

BILL

No 68 of 1931.

An Act respecting Rights of Fishery.

(Assented to , 1931.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Alberta Fishery Act*."

2. This Act shall apply to all fishing and rights of fishing and all matters relating thereto which are within the legislative competence of the Province, and is subject to the exercise by the Parliament of Canada of its legislative jurisdiction as to seacoast and inland fisheries.

3. The Lieutenant Governor in Council may appoint a Director of Fisheries and such inspectors, fish wardens and other officers and servants as may from time to time be deemed expedient, and may prescribe their respective remuneration and duties.

4. The Lieutenant Governor in Council may from time to time make regulations—

- (a) prohibiting any person from taking fish by any means whatsoever from any lake, river, or stream to which the legislative jurisdiction of the Province extends, unless he is licensed pursuant to this Act so to do;
- (b) providing for the issuance of licenses permitting the holder thereof to take fish, which licenses may be limited either as to the method of taking, or the waters from which fish may be taken, and the fees payable for any such license;
- (c) providing for licenses permitting the holder thereof to carry on a commercial fishery in any waters specified in such license;
- (d) establishing close seasons during which it shall be unlawful to take any fish or any specified variety of fish in all or any specified waters;
- (e) providing that, in respect of any specified kind of fish, it shall be unlawful to take more fish than is prescribed as to number or weight, or both, in any specified waters and during any specified period of time;

- (f) prescribing the manner in which any kind or kinds of fishing shall be conducted and prohibiting any specified methods of fishing and the use of any specified apparatus, contrivance or mode of fishing;
- (g) providing for the seizure and confiscation of any apparatus or contrivance for fishing which is used by any person in contravention of any regulation made under this Act or by any person whilst fishing in contravention of this Act,
- (h) providing for the establishment of fish hatcheries and for their management and protection,
- (i) fixing the fees payable for any license according to the kind or class of license and to the place of residence and to the occupation and other circumstances of the licensee,
- (j) as to any other matter or thing relating or incidental to fisheries.

5.—(1) Any person who takes any fish or conducts any fishing operations in contravention of any regulation made pursuant to this Act shall be guilty of an offence.

(2) If such offence is in respect of any regulation respecting commercial fishing, such person shall be liable on summary conviction to a penalty of not more than five hundred dollars and costs for each such offence, and in the case of a continuing offence, to a further penalty of not more than fifty dollars a day for each day after the first day during which such offence continues.

(3) If such offence is in respect of any regulation other than a regulation respecting commercial fishing, such person shall be liable upon summary conviction thereof to a penalty of not more than fifty dollars and costs.

(4) The penalties provided by this section shall be in addition to any confiscation made pursuant to any regulation under this Act, of fishing apparatus and contrivances, and of fish illegally taken.

6. Every inspector, fish warden or other officer appointed pursuant to this Act may—

- (a) search, break open and search any house, vessel, or place where he has reason to believe that any fish taken in violation of any regulation made hereunder, or anything used in violation thereof, is concealed, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which he has reason to believe was so used,
- (b) arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence against this Act, or any regulation made pursuant thereto, or whom he finds committing or preparing to commit an offence against this Act or any such regulation.

7. In the discharge of his duties any fish warden or other person or persons accompanying him at his request may enter upon and pass through or over private property without being liable for trespass.

8. *The Fisheries Act*, being Chapter 72 of the Revised Statutes of Canada, which had force in the Province pursuant to *The Administration of Natural Resources (Temporary) Act*, shall, to the extent that it had force pursuant to the last mentioned Act, cease to have force in the Province.

9. This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council.

FIRST SESSION
SEVENTH LEGISLATURE
21 GEORGE V
1931

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An Act respecting Rights of Fishery

Received and read the

First time.....

Second time.... ..

Third time..

HON MR REID

SEDMONTON :
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