INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

PENALTIES FOR VIOLATIONS OF THE
INTERNATIONAL CONVENTION FOR
THE HIGH SEAS FISHERIES OF THE
NORTH PACIFIC OCEAN.

Roy I. Jackson

VANCOUVER, B.C.
SEPTEMBER, 1957
The Commission has requested a report on the penalties put into force by each Contracting Party for violations of the provisions of the International Convention for the High Seas Fisheries of the North Pacific Ocean.

Canada has established penalties for violations of the salmon abstention line in the Bering Sea. Maximum penalties for each person include a fine of not over five thousand dollars or imprisonment of not over three months or both. In addition, the catch, gear, equipment, stores and the vessel itself may be seized and forfeited.

Japan has regulations that allow those violating the provisions of the Convention to be imprisoned with labor for not over two years or to be fined not over 50,000 yen or both. In addition, the catches, products, gear and fishing vessels owned or possessed by the violators may be confiscated.

The United States enabling act provides fines up to a maximum of $10,000 per person and/or prison terms up to a maximum of one year. In some cases the courts may also order forfeit of the fish and/or fishing gear involved in the offense.

No cases of violations involving fishermen operating on stocks under abstention within waters in which their country has agreed to abstain from fishing said stocks have been reported to the Commission to date.

This report does not include information on the complex system of penalties established for their own nationals and vessels by the Contracting Parties for violations of conservation regulations within waters and for stocks for which another Party or Parties have agreed to abstain from fishing, in accordance with the terms of the Convention.

Extracts from the pertinent legislation in each country are appended to the report.
1. **INTRODUCTION**

The report which follows is for the purpose of informing the International North Pacific Fisheries Commission of the penalties which each of the Contracting Parties has established for violations of the provisions of the International Convention for the High Seas Fisheries of the North Pacific Ocean.

Article III(1)(d) of the Convention requires the Commission to perform the following function:

"(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention."

At its First Meeting, held in Washington, D.C. during February, 1954, the Commission at the third plenary session (Document 14) agreed to the following step toward implementation of Article III(1)(d):

"The Chairman pointed out that at some time the Commission would have to learn what kind of penalties the Contracting Parties now make use of, and wondered whether this might best be done by the Commission or by the Executive Director. The Japanese Delegation suggested, and the Canadian and United States Delegations agreed, that the matter would best be taken up by the Executive Director, after which it might be considered by the Commission. It was therefore agreed that an investigation of the penalties for violation of the Convention in use in the three countries would be referred to the Executive Director, when appointed, for implementation."

In considering this report the provisions of Articles IX and X of the Convention should be borne in mind and related to Article III(1)(d).

Article IX reads as follows:

"1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters."
"(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

"2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto."

No violations of the abstention areas defined in the Annex have been reported to the Commission by any Contracting Party to date.

Article X reads as follows:

"1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to cooperate with each other in taking appropriate and effective measures and accordingly agree as follows:

"(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

"(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel
belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and make request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

"(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

"2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

"3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out."

In connection with the provisions of Article X(3) several factors should be noted. First, the obligation to review the effectiveness of the enforcement conditions is on the Contracting Parties and not on the Commission. Second, the meeting to review the effectiveness of enforcement conditions must be held during the sixth year of the operation
of the Convention, i.e., within one year after June 12, 1958. Third, it appears that Article X(3) requires that the effectiveness of the enforcement of both Sections 1(a) and 1(b) of Article IX should be reviewed. Section 1(a) prohibits exploitation, etc. of stocks under abstention in waters specified in the Annex by nationals or fishing vessels of a Contracting Party which has agreed to abstain from exploiting certain stocks, in accordance with the provisions of the Convention. Section 1(b) of Article IX prohibits nationals of a Party which has established conservation regulations (for stocks and waters for which another Party has agreed to abstain from exploitation) from violating such regulations.

Restating the foregoing in an attempt to simplify its meaning:

1. Article III(1)(d) requires the Commission to recommend equivalent schedules of penalties for violations of the Convention.

2. Article IX(1)(a) prohibits exploitation of stocks under abstention in waters described in the Annex by nationals or vessels of a Party that has agreed to abstain, i.e. by "abstaining" vessels.

3. Article IX(1)(b) prohibits violations of conservation regulations on stocks and within areas subject to abstention by the nationals or vessels of a Party otherwise allowed to exploit such stocks and areas.

