

1. Short Title—This Act may be cited as the Fisheries Amendment Act 1963, and shall be read together with and deemed part of the Fisheries Act 1908* (hereinafter referred to as the principal Act).

PART I

5

REGISTRATION OF FISHING BOATS, AND METHODS OF FISHING

2. Commencement of this Part—Except as provided in subsection (6) of section 12 of this Act, this Part of this Act shall come into force on the first day of January, nineteen hundred and sixty-four. 10

3. Interpretation—(1) In this Part of this Act, unless the context otherwise requires,—

“Boat-fishing permit” means a permit issued under section 10 of this Act:

“Fish” includes oysters; but does not include whitebait; 15
and “fishing” has a corresponding meaning:

“Fishing method fee” means the fee payable pursuant to section 10 or section 11 of this Act in respect of each method by which fish are to be taken in any year:

“Fishing permit” or “permit” means a boat-fishing 20
permit or shore-fishing permit, as the case may require:

“Master”, in relation to any fishing boat, means any person for the time being having command or charge of the boat: 25

“Owner”, in relation to any fishing boat, includes any body of persons, whether incorporated or not, by which the boat is owned:

“Prescribed form” means a form provided for the purpose by the Secretary for Marine: 30

“Registered”, in relation to any boat, means registered as a fishing boat under the provisions of this Part of this Act; and “registration” has a corresponding meaning:

“Shore-fishing permit” means a permit issued under section 11 of this Act: 35

“Year” means a period of twelve months ending with the thirty-first day of December:

Subject to this subsection, expressions defined in section 2 of the principal Act have the meanings so defined. 40

*1957 Reprint, Vol. 5, p. 261

Amendments: 1959, No. 8; 1962, No. 68

(2) For the purposes of Part I of the principal Act, this Part of this Act shall be deemed to form part of Part I of the principal Act.

4. Application of this Part to small boats—(1) Except as
5 provided in subsection (2) of this section, every boat that is
carried by or attached to a fishing boat and is used or intended
to be used for the purposes of taking fish for the purposes of
sale, either separately or in conjunction with the fishing boat,
shall be deemed to be a separate fishing boat for the purposes
10 of this Part of this Act.

(2) Every small boat or tender that is carried by or
attached to a fishing boat shall be deemed for the purposes
of this Part of this Act to form part of that fishing boat if—

15 (a) The small boat or tender is used or is intended to be
used solely for purposes other than the taking of
fish; or

20 (b) In any case where the fishing boat is engaged in net
fishing (other than the taking of crayfish), the small
boat or tender is used or is intended to be used
solely for the purpose of transporting, setting,
clearing, and lifting nets that form part of the gear
of the fishing boat and the fishing boat is close at
hand when the small boat or tender is being so used,
25 except where, by reason of mechanical mishap, stress
of weather, or circumstances beyond the control of
the master, it is not practicable for the fishing boat
to remain close at hand.

5. Fishing boats to be registered—(1) It shall not be law-
ful for any boat to be used in fishing for the purposes of sale,
30 unless the boat is registered under this Part of this Act.

(2) If any boat is used in fishing in contravention of this
section, the owner and the master of the boat shall each be
deemed to have committed an offence.

35 (3) Where any person is convicted of an offence against
this section, then, whether or not the Court imposes any
penalty in respect of the offence, there shall be payable to
the Crown by the owner of the fishing boat an amount equal
to the amount of the prescribed registration fee payable in
respect of the registration of that boat under this Part of this
40 Act. That amount shall be assessed by the Court, and shall be
recoverable as if it were a fine.

45 (4) If any boat is used in fishing in contravention of this
section, then (without prejudice to any proceedings that may
be taken against any person in respect of an offence against
this section) any fishery officer may seize and detain the boat
and prevent her from being used in fishing pending the com-
pletion of proceedings in respect of the offence or until the
boat is registered as aforesaid, whichever first occurs.

6. Registration of fishing boats—(1) For the purposes of this Part of this Act and the principal Act, every fishing boat shall be registered in accordance with this section.

