

## WHALE FISHERIES ACT 1937

### LONG TITLE

AN ACT TO ENABLE EFFECT TO BE GIVEN, SO FAR AS SAORSTÁT EIREANN IS CONCERNED, TO AN INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, SIGNED AT GENEVA ON THE 24TH DAY OF SEPTEMBER, 1931, TO PROHIBIT THE TAKING OR TREATING OF WHALES WITHIN THE EXCLUSIVE FISHERY LIMITS OF SAORSTÁT EIREANN, AND TO MAKE PROVISION FOR DIVERS MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[26th February, 1937.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

### SECT 1

Definitions.

1.—In this Act:—

the expression "the Minister" means the Minister for Agriculture;

the word "ship" has the same meaning as in the Merchant Shipping Act, 1894;

the expression "Saorstát Eireann ship" means a ship registered in Saorstát Eireann under the Merchant Shipping Acts, 1894 to 1933;

the word "master" in relation to any ship, includes the person in command or in charge of the ship at the, relevant time and, in relation to a ship used for treating whales, includes the person in charge at the relevant time of the operations on board such ship in connection with such treatment;

the expression "shore factory" means a factory in Saorstát Eireann equipped for the treating of the carcasses of whales or parts or primary products of such carcasses;

the expression "factory ship" means a Saorstát Eireann ship equipped for the treating of the carcasses of whale or parts or primary products of such carcasses;

the word "factory" when used without qualification shall be construed as equivalent to the expression "a shore factory or a factory ship";

the expression "the exclusive fishery limits of Saorstát Eireann" means that portion of the seas within which citizens of Saorstát Eireann 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 made between Saorstát Eireann and any other State includes as regards the ships and subjects of such State the portion so defined;

the expression "sea fisheries protection officer" means a person who

is a sea fisheries protection officer for the purposes of the Sea Fisheries Protection Act, 1933 (No. 53 of 1933);

the word "prescribed" means prescribed by regulations made by the Minister under this Act.

## SECT 2

Application of this Act.

2.—(1) Subject to the provisions of the next following sub-section of this section, this Act applies in respect only of whalebone or baleen whales.

(2) The Minister may at any time make an order declaring that this Act or any one or more sections of this Act shall apply, either generally or in a specified area and subject to such exceptions adaptations, and modifications as may be specified in such order, in respect of any kind of whales other than whalebone or baleen whales, and whenever the Minister makes such an order this Act shall have extended application in accordance with the terms of such order.

(3) Even order made under this section (including an order under this sub-section) may be amended or revoked by the Minister by an order under this sub-section.

## SECT 3

Prohibition of catching or treating whales within the exclusive fishery limits of Saorstát Eireann.

3.—(1) It shall not be lawful for any ship to be used within the exclusive fishery limits of Saorstát Eireann for taking or treating whales.

(2) If any ship is used in contravention of this section the master of such ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of, the court, either to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

(3) Where a whale which has been lawfully shot at and shall carry with it a fixed line into the exclusive fishery limits of Saorstát Eireann nothing in this section shall make it unlawful to continue the pursuit of such whale and to kill it within the exclusive fishery limits of Saorstát Eireann.

(4) Every sea fisheries protection officer may for the purpose of enforcing this section exercise in relation to any ship the powers conferred on him by section 7 of the Sea Fisheries Protection Act, 1933 (No. 53 of 1933), as if he were exercising those powers for the purpose of enforcing that Act and as if such ship were a sea-fishing boat, within the meaning of that Act, and the said section 7 and section 8 of the said Act shall apply and have effect accordingly.

(5) Sections 9, 12, 13 and 14 of the said Sea Fisheries Protection Act, 1933, shall apply in respect of an offence under this section in like manner as the said sections apply in respect of an offence under any section of the said Act.

#### SECT 4

Protection of certain whales.

4.—(1) In this section—

the expression "right whale" means a whale of any of the kinds mentioned in the First Schedule to this Act;

the expression "immature whale" means a whale the length of which is less than the prescribed length.

(2) For the purposes of the immediately preceding sub-section regulations under this Act may prescribe different lengths for different kinds of whales and may prescribe the manner in which the lengths are to be measured.

(3) It shall not be lawful outside the exclusive fishery limits of Saorstát Eireann for any person on board a Saorstát Eireann ship to 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 or suckling whale.