It appears to the writer that the intent of Article X(3) is that the review of the effectiveness of enforcement provisions of Article X which the Contracting Parties must make must include Case (1) incidents of what might be called "trespass" into an area under abstention to exploit a stock under abstention, and Case (2) a study of the effectiveness of enforcement provisions in waters and for stocks for which a Party or Parties have agreed to continue to carry out conservation measures.

Similarly then, the Commission, in fulfilling the requirements of Article III(1)(d) should not only consider and recommend schedules of equivalent penalties for Case (1) above, that is, violations by trespass, but also for Case (2), violations of conservation regulations required by the Convention.

Notwithstanding this interpretation, which the writer believes to be correct, the present report deals only with penalties for violations of Case (1). A comparison of penalties established under Case (2) would involve a difficult study of the great volume of complex regulations and
penalties used by the governments of Canada and the United States and the states of Washington, Oregon and California in relation to the salmon, halibut and herring stocks along the entire Pacific coast of North America. This will not be done until the matter has been discussed further with the Commission.

2. PENALTIES ESTABLISHED BY CANADA

The North Pacific Fisheries Convention Act (1-2 Elizabeth II, Chap. 44) assented to on May 14, 1953, implemented the International Convention for the High Seas Fisheries of the North Pacific Ocean insofar as Canada is concerned. The Act, which is given in full in the appendix to this report, gives to the Governor in Council (in Section 4) the authority to make regulations for carrying out and giving effect to the provisions of the Convention, including, among other things, the prescribing of penalties for violations of such regulations.

The regulations authorized by Section 4 of the North Pacific Fisheries Convention Act were made by the Governor General in Council on June 3, 1954 (P.C. 1954-825). The regulations, which are appended to this report, are cited as the North Pacific Fisheries Convention Regulations. Among other things the Regulations (Section 1) prohibit violations of the salmon abstention line in the Bering Sea by Canadian vessels. Upon conviction every person who violates Section 1 of the Regulations is liable to a fine not exceeding five thousand dollars or to imprisonment for not over three months or both. In addition, the catch, gear, equipment, stores and the vessel itself may be seized and forfeited.

The following is believed to represent a complete list of Canadian legislation relative to the implementation of the North Pacific Convention.

1. The North Pacific Fisheries Convention Act, (1-2 Elizabeth II. Chap. 44)

2. Canada Shipping Act, Sections 689 to 692, (Chapter 29 of the Revised Statutes of Canada, 1952) as cited in Section 9 of the North Pacific Fisheries Convention Act.


Copies of the pertinent portions of the material cited above are appended to this report.
3. PENALTIES ESTABLISHED BY JAPAN

In response to an inquiry regarding penalties in effect in Japan for violations of the provisions of the International Convention for the High Seas Fisheries of the North Pacific Ocean, the Secretariat received the following letter:

FISHERIES AGENCY
MINISTRY OF AGRICULTURE AND FORESTRY

TRANSLATION

Mr. Roy I. Jackson,
Executive Director,
International North Pacific Fisheries Commission,
209 Wesbrook Building,
University of B.C.

Dear Mr. Jackson:

Re your letter of July 31, we are glad to reply as follows:

The penalties for violations of regulatory provisions related to the International Convention for the High Seas Fisheries of the North Pacific Ocean are imprisonment with labor for not longer than two years or fines not exceeding 50,000 yen or both, as defined in the various regulations based on Article 65 of the Fisheries Act. Furthermore, the catches, products, gear and fishing boats which are owned or possessed by the violators may be confiscated.

Incidentally, there has been no case of violation of provisions of the Treaty up to the present.

Masao Okai,
Director of the Fisheries Agency.
The following statements are based on verbal information and an informal translation of Article 65 of the *Fisheries Act* of Japan and should be considered as preliminary until they have been checked by the appropriate persons in Japan.

1. Japan has no enabling act or legislation specifically related to the International Convention for the High Seas Fisheries of the North Pacific Ocean.

2. All possible violations of the provisions of the Convention by existing types of gear are believed to come under existing fisheries regulations. Article 65 of the *Fisheries Act* gives the Minister of Agriculture and Forestry the authority to issue new regulations in the event that there is danger of violations by types of gear not envisaged in present regulations.