(2) On application in the prescribed form made in the prescribed manner accompanied by the prescribed fee by the owner of any fishing boat to the Superintendent at the port or place to which the boat belongs, or at the nearest port or place, the Superintendent shall, subject to the provisions of any regulations made pursuant to section 21 of this Act, enter in a register of fishing boats the name of the boat and such other particulars as may be prescribed, and shall issue to the owner a certificate of registry in the prescribed form. 5 10

(3) Every certificate of registry of a fishing boat shall specify the port or place to which the boat belongs. 15

(4) Every application for registration of a fishing boat shall be verified by the statutory declaration of the applicant or, where the applicant is an incorporated company, of the secretary, manager, or other principal officer of the company.

(5) No entry in the register of fishing boats shall confer, take away, or in any way affect any title to or interest in any fishing boat. 20

(6) Where any fishing boat has been registered under this Part of this Act, then, subject to the provisions of section 8 of this Act, the registration shall continue in force until it is cancelled in accordance with the provisions of subsection (2) of section 7 or section 9 of this Act. 25

(7) Every fishing boat for the time being registered under this Part of this Act shall be deemed to be a fishing boat for the purposes of the Shipping and Seamen Act 1952. 30

(8) Every fishing boat which at the commencement of this Part of this Act is registered under section 5 of the Fisheries Amendment Act 1945 shall be deemed to be registered as a fishing boat in accordance with this section until the first day of March, nineteen hundred and sixty-four, and, if before that date application has been made for registration of the boat under this section, until the application has been determined. 35

(9) Application for the registration of a fishing boat may be made under this section at any time after the passing of this Act, but shall not be dealt with before the commencement of this Act. 40

(10) Every person commits an offence who makes application for the registration of a fishing boat the registration of which is still in force. 45

7. **Ownership of fishing boats**—(1) Except with the prior consent in writing of the Minister, no fishing boat shall be registered under this Part of this Act, unless the Superintendent to whom the application for registration is made is
5 satisfied that—

- (a) Every owner thereof, being an individual, is a person who is ordinarily resident in New Zealand; or
- (b) In the case of a fishing boat any owner of which is an incorporated company, the company is registered
10 in New Zealand and is controlled by one or more persons who or all of whom are ordinarily resident in New Zealand.

(2) Unless the Minister otherwise directs by notice in writing to the Superintendent, the Superintendent at the port
15 where the boat is registered shall cancel the registration of any fishing boat under this Part of this Act, if—

- (a) Any owner thereof, being an individual, has ceased to be ordinarily resident in New Zealand; or
- (b) In the case of a fishing boat any owner of which is an incorporated company, the company has ceased
20 to be registered in New Zealand or has ceased to be controlled by one or more persons who or all of whom are ordinarily resident in New Zealand; or
- (c) The fishing boat or any share therein has been transferred to or become vested in one or more persons
25 who or any of whom are not ordinarily resident in New Zealand or a company that is not registered in New Zealand or is not controlled by one or more persons who or all of whom are ordinarily resident
30 in New Zealand.

(3) For the purposes of this section, a person shall be deemed to be ordinarily resident in New Zealand on any date,
if—

- (a) He has resided in New Zealand for not less than two
35 and a half years during the period of three years immediately preceding that date; and
- (b) In the opinion of the Superintendent, he is likely to continue to reside permanently in New Zealand.

(4) For the purposes of this section, a company shall be
40 deemed to be controlled by one or more persons if more than half of the voting power at meetings of the company may be exercised by that person or, as the case may be, by those persons together.

