

Clause 9: The sections being repealed read as follows:

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, is liable to penalty and imprisonment as aforesaid for each offence.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, is liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued."

The repeal of these sections is consequential upon the amendment to section 33 effected by Clause 4 of this Bill.

Clause 10: Section 64 at present reads as follows:

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation, or in connection with which a violation of this Act or any regulation, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to Her Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace."

The purpose of the new section 64 is to provide a more comprehensive procedure for the seizure of any vessel, vehicle or equipment that is used in violation of the Act and to make this provision of the Act more consistent with the provisions of the various fishery convention Acts.

The new section 64A would protect the interest of an innocent person in goods that have been forfeited to Her Majesty pursuant to subsection (5) of section 64.