3. Article 65 of the Japanese *Fisheries Act* reads as follows:

   (1)"The responsible Minister or the Governors of the Prefectures are authorized to establish the necessary ministry laws or other regulations for the purpose of controlling or managing of fisheries, in relation to the following subjects:

   i. Limitation or prohibition of catching or collecting aquatic animals or plants,

   ii. Limitation or prohibition of sales of aquatic animals or plants or their products,

   iii. Limitation or prohibition of fishing gears or fishing vessels.

   iv. Limitation of the number or qualifications of fishermen.

   (2)"Ministry laws or regulations based on the above provisions may be accompanied by provision of penalties, if necessary.

   (3)"Penalty for violation of the ministry laws shall be imprisonment with labor for not longer than two years or a fine not exceeding 50,000 yen or both and, for violation of other regulations, imprisonment with labor for not longer than one year or a fine not exceeding 10,000 yen or both.

   (4)"The Ministry laws and other regulations based on the provisions of the above paragraph of Article 65 may include provision for the impoundment of catches, products, fishing vessels and fishing
gear possessed by the violators and also provision for extra fines in case it is not possible to impound the whole or part of the objects possessed by the violators."

(NOTE: Paragraphs 5, 6 and 7 of Article 65 are not related to the problem of penalties and therefore are omitted).

4. The salmon mothership fishery is controlled by the "Mothership Fisheries Regulations" issued by the Ministry of Agriculture and Forestry. Article 2 of the Mothership Fisheries Regulations reads:

"Mothership fisheries may not be conducted without obtaining a licence from the Minister of Agriculture and Forestry for each particular fishery."

Article 5 of the Mothership Fisheries Regulations reads:

"1. The Minister of Agriculture and Forestry shall issue a licence (on Form No. 2) to an applicant if the Minister permits the applicant to engage in the mothership fishery."

"2. The Minister may set limitations or conditions in the licence when such limitations or conditions are required for fisheries management or other public benefit."

On each licence for salmon mothership fishing the area of operation is described and limited. The area of operation for the salmon mothership fishery has been restricted to the area west of the provisional line of the North Pacific Convention.

Penalties for violations of limitations established under Article 2 of the Mothership Fisheries Regulations are described in Article 62 of the same regulations. Article 62 reads as follows:

"1. Penalties for violations of the following articles and provisions (of the Mothership Fisheries Regulations) are imprisonment with labor for not longer than two years or fines not exceeding 50,000 yen or both". (Note: Article 2 of the Mothership Fisheries Regulations is among the listed articles).
"2. In case of violations of the above articles and provisions the catches, products, fishing vessels and fishing gear possessed by the violators may be impounded. If it is not possible to impound the whole or part of the above objects, extra fines equivalent to the values of these objects may be collected."

5. Offshore salmon fisheries other than those conducted from motherships are regulated by another ministry law entitled "Salmon Driftnet and Related Fisheries Regulations." These regulations were amended in 1956 to include the long line salmon fisheries in offshore waters. Article 2 of the Salmon Driftnet and Related Fisheries Regulations reads as follows:

"Salmon driftnet fisheries shall not be conducted without a licence issued by the Minister of Agriculture and Forestry for each vessel."

"The salmon long line fishery in Pacific waters north of 38° 15' N. and during the period April 20 through August 31 shall not be conducted without a licence issued by the Minister of Agriculture and Forestry for each vessel."

Article 5 of the Salmon Driftnet and Related Fisheries Regulations is similar to Article 5 of the Mothership Fisheries Regulations. The area of operation is described on each licence for salmon driftnet and long line fishing. Areas of operation have been stipulated as west of the provisional line established in the North Pacific Convention.

Penalties for violations of Article 2 of the Salmon Driftnet and Related Fisheries Regulations are described in Article 29 of the same regulations and are exactly the same as in the case of the mothership fisheries, i.e., imprisonment with labor for not longer than two years and fines not exceeding 50,000 yen or both.

6. It is possible that the Japanese mothership crab fishery in the eastern Bering Sea and the trawl fishery in the Bering Sea may catch halibut or salmon as incidentally-caught species while operating in areas east of the abstention lines. The mothership crab fishery is controlled by the Mothership Fisheries Regulations. Article 10 of the Mothership Fisheries Regulations
gives the Minister authority to set limitations or conditions for use of fishing vessels attached to the motherships. For the crab mothership operating in the eastern Bering Sea it is stipulated that "if any halibut or salmon are caught while fishing for crabs they shall be thrown into the sea immediately and shall not be kept on the vessel." The penalties for violation of Article 10 of the Mothership Fisheries Regulations are described in Article 62 of these regulations. They are the same as for the mothership salmon fishery, i.e., imprisonment with labor for not longer than two years or fines not exceeding 50,000 yen or both.

