



Sea Fisheries (Scotland) Amendment Act 1885

1885 CHAPTER 70 48 and 49 Vict

7 Sea fishery officer may award compensation under ten pounds.

Every case under the Sea Fisheries Acts may be prosecuted in any sheriff court which the [^{F1}Scottish Ministers] may declare, by a notice under the hand of [^{F2}a member of the staff of the Scottish Administration][^{F3}duly authorised] to the Procurator Fiscal of such sheriff court, to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

Where an offence has been committed by any person belonging to a British sea-fishing boat in Scotland, or in [^{F4}the Scottish zone], against the Sea Fisheries Acts, whereby any injury is done by one sea-fishing boat to another, or the nets, lines, and gear thereof, or any of the apparatus used in fishing by the said boat, it shall be lawful for any [^{F5}British sea-fishery officer] to whom complaint is made by the party injured, verbally or in writing, to make such examination or inquiry into the said complaint as he deems necessary, and, after affording the respondent an opportunity of being heard, to prepare and sign a report to the [^{F1}Scottish Ministers], setting forth succinctly the facts of the case and the amount of the damage done, and he shall supply a copy of such report to the party injured or to the respondent on payment of the sum of [^{F6}5p] therefor, and it shall be competent for either party in any legal proceedings that may be raised for the recovery of the damage or any part thereof, to call upon the [^{F1}Scottish Ministers] to transmit such report to the clerk of the court in which such case is to be tried, and such report shall be received as evidence in the cause without requiring that the said [^{F5}British sea-fishery officer] shall appear to make oath to the truth thereof, and when such report is produced, no other evidence shall be received of the amount of such damage unless the court shall consider it necessary, in order to be able to do justice in the cause; and in any case in which the damage as found by the [^{F7}sheriff principal] before whom the case comes for trial shall exceed twelve pounds, appeal shall be competent as in ordinary causes before the sheriff court.

[^{F8}Provided that nothing in the first paragraph of this section shall apply to an offence under section 5 or 10 of the ^{M1}Sea Fisheries Act 1968 [^{F9}or section 2 of the ^{M2}Fishery Limits Act 1976].]

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries (Scotland) Amendment Act 1885, Section 7. (See end of Document for details)

Textual Amendments

- F1** Words in [s. 7](#) substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. 1 para. 6\(2\)](#)
- F2** Words in [s. 7](#) substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. 1 para. 6\(5\)](#)
- F3** Words substituted by virtue of [Reorganisation of Offices \(Scotland\) Act 1939](#) (c. 20), [s. 1\(6\)\(b\)](#)
- F4** Words in [s. 7](#) substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. 1 para. 6\(4\)](#)
- F5** Words substituted by virtue of [Sea Fisheries Act 1968](#) (c. 77), [Sch. 1 para. 28](#)
- F6** Words substituted by virtue of [Decimal Currency Act 1969](#) (c. 19), [s. 10\(1\)](#)
- F7** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971](#) (c. 58), [s. 4](#)
- F8** [S. 7](#) proviso inserted by [Sea Fisheries Act 1968](#) (c. 77), [Sch. 1 para. 28](#)
- F9** Words substituted by virtue of [Fishery Limits Act 1976](#) (c. 86), [s. 2\(8\)\(a\)](#)

Marginal Citations

- M1** [1968 c. 77.](#)
- M2** [1976 c. 86.](#)

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