(4) If any person on board a Saorstát Eireann ship acts in contravention of this section, each of the following persons, namely, such first mentioned person, the master, and (subject to the provisions of this Act relating to statutory defences) the owner and the charterer (if any) of such ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

(5) Where a person has been convicted of an offence under this section, the following provisions shall have effect, that is to say:—

( a ) the court shall, in addition to any other penalty, order all whale-fishing gear found on the ship on board of which such offence was committed, to be forfeited,

( b ) any whale-fishing gear so forfeited shall be disposed of by the Minister in such manner as he thinks fit,

( c ) any moneys arising on any such disposal shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

## SECT 5

Prohibition of use of unlicensed Saorstát Eireann ships and factories.

5.—(1) Without prejudice to the provisions of the immediately preceding section, it shall not be lawful for any Saorstát Eireann ship to be used outside the exclusive fishery limits of Saorstát Eireann for the taking of whales unless the owner or the charterer of such ship is the holder of a licence (in this Act referred to as a whaling licence) for the time being in force granted by the Minister under this Act authorising such ship to be so used, or for treating whales, unless the owner or the charterer of such ship is the holder of a licence (in this Act referred to as a factory ship licence) for the time being in force granted by the Minister under this Act authorising such ship to be so used.

(2) It shall not be lawful for any factory in Saorstát Eireann to be used for treating whales unless the occupier of such factory is the holder of a licence (in this Act referred to as a shore factory licence) for the time being in force granted by the Minister under this Act authorising such factory to be so used.

(3) If any Saorstát Eireann ship is used in contravention of this section, each of the following persons, namely, the master and (subject to the provisions of this Act relating to statutory defences) the owner and the charterer (if any) of such ship shall be guilty of an offence under this section.

(4) If any factory in Saorstát Eireann is used in contravention of this section, each of the following persons, namely, the manager and (subject to the provisions of this Act, relating to statutory defences) the occupier of such factory shall be guilty of an offence under this section.

(5) Every person guilty of an offence under this section shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

## SECT 6

Applications for licences.

6.—(1) Subject to the provisions of this section, any person may apply to the Minister for a licence under this Act.

(2) Every application for a licence shall be in such form and contain such particulars as the Minister may require.

(3) The following additional provisions shall have effect in relation to an application for a shore factory licence, that is to say:—

( a ) the intending applicant shall at least two months before making his application publish a notice, in such form as the Minister may require, of his intention to make such application in such newspaper or newspapers as the Minister shall direct,

( b ) each of the following persons may, within twenty-one days after the publication of such notice, send a statement in writing to the Minister objecting to the grant of such licence and stating the grounds on which the objection is based, that is to say:—

(i) the council of the county or county borough within which it is proposed to establish the factory,

(ii) the board of health of the county health district within which it is proposed to establish the factory,

(iii) any other person interested.

#### SECT 7

##### Grant of licences.

7.—(1) On receipt of an application for a licence under this Act the Minister may in his absolute discretion grant or refuse to grant the licence.

(2) Every whaling licence shall—

( a ) be in such form as the Minister may direct,

( b ) specify the ship or ships which may be used under such licence, and

( c ) be expressed and operate to authorise the ship or ships specified in such licence to be used for the catching of whales, but subject to the provisions of this Act and any bye-laws made thereunder.

(3) Every factory ship licence shall—

( a ) be in such form as the Minister may direct,

( b ) specify the number of ships which may be used in connection with the factory ship to which such licence relates, and the area within which such factory ship may be operated,

( c ) be expressed and operate to authorise such factory ship to be used for the treating of whales, but subject to—

(i) the provisions of this Act and any bye-laws made thereunder, and

(ii) the following conditions, namely, that no ships in excess of the number specified in such licence shall be used in connection with such factory ship shall not be operated in any other than that specified in such licence.

(4) Every shore factory licence shall—

( a ) be in such form as the Minister may direct,

( b ) specify the number of ships which may be used in connection with the shore factory to which such licence relates,

( c ) be expressed and operate to authorise such shore factory to be used for the treating of whales, but subject to—

(i) the provisions of this Act and any bye-laws made thereunder, and

(ii) the following condition, namely, that no ships in excess of the number specified in such licence shall be used in connection with such shore factory.

#### SECT 8

Penalty for breach of condition of licence.

8.—(1) If there is a breach of any condition subject to which a factory ship licence is granted, each of the following persons, namely, the master and (subject to the provisions of this Act relating to statutory defences) the owner and the charterer (if any) of the factory ship to which such licence relates shall be guilty of an offence under this section.

