32°00'N – 127°00'E.

f. Line from the point of 32°00'N – 127°00'E to the point of 32°00'N – 124°00'E.

g. Line from the point of 32°00'N – 124°00'E to the point of 39°45'N – 124°00'E.

h. Line from the point of 39°45'N – 124°00'E to the western point of Ma-An-Do, Sin-Do-Yuldo, Yong-Chun-Kun, Pyung-An-Pukdo.

i. Line from the western point of Ma-An-Do to the point where a straight line drawn north meets with the western end of the Korean-Manchurian borderline.

Article 2. Any person who desires to engage in fishing in the jurisdictional water is required to obtain a permission from the Competent Minister.

Article 3. Any person who violated the preceding Article shall be punished by a penal servitude or an imprisonment not exceeding three years, or by a fine not exceeding five hundred thousand Hwan, and any fishing vessel, equipment, catch, and cultured and manufactured product which are owned or possessed by such person shall be confiscated.

Article 4. In the search for the offence provided in the preceding article, the officers and sailors aboard Naval vessels, and other officials determined

¹ Text of Law provided by the Permanent Observer of the Republic of Korea to the United Nations.

by Presidential Decree may carry out the functions of the judicial police officers.

In conducting the search provided in the preceding paragraph, they may, if necessary, bring home any vessel which violated the provisions of this Law.

If a vessel excites suspicion of violating Article 2, they may halt, visit, search and make any other necessary disposition of a vessel, even if such a vessel is only a vessel in transit.

Supplementary Regulations

A permission, license or notice in force on 19 February 1952 shall be regarded as if it were obtained in accordance with this Law.

. . .

Liban

- (a) ARRÊTÉ N° 1104 DU 14 NOVEMBRE 1921 RELATIF À LA POLICE DE LA PÊCHE MARITIME ¹

. . .

Article 1^{er}. La mer territoriale pour la zone des côtes des pays syriens et libanais sous mandat français s'étend, au point de vue de la pêche, à 6 milles marins de la côte ou des îles.

. . .

Article 5. La pêche est interdite dans l'intérieur des ports et bassins à l'exception de la pêche à la ligne armée de deux hameçons au plus.

. . .

Article 6. Il est défendu de jeter dans les eaux de la mer, le long des côtes et dans les ports où la pêche est réputée maritime, toutes matières susceptibles d'infecter les eaux, d'affecter, d'enivrer ou d'empoisonner le poisson.

La même interdiction s'applique aux usines placées sur le littoral pour l'évacuation des résidus qui ne peuvent être jetés à la mer que dans les conditions de l'autorisation qui devra être demandée.

. . .

- (b) ARRÊTÉ N° 3178 DU 18 JUIN 1930 SUR LA CIRCULATION DANS LES EAUX TERRITORIALES DES BÂTIMENTS DE PÊCHE AUTRES QUE CEUX DES ETATS DU LEVANT SOUS MANDAT FRANÇAIS ²

Article 1^{er}. Définitions. Dans le présent arrêté: l'expression « engins de pêche » désigne tout engin utilisé pour la capture des poissons ou pour la pêche des éponges comme la drague « gangava », les appareils Fernez et scaphandre.

Les « eaux territoriales » sont celles définies à l'article 1^{er} de l'arrêté 1104 du 14 novembre 1921 du Haut-Commissaire.

¹ *Recueil des actes administratifs du Haut-Commissariat de la République française en Syrie et au Liban, 1919-1920, vol. I, p. 412.*

² Texte fourni par le Ministère des affaires étrangères de la République libanaise.

Article 2. Indépendamment des prescriptions générales qui pourront être édictées relativement à la circulation dans les eaux territoriales des Etats du Levant sous mandat français, tout navire autre que ceux de ces Etats, à voile ou à vapeur, muni d'engins de pêche et circulant dans ces eaux doit, sous les peines prévues à l'article 3 ci-après:

a) Porter extérieurement sur sa coque, de chaque bord et à l'arrière, ses nom ou numéro matricule et port d'attache. Les lettres et chiffres doivent être de dimensions suffisantes pour permettre facilement l'identification du navire. Ils ne devront en aucun cas être couverts, effacés ou altérés.

b) Etre muni de pièces officielles délivrées par les autorités qualifiées du pays auquel il appartient pour permettre de justifier sa nationalité ainsi que ses marques extérieures et indiquer, en outre, les noms des propriétaires, capitaine, ou patron.

Ces pièces seront exhibées à la première réquisition des autorités chargées de la police de la pêche.

c) Pendant le séjour dans les eaux territoriales, arborer en tête de mât un pavillon bleu ayant, au moins, 0 m,65 de guindant et 0 m,97 de battant.

De nuit, porter les feux qui sont réglementaires à bord des navires des Etats du Levant sous mandat français.

Article 3. Tout contrevenant aux prescriptions du présent arrêté sera puni d'une amende de cinq à cent livres libano-syriennes et d'un emprisonnement de deux à dix jours ou de l'une de ces deux peines seulement.

Libya

- (a) ROYAL LEGISLATIVE DECREE NO. 1764 OF 12 APRIL 1937 TO APPROVE THE REGULATIONS GOVERNING SPONGE-FISHING IN THE WATERS OF LIBYA AND OF THE ITALIAN ISLANDS IN THE AEGEAN¹

CHAPTER I

General Provisions

Article 1. Sponge-fishing in the sponge-bearing seaweed beds of the waters of Libya and the Possession of the Italian Islands in the Aegean shall be governed by the provisions of these regulations.

The fishing areas shall be delimited in each of the said territories by order of the Government of the territory in question.

In the said sponge-bearing seaweed beds fishing is in principle reserved to fishing vessels, fishing boats and craft in general which are entered on the rolls and registers of the Kingdom, the Possession of the Italian Islands in the Aegean or the Italian Colonies: foreign vessels may, however, be admitted under existing treaty arrangements, and in such cases they shall, save as otherwise expressly provided, be subject to the provisions of the present regulations.

Article 2. As used in these regulations, the term "diver" means a person who goes under water in a diving suit or Fernez apparatus. As used in these

¹ *Bollettino Ufficiale della Libia*, No. 48 of 21 Nov. 1937, pp. 1643 *et seq.* Text of decree provided by the Ministry of Foreign Affairs of Libya. Translation by the Secretariat of the United Nations.

regulations, the term "fishing unit" means a vessel or craft, other than a depôt ship, designed for sponge-fishing.

Article 3. An unrestricted fishing area is established for Tripolitania and Cyrenaica. It is bounded to the North, to seaward, by the parallel of latitude passing through Buerat El Hsun (31°/24'/00"N) and to the East by the meridian of longitude passing through El Agheila (19°/13'/00" East of Greenwich).

Article 4. Entry into the unrestricted area referred to in article 3 shall be permissible whenever a fishing unit is obliged, for the purpose of obtaining fresh supplies, or for reasons of *force majeure*, to penetrate beyond the limits laid down in the fishing permit.

Article 5. In the case provided for in the preceding article, the persons in command of the fishing unit must present themselves before the maritime authority of Sirte or Buerat and satisfy the said authority of the effective necessity, in the circumstances, to penetrate beyond the limits laid down in the fishing permit.

When the circumstances which made it necessary to penetrate beyond the said limits have ceased to exist, and upon the cessation of any reasons of *force majeure* which supervened during the vessel's stay in the unrestricted area, the fishing unit must return to its own area within a period not exceeding ten days, during which time it may engage in fishing in the unrestricted area.

. . .

Article 7. With the resources to be placed at their disposal by the respective Governments, the maritime authorities of Libya and the Possession of the Italian Islands in the Aegean shall institute a fishing areas inspection service to ensure that provisions of these regulations are carried out.

. . .

(b) ROYAL DECREE NO. 1402 OF 9 JANUARY 1939 — ORDINANCE CONCERNING THE CONDUCT OF FISHING IN LIBYA ¹

. . .

SOLE ARTICLE

. . .

The attached ordinance concerning the conduct of fishing in Libya, which has been countersigned by Our order by the proposing Minister, is hereby approved.

. . .

ORDINANCE CONCERNING FISHING IN LIBYA

CHAPTER I

General Provisions

Article 1. For the purposes of these provisions, the expression "maritime fishing" includes fishing in Libya in waters of the public domain which

¹ *Bollettino Ufficiale della Libia*, No. 45 of 11 October 1939, pp. 1657 *et seq.* Translation by the Secretariat of the United Nations.

at any time of the year freely empty into the sea if such fishing takes place to seaward of the point at which the fresh water and the salt water first commingle.

The expression "fishing in internal waters" includes fishing in water courses upstream from the point at which the fresh water and the salt water first commingle, and in pools and lagoons which do not empty into the sea.

Article 2. The maritime authorities of Libya, with the assistance of the personnel of the Royal Marine, the Royal Air Force, the Royal Customs and the police force, shall be responsible for supervising fishing and for investigating any case in which these provisions may have been violated.

Article 5. Persons whose names appear in the seamen's list or register of the Italian Colonies and Possessions, or of the Kingdom of Italy, may engage in fishing in Libyan waters.

Aliens may be authorized to engage in fishing by virtue of treaties in force or, in the absence of treaties, by special permission of the Governor-General of Libya.

Article 6. Foreign vessels which are authorized to engage in fishing in Libyan waters are required to comply with these regulations, except as otherwise specified in special provisions contained in international treaties or conventions.

Article 7. The maritime authorities, personnel of the Royal Marine and, in general all agents responsible for the supervision of maritime fishing shall have authority to board fishing vessels or boats for the purpose of determining whether any violation of these provisions has occurred.

Article 9. Maritime fishing is classified into "restricted fishing" and "unrestricted fishing". The expression "restricted fishing" means fishing carried on in Libyan waters at a distance of not more than six miles from the coast; and the expression "unrestricted fishing" means fishing on the high seas or in foreign waters.

Licences for maritime fishing shall be issued, after consultation with the Director of the Fisheries Observatory at Tripoli, by the maritime authority referred to in article 518 of the regulations enacted to give effect to the Libyan Merchant Shipping Code, approved by Royal Decree No. 1062 of 3 September 1914.

Licences for fishing in internal waters of Libya shall be issued by the Provincial Commissioners subject to consultation with the aforesaid Director.

Article 16. It shall be unlawful to fish:

(1) In a zone of the sea or in a salt-water pool which is utilized directly by the State or by the holder of a concession, with the further proviso that in the waters comprised within a zone of 200 metres to seaward from, and 200 metres across, the mouth of a channel which links a salt-water pool with the sea, fishing is prohibited at all times;

(2) In zones reserved to or used for tunny fishing or sedentary fisheries of any kind;

(3) Within the confines of any port, unless fishing is expressly permitted by the maritime authority;

(4) In zones which, for the purpose of the conservation of aquatic resources, are subject to special prohibitions established by these provisions or by regulations made by the Minister for Italian Africa or the Governor-General;

(5) In zones declared by the maritime authority to be military zones, and in places where there are submarine cables.

Article 20. With a view to the conservation of the living resources of the sea and in the light of information pertaining thereto furnished by the Office of the Director of the Fisheries Observatory, or for economic or maritime policing considerations, a maritime authority may, subject to prior authorization from the Governor-General, direct that fishing shall be carried on in rotation, or prohibit fishing in specified zones, for specified periods of the year, or by specified methods.

(c) PROCLAMATION No. 178 OF 14 MAY 1943 ¹

Article 1. The Port Manager may admit by licence vessels not registered in Tripolitania to sponge fishing in the Tripolitania water subject to any conditions which he may deem necessary.

Maroc

(a) RÈGLEMENT DU 31 MARS 1919 SUR LA PÊCHE MARITIME, MODIFIÉ PAR LE DAHIR DU 15 JUIN 1924 ²

TITRE PREMIER

Dispositions générales

Article 2. La mer territoriale, pour la zone française de Notre Empire, s'étend, au point de vue de la pêche, à 6 milles marins à partir de la laisse de basse mer.

Pour les baies, le rayon de 5 milles est mesuré à partir d'une ligne droite, tirée en travers de la baie dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas 12 milles. Des arrêtés de Notre Grand Vizir fixeront, pour les quartiers maritimes de la zone française de l'Empire chérifien, la ligne à partir de laquelle la limite sera comptée.

Article 5. La pêche en mer territoriale est assujettie au paiement d'une licence donnant le droit de pêcher en bateau, pendant une année, dans les eaux littorales de la zone française de l'Empire chérifien.

¹ Text of Proclamation provided by the Ministry of Foreign Affairs of Libya.

² P. Louis Rivière, *Traité, codes et lois du Maroc*, Paris, 1925, t. III, p. 896.

TITRE II

Interdiction de pêche — règles générales sur l'exercice de la pêche maritime

Article 8. La pêche est interdite:

a) Sur les parties du littoral, des étangs, des fleuves, rivières ou canaux qui font l'objet d'exploitation par l'Etat ou de concessions régulièrement autorisées. Les conditions de l'interdiction sont portées à la connaissance du public par voie d'affiche;

b) Dans la zone de protection accordée par l'arrêté de concessions à certains établissements de pêche, comme les madragues, sous la réserve que les zones interdites seront signalées à la navigation par des marques apparentes;

c) Dans l'intérieur des ports et bassins, à l'exception de la pêche à la ligne armée de deux hameçons. Toutefois le directeur général des travaux publics peut autoriser certaines pêches spéciales dans les ports et bassins qui dépendent de son autorité.

Des arrêtés de Notre Grand Vizir peuvent, en outre, interdire temporairement certaines pêches, dans l'intérêt de la conservation des espèces maritimes ou pour toute autre raison d'intérêt général. Ces interdictions devront être portées à la connaissance du public par la voie du *Bulletin officiel*.

(b) DAHIR DU 25 MARS 1922 PORTANT RÈGLEMENT SUR L'EXERCICE DE LA PÊCHE EN FLOTTE DANS LES EAUX TERRITORIALES DU MAROC ¹

Article 1^{er}. La mer territoriale, pour la zone française de l'Empire chérifien, s'étend, au point de vue de la pêche, à six milles marins à partir de la laisse de basse mer.

L'exercice du droit de pêche n'y est assujéti qu'au paiement d'une licence.

Article 19. Les autorités prévues à l'article 2 du présent dahir peuvent exiger de tout capitaine ou patron se trouvant dans les eaux territoriales chérifiennes la production de ses papiers justifiant sa nationalité et son identité.

Elles ne pousseront plus loin leurs investigations qu'en cas de suspicion légitime d'infractions au présent dahir.

Article 20. Ces mêmes autorités sont compétentes pour apprécier, dans l'étendue de la mer territoriale, les dommages qu'ont éprouvés les bateaux de pêche, par le fait ou la faute d'autres bateaux de pêche.

Si le cas leur paraît assez grave, les autorités ci-dessus indiquées auront le droit de conduire le bateau délinquant dans le port le plus voisin de la zone française du Maroc, pour être remis aux autorités françaises et jugé, s'il y a lieu, par le tribunal compétent le plus rapproché du point où l'infraction a été commise.

¹ *Ibid.*, t. III, p. 901.

Article 22. En cas de voies de fait, de coups et blessures ou de crimes commis par des pêcheurs dans l'étendue des eaux territoriales, les bateaux intéressés seront immédiatement conduits dans un port de la zone française du Maroc.

Article 23. Les délinquants sont remis aux autorités françaises pour être jugés comme il est dit à l'article 20 ci-dessus.

Article 24. Les autorités chargées de la surveillance de la pêche auront toujours le droit de prendre en remorque et d'expulser hors des eaux territoriales tout navire étranger ou français qui, dans les trois mois précédents, aurait commis quelque infraction ou quelque dommage et se serait soustrait aux mesures répressives ou de réparations.

S'il s'agissait d'un crime précédemment commis ou d'un délit contre les personnes, les délinquants rencontrés dans les eaux territoriales pourraient être appréhendés durant la période de temps prévue pour la prescription des délits et des crimes.

Netherlands

(a) FISHERIES ACT OF 6 OCTOBER 1908^{1 2}

CHAPTER I

General Provisions

Article 1. (1) For the purposes of this Act

(a) The term "sea fishing" means fishing in the sea, whether within or outside the territorial waters;

(b) The term "coastal fishing" means fishing in the inlets, the open harbours, the Dollart, including the Netherlands part of the Ems, the Lauwerzee, the Waddenzee, the Zuyder Zee and the rivers of South Holland and Zealand;

(c) The term "inland fishing" means fishing in the remaining waterways of the Kingdom to the point at which coastal fishing begins.

(2) For the purposes of this Act, the term "territorial waters" means the waters of the Kingdom as these are defined in articles II and III of the international Convention for regulating the Police of the North Sea Fisheries outside the Territorial Waters,³ ratified by the Act of 15 June 1883 (*Staatsblad* No. 73).

(3) The line of demarcation between the waters referred to in paragraph 1 shall be determined, where necessary, by general administrative regulations.

. . .

¹ *Visscherijwet*, S. 1931, No. 410; *Nederlandsche Staatswetten*, Ed. Schuurman and Jordens, No. 45, p. 11. Translation by the Secretariat of the United Nations.

² As amended by Acts Nos. 66 of 8 February 1912, 345 of 29 July 1916 and 1100 of 23 September 1921; Act No. 308 of 29 June 1925 to carry into effect a new Code of Criminal Procedure, and Act No. 276 of 9 July 1931. Promulgated by Decree No. 410 of 5 October 1931.

³ See *infra*, Second Part, Chapter I, Treaty No. 1.

CHAPTER II

Sea fishing

. . .

Article 10a. Provisions governing fishing in the territorial waters may be enacted by general administrative regulations.

. . .

- (b) ACT No. 135 OF 26 OCTOBER 1889¹, TO PROHIBIT FISHING BY MEMBERS OF THE CREWS OF FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE KINGDOM, AS AMENDED²
- . . .

Article 1. It shall be unlawful for a member of the crew of a foreign vessel to fish within the territorial waters of the Kingdom as these are defined in articles II and III of the international Convention for regulating the Police of the North Sea Fisheries outside the Territorial Waters,³ ratified by the Act of 15 June 1883 (*Staatsblad* No. 73).

Nothing in the foregoing provision shall be construed as derogating from the rights accorded to residents of the Kingdom of Belgium under the regulations made in pursuance of article 9 of the Treaty of 19 April 1839 (*ibid.* No. 26) respecting the exercise of the right to fish and to deal in fish, as embodied in the Royal Decree of 9 September 1843 (*ibid.* No. 45) and amended by the declaration contained in the Royal Decree of 20 April 1884 (*ibid.* No. 52).

Article 2. If in contravention of article 1 hereof any nets or other fishing gear are put out or hauled in, or any fishing takes place in any manner whatsoever from on board a foreign vessel within the territorial waters of the Kingdom as defined in the said article 1, the master of such vessel or his deputy shall be liable to a fine not exceeding 150 guilders.

The fishing gear with which the offence was committed may be confiscated. If at the time when the offence was committed less than two years had elapsed since a previous sentence imposed on the offender for a similar offence had become final, the fine may be increased by one-third.

The second, third, fourth, fifth and sixth paragraphs of article 23 of the Penal Code shall not be applicable in a case under this Act if the procedure laid down in the first paragraph of article 4 hereof is adopted.

Article 3. The detection of offences under this Act shall be the duty of the commanders of the vessels appointed by the Kingdom to supervise fishing and of the officials of the water patrol service, the water bailiffs (*waterschouten*) and the other officers of the State and communal police.

If an offender is discovered in *flagrante delicto*, the said officials shall seize the gear with which the offence was committed or assess its value.

If the official report on an offence is prepared by a commander as aforesaid, it shall be communicated without delay to the Minister of Marine, who shall transmit it to the proper authority.

¹ *Ibid.*, No. 45, p. 262.

² By Act No. 308 of 29 June 1925.

³ *Infra*, Second Part, Chapter I, Treaty No. 1.

Article 4. If any person is discovered in the act of committing the offence described in article 2 hereof, the vessel from on board which nets or other fishing gear have been put out or hauled in, or fishing has taken place in some other manner, shall be brought, if possible by a vessel appointed by the Kingdom to supervise fishing, to the nearest or most convenient Netherlands harbour, unless the sum of 300 guilders, or an equivalent amount of foreign currency or banknotes, is deposited with the commander of the last-named vessel as security for any fines and costs which may become payable upon conviction of the offender, in addition, if the gear with which the offence was committed is not seized, then a sum equivalent to the value of the said gear must also be deposited.

If such deposit is made, the commander of the last-named vessel shall issue an acknowledgement of receipt of the same and shall direct the master of the foreign vessel or his deputy to remove himself and the vessel outside the territorial waters without delay, or, if he refuses to comply, shall forcibly oblige him to do so.

Article 5. Any vessel brought to a Netherlands harbour in pursuance of the first paragraph of article 4 hereof shall be held in the charge of the water bailiff or, where there is no water bailiff, of the burgomaster, together with its equipment and stores, if these have not been seized, until the security referred to in the said article and the sum representing the value of the fishing gear (if not seized) are deposited, against an acknowledgement of receipt, with the burgomaster or a Netherlands consul in the country in which the vessel's owners are established, or until proceedings are barred upon the death of the accused person, by expiry of the period of limitation or by virtue of article 74 of the Penal Code, or until the acquittal of the accused person, or his discharge upon the Court's finding that the prosecution has no case, has become absolute, or until the sentence ceases to be enforceable upon the death of the convicted person or until the sentence imposed has been served or is to be carried out in the manner defined in the following article and any costs awarded against the convicted person have been paid.

Article 6. Where the procedure laid down in article 4 hereof is adopted, no appeal against a judgement *in absentia* shall lie if two months have elapsed since the judgement became enforceable.

If two months have elapsed since the judicial decision became enforceable and the arrested vessel is still held under the foregoing article, so much of its equipment and stores shall as soon as possible be publicly sold by the official in whose charge the vessel has been placed as is necessary to cover the fine, confiscated articles and costs, whereupon the vessel with its remaining equipment and stores be placed at the disposal of the person entitled to receive them if necessary through the nearest consular agent of the country in which the vessel's owners are established.

Article 7. The security and the sum representing the value of the fishing gear, if such gear was not seized, deposited with the burgomaster or with the commander of the vessel appointed to supervise fishing, shall as soon as possible be paid in at the office of the registrar of deeds within the jurisdiction of the cantonal court which is to deal with the offence, and shall be returned when the case has been disposed of, after deduction of any fine incurred, the estimated value of any articles which have been

declared forfeit but not surrendered, and costs, through the diplomatic channel to the person who had made the deposit in question.

If the deposit sums were deposited with a consul, then these sums shall remain in his charge and he shall account for them when the case has been disposed of, to the person entitled to receive them, after deduction of any fine incurred, the estimated value of any articles declared forfeit but not surrendered, and costs.

Article 8. An offence punishable under this Act is classified as a contravention.

The cantonal court in the territorial jurisdiction of which the harbour to which the vessel was brought is situated shall be competent to deal with an offence under this Act.

If the vessel was not brought in, articles 3 and 5 of the Code of Criminal Procedure shall apply in a case under this Act.

(c) DECREE OF 26 JULY 1952, TO ENACT REGULATIONS GOVERNING FISHING IN TERRITORIAL WATERS (TERRITORIAL WATERS FISHERY REGULATIONS)¹

Article 1. This Decree is applicable to fishing in territorial waters.

Article 2. The terms used in this Decree have the meaning assigned to them in the Fisheries Act (*Staatsblad* 1931, 410), and:

(a) "Our Minister" means Our Minister responsible for giving effect to the Fisheries Act (*Staatsblad* 1931, 410);

(b) "natural bank" means any area not reserved for an exclusive purpose in which shellfish have been deposited by nature;

(c) "head of district" means the head of the Fishery Inspection Service in the first district.

Article 3 (1) For the purpose of the protection of shell fisheries, sections of territorial waters containing, or adjacent to, natural banks may be closed to fishing.

