

751

New Zealand.

ANNO TRICESIMO

V I C T O R I Æ R E G I N Æ.

No. —.

ANALYSIS.

Title.	
Preamble.	without a license.
1. Short Title.	8. Licenses to be granted. Second Schedule.
2. Permission to form and occupy artificial oyster beds. First Schedule.	9. Oyster brood and small oysters to be returned to place from whence taken.
3. Rights of the occupier.	10. Except in certain cases.
4. Penalty for interfering with beds.	11. Half of penalties to informer.
5. Oysters not to be caught or offered for sale during certain periods.	12. Proceedings to bar other proceedings.
6. Power during closed season to replenish artificial oyster beds.	13. Offenders may be apprehended without warrant.
7. Catching or dredging for oysters in natural beds	14. On second conviction license to be forfeited.
	15. Act to apply only to Provinces and not to apply to persons of the Maori race.
	16. Penalties how to be recovered.

A BILL INTITLED

AN ACT to provide for the protection of Title.
Oyster Fisheries.

BE IT ENACTED by the General Assembly of New Zealand in Preamble.
Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be “The Oyster Fisheries Act” Short Title.
1866.”

II. Where no natural oyster beds at present exist it shall be lawful Permission to form and occupy artificial oyster beds.
for any person to form or plant any artificial oyster bed on the shore
adjacent to any Crown lands bordering on the sea or any estuary and
also for the occupier of any lands bordering on the sea or any estuary
or for any other person with the consent of such occupier to form or
plant any artificial oyster bed on the shore adjacent to such last-
mentioned lands Provided that in every such case as aforesaid every
such person shall first obtain from the Commissioner of Crown Lands
of the Province within which such shore is a permission in writing and
every such permission shall set forth the boundaries and limits within
which such oyster beds may be formed and every such permission shall
be in the form contained in the first Schedule to this Act or to the First Schedule.
like effect.

III. The person forming or planting any such artificial oyster bed Rights of the occupier.
his executors administrators and assigns (paying to the Receiver of
Land Revenue of the Province towards the land revenues of the
Province within which such bed is such yearly sum for the same as
the said Commissioner shall in and by the said permission require)
shall hold the same for such period not exceeding fourteen years as
the said Commissioner may think fit as tenant thereof but the forming
and planting of such artificial oyster beds as aforesaid shall not give
any exclusive right or title to the occupation of the said shore or sea
ground except for the purpose aforesaid or prevent the full and free

Oyster Fisheries.

exercise and enjoyment of any right whatsoever in or along the said shore or sea ground subject to the provisions of this Act.

Penalty for interfering with beds.

IV. If any person shall interfere with or remove oysters from any artificial oyster bed without the consent of the occupier of such bed every such person shall forfeit and pay a penalty of not less than twenty shillings nor more than fifty pounds and shall also in addition to such penalty forfeit and pay to the party aggrieved such sum of money not exceeding fifty pounds as shall appear to the Justices before whom such person shall be convicted to be a reasonable compensation for the damage and injury done.

Oysters not to be caught or offered for sale during certain periods.

V. If any person shall during the months of January February March and December in any year by any means whatsoever take or catch any oysters or oyster brood or shall during such months dredge for oysters or oyster brood or use any oyster dredge or any net instrument or engine whatsoever for the purpose of taking or catching oysters or oyster brood although no oysters or oyster brood shall be actually taken or shall during such months with any net instrument or engine drag upon the ground or soil of any natural or artificial oyster bed or shall during such months sell or offer for sale or knowingly have in his possession any oysters or oyster brood every such person shall forfeit and pay a penalty not exceeding twenty pounds.

Power during closed season to replenish artificial oyster beds.

VI. Notwithstanding the provisions hereinbefore contained it shall be lawful for any person having such permission as aforesaid and being licensed for such purpose as hereinafter provided to fish for oysters in natural oyster beds and for any person claiming under him or authorized in writing by any such person to dredge for and take oysters and oyster brood from any natural bed lying below the level of the lowest water of spring tides for the purpose of supplying and replenishing any such artificial oyster bed as aforesaid and for no other purpose whatsoever during any of the said months if notice in writing of the intention so to dredge for and take oysters and oyster brood and of the beds from and to which the same are intended to be removed shall have been given to the said Commissioner and published in some newspaper circulating in the neighbourhood of the said beds respectively if any there be and if not then in such newspaper as the Commissioner shall direct fourteen days before dredging for or taking such oysters and oyster brood.