(2) If there is a breach of any condition subject to which a shore factory licence is granted, each of the following persons, namely, the manager and (subject to the provisions of this Act relating to statutory defences) the occupier of the shore factory to which such licence relates shall be guilty of an offence under this section.

(3) Every person guilty of an offence under this section shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

#### SECT 9

Commencement and duration of licences.

9.—(1) Every licence under this Act shall specify the date on which it commences and shall commence on the date so specified.

(2) Every licence under this Act shall (unless it is revoked under this Act) continue in force for a period of twelve months from the date on which it commenced and shall then expire unless it is renewed under this Act.

#### SECT 10

Renewal of licences and duration of renewals.

10.—(1) Any person who is the holder of a licence under this Act which is in force (whether by virtue of the original grant or a renewal of such licence) may, while such licence continues so in force, apply to the Minister for a renewal of such licence.

(2) The Minister may in his absolute discretion grant or refuse an

application for the renewal of a licence under this Act.

(3) Every renewal of a licence under this Act shall commence on the day next following the day on which such licence would, but for such renewal, have expired, and shall (unless it is previously revoked under this Act) continue in force for a period of twelve months from the date on which it commenced.

#### SECT 11

Fees on grant and renewals of licences.

11.—(1) Subject to the provisions of this section, there shall be paid to the Minister on every application for the grant or renewal of a licence under this Act a fee of such amount as the Minister may fix, and the payment of such fee shall be a condition precedent to the consideration of such application.

(2) Different fees may be fixed by the Minister in respect of grants and renewals of different classes of licences and different such fees may be fixed in respect of different kinds of factories, and in respect or ships used in connection with such factories.

(3) The fees fixed under this section shall not exceed—

( a ) in the case of a whaling licence, one hundred and fifty pounds in respect of each ship licensed under such licence, or

( b ) in the case of a factory ship licence or a shore factory licence, two hundred and fifty pounds.

(4) All fees taken under this section shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(5) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this section.

#### SECT 12

Amendment of licences.

12.—The Minister, on the application of the holder of a licence under this Act, may, if he thinks fit, amend such licence.

#### SECT 13

Revocation of licences.

13.—(1) The Minister, on the application of the holder of a licence under this Act, may revoke such licence.

(2) Where the holder of a licence under this Act has been convicted of an offence under any section of this Act, the Minister may revoke such licence.

## SECT 14

### Transfer of licences.

14.—(1) A licence under this Act shall not be transferable by the licensee or by operation of law to any other person.

(2) The Minister, on the application of the holder or of the personal representative of the holder of a licence under this Act, may, if he thinks fit, transfer such licence to another person.

## SECT 15

### Records to be kept at factories.

15.—(1) There shall be kept at or in every factory licensed under this Act a record, in such form as the Minister may require, of—

( a ) the date and place of capture, the species, sex and length measured in the prescribed manner of each whale treated at such factory and such other measurements and information (including information as to the contents of the internal organs) in relation to each such whale as the Minister may require; and

( b ) the number of whales treated at such factory and the amounts of oil of each grade and of meal, guano and other products derived from such whales.

(2) Records kept under this section shall be transmitted to the Minister at such times as the Minister may require.

(3) If, in relation to a factory ship licensed under this Act, the provisions of this section are not complied with, each of the following persons, that is to say, the master and (subject to the provisions of this Act relating to statutory defences) the owner and the charterer (if any) of such factory ship shall be guilty of an offence under this section.

(4) If, in relation to any shore factory licensed under this Act, the provisions of this section are not complied with, each of the following persons, namely, the manager and (subject to the provisions of this Act relating to statutory defences) the occupier of such factory shall be guilty of an offence under this section.

(5) Every person guilty of an offence under this section shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

## SECT 16

### Factories and ships used for treating whales to be properly operated and equipped.

16.—(1) There shall be extracted by boiling or otherwise from every whale treated in factory licensed under this Act the oil from all blubber, and from the head and the tongue, and in addition from the tail as far forward as the outer opening of the lower intestine.

(2) The immediately preceding sub-section shall not apply in respect of any part of a whale intended to be used as food for human beings.

(3) Every factory licensed under this Act shall be equipped with plant of a kind approved by the Minister for extracting oil from the carcasses of whales and, in the case of a shore factory, for utilising the residues after the oil has been extracted so that the fullest possible use can be made of such carcasses, and such plant shall be maintained in proper working condition and operated efficiently.