Regarding the incidental capture of halibut or salmon by trawling vessels operating in the Bering Sea, east of the provisional abstention line, the operations of these vessels are controlled by the "Trawl Fishery Regulations". Article 2 of the Trawl Fishery Regulations states that each vessel to be engaged in the trawl fishery shall be licenced by the Minister of Agriculture and Forestry. Article 6 of the Regulations gives the Minister the authority to set limitations or conditions on each licence. Each licence for operation in an area east of the provisional abstention lines requires that halibut or salmon caught incidentally shall be thrown into the sea immediately and shall not be kept on the vessel. Penalties for violations of the limitations and conditions imposed under the authority of Article 6 of the Trawl Fishery Regulations are described in Article 27 of the same regulations and consist of imprisonment with labor not to exceed two years and fines not to exceed 50,000 yen or both.

4. PENALTIES ESTABLISHED BY THE UNITED STATES

The North Pacific Fisheries Act of 1954 (68 Stat. 698 16 U.S.C.) was enacted by the United States for the purpose of giving effect to the International Convention for the High Seas Fisheries of the North Pacific Ocean, and for other purposes.

Section 10 of the Act makes it unlawful for any person or fishing vessel subject to the jurisdiction of the United States to perform various actions which would be in contravention of the provisions of the Convention. Section 11 of the Act establishes penalties for the unlawful acts defined in Section 10, and Section 12 of the Act incorporates certain portions of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U.S.C. 986, 988, 989, 990) haec verba in the North Pacific Fisheries Act of 1954.
The penalties established in Section 11 of the North Pacific Fisheries Act of 1954 vary somewhat with the nature of the violation. Fines up to a maximum of ten thousand dollars per person may be levied and/or prison terms up to one year may be imposed and, in some cases, the court may also order forfeit of the fish and/or fishing gear involved in the offense. The reader is referred to the copies of legislation appended to this report for complete and detailed information on penalties.

There is appended a full quotation of Sections 10, 11 and 12 of the North Pacific Fisheries Act of 1954, Section 12 is quoted as amended on July 24, 1957 (71 Stat. 310.). Sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act of 1950 are also quoted.
APPENDIX

CANADA

1. THE NORTH PACIFIC FISHERIES CONVENTION ACT
   (1-2 Elizabeth II. Chap. 44)

An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean

(Assented to 14th May, 1953)

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the North Pacific Fisheries Convention Act.

2. In this Act

(a) "Commission" means the International North Pacific Fisheries Commission established under the Convention;

(b) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean and the Protocol thereto, set out in the Schedule;

(c) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean including the adjacent seas;

(d) "fishing vessel" means any vessel used in or outfitted for catching fish or processing or transporting fish loaded on the high seas;

(e) "Minister" means the Minister of Fisheries;

(f) "Protection Officer" means
(i) a fishery officer within the meaning of the Fisheries Act,
(ii) an officer of the Royal Canadian Mounted Police,
(iii) any commissioned officer of the Royal Canadian Navy, or
(iv) any other person authorized by the Governor in Council
to enforce this Act.

3. The Convention is hereby approved and confirmed.

4. The Governor in Council may make regulations for carrying out
and giving effect to the provisions of the Convention and any
recommendations of the Commission, and without restricting the
generality of the foregoing, may make regulations

(a) for the conservation and protection of fish in the
Convention area;

(b) prohibiting, limiting or otherwise regulating

(i) the exploitation by citizens or residents of Canada
or by Canadian fishing vessels of any stocks of fish
in any part of the Convention area,
(ii) the loading, processing, transporting or possession
of any stocks of fish in or from any part of the
Convention area, and
(iii) the landing, importation, sale or other disposal of
fish caught in any part of the Convention area;

(c) respecting the operation of fishing vessels and the use of
fishing gear in the Convention area;

(d) providing for the issue, suspension and cancellation of
licences for the purposes of this Act, and prescribing their
terms, conditions and forms and fixing the fees for the issue
of licences;