(2) It shall be unlawful to fish in the sections referred to in paragraph (1) during periods when they are closed to fishing; this provision shall not, however, apply in cases in which permission in writing has been obtained from the head of the district for this purpose.

(3) The closing and the reopening of the sections in question shall be effected by an order to be made by Our Minister and to be published in the *Nederlandse Staatscourant*.

Article 4 (1) For the purpose of promoting the propagation of shellfish, Our Minister shall have authority to close sections of territorial waters to public fishing and, subject to conditions to be laid down by him, to declare the same reserved temporarily for the propagation of shellfish exclusively.

(2) The closing and the reopening of a section as aforesaid to public fishing shall be effected by an order to be made by Our Minister and to be published in the *Nederlandse Staatscourant*.

Article 5. In an area reserved for the exclusive purpose aforesaid it shall be unlawful

¹ *Staatsblad* No. 430 (1952). Translation by the Secretariat of the United Nations.

(a) To fish with a trawl or to gather shellfish during the time from half an hour after sunset to half an hour before sunrise;

(b) To fish with a trawl during a fog.

Article 6 (1) It shall be unlawful to carry any fishing tackle in an area reserved for the exclusive purpose aforesaid.

(2) This prohibition shall not apply in any case in which the person carrying fishing tackle can prove, when first requested to produce evidence of his authority, that he is authorized to fish in the area with such tackle.

Article 7. The master of a fishing vessel shall be liable to immediately on being ordered to do so by an official responsible for the investigation of offences punishable by or under the Fishery Act.

(3) Hailing, the hoisting or waving of a white flag or the flashing of a light signal shall have the force of such an order.

Article 8. Our Minister may, by an order to be published in the *Nederlandse Staatscourant*, temporarily set aside the provisions of this Decree, if owing to special circumstances this appears to be necessary in the interests of fishing.

Article 9. Contraventions of any provision of this Decree shall be punished by detention for a period not exceeding one month or a fine not exceeding 150 guilders.

Article 10. (1) The head of the district shall have authority to attach conditions to the permission in writing referred to in article 3, paragraph 2.

(2) Applicants may appeal to Our Minister in writing within fourteen days against the refusal or withdrawal of a permission by the head of the district or against a condition attached to such a permission. Our Minister shall state the reasons for his ruling.

(3) A ruling given on appeal which revokes the decision appealed against shall take the place of the latter.

. . .

Surinam

RESOLUTION NO. 1429 OF THE GOVERNOR OF SURINAM OF 21 MARCH 1950
TO GIVE EFFECT TO ARTICLE 44, PARAGRAPH 2, OF THE POLICE ORDINANCE^{1 2}

. . .

A. To designate the undermentioned areas as the land and water areas in which, as from 1 July 1950, it shall not be lawful to fish and to take fish except by virtue of a permit issued by or on behalf of the Administrator of Finance, *viz.*

1. The territorial sea (to a distance of three nautical miles),

2. The navigable sections of rivers, which shall mean the sections downstream from the area of falls, and also the navigable tributaries, creeks, canals and river loops discharging into the said sections,

3. Areas and non-navigable creeks and other water areas belonging to the free domain,

¹ *Gouvernementsblad van Suriname*, 1950, No. 51. Translation by the Secretariat of the United Nations.

² Text in force contained in *Gouvernementsblad*, 1942, No. 152.

4. Land held under a tenancy, on lease, in usufruct or under some other personal title granted for purposes other than fishing and pisciculture, in any case in which the fishing or the taking of fish is carried on as a business.

Netherlands Antilles

DECREE OF THE GOVERNOR OF CURAÇAO OF 16 AUGUST 1898 CONCERNING CONCESSIONS FOR SHELL-FISHING IN THE WATERS OF CURAÇAO (*Publicatieblad*, 1898, No. 16)

Netherlands New Guinea

(a) GENERAL REGULATIONS OF 29 APRIL 1927 FOR THE HUNTING OF WHALES WITHIN THREE NAUTICAL MILES OF THE COASTS OF THE NETHERLANDS INDIES ¹, AS AMENDED ²

Article 1. (1) Subject to the exception stated in article 2, no person shall be allowed to engage in whaling within three nautical miles (each equal to one sixtieth part of a degree of latitude) of the coasts of the Netherlands Indies unless a licence permitting him to do so has been issued by the Governor General.

(2) The distance of three nautical miles referred to in the preceding paragraph shall be reckoned from the low-water mark along the islands of the archipelago of the Netherlands Indies and from such rocks, reefs and shoals situated within that archipelago as are uncovered at low water. As far as bays, inlets and river-mouths are concerned, the said distance of three nautical miles shall be reckoned from a straight line drawn across the bay, inlet or river-mouth as near as possible to the entrance at the first point where the opening of the bay, inlet or river-mouth does not exceed ten nautical miles (each equal to one sixtieth part of a degree of latitude).

Article 2. The right of members of the indigenous population to hunt whales shall continue unaffected in so far as they have been accustomed from time immemorial to carry on such hunting.

Article 3. (1) The licence referred to in article 1 shall confer on the holder the right to engage, to the exclusion of other persons but subject to the exception stated in the preceding article, in the hunting of whales in a specified area of the sea for a specified term of years not exceeding fifty years.

(2) It may be issued to individuals, bodies corporate, registered or limited partnerships or shipping firms domiciled or established or duly represented in the Netherlands Indies.

(3) It shall be issued subject to such conditions as the Governor General considers advisable in each particular case. These conditions shall include provisions as to:

a. The number and type of vessels that may be used for the hunting of whales;

b. The nature of the hunting equipment to be used;

¹ *Staatsblad van Nederlandsch-Indië* (1927) No. 145. Translation by the Secretariat of the United Nations.

² *Ibid.*, 1940, No. 25.

- c. The periods during which whales may not be hunted;
- d. The payment to the State of an annual fee or of a sum for each whale taken or each unit processed or the payment of both such a fee and such sums.

Article 4. (1) Whales may be hunted only with vessels registered in the Netherlands or the Netherlands Indies, unless the Governor General gives permission in special cases for the use of other vessels.

(2) The processing and preparation for the market of whale-oil, guano and other whaling products shall be carried on exclusively in one or more installations to be constructed on land for this purpose by the licensee.

. . .

Article 10. (1) Any dispute concerning the fulfilment of the conditions set forth in article 3, paragraph (2), shall be settled by the judge according to a procedure to be more particularly prescribed by Ordinance.

(2) Until such time as the said Ordinance enters into force, any such dispute shall be settled by the Governor General.

. . .

- (b) GENERAL REGULATIONS GOVERNING PEARL, MOTHER-OF-PEARL, TRE-PANG AND SPONGE FISHING WITHIN THREE ENGLISH NAUTICAL MILES OF THE COASTS OF THE NETHERLANDS INDIES ¹, AS AMENDED ²

. . .

Article 1. (1) Except as otherwise provided in article 2, paragraph 1, pearl, mother-of-pearl, trepang and sponge fishing within three English nautical miles of the coasts of the Netherlands Indies shall be lawful only for persons thereto entitled by this Ordinance.

(2) In this Ordinance fishing for the marine products referred to in the preceding paragraph means any act, by whatsoever means, apparatus or appliance performed, the object of which is to take the said products from the sea.

(3) The distance of three English nautical miles referred to in this Ordinance shall be measured from the low-water mark of the coasts of the islands belonging to the Netherlands Indies and from rocks, banks and reefs not covered by the sea, or left uncovered at low water, the low-water mark of which is not more than six English nautical miles from the nearest coastal low-water mark.

Article 2. (1) The right of the indigenous population to fish for the marine products specified in article 1 shall continue unaffected; in so far as they have been accustomed from time immemorial to exercise that right, the indigenous inhabitants shall be entitled to exercise the same, to the exclusion of all other persons, in all places covered at low water by not more than five fathoms (nine metres) of water.

(2) In this Ordinance the expression "indigenous population" includes the "*orang laot*" who for some time have lived on or along the coasts.

(3) The fishing right of the indigenous population may not be assigned or alienated.

¹ *Staatsblad van Nederlandsch-Indië* (1916) No. 157. Translation by the Secretariat of the United Nations.

² *Ibid.*, 1940, No. 25.

(4) The terms of the leases referred to in article 3 and of the licences referred to in article 7 shall state whether the places which at low water are covered by not more than five fathoms of water are or are not included in the lease or licence in question.

(5) In any orders relating to these matters scrupulous regard shall be had not only to the interests of the indigenous population of the province or territorial district to the sea area of which the particular fishing ground belongs, but also, where necessary, to the interests of the population of the neighbouring provinces and territorial districts and of such "*orang laeet*" as habitually fish in that fishing ground.

Article 3. (1) The right to fish for one or more of the marine products specified in article 1 within three English nautical miles of the coasts of:

(a) Java and Madura, the Lampong Districts, Benkulen, Sumatra West Coast, Achin and dependencies, Palembang, Banka and dependencies, Billiton, West Borneo, Amboina (except the former province of South New Guinea), Minahassa and the districts of Gorontalo and the Sangi and Talaur Islands (Menado), the Government Districts of the Residency of South and East Borneo and of the Government of Celebes and dependencies, the Government Territory of the Government of Sumatra East Coast and of the Riouw Residence and dependencies, Ternate and dependencies and Timor and dependencies, the Bali and Lombok Residency, and islands under the jurisdiction of those islands, provinces and parts of provinces;

(b) All other parts of the Netherlands Indies where no indigenous self-governing unit recognized by the Government is entitled under an order of the Governor-General to dispose of income derived from fishing for one or more of the marine products specified in article 1;

shall be leased subject to the conditions laid down in this Ordinance and to such further conditions as may be prescribed by the Governor-General.

(2) So far as sponge fishing is concerned, the Director of Agriculture, Industry and Commerce may, on the expiry of a lease, direct that the area to which the lease applied shall not be leased again during such period as he may determine.

Article 4. (1) The Director of Agriculture, Industry and Commerce may, before the date on which an area is to be leased, declare the said area open to inspection by parties wishing to ascertain the value of the fishing grounds therein.

(2) Such inspection shall not be carried out without a permit issued in writing by the Chief of Provincial Administration subject to such conditions as he may consider necessary.

(3) A permit as aforesaid shall be issued to any interested party eligible for a lease under article 5.

(4) The permit shall remain in force until revoked but shall in any case expire on the day before the date of entry into force of the lease.

(5) The permit shall, subject to the conditions under which it is granted, entitle the holder to fish for the marine products therein specified in the area which is to be leased.

(6) A fee of 37.50 guilders (thirty-seven guilders and fifty cents) per month or per period of more than one-half month and per unit of diving equipment carried on the permit-holders' vessels shall be payable to the Territorial Treasury if the permit relates to pearl, mother-of-pearl and trepang, and a fee in an amount to be specified by the Director of Agriculture.

ture, Industry and Commerce in each individual case shall be payable if the permit relates to sponge fishing.

The said fee shall be payable monthly in advance.

Article 5. Only the following shall be eligible for a lease:

- (a) Netherlands subjects;
 - (b) Inhabitants of the Netherlands or the Netherlands Indies;
 - (c) Partnerships and companies domiciled in the Netherlands or the Netherlands Indies of which, in the case of a limited liability company, the sole manager or director or, if there are two, both, or, if there are more than two managers, the majority, and likewise the majority of the directors, and, in the case of a partnership carrying on business under a single name or a sleeping partnership, the sole managing partner or, if there are two, both, or, if there are several managing partners, the majority, are Netherlands subjects or inhabitants of the Netherlands Indies, such inhabitants being resident in the Netherlands Indies or the Netherlands;
- provided that, if the person, partnership or company concerned is not domiciled in the Netherlands Indies, he or it is properly represented there, and that the person domiciled in the Netherlands Indies who acts as representative in the Netherlands Indies of a person not domiciled in the Netherlands Indies, and the manager or representative, domiciled in the Netherlands Indies, of a partnership or company domiciled in the Netherlands Indies or the Netherlands, must be authorized to reside in the province or provinces to which the sea area to be fished belongs.

Article 7. (1) The competent Chief of Provincial Administration may, subject to the provisions of article 2, paragraph (1), issue on behalf of the Governor-General a licence to fish for one or more of the marine products specified in article 1 within three English nautical miles of coasts of the Netherlands Indies other than the coasts referred to in article 3.

(2) A licence as aforesaid shall not be issued unless the applicant person or partnership or company fulfils the conditions set forth in article 5 and the party concerned has concluded with the indigenous self-governing unit an agreement, duly approved by the competent Chief of Provincial Administration, concerning the use of the fishing rights.

(3) The period of validity of the said licence shall be determined in accordance with the agreement referred to in the preceding paragraph but shall not exceed ten years in the case of pearl, mother-of-pearl and trepang or such period as the Director of Agriculture, Industry and Commerce shall determine in the case of sponge fishing; the said Director shall further stipulate the period during which sponge fishing may be carried on uninterruptedly in a particular area and the period thereafter during which such area shall, on each occasion, be closed to fishing.

(4) A licence as aforesaid may be transferred to a third party with the consent of the competent Chief of Provincial Administration provided that the third party in question fulfils the conditions set forth in article 5.

(5) An appeal from decisions made by the Chief of Provincial Administration under this article shall lie to the Governor-General.

(6) If the licensee dies, his rights and obligations shall pass to his heirs provided that they fulfil the conditions set forth in article 5 immediately or within one year after the succession to the estate.

(7) In the absence of such heirs the licence shall lapse by operation of law.

Article 8. (1) Only Netherlands vessels, and vessels registered in the Netherlands Indies and indigenous vessels assimilated thereto, may be used for the fishing referred to in this Ordinance, except where the Governor-General in a special case permits other vessels to be used.

(2) No grapnel, trawl or any other device dragged along the sea bed may be used in sponge fishing.

Article 9. (1) If fishing for the marine products specified in article 1 is carried on within three English nautical miles from the coasts of the Netherlands Indies by a person who under this Ordinance is not entitled to do so, or is carried on at a place or with the aid of a vessel or a device not authorized by or in pursuance of this Ordinance, then the master or person acting as master of the vessel or of all the vessels used by or on behalf of a particular person, partnership or company to commit the offence shall, if he is a European or a person of like status, be punished by a fine of not more than 500 (five hundred) guilders or by imprisonment for a term not exceeding three months or, if he is an indigenous inhabitant or a person of like status, by a fine of not more than 100 (one hundred) guilders or by compulsory labour on public works, with board but without pay, for a term not exceeding three months.

(2) Objects used in the commission of the offence and any marine products taken in breach of the provisions of this Ordinance may be confiscated.

(3) The vessel or vessels used in the commission of the offence shall be liable for the payment of the fines imposed and the costs of the prosecution, and execution may be levied against the vessel or vessels in question.

Article 10. (1) If a vessel having on board pearl shell, mother-of-pearl shell, trepangs or sponges, or instruments or appliances for taking such marine products, is found within three English nautical miles from the coasts of the Netherlands Indies, the master or person acting as master shall be liable to the same penalty as is provided for in the first paragraph of article 9. The master or person acting as master shall not be liable if he proves:

(a) That he obtained the said marine products outside the said sea area, and did not use the instruments or appliances for fishing within that area;

(b) That he took the said marine products, instruments or appliances on board as cargo; or

(c) That he was entitled in one of the ways described in the following paragraph to fish for the said marine products.

(2) For the purpose of proving that he is entitled to fish for specified marine products the master or person acting as master shall, when first so requested, produce to the persons empowered to investigate acts punishable under this Ordinance:

The agreement leasing to him the right to fish as aforesaid; or the order granting him a licence to fish as aforesaid; or a declaration, certified by the chief of local government, which is to the effect that the master or person acting as master is authorized to exercise the fishing rights on behalf of the lessee or licensee and which states:

- (i) The names of the lessee or licensee and of the master and person acting as master;
- (ii) The area to which the lease or licence applies;
- (iii) The designation of the marine products that may be fished for; and
- (iv) The period for which the lease or licence is valid.
- (3) The marine products, instruments and appliances referred to in the first paragraph of this article may be confiscated.
- (4) The provisions of article 9, paragraph 3, shall apply in such a case.

Note. See also: Territorial Sea and Maritime Districts Decree of the Netherlands East Indies, 1939, articles 2-8, 20 (*supra*, Chapter II, Section A, under *Netherlands New Guinea (a)*); and Coastal Fisheries Decree, 1927 (*Netherlands-Indisch Staatsblad*, 1927, No. 144, as amended, *ibid.*, 1940, No. 25).

New Zealand

(a) FISHERIES ACT, 1908, AS AMENDED UP TO 1953 ¹

PART I. SEA-FISHERIES

2. *Interpretation.* In this Part of this Act, if not inconsistent with the context, —

“Waters” or “New Zealand waters” means the sea within one marine league of the coast of New Zealand, and includes all salt, brackish, or fresh waters in any bay or harbour of New Zealand, or in any estuary or tidal waters therein.

Administration

5. *Regulations.* The Governor-General may from time to time, by Order in Council gazetted, make regulations, which shall have force and effect either throughout New Zealand or only in such waters or places as are specified in the regulations, for any of the purposes following, that is to say:

- (a) Generally regulating sea-fishing in New Zealand:

9. *Officers may enter boats, examine license ², and inspect nets, &c.*

(1) Any fishery officer is hereby empowered, for the enforcement of the provisions of this Act, to exercise the powers and authorities of a constable, and may at all times and seasons, without let or hindrance—

¹ By Fisheries Amendment Acts of 1908, 1912, 1923, 1926, 1936, 1945, 1948, 1953. The texts of these Acts have been provided by the Ministry for External Affairs of New Zealand.

² Section 3 Subsection (1) of the Fisheries Amendment Act, 1945 provides: “It shall not be lawful for any boat to be used in fishing (not being the taking of whitebait) for purposes of sale unless —

“(a) The boat is registered in accordance with this Act; and

“(b) The owner of the boat is the holder of a license in force under this Act and the principal Act authorizing the boat to be so used.”

(a) Enter any boat engaged in fishing, or which he suspects to be so engaged; and

(b) Require the master or person in charge of such boat to produce the license for the boat if a fishing-boat, and take copies thereof or of any part thereof; and

(c) Require the master to give any explanation concerning his boat and her crew, and any person on board his boat, and the said licence; and

(d) Examine all standing, floating, or other nets, and all dredges, engines, and instruments, and seize all nets, dredges, engines, instruments, and devices that are illegal or are being used illegally; and

(e) Do all such other acts and things as he is required or authorized to do by regulations under this Act.

(2) The production of his instrument of appointment, or of a copy of the *Gazette* notifying such appointment, shall be sufficient warrant for any officer so acting in any of the cases aforesaid.

Protection of Fish

10. *Governor-General in Council may declare fish, &c., protected.*

(1) The Governor-General may from time to time, by Order in Council gazetted, declare that in any part or parts of New Zealand any species of fish, oysters, or seals shall be protected and come under the operation of such of the provisions of this Part of this Act as may be specified in such Order in Council.

(2) The Governor-General may from time to time in like manner set apart, either within or outside any harbour, any bay or bays frequented by fish for the purpose of propagation, and prohibit the use of nets of any kind in any such bays during such time as he thinks fit.

Penalties

56. *Officer may enter and search for fish or oysters illegally taken.*

(1) Any fishery officer or any constable may at any time between sunrise and sunset, with or without warrant, enter any fish-shop and premises attached thereto, smoke-house, ship, boat, cart, carriage, or conveyance of any kind, or in or upon any public place as defined by the Police Offences Act, 1908, and there search for, seize, and take away fish or oysters supposed to be illegally taken, and open and examine boxes, bags, baskets, and other receptacles in the course of such search.

(2) Every person who in any way prevents or hinders any entry or search, seizing or taking away, under this or the last preceding section is liable to a fine not exceeding twenty pounds.

57. *Ships and boats engaged in illegally taking seals to be forfeited.* Any ship or boat the crew or any part of the crew of which are engaged in illegally taking seals, and any ship or boat on board of which any seal so illegally taken, or the skin, oil, blubber, or other product of a seal so illegally taken, is found, shall, together with the boats, furniture, and appurtenances of such ship or boat, be forfeited to His Majesty, and disposed of as the Minister thinks fit.

58. *Seizure and search of such ships and boats.* (1) The officer in command of any ship in His Majesty's navy, or any officer of Customs, or the master

or other person in command of any ship belonging to His Majesty in New Zealand, may, either by himself or with such persons as he thinks fit to employ,

(a) Enter upon, seize, and take possession of any ship or boat liable to be forfeited as aforesaid, if found within the jurisdiction of the Government of New Zealand:

(b) At any time and from time to time enter upon any ship or boat within such jurisdiction, and there search for, seize, and take possession of any seal, or any product of any seal, liable to be forfeited as aforesaid.

(2) Every person who in any way prevents or hinders any such entry, search, seizing, or taking possession is liable to imprisonment with hard labour for any term of not less than three nor more than six months in the case of a first offence, and for any term of not less than six nor more than twelve months in the case of a second or any subsequent offence.

. . .

Fishing Townships

64. *Setting apart land for fishing townships.* (1) The Governor-General may from time to time, by Order in Council gazetted, set apart upon the coast-line of New Zealand, or of any bay, harbour, estuary, salt-water creek, or other inlet of the sea, any Crown lands as sites for fishing townships.

(2) The Governor-General shall cause a line (herein called the "foreshore line") to be laid out in every fishing township at such distance inland from the line of low-water mark as he thinks fit, and all the land lying between the said line and the line of low-water mark shall be deemed to be the foreshore for the purposes of this section.

. . .

Miscellaneous

. . .

67. *Proceedings in respect of offences committed on sea-coast or within three-mile limit.* (1) Any offence against this Part of this Act committed on the sea-coast, or at sea within three miles from any part of the coast, shall be deemed to be committed in New Zealand waters; and, if beyond the ordinary jurisdiction of any Court of summary jurisdiction, shall be deemed to have been committed either on the land abutting on such sea-coast or fronting such sea, or in any place where the offender is found.

(2) All prosecutions and proceedings in respect of offences under this Part of this Act may be commenced and taken in the name of the Minister, or of any fishery officer or officer of police, and in any district wherein an offence has been committed or an offender is found.

(2) In any such prosecution or proceeding it shall be sufficient to set forth the offence in the words of this Act.

. . .

(b) FISHERIES (GENERAL) REGULATIONS, 1950, AS AMENDED ¹

. . .

7. These regulations shall, except as otherwise herein expressly provided, have force and effect throughout the Dominion of New Zealand, and the

¹ By the Fisheries (General) Regulations 1950, amendments nos. 1, 2, 3 and 4. Text of Regulations provided by the Ministry for External Affairs of New Zealand.

territorial waters thereof, including all salt, fresh, or brackish waters in the Dominion, and all shores of such waters, or any part thereof, or shores contiguous or adjacent to such waters:

Provided that nothing in this regulation shall affect any restriction of any of the regulations hereinafter contained to particular parts of the Dominion.

. . .

(c) OYSTER-FISHING REGULATIONS, 1946, AS AMENDED ¹

. . .

Note. Article 6 of these Regulations is identical to article 7 of the Regulations above.

(d) WHALING INDUSTRY ACT, 1935 ²

. . .

2. In this Act, unless the context otherwise requires,

“Coastal waters” means, in relation to any country or territory, waters within a distance of three nautical miles from any point on the coast of any part of that country or territory, as the case may be, measured from low-water mark of ordinary spring tides:

. . .

4. The provisions of this Act in relation to ships and to things done or to be done on ships or by persons belonging to ships shall in the case of ships registred in New Zealand have operation wherever for the time being the ships may be, and in the case of all other ships shall have operation only within the coastal waters of New Zealand or the coastal waters of a territory administered by His Majesty’s Government in New Zealand.

. . .

