

CHAPTER 62.

SEAL FISHERY

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAWS of 1921.
RELATING TO SEAL FISHERY.

[23rd December, 1921.]

1. This Ordinance may be cited as the Seal Fishery short title.
Ordinance.

2. In this Ordinance unless the context otherwise re- definitions.
quires :--

"Seal" means any Eared Seal or Hair (or True) Seal other than
a Leopard Seal, including a Fur Seal, a Sea Lion, an Elephant Seal
other animal of the seal kind that may visit the Colony or the Depen
and shall be deemed to include a Sea Order."

"Seal reserve" means any portion of land or water within the limits
of the Colony set apart by the Governor in Council for the breeding

3. Every commissioned officer of any of His Majesty's Seal Fishery
ships on full pay, and every officer in the employ of the Officers.
Government authorised in that behalf by the Governor shall
be seal fishery officers to enforce the provisions of this
Ordinance.

4. No person shall kill, take or hunt, or attempt to kill Unlawful to
or take any seal in the Colony or the Colonial waters thereof, take seal in
unless he shall first have been duly licensed. the Colony
without a
licence.

5. (1) Such officer as the Governor may appoint for the Granting of
purpose may grant licences to take seals in the Colony and Sealing
the Colonial waters thereof to such persons as may apply Licences.
for them, for such periods and on such terms and conditions
as may be approved by the Governor.

Power to
revoke
licences.

(2) In the case of the breach by the holder of a licence of any of the provisions of this Ordinance or of the regulations made thereunder, or of any of the conditions under which such licence may have been granted, the Governor may, by notice in writing, summarily revoke such licence, and thereupon all rights conferred thereby or enjoyed thereunder shall cease as from the date mentioned in such notice.

Regulations.

6. (1) The Governor in Council may make regulations for carrying out the provisions of this Ordinance and the intent and object thereof.

(2) Any person guilty of an offence against any provision of the regulations made under this section shall be liable to a fine not exceeding Twenty-five Pounds.

Seal Reserve.

7. The Governor in Council may declare, by notification in the Gazette, any Crown land or Colonial waters, or with the consent of the owner or lessee, any private land, to be a seal reserve, and, by notification in the Gazette, revoke and declare to be no longer in force any such notification as aforesaid.

Liability of
an owner or
master of a
vessel.

8. 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 in the Colony 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 and to imprisonment with hard labour for a period not exceeding twelve months for each offence.

9. Any person who :—

Offences and
penalties and
forfeitures
consequent
thereon.

- (a) Kills, takes or hunts, or attempts to kill or take, any seal in the Colony 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,

shall commit an offence, and shall be liable on conviction to a fine not exceeding One Hundred Pounds and to imprisonment with hard labour for a period not exceeding six months for each such offence, and to forfeit any seals, seal-oil, or skins found in his possession.

10. A seal fishery officer may, with respect to any vessel found within the limits of the territorial waters of the Colony engaged or believed to be engaged or concerned in seal fishing--

Powers of seal fishery officers.

- (1) go on board at any time ;
- (2) require the owner, master, or crew, or any of them to produce any certificates of registry, licences, official log books, official papers, articles of agreement, muster rolls, and other documents relating to the vessel, which are in their respective possession or control on board the vessel and may take copies thereof or of any part thereof ;
- (3) muster the crew of the vessel ;
- (4) require the master to appear and to give any explanation concerning his vessel and the said certificates of registry, official log books, official papers, articles of agreement, muster rolls and other documents or any of them ;
- (5) make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Ordinance or of any regulation as aforesaid has been committed ;
- (6) when any person appears to him to have committed any such contravention, without summons, warrant or other process, take both the offender and the vessel to which he belongs and the crew thereof to a port of entry in the Colony or its Dependencies, as defined by the Customs Ordinance, and bring him or them before a court and detain him, it and them in the port until the alleged contravention has been adjudicated upon, or until the master of the said vessel has given security to be approved by the Judge or a magistrate to abide the event of any action, suit, or other legal proceeding that may be

Chapter 16.

instituted in respect of such vessel or of any person belonging thereto, and to pay all penalties, costs and damages. In any legal proceeding under this subsection the person giving security may be deemed to be the owner of the detained vessel.

Protection of seal fishery officers.

11. No seal fishery officer 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.

Vessel not bringing to when summoned or throwing overboard goods during chase to be forfeited.

12. If any vessel found in the waters of the Colony and suspected by a seal fishery officer to be engaged or concerned in seal fishing, shall not bring to upon signal made by any ship or boat in His Majesty's service or in the service of the Government by hoisting the proper pendant or ensign, whereupon chase shall be given, and any person on board such vessel shall, during chase or before such vessel shall bring to, throw overboard any part of her lading, such vessel shall be forfeited.

Vessel not bringing to when required to.

13. If any vessel liable to seizure or examination under this Ordinance shall not bring to when required to do so, the master of such vessel shall forfeit the sum of Fifty Pounds; and on such vessel being chased by any vessel in His Majesty's Navy, or duly employed for enforcing the provisions of this Ordinance, having a proper pendant or ensign hoisted, it shall be lawful for the captain, master or other person having the charge or command of such vessel in His Majesty's Navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such vessel, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

Armed guard may be stationed at a seal reserve.

14. The Governor may cause an armed guard to be stationed at or in the vicinity of any Seal Reserve for the purpose of the further enforcement of the provisions of this Ordinance and may prescribe by order under his hand the manner in which such guard shall perform their duties.

15. Any person who refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by any seal fishery officer or armed guard shall be liable on summary conviction to a fine not exceeding One Hundred Pounds and to imprisonment with hard labour for a period not exceeding six months.

Penalty for not complying with directions of seal fishery officer.

16. (1) A seal fishery officer or an armed guard may arrest, detain (if necessary by force), and bring before a court, any person committing or appearing to be about to commit, an offence against the provisions of this Ordinance, or any regulation made thereunder.

Power to arrest for breaches of Ordinance.

(2) If any person is killed, maimed or hurt by reason of his resisting a seal fishery officer or an armed guard in the execution of his duties under this Ordinance, neither the seal fishery officer nor the armed guard shall be liable to any punishment or to pay any damages by reason of the person being so killed, maimed or hurt.

17. Any person who shall maliciously shoot at any vessel or boat belonging to His Majesty's Navy, or in the service of the Government, or shall maliciously shoot at, maim, or wound any officer of the Navy or Government being duly employed in the prevention of offences against this Ordinance, or any person acting in his aid or assistance in the execution of his office or duty, and every person aiding, abetting or assisting him therein, shall, upon conviction, be guilty of felony and shall be liable to be imprisoned with hard labour for a period not exceeding three years.

Persons shooting at vessels or officers enforcing Ordinance, guilty of felony.

18. 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 court of summary jurisdiction, or by action in the Supreme Court of the Colony, together with full costs of suit:

Prosecution of Offences.

Provided that any penalty imposed by a court of summary jurisdiction shall not exceed One Hundred Pounds, exclusive of costs, and imprisonment for a period not exceeding six months.

Venue.

19. For all purposes of and incidental to the trial of any person, accused of any offence under this Ordinance, and the proceedings, and to the jurisdiction of any Court, 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.

20. 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 thinks fit, 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.

Special exemption.

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