



Merchant Shipping Act 1894

1894 CHAPTER 60

PART IV

FISHING BOATS.

I

PROVISIONS APPLYING TO ALL FISHING BOATS AND TO THE WHOLE FISHING SERVICE.

Fishing Boats Register.

373 Registry of British fishing boat.

- (1) This section shall apply to the British Islands, and to all British fishing boats, including those used otherwise than for-profit, and the expression " fishing boat" in this section shall be construed accordingly.
- (2) Subject to any exemptions made by the regulations under this section, every fishing boat shall be lettered and numbered and have official papers, and shall for that purpose be entered in the fishing boat register.
- (3) If a fishing boat required to be so entered is not so entered, she shall not be entitled to any of the privileges or advantages of a British fishing boat, but all obligations, liabilities, and penalties with reference to that boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if the boat were actually so entered.
- (4) If a fishing boat required to be entered in the fishing boat register is not so entered, and is used as a fishing boat, the owner and skipper of such boat shall each be liable, for each offence, to a fine not exceeding twenty pounds, and the boat may be detained.
- (5) Her Majesty, by Order in Council, may make regulations for carrying into effect and enforcing the entry of fishing boats in the fishing boat register, and any convention

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with a foreign country relative to the registry, lettering, and numbering of fishing boats, which is for the time being in force by virtue of any statute, and may by such regulations—

- (a) adopt any existing system of registry or lettering and numbering of boats, and provide for bringing any such system into conformity with the requirements of this Act and of any such convention, and the regulations; and
 - (b) define the boats or classes of boats to which the regulations or any of them are to apply, and provide for the exemption of any boats or classes of boats from the provisions of this section, and from the regulations or any of them ; and
 - (c) apply to the entry of fishing boats in the fishing boat register, and to all matters incidental thereto, such (if any) of the enactments contained in this or any other Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable; and
 - (d) impose fines not exceeding twenty pounds for the breach of any such regulations which cannot be punished by the application of any of those enactments.
- (6) Section twenty-six of the Sea Fisheries Act, 1868, and sections eleven to fourteen of the Sea Fisheries Act, 1883, shall apply in like manner as if those sections referred to this section and an Order in Council made thereunder, in substitution for sections twenty-two to twenty-four of the Sea Fisheries Act, 1868, and any Order in Council made under those sections.
- (7) Section one hundred and seventy-six of the Customs Consolidation Act, 1876, shall not apply to any fishing boat entered in the fishing boat register in pursuance of this Act.

374 Effect of registry of fishing boat.

In all legal proceedings against the owner or skipper of, or any person belonging to, any boat entered in the fishing boat register, either for an offence against the fishery regulations or regulations as to lights in the Sea Fisheries Act, 1868, or for an offence against the Sea Fisheries Act, 1883, or for the recovery of damages for injury done by such boat, the register shall be conclusive evidence that the persons entered therein at any date as owners of the boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that—

- (a) this enactment shall not prevent any proceedings being instituted against any person not so entered who is beneficially interested in the boat; and
- (b) this enactment shall not affect the rights of the owners among themselves, or the rights of any owner entered in the register against any person not so entered who is beneficially interested in the boat; and
- (c) save as aforesaid, entry in the fishing boat register shall not confer, take away, or affect any title to or interest in any fishing boat.

375 Rules as to boats and life-buoys of fishing boats.

- (1) A fishing boat entered in the fishing boat register, whether used for profit or not, shall not proceed to sea from any port in the United Kingdom—
- (a) if she is decked, unless she is provided according to her tonnage with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than is in that behalf specified in the Fifteenth Schedule to this Act for the class to which the fishing boat belongs; and

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- (b) if she carries more than ten passengers, unless she is, in addition to the above boats, provided with two life-buoys and provided either with a lifeboat furnished with all requisites for use, or has one of her boats rendered buoyant after the manner of a lifeboat;

and such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

(2) In any of the following cases—

- (a) if any such fishing boat proceeds to sea without being provided with such boats or life-buoys ; or
- (b) if any such boat or life-buoy is lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or skipper ; or
- (c) if in case of any such boat or life-buoy being accidentally lost or injured in the course of the voyage the skipper fails without reasonable cause to replace or repair the same on the first opportunity; or
- (d) if any such boat or life-buoy is not kept so as to be at all times fit and ready for use;

then, if the owner appears to be in fault, he shall for each offence be liable to a fine not exceeding one hundred pounds, and if the skipper appears to be in fault, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3) A fishing boat required under this section to be provided with boats and life-buoys may be detained until she is duly so provided.