8. Suspension of registration on conviction of offences under Shipping and Seamen Act 1952—(1) Where the owner or master of any fishing boat for the time being registered under this Part of this Act is convicted of any offence in relation to that boat against any of the following sections of the Shipping and Seamen Act 1952 that apply for the time being to that fishing boat, namely—

- (a) Section 198 (proceeding to sea without certificate of survey) :
- (b) Section 205 (breach of rules for lifesaving appliances) :
- (c) Section 208 (proceeding to sea without properly adjusted compasses) :
- (d) Section 209 (breach of radio rules) :
- (e) Section 210 (breach of rules for direction finders) :
- (f) Section 211 (proceeding or attempting to proceed to sea carrying radio navigational aids not complying with rules) :
- (g) Section 243 (breach of safety rules for small craft),—the registration of the fishing boat under this Part of this Act shall be deemed to be suspended until a Surveyor of Ships has reported in writing to the Superintendent at the port at which the fishing boat is registered that an appropriate certificate of survey has been issued in respect of the fishing boat or, as the case may require, that the fishing boat carries the equipment necessary to comply with the provisions of the Shipping and Seamen Act 1952 that are applicable to that boat.

(2) While the registration of a fishing boat is deemed to be suspended pursuant to this section, the fishing boat shall for the purposes of this Part of this Act, except for the purposes of subsection (10) of section 6 of this Act, be deemed not to be registered.

9. Cancellation of registration of fishing boat—The registration of a fishing boat shall be deemed to be cancelled, where—

- (a) The Superintendent at the port at which she is registered receives notice in writing from the owner that he desires the registration thereof to be cancelled; or
- (b) Any owner thereof, being an individual, dies, or, being an incorporated company, is dissolved:

Provided that where any owner of a fishing boat has died the Superintendent at the port or place at which she is registered may from time to time extend the registration of the fishing boat for such period as he thinks fit; or

- (c) The boat is transferred to or becomes vested in some person other than the sole owner at the time of registration; or
- 5 (d) Any share in the boat is transferred to or becomes vested in any person who did not own a share therein at the time of registration; or
- (e) The registration is cancelled pursuant to subsection (2) of section 7 of this Act; or
- 10 (f) An application for a fishing permit in respect of the boat is not made by or on behalf of the owner before the first day of February in any year after the year in which she is first registered; or
- (g) The boat is lost or destroyed.

15 **10. Boat-fishing permits**—(1) On application in writing in the prescribed form made by or on behalf of the owner of a registered fishing boat to the Superintendent at the port or place at which the boat is registered and—

- 20 (a) Specifying the method or methods by which fish are intended to be taken from that boat during the year to which the application relates; and
- (b) Accompanied by the prescribed fishing method fee payable in respect of each method specified in the application,—

25 the Superintendent shall issue to the owner a boat-fishing permit in the prescribed form specifying the method or methods that may be used during that year for the taking of fish from that boat and the kind of fishing gear that may be carried on that boat during that year:

30 Provided that the Superintendent shall not issue a boat-fishing permit in respect of any fishing boat, unless he is satisfied that, having regard to the provisions of section 7 of this Act, the boat is qualified for registration as a fishing boat.

35 (2) Every application under this section for a boat-fishing permit shall be accompanied by a statement in the prescribed form as to the ownership of the fishing boat. That statement shall be verified by the statutory declaration of the applicant or, where the applicant is an incorporated company, of the secretary, manager, or other principal officer of the company.

40 **11. Shore-fishing permits**—(1) Subject to the provisions of subsection (2) of this section, on application in writing in the prescribed form made by any person to the Superintendent at the port or place at or nearest to which the applicant resides—

- (a) Specifying the method or methods by which the applicant intends to take fish for the purposes of sale (otherwise than from a boat) during the year to which the application relates; and
- (b) Accompanied by the prescribed fishing method fee payable in respect of each method specified in the application,—

the Superintendent shall issue to the applicant a shore-fishing permit in the prescribed form specifying the method or methods that may be used by the applicant during that year for the taking of fish for sale (otherwise than from a boat).

(2) Every application for a shore-fishing permit shall be verified by the statutory declaration of the applicant.

(3) No shore-fishing permit shall be issued to any person who is under fifteen years of age or who is not ordinarily resident in New Zealand, and every shore-fishing permit issued to any such person shall be void and of no effect.

(4) For the purposes of this section, a person shall be deemed to be ordinarily resident in New Zealand on any date, if—

- (a) He has resided in New Zealand for not less than two and a half years during the period of three years immediately preceding that date; and
- (b) In the opinion of the Superintendent, he is likely to continue to reside permanently in New Zealand.

