

SEAL FISHERIES (NORTH PACIFIC) ACT, 1912⁽¹⁾⁽²⁾ (UNITED KINGDOM) IN ITS APPLICATION TO THE TERRITORY OF PAPUA.

An Act to make such provisions with respect to the prohibition of catching Seals and Sea Otters in certain parts of the Pacific Ocean, and for the enforcement of such prohibitions as are necessary to carry out a Convention between His Majesty the King and the United States of America, the Emperor of Japan, and the Emperor of All the Russias.

WHEREAS a Convention has been entered into between His Majesty and the United States of America, the Emperor of Japan, and the Emperor of All the Russias with respect to the prohibition of pelagic sealing in certain parts of the Pacific Ocean, and it is desirable that such amendments of the law should be made as will enable effect to be given to that Convention:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The seas with respect to which an Order in Council⁽³⁾ may be made under the Seal Fisheries (North Pacific) Act, 1895, prohibiting the killing, taking, and hunting of seals therein shall include the seas within such part of the Pacific Ocean as is north of the thirtieth parallel of north latitude, including the seas of Behring, Kamchatka, Okhotsk and Japan, and accordingly that Act shall have effect as if in sub-section (2.) of section seven thereof for the words "within that part of the Pacific Ocean known as Behring's Sea and within such other parts of the Pacific Ocean as are north of the forty-second parallel of north latitude" there were substituted the words "within such part of the Pacific Ocean as is north of the thirtieth parallel of north latitude, including the seas of Behring, Kamchatka, Okhotsk and Japan."

2. His Majesty in Council shall have the like power of making Orders in Council⁽³⁾ under the said Act as amended by this Act with respect to the

(1) Only Sections 3 and 4 of this Act have been expressly applied to the Territory of Papua: *see* the Seal Fisheries (Papua) Order in Council, 1913, printed on p. 1987. The entire Act is, however, printed for convenience of reference.

(2) Particulars of this Act are set out in the following Table:—

ACT OF THE UNITED KINGDOM.

Citation of Act.	Date on which received Royal Assent.	Date on which came into operation in Territory of Papua.
<i>Seal Fisheries (North Pacific) Act, 1912</i> (2 & 3 Geo. V. c. 10)	7.8.1912	1.5.1914 (Order published in <i>Papua Govt. Gaz.</i> of 16.3.1914)

(3) The *Seal Fisheries (North Pacific) Act, 1895* (United Kingdom) empowered Her Majesty the Queen to prohibit by Order in Council, the catching of seals by British ships in such parts of the seas to which that Act applied as were specified in the Order in Council (Section 1); and by Order in Council, to make regulations regulating the hunting and taking of seals (Section 2). Pursuant to this Act, His Majesty the King in Council, by Order in Council dated 11.4.1913 and published in the *London Gazette* of 15.4.1913, *inter alia*, prohibited "the catching of seals and the killing, taking, and hunting of sea otters by British ships" within "such part of the Pacific Ocean beyond the limits of territorial waters as is north of the thirtieth parallel of north latitude, including the Seas of Behring, Kamchatka, Okhotsk, and Japan." No other Order in Council made under the Act is in force.

Extension of area within which pelagic sealing may be prohibited.

Imp. 58 & 59
Vict. c. 21.

Power to prohibit killing and hunting of sea otters.

Seal Fisheries (North Pacific) Act, 1912 (United Kingdom)

killing, taking, and hunting of sea otters within such part of the Pacific Ocean as aforesaid as with respect to the killing, taking, and hunting of seals, and that Act as so amended shall apply accordingly.

3.—(1.) If any person uses any port within the United Kingdom⁽⁴⁾ for the purpose of equipping any ship intended to be used or employed in killing, taking, or hunting seals in contravention of any such Order as aforesaid, he shall be guilty of an offence, and shall be liable to be dealt with as if such offence were an offence declared to be a misdemeanour by the Merchant Shipping Act, 1894,⁽⁵⁾ and the ship and her equipment and everything on board thereof shall be subject to forfeiture to His Majesty.

Prohibition of using ports for purposes of pelagic sealing contrary to Order.

Imp. 57 & 58
Vict. c. 60.

(2.) If the Secretary of State⁽⁶⁾ is satisfied that there is reasonable cause for believing that a ship has been or is being equipped contrary to this section, the Secretary of State⁽⁶⁾ may authorize the Board of Trade, or any officer of the Board,⁽⁶⁾ to seize and detain the ship. Where such an authority is given, the ship may be seized and detained in like manner as if it were liable to seizure and detention under the Merchant Shipping Acts, 1894 to 1907.^{(7) (8)}

(3.) For the purposes of this section, "equipping" in relation to a ship shall include the furnishing of a ship with any tackle, apparel, furniture, provisions, munitions, fuel or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for killing, taking, or hunting seals.

4. Skins of seals taken in contravention of any such Order as aforesaid, and skins of seals identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian, or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.⁽⁹⁾

Prohibition of importation of skins of seals captured in contravention of Order.

Imp. 39 & 40
Vict. c. 36.

(4) See Clause (2) (i) of the Seal Fisheries (Papua) Order in Council, 1913, printed on p. 1987.

(5) See particularly Section 680 (punishment of misdemeanours). The *Merchant Shipping Act 1894* (United Kingdom) has not been reprinted in this Annotated Reprint.

(6) See Clause (2) (ii) of the Seal Fisheries (Papua) Order in Council, 1913, printed on p. 1987.

(7) See particularly Sections 76 (seizure and detention on forfeiture) and 692 (detention). The *Merchant Shipping Acts 1894 to 1907* (United Kingdom) have not been reprinted in this Annotated Reprint.

(8) See Clause (2) (iii) of the Seal Fisheries (Papua) Order in Council, 1913, printed on p. 1987.

(9) See Clause (2) (iv) of the Seal Fisheries (Papua) Order in Council, 1913, printed on p. 1987.

FISHERIES—

Power to extend certain provisions outside the United Kingdom.

5.—(1.) His Majesty may by Order in Council⁽¹⁰⁾ extend the provisions of the last two foregoing sections to any part of His Majesty's dominions outside the United Kingdom to any British protectorate and to Cyprus, subject to such modifications and adaptations as may appear to him to be necessary:

Provided that those provisions shall not be so extended to a self-governing dominion except with the consent of the Governor General in Council or Governor in Council of the dominion.

(2.) For the purposes of this section, "self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

Short title and construction.

6. This Act may be cited as the Seal Fisheries (North Pacific) Act, 1912, and shall be construed with the Seal Fisheries (North Pacific) Act, 1895; and that Act and this Act may be cited together as the Seal Fisheries (North Pacific) Acts, 1895 and 1912.

(10) The Order in Council extending the provisions of Sections 3 and 4 of the Act to Papua is printed on p. 1987. Orders in Council dated respectively 11.4.1913, 13.6.1913, and 13.4.1915 have extended the provisions of Sections 3 and 4 of the Act, to, *inter alia*, the Commonwealth of Australia, New Zealand and Norfolk Island.