

CHAPTER 76.

WHALE FISHERY.

Section 11.

1. These regulations may be cited as the Whaling Regulations. Short title.

2. (1) The expression "Whaling Officer" as used in these Regulations shall mean such officer as the Governor may appoint to enforce the provisions of the Whale Fishery (Consolidation) Ordinance. Definitions of Whaling Officer and holders of licences.

(2) The term "holder of a lease of a land site" and "holder of a licence" shall include the manager of the factory or ship used for taking and treating whales in respect of which a lease or licence is held.

3. Licences authorising a ship or factory to be used for taking and treating whales may be issued for and in respect of the following places :— Places for which licences may be issued and period of validity.

- (a) Falkland Islands
- (b) South Georgia
- (c) South Shetlands
- (d) South Orkneys
- (e) South Sandwich Islands

and shall be valid for the period from the 16th October to the 16th April following.

4. The fees to be paid in respect of the granting of licences for the use of ships shall be— Fees for licences.

- (a) in the case of a licence authorising the use of a ship for treating whales the sum of £100, and
- (b) in the case of a licence authorising the use of a ship for taking whales the sum of £50.

Conditions relative to the issue of licences.

5. Every person desiring to obtain a licence for taking and treating whales shall apply in writing to the Colonial Secretary and shall give the following particulars :—

- (a) If an individual, his full name, nationality, description and address.
- (b) If a private company, the full name, nationality, description and address of each partner, and if a limited company, the same particulars regarding each director.
- (c) The names and description of all ships to be employed.
- (d) The carrying capacity of the ship to be used for treating whales.
- (e) The number and cubic capacity of all open and pressure boilers.
- (f) In the case of a ship or factory for treating whales, the full description and particulars of the plant.

The applicant shall shew to the satisfaction of the Governor that he possesses or commands sufficient working capital to ensure the proper working of the licence applied for.

Applications for licences.

6. Applications for licences shall so far as possible be delivered at the Colonial Secretary's Office on or before the first day of May preceding the season during which the applicant proposes to operate.

Governor may refuse to grant licence.

7. The Governor may in the exercise of his discretion refuse to grant a licence to an applicant without giving any reason for refusal.

Licence not transferable without approval of Governor.

8. A licence shall not be transferable unless the approval of the Governor has been first applied for and obtained.

Conditions relative to provision and maintenance of spare catcher.

9. The holder of a licence authorising the use of whale catchers may be allowed to maintain a spare whale catcher for use in the event of a licensed catcher being laid up for repairs, subject to the following conditions :—

- (i) Payment of a fee of £50 a season.

- (ii) Such spare catcher shall be kept without a gun, whale rope or similar necessities for taking whales, when not in use.
- (iii) Notification shall be given to a whaling officer before the spare catcher shall be used, with full particulars as to the nature of the repairs required for the licensed catcher and an estimate of the number of days required to effect repairs. During such period the gun and whaling gear shall be removed from the licensed catcher.

10. A whale catcher shall not be used, without the sanction of the Whaling Officer, to take whales or attempt to take whales until such time as the ship or factory for which it operates is ready to utilise immediately any whales taken.

Whale catcher not to be employed until ship is ready to utilise carcasses.

11. The number of flensed carcasses of whales waiting to be dealt with at one time, either at a factory, or attached to any ship or buoy shall not exceed twenty.

Flensed carcasses not to exceed 20 at any one time.

12. The Whaling Officer may prohibit the use of any licensed whale catcher for taking whales, when, in his opinion the further taking of whales would lead to an accumulation of whaling matter that could not be utilised without undue waste.

Whaling Officer may prohibit the use of any whale catcher.

13. Pressure boilers shall not be used for storing oil until the taking of whales has ceased for the season.

Pressure boilers.

14. For the purpose of section 9, sub-section 2, of the Whale Fishery Ordinance, the master or manager of a ship or factory licensed to take and treat whales shall render to the Colonial Secretary or such other officer as the Governor may appoint for the purpose, on or before the 10th day of June in each year returns giving the following particulars :—

Rendition by manager of Statistical Returns.

- (a) The date when and the position where the whale was taken.
- (b) The species and sex of the whale.
- (c) The length measured in accordance with regulation 17 hereof.
- (d) Whether the whale contained a foetus or foetuses.

- (e) The length and sex of foetus or foetuses (if any) found in the whale.
- (f) Whether the whale was producing milk.
- (g) For each day—
  - the number of whales of each species delivered to the ship;
  - the number of whales treated;
  - the yield of oil of each grade produced; and
- (h) For each week—
  - the quantity produced, if any, of meal, guano or other products specified separately.

Returns (a) to (f) shall be arranged so far as possible in the chronological order of the taking of the whales.

Bays and anchorages shall not be used for mooring carcasses without permission of Whaling Officer.

15. The holder of a lease of a land site for a factory for treating whales shall not have the right to use any bays or anchorages for the purpose of mooring whales without the sanction of the Whaling Officer first being applied for and obtained.

Moorings, etc., expenses in connection with removal of to be borne by licensee.

16. The holder of a licence shall at his own expense remove or alter the position of any moorings laid down in the waters of the Colony and its Dependencies, or on land, on being required to do so by the Whaling Officer.

Immature whales.

17. (a) For the purposes of section 3 of the Whale Fishery (Consolidation) Ordinance, whales of the under-mentioned species shall be deemed to be immature if they are less than the lengths set out below in relation to each species, viz.,

- (i) Blue Whale, 70 feet,
- (ii) Fin Whale, 55 feet,
- (iii) Humpback Whale, 35 feet,
- (iv) Sperm Whale, 35 feet,

except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

In this regulation--

the expression "Blue Whale" means a whale known by any of the names set out in Part II of the first Schedule to the Whale Fishery (Consolidation) Ordinance ;

the expression "Fin Whale" means a whale known by any of the names set out in Part III of the first Schedule to the Whale Fishery (Consolidation) Ordinance ;

the expression "Humpback Whale" means any whale known by any of the names, bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale ;

the expression "Sperm Whale" means any whale known by any of the names, sperm whale, spermacet whale, catchalot or pot whale.

(b) Such length shall in each case be the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

18. The holder of a licence who commits or allows or negligently suffers a person employed by him to commit a breach of these regulations shall be liable to a penalty not exceeding fifty pounds for each offence, and any person employed by him who commits a breach of these regulations shall be liable to a penalty of fifty pounds for each offence.

Penalty for  
breach of  
regulations.

19. Any person who refuses to obey the lawful order of the Whaling Officer shall be deemed to have committed a breach of these regulations and shall be liable to the penalties set forth in the preceding regulation.

Penalty for  
breach of  
lawful orders  
issued by  
Whaling  
Officer.

20. These regulations shall apply to the Dependencies.

Application.