12. Taking fish for sale without a permit prohibited—

(1) It shall not be lawful for any boat to be used in any year for the taking of fish by any method for the purposes of sale, unless there is in force a boat-fishing permit that authorises the taking of fish by that method from that boat in that year.

(2) If any boat is used in contravention of subsection (1) of this section, the owner and the master shall each be deemed to have committed an offence.

(3) Every person commits an offence who in any year takes fish for the purposes of sale (otherwise than from a boat) by any method, unless there is in force a shore-fishing permit that authorises him to take fish by that method during that year:

Provided that nothing in this subsection shall apply with respect to the taking of toheroa or oysters, but nothing in this proviso shall be deemed to authorise the taking of toheroa or oysters in breach of the provisions of Part I of the principal Act or of any regulations made under that Part.

(4) Where any person is convicted of an offence against this section, then, whether or not the Court imposes any penalty in respect of the offence, there shall be payable to the Crown by the owner of the fishing boat (in the case
5 of an offence against subsection (2) of this section) and by the defendant (in any other case) an amount equal to the amount of the prescribed fishing method fee payable in respect of the method used in the taking of the fish. That amount shall be assessed by the Court, and shall be recover-
10 able as if it were a fine.

(5) If any fishing boat is used in fishing in contravention of this section, then (without prejudice to any proceedings that may be taken against any person in respect of an offence against this section) any fishery officer may seize and detain
15 the fishing boat and prevent her from being used in fishing pending the completion of proceedings in respect of the offence or until a boat-fishing permit has been issued in respect of that fishing boat, whichever first occurs.

(6) This section shall come into force on the fifteenth day
20 of January, nineteen hundred and sixty-four.

13. Fishing permit to be carried—(1) The master of every fishing boat shall, at all times while the boat is in use, cause the boat-fishing permit for the time being in force in respect of the boat to be exhibited and maintained in some con-
25 spicuous place in the cabin or wheel house or engine room or some other enclosed part of the boat, and in such a position as to enable its being read by all persons on board:

Provided that if in the case of any boat there is no cabin or wheel house or engine room or other suitable enclosed space
30 it shall be sufficient compliance with this subsection if the master of the boat keeps the permit in his possession at all times while the boat is in use.

(2) If the provisions of subsection (1) of this section are contravened or not complied with in the case of any fishing
35 boat, the owner and the master of the boat shall each be deemed to have committed an offence, and shall each be liable on summary conviction to a fine not exceeding twenty pounds:

Provided that in any proceedings under this subsection against the owner or the master of any fishing boat it shall
40 be a good defence for the defendant, being the owner, to prove that the contravention occurred without his knowledge

and that he had taken all reasonable steps to secure compliance with subsection (1) of this section, or for the defendant, being the master, to prove that he had taken all reasonable steps to secure compliance with that subsection.

(3) Every person who is the holder of a shore-fishing permit for the time being in force shall, at all times while he is fishing for the purposes of sale, keep the permit in his possession and produce it for inspection on the demand of any fishery officer. 5

(4) Every person commits an offence who fails to comply with the provisions of subsection (3) of this section, and is liable on summary conviction to a fine not exceeding twenty pounds. 10

14. General provisions as to permits—(1) Where after the issue of any fishing permit the holder of the permit applies to the Superintendent at the port or place at which the permit was issued for a permit authorising him to take fish by any method or methods not specified in the first-mentioned permit, he shall surrender that permit to the Superintendent, and the Superintendent shall cancel it and issue in its place a new permit authorising the taking of fish by the method or methods specified in the cancelled permit and also by the method or methods in respect of which the further application was made. 15 20

(2) Nothing in any fishing permit shall be deemed to authorise the taking of fish otherwise than in conformity with the provisions of Part I of the principal Act and of any regulations made under section 5 of that Act (as extended by section 21 of this Act). 25

(3) Nothing in any fishing permit shall entitle the holder to enter upon any land without the consent of the occupier of that land. 30

(4) Any fishing permit may be issued subject to any conditions prescribed by regulations made under section 5 of the principal Act (as extended by section 21 of this Act). 35