(e) for the seizure, forfeiture and disposition of fishing
vessels including equipment or fishing gear, or fish, by
means of or in relation to which any of the provisions of the
Act or the regulations have been contravened;

(f) prescribing the powers and duties of persons engaged or
employed in the administration or enforcement of this Act
and providing for the carrying out of those duties and powers; and
(g) prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

5. When a fishing vessel of Canada or of the United States of America or of Japan, or belonging to or operated by a citizen, national or resident of any of those countries is found in waters in which that country has by or under the provisions of the Convention agreed to abstain from exploitation, a Protection Officer may in accordance with the provisions of the Convention board such vessel and inspect its equipment, books, documents and other articles, and question the persons on board.

6. (1) When a fishing vessel of Canada or the United States of America or Japan or person on board thereof is found engaging in operations in violation of the provisions of the Convention, or there is reasonable ground to believe that the vessel or person was so engaged immediately prior to the boarding of the vessel, a Protection Officer may in accordance with the provisions of the Convention arrest or seize such fishing vessel or person.

(2) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a citizen, national or resident of the United States of America or of Japan, or the person arrested as provided in subsection (1) is a citizen, national or resident of either of those countries, the Protection Officer shall immediately notify the Minister of such seizure or arrest and keep in custody the vessel or person pending delivery to the authorized officials of the country to which such person or vessel belongs in accordance with the provisions of the Convention and the directions of the Minister.

(3) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a Canadian citizen or a resident of Canada, or the person arrested as provided in subsection (1) is a Canadian citizen or resident of Canada, the vessel or person shall be dealt with in accordance with the regulations.

7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the Canada Shipping Act, 1934, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the
same manner and to the same extent as they apply to offences under the Canada Shipping Act, 1934.

8. This Act shall continue in force until a day fixed by proclamation of the Governor in Council following termination of the Convention in accordance with the provisions thereof, and no longer.

9. Upon the coming into force of the Revised Statutes of Canada, 1952, section 7 of this Act is repealed and the following substituted therefor:

"7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the Canada Shipping Act, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the Canada Shipping Act."

2. CANADA SHIPPING ACT. Sections 689 to 692 (Chap. 29, Revised Statutes of Canada, 1952)

Jurisdiction

689. (1) For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

(2) Where, in any legal proceeding under this Act, a question arises whether any ship or person is or is not within the provisions of this Act or of some Part, the ship or person shall be deemed to be within those provisions unless the contrary is proved. 1934, c. 44, s. 681.

690. (1) Where any district within which any court, justice of the peace, or other magistrate has jurisdiction either under this Act, or under any other Act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate has jurisdiction
over any vessel being on, or lying or passing off, that coast, or
being in or near that bay, channel, lake, river, or navigable
water, and over all persons on board that vessel or for the time
being belonging thereto, in the same manner as if the vessel or
persons were within the limits of the original jurisdiction of the
court, justice or magistrate.

(2) The jurisdiction under this section is in addition to and
not in derogation of any jurisdiction or power of a court under
the Criminal Code. 1934, c. 44, s. 682.

691. (1) Notwithstanding anything in the Criminal Code or any
other Act where any person, being a British subject domiciled in
Canada, is charged with having committed any offence on board
any Canadian ship on the high seas or in any port or harbour in
Her Majesty's dominions other than Canada or in any foreign port
or harbour or on board any British ship registered out of Canada or
any foreign ship to which he does not belong, or, not being such
a British subject, is charged with having committed any offence
on board any Canadian ship on the high seas, and that person is
found within Canada, any court that would have had cognizance
of the offence if it had been committed within the limits of its
ordinary jurisdiction has jurisdiction to try the offence as if it
had been so committed.

(2) Where any person, being a British subject domiciled in
Canada, is charged with having committed any offence on board
any Canadian ship on the high seas or in any port or harbour in
Her Majesty's dominions other than Canada or in any foreign port
or harbour or on board any British ship registered out of Canada or
any foreign ship to which he does not belong, or, not being such
a British subject, is charged with having committed any offence
on board any Canadian ship on the high seas and that person is
found within the jurisdiction of any court in any part of Her
Majesty's dominions other than Canada which court would have
had cognizance of the offence if it had been committed on board
a British ship registered in that part, that court has jurisdiction
to try the offence as if it had been so committed. 1934, c. 44,
s. 683; 1950, c. 26, s. 2.