9. (1) Notwithstanding anything in this Act, the Minister may grant to any person a special permit authorizing that person to kill, take, and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as the Minister thinks fit, and the killing, taking, or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Act.

(2) The Minister may at any time revoke a permit granted by him under this section.

10. (1) Subject to the provisions of this Act and of any regulations made thereunder, the Governor-General may from time to time, by Order in Council, grant to any person a license to use or occupy any part of the foreshore or other Crown land adjacent thereto as a site for a factory for treating whales. Application for a license under this section shall be made in such manner, and there shall be payable in respect thereof such fees and rents, as may be prescribed by regulations under this Act, or, in default of

¹ By Oyster-Fishing Regulations 1946, amendment No. 1. Text of Regulations provided by the Ministry for External Affairs of New Zealand.

² Text of Act provided by the Ministry for External Affairs of New Zealand.

any such regulations and in so far as they do not extend, as may be determined by the Governor-General.

11. (1) If any person discharges or permits to escape any noxious matter from a whale or from a ship or factory used for taking or for treating whales into any bay, gulf, harbour, lake, river, stream, creek, or other water included within the territorial limits of New Zealand, he commits an offence, and that person and, if the offence is committed on or in connection with the operations of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship, and, if the offence is committed in or in connection with the operations of a factory, the manager and (subject as aforesaid) the occupier of the factory shall each be liable to a fine not exceeding fifty pounds.

(2) Nothing in this section shall be construed to restrict the operation of the Oil in Territorial Waters Act, 1926, or of any other Act.

12. (1) For the purpose of enforcing the provisions of this Act a Whale Fishery Inspector, on producing on demand evidence of the fact that he is such an Inspector,

(a) May board or enter any ship or factory which he has reason to believe is used for taking or for treating whales, and inspect the ship or factory and its plant and equipment; and

(b) May, in the case of such a ship as aforesaid, require the master and crew, or any of them, or in the case of such a factory as aforesaid, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records, and other documents as the Inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and

(c) May take copies of, or extracts from, any documents produced to him.

(2) Any Whale Fishery Inspector specially authorized in that behalf by the Minister may go on board any ship which is used for treating whales, and shall, during such period as may be specified in his authority, be entitled to remain on board the ship, to be provided with subsistence and accommodation therein, and to be present at all operations in connection with the treating of whales on board the ship. A Whale Fishery Inspector shall, in respect of each day or part of a day during which he is provided in pursuance of this subsection with subsistence and accommodation on board a ship, pay to the master of the ship such sum as may be prescribed.

(3) Every person who refuses to produce to a Whale Fishery Inspector any document which he is required under this section to produce, or refuses to answer, or answers falsely, any inquiry duly made of him by such an Inspector, or otherwise obstructs, or refuses facilities to, such an Inspector in the discharge of his functions under this section, shall be liable to a fine not exceeding one hundred pounds.

- (e) WHALING INDUSTRY (REGULATION) ACT, 1934 (ACT OF THE UNITED KINGDOM PARLIAMENT IN FORCE IN NEW ZEALAND)¹

Nicaragua

- (a) EXTRACT FROM THE COLLECTION OF LAWS
RELATING TO CUSTOMS AND PORTS²

Article 804. A duty of fifty centavos (gold) shall be chargeable in respect of every turtle exported through the Atlantic ports. (Decree of 8 December 1898, article 7.)

Article 805. It shall not be lawful for any person to fish in Nicaraguan waters for turtles and related species or for sponges unless he is duly authorized in conformity with these enactments. If a person engages in fishing without being so authorized, he shall be guilty of a police offence and liable to the penalties prescribed by statute without prejudice to the penalties prescribed by this enactment. (Decree of 20 January 1903, article 1, as amended by the Decree of 7 October 1925.)

Article 807. The authorization to which article 805 refers shall take the form of a licence issued by the competent Customs authority, on the application of the person concerned. The said licence shall specify the area in which the fishing is to take place, the number and tonnage of the vessels to be used, the number of fishermen to be employed and the time during which they propose to engage in fishing. (Decree of 20 January 1903, article 3, as amended by the Decrees of 1 February 1917 and 7 October 1925, article 1.)

Article 809. Licences shall be issued subject to payment of a fee of fifty centavos (gold) per register ton of the fishing vessel, for which purpose the tonnage entered in the navigation certificate shall be conclusive evidence. The official to whom the fee is paid shall note the receipt on the counterfoil of the licence issued, and shall attach the counterfoil and the application to his accounts as evidence. (Decree of 20 January 1903, article 5, as amended by the Decrees of 28 January 1905, article 2, and 7 October 1925, article 4.)

Article 810. Every vessel which is used in fishing for turtle or other testaceans referred to in this enactment must be registered annually with the competent maritime custom-house, a fee of two pesos (gold) being chargeable in respect of every vessel of five tons or less, and four pesos in respect of every vessel exceeding that tonnage. (Decree of 20 January 1903, article 6, as amended by the Decrees of 28 January 1905, article 3, 1 February 1917 and 7 October 1925, article 3.)

¹ See below under United Kingdom (o).

² *Leyes de Aduanas y Puertos, Comercio Marítimo y Buques de la República de Nicaragua*, compiled by Clifford D. Ham, Managua, 1928, p. 175; text provided by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the United Nations.

Article 811. In addition to the fees chargeable under articles 809 and 810, the duty of fifty centavos (gold) prescribed in article 7 of the Decree of 8 December 1898 (article 804) shall be chargeable in respect of every turtle exported. (Decree of 20 January 1903, article 7.)

. . .

Article 813. The Government shall appoint as many special guards as it considers necessary, to inspect and supervise the fisheries; and in any case in which these inspectors should report that harmful or unlawful methods are being used, or that marine species such as turtles or other testaceans are being fished before they have reached a commercial stage of development, the person concerned shall not only forfeit the right to continue fishing, but shall be liable to a fine of not less than twenty, or more than one hundred córdobas, which shall be imposed by the Sub-Treasurer or Customs Administrator of the district in the light of the report of the inspector concerned which shall be in writing and set forth full particulars. (Decree of 20 January 1903, article 9, amended by the Decree of 21 June 1926).

Article 814. If a person engages in fishing without holding the prescribed licence, or uses fishing boats which have not been registered, he shall be liable to double the penalty prescribed in the preceding article, without prejudice to liability for the police offence constituted by such action. (Decree of 20 January 1903, article 10.)

Article 815. In any case in which neither the fishing vessels nor the fishermen are covered by any authorization, the fishery shall be deemed to be clandestine, and the offenders shall be arrested and their catch, together with the vessels used, shall be seized. The proceeds of the seizure shall be divided among the fiscal authorities, the persons reporting the offence and those responsible for making the arrest, in the manner prescribed for Customs seizures under article 830. (Decree of 20 January 1903, article 11.)

. . .

(b) DECREE OF 7 OCTOBER 1925 ¹

Article 1. Any person who has obtained the necessary licence from the competent Ministry may lawfully engage in mother-of-pearl fishing in territorial waters at any time of the year.

Article 2. It shall not be lawful to fish for mother-of-pearl or other shells which are not fully grown, this expression to mean shells measuring four inches or less from base to tip.

Article 3. Every boat or vessel engaged in this industry must be registered annually with the competent maritime Sub-Treasury or Customs Office, and an annual fee of one córdoba shall be chargeable in respect of every vessel of five register tons and two córdobas in respect of vessels of greater tonnage. No person may engage in fishing except in vessels registered in conformity with this Decree.

¹ Text provided by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the United Nations.

Article 4. Mother-of-pearl fishers shall purchase a licence from the Treasury at an annual fee of one córdoba per register ton (or fraction thereof) of the vessels they use. The licence shall be issued by the competent Revenue Office (*Administrador de Rentas*).

Article 5. In so far as they are inconsistent with this Decree, any previous provisions relating to mother-of-pearl fishing are hereby repealed.

Norway

(a) LOI DU 3 AOÛT 1897 RELATIVE À LA PÊCHE MARITIME AU LARGE DES CÔTES DU FINNMARK, MODIFIÉE PAR LA LOI DU 17 MARS 1911¹

. . . .

Article 1^{er}. — Le droit de pêcher dans les eaux territoriales norvégiennes sur la côte du Finnmark est exclusivement réservé aux ressortissants norvégiens se trouvant à bord d'embarcations ou de navires norvégiens.

. . . .

Article 45. — Jusqu'à nouvel ordre, un ressortissant norvégien a la faculté de recruter un étranger pour le faire participer à la pêche au titre de pêcheur à part de bénéfice, salarié ou mousse, à bord d'une embarcation ou d'un navire commandé par un ressortissant norvégien résidant dans le royaume. Il faut acquitter un droit de 10 couronnes par étranger. Mais la moitié de l'équipage au moins doit se composer de ressortissants norvégiens, et pour les embarcations à trois hommes, au moins un doit être Norvégien.

Le paiement du droit peut être exigé avant le commencement de la pêche. Si le percepteur du droit a accordé un délai de paiement, le droit peut être recouvré par voie de saisie. Le droit est versé à la caisse de l'Assistance publique de la municipalité — commune ou ville — où réside le propriétaire de l'embarcation ou du navire. L'embarcation ou le navire en question, avec ses engins, sert de caution pour le paiement dû.

Article 46. — Le droit accordé par les articles 1^{er} et 45 aux ressortissants norvégiens peut, aux mêmes conditions, être exercé par les autres habitants du pays, qui, par certificat de l'officier de police compétent, peuvent prouver avoir eu, lors de l'entrée en vigueur de la présente loi, une résidence fixe dans le pays pendant les 12 derniers mois consécutivement.

. . . .

Article 48. — Les pêcheurs venant des pays étrangers, qui font la pêche au-delà de la limite territoriale, peuvent se réfugier sous la côte en cas de tempête et d'intempéries. Hors de ce cas, le séjour à terre ou dans les ports, afin de pratiquer la pêche au-delà de la limite territoriale, est interdit aux pêcheurs des pays étrangers.

Les infractions à cet article, et l'utilisation non autorisée d'un port norvégien comme port d'attache pour faire la pêche, sont passibles d'amendes.

¹ Cour internationale de Justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège), vol. II, p. 51-52.

(b) LOI DU 2 JUIN 1906 PORTANT INTERDICTION AUX ÉTRANGERS DE PÊCHER
DANS LES EAUX TERRITORIALES NORVÉGIENNES ¹

Article 1^{er}. — Il est interdit à tous ceux qui ne sont pas ressortissants ou habitants du royaume de faire la pêche dans les eaux territoriales norvégiennes.

A moins d'avoir reçu l'autorisation prévue à l'article 3, aucun ressortissant norvégien ou habitant du royaume ne doit, pour cette pêche, se servir d'un navire qui ne soit pas norvégien, ou d'une embarcation ou engin appartenant à quelqu'un qui ne soit pas ressortissant norvégien ou habitant du royaume, ni recruter, pour prendre part à une telle pêche, des étrangers dans une mesure plus grande que celle prévue à l'article 2.

Article 2. — Un ressortissant norvégien ou habitant du royaume a la faculté de recruter un étranger pour le faire participer à la pêche dans les eaux territoriales au titre de salarié ou de pêcheur à part de bénéfice sur un navire norvégien et avec des embarcations et des engins appartenant à un ressortissant norvégien ou habitant du royaume, et avec un ressortissant norvégien ou habitant norvégien comme patron ou capitaine. Mais la moitié de l'équipage au moins doit se composer de ressortissants norvégiens ou d'habitants du royaume.

Article 3. — Le ministère compétent peut, dans quelques cas particuliers, où des circonstances spéciales le rendraient souhaitable, p. ex. pour essayer de nouveaux types de navires et d'engins, autoriser pour une pêche déterminée, ou pour une période définie, qu'un ressortissant ou habitant norvégien recrute, pour la pêche dans les eaux territoriales, des étrangers dans une mesure plus grande que celle prévue à l'article 2, et qu'il utilise des navires, embarcations et engins appartenant à des étrangers.

Article 4. — Les infractions à la présente loi, ou à des dispositions arrêtées en vertu de cette loi, sont passible d'amendes. De plus, le navire ou bateau auquel appartient le coupable peut, avec le produit de la pêche et les engins se trouvant à bord, être l'objet de saisie totale ou partielle, que les objets saisis soient ou non la propriété de quelqu'un de coupable. Si l'infraction a été commise par quelqu'un de l'équipage d'un navire et si la responsabilité du capitaine du navire peut être établie, son subordonné ne sera pas poursuivi.

(c) ACT OF 13 APRIL 1951 SUPPLEMENTING THE ACT OF 2 JUNE 1906 PROHIBITING ALIENS FROM FISHING, ETC., INSIDE NORWEGIAN FISHERY LIMITS ²

Article 1. The provision of article 1, first paragraph, of the Act of 2 June 1906, prohibiting fishing inside Norwegian fishery limits by persons other than Norwegian nationals or residents of the Kingdom shall not preclude Swedish fishermen from fishing in the Norwegian fishery area in the outer Oslo Fiord pursuant to the Agreement between Norway and Sweden concerning fishing in certain waters belonging to Norway and Sweden.

¹ *Ibid.*, p. 83.

² Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

(d) DÉCRET ROYAL DU 22 DÉCEMBRE 1906 FIXANT LES INSTRUCTIONS CI-APRÈS POUR LES COMMANDANTS DE NAVIRES DE GUERRE NORVÉGIENS, CONCERNANT LA SURVEILLANCE DES PÊCHEURS ÉTRANGERS DANS LES EAUX TERRITORIALES NORVÉGIENNES ¹

1. Il est interdit à d'autres qu'aux ressortissants norvégiens ou habitants du royaume de faire la pêche dans les eaux territoriales norvégiennes. (Cf. la loi du 2 juin 1906, interdisant aux étrangers la pêche dans les eaux territoriales norvégiennes, etc.)

2. La limite des eaux territoriales norvégiennes en ce qui concerne la pêche, est fixée à une lieue de mer ordinaire (7.529 mètres) à compter de l'écueil ou l'îlot le plus éloigné, qui n'est pas recouvert par la mer. (Voir pour plus ample informé, Th. Boye: *Af den internationale sørett og folkeretten* [Du droit des gens et du droit maritime international].)

3. Si un navire de guerre norvégien rencontre un navire étranger pêchant dans les eaux territoriales norvégiennes, il signalera au capitaine de ce dernier qu'il se trouve en deçà de la limite territoriale, et il lui intimera l'ordre de se porter au-delà de cette limite. Si le capitaine n'obtempère pas, il sera mis dans l'impossibilité de continuer la pêche, et il sera conduit avec son navire dans le port le plus proche, où rapport sera adressé à la plus haute autorité de police du lieu, qui se chargera de la suite à donner à l'affaire. Autant que possible on ménagera au pêcheur étranger la possibilité d'emporter ses engins de pêche.

Le délinquant doit être conduit au port norvégien le plus proche, même sans avoir reçu l'avertissement en question, si le délit est jugé particulièrement grave, p. ex. quand un navire étranger est présumé s'être rendu coupable de pêche illicite à plusieurs reprises, ou bien quand une importante concentration de navires étrangers est surprise en flagrant délit de pêche illicite, sans qu'il y ait lieu de supposer que cette pêche se fasse dans l'ignorance du tracé de la limite territoriale. Avant d'intervenir contre les pêcheurs étrangers, il faudra déterminer exactement le point où le navire a été rencontré en train de pêcher, et les données en seront minutieusement consignées dans le journal du bord.

Un rapport écrit sur l'incident sera adressé à l'autorité de police compétente, et copie en sera envoyée à l'amiral commandant en chef.

(e) HERRING AND BRISLING FISHERIES ACT OF 25 JUNE 1937,
AS AMENDED ²

Chapter 1. Scope of the Act

Article 1. This Act shall apply to herring and brisling fishing off the Norwegian coast, irrespective of whether the fishing is carried on inside or outside the Norwegian territorial sea.

¹ Cour internationale de Justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège), vol. II, p. 83.

² By Acts of 13 May 1938, 15 July 1949, 23 June 1950, 28 November 1952, 17 July 1953, 21 May 1954, 25 June 1954 and 1 December 1954. Text of Acts provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

Chapter 14. Judicial proceedings, penal provisions, etc.

*Article 81.*¹ Any vessel, boat or gear used in the commission of an offence punishable under this Act or regulations made thereunder may be confiscated by court order from the guilty party or the person on behalf of whom he acted even in cases where no criminal proceedings are, or can be, instituted against anyone. The same shall apply to any catch of fish taken unlawfully. Instead of confiscation of the article, a sum equal to its full or partial value may be forfeited.

*(f) WHALING ACT OF 16 JUNE 1939*²*Scope of the Act*

Article 1. This Act shall apply to the catching and landing of whales in the Norwegian territorial sea and to whaling carried on outside the Norwegian territorial sea by Norwegian nationals or residents of the Kingdom or by Norwegian companies, associations or establishments.

General provisions

Article 2. It shall be unlawful to hunt whalebone whales or sperm whales without previously notifying the competent Ministry. Such notice shall include the particulars prescribed by the Ministry.

Whaling from a land station on the Norwegian coast shall be prohibited unless permission has been granted by the King. Before such permission is granted, the district council in whose area the land station is to be situated shall be given an opportunity to be heard. Such permission shall not imply the right to carry on whaling in the Norwegian territorial sea.

Whaling in the Norwegian territorial sea shall be prohibited unless permission has been granted by the King or by the person delegated by him for the purpose. Such permission may be granted only in respect of beaked whales and the smaller kinds of toothed whales (including bottle-nose whales).

Article 5. The King may:

- (1) Prohibit all whaling in specified waters;
- (2) Restrict whaling and the treating of whales to specified periods of the year, which may vary according to the particular catching areas, expeditions or land stations;
- (3) Impose restrictions on whaling generally or for each particular shipping company, expedition or land station;
- (4) Impose restrictions on the equipment which may be used for whaling and for the treating of whales.

Article 7. A catcher engaged in whaling for a land station on the Norwegian coast may conclude the hunt inside the territorial sea if a whale

¹ Act No. 3 of 15 July 1949.

² Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

which has been harpooned outside the territorial sea is pulling a secured line. The provisions of the preceding article shall apply as appropriate.

Article 9. It shall be unlawful in the Norwegian territorial sea and for a distance of thirty nautical miles from the outer limit of that sea to carry on whaling on Sundays and public holidays from 12 p.m. to 12 p.m.

The King may extend the application of this provision to other areas.

Article 11. The King or a person delegated by him for the purpose may make regulations to ensure that this Act and the regulations made thereunder are complied with, and may require whaling expeditions and catchers to carry a Government inspector.

(g) ACT OF 20 APRIL 1951 RESPECTING TRAWL FISHING ¹

Article 1. Trawl fishing may not be carried on within the Norwegian fishery limits.

Trawl fishing may be carried on outside the fishery limits by vessels of a gross tonnage not exceeding 300 if the competent ministry has granted permission for that purpose.

The King may grant permission for trawl fishing to a limited number of vessels of a gross tonnage exceeding 300. Such permission shall be granted by preference to:

Article 4. Fish taken by foreign trawlers and the products thereof shall not be landed in Norway, nor shall such fish or fish products brought in from the fishing-grounds be processed, packed or trans-shipped within the fishery limits.

In exceptional circumstances, such as damage to a vessel or the like, the competent ministry may waive the foregoing prohibition.

Article 5. During such time as a fishing-vessel equipped with a trawl is within the fishery limits, all fishing gear shall be stowed away on board, that is to say, the otter-boards shall be placed on deck inboard of the gun-wales, and the nets, empty of fish, shall be tied up on board.

The foregoing provision shall not apply to Norwegian trawlers in port areas.

Article 12. Any person who commits, or is an accessory to, an offence against this Act or regulations made thereunder shall be punished by a fine.

Any offence against article 1 of this Act shall, in addition, entail confiscation of the entire catch on board and of all fishing gear whether or not such gear is the property of the offender. Confiscation of the fishing gear may be waived where there are mitigating circumstances of an exceptional character. The vessel with its fittings may also be confiscated whether or

¹ Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

not it is the property of the offender. Furthermore, not only the offender but also the owner (manager) of the vessel, even though not guilty of any offence, may be required to forfeit the full or partial value of the catch, the fishing gear and the vessel with its fittings.

Upon confiscation, any lien or other charge upon the vessel or gear shall become void.

. . .

(h) SEALING ACT OF 14 DECEMBER 1951 ¹

Article 1. This Act shall apply to sealing within the Norwegian fishery limits and to sealing carried on by Norwegian nationals or residents of the Kingdom or by Norwegian companies or other associations outside the Norwegian fishery limits.

. . .

Article 3. For the purpose of protecting and developing or ensuring a reasonable and proper exploitation of existing seal resources, the King may, for a certain period or until further notice, either entirely or in respect of specific areas:

- (1) Prohibit the hunting of seals or of particular types of seals;
- (2) Regulate the maximum catch permissible, either in general or for each particular expedition;
- (3) Prohibit or regulate particular methods of sealing.

. . .

Article 6. Any person who wilfully or negligently commits, or is an accessory to, an offence against this Act or regulations made thereunder shall be punished by a fine or by imprisonment for a term not exceeding three months.

Seals unlawfully caught may be confiscated by court order even in cases where no criminal proceedings are, or can be, instituted against anyone. The vessel and sealing equipment may be similarly confiscated if the ship-owner, ships' master or expedition leader is liable to prosecution under this Act. In lieu of confiscation of the catch, vessel or equipment, the full or partial value thereof may be forfeited.

Confiscation under this Act shall not be deemed to be a penalty.

. . .