(4) If, in relation to a factory ship licensed under this Act, the provisions of this section are not complied with, each of the following persons, that is, to say, the master and (subject to the provisions of this Act relating to statutory defences) the owner and the charterer (if any) of such ship shall be guilty of an offence under this section.

(5) If, in relation to any shore factory licensed under this Act the provisions of this section are not complied with, each of the following persons, namely, the manager and (subject to the provisions of this Act relating to statutory defences) the occupier or such factory shall be guilty of an offence under this section.

(6) Every person guilty of an offence under this section shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

(7) If the Minister is satisfied in relation to any factory that the provisions of sub-section (3) of this section have not been or are not being complied with, the Minister may (whether a person has or has not been convicted of an offence under this section in relation to such non-compliance) revoke the licence in respect of such factory.

## SECT 17

### Remuneration of gunners and crews of whaling ships.

17.—(1) No gunner nor any member of the crew of a ship in respect of which a whaling licence has been granted shall be engaged otherwise than on terms that his remuneration, in so far as it is calculated by reference to the results of his work, shall depend upon the size, species, yield of oil and value of the whales taken or killed.

(2) If any gunner or member of a crew of a ship, in respect of which a whaling licence is for the time being in force, is engaged in contravention of this section, each of the following persons, namely, the master and (subject to the provisions of this Act relating to statutory defences) the owner and the charterer (if any) of such ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

SECT 18  
Bye-laws.

18.—(1) The Minister may make bye-laws for all or any of the following purposes—

( a ) prohibiting the use or possession on any Saorstát Eireann ship of any engine or implement constructed or designed for the pursuit, capture, killing or towing of whales and the use of any method of whaling which is in the opinion of the Minister injurious to whale or other fisheries; and

( b ) prohibiting the killing, in any specified area or areas and during any period or periods of the year by means of Saorstát Eireann ships, of any kind or all kinds of whales; and

( c ) prohibiting the landing in Saorstát Eireann of any kind or all kinds of whales during any period or periods of the year; and

( d ) regulating the methods of manufacturing in factories for the time being licensed under this Act oil or other products from whales and the disposal of the refuse.

(2) Every person who acts or attempts to act in contravention of any bye-law made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding such sum (which shall not exceed two hundred and fifty pounds) as may be specified in such bye-laws in respect of such offence.

(3) Where a person is convicted of an offence against any bye-law made under paragraph ( a ) of sub-section (1) of this section, the following provisions shall have effect, that is to say:—

( a ) the court shall, in addition to any other penalty, order any engine or other implement, the use or possession of which is prohibited by such bye-law, found on the ship on board of which such offence was committed to be forfeited.

( b ) any engine or implement so forfeited shall be disposed of by the Minister in such manner as he thinks fit,

( c ) any moneys arising on any such disposal shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(4) The provisions of sub-sections (2), (3), (4) and (5) of section 28 of the Fisheries Act, 1925 (No. 32 of 1925), as amended by section 10 of the Courts of Justice Act, 1936 (No. 48 of 1936), shall apply in respect of bye-laws made under this section subject however to the modification that the provisions of the said sub-sections (3) and (5), other than those relating to publication in the Iris Oifigi il, shall not apply.

## SECT 19

Taking or killing whales for scientific purposes.

19.—The Minister may at time give permission in writing for a specified period and subject to specified conditions as, he may think proper, to any person to take or kill whales for scientific or other exceptional purposes and whenever any such permission has been given to any person, such person shall, notwithstanding any of the provisions of this Act, be entitled to take or kill whales, subject to the conditions of his permit

## SECT 20

Residence of sea fisheries protection officer in ships and factories.

20.—The Minister may, if he considers it necessary for enforcing the provisions of this Act; appoint a sea fisheries protection officer to reside, either permanently or temporarily, on board any ship or at or in any shore factory, for the time being licensed under this Act, and require the owner, manager or master of such ship or the owner, occupier or manager of such factory to provide such officer with board and lodging on such ship or at or in such factory, and in any such case the following provisions shall have effect, that is to say:

( a ) if the person to whom such requirements is addressed fails, neglects or refuses to comply with such requirement, the Minister may revoke the licence relating to such ship or factory as the case may be,

( b ) the Minister shall out of moneys provided by the Oireachtas pay to such person in respect of such board and lodging such sums as the Minister, with the consent of the Minister for Finance, may fix.

## SECT 21

Powers of sea fisheries protection officers.

