
Changes to legislation: There are currently no known outstanding effects for the Fisheries Act 1891. (See end of Document for details)

SCHEDULE

DECLARATION RESPECTING THE NORTH SEA FISHERIES

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Belgians, being desirous of simplifying the procedure for the settlement of differences between British and Belgian fishermen in the North Sea outside territorial waters, and of reducing as much as possible the injuries they may sustain from the fouling of their fishing gear, have agreed upon the following provisions:—

ARTICLE I

Whenever a complaint involving a claim for damages shall be preferred by a fisherman of one of the two countries against a fisherman of the other country, it shall be referred for preliminary inquiry—in Belgium, to a Commission composed of, at least, two officers appointed by the Minister of Railways, Posts, and Telegraphs; in the United Kingdom, to a Commission also composed of, at least, two officers appointed by the Board of Trade; these officers shall hold their inquiry at the place where the allegations of the complainants can most easily be verified.

ARTICLE II

No complaint shall be transmitted either to the British or to the Belgian Government, as the case may be, unless:—

- 1 The Commission has recognized it as well founded;
- 2 Such fishermen as are specified by the Commission engage themselves to appear in person in case they should be summoned to give evidence.

ARTICLE III

The complaints must be accompanied by—

- 1 A Report from the Commission of Inquiry;
- 2 A certificate from this Commission, verifying the ownership of the lost or injured fishing gear;
- 3 A certificate of an expert nominated, (as the case may be), in the United Kingdom by the Board of Trade, in Belgium by the Minister of Railways, Posts, and Telegraphs, and giving an estimate of the damages in money value.

These certificates must be forwarded through the proper diplomatic channel, and shall be received as evidence unless the contrary is proved.

ARTICLE IV

When a fisherman fouls or otherwise interferes with the fishing gear of another fisherman he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

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ARTICLE V

In the Kingdom of Belgium the tribunal which has cognizance of an infraction of the North Sea Fisheries Convention of the 6th May 1882, or of Article 4 of the present Declaration, shall be empowered to award damages for injury to person or property at the request of the injured party and at the suit of the Official Prosecutor.

The execution of awards of damages shall be effected, on the application of the Official Prosecutor, by the competent Administration, which will advance the costs and recover them from the condemned parties according to the usual process of law in such cases.

In the United Kingdom the Court before which proceedings are taken for the above-mentioned infractions shall be empowered, at the suit of the Official Prosecutor on the request of the injured party, to award damages for injury to person or property, and the Official Prosecutor shall, at his own cost, recover the sum so awarded, or so much thereof as is possible, from the parties liable.

The amount of damages recovered, as stipulated above, shall be remitted free of cost to the injured party through the proper diplomatic channel.

ARTICLE VI

The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Declaration, and especially for punishing, either by fine or imprisonment, or both, persons who may contravene Article IV.

ARTICLE VII

The present Declaration shall be ratified, and the ratifications shall be exchanged as Brussels as soon as possible.

ARTICLE VIII

The present Declaration shall come into force at a date to be agreed upon subsequently by the High Contracting Parties.

It shall remain in force for three years from that date, and in the event of neither of the High Contracting Parties having notified twelve months before the expiry of the said period of three years their intention of terminating it, shall continue to remain in force for a year, and so on from year to year.

In witness whereof the undersigned Envoy Extraordinary and Minister Plenipotentiary at Brussels of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the undersigned Minister for Foreign Affairs of His Majesty the King of the Belgians, have drawn up the present Declaration in duplicate, and have affixed thereto the seals of their arms.

Done at Brussels, the 2nd May 1891.

(L.S.)

VIVIAN.

(L.S.)

Le Prince DE CHIMAY.

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