(i) ROYAL DECREE OF 18 JULY 1952 ¹

The boundary of the fishery limits South of Traena (66°28'8 N) shall be drawn outside, and parallel with, straight base-lines drawn between the following points:

Number of point	Name of point	Position of point	
		N. Lat.	Long. E. of Greenwich
48.	West side of Bøvarden	66°28'8	11°56'6
49.	Lundbøen	66°07'5	11°33'6
50.	Svinglebåen	65°38'5	10°16'2
51.	West side of Høgbraken	65°23'7	11°01'7

¹ Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

<i>Number of point</i>	<i>Name of point</i>	<i>Position of point</i>	
		<i>N. Lat.</i>	<i>Long. E. of Greenwich</i>
52.	West side of Hummelvær — Svartflesa	64°58'9	10°36'7
53.	West side of Fråholmsnes Svartflesa	64°54'9	10°31'8
54.	West side of Ertenbraken	64°46'9	10°27'0
55.	Utgrunnskjær	64°12'9	9°16'5
56.	Midtre Springerer	63°54'7	8°27'7
57.	Hilbåen off Andholmsleden	63°53'5	8°25'5
58.	The most north-westerly of the Dreitflu	63°50'0	8°20'0
59.	North-west side of Flesa	63°32'2	7°49'7
60.	Outer Smoksbåen	63°28'2	7°44'1
61.	Outer Skatbåen	63°26'4	7°42'0
62.	Fogna	63°07'1	7°09'8
63.	Outermost Kjeldskjær	62°48'9	6°15'9
64.	Skreia	62°41'1	5°59'3
65.	The dry skerry north of Skjærkalven off Svinøy	62°20'2	5°16'2
66.	The most westerly of the Bukketyve	62°11'2	5°03'7
67.	Steinen	62°01'7	4°54'3
68.	The most southerly of the Vetrunger	61°56'3	4°49'4
69.	The most westerly of the Senninger ..	61°39'1	4°34'3
70.	The outermost reef off the Nordholmer	61°04'4	4°30'6
71.	The north-west point of Steinøy	61°02'1	4°30'3
72.	The west side of Mulen	61°01'7	4°30'3
73.	The west point of Gangvarskjær	60°38'3	4°43'3
74.	Herboskjæret	60°18'8	4°53'5
75.	The most westerly Hufteskjær	60°15'7	4°55'1
76.	The west point of Fugløy	60°00'7	5°00'6
77.	Terneskjær	59°48'0	5°03'0
78.	Boaskjær	59°38'5	5°04'8
79.	The most westerly point of Utsira ...	59°18'4	4°51'5
80.	The north-west point of the westernmost of the Spannholmer ..	59°17'0	4°50'9
81.	The south-west point of the westernmost of the Spannholmer ..	59°16'9	4°50'9
82.	Lausingen	59°16'3	4°51'1
83.	Sveljeskjær	59°08'5	5°10'8
84.	The westernmost dry skerry off Imsen	59°00'5	5°22'1
85.	Outer Faksen off Kjør	58°52'6	5°25'6
86.	Jærens Rev	58°45'0	5°29'6
87.	Øyrestainen	58°40'1	5°32'6
88.	Obrestadodden	58°39'4	5°33'3
89.	Horrodden	58°33'6	5°39'5
90.	Ørenodden	58°32'9	5°40'3

<i>Number of Point</i>	<i>Name of point</i>	<i>Position of point</i>	
		<i>N. Lat.</i>	<i>Long. E. of Greenwich</i>
91.	Jær Rauna	58°31'6	5°42'5
92.	The outermost skerry south of Ekerøy light	58°25'6	5°52'3
93.	The westernmost of the Røsholmer ..	58°25'3	5°52'8
94.	South Svetling	58°23'7	5°58'4
95.	Flatskjær off the Svåholmer	58°22'3	5°02'9
96.	Springeren off Vestre Knappene	58°17'1	6°19'0
97.	The outermost skerry off Skarvodden on Lista	58°06'7	6°33'6
98.	The most south-westerly point on Brekneholmen	58°05'6	6°35'3
99.	The southern point of Gråhaugen ...	58°05'0	6°36'3
100.	The outermost skerry off Lille Døsen	58°04'1	6°38'0
101.	The outermost skerry off Døsen	58°03'8	6°38'8
102.	West Kattestein	58°03'4	6°40'1
103.	The outermost skerry off Rauna	58°03'3	6°40'7
104.	Bispen	57°59'0	7°00'6
105.	The southernmost skerry in the Gjeslinger near Utvåre	57°57'6	7°12'5
106.	The southernmost skerry off outer Odden	57°57'4	7°34'2
107.	Ytreskjær	57°57'6	7°37'2
108.	The most south-easterly Gåsskjær ...	57°57'9	7°39'1
109.	West Ballastkjær	57°58'4	7°41'3
110.	Lille Svarten	58°02'8	8°01'5
111.	Meholmsskjær	58°05'5	8°11'9
112.	Langbåen reef	58°06'4	8°15'4
113.	The outermost skerry off the Gjeslinger near Gåsen (light)	58°13'0	8°29'0
114.	Hesnesbregen	58°18'4	8°39'9
115.	The most south-easterly skerry in Lossene	58°21'3	8°44'6
116.	Brenningene beacon	58°28'5	8°56'3
117.	Måla	58°31'2	9°00'5
118.	Store Sildskjær (beacon)	58°39'7	9°12'7
119.	The outermost skerry or rock east of the south-west point of Jomfruland	58°50'0	9°33'4
120.	Skerry south of Tvisteinen lighthouse	58°56'1	9°56'5
121.	Skerry off the southern point of Ertholmen in Rauer	58°58'6	10°14'1
122.	Midtre Heiaflu	58°56'8	10°53'4
123.	Frontier post XX (G.B.2, buoy)	58°56'5	10°55'4

Note. Royal Decree of 18 July 1952, mentioned above, has been amended by Royal Decree of 17 October 1952 in the following respects:

50.	Svinglebåen	65°38'5	11°16'2
95.	Flatskjær off the Svåholmer	58°22'3	6°02'9
113.	The outermost skerry of the Gjeslinger near Gåsen (light)	58°13'0	8°29'0

(j) MARINE FISHERIES ACT OF 17 JUNE 1955¹

CHAPTER 1. SCOPE OF THE ACT

Article 1. This Act shall apply to fishing within the Norwegian fishery limits and to fishing carried on outside those limits along the Norwegian coast and on the coastal banks by Norwegian nationals or residents of the Kingdom or by Norwegian companies or other associations.

With respect to Norwegian fishermen as referred to in the first paragraph, the King may prescribe that this Act or regulations made thereunder shall also apply entirely or partly to fishing in more distant waters.

The King may, until further notice or for a specified period, prescribe that this Act or particular provisions thereof shall apply only within the fishery limits.

This Act shall not apply to herring and brisling fishing, mackerel fishing or salmon and sea-trout fishing.

Article 2. The competent ministry may permit scientific research and practical fishery experiments to be carried out, subject to specified conditions, irrespective of the provisions of this Act.

Article 3. Unless otherwise expressly stated or implied by the context, this Act shall also apply to the taking of shellfish (crustaceans and molluscs).

CHAPTER 2. PROVISIONS FOR THE PRESERVATION OF FISHERIES—RESTRICTIONS ON CERTAIN FISHING METHODS, ETC.

Article 4. For the purpose of protecting and developing existing fish and shellfish resources as required by international agreements, or of ensuring a reasonable and proper exploitation of the various fisheries, the King may, for a certain period or until further notice, either entirely or in respect of specified areas:

. . .

Article 5. The use of explosives for the taking of fish shall be prohibited. No explosive capable of being used for the taking of fish may be carried on board a ship in fishing areas or en route to or from fishing grounds. This provision shall not, however, apply to explosives required for the catching of whales or the like.

. . .

CHAPTER 5. SUPERVISION AND INSPECTION

Inspection areas and districts

Article 31. With respect to the fisheries to which this Act relates, the competent ministry may make rules for the supervision of the enforcement of this Act and the regulations made thereunder and may provide for the establishment of a special fisheries inspection service for specified coastal areas (inspection areas).

The competent ministry or the person authorized by it shall determine when the inspection shall become effective and when it shall be terminated.

. . .

¹ Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

Article 33. In respect of the coastal areas for which an inspection service is established as provided in article 31, the chief inspector shall divide the said areas into inspection districts to the extent considered necessary or advisable. The chief inspector shall also determine whether the inspection districts shall include one or more identification districts if regulations on removable markings are made in pursuance of article 12 of the Act of 5 December 1917 respecting the registration and marking of fishing vessels.

If no chief inspector is appointed, the setting-up of such inspection districts as are necessary shall be made by the competent ministry or the person authorized by it.

. . .

CHAPTER 6. SCOPE, POWERS ETC. OF THE INSPECTION SERVICE

Article 41. All vessels and boats which are to engage in fishing in districts where an inspection service has been set up shall be reported to the said service. Such reporting shall be done before the commencement of fishing in the inspection district where the vessel or boat is to have its fixed base of operations. If the fixed base of operations is removed to another inspection district, a report of the removal shall be made as soon as possible to the inspection service in that district.

The reporting shall be done by the master of the vessel, who, in reporting, shall supply the particulars requested by the inspection service in respect of the vessel or boat, the crew, gear and tackle, etc.

Article 42. In order to avoid traffic congestion, the inspection service may order vessels purchasing fish and vessels and boats engaged in fishing to leave a port area or put in at a particular port.

. . .

CHAPTER 10. COMPENSATION

. . .

Article 68. The provisions of this chapter shall apply to damage in connexion with fishing outside the Norwegian fishery limits only in respect of the Norwegian party as referred to in article 1, first paragraph, who sustains the damage.

Subject to reciprocity, the King may, under an agreement with a foreign State, make the provisions of this chapter applicable to aliens sustaining damage.

CHAPTER 11. PENALTIES AND CONFISCATION

Article 70. Any vessel, boat or gear used in the commission of an offence punishable under this Act or regulations made thereunder may be confiscated by court order from the guilty party or the person on behalf of whom he acted even in cases where no criminal proceedings are, or can be, instituted against anyone. The same shall apply to any catch of fish taken unlawfully. Instead of confiscation of the article, a sum equal to its full or partial value may be forfeited.

In the case of an offence against article 6, confiscation of the catch or forfeiture of a sum equal to its value shall in all circumstances be mandatory.

If fish taken lawfully and fish taken unlawfully are intermingled, the entire intermingled catch may be confiscated.

Confiscation under this article shall not be deemed to be a penalty.

(k) DECREE OF THE CROWN PRINCE REGENT OF 30 JUNE 1955 ¹

III. The outer boundary of the Norwegian fishery area around Jan Mayen shall be drawn (cf. Royal Decree of 22 February 1812) four nautical miles outside, and parallel with, straight base-lines drawn between the following points:

Number of point	Name of point	Position of point	
		N. Lat.	Long. W. of Greenwich
1.	Nordkapp, skerry off east side	71°09.6'	7°57.2'
2.	Austkapp	71°08.8'	7°56.1'
3.	Søraustkapp	71°01.2'	7°59.8'
4.	Point south-west of Søraustkapp	71°00.9'	8°00.8'
5.	Cape Wohlgemuth	71°00.4'	8°03.0'
6.	Lighthouse	70°51.6'	8°49.3'
7.	Kjeglene	70°50.0'	8°57.0'
8.	Sørkapp	70°49.6'	9°00.0'
9.	Sjuskjera, southernmost skerry	70°49.8'	9°03.5'
10.	Skerry off Hoybergodden	70°52.0'	9°05.0'
11.	Point west of Richterkrateret	70°52.5'	9°04.4'
12.	Outermost skerry north-west of Richterkrateret	70°52.7'	9°03.9'
13.	Skerry off Fuglesøyla	70°54.9'	8°57.0'
14.	Vakta	71°07.4'	8°17.5'
15.	Koksneset	71°09.6'	8°04.5'
16.	Nordkapp, dry skerry on north side	71°09.7'	7°58.3'
17.	Nordkapp, skerry to the north-east	71°09.7'	7°57.5'

Pakistan

FISHERIES ACT OF 1897 SECTION 4 (*supra*, CHAPTER I, UNDER PAKISTAN (a))

Peru

SUPREME DECREE OF 9 OCTOBER 1928 ²

WHEREAS the use of illicit methods of fishing is a cause of serious damage directly to the nation's fishery resources and indirectly to the production of guano, which is closely related thereto;

AND WHEREAS the Guano Company (*Compañía Administradora del Guano*), in view of its responsibility for increasing the yearly production of fertilizer, of the nature of its duties, and of the length of coast line within its area of activity, is the most appropriate body to exercise strict supervision over the manner in which the industry should be conducted in its area;

¹ Text provided by the Permanent Mission of Norway to the United Nations. Translation by the Secretariat of the United Nations.

² Text of Decree provided by the Ministry for Foreign Affairs of Peru.

THE PRESIDENT OF THE REPUBLIC DECREES THAT:

Article 1. There shall be established a National Coastal Fisheries Police to protect the normal operation of the fishing industry, subject to the provisions of the present Decree and other applicable provisions in force.

Article 2. For the purposes of the aforesaid Police, the coast shall be divided into seven zones, each of which shall include the ports, bays and islands enumerated, as well as the coastal area between the said zones.

Zone 1: Principal port: Paita, with jurisdiction over Tumbes, Zorritos, Máncora, Talara, Negritos, Paita and Sechura.

Zone 2: Principal port: Pimentel, with jurisdiction over San José, Pimentel, Santa Rosa, Eten, Pacasmayo and the Lobos de Tierra and Afuera Islands.

Zone 3: Principal port: Salaverry, with jurisdiction over Malabrigo, Huanchaco, Salaverry, Chao, Santa, Chimbote, Samanco, the Macaví and Guañape Islands and other islands off the coast.

Zone 4: Principal port: Huacho, with jurisdiction over Bermejo, Supe, Carquín, Begueta, Huacho, Don Martín Island, the Majorca and Salinas Islands and other islands off the coast.

Zone 5: Principal port: Callao, with jurisdiction over Chancay, Ancón, Callao, Chorillos, Chilca, Asia, Mala, Burjama, the Pescadores Islands, Hormigas, San Lorenzo, Pachacamac and the islands off the coast.

Zone 6: Principal port: Pisco, with jurisdiction over Cerro Azul, Tambo de Mora, Pisco, San Andrés, Independence Bay, Lomas, the Chinchaballestas and Santa Rosa Islands and other islands off the coast.

Zone 7: Principal port: Mollendo, with jurisdiction over Quilca, Islay, Mollendo, Cocotea, Yerba Buena, Ilo, Sama and the islands off the coast.

Article 3. The Fisheries Police duties shall be carried out by the Guano Company, which to that end is hereby accorded the authority necessary for the proper execution of the present Decree.

. . . .

Article 5. The members of the crew of each launch shall be assimilated to members of the police force for the purpose of repression of offences coming within their jurisdiction.

Article 6. The National Coastal Fisheries Police shall be empowered:

. . . .

(c) To inspect all fishing vessels entering and leaving ports and on the high seas and to ascertain whether such vessels have on board dynamite, fuses, detonators, dynamited fish, guano-producing birds, the eggs of such birds, or guano;

. . . .

(f) To watch and maintain a strict guard over the islands and places along the shore where guano is formed, to prevent fishing vessels from approaching within a distance of two miles from such places and to enforce compliance with all existing provisions relating to the protection of guano-producing birds.

. . . .

Article 8. The Guano Company shall, according to the nature of the offence reported to it by the Zone Chiefs, determine the appropriate penalty, collect the fines, recording them in its own documents which shall be duly authenticated by the Ministry of Finance, and give notice to the Maritime District of the port concerned to suspend or cancel the certificates of the offending fishermen, such notice to be sufficient warrant for the Maritime District to act, without thereby engaging its own responsibility.

Any vessel confiscated, where this penalty applies, shall be sold by the Company, which shall so report to the Ministry of Finance, and the proceeds of sale applied to the maintenance of the Fisheries Police. In the case of offences punishable by imprisonment, the Company shall give notice to the political authorities within whose jurisdiction the offences were committed to detain the offenders, and the political authorities shall act on the notice without thereby engaging their own responsibility. Only those decisions of the Company under which a penalty of imprisonment is imposed shall be subject to review, such review to be conducted and decided by the Government Office on the basis of the relevant information.

Note. See also: Port Authorities and National Mercantile Marine Regulations of 1 January 1952, articles 731-764 (*supra*, Chapter II, Section A, under Peru).

Philippines

FISHERIES ACT No. 4003 OF 5 DECEMBER 1932, AS AMENDED ¹

CHAPTER I. MATTERS OF GENERAL NATURE

Section 2. Application of provisions. The provisions of this Act shall apply to all fishing and fisheries in Philippine waters.

Article II. Definitions

Section 6. Words and phrases defined. Words and terms used in this Act shall be construed as follows:

"Philippine waters, or territorial waters of the Philippines", includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the tenth of December, eighteen hundred and ninety-eight, and the seventh of November, nineteen hundred.

CHAPTER II. INSULAR FISHERIES

Article V. Deep-sea or Offshore Fishing

Section 17. Licence tax on operation of boat. Unless provided with a licence issued in accordance with the provisions of this Act, no person, association

¹ Philippines, *Act No. 4003* (as amended by Commonwealth Act No. 471 and Republic Acts No. 462, 659 and 1088).

or corporation shall operate any vessel of more than three tons gross for the purpose of catching fish in the territorial waters of the Philippine Islands.

Section 18. Annual fee on operation of boat. The Secretary of Agriculture and Commerce is hereby empowered to issue to the proper parties licenses for fishing operation of powered vessels of more than three tons gross and sailing or rowed vessels of more than three tons gross towed or operated in connection with power-propelled vessels in the territorial waters of the Philippines upon the payment of an annual fee of not less than two pesos nor more than two hundred pesos for every vessel subject to taxation under this Act: . . .

Section 20. Persons and corporations eligible for licenses. No license for the operation of vessels for the catching of fish in the territorial waters of the Philippine Islands shall be issued, except to citizens of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per cent of whose capital stock or interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, or to citizen of countries the laws of which grant similar rights to citizens of the Philippine Islands. . . .

Section 21. License for off-shore fishing and municipal grant of fishery. No license granted in accordance with section eighteen of this Act shall operate within three nautical miles from the shore line and from two hundred meters of any fish corral licensed by a municipality pursuant to the provisions of section sixty-nine hereof, except if the licensee is the same person authorized by the municipality to operate such fish corral.

Article VI. Marine Mollusca Fisheries

Section 24. Who may apply for licenses to take marine mollusca. Any citizen of the Philippine Islands or of the United States and any association or corporation of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States and which is organized and constituted under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, or any citizen of any country the laws of which grant similar rights to citizens of the Philippine Islands, may file an application for license to take marine mollusca in Philippine waters: *Provided, however,* That all foreign persons, associations or corporations who, at the time this law goes into effect, have legally obtained a license under the provisions of Act Numbered Twenty-six hundred and four to take marine mollusca, may be granted renewals of such licenses so long as they have not been guilty of any violation of this Act, Act numbered Twenty-six hundred and four, or the customs laws, or the regulations promulgated thereunder: . . .

Section 34. Restrictions. The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may

be issued for the taking of marine mollusca in Philippine waters, or upon the number of licensees who may be allowed to operate therein, and may order that such restrictions extend to one or more species, and be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas therein . . .

Article VII. Sponge Fisheries

Section 38. Limitation to collect or gather sponges and other aquatic products. Except as provided in this article, no persons, associations, or corporations shall be allowed to collect or gather sponges, seaweeds or other minor aquatic products from the sea bottom or reefs in the territorial waters of the Philippines . . .

Section 39. Who may be eligible for concessions. Concessions for the fishing for, collecting or gathering of sponges in any of the territorial waters of the Philippine Islands may be granted by the Secretary of Agriculture and Natural Resources to any citizen of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per cent of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands: *Provided, however,* That all foreign persons, associations and corporations holding at the time this law goes into effect concessions under the provisions of Act numbered Twenty-five hundred and eighty-four, as amended by Act Numbered Thirty-seven hundred and thirty-five, to fish for, collect or gather sponges in Philippine waters, may be granted renewals of such concessions so long as they have not been guilty of any violation of this Act, Act Numbered Twenty-five hundred and eighty-four, as amended, or the customs laws, or the regulations promulgated thereunder: . . .

Section 49. Prohibition. It shall be prohibited and declared unlawful: . . .

(d) To ship from or attempt to ship from the Philippine Islands any sponges taken from the waters except through the custom-house at one of the ports of entry of the Philippine Islands.

(h) To take from the waters of the Philippine Islands any commercial sponges by the use of any dredge or "gangara" except in waters of more than thirty fathoms in depth.

Article VIII. Hawksbill Turtle Fisheries

Section 51. License to take hawksbill turtles. Unless provided with a license issued in accordance with the provisions of this article, no person, association or corporation shall take hawksbill turtle (*Eretmochelys imbricata* Pennant) in Philippine waters.

Section 52. Who may apply for licenses to take hawksbill turtle. Licenses to take hawksbill turtles in Philippine waters shall be granted to any citizen

of the Philippine Islands or of the United States, or to associations or corporations that are duly registered or incorporated under the laws of the Philippine Islands or of the United States, or of any State thereof and authorized to transact business in the Philippine Islands, and at least sixty-one per centum of whose capital stock or interest in said capital stock is owned wholly by citizens of the Philippine Islands or of the United States, or to citizens of countries the laws of which grant similar rights to citizens of the Philippine Islands: *Provided, however*, That all foreign persons, associations and corporations now engaged in the catching of hawksbill turtles may obtain licenses for the taking of hawksbill turtles under the provisions of this article and may renew such licenses so long as they have not been guilty of any violation of this Act, or the customs laws, or the regulations promulgated thereunder: . . .

Section 57. Restrictions. The Secretary of Agriculture and Natural Resources may impose restrictions upon the number of licenses which may be issued for the taking of hawksbill turtles in Philippine waters, or upon the number of licensees who may be allowed to operate therein, and may order that such restrictions be made generally applicable in all Philippine waters or be limited to a particular marine area, or areas, therein . . .

Section 61. Prohibition. It shall be prohibited and declared unlawful: (a) To fish, take, wound or kill in all waters of the Philippine Islands, or hold in possession, living or dead or to purchase, offer, or expose for sale, transport, ship, or export, alive or dead, any under-sized hawksbill turtle.

CHAPTER IV. RESERVE FISHERIES

Article XII. Uses of Reserve Fisheries

Section 73. Fishing rights reserved for exclusive use of the Government. Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may designate by proclamation any area or areas in the Philippine waters as fishery reservations for the exclusive use of the Government of the Philippine Islands or of any of its branches, or of the inhabitants thereof, or for the culture of fish and other aquatic animals for educational and scientific purposes.

Roumanie

DÉCRET N° 43 DU 16 FÉVRIER 1954 CONCERNANT LA RÉGLEMENTATION DE LA PÊCHE ET LA PROTECTION DU FOND PISCICOLE ¹

Article 1^{er}. Toutes les eaux de la République Populaire Roumaine qui servent à la reproduction, à l'élevage et à la pêche du poisson, des mammifères aquatiques, des crustacés et autres animaux aquatiques, ainsi qu'à la récolte des produits aquatiques, sont considérées comme étant des bassins piscicoles et constituent le fond de production piscicole de la République Populaire Roumaine.

¹ Le texte de ce décret a été fourni par la Mission permanente de la République populaire roumaine auprès de l'Organisation des Nations Unies.

Article 2. Sont considérés comme bassins piscicoles:

. . .

b) Les eaux territoriales de la mer Noire et les lacs du littoral.

Article 3. Aux termes du présent décret, le fond piscicole est constitué par la totalité de la population piscicole des bassins piscicoles.

Article 4. Dans le but de développer et d'améliorer l'économie piscicole, le Conseil des ministres de la République Populaire Roumaine est autorisé à fixer les conditions dans lesquelles la pêche est permise, les conditions d'administration et d'exploitation des bassins piscicoles, ainsi que les normes de protection et de surveillance du fond piscicole.

. . .

Article 6. Dans tous les cas d'infraction aux règles concernant la pêche, les organismes chargés d'exercer les poursuites ont le droit de confisquer tout le poisson trouvé en possession du délinquant, ainsi que les outils et les embarcations à l'aide desquels ladite infraction a été commise.

Le poisson confisqué après constatation du délit sera livré à l'unité de vente ou d'industrialisation du poisson la plus proche. Les sommes qui en résulteront, calculées au prix officiel, seront déposées à la Caisse des Dépôts et Consignations la plus proche jusqu'au moment où une décision définitive au sujet du délit aura été prononcée. Le récépissé de la somme déposée à la Caisse des Dépôts et Consignations sera joint au procès-verbal.

Les outils et les embarcations confisqués sont mis sous séquestre jusqu'à ce que le tribunal ou les organismes administratifs compétents se soient prononcés. La garde en sera confiée à l'unité piscicole la plus proche. Le reçu délivré par cette unité sera joint au procès-verbal.

Les instances judiciaires chargées de juger les infractions ainsi que les organismes chargés de les constater auront aussi le droit, par jugement ou procès-verbal, d'ordonner la confiscation des biens constituant l'objet du délit ou de l'infraction ou de ceux qui ont servi à les commettre.

Les sommes résultant de la vente du poisson confisqué seront attribuées par jugement à l'entreprise piscicole qui exploite la zone piscicole où le délit ou bien l'infraction ont été commis.

. . .

Sweden

(a) ROYAL ORDER NO. 21 OF 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM ¹

On the West Coast, from the Kullen Lighthouse to the sea frontier between Kosteröarna and Tistelöarna, the fishing waters in which fishing is exclusively reserved to residents of Sweden shall extend one geographical mile seawards from the land or from the rock situated farthest from the Swedish coast which is not continually submerged.