21.—(1) For the purposes of enforcing this Act, a sea fisheries protection officer may (within or outside the exclusive fishery limits of Saorstát Eireann, but subject to the rules or international law) either in respect of any Saorstát Eireann ship which he believes is being used for taking or treating whales outside the exclusive fishery limits of Saorstát Eireann, or in respect of any Saorstát Eireann ship which is the subject of an order made by a Justice of the District Court under this Act authorising the seizure of such ship, do all or any of the following things, that is to say:—

( a ) order such ship to be stopped for the purpose of identification or of allowing him to go on board;

( b ) board such ship and inspect the ship;

( c ) require the owner, master, or crew of such ship to produce any certificate of registry, licences, log-books, papers or other

documents relating to such ship, or to the crew or any member thereof, which are in the respective possession or control of any of them the said owner, master, and crew, and inspect and take extracts from or copies of any such certificates, licences, log-books, papers or other documents;

( d ) make all such enquiries as he considers it necessary to make;

( e ) search such ship;

( f ) in case such ship is used for treating whales, demand that any part of the plant for treating whales shall be opened up for inspection by him;

( g ) for the purposes of exercising any of the powers conferred on him by any of the foregoing paragraphs of this sub-section use such force as he may consider necessary and in particular, if an order given by him to such ship in the prescribed manner to stop is disobeyed or disregarded, may after first causing a tin to be fired as a signal, fire at or into such ship.

(2) For the purposes of enforcing this Act, a sea fisheries protection officer may in respect of any factory in Saorstát Eireann which he believes is being used for the treating of whales do all or any of the following things, that is to say:—

( a ) enter the factory and inspect it and its plant and equipment;

( b ) require the occupier or manager thereof and the employees therein or any of them to produce all licences, records, and other documents relating to such factory which are in the respective possession or control of any of them, the said occupier, manager and employees, and inspect and take extracts from or copies of any of such licences, records or other documents;

( c ) make all such inquiries as he considers it necessary to make;

( d ) search such factory;

( e ) demand that any part of the plant for treating whales shall be opened up for inspection by him;

( f ) do all such other things as may be necessary for the purposes aforesaid.

(3) If any person obstructs or impedes any sea fisheries protection officer in the exercise of any of the powers conferred on him by this section or refuses to comply with any requisition or direction lawfully made or given by such officer or refuses to answer any question lawfully asked by such officer in pursuance of this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine

not exceeding two hundred and fifty pounds or, at the discretion of the Court, to either imprisonment for any term not exceeding three months or both such fine and imprisonment.

(4) No action or other legal proceedings whatsoever, whether civil or criminal, shall be instituted in any court in Saorstát Eireann in respect of the doing of anything authorised to be done by a sea fisheries protection officer under this section, whether such thing is done personally by a sea fisheries protection officer or by a person acting under the orders of a sea fisheries protection officer.

#### SECT 22

Agents of the Minister.

22.—The Minister may by warrant under his seal of office from time to time appoint such and so many persons as he thinks fit as his agents for the enforcement of this Act, and any person acting under the directions of any such agent may exercise all or any of the powers conferred on a sea fisheries protection officer by this Act.

#### SECT 23

False statements and forgery of documents.

23.—If any person with intent to deceive—

( a ) makes, in reply to any inquiry which a sea fisheries protection officer is entitled to make to such person under this Act, any statement which is false or misleading in any material respect; or

( b ) forges or uses, or lends to or allows to be used by any other person, a licence or permit under this Act or forges an entry in any record kept under this Act, or

( c ) makes or has in his possession any document so closely resembling a licence or a permit under this Act as to be calculated to deceive,

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to the penalties mentioned in the Second Schedule to this Act.

#### SECT 24

Statutory defences.

24.—In any proceedings taken by virtue of this Act against the owner or charterer of a ship or the occupier of a factory in respect of any act or omission on the part of another person it shall be a good defence for the owner, charterer or occupier, as the case may be, to prove the act or omission took place without his knowledge or connivance and was not facilitated by any negligence on his part.

#### SECT 25

Jurisdiction of District Court.

25.—Any offence under any section of this Act may be heard and determined by any Justice of the District Court.

#### SECT 26

Prosecution of offences.

26.—Any offence under any section of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

#### SECT 27

Service of summonses.

27.—Rules of court under section 91 of the Court of Justice Act, 1924 (No. 10 of 1924), may provide, in the case of summonses or other documents originating proceedings for offences under any section of this Act, in addition to any other method of service permitted by such rules, for the service of such summonses or documents outside the jurisdiction and for substituted service thereof, for the manner in which such service is to be effected, and for the proof thereof.