692. All offences against property or person committed in or
at any place either ashore or afloat out of Her Majesty's
dominions by any master, seaman, or apprentice who at the time
when the offence is committed is, or within three months
previously has been, employed in any Canadian ship, shall be
deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within Canada. 1934, c. 44, s.684; 1950, c. 26, s.2.

3. NORTH PACIFIC FISHERIES CONVENTION REGULATIONS
   (P.C. 1954-825, Privy Council, Canada)

   These regulations may be cited as the North Pacific Fisheries Convention Regulations.

1. No person aboard a Canadian fishing vessel shall fish for, load, process, transport or have in his possession salmon in that area of the Bering Sea that lies east of the line starting from Cape Prince of Wales on the west coast of Alaska, thence running westward to 168° 56' 22.59" west longitude, thence due south to a point 65° 15' 00" north latitude, thence along the Great Circle Course which passes through 51° north latitude and 167° east longitude, to its intersection with meridian 175° west longitude, thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island.

2. Every person who violates section 1 is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

3.(1) Whenever a Protection Officer suspects on reasonable grounds that a violation of section 1 has been committed, he may anywhere except within the territorial waters of another country seize

   (a) any fishing vessels by means of or in relation to which he reasonably believes the violation was committed,

   (b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or

   (c) the fishing vessel and any of the goods mentioned in paragraph (b).
(2) A Protection Officer shall take delivery of any Canadian fishing vessel seized and delivered by a duly authorized official of the United States of America or of Japan pursuant to Article X of the Convention.

(3) Subject to this section, a fishing vessel or goods seized under sub-section (1) or delivered to a Protection Officer under subsection (2) shall be retained in the custody of the Protection Officer making the seizure or taking delivery or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under subsection (1) or delivered under subsection (2), the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of a violation of section 1, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any fishing vessel seized under subsection (1) or delivered under subsection (2) by means of or in relation to which the violation was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4), the proceeds thereof, or,

(c) the fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) or delivered under subsection (2) and the proceedings in respect of the violation have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure or who received delivery, order redelivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.
(7) Any fishing vessel or goods seized under subsection (1) or delivered under subsection (2) or the proceeds realized from a sale thereof under subsection (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the violation, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the violation are instituted.

(8) Where proceedings in respect of a violation of section 1 have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under subsection (1) or delivered under subsection (2) and proceedings in respect of the violation have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (4) may be applied in payment of the fine.
1. **NORTH PACIFIC FISHERIES ACT OF 1954**  
(68 Stat. 698 16 U.S.C. as amended July 24, 1957,  
(71 Stat. 310)

"Section 10. (a) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any such fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (a) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (a) of this section, or to land in a port of the United States any such fish or fish products.

(c) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(d) It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention."
(e) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties.

Section 11. (a) Any person violating subsection (a), (b), or (c) of section 10 of this Act shall upon conviction be fined not more than $10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (d) of section 10 of this Act shall upon conviction be fined not more than $10,000.

(c) Any person violating subsection (e) of section 10 of this Act shall upon conviction be fined not more than $10,000 and be imprisoned for not more than one year or both, and for such offense the court may order forfeited, in whole or in part the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

(d) Section 10 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U.S.C. 989) shall not apply to violations for which penalties are provided in this section.

Section 12. For the effective execution of this Act, sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U.S.C. 986, 988, 989, 990) shall be deemed to be incorporated herein in haec verba provided that regulations authorized by section 7(a) of the Northwest Atlantic Fisheries Act shall be adopted by the Secretary of the Interior on consultation with the United States Section and shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes: And provided further, That no such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha)."
NORTHWEST ATLANTIC FISH

2. NORTHWEST ATLANTIC FISHERIES ACT OF 1950

(64 Stat. 1067; 16 U.S.C. 986, 988, 989, 990)

"Section 7. (a) The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service, all of the provisions of the convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the convention and this Act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the Government of any party to the convention.

(b) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the United States Coast Guard, in cooperation with the Fish and Wildlife Service.

Section 9. (a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 10 of this Act, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act.

Section 10. Any person violating any provision of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or
in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

Section 11. (a) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this Act, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the convention, this Act, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States Commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the convention or this Act or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of the Interior.
(b) Notwithstanding the provisions of 28 United States Code 2464, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court."