¹ *Svensk Författningssamling*, 1871, No. 21, p. 2. Text of Order provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

- (b) ROYAL ORDER No. 75 OF 4 JULY 1910 CONCERNING THE APPLICATION OF THE ROYAL ORDER OF 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM ¹

Whereas the issue concerning part of the sea frontier between Sweden and Norway has been submitted to the decision of a court of arbitration, and whereas the appointed court of arbitration has stated, in its judgment of 23 October 1909, that the outermost part of that frontier shall start from the centre of a straight line joining the most northerly of the rocks known as Stora Drammen with the rock Hejeknubb which rises from the sea to the south-east of the island of Heja, and shall form a straight line drawn 19 degrees south of due west and continuing in the same direction until it reaches the open sea; now therefore His Majesty has ordered that the Royal Order of 5 May 1871 concerning the area within which fishing on the west coast of Sweden is exclusively reserved to residents of the Realm shall be so construed that that area shall, subject to due observance of the frontier laid down in the judgment of the court of arbitration, extend one geographical mile seawards from the land or from the rock situated furthest from the Swedish coast which is not continually submerged or from the Swedish part of the aforesaid line, referred to in the judgment of the court of arbitration, which joins the rocks of Stora Drammen with the rock Hejeknubb.

- (c) ROYAL ORDER No. 282 OF 2 JUNE 1933 ON FISHING IN THE FRONTIER WATERS OF SWEDEN AND DENMARK ²

Whereas a convention has been concluded between Sweden and Denmark on 31 December 1932 concerning fishing in the frontier waters of Sweden and Denmark; now therefore His Majesty has seen fit to make the following order:

Article 1. This Order refers to the following waters:

The Kattegat, bounded to the north by straight lines drawn from the most northerly point of the Skaw to the Vinga Lighthouse and thence to the nearest point on the Hisingen coast, and to the south by straight lines drawn from Hasenöre to Gniben and from Gilbjerghoved to the Kullen Lighthouse;

The Sound, extending from the line joining Gilbjerghoved with the Kullen Lighthouse in the north to a line drawn from the Stevn Lighthouse to the Falsterbo Lighthouse in the south; and

In the Baltic: the waters fringing the coast from the Falsterbo Lighthouse to the Simrishamn Lighthouse and those around Bornholm and the Krustiansö group of islands.

Article 2. 1. In the Kattegat, fishermen of either country are entitled to fish not nearer than 3 minutes of distance from the coast of the other country or from its outermost islets and rocks that are not continually submerged.

¹ *Svensk Författningssamling*, 1910, No. 75, p. 1. Text of Order provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

² *Svensk Författningssamling*, 1933, No. 282, p. 489. Text of Order provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

In bays, fishermen of either country are entitled to fish not nearer than 3 minutes of distance from a straight line drawn across the bay at a point nearest to its mouth where it is not wider than 10 minutes of distance; save that outside the Bay of Laholm that distance shall be measured from a straight line drawn from Tylö Lighthouse to Hallands Väderö Lighthouse.

2. In the Sound, fishing is everywhere open alike to fishermen of both countries save that between the 7-metre isobath and the shore fishermen of the other country may not fish otherwise than for herring with nets and also, during the months of July, August, September and October, with hook and line. Only *närddingar* (fine-meshed herring nets) may be used as drift-nets in herring-fishing.

Outside the above-mentioned 7-metre isobath all fishing with a trawl or seine net is forbidden south of a line joining Ellekilde Hage with Lerberget; a baited seine which, when fully extended, does not measure more than 7.5 metres between the ends of the arms may, however, be used over Middelgrundet. North of the said line fishing with a trawl or with a Danish seine may be carried on, in accordance with the provisions in force for each country, not nearer than 3 minutes of distance from the coasts.

3. Off the coasts of Bornholm and the Kristiansö group of islands, and off the Swedish coast from the Falsterbo Lighthouse to the Simrishamn Lighthouse, herring-fishing with drift-nets is open alike to fishermen of both countries from 1 May to 31 August, both dates inclusive.

4. Shore owners and owners of fishing rights shall retain all rights vested in them under the law of each country.

Article 3. Fishermen of both countries are allowed, without prejudice to private rights and subject to compliance with customs regulations and other similar provisions in force, to navigate freely and anchor anywhere in the waters referred to in this Order; save that during the period from 1 July to 31 October, both dates inclusive, a fishing vessel anchored in the Sound shall weigh anchor if there is any danger that the gear of a drift-net fisherman may drift on to the anchored fishing-boat or its anchor-tackle.

. . .
(d) ACT NO. 596 OF 1 DECEMBER 1950 RESPECTING FISHERY RIGHTS¹

Fishing in public waters

Article 1. Any Swedish national may fish with portable gear in waters which are public waters within the meaning of the Act respecting the limits of public waters. Except as otherwise provided in article 3, fixed gear may not be set up in public waters unless permission has been obtained from the authority designated by the King.

For the purposes of this Act, the term "fixed gear" means any structure used for fishing and any fishing gear fitted with guide-arms which is attached by poles or weights or in any other manner to the sea-bottom or shore and is intended to remain in position for more than two consecutive days.

. . .
¹ *Svensk Författningssamling*, 1950, No. 596, p. 1221. Text of Act provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

Article 3. On the coast of Norrbotten county, the coasts of Kalmar county south of Kråkelund, the east coast of Blekinge county (north of Torhamnsudde), and the east and south coasts of Skåne, any person possessing private fishery rights may, without special permission from the authority, extend fixed gear from private waters into public waters to a maximum distance of 200 metres from the shoreline and a maximum depth of three metres along the mainland or along an island of not less than 100 metres in length.

In the case, however, of a person who bases his fishing rights upon a contract, the provisions of the foregoing paragraph shall apply only in so far as they do not conflict with the provisions of the relevant arrangement with regard to the extent of the fishing rights.

Article 4. A person who is not a Swedish national may engage in fishing in public waters only if he has obtained the King's permission to do so. Nevertheless, if such a person possesses private fishing rights, he shall be placed on the same footing as a Swedish national so far as the extension of fixed gear from private waters into public waters is concerned.

. . .

Fishing channels

Article 28. In every branch or area of a watercourse or sound where fishing is carried on, there shall be a fishing channel in the deepest part of the water. The fishing channel shall be one-sixth of the width of the water at normal low water. Where a watercourse together with its fishing channel enters the sea or runs into or out of a lake or a larger watercourse, the fishing channel shall extend with no change of width for a further 300 metres into the deepest part of the water. The same shall apply to the fishing channel of a sound at the ends of the sound.

The county administration, after consultation with the owners of rights and with experts, may prescribe that the fishing channel shall run in a part of the water other than as provided in the foregoing paragraph on condition that such action will presumably not be materially detrimental to any person who has not consented to it.

. . .

Union of South Africa

(a) SEA FISHERIES ACT NO. 10 OF 1940, AS AMENDED ¹

1. In this Act, unless inconsistent with the context —

. . .

“sea” includes all bays, creeks, lagoons, estuaries, streams or rivers along the coasts of the Union, up to the limit of tidal influence;

. . .

3. (1) Any officer generally or specially authorized thereto by the Minister and any policeman may —

¹ By Act No. 21 of 1945, Proclamation No. 220 of 1946, Act No. 58 of 1949, Proclamation No. 274 of 1953, and Act No. 29 of 1953. Text of Acts provided by the Permanent Mission of the Union of South Africa to the United Nations.

(a) Demand from any person whom he knows to have committed or whom he has reasonable grounds to suspect of having committed an offence under this Act, his full name and address;

(b) Board any fishing boat or vessel used as a factory and enter any premises used as a factory or for the storage or sale of fish or fish products and perform such acts on such boat, vessel or premises as may be necessary in order to ascertain whether the provisions of this Act are being complied with;

(c) Examine any implement which he has reason to believe is used or intended for use in the capture of fish;

(d) If he has reason to suspect that an offence under this Act has been committed in respect of any fish or has been or is about to be committed in respect of or by means of any implement, and that such fish or implement is upon any premises or at any place or upon any vehicle or vessel, at any time enter upon and search such premises, place, vehicle or vessel and search any person thereupon or thereat, and seize any such fish or implement: Provided that no policeman shall so enter upon or search any dwelling house except in accordance with the provisions of the Criminal Procedure and Evidence Act, 1917;

. . .

4. (1) The Governor-General may, by proclamation in the *Gazette*, prohibit, for an indefinite period or for any specified period in any year and either generally or in any defined area, the catching or disturbing of fish or any defined species of fish, and may amend or rescind any such proclamation.

. . .

6. (1) The Governor-General may, by proclamation in the *Gazette* —

(a) Declare any area to be a fish marketing improvement area;

(b) Impose upon any person who catches fish for the purposes of trade, within or beyond the territorial waters of the Union, whether as principal or as agent, off any fishing boat or by means of a net, a levy not exceeding sixpence in respect of every occasion upon which any such fish is landed in any area so declared: Provided that such proclamation may exempt from payment of the levy any person who is a member of any organization for the marketing of fish, approved by the Minister, and any corporation, so approved, which is engaged in the marketing of fish, and any employee of such person or corporation in so far as he acts in the performance of his duties as such employee;

(c) Require every person who is liable to pay such levy, to register with an officer and within a period specified in the proclamation, his name and address and particulars of any fishing boat used by him, and of its crew;

(d) Designate the person who or the organization which shall be entrusted with the administration of the levy funds; and

(e) Prescribe the manner in which the said funds shall be administered, and the forms and frequency of returns, including audited statements of receipts and expenditure, which such person or organization shall render to the Minister.

(2) The said funds shall be utilized to meet the expenses incurred in the administration thereof, and to assist the betterment of the marketing of fish.

7. (1) Any person who —

. . .

(d) Deposits in or causes or allows to enter into the sea, any matter which is injurious or likely to be injurious to fish or fish food; or

. . .

(f) In capturing or killing fish, other than whales, causes any substance to be exploded in the sea; or

(g) Returns to the sea any edible and marketable dead fish which has not been captured in contravention of any prohibition under this Act, or abandons any edible dead fish in any other place; or

. . .

shall be guilty of an offence and liable upon conviction in case of an offence referred to in paragraph (c) to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment, and in the case of any other offence referred to in this sub-section, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

(2) The provisions of paragraphs (d), (e), (f), (g), (h), (j) and (k) of sub-section (1) shall, in respect of any person upon any boat or vessel licensed or required to be licensed under this Act, apply also beyond the territorial waters of the Union.

. . .

10. If any person is charged with having committed an offence under this Act at any place beyond the territorial waters of the Union, any court whose area of jurisdiction abuts on or includes any part of the sea, shall be competent to try the charge, and for all purposes incidental to or consequential on the trial of the charge, the offence shall be deemed to have been committed within the area of jurisdiction of such court.

. . .

13. (1) This Act shall not apply in respect of —

(a) Fish in any waters which do not permanently or at any time of the year form part of the sea; or

(b) The catching of fish in semi-enclosed bays, tidal rivers and estuaries along the coast of the Province of Natal, or from the coast in the said Province or

(c) Fish in any tidal river along the coast of the Province of the Cape of Good Hope: Provided that the Governor-General may by proclamation in the *Gazette* declare this Act to be applicable in respect of fish in any such river with effect from a date mentioned in the proclamation . . .

(2) In this section "catching" does not include the landing of fish caught outside any such bay, river or estuary, and otherwise than from the said coast.

13bis. (1) Whenever the Legislative Assembly for the territory of South-West Africa (hereinafter referred to as the territory), in the exercise of its powers under section *twenty-five* of the South-West Africa Constitution Act,

1925 (Act No. 42 of 1925) makes an Ordinance dealing with matters relating to sealing and sea fisheries it shall be competent for the said Assembly (subject to the provisions of sub-sections (4) and (6) of section *forty-four* of the said Act, as inserted by section *twenty-two* of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949)), to provide in such Ordinance that provisions which apply within the territorial waters of the territory shall, in respect of any boat or vessel licensed or required to be licensed under the said Ordinance, or of any person, or any fish, implement or other matter on such boat or vessel, apply also beyond the said territorial waters.

(2) This section shall be deemed to have been in operation as from the first day of June, 1949.

. . .

(b) SEA FISHERIES REGULATIONS (GOVERNMENT NOTICE No. 1353 OF 1 JULY 1955, AS AMENDED) ¹

. . .

PART VI

Collection of crabs, oysters, mussels, perlemoen, prawns, razor clams (pencil or penknife bait) and red bait

. . .

5. No person shall collect or disturb oysters, oyster shells, brood or spawn along the seashore and in the adjoining territorial waters —

(a) In the Divisions of Alexandria, East London, Heidelberg, Riversdale and Swellendam;

(b) In the Division of Bredasdorp, between the mouth of the Uilenkraal River (Uilenkraalmond) and Quoin Point; or

(c) In the Division of Port Elizabeth —

(i) In the area bounded on the south by the low water mark, on the north by the high water mark, on the east by the prolongation in its southerly direction of the western boundary of the farm Hougham Park, being the remaining extent of the farm Samson's Kraal, and on the west by a line 200 yards from and parallel to the western boundary of the farm Hougham Park; and

(ii) In the area bounded on the south by a line 100 yards from and parallel to the low water mark, on the north by the high water mark, on the west by a line 1,033 yards east of and parallel to the western boundary of the farm Hougham Park, and on the east side by a line 1,183 yards east of and parallel to the western boundary of the farm Hougham Park.

6. (a) No person shall collect perlemoen, abalone, Venus ear or siffie (any species) (*Haliotis* spp.) on the seashore along the coast between the Orange and the Great Kei Rivers in the Province of the Cape of Good Hope, or in the adjoining territorial waters, except on the authority of and subject to the conditions set forth in a permit in the form set out in Schedule J, and issued to him by the Receiver of Revenue of the district in which, or which adjoins the territorial waters in which, such perlemoen, abalone, Venus ear or siffie is to be collected; provided that no permit shall be

¹ Text of Regulations provided by the Permanent Mission of the Union of South Africa to the United Nations.

required for the collection by a person of such perlemoen, abalone, Venus ear or siffie for his own use in quantities not exceeding five per day, whether from a fishing boat or otherwise.

(b) A permit referred to in sub-regulation (a) shall be issued upon payment of a fee of £ and shall expire on the 31st day of December of the year for which it is issued.

7. No person shall collect razor clams (*Solen* spp.) (otherwise known as pen-knife or pencil bait) between the low water mark and the high water mark in the area bounded in the south by the North Head of Saldanha Bay and in the north by the southern side of the Olifants River Mouth except under the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries; provided that no permit shall be required for the collection by any person of such razor clams for his own use in quantities not exceeding fifty per day.

8. (a) No person shall, along the seashore in the Division of Knysna and in the adjoining territorial waters, collect or disturb any prawns including mud prawns (*Crustacea*) but the collection by any person of not more than 50 prawns per day by means of a blow-tube pipe or tin shall be permitted.

(b) No person shall, along the seashore in the Division of Knysna and in the adjoining territorial waters, collect red bait or bloodworm (*Arenicola* spp.) except in quantities not exceeding 4 lb. of red bait or 12 bloodworms per day for use for fishing solely in the Division of Knysna.

9. No person shall collect or disturb any prawns including mud prawns (*Crustacea*), razor clams (*Solen* spp.) (otherwise known as pen-knife or pencil bait) or red bait along the seashore in the Division of East London and in the adjoining territorial waters; provided that prawns and razor clams in quantities not exceeding 50 per day and red bait in quantities not exceeding 4 lb. per day may be collected for bait purposes.

10. (a) No person shall collect bloodworm (*Arenicola* spp.) or mussel worm (Nereid worm) along the seashore in the Division of George and in the adjoining territorial waters except for bait and in quantities not exceeding 12 bloodworms or 36 mussel worms per day. Any bloodworm or mussel worm so collected shall not be sold or offered for sale.

(b) No person shall collect red bait along the seashore in the Division of George and in the adjoining territorial waters except for bait in quantities not exceeding 4 lb. per day, or for sale as bait under the authority of and subject to the conditions set forth in a permit issued by the Secretary of the Divisional Council of George on behalf of the Director of Fisheries. Red bait so collected shall be taken only from the area commonly known as Swartvlei.

(c) No person collecting crabs in the Division of George shall sell or offer such crabs for sale.

11. No person shall collect or disturb mussels along the seashore and in the adjoining territorial waters —

(a) From Shell Lime Point to Die Kelders in the Division of Caledon, except for bait and under the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries or by the Town Clerk, Hermanus, on the direction of the Director of Fisheries, or the Fishing Harbour Supervisor, Gansbaai, on the direction of the Director of Fisheries;

(b) In the Division of Alexandria, except for bait and in quantities not exceeding 50 per day, on the authority of and subject to the conditions set forth in a permit issued by an Honorary Fisheries Officer of the Division of Alexandria; or

(c) In the Divisions of Bathurst, Bredasdorp, East London, George, Komgha en Peddie except for bait and in quantities not exceeding 50 per day;

(d) In the Divisions of Piketberg and Clanwilliam, between the mouth of the Berg River and a point 9 miles north of Baboon Point, situated due west of Elandsberg Trigonometrical Station, except for bait and in quantities not exceeding 50 per day, or on the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries;

(e) Between, as a northern limit, Bok Point in the Division of Malmesbury and, as a southern limit, the mouth of the Second Salt River (or Diep River) in the Division of the Cape, except for bait and in quantities not exceeding 50 per day, or on the authority of and subject to the conditions set forth in a permit issued by the Director of Fisheries;

(f) In the Division of Port Elizabeth except for bait and in quantities not exceeding 50 per day on the authority of and subject to the conditions set forth in a permit issued by an Honorary Fisheries Officer of the Port Elizabeth Division; or

(g) In the Division of Stellenbosch.

12. No person shall, in the Division of Knysna, collect or disturb —

(i) Black mussels; or

(ii) White mussels, except for bait and in quantities not exceeding 50 per day. White mussels so collected shall be used only in the Division of Knysna.

. . .

PART IX

Whaling

General

. . .

4. No person shall hunt, pursue, or capture any whale within a distance of three nautical miles of any area in which the disturbing or capture of fish is prohibited by any proclamation issued under section *four* of the Act, or discharge any bomb-gear, rocket or other explosive in such area.

. . .

(c) SEA FISHERIES PROCLAMATIONS ¹

(i) *Proclamation No. 255, 1946*

Under and by virtue of the powers vested in me by section *four* of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), I hereby declare that no person shall remove mussels or red bait from the walls of the Bruton Breakwater at the harbour of Port Elizabeth during the period from the first day of December in each year to the thirty-first day of May in the following year, both days inclusive.

. . .

¹ Texts of Proclamations provided by the Permanent Mission of the Union of South Africa to the United Nations.

(ii) *Proclamation No. 157, 1952*

. . .

Under the powers vested in me by section *four* of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), as amended, I hereby declare that, until further notice, no person shall capture, disturb or remove rock lobster within the areas defined in the Schedule hereto.

. . .

SCHEDULE

DIVISION OF THE CAPE OF GOOD HOPE—HOUT BAY

The area within the whole of Hout Bay inside a straight line drawn from the beacon near “Die Josie” on the southern side to two beacons in line near “Bad Tamboer” on the northern side.

DIVISION OF MALMESBURY—SALDANHA BAY

The area within the whole of Saldanha Bay inside a straight line passing through two white concrete beacons marked N.H.1 and N.H.2, situated on the point known as North Head and a similar beacon marked S.H. situated on the point known as South Head.

(iii) *Proclamation No. 255, 1953*

. . .

Under the powers vested in me by section *four* of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), as amended, I hereby amend Proclamation No. 157 of 1952 by.—

. . .

(b) Inserting after the first paragraph of the Schedule the following new paragraph:

“Division of the Cape of Good Hope—Table Bay

“The area within three nautical miles seawards from low-water mark on the coast between, as northern limit, a straight line passing through the centre of the Robben Island Lighthouse and two white concrete beacons marked T.B.N. 1 and T.B.N. 2 situated near the mouth of the Second Salt River (also known as Deep River) and, as southern limit, a straight line passing through the Trigonometrical beacon situated at Bachelor’s Cove and a white concrete beacon marked T.B.S. 2, situated east-south-east of the rocks known as South Lion’s Paw.”

. . .

(iv) *Proclamation No. 268, 1953*

. . .

Under the powers vested in me by section *four* of the Sea Fisheries Act (Act No. 10 of 1940), as amended, I hereby declare that with effect from the date of publication hereof, no person upon any boat or vessel licensed or required to be licensed under the aforementioned Act shall by means of shark gill-nets disturb, fish for or catch sharks within the area bounded by

the coastline northwesterly from Quoin Point to Cape Hangklip; thence in a straight line south (true) or 180° (true) for 10 miles to a point in the sea; thence in a straight line in a southeasterly direction to a point in the sea 10 miles southwest (true) or 225° (true) from Quoin Point; thence in a straight line 10 miles north-west (true) or 45° (true) to the point of commencement at Quoin Point.

(v) *Proclamation No. 8, 1955*

Under the powers vested in me by section *four* of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), as amended, I hereby declare that no person shall, in any manner or for any purpose whatsoever, catch or disturb:

(a) Snoek during the period from the first day of August, to the thirtieth day of November in each year; or

(b) Oysters, oyster shells, brood or spawn in any area during the periods from the first day of January to the twenty-eighth day of February and the first day of November to the thirty-first day of December in any year.

The provisions of paragraph (a) of this Proclamation shall, in respect of any person upon any boat or vessel licensed or required to be licensed under the said Sea Fisheries Act, 1940, extend beyond the territorial waters of the Union.

(vi) *Proclamation No. 148, 1955*

ROCK LOBSTER SANCTUARY.—OUDEKRAAL, DIVISION OF THE CAPE OF GOOD HOPE

Under the powers vested in me by section *four* of the Sea Fisheries Act, 1940 (Act No. 10 of 1940), as amended, I hereby declare that no person shall, in any manner or for any purpose whatsoever catch or disturb rock lobster during the period from the first day of February to the thirty-first day of October, in each year, in the area within three nautical miles seawards from low-water mark on the coast between, as northern limit, a straight line passing through the trigonometrical beacon situated at Bachelors Cove, and a white concrete beacon marked T.B.S. 2, situated east-southeast of the rock known as South Lion's Paw and, as southern limit, a straight line passing through two similar beacons marked L.S. 1 and L.S. 2, the former situated on the rock known as Oudeskip and the latter on the shore east of the said rock.

(d) FISHING INDUSTRY DEVELOPMENT ACT, 1944, AS AMENDED ¹

22. (1) The Governor-General may, after the Minister has consulted the advisory council, by proclamation in the *Gazette*, declare any area to be a controlled area as from a date specified in the proclamation, not being a date less than two months after the date of publication of the proclamation.

¹ By Act No. 25 of 1950, Act No. 22 of 1951, Act No. 20 of 1952 and Act No. 32 of 1955. Text of Acts provided by the Permanent Mission of the Union of South Africa to the United Nations.

(2) As from the said date, no person shall —

(a) Catch any fish for the purpose of trade, within or beyond the territorial waters of the Union, whether as principal or as agent, off any fishing boat which, in the ordinary course departs from and returns to any place within the controlled area or the territorial waters adjoining that area, or by means of a net operated from any such place, unless his name appears upon the register to be held under sub-section (4) in respect of that area; or,

(b) Use any such fishing boat or allow it to be used in catching fish for the purpose of trade, unless it is registered under section *twenty-four* in respect of that area.

(3) (a) In sub-section (2), fish does not include whales.

(b) The provisions of paragraph (a) of sub-section (2) shall not apply to any person under the age of eighteen years or to any member of the crew of a fishing boat engaged in trawling.

(4) The registration officer shall in respect of every controlled area keep a register in which shall be entered the names and addresses of the persons and a description of the fishing boats registered therein, and such other particulars relating to those persons and boats as may be prescribed.