#### SECT 28

Seizure and detention of ships.

28.—(1) Where proceedings have been instituted for an offence under any section of this Act in relation to any act or omission on board a Saorstát Eireann ship, any Justice of the District Court may, on the application of the prosecutor, by order directed to a sea fisheries protection officer or officers authorise such officer or officer to seize and, if so seized, detain at a port in Saorstát Eireann such ship until such proceedings have been adjudicated upon by a Justice of the District Court, and such ship may be seized and, if so seized, shall be detained accordingly.

(2) Where the master, owner, or charterer of a Saorstát Eireann ship is convicted by a Justice of the District Court of an offence under any section of this Act and sentenced to pay any fine and such ship has been detained under the immediately preceding sub-section such Justice shall, by order directed to a sea fisheries protection officer or officers, require such officer or officers, in the event of an appeal being lodged against such conviction, to detain further, pending the determination of such appeal, at a specified port in Saorstát Eireann, such ship, and such ship shall, subject to the provisions of the next following, sub-section be detained accordingly.

(3) Where an order is made under the immediately preceding sub-section requiring any ship to be detained pending the determination or an appeal against a conviction, a Justice of the District Court may, if security, which in the opinion of such Justice is satisfactory, is given for payment in the event of such conviction being affirmed on such appeal, of a sum to be fixed by such Justice sufficient to cover the amount of the fine and costs

(if any) awarded on such conviction and the costs of the prosecutor on such appeal, direct such ship to be released and such ship shall be released accordingly.

#### SECT 29

Recovery of fines.

29.—The following provision shall have effect in relation to the recovery of a fine for an offence under any section of this Act and the costs (if any) order to be paid by the person (being the master owner or charterer of a ship) convicted of such offence, that is to say:—

( a ) the court shall fix a time within which such fine and costs (if any) are to be paid;

( b ) where such ship is at the time of the hearing of the proceedings for such offence detained the immediately preceding section the court shall by order directed to a sea fisheries protection officer or officers require such officer or officers to detain further, until such fine and costs (if any) are paid, at a specified port in Saorstát Eireann, such ship, and such ship shall be detained accordingly;

( c ) in the event of such fine and costs (if any) not being paid within the said time, such fine and costs (if any) may be recovered by distress and the sale of such ship;

( d ) nothing in the foregoing paragraphs shall prevent such fine and costs (if any) being recovered from such person by ordinary process of law.

#### SECT 30

Reciprocal enforcement of penalties.

30.—(1) If the Executive Council is satisfied that provision has been made or is about to be made in any country which is a party to the International Convention for the Regulation of Whaling signed at Geneva on the 24th day of September, 1931, for enforcing such country the payment of any fine awarded in respect of an offence under any section of this Act the Executive Council may, whenever and so often as they think fit, by order make such provisions as they think fit for enforcing in Saorstát Eireann the payment of any penalty or fine awarded in such country in respect of a breach of the laws of such country for giving effect to the said Convention, and may, without prejudice to the generality of the foregoing, by such order provide for all or any of the following matters, namely, the making of rules of court for the purposes of such order, the recovery of costs and expenses incurred in relation to any proceedings in Saorstát Eireann under such order, and the disposition of any moneys recovered under such order.

(2) The Executive Council may amend or revoke any order made under this section.

(3) Every order made by the Executive Council under this section shall have the force of law in Saorstát Eireann.

SECT 31  
Regulations.

31.—The Minister may by order make regulations in relation to any matter or thing referred to in this Act as prescribed.

SECT 32  
Expenses.

32.—All expenses of carrying this Act into execution shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

SECT 33  
Repeal.

33.—The Whale Fisheries (Ireland) Act, 1908, is hereby repealed.

SECT 34  
Short title.

34.—This Act may be cited as the Whale Fisheries Act, 1937.

**FIRST SCHEDULE**

RIGHT WHALES.

Atlantic right whale.

Arctic right whale.

Biscayan right whale.

Bowhead.

Greenland right whale.

Greenland whale.

Nordkaper.

North Atlantic right whale.

North Cape whale.

Pacific right whale.

Pigmy right whale.

Southern pigmy right whale.

Southern right whale.

## **SECOND SCHEDULE**

### **PENALTIES FOR CERTAIN OFFENCES.**

A fine not exceeding five hundred pounds or, at the discretion of the Court, to either imprisonment for any term not exceeding six months or to both such fine and imprisonment.