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(5) Without limiting the provisions of subsection (4) of this section, it shall be a condition of every boat-fishing permit that no fish taken from the boat in respect of which it is issued while carrying any passengers for hire or reward shall be sold. If any fish are sold in breach of this subsection by the master or any of the crew of the fishing boat or by any passenger, he commits an offence. 40

(6) Any fishing permit for the taking of shellfish may impose restrictions as to the places or waters from which shellfish may be taken and as to the number or quantity or size of shellfish that may be taken. 45

(7) Any such restrictions may at any time, by notice in writing to the holder of the permit, be varied, added to, or revoked by the Superintendent.

15. Only fishing gear specified in permit to be carried—

5 (1) It shall be unlawful for any registered fishing boat to carry any fishing gear of a kind not specified in the boat-fishing permit for the time being in force in respect of that boat.

10 (2) If any fishing gear is carried on any fishing boat in contravention of this section, the owner and the master of the boat shall each be deemed to have committed an offence:

15 Provided that in any proceedings under this subsection against the owner of any fishing boat it shall be a good defence for the defendant to prove that the contravention occurred without his knowledge and that he had taken all reasonable steps to ensure that the provisions of subsection (1) of this section were not contravened.

16. Fish not to be transferred to another boat—(1) It shall

20 be unlawful for any fish to be transferred from any registered fishing boat to another vessel (whether a fishing boat or not) at any place outside the port or place to which the fishing boat belongs, as specified in the certificate of registry of the fishing boat, except with the consent of a Superintendent or fishery officer (given under subsection (2) of this section), which may
25 be given by such means as he thinks fit (including radio) :

30 Provided that nothing in this subsection shall apply with respect to the transfer of any fish to a registered fishing boat from another registered fishing boat carried by and used in conjunction with the first-mentioned fishing boat for the purpose of taking the fish.

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35 (2) Any Superintendent or fishery officer may, by such means as he thinks fit (including radio), authorise the transfer of any fish from a registered fishing boat to another vessel at a place outside the port or place to which the fishing boat belongs, where, by reason of mechanical mishap, stress of weather, or other circumstances beyond the control of the master of the fishing boat, the Superintendent or fishery officer considers the transfer necessary for the purpose of
40 preserving the fish.

(3) If any fish are transferred from any fishing boat to another vessel in breach of the provisions of subsection (1) of this section, the master of the fishing boat and the master or person in charge of the other vessel shall each be deemed
45 to have committed an offence.

17. Restrictions as to landing of crayfish—(1) Every boat-fishing permit relating to the taking of crayfish shall specify the port or place at which any crayfish taken from the fishing boat in respect of which the permit is issued shall be landed.

(2) If any crayfish or any parts thereof are landed from any fishing boat at a port or place other than the port or place specified in the boat-fishing permit for the time being in force in respect of that boat, the master commits an offence: 5

Provided that any Superintendent or fishery officer may, by such means as he thinks fit (including radio), authorise the landing of any crayfish or any parts thereof from any fishing boat at a port or place other than the port or place specified in the boat-fishing permit for the time being in force in respect of that boat where, by reason of mechanical mishap, stress of weather, or circumstances beyond the control of the master, the Superintendent or fishery officer considers it necessary for the purpose of preserving the crayfish or parts thereof. 10 15

18. Persons under fifteen years of age not to engage in fishing for sale—(1) Without limiting the provisions of section 49 of the Shipping and Seamen Act 1952 (which relates to the employment of young persons on ships), no person shall employ for reward any other person under fifteen years of age (*shall engage*) in fishing for the purposes of sale. 20 25

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(2) If any person engages in fishing in contravention of this section, he commits an offence, and, if he so engages in fishing from any registered fishing boat, the owner and the master of the boat each commits an offence.