31. (1) Any officer generally or specially authorized thereto by the Minister and any policeman may —

(a) Demand from any person whom he knows to have committed or whom he has reasonable grounds to suspect of having committed an offence under this Act, his full name and address;

(b) Board any fishing boat and enter any premises used for the purpose of dealing in fish, and perform such acts upon the boat or premises as may be necessary in order to ascertain whether the provisions of this Act are being complied with;

(c) If he knows or has reason to suspect that an offence under this Act has been committed in respect of or by means of any fishing boat or net, and that the boat or net is upon any premises or at any place or upon any vehicle or vessel, at any time enter upon and search the premises, place, vehicle or vessel, and seize any such boat or net: Provided that no officer shall so enter upon and search any dwelling house and that no policeman shall, except in accordance with the provisions of the Criminal Procedure and Evidence Act, 1917, so enter upon and search any dwelling house;

(d) If he knows or has reason to suspect that an offence under this Act has been committed in respect of or by means of any fishing boat, demand from the person who is the licensee of that boat in terms of the Sea Fisheries Act, the names and the places of abode of the skipper of that boat and of the members of its crew;

(e) If he knows or has reason to suspect that any person has disposed of any fish at a price in excess of the price which is applicable in terms of any notice under paragraph (b) of sub-section (4) of section *twenty-eight*, or has failed to pay any levy imposed under section *twenty-nine*, or the proceeds of any such levy demand from such person or any person in his employ, the production of any book or document at his disposal which relates to the catching or the disposal of fish, and make a copy thereof or take an extract therefrom.

(2) The powers conferred by sub-section (1) may, in respect of any fishing boat and of any person or net thereon, be exercised also beyond the territorial waters of the Union.

Note. See also: Rock Lobster Export Act No. 9 of 1940 (*supra*, Chapter I, under Union of South Africa (b)).

South West Africa

SEALING AND FISHERIES ORDINANCE No. 12 OF 1949^{1 2}

1. In this Ordinance, unless inconsistent with the context —

. . .

“factory” means any premises or vessel in or upon which fish or the products of fish are salted, dried, smoked, preserved, canned, or otherwise treated, for the purpose of trade; but does not include any premises or vessel used solely for the chilling or freezing of fish or of the products of fish;

. . .

“territorial waters” means the territorial waters of the sea of the Territory including the waters surrounding any island, islet, rock or reef forming portion of the said Territory;

“the Territory” includes the sea within three nautical miles from any part of the shores of the Territory;

. . .

CHAPTER I

Fisheries

2. (1) The Administrator may, by notice in the Gazette, prohibit, for any indefinite period or any specified period in any year and either generally or in any defined area, the catching or disturbing of fish, or any defined species, of fish, and may amend or rescind any such notice.

(2) Any such notice may, in respect of any person upon any boat or vessel licensed or required to be licensed under this Ordinance, extend beyond the territorial waters of the Territory.

. . .

CHAPTER IV

General and supplementary

. . .

12. (1) Any officer generally or specially authorised thereto by the Administrator and any policeman may —

. . .

(b) Board any fishing boat or vessel used as a factory and enter any premises used as a factory or for the storage or sale of fish or fish products

¹ The text of this Ordinance was provided by the Permanent Mission of the Union of South Africa to the United Nations.

² The General Sealing and Fisheries Regulations were made under section 25 of this Ordinance. For these Regulations (Government Notice No. 215 of 1949) see *Official Gazette*, 15 August 1949, pp. 2602-2611.

and perform such duties on such boat, vessel or premises as may be necessary in order to ascertain whether the provisions of this Ordinance are being complied with;

. . .

(2) The powers conferred by sub-section (1) may in respect of any boat or vessel licensed, or required to be licensed under this Ordinance, and of any person, or any fish or implement thereon, be exercised also beyond the territorial waters of the Territory.

. . .

17. The Administrator may from time to time out of moneys appropriated for the purpose take such measures as he may deem necessary for —

. . .

(e) The survey of the territorial water of the sea with a view to investigation of new fishing grounds and similar undertakings;

. . .

23. If a person is charged with having committed an offence under this Ordinance at any place beyond the territorial waters of the Territory, any court whose area of jurisdiction abuts on, or includes any part of the sea, shall be competent to try the charge and, for all purposes incidental to or consequential on the trial of the charge, the offence shall be deemed to have been committed within the area of jurisdiction of such court.

. . .

25. (1) The Administrator may make regulations not inconsistent with this Ordinance —

. . .

(xxi) Prohibiting persons of or persons employed in vessels of any foreign nationality from engaging in sealing operations in or around any seal island or area in territorial waters.

(xxii) Prohibiting the killing, capture, pursuit, taking or disturbance of seals upon or in the vicinity of any specified seal island or area or in the territorial waters surrounding such island or contiguous to such area;

. . .

(4) The power to make regulations under this section shall include the power to make regulations which shall, in respect of any boat or vessel licensed or required to be licensed under this Ordinance, and of any person, or any fish, implement or other matter thereon, apply beyond the territorial waters of the Territory.

26. This Ordinance shall not apply in respect of the catching of fish in any waters which do not permanently or at any time of year form part of the sea.

. . .

Union of Soviet Socialist Republics

REGULATIONS OF 10 AUGUST 1954 CONCERNING THE CONSERVATION OF FISHERY RESOURCES AND THE REGULATION OF FISHING IN THE WATERS OF THE USSR ¹

Article 1. All waters (seas, rivers, lakes, reservoirs and ponds) which are or may be used for pisciculture or for the commercial fishing or commercial catching or gathering of other aquatic animals or plants, or which are important for the maintenance of stocks of commercial fish, shall be deemed to be fishery waters.

Marine fishery waters comprise the internal maritime waters (inland seas, gulfs, bays and creeks of open seas) and territorial waters of the USSR (maritime frontier zone) to a width of twelve nautical miles measured from the low-water mark (both on the mainland and on islands) or, in the case of internal waters, from their outer edge.

. . .

Article 6. Foreign nationals and bodies corporate of foreign States may not engage in commercial fishing or the commercial catching or gathering of other aquatic animals or plants in the waters of the USSR, except as provided in international agreements concluded by the USSR.

. . .

Article 8. Rules governing fishing in fishery waters shall be made for the several fishery districts by the Minister of Fisheries of the USSR.

The Fishery Rules shall specify, in particular, the boundaries of the area within which they apply, the prohibited areas and close seasons for fishing, the prohibited implements and methods of fishing, the mesh-sizes authorized for fishing equipment, the minimum sizes of fish and other aquatic animals authorized to be taken, the rules for non-commercial fishing by the public for personal consumption, and also, in waters in which such restrictions are necessary for conserving and increasing fish stocks, the authorized quantity of fishing equipment and of catches of fish of the several species.

. . .

Article 23. A person who engages in fishing or the catching or gathering of other aquatic animals or plants in fishery waters without proper authority, in a close season, in a prohibited area, by prohibited methods or with prohibited implements, or who improperly discharges into fishery waters the unpurified and undecontaminated liquid wastes of an industrial or municipal undertaking or carries out blasting operations causing mass destruction of fish, shall be liable to prosecution as provided by law.

A person who commits an offence as aforesaid for the first time, without using commercial fishing implements, explosives or poisons, or who contravenes any other provisions of the Fishery Rules or of these Regulations, shall be liable to a fine.

¹ Approved by Order of the Council of Ministers of the USSR of 10 August 1954. Text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.

Article 24. Fishery conservation officers shall be entitled to detain persons committing offences against these Regulations and the Fishery Rules and to seize fishing implements and floating equipment in their possession together with any fish and other aquatic animals and plants unlawfully taken.

Fishery conservation officers shall be entitled to detain an offender for such time as may be necessary for the drawing-up of a report (record) of the offence against these Regulations and the Fishery Rules. If the offender's identity cannot be established at the place where the offence is committed, the fishery conservation officers shall deliver the offender to the nearest rural Soviet or militia unit for the purpose of establishing his identity and domicile.

Unlawful catches of fish and other aquatic animals and plants shall be seized by fishery conservation officers both at the place of taking and at points at which they are received and processed, and shall be delivered to fish products plants or to trade organizations at the prevailing acceptance prices. Seized fishing implements and floating equipment shall be held at the fishery conservation authorities' stores, or at other places at the discretion of the said authorities, until the fishery conservation authorities give their decision in the case, where administrative proceedings are taken against the offender, or until the court renders its judgement, where judicial proceedings are taken against the offender.

Prohibited fishing implements which cannot be converted into authorized fishing implements shall be confiscated without a judgement of the court and shall be destroyed.

Article 25. The scale of fines for offences under these Regulations and the Fishery Rules shall be as follows:

Fines imposed by district fishery conservation inspectors: not more than 250 rubles for each individual and not more than 2,000 rubles for each undertaking, institution or organization;

Fines imposed by directors of fishery conservation and pisciculture departments (divisions) and their deputies: not more than 500 rubles for each individual and not more than 5,000 rubles for each undertaking, institution or organization.

An appeal against the imposition of a fine may be lodged within fourteen days with the director next senior in rank, whose decision shall be final.

Note. See also: Penal Code, article 86 (*supra*, Chapter II, Section B, under USSR (b)).

United Kingdom of Great Britain and Northern Ireland

(a) WHITE HERRING FISHERIES ACT, 1771¹

11. And . . . all and every person or persons employed in the said Fisheries (b) may fish in any part of the British seas, and shall have and exercise the free use of all ports, harbours, shores and forelands in Great Britain, or the islands belonging to the Crown of Great Britain, below the highest high-water mark, and for the space of 100 yards on any waste or

¹ 11 Geo. III, c. 31. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

uncultivated land beyond such mark, within the land, for landing their nets, casks, and other materials, utensils, and stores, and for erecting tents, huts and stages, and for the landing, pickling, curing, and reloading their fish, and in drying their nets, without paying any foreland or other dues, or any other sum or sums of money, or other consideration whatsoever, for such liberty (except as hereinafter is excepted), any law, statute, or custom to the contrary notwithstanding: And if any person or persons shall presume to demand or receive any dues, sums of money, or other consideration whatsoever, for the use of any such ports, harbours, shores, or forelands within the limits aforesaid, or shall obstruct the fishermen, or other persons employed in the taking or curing of fish, or drying their nets, in the use of the same, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and levied in manner hereinafter directed.

12. Provided always, that nothing in this Act contained shall extend to exempt the vessels or boats employed in the said fisheries from the payment of such harbour or pier dues as are, and by the law ought to be, demanded for ships, vessels, or boats in piers or harbours, which are built or artificially made, but that such harbour or pier dues shall be paid in like manner as the same was liable to be paid before the passing of this Act.

13. And . . . the penalty hereinbefore mentioned shall and may be prosecuted and determined by bill, plaint, or information, in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland respectively; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed, and one moiety of such penalty shall be to the use of His Majesty, and the other moiety to such person or persons as will sue for and prosecute the same.

(b) NORTH AMERICAN FISHERIES ACT, 1819¹

*Convention with United States, dated October 20, 1818.*² Whereas a convention between His Majesty and the United States of America was made and signed at London on the twentieth day of October one thousand eight hundred and eighteen; and by the first article of the said convention, reciting that differences had risen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish in certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador to and through the straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice however to any of the exclusive rights of the Hudson's Bay Company; and it was also by the said article of the said convention agreed that the American fishermen should

¹ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 138.

² See *infra*, Second Part, Chapter II, Treaty No. 1.

have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, but that so soon as the same or any portion thereof should be settled it should not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground: And whereas it is expedient that his Majesty should be enabled to carry into execution so much of the said convention as is above recited, and to make regulations for that purpose:

. . .

(1) *His Majesty in council may make regulations and give orders for carrying the convention into effect.* It shall and may be lawful for His Majesty, by and with the advice of His Majesty's privy council, by any order or orders in council to be from time to time made for that purpose, to make such regulations, and to give such directions, orders, and instructions to the governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said convention, with relation to the taking, drying, and curing of fish by inhabitants of the United States of America, in common with British subjects, within the limits set forth in the said article of the said convention and herein-before recited; any Act or Acts of Parliament, or any law, custom, or usage to the contrary in anywise notwithstanding.

. . .

2. *Foreign vessels not to fish within a certain distance of any coasts, bays, etc. of British possessions in America not included in the limits specified in the convention; under penalty of confiscation—Saving as to vessels of any power entitled thereto by treaty.* It shall not be lawful for any person or persons, not being a natural-born subject of His Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for or to take, dry, or cure any fish of any kind whatever within three marine miles of any coasts, bays, creeks, or harbours whatever in any part of His Majesty's dominions in America, not included within the limits specified and described in the first article of the said convention and herein-before recited; and if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue of customs, or the laws of trade and navigation, under any Act or Acts of the Parliament of Great Britain or of the United Kingdom of Great Britain and Ireland: Provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any prince, power, or state in amity with His Majesty, who are entitled by treaty with His

Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act decreed.

. . .

3. *American fishermen may enter such bays, etc., for the purpose of shelter, etc., subject to such restrictions as may be imposed to prevent abuse of privileges.* Provided always, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of His Britannic Majesty's dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever; subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said treaty and this Act reserved to them, and as shall for that purpose be imposed by any order or orders to be from time to time made by His Majesty in council under the authority of this Act, and by any regulations which shall be issued by the governor or person exercising the office of governor in any such parts of His Majesty's dominions in America, under or in pursuance of any such order in council as aforesaid.

. . .

(c) SEA FISHERIES ACT, 1843 ¹

. . .

This Act is repealed by the Sea Fisheries Act, 1868 (c.45), s. 71 (repealed); but by the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (c. 42), s. 15 (repealed), it was enacted that notwithstanding anything contained in the Sea Fisheries Act, 1868 (c. 45), this Act, so far as regards French fishermen and French sea fishing boats, "shall be in force until the day when the Convention set out in the First Schedule to the Sea Fisheries Act, 1868 (c. 45)" (p. 183, *post*), "comes into operation"; and by the Sea Fisheries Act, 1883 (c. 22), s. 24, p. 210, *post*, it is provided that on certain conditions this Act may be repealed by Order in Council from a date fixed by the Order, but meanwhile it is to remain in force (unless the Convention set out in the First Schedule to the Sea Fisheries Act, 1868 (c. 45), p. 183, *post*, comes into operation) so far as concerns French sea-fishing boats and persons belonging thereto within the seas to which it applies, so far as those seas are outside British exclusive fishery limits and not in the North Sea as defined in that Act; and s. 30 and Second Schedule, Part I (repealed), of that Act repeal so much of the Schedule to this Act as prohibits any French fishing boat from approaching nearer to any part of the coast of the United Kingdom than the limit of three miles, and so much of the rest of this Act as relates to the portion of the Schedule thereby repealed.

The position at the date of going to press is unchanged, and the Act is in force to the extent indicated, but no further.

. . .

Whereas a Convention was concluded between Her Majesty and the King of the French on the second day of August in the year one thousand

¹ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 141 *et seq.*

eight hundred and thirty-nine¹, defining the limits of the oyster fishery between the Island of Jersey and the neighbouring coast of France, and also defining the limits of the exclusive right of fishery on all other parts of the coasts of the British Islands and France: And whereas by the eleventh article of the said Convention it is stipulated and agreed, that “with a view to prevent the collisions which now from time to time take place on the seas lying between the coasts of Great Britain and of France between the trawlers and the line and long net fishers of the two countries, the High Contracting Parties agree to appoint, within two months after the exchange of the ratifications of the present Convention, a Commission, consisting of an equal number of individuals of each nation, who shall prepare a set of regulations for the guidance of the fishermen of the two countries in the seas above mentioned; the regulations so drawn up shall be submitted by the said Commissioners to the two Governments respectively for approval and confirmation; and the High Contracting Parties engage to propose to the legislatures of their respective countries such measures as may be necessary for the purpose of carrying into effect the regulations which may be thus approved and confirmed”:

And whereas, pursuant to the said convention, Commissioners duly appointed and authorized by Her Majesty and His Majesty the King of the French respectively have agreed upon certain Articles set forth in the schedule annexed to this Act² for the guidance of the fishermen of the two countries in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland and those of the Kingdom of France, which Articles, in further fulfilment of the said Convention, have been approved and confirmed on the part of Her Majesty by one of Her Majesty’s Principal Secretaries of State, and on the part of His Majesty the King of the French by the Ambassador Extraordinary of His said Majesty to the Court of London:

. . .

12. *Who shall have cognizance of offences by French subjects within the British fishery limits—Detention of vessel on non payment of penalty, or in lieu of penalty.* All offences against the said Articles,² or against any rule of byelaw made in pursuance of this Act, committed by any subject of the King of the French, or any person serving on board any French fishing boat or vessel, within the limits within which the general right of fishery is by the said Articles exclusively reserved to the subjects of Her Majesty, may be heard and determined upon the oath of any credible witness or witnesses, or upon the confession of the party accused, by any magistrate or justice of the peace having jurisdiction in the county or place in which or in the waters adjacent to which the offence shall have been committed or to which the offender shall be brought; and the offender, upon conviction, shall pay such penalty not exceeding ten pounds as the magistrate or justice of the peace shall award, or instead of awarding a pecuniary penalty, and also in case of the nonpayment of any pecuniary penalty awarded, it shall be lawful for the magistrate or justice of the peace to order that the vessel to which the offender belongs shall be detained for any period not exceeding three calendar months.

. . .

¹ See *infra*, Second Part, Chapter II, Treaty No. 3.

² See *infra*, Second Part, Chapter II, Treaty No. 3 (a).

14. *Compensation for damage.* In all cases where the breach of any of the said Articles,¹ or of any such rules or byelaws, by any of the subjects of the King of the French, within the limits within which the general right of fishery is by the said Articles exclusively reserved to the subjects of Her Majesty, or by any of Her Majesty's subjects, whether or not within the said limits, shall have caused any loss or damage to any other party or parties, it shall be lawful for any magistrate or justice of the peace before whom the offence shall be inquired into to take evidence of such loss or damage, and to award compensation to the injured party, and to enforce payment of such compensation in like manner as the payment of any pecuniary penalty for any offence against the said Articles may be enforced.

(d) SEA FISHERIES ACT, 1868²

PART I

Preliminary

5. *Interpretation.* In this Act —

The term "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 term "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; and the terms "Great Britain and Ireland" and "United Kingdom", as used in the first schedule to this Act, shall be construed to mean the "British Islands" as herein defined;

The terms "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France" mean the limits within which the exclusive right of fishing is by Article one of the first schedule to this Act reserved to British subjects and French subjects respectively;

PART IV

Legal Proceedings

60. *Provisions for giving jurisdiction to courts, as to offences on board sea-fishing boats, and offences committed by foreign subjects.* For the purpose of giving jurisdiction to courts under this Act, the following provisions shall have effect:

(1) 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;

(2) The same court shall have power to exercise the jurisdiction conferred by this Act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject.

¹ See *infra*, Second Part, Chapter II, Treaty No. 3 (a).

² *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 161 *et seq.*

PART V

Miscellaneous

66. *Power to provide, by Order in Council, for giving effect to conventions or treaties exempting from dues foreign sea-fishing boats entering British ports from stress of weather.* Whereas by a convention concluded between the United Kingdom and France on the twenty-sixth day of January one thousand eight hundred and twenty-six it was, amongst other matters, agreed that sea-fishing boats of either country, when forced by stress of weather to seek shelter in the ports or on the coasts of the other country, should on certain conditions be exempted from all dues to which they would otherwise be liable; and doubts have arisen whether that part of the said convention has ever been confirmed by the authority of Parliament; and it is expedient to remove such doubts, and to enable Her Majesty to provide for the due execution of the said convention, and of any other like convention or treaty which may be made by Her Majesty; Be it enacted, that where any such convention or treaty as mentioned in this section has been or may hereafter be concluded with any foreign country, Her Majesty may by Order in Council direct that every sea-fishing boat belonging to such foreign country, when forced by stress of weather to seek shelter in any port or place in the British Islands, shall, if it does not discharge or receive on board any cargo, and complies with the other conditions, if any, specified in such Order, be exempt from all dues, tolls, rates, taxes, duties, imposts, and other charges to which it would otherwise be liable in such port or place, and every such boat shall be exempt accordingly.

67. *Power, by Order in Council, to give effect to byelaws of Irish Fishery Commissioners restricting or regulating the dredging for oysters on the Irish coast, outside the exclusive fishery limits of the British Islands—Length of close time.* The Irish Fishery Commissioners may from time to time lay before Her Majesty in Council byelaws for the purpose of restricting or regulating the dredging for oysters on any oyster beds or banks situated within the distance of twenty miles measured from a straight line drawn from the eastern point of Lambay Island to Carnsore Point on the coast of Ireland, outside of the exclusive fishery limits of the British Islands; and all such byelaws shall apply equally to all boats and persons on whom they may be binding.

(e) SEA FISHERIES ACT, 2 AUGUST 1883 ¹

2. *Confirmation of Convention.* The Convention set out in the first schedule ² 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.

EXCLUSIVE FISHERY LIMITS

7. *Regulations as to foreign sea-fishing boats within exclusive fishery limits.*
(1) A foreign sea-fishing boat shall not enter within the exclusive fishery

¹ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 210 *et seq.*

² See *infra*, Second Part, Chapter I, Treaty No. 1.

limits of the British Islands, except for purposes recognised by international law, or by any convention, treaty, or arrangement for the time being in force between Her Majesty and any Foreign State, or for any lawful purpose.

(2) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

(a) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;

(b) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;

(c) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed

(3) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, (fifty) pounds, and in the case of a second or any subsequent offence, (one hundred) pounds.

Notes

The words "fifty" and "one hundred" were substituted for "ten" and "twenty" by the Sea Fish Industry Act, 1938.

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 under the sections of the Sea Fisheries Act, 1868, amended by this Act 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 Admiralty, every British Consular Officer, every collector and principal officer of Customs in any place in the British Islands, and every officer of Customs in the British Islands authorised in that behalf by the Commissioners of Customs, every divisional officer of the coast-guard, 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.

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 Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands 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, article 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;

(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.

13. *Powers of British and foreign sea-fishery officers.* For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruisers and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that —

(a) Nothing in this section shall authorise a sea-fishery officer to do anything not authorised by the Convention; and

(b) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the state to which such boat belongs.

. . .

LEGAL PROCEEDINGS

. . .

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 exclusive fishery limits of the British Islands, and persons belong-

ing thereto, as such court would have if such boat were a British sea-fishing boat.

. . .

APPLICATION OF ACT

23. *Extension of Act by Order in Council.* If at any time after the commencement of this Act any convention, treaty, or arrangement respecting sea fisheries is made between Her Majesty and any Foreign State, it shall be lawful for Her Majesty by Order in Council to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the Order mentioned) apply to the said convention, treaty, or arrangement, and have effect in like manner as if the said convention, treaty, or arrangement were set forth in the first schedule to this Act, and were part of that schedule and were the Convention referred to in this Act.

. . .

25. *General application of Act.* This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by Article four of the first schedule to this Act, or within the seas specified in any convention, treaty, or arrangement to which this Act may be applied by Order in Council made in pursuance of this Act, and to the boats and officers of a Foreign State bound by the Convention in the first schedule to this Act or by any convention, treaty, or arrangement to which this Act may be applied, but save as aforesaid 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 exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective Courts.

. . .

28. *Definitions.* In this Act —

The expression “sea-fishing” shall not include fishing for salmon as defined by any Act relating to salmon, but save as aforesaid, 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;

The expression “exclusive fishery limits of the British Islands” means that portion of the seas surrounding the British Islands within which Her Majesty’s subjects have, by international law, the exclusive right of fishing, and where such portion is defined by the terms of any convention, treaty, or arrangement for the time being in force between Her Majesty and any

Foreign State, includes, as regards the sea-fishing boats and officers and subjects of that State, the portion so defined;

The expression "person" includes a body of persons corporate or unincorporate;

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

(f) SEA FISHERIES (SCOTLAND) AMENDMENT ACT, 1885 ¹

. . . .