Catching or dredging for oysters in natural beds without a license.

VII. If any person shall by any means whatsoever take or catch any oysters in or from any natural oyster bed or shall dredge for oysters or use any oyster dredge or any net instrument or engine whatsoever in or upon any natural oyster bed for the purpose of taking or catching oysters although no oysters shall be actually taken or shall with any net instrument or engine drag upon the ground or soil of any natural oyster bed without having a license under this Act every such person shall forfeit and pay a penalty not exceeding five pounds.

Licenses to be granted.

VIII. It shall be lawful for the Collector or Sub-collector of Customs at any port upon application in that behalf made to him by any person and upon payment of the fee of two shillings and sixpence to grant to such person a license to dredge for take and catch oysters within such limits and boundaries as shall be set forth in the said license and every such license shall be in the form contained in the second Schedule to this Act and shall continue in force during the time therein mentioned and no longer but no such license shall confer a right of entry upon the lands of any person without or against his consent.

Second Schedule.

Oyster brood and small oysters to be returned to place

IX. If any person whilst lawfully taking catching or dredging for oysters on or from any natural oyster bed shall happen to raise take or

Oyster Fisheries.

catch any oyster brood spat cultch or small oyster less than a crown piece in circumference and shall not within six hours thereafter return such brood spat cultch or small oyster as aforesaid to such natural oyster bed every such person shall forfeit and pay a penalty not exceeding ten pounds. from whence taken.

X. The provision lastly hereinbefore contained shall not apply to any person raising taking or catching such oyster brood spat cultch or small oysters as aforesaid for the purpose only of supplying or replenishing any such artificial oyster bed as hereinbefore mentioned. Except in certain cases.

XI. One half part of every sum which shall be imposed as a penalty under this Act shall be paid to the person on whose information the conviction shall have been obtained unless compensation shall have been awarded to such person under this Act in which case no further sum shall be paid to him than the amount of such compensation. Half of penalties to informers.

XII. Every conviction or order under this Act shall be a full and effectual release from all further or other proceedings whether civil or criminal for the same cause and shall and may be pleaded in bar of such proceedings. Proceedings to bar other proceedings.

XIII. For the more effectual enforcement of the provisions of this part of this Act any person found actually offending against or infringing the same may be immediately apprehended without any other warrant than this Act by the party aggrieved or by any person in his service or by any officer of the Customs or Police and dealt with according to law. Offenders may be apprehended without warrant.

XIV. If any person shall be convicted of a second or subsequent offence against the provisions of this Act such person shall forfeit any license or permission he may have obtained under the authority of the said Act and shall be incapable of holding any such license or permission for the period of three years. On second conviction license to be forfeited.

XV. The provisions of this Act shall apply only to such parts of the Colony as at the time of the passing of this Act are or shall hereafter be included within any Province and to the shores and coasts of such parts of the Colony as are or shall be so included and the provisions contained in this Act shall not apply to any persons of the Maori or Aboriginal Native Race. Act to apply only to Provinces and not to apply to persons of the Maori race.

XVI. All penalties in this Act imposed shall be recovered in a summary way before two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act 1866" so far as it relates to summary convictions. Penalties how to be recovered.

SCHEDULES.

FIRST SCHEDULE.

THESE are to permit [A. B. and C. D.] to form and plant an artificial oyster bed on the shore or sea ground adjacent to and commencing at and continuing thence in a [*northerly*] direction to and extending between the limits aforesaid to a distance of from high water mark [*or such other description as may be necessary*] and in consideration of the payment by them their executors administrators or assigns of the annual rent of to the Receiver of Land Revenue for the Province of on the first day of January in every year in advance (the first payment being made on the first day of January next) they their executors administrators or assigns may hold the said oyster bed for the term of commencing from the first day of January next but only for the purpose aforesaid.

Dated at the day of
 } Commissioner of Crown Lands
 for Province of

Oyster Fisheries.

SECOND SCHEDULE.

WHEREAS [*insert the name residence and calling of licensee*] has applied to me to grant him a license to fish for oysters and has paid into my hands the sum of two shillings and sixpence for the same Now therefore I do hereby license the said to fish for oysters in the natural oyster beds situate within [*here state the limits*] during this present year at all lawful times and for all lawful purposes.

Dated in the port of

this

day of

A. B., Collector of Customs.