19. Penalty for offences—Every person who commits an offence against this Part of this Act for which no penalty is provided elsewhere than in this section is liable on summary conviction to a fine not exceeding fifty pounds. 30

20. Powers of fishery officers—(1) Without limiting the powers conferred on fishery officers by Part I of the principal Act or by any regulations under section 5 of that Act (as extended by section 21 of this Act), every fishery officer may— 35

(a) Require the master or person in charge of any boat engaged in fishing, or which he suspects to be so engaged, or on board which are any fish taken for the purposes of sale or which he suspects have been taken for sale, to produce the boat-fishing permit (if any) issued in respect of that boat, and may take a copy thereof or of any part thereof: 40

(b) Require the master or person in charge of any such boat to give any explanation concerning any such permit and concerning any fish on board any such boat:

5 (c) Where he—

(i) Finds any boat being used in fishing in contravention of section 5 or section 12 of this Act; or

(ii) Suspects that any boat is being so used; or

10 (iii) Suspects that any fish on board any boat has been taken in contravention of any provisions of this Part of this Act,—

require the master or person in charge forthwith to discontinue fishing and to take the boat back to the port or place to which she belongs:

15 (d) Require any person whom he finds fishing (otherwise than from a boat) for the purposes of sale, or whom he suspects to be so fishing, or whom he finds in possession of fish which he suspects have been taken by that person (otherwise than from a boat) for the purposes of sale, to produce the shore-fishing permit (if any) issued to that person and to give any explanation concerning any such permit and concerning any fish in his possession, and may take a copy of any such permit or of any part thereof.

20 (2) If any person fails to comply with any requirement of a fishery officer under subsection (1) of this section, he commits an offence:

30 Provided that no person shall be deemed to have committed an offence against this subsection, in so far as it relates to failure to comply with a requirement of a fishery officer under subparagraph (ii) or subparagraph (iii) of paragraph (c) of subsection (1) of this section, unless the Court is satisfied that the fishery officer had reasonable cause to suspect that the boat was being used in contravention of section 5 or section 12 of this Act or, as the case may be, that the fish on board had been taken in contravention of any provision of this Part of this Act.

35 (3) The production by any fishery officer of his instrument of appointment, or of a copy of the *Gazette* notifying that appointment, shall be sufficient evidence of that appointment for the purposes of this Part of this Act.

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21. Regulations—(1) Without limiting the power to make regulations conferred by section 5 of the principal Act, regulations may be made under that section for all or any of the following purposes:

- (a) Prescribing the procedure for the registration of fishing boats and for the issue of fishing permits: 5
 - (b) Prescribing ports of registry for the registration of fishing boats, and regulating the transfer of registration from one port to another:
 - (c) Prescribing the identification marks to be carried by registered fishing boats and by small boats or tenders carried on or attached to or used in conjunction with registered fishing boats: 10
 - (d) Prescribing fees payable in respect of the registration of fishing boats under this Part of this Act: 15
 - (e) Prescribing the fishing method fees payable under this Part of this Act:
 - (f) Prescribing the method of ascertaining the measurement of fishing boats for the purposes of assessing such registration fees and fishing method fees: 20
 - (g) Providing for the issue of duplicates of certificates of registration and fishing permits, and prescribing conditions subject to which duplicates may be issued and fees payable in respect thereof:
 - (h) Regulating the kinds of fishing gear that may be carried on registered fishing boats: 25
 - (i) Prescribing conditions subject to which fishing permits may be issued:
 - (j) Providing for the inspection of registered fishing boats and any fishing gear carried thereon and any fish therein: 30
 - (k) Requiring returns to be made of the fish taken by fishing boats and by persons holding shore-fishing permits:
 - (l) Providing generally for such matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for the due administration thereof. 35
- (2) Regulations made pursuant to this section may prescribe different fees in respect of fishing boats of different measurements, and may prescribe different fees in respect of different methods of taking fish. 40

22. Repeals and amendments—(1) The following enactments are hereby repealed:

- 5 (a) Paragraphs (e) and (ee) of subsection (1) of section 5 of the principal Act (as enacted by section 19 of the Fisheries Amendment Act 1945):
- (b) Paragraph (b) of subsection (1) of section 9 of the principal Act:
- (c) The Fisheries Amendment Act 1945:
- (d) Section 8 of the Fisheries Amendment Act 1959.
- 10 (2) The principal Act is hereby further amended—
 - (a) By omitting from paragraph (c) of subsection (1) of section 9 the words “and the said licence”:
 - (b) By inserting in section 62, after the word “permission” wherever it occurs, the words “or fishing permit”.