2. This Act shall apply only to Scotland, and to the parts of the sea adjoining Scotland.

. . . .

4. ² When the ³ [Fishery Board] for Scotland, herein-after called the Fishery Board, are satisfied that any mode of fishing in any part of the sea adjoining Scotland, and within the exclusive fishery limits of the British Islands, is injurious to any kind of sea fishing within that part, or where it appears to the Fishery Board desirable to make experiments or observations with the view of ascertaining whether any particular mode of fishing is injurious, or for the purposes of fish culture or experiments in fish culture, the Fishery Board may make byelaws for restricting or prohibiting, either entirely or subject to such regulations as may be provided by the byelaw, any method of fishing for sea fish within the said part, during such time or times as they think fit, and may from time to time make byelaws for altering or revoking any such byelaws.

A byelaw under this Act shall not be of any validity until it is confirmed by the ⁴ [Secretary] for Scotland.

. . . .

(g) SEA FISHERIES REGULATION ACT, 1888 ⁵

1. *Establishment of sea fisheries districts and local fisheries committees.* (1) The Board of Trade may from time to time on the application of a county council or borough council, by order,

(a) Create a sea fisheries district comprising any part of the sea within which Her Majesty's subjects have by international law the exclusive right of fishing, either with or without any part of the adjoining coast of England and Wales; 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 local fisheries committee for the regulation of the sea fisheries carried on within the district; and may from time to time (by a subsequent order made on like application or made on the application of the local fisheries committee and after consultation with every county or borough council concerned, vary or

¹ *The Statutes*, Third Revised Edition, vol. XI, London, 1950, p. 136.

² Restricted, 11 & 12 Geo. 6 c. 51. s. 1(1).

³ Fishery Board terminated and powers, etc., transferred to Secy. of State, 2 & 3 Geo. 6 c. 20.

⁴ Now Secy. of State, 16 & 17 Geo. 5 c. 18. s. 1 (1).

⁵ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 220 *et seq.*

revoke) any order made under this section, or unite two or more districts or parts of districts into a separate district, or dissolve any district that may have been formed.

. . .

2. *Byelaws for regulation of sea fisheries.*¹ (1) A local fisheries committee for a sea fisheries district may from time to time, subject to such regulations as may be made in that behalf by the Board of Trade, 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;

. . .

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

(f) For repealing or amending any byelaw made in pursuance of this Act.

. . .

6. *Appointment and powers of fishery officers.* (1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the 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 laws 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 adjoining sea fisheries district or district under the jurisdiction of salmon conservators, or of a harbour authority, —

(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 (taken or used in contravention) 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 upon 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 (fifty) pounds.

(4) For the enforcement of the provisions of any such byelaws, every such officer shall be deemed to be a constable, and to have the same powers

¹ In connexion with this section, see: Sea Fisheries (Shell Fish) Regulation Act of 1894, section 1 (*ibid.*, p. 242).

and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constablewick at common law or by statute.

. . .
(h) HERRING FISHERY (SCOTLAND) ACT, 1889¹
. . .

2. This Act extends only to Scotland, and to the parts of the sea adjoining Scotland.

. . .
6. (1) It shall not be lawful to use the method of fishing known as beam trawling or otter trawling within three miles of low-water mark of any part of the coast of Scotland, nor within the waters specified in the schedule hereto annexed, save only between such points on the coast or within such other defined areas as may from time to time be permitted by byelaws¹ (made under this section) for Scotland, and subject to any conditions or regulations made by those byelaws. Provided that this section shall not apply to the Solway Firth nor to the Pentland Firth; and provided also, that nothing herein contained shall affect the powers (made under this section) under section four of the Sea Fisheries (Scotland) Amendment Act, 1885.
. . .

7. (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 within a line drawn from Duncansby Head, in Caithness, to Rat-tray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section . . .

SCHEDULE

Wigtown Bay, within a line drawn from Great Ross Point, near Little Ross Lighthouse, on the east to Isle of Whithorn on the west.

Luce Bay, within a line drawn from a point near Port William on the east to Killyness Point, near Drummore, on the west.

Loch-in-dail, within a line drawn from Rudha na Cathair (Mull of Oe) on the south to the Rhynns, near Rhynns of Islay Lighthouse, on the north.

Loch Snizort, within a line drawn from Vatternish Point on the west to Dunlea on the east.

Broad Bay, within a line drawn from Tolsta Head on the north to Tiumpan Head on the south.

Stornoway Bay, within a line drawn from Kebock Head on the south to Bayble Head on the north.

Thurso Bay, within a line drawn from Brimsness on the west to Dunnet Head on the east.

Sinclair Bay, within a line drawn from Noss Head on the south to Duncansby Head on the north.

¹ *The Statutes*, Third Revised Edition, vol. XI, London, 1950, p. 508 *et seq.*

Scapa Bay, within a line drawn from St. Mary's Point on the east to Houton Heads on the west.

St. Magnus Bay, within a line drawn from Esha Ness on the north to a point near Sandness on the south.

The waters inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Cantyre, in the county of Argyll.

The waters inside a line from Port Askadel, near Ardnamurchan Point, on the west to Ru-Cisteach, near Arasaig, on the east.

The waters inside a line from Ru-geur, Slate Point, on the south to a point near Ru-an-dunàn, on the north.

The waters inside a line from Ru-na-uag, Loch Torridon, on the south to a point at Long Island, Gareloch, on the north.

The waters outside Loch Tarbert, Harris, from Toe Head on the south to Camus-Huisnish on the north.

East and west Loch Roag, from Gallon Head on the west to Coul Point on the east.

The waters inside a line from Greenstone Point on the west to a point near Meal-Sgreaton, Ru-Cooygach, on the east.

The waters inside a line from Ru-Stoer on the west to a point at Scourie Bay on the east.

Dornoch Firth, Fraserburgh Bay, Montrose Bay, Moray Firth (upper parts of), Aberdeen Bay, Saint Andrew's Bay, Firth of Forth (all as specified in the existing byelaws of the Fishery Board).

(i) ORDER IN COUNCIL, 6 APRIL 1889 (REGULATIONS FOR MAINTAINING ORDER AMONG FISHERMEN)¹

Whereas by the Sea Fisheries Act, 1883, it is provided that 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 the said 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:

And whereas it is by the seventh section of the said Act provided that, if a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands, such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed, and also that, in the event of any contravention of the said section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of a second or any subsequent offence, twenty pounds:

And whereas it has been made to appear to Her Majesty that it is expedient to make regulations 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, and to make regulations to be duly observed when a foreign sea-fishing boat enters such exclusive limits as aforesaid.

Now, therefore, Her Majesty, in exercise of the powers vested in Her by the said recited Act, by and with the advice of Her Privy Council, is pleased

¹ Text of Order provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

to make the regulations which are set forth in the schedule annexed hereto, and to direct that the same shall come into and be in force on and after the first day of July 1889.

SCHEDULE

Regulations

1. No person on board of or belonging to any British sea-fishing boat shall discharge or present any fire-arm, or discharge or throw any stone, ballast, coal, bottle, missile, or thing at any other sea-fishing boat or boats, or at any person or persons on board of or belonging to any sea-fishing boat or boats, or shall use any threatening, abusive or obscene language to, or attack, intimidate, or molest any other person or persons on board of or belonging to any sea-fishing boat or boats, or do any act likely to provoke a breach of the peace between himself and any other person or persons on board of or belonging to any sea-fishing boat or boats, or between persons on board of or belonging to any sea-fishing boat or boats, or incite any other person or persons to do any of the aforesaid things.

2. The master or person for the time being in charge of any British sea-fishing boat shall use every endeavour and take all reasonable means in order to secure that the persons on board of or belonging to his boat duly observe the regulation numbered 1 and to prevent them from committing any breach thereof.

3. Every person committing or guilty of any breach of the foregoing regulations shall forfeit and pay for each and every breach thereof the sum of ten pounds.

4. The court or tribunal before which any person may be found guilty of any such breach as in the 3rd regulation mentioned may mitigate the said fine of ten pounds by such sum as shall be an adequate penalty for the offence committed.

5. Whenever a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands, no person on board of or belonging to any such boat shall discharge or present any fire-arm, or discharge or throw any stone, ballast, coal, bottle, missile, or thing at any other vessel or vessels, boat or boats, or at any person or persons on board of or belonging to any vessel or vessels, boat or boats, or shall use any threatening, abusive, or obscene language to, or attack, intimidate, or molest any other person or persons belonging to or on board of any other vessel or vessels, boat or boats, or do any act likely to provoke a breach of the peace between himself and any other person or persons on board of or belonging to any vessel or vessels, boat or boats, or between persons on board of or belonging to any vessel or vessels, boat or boats, or incite any other person or persons to do any of the aforesaid things.

6. These regulations shall apply only to any place or places not being on the land.

7. In this Order the words and expressions used shall have the same meaning as they have in Sea Fisheries Act, 1883.

(j) FISHERIES ACT, 1891 ¹

PART I

Belgian Declaration and Sea Fisheries Act, 1883

. . .

5. *Forfeiture for offence against 46 & 47 Vict. c. 22, s. 7.* In the event of any contravention of section seven of the Sea Fisheries Act, 1883, on the part of any foreign sea fishing boat, or of any person belonging thereto, any fish or fishing gear found in the boat or shown to have been taken or used by any person belonging to the boat within the exclusive fishery limits of the British Islands shall, on conviction for the offence, be liable to be forfeited.

. . .

PART II

Sea Fisheries Regulation Act, 1888

. . .

8. *Jurisdiction as to offences.* Where any offence under the Sea Fisheries Regulation Act, 1888, or under any byelaw made in pursuance thereof, is committed on the sea coast or at sea beyond the ordinary jurisdiction of a court of summary jurisdiction and not on or from a ship or boat, it shall be deemed to have been committed within the body of any county abutting on that sea coast or adjoining that sea, and may be tried and punished accordingly.

. . .

(k) SEA FISHERIES REGULATION (SCOTLAND) ACT, 1895 ²

. . .

2. This Act shall apply to Scotland only, and to the parts of the sea adjoining Scotland, or within the jurisdiction of the ³ (Fishery Board for Scotland).

. . .

10. (1) The ³ (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.

. . .

¹ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 230 *et seq.*

² *The Statutes*, Third Revised Edition, Vol. XIII, London, 1950, p. 26 *et seq.*

³ Fishery Board terminated and powers, etc., transferred to Secy. of State, 2 & 3 Geo. 6, c. 20.

(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.

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.

(1) WHALE FISHERIES (SCOTLAND) ACT, 1907 AND 1922 ^{1 2}

1. No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other primary products, without a licence granted and issued subject to the conditions hereinafter provided, and any person acting in contravention of this section shall be liable on summary conviction to a penalty not exceeding five hundred pounds.

2. It shall be lawful for the Fishery Board for Scotland (in this Act referred to as the Board) to issue licences under this Act, subject to the following conditions:

(5) No licence shall be granted except to a British subject or to a Company registered in Great Britain. Provided that this subsection shall not apply to the case of a person who has erected a factory or station for the

¹ Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

² As amended by section 27 of the Sea Fish Industry Act, 1951 (14 & 15 Geo. 6, Ch. 30).

prosecution of the whaling industry before the first day of January one thousand nine hundred and seven;

3. (1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for manufacture.

(4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Scotland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(6) No holder of a licence or person employed by him shall in any year pursue, kill, or shoot whales between the first day of November and the thirty-first day of March, both days inclusive, or pursue, kill, or shoot whales within a distance of forty miles from low-water mark of any part of the coast of Scotland within such limits and during such period, not exceeding in any case five weeks during the summer herring fishing, as the Board may from time to time prescribe.

(7) In this section the expression "mile" means a nautical mile.

(m) TRAWLING IN PROHIBITED AREAS PREVENTION ACT, 1909¹

1. *Landing and selling of fish illegally caught prohibited.* It shall not be lawful to land or sell in the United Kingdom any fish caught by the methods of fishing known as beam trawling and otter trawling within prohibited areas as defined in this Act; . . .

5. *Definition of prohibited area.* In this Act the expression "prohibited area" means —

(1) Any waters within which the methods of fishing known as beam trawling and otter trawling are prohibited by the Herring Fishery (Scotland) Act, 1889, or any byelaw made thereunder, but does not include any such waters within three miles from low-water mark of any part of the coast of Scotland, unless such waters form part of an area which, as defined for the purposes of the said Act or byelaw, extends more than three miles from low-water mark as aforesaid;

(2) Any waters within which the use of the method of fishing known as beam trawling or other trawling in or from any steamer or steamship or vessel propelled by steam is prohibited by any byelaw made under section three of the Steam Trawling (Ireland) Act, 1889, but does not include any such waters within three miles from low-water mark of any part of the coast of Ireland, unless such waters form part of an area which, as defined for

¹ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 243 *et seq.*

the purposes of the byelaw, extends more than three miles from low-water mark as aforesaid.

. . .

(n) SEA FISHING INDUSTRY ACT, 1933 ¹

. . .

4. *Size limits for fish . . .*

(4) Where, in the course of any fishing operations conducted by means of a fishing-boat, any sea-fish of any description which are of less than the minimum size prescribed in relation to sea-fish of that description by any order under subsection (1) of this section are taken on board the boat, those fish shall be returned to the sea forthwith:

Provided that the preceding provisions of this subsection shall not apply in relation to fishing operations which, under the authority of one of the appropriate Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(5) The last preceding subsection shall apply to all fishing-boats within the limits of the territorial waters adjacent to the United Kingdom and also to British fishing-boats registered in the United Kingdom, wherever they may be; and if that subsection is not complied with in the case of any fishing-boat, the master, the owner and the charterer (if any) shall each be liable on summary conviction to a fine not exceeding fifty pounds, and the court by which the offender is convicted may order the forfeiture of any fish in respect of which the offence was committed.

. . .

4a. *Powers of British sea-fishery officers.* Any British sea-fishery officer may exercise, with respect to any fishing-boat within the limits of the territorial waters adjacent to the United Kingdom and with respect to any British fishing-boat registered in the United Kingdom, wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the appropriate Ministers, being powers which the said Ministers consider necessary for the enforcement of sections three and four of this Act, and of any orders under those sections; and for the purpose of an order under this section —

(a) section twelve of the Sea Fisheries Act, 1883, shall apply as if any reference in paragraph (7) of that section to that Act or to an Order in Council thereunder included a reference to sections three and four of this Act or to an order under either of those sections, as the case may be;

. . .

(o) WHALING INDUSTRY (REGULATION) ACT, 1934 ²

. . .

2. *Prohibition of catching or treating whales within United Kingdom waters.* It shall be unlawful for any ship to be used within the coastal waters of the United Kingdom for taking or treating whales, and if any ship is so used,

¹ *Halsbury's Statutes of England*, Second Edition, vol. 10, p. 249 *et seq.*

² *Ibid.*, p. 355 *et seq.*

the master shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

. . .

8. *Powers of whale fishery inspectors.* (1) For the purpose of enforcing the provisions of this Act, a whale factory inspector, on producing on demand evidence of the fact that he is such an inspector, —

(a) May board or enter any ship or factory which he has reason to believe is used for taking or for treating whales, and inspect the ship or factory and its plant and equipment; and

(b) May, in the case of such a ship as aforesaid, require the master and crew, or any of them, or in the case of such a factory as aforesaid, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records and other documents as the inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and

(c) May take copies of, or extracts from, any documents produced to him.

12. *Exemption of whaling operations carried on in coastal waters of certain British possession, etc.* His Majesty may by Order in Council direct that subject to such conditions, if any, as may be specified in the Order, any of the foregoing provisions of this Act which restricts the taking or killing of whales or the use of ships shall not apply in relation to anything done within the coastal waters of —

(a) A country or part of His Majesty's dominions to which this Act may be extended by virtue of the next following section, or

(b) A British protected state,
if there is in force, as respects those coastal waters, a provision of the local law which appears to His Majesty substantially to correspond with the aforesaid provision of this Act.

13. *Extension to British possessions, etc.* (1) His Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations or modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, Newfoundland or any colony.

. . .

17. *Interpretation, and saving for certain enactments.* (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:

“British ship to which this Act applies” means a British ship which is not registered in —

(a) Any of the following Dominions, that is to say: the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Irish Free State; or

(b) A territory administered by His Majesty's Government in any of the Dominions aforesaid; or

(c) India . . .

“coastal waters” means, in relation to any country or territory, waters within a distance of three nautical miles from any point on the coast of any

part of that country or territory, as the case may be, measured from low-water mark of ordinary spring tides;

“ship” has the same meaning as in the Merchant Shipping Act, 1894.

(p) WHALING INDUSTRY (REGULATION) ACT (NEWFOUNDLAND, COLONIES, PROTECTORATES AND MANDATED TERRITORIES) ORDER, 1936¹

1. The provisions of the Act (a) (except Sections 9 (2) and 15, and except in so far as the Act requires, authorises, prohibits, or restricts the doing of anything in the United Kingdom or in the coastal waters thereof) shall extend to Newfoundland and the territories mentioned in the First Schedule to this Order, subject to the following adaptations and modifications, that is to say:

(c) The provisions of the Act shall not apply to aborigines dwelling on the coasts of any of the territories mentioned in the First Schedule to this Order provided that —

(1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;

(2) They do not carry firearms;

(3) They are not in the employment of persons other than aborigines;

(4) They are not under contract to deliver the products of their whaling to any third person.

2. The provisions of the Act (a) which are expressed to apply only to British ships shall apply to other ships registered in or licensed under the law of any territory mentioned in the First Schedule to this Order.

3. Sections 3 and 4 of the Act shall not apply in relation to anything done within the coastal waters of any territory mentioned in the Second Schedule to this Order.

FIRST SCHEDULE

Aden — (a)

Bahamas

Barbados

Bermuda

British Guiana

British Honduras

Ceylon

Cyprus

Falkland Islands and Dependencies

Fiji

Gambia (Colony and Protectorate)

Gibraltar

¹ *The Statutory Rules & Orders and Statutory Instruments*, Revised to December 31, 1948, vol. VII, p. 929-930.

Gold Coast Colony
 Hong Kong
 Jamaica (including Turks and Caicos Islands and the Cayman Islands)
 Kenya (Colony and Protectorate)
 Leeward Islands — (*b*)
 Antigua
 Montserrat
 St. Christopher and Nevis
 Virgin Islands
 Malta
 Mauritius
 Nigeria —
 Colony
 Protectorate
 Cameroons under British Mandate
 Palestine (excluding Trans-Jordan)
 St. Helena and Ascension
 Seychelles
 Sierra Leone (Colony and Protectorate)
 Somaliland Protectorate
 Straits Settlements
 Tanganyika Territory
 Trinidad and Tobago
 Western Pacific, Islands of —
 British Solomon Islands Protectorate
 Gilbert and Ellice Islands Colony
 Windward Islands —
 Grenada
 St. Lucia
 St. Vincent
 Dominica — (*b*)
 Zanzibar Protectorate

SECOND SCHEDULE

Newfoundland
 Ceylon
 Falkland Islands and Dependencies

(q) WHITE FISH AND HERRING INDUSTRIES ACT, 1948¹

1. (1) Whereas a Convention providing (among other matters) for the regulation of the meshes of fishing nets was signed in London on the fifth day of April, nineteen hundred and forty-six, on behalf of His Majesty's Government in the United Kingdom:

And whereas it is necessary, for the purpose of giving full effect to the said Convention, to extend the powers conferred by section three of the Sea-Fishing Industry Act, 1933, as amended by section thirty-eight of the Sea Fish Industry Act, 1938, to regulate the mesh of fishing nets carried in

¹ 11 & 12 *Geo.* 6, *Ch.* 51. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

British fishing boats, so as to be exercisable in the territorial waters adjacent to the United Kingdom as well as outside those waters:

Now, therefore, paragraph (a) of subsection (3) of the said section three as so amended (which excludes the territorial waters adjacent to the United Kingdom from the operation of any order made under that section) shall cease to have effect, and nothing in any byelaw, rule, order or regulation made under the Fisheries (Ireland) Act, 1842, section four of the Sea Fisheries (Scotland) Amendment Act, 1885, section two of the Sea Fisheries Regulation Act, 1888, section six of the Herring Fisheries (Scotland) Act, 1889, or section eight of the Sea Fisheries Regulation (Scotland) Act, 1895, shall be taken to authorise the carrying of fishing nets in circumstances where the carrying of those nets would otherwise be unlawful by virtue of an order made under the said section three.

(2) With a view to enforcing any order made under the said section three as amended by the preceding subsection, any fishery officer of a local fisheries committee constituted by an order under section one of the Sea Fisheries Regulation Act, 1888, may, within the district of the committee, go on board any British fishing boat (within the meaning of that section) registered in the United Kingdom and search for and examine all fishing nets carried in that boat, and may seize any net in respect of which a contravention of an order under this section has been, or is being, committed; and a local fisheries committee may take proceedings in respect of any contravention of the said section three as so amended occurring within the district of the committee.

2. . . . (5) Any person who, by virtue of section eleven of the Sea Fisheries Act, 1883, is a British sea-fishery officer may seize any net and gear used in contravening subsection (1) of this section, and may exercise, with respect to any fishing boat within the limits of the territorial waters adjacent to Great Britain in the North Sea and with respect to any British fishing boat registered in the United Kingdom in any part of the North Sea, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of subsection (1) of this section . . .

Note. See also: Salmon and Freshwater Fisheries (Protection) (Scotland) Act (*supra*, Chapter I, under United Kingdom (a)); River Boards Act, 1948, section 5 (*supra*, Chapter II, Section A, under United Kingdom (e)); Salmon and Freshwater Fisheries Act, 1923 (*supra*, Chapter II, Section B, under United Kingdom (b)).

British Honduras

FISHERIES REGULATIONS, 1948 ¹, AS AMENDED ²

. . . .

PART I

Crawfish

3. No person shall take, kill or capture any crawfish within the waters of the Colony —

¹ *British Honduras Statutory Instruments*, 1948-51, No. 58.

² By Statutory Instruments No. 17 of 1953 (*Statutory Instruments of British Honduras for the year 1953*) and No. 55 of 1954 (*ibid.*, for the year 1954).

(i) If the cape length of the same be less than $3\frac{1}{2}$ inches or the tail weight be less than 4 ounces;

(ii) Between the 14th day of March and the 14th day of July, inclusive, in any year . . .

4. No person shall, within the waters of the Colony, take, kill or capture any crawfish in spawn.

. . .

PART III

Turtle

10. No person shall take or capture or attempt to take or capture, or have in his possession any turtle or turtle eggs during the period from 1st day of June to 31st day of August, inclusive, in any year or take or capture or attempt to take or capture any turtle or turtle eggs as aforesaid at any time when the same shall be found on the shores of the Colony and the adjacent cayes thereof.

11. No person shall set, or attempt to set, within one hundred yards of the shores of the Colony, and the adjacent cayes thereof any net or seine, or other instrument whatsoever for the purpose of, or with the intent of taking, capturing, or fishing for turtle.

. . .

British Solomon Islands

TROCAS SHELL-FISHING REGULATION, 20 JULY 1920¹

. . .

3. (1) No vessel other than a vessel owned or operated by natives fishing exclusively for their sole benefit shall be employed in fishing for Trocas Shell (sometimes known locally as lala shell) in any Protectorate waters, or in removing any Trocas Shell from any land in the Protectorate or from the sea bed within Protectorate waters unless such vessel be licensed for trading in accordance with the Licence Regulation.

. . .

4. No person shall by himself or his servants or agents remove from any reef or shore in the Protectorate, or from the Protectorate waters, or sell, or expose or offer for sale, or purchase, or export or attempt to export, or cause or permit to be exported from the Protectorate, or otherwise deal with any Trocas Shell (sometimes known locally as lala shell) which, at the time of such removal, sale, purchase, export or other dealing with, has not attained a size of two and a half inches in diameter as measured across the base, or such other size as may from time to time be in substitution therefor prescribed by the Resident Commissioner by Proclamation published in the Gazette. Provided that nothing in this section contained shall apply to Trocas Shell imported into the Protectorate for the purpose of exportation.

