

SEAL FISHERY IN DEPENDENCIES.

Ordinance No. 6 of 1909.

[20th October, 1909.]

*An Ordinance to regulate the Seal Fishery in the Dependencies.*

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. In this Ordinance—

“ Seal ” means the fur seal, the hair seal, the sea otter, the sea elephant, the sea leopard, the sea bear, the sea lion, the sea dog and any animal of the seal kind.

“ Skin ” means the skin of any seal.

“ Seal reserve ” means any portion of land or water set apart by the Governor in Council within the limits of the Dependencies for the breeding of seals.

Interpretation.

2. It shall not be lawful for any person to kill, take or hunt, or attempt to kill or take any seal in the Dependencies or the Colonial waters thereof, unless he shall first have been duly licensed.

Unlawful to take seal in the Dependencies without a licence.

3. (1) The Colonial Secretary, or such other officer as the Governor may appoint for the purpose, may grant licences to take seals in the Dependencies and Colonial waters thereof to such persons as may apply for them for such periods and on such terms and conditions in respect of the number and description of seals to be taken, and the territorial and marine limits within which they may be taken under such licences as may be approved by the Governor.

Granting of sealing licences.

(2) There shall be paid into the Colonial Treasury for and in respect of each licence to take seals granted under this Ordinance the sum of fifty pounds.

Governor in  
Council may  
make  
regulations.

4. The Governor in Council may from time to time make regulations for carrying out the provisions of this Ordinance and the intent and object thereof, and may impose penalties not exceeding ten pounds for the breach of such regulations.

Regulations  
to be published  
in the *Gazette*.

5. All regulations made in pursuance of this Ordinance shall be published in the *Gazette*, and shall come into force on such day as the Governor may direct by notice in that behalf published in the *Gazette*.

Seal reserves.

6. (1) It shall be lawful for the Governor in Council from time to time to declare by notification in the *Gazette* any Crown land, Colonial waters or, with the consent of the owner or lessee, any private land in the Dependencies to be a seal reserve, and by notification in the *Gazette* to revoke and declare to be no longer in force any such notification as aforesaid.

(2) No licence shall be granted under this Ordinance in respect of any seal reserve.

Liability of an  
owner or master  
of a vessel.

7. Any owner or master or other person in charge of any vessel who shall permit such vessel, or any boat or canoe belonging to such vessel, to be employed in killing or taking seals, or who shall permit or negligently suffer any person belonging to such vessel to be employed in killing or taking seals in the Dependencies or the Colonial waters thereof without a licence under this Ordinance, or contrary to the terms of or beyond the limits specified in any licence granted to him under this Ordinance, shall forfeit any seals so killed or taken, and any seals, seal-oil or skins found in his possession, and in addition thereto shall be liable to a penalty not exceeding three hundred pounds for each offence.

Offences and  
penalties and  
forfeitures  
consequent  
thereon.

8. Any person who does any of the following acts shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty not exceeding one hundred pounds for each such

offence, and to forfeit any seals, seal-oil, or skins found in his possession :—

(a) Kills, takes, or hunts, or attempts to kill or take, any seal in the Dependencies or the Colonial waters thereof without a licence under this Ordinance, or contrary to the terms of, or beyond the limits specified in, any licence granted to him under this Ordinance.

(b) Has in his possession, or in any vessel under his command, any seal, seal-oil, or skins, for the lawful possession of which he cannot account satisfactorily.

9. Whenever any vessel is found in Colonial waters in the Colony or in the Dependencies, and there is good cause to suspect that the owner, master, or other person in charge of such vessel, or any person belonging thereto, has committed any offence against this Ordinance, it shall be lawful for any person duly authorised by the Governor, without warrant, to seize and apprehend the person in charge of such vessel, and any person belonging thereto, and to arrest and detain such vessel until the master has given security to be approved by the Chief Justice to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such vessel or of any person belonging thereto and to pay all penalties, costs and damages that may be awarded thereon.

Arrest of vessel and person in charge.

10. In any legal proceeding under the next preceding section the person giving security may be deemed to be the owner of the detained vessel.

Security.

11. No duly authorised person shall be liable for any costs or damages in respect of any vessel detained under this Ordinance, unless the detention is proved to have been made without reasonable grounds.

No authorised person liable for detention of vessel.

12. Offences under this Ordinance, or under any regulation made thereunder, may be prosecuted, and penalties and forfeitures under this Ordinance, or any regulations thereunder, may be recovered before a Stipendiary Magistrate or any two Justices of the Peace in a summary manner, or by action in the

Prosecution of offences.

Supreme Court of the Colony, together with full costs of suit :

Provided that any penalty imposed by a Stipendiary Magistrate or two Justices of the Peace shall not exceed one hundred pounds, exclusive of costs.

Venue.

13. For all purposes of and incidental to the trial and punishment of any person accused of any offence under this Ordinance and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court, or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

Recovery of penalties.

14. Any penalty adjudged under this Ordinance to be paid by the owner or master, or other person in charge of a vessel, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or arrest and sale of the vessel to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Service of summons.

15. Service of any summons or other matter in any legal proceedings under this Ordinance shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons or other matter for him on board any vessel to which he may belong with the person being or appearing to be in command or charge of such vessel.

Special exemption.

16. The Governor and any person duly authorised by him in writing, may kill or take, for a scientific or any other special purpose, any seal in the Dependencies or Colonial waters thereof, and in so doing shall be exempt from any penalties and forfeitures under this Ordinance.

Short title and commencement.

17. This Ordinance may be cited as "The Seal Fishery (Dependencies) Ordinance, 1909," and shall come into operation on the 1st day of January, 1910.