15

PART II

MISCELLANEOUS AMENDMENTS

23. Fisheries research—The principal Act is hereby further amended by inserting, after section 3, the following section:

- 20 “3A. (1) The Minister may from time to time promote or carry out fisheries researches and investigations.
- “(2) For the purposes of this section, the term ‘fish’ includes oysters.”

24. Powers of fishery officers—(1) Section 56 of the principal Act is hereby amended by omitting from subsection (1) the words “between sunrise and sunset”.

(2) Section 56 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

- 30 “(1A) In addition to the powers conferred on him by subsection (1) of this section, any fishery officer or any constable may stop any conveyance of any kind or any riding or pack animal, or stop in transit any parcel, package, case, bag, or luggage in possession of the owner or of any other person, including any carrier or forwarding agent (whether by land, sea, or air), if he has reason to believe or suspect that any breach of the provisions of this Part of this Act has been committed by the owner or person in possession thereof, and in the presence of that owner or other person, or of any carrier or forwarding agent as aforesaid, or of any employee of any of
- 35 them, search any such conveyance or riding or pack animal or open and search any such parcel, package, case, bag, or luggage.”
- 40

(3) Section 56 of the principal Act is hereby further amended by inserting in subsection (2), after the words “preceding section”, the words “or, being the driver of any conveyance or the rider or person in charge of any riding or pack animal, fails to stop that conveyance or animal on the demand of any fishery officer or any constable”.

25. Repealing provisions as to certiorari—Section 70 of the principal Act is hereby repealed.

26. Proof of boundary marks—Section 83 of the principal Act (as substituted by subsection (1) of section 11 of the Fisheries Amendment Act 1948) is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) Where in any regulations made under this section a boundary is fixed by reference to the site of any post or landmark, proof that the approximate site set out in the regulations was at the coming into force of the regulations or at any time thereafter marked by a post or landmark, as the case may be, of the kind set out in the regulations shall be sufficient evidence for the purpose of any proceedings for a breach of those regulations that at all relevant times the boundary was so marked in accordance with the regulations.”

27. Close season for trout and salmon fishing—(1) The principal Act is hereby further amended by repealing section 93 (as substituted by subsection (1) of section 5 of the Fisheries Amendment Act 1953), and substituting the following section:

“93. (1) The close season for trout and salmon throughout New Zealand shall begin on the first day of May in each year and extend to the following thirtieth day of September, both days inclusive.

“(2) Notwithstanding anything in subsection (1) of this section,—

“(a) In the case of any acclimatisation district for which there is a registered acclimatisation society, the Minister may, by notice in the *Gazette*,—

“(i) Extend the duration of the close season or shorten the duration of the open season for the taking of any specified species of fish in that district or in any specified waters in that district:

- 5 “(ii) On the written application of the acclima-
tisation society, fix other dates for the commence-
ment and termination of the close season or extend
the duration of the open season or shorten the
duration of the close season or dispense with a
close season in that district or in any specified
waters in that district or with respect to the taking
of any specified species of fish in that district or in
any specified waters in that district:
- 10 “(b) In the case of any acclimatisation district for which
there is for the time being no registered acclima-
tisation society, the Governor-General may from
time to time, by Order in Council, fix other dates
for the commencement and termination of the
15 close season or fix a close season of less than five
months’ duration or dispense with a close season
in that district or in any specified waters in that
district or with respect to the taking of any speci-
fied species of fish in that district or in any
20 specified waters in that district.”
- (2) The following enactments are hereby repealed:
- (a) Subparagraph (i) of paragraph (d) of subsection (2)
of section 83 of the principal Act (as substituted by
subsection (1) of section 11 of the Fisheries Amend-
25 ment Act 1948):
- (b) Section 5 of the Fisheries Amendment Act 1953.