. . .

¹ *The Laws of the British Solomon Islands Protectorate*, Revised Edition, vol. I, 1950, cap. 57, p. 448.

*Falkland Islands*FISHERIES ORDINANCE, 23 DECEMBER 1944 ¹

3. Subject to the provisions of this Ordinance the Governor in Council may from time to time by order make regulations applicable to the whole or any part of the Colony or its fresh waters or to Colonial waters or to the whole or any part of the Dependencies or their territorial waters as to all or any of the following matters —

(a) Prescribing close seasons within which it shall not be lawful to fish for all or any particular fish;

(b) Prohibiting, restricting or regulating the fishing for all or any particular fish in any specified locality;

(c) Prohibiting, restricting or regulating any method or means of fishing, and the use for fishing of any gear, material, instruments, or things and authorising the seizure of gear, material, instruments or things of which the use for fishing is for the time prohibited, restricted, or regulated;

(d) Prohibiting, restricting or regulating the removal, transfer, sale or purchase of any fish, and the removal, transfer, sale or purchase of any material or substance or thing manufactured from fish;

(e) Prohibiting, restricting, or regulating the manufacture, curing or preservation for any purpose of any fish or material or substance derived or extracted from fish and the conditions and methods of such operations;

(f) Prohibiting, restricting or regulating the import or export of fish, or any material, substance or thing manufactured from fish;

(g) Regulating the import, export, fishing for or possession or sale of any fish for scientific purposes;

(h) Prescribing the forms, conditions and duration of licences and permits, by whom, to whom, in what circumstances and on what conditions they are to be issued, the fees to be paid therefore, the royalties to be paid on the fish captured, the register to be kept by the holders and the returns to be made;

(i) Generally for the carrying into effect of any of the provisions or purposes of this Ordinance.

4. No person shall, unless he is in possession of a valid licence, either —

(a) Fish in the fresh or territorial waters of the Colony or Dependencies for any fish for the purpose of export; or

(b) Export from the Colony or Dependencies any fish or substance or thing manufactured from fish which has been landed, transhipped, cured, preserved, or treated in the Colony or Dependencies or within territorial waters.

¹ *The Laws of the Falkland Islands*, vol. 1 — Ordinances, cap. 27, p. 237-8.

Fiji

FISHERIES ORDINANCE, 1 JANUARY 1942¹, AS AMENDED²

. . .

2. In this Ordinance, unless the context otherwise requires —

. . .

“territorial waters” means that part of the sea adjacent to the coast of any island in the Colony which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast, or when a reef is not present, from the low-water mark of the coast itself.

3. (1) A licensing officer may in his discretion grant licences to take fish in the territorial or inland waters of the Colony.

(2) Every licence granted under this Ordinance shall terminate on the thirty-first day of December next after the day of issue. It shall be personal to the holder, shall not be transferable and shall be subject to such conditions as the licensing officer shall think fit to endorse thereon in accordance with this Ordinance or any regulations made thereunder.

(3) No person shall take fish in the territorial or inland waters of the Colony for the purpose of sale or barter unless he is the holder of a licence to take fish:

Provided that a person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence.

(4) No licence to take fish in the territorial or inland waters of the Colony shall be granted to any person owning, operating or manning any fishing vessel registered elsewhere than in His Majesty's dominions.

. . .

7. (1) The Governor in Council may make regulations—

(d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish either in the territorial or inland waters of the Colony or in any specified part thereof;

. . .

8. (1) Any person who, being required to be the holder of a licence, takes or attempts to take fish in the territorial or inland waters of the Colony or is in possession of fishing apparatus in such circumstances as to satisfy the Court before which he is tried that he intended to use the apparatus for the purpose of taking or destroying fish without being licensed under this Ordinance shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties. (Amended by 2 of 1945, s. 133).

(2) Any person who —

(a) Being the holder of a licence under this Ordinance, fails to comply with any of the conditions of his licence; or

(b) Commits any offence against this Ordinance for which no special penalty is provided; or

(c) Contravenes or fails to comply with the provisions of any regulation made hereunder,

¹ *The Laws of Fiji*, Revised Edition, vol. II, 1945, Cap. 135, p. 1419 *et. seq.*

² By Fisheries (Amendment) Ordinances Nos. 20 of 1949 and 8 of 1951

shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties. (Substituted by 14 of 1943, s. 4 and amended by 2 of 1945, s. 133.)

(3) The master and the owner of any fishing vessel registered elsewhere than in His Majesty's dominions using such vessel for the purpose of taking fish within the territorial or inland waters of the Colony shall be liable to imprisonment for six months or to a fine of five hundred pounds or to both such penalties. (Amended by 14 of 1943, s. 5 and 2 of 1945, s. 133.)

Gilbert and Ellice Islands

FISHERIES ORDINANCE, 1 APRIL 1946 ¹

. . .

2. In this Ordinance, unless the context otherwise requires —

. . .

“territorial waters” means that part of the sea adjacent to the coast of any island in the Colony which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast or bounding any lagoon waters adjacent to such coast, or, when a reef is not present, from the low-water mark of the coast itself.

3. (1) A licensing officer may in his discretion grant licences to take fish in the territorial, lagoon or inland waters of the Colony.

. . .

(3) No person, other than a native resident in the Colony, shall take fish in the territorial, lagoon or inland waters of the Colony for the purpose of sale or barter unless he is the holder of a licence to take fish;

Provided that a person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence.

(4) No licence to take fish in the territorial, lagoon or inland waters of the Colony shall be granted to any person owning, operating or manning any fishing vessel registered elsewhere than in His Majesty's dominions except with the permission of the High Commissioner and upon such conditions as he may deem fit to impose.

. . .

Kenya

(a) CROWN FISHERIES ORDINANCE, 9 JUNE 1902 ²

. . .

2. It is not lawful for any person, unless he is authorized by the Governor, to take, acquire, win, carry away or export —

(1) Pearls, pearl or mother-of-pearl shells or shellfish containing or believed to contain pearls or mother-of-pearl;

(2) Bêche-de-mer (for commercial purposes);

(c) Ambergris,

in or from the fisheries, or from any shore or banks in or about the Colony or the territorial waters thereof.

. . .

¹ *The Laws of the Gilbert and Ellice Islands Colony*, Revised Edition, 1952, cap. 48, p. 311.

² *The Laws of Kenya*, Revised Edition, vol. III, Cap. 218, p. 2845.

(b) FISH PROTECTION (REGISTRATION OF FISHING CRAFT, SEA FISHERIES) RULES, 1952 (GOVERNMENT NOTICE No. 1338 OF 5 DECEMBER 1952)¹

. . .

1. These Rules . . . shall apply to the whole of the Colony and the territorial waters (excluding inland waters).

2. In these Rules unless the context otherwise requires —

“boat” means any vessel of any description;

“District Commissioner” includes any District Officer, Liwali or Mudir authorized by a District Commissioner to exercise the functions of a District Commissioner under these Rules;

“fishing” means to capture, kill, snare or trap any fish, and shall be deemed to include any action taken preliminary and immediately subsequent to such capturing, killing, snaring or trapping but shall not include the capture of fish by means of rod and line (held in the hand);

“register” means the register of registered fishing boats maintained by a Fishery Inspector or District Commissioner hereunder.

. . .

4. No person shall use for fishing any boat, the owner of which engages in fishing wholly or partially for a livelihood, unless such boat is for the time being registered with a Fishery Inspector or District Commissioner in accordance with the provisions of these Rules.

. . .

8. Any Fishery Inspector or District Commissioner may if he considers it in the interests of the conservation of fish so to do, refuse to register any boat or change of ownership as aforesaid or cancel the registration of any boat:

Provided that any person aggrieved may appeal against such refusal or cancellation to the Provincial Commissioner of the Coast Province, whose decision shall be final.

. . .

(c) FISH PROTECTION (OYSTERS) RULES, 1952 (GOVERNMENT NOTICE No. 1339 OF 5 DECEMBER 1952)²

. . .

1. These Rules . . . shall apply to the territorial waters of Kenya.

2. In these Rules —

“fish for” includes winning or taking, removing or carrying away or exporting by any means whatsoever;

“licence” means a licence issued under these Rules;

“licensee” means any person holding a valid licence issued under these Rules;

“oyster” means any mollusc of all species of the *genus ostrea*.

¹ Colony and Protectorate of Kenya, *Proclamations, Rules and Regulations*, vol. XXXI (New Series), p. 633-634.

² Colony and Protectorate of Kenya, *Proclamations, Rules and Regulations*, vol. XXXI (New Series), p. 636-637.

3. (1) No person shall, subject to the provisions of sub-rule (4) of this rule, fish for any oyster otherwise than for his own consumption unless in possession of a valid licence to do so.

. . .

4. Any licence may, in addition to the licensee, permit, to a maximum number to be specified therein, the servants, agents or employees of such licensee to fish for oysters pursuant to such licence:

Provided that on every occasion when any such licensee is not present at and supervising such fishing every such servant, agent or employee shall be in possession of an authority in writing, containing his name and that of the licensee and the number of the licence, correctly dated and signed by the licensee, and such authority shall be produced upon demand to any of the persons specified in section 8 of the Ordinance.

. . .

Federated Malay States

FISHERIES ENACTMENT, 1937 ¹

. . .

14. (i) The Ruler in State Council of each State may in respect of the State of which he is Ruler make rules for the purposes of this Enactment and not inconsistent with any of the provisions of this Enactment.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may —

. . .

(e) Prescribe the areas within or without territorial waters or within tidal waters or within inland waters and the periods of time within which fish or any particular species or size of fish may not be killed, captured or taken;

(f) Prescribe the areas within or without territorial waters or within tidal waters or within inland waters and the periods of time within which any particular method of fishing is prohibited or restricted;

(g) Prohibit except in accordance with the terms and conditions of a licence the capture, killing or taking of fish or any particular species or size of fish in any specified areas in inland waters or within or without territorial or tidal waters;

. . .

Malta

FISH INDUSTRY ACT, 1953 ²

. . .

4. (1) No person on board a foreign fishing boat shall fish or attempt to fish while the boat is within the territorial waters of Malta.

¹ *Supplement to the Revised Edition of the Laws of the Federated Malay States*, vol. III, No. 20 of 1937, pp. 789, 790.

² Act No. XII of 1953, *Malta Government Gazette*, Supplement No. LIV, 28 July 1953.

(2) If a foreign fishing boat, having on board fishing implements of any kind, anchors without just cause (the proof whereof shall lie on the skipper) anywhere within the territorial waters of Malta, except inside the Valletta Grand Harbour, the skipper of the boat shall be deemed to be fishing.

(3) In the event of any contravention of this section, besides the fine imposed by this Act, the Court shall, on conviction, order the forfeiture of any fish that may be on board of the boat concerned at the time of the offence.

. . .

10 (1) For the purpose of enforcing the provisions of this Act and any Regulations and Orders made thereunder, a Fishery Officer may, with respect to any foreign fishing boat when within territorial waters, and with respect to a locally registered fishing boat anywhere, exercise the following powers:

- (i) Go on board;
- (ii) Require the skipper to produce any certificate of registry and other documents pertaining to the boat;
- (iii) Seize such documents and order the skipper to take his boat into harbour.

(2) For the purposes of this section, any Police officer or any Officer of Customs and Excise shall exercise any of the powers conferred by this section on Fishery Officers.

. . .

North Borneo

(a) BOATS AND FISHERIES ORDINANCE, 30 APRIL 1914¹

. . .

8. (1) No person shall erect, maintain or use any kind of fishing stake or shall set any floating net within the waters of the Colony before obtaining a licence in such behalf from the Harbour Master.

. . .

9. (1) No boat or other vessel, except a boat or vessel owned and manned solely by natives, shall be used to catch fish, or to collect sea produce, in territorial waters or to convey within territorial waters fish or produce caught or collected in waters adjacent to the Colony, except under licence from the Harbour Master issued to the owner of such boat or vessel.

. . .

(b) PEARL OYSTER SHELL FISHERY ORDINANCE, 1 FEBRUARY 1916²

. . .

5. (1) No person shall use or employ any vessel in pearl oyster shell fishery within the waters of the Colony unless such vessel is duly licensed as hereinafter provided.

. . .

¹ *The Laws of North Borneo*, Revised Edition, vol. I, 1954, ch. 16, p. 80, 84.

² *The Laws of North Borneo*, Revised Edition, vol. III, 1954, cap. 95, p. 1492.

Trinidad

FISHERIES ORDINANCE, 11 DECEMBER 1916 ¹

. . .

2. This Ordinance shall extend to all rivers, whether tidal or otherwise, and all waters of the Colony within one marine league of the coast.

. . .

7. Any offence against this Ordinance or any regulation made thereunder committed at sea shall be deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

United States of America

- (a) JOINT RESOLUTION TO AUTHORIZE COMPACTS OR AGREEMENTS AMONG STATES BORDERING ON THE ATLANTIC OCEAN WITH RESPECT TO FISHING IN THE TERRITORIAL OR INLAND WATERS ²

Section 667a. State compacts for regulation of fishing in territorial or inland waters

The consent of Congress is given to any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, to enter into compacts or agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the uniform, common, or mutual regulation of fishing or of any species of fish, mollusks, or crustacea in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border or to which their jurisdiction otherwise extends and of anadromous fish spawning in the inland waters of those States.

The consent of Congress is granted to States other than those specified but which have jurisdiction over inland waters frequented by anadromous fish of the sea to enter into compacts or agreements authorized by this section.

The consent of Congress is given to any of the aforementioned States to establish such agencies or authorities, joint or otherwise, as they may deem desirable for making effective compacts or agreements authorized by this section.

Any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States and by the Congress of the United States.

¹ *Trinidad and Tobago Revised Ordinances*, 1950, vol. III, ch. 25, No. 9, p. 564, 566.

² 54 Stat. 261 (1940), 16 U.S.C. 667a (1952).

(b) ACTS CONCERNING THE ALASKA FISHERIES ¹

. . .

Section 221. Fishing areas; closed season; limitation on fishing

For the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of the Interior from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. Under this authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable.

Section 222. Unlawful fishing in areas; no exclusive rights to be granted; citizens

From and after the creation of any such fishing area and during the time fishing is prohibited therein it shall be unlawful to fish therein or to operate therein any boat, seine, trap, or other gear or apparatus for the purpose of taking fish; and from and after the creation of any such fishing area in which limited fishing is permitted such fishing shall be carried on only during the time, in the manner, to the extent, and in conformity with such rules and regulations as the Secretary prescribes under the authority herein given: *Provided*, That every such regulation made by the Secretary of the Interior shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of the Interior.

Section 222a. Commercial salmon fishing by nonresidents prohibited

In the area embracing Bristol Bay and the arms and tributaries thereof, no person shall at any time fish for or take salmon with a stake net or set net, for commercial purposes, unless such person shall be a citizen of the United States and shall have theretofore continuously resided for the period of at least two years within said area; but for the salmon fishing season of 1938, residence within said area continuously after June 1, 1937, shall be deemed sufficient compliance with the residence requirements of this section.

Section 223. Prohibited areas in creeks, streams, rivers, etc., not affected

The right herein given to establish fishing areas and to permit limited fishing therein shall not apply to any creek, stream, river, or other bodies of water in which fishing is prohibited by specific provisions of sections 221-228 and 232-234 of this title, but the Secretary of the Interior through the creation of such areas and the establishment of closed seasons may further extend the restrictions and limitations imposed upon fishing by specific provisions of the above-mentioned sections or any other law.

¹ 34 Stat. 263 (1906), 34 Stat. 478 (1906), 43 Stat. 464 (1924), as amended, 48 U.S.C. 221-228, 230-247 (1952).

Section 223a. Taking of fish or shellfish for bait purposes

The Secretary of the Interior is authorized to permit the taking of fish or shellfish, for bait purposes only, at any or all seasons in any or all Alaskan Territorial waters.

Section 223b. Lease of bottoms for oyster cultivation

The Secretary of the Interior, in his discretion, and upon such terms and conditions as he may deem fair and reasonable, is authorized to lease bottoms in Alaskan Territorial waters for bona fide oyster cultivation for commercial purposes.

Section 225. Escapements in salmon runs; percentage of runs which may be taken

In all creeks, streams, or rivers, or in any other bodies of water in Alaska, over which the United States has jurisdiction, in which salmon run, and in which there exists racks, gateways, or other means by which the number in a run may be counted or estimated with substantial accuracy, there shall be allowed an escapement of not less than 50 per centum of the total number thereof. In such waters the taking of more than 50 per centum of the run of such fish is prohibited. It is declared to be the intent and policy of Congress that in all waters of Alaska in which salmon run there shall be an escapement of not less than 50 per centum thereof, and if in any year it shall appear to the Secretary of the Interior that the run of fish in any waters has diminished, or is diminishing, there shall be required a correspondingly increased escapement of fish therefrom.

Section 226. Violation of fishing laws; punishment; forfeiture

Any person, company, corporation or association violating any provisions of sections 221-228 or 230-241 of this title, or of any regulation made under authority of said sections shall, upon conviction thereof be punished by a fine not exceeding \$5,000 or imprisonment for a term of not more than ninety days in the county jail or by both such fine and imprisonment, and in case of the violation of section 233 of this title there may be imposed a further fine not exceeding \$250 for each day the obstruction therein declared unlawful is maintained. Every boat, seine, net, trap, and every other gear and appliance used or employed in violation of said above-mentioned sections and all fish taken therein or therewith shall be forfeited to the United States and shall be seized and sold under the direction of the court in which the forfeiture is declared at public auction and the proceeds thereof after deducting the expenses of sale shall be disposed of as other fines and forfeitures under the laws relating to Alaska. Proceedings for such forfeiture shall be in rem under the rules of admiralty.

Section 227. Employees of Fish and Wildlife Service as peace officers

For the purposes of sections 221-228 and 232-234 of this title all employees of the Fish and Wildlife Service, designated by the Director, shall be considered as peace officers and shall have the same powers of arrest of persons and seizure of property for any violation of the provisions of said sections as have United States marshals or their deputies.

Section 236. Waste or destruction of food fish

It shall be unlawful for any person, company, or corporation wantonly to waste or destroy salmon or other food fishes taken or caught in any of the waters of Alaska.

. . .

Section 243. Fishing by aliens; sales to aliens

It shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a *bona fide* resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: *Provided, however,* That nothing contained in sections 243-247 of this title shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: *Provided further,* That nothing contained in said sections shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with the canning, salting, or otherwise preserving of fish: *Provided further,* That any person owing allegiance to the United States shall not be considered an alien for the purposes of said sections.

Section 244. Same; penalties; liability of vessels

Every person, company, corporation, or association found guilty of a violation of any provision of sections 243-247 of this title or of any regulation made thereunder shall, for each offense, be fined not less than \$100 nor more than \$500, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of said sections or of any regulation made thereunder shall be liable to a fine of not less than \$100 nor more than \$500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

Section 245. Same; jurisdiction of prosecutions

The violation of any provision of sections 243-247 of this title or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington.

Section 246. Same; searches and seizures of vessels; arrests

The collector of customs of the Territory of Alaska is authorized to search and seize every foreign vessel and arrest every person violating any provision of sections 243-247 of this title or any regulation made thereunder, and the Secretary of the Interior shall have power to authorize officers of the Navy and of the Coast Guard and agents of the Department of the Interior to

likewise make such searches, seizures, and arrests. If any foreign vessel shall be found within the waters to which the aforesaid sections apply, having on board fresh or cured fish and apparatus or implements suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of such sections until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 245 of this title and shall be held by him subject to the proceedings provided for in section 244 of this title. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings.

(c) REGULATIONS CONCERNING THE ALASKA COMMERCIAL FISHERIES, BRISTOL AREA ¹

Section 104.1. Definition. The Bristol Bay area is hereby defined to include all territorial coastal and tributary waters of Alaska from Cape Newenham to a point on the coast 3 statute miles south of Cape Menshikof.

Section 104.2. Districts open. Fishing is prohibited except within the following described districts:

(a) Nushagak district: Waters of Nushagak Bay within a line from the cabin known locally as "Jap Cabin" at approximately 158 degrees 25 minutes west longitude and the upper end of Nichols Split.

(b) Kvichak-Naknek district: Waters of Kvichak Bay within a line from the northern end of Johnston Hill to the mouth of the unnamed stream at approximately 58 degrees 45 minutes 50 seconds north latitude, 157 degrees 32 minutes 30 seconds west longitude.

(c) Egegik district: Waters bounded by a line from Middle Bluff light to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Egegik River, thence to a point 3 miles offshore at 58 degrees north latitude, thence due east to the shoreline.

(d) Ugashik district: Waters bounded by a line from 3 miles north of Cape Greig light to a point 3 miles due west, thence to a point 2 miles due west, of the outer buoy marking the entrance to the Ugashik River, thence to a point 3 miles due west of Cape Menshikof, thence to the southern terminus of the area at a point 3 miles south of Cape Menshikof.

(e) Togiak district: All waters north of a line from Right Hand Point to Tongue Point.

Section 104.20. Closed waters. Fishing is prohibited as follows:

(a) Nushagak Bay: North of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point.

(b) Kvichak Bay: Northwest of a line from Graveyard Point light to a point on the opposite shore at 58 degrees 53 minutes 22 seconds north latitude, 157 degrees 4 minutes 16 seconds west longitude.

(c) Naknek Bay: Within 1 statute mile of the terminus of the Naknek River.

¹ 50 C.F.R. 104 (supp. 1955).

(d) Egegik Bay: East of a line from a marker 250 yards east of Libby, McNeill & Libby's cannery building to a marker on the opposite shore 175 yards east of the Alaska Packers Association's cannery building.

(e) Ugachik River: Southeast of a line extending at right angles across the river 500 yards below the terminus of King Salmon River, except by set nets in the area extending from a point 200 yards north of the Wingard Packing Company cannery to a point 1,200 yards north of that cannery.

Section 104.50. Personal use fishing. Subject to all other provisions of Section 102.51 of this subchapter, fishing for personal use with commercial gear will be permitted (a) in the Nushagak district at any place which is at a greater distance than 12 miles by most direct water measurement from waters open to commercial fishing, and between the Pacific American Fisheries Company dock at Dillingham and Bradford Point with set nets of not to exceed 15 fathoms each, if such nets have been duly registered with the Fish and Wildlife Service, (b) in the Togiak district at all times, and (c) in the Nushagak district from 6 o'clock antemeridian July 14 to 6 o'clock antemeridian July 15, 1954.

Note. See also: Act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada (58 Stat. 100 (1944), 16 U.S.C. 631a to 631g (1952); Northern Pacific Halibut Act of 1937 (50 Stat. 325, as amended, 16 U.S.C. 772-772i (1952), as amended 16 U.S.C. 772a (Supp. II, 1955)); and Regulations of the International Pacific Halibut Commission (50 C.F.R. 301 (Supp. 1955)). These Acts have been published, with certain modifications, in the *United Nations Legislative Series*, Laws and Regulations on the Régime of the High Seas, Vol. I, 1951, pp. 210-224.

Yugoslavia

GENERAL ACT ON MARITIME FISHING, 23 JANUARY 1950 ¹

Article 4. No foreign nationals may engage in fishing in the coastal seas of the Federal People's Republic of Yugoslavia or in a maritime zone four nautical miles wide calculated from the outer edge of the territorial waters of the FPRY to the open sea, unless it is otherwise provided by law, by an international agreement, or by a convention which has been concluded by the Federal People's Republic of Yugoslavia.

¹ *Službeni Novine*, vol. 6, No. 12, 18 February 1950, c. 114, p. 285. Translation by the Secretariat of the United Nations.