

Serial Number 1951/23

**THE ANIMALS PROTECTION AND GAME REGULATIONS 1939,
AMENDMENT NO. 6**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 20th day of
February, 1951

Present :

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to the Animals Protection and Game Act, 1921-22, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Animals Protection and Game Regulations 1939, Amendment No. 6, and shall be read together with and deemed part of the Animals Protection and Game Regulations 1939* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. (1) Regulation 3 of the principal regulations is hereby amended by revoking the definitions of the expressions "registered acclimatization society" and "Under-Secretary", and substituting the following definitions:—

"Registered acclimatization society" includes, in respect of an acclimatization district under the control of the Department of Internal Affairs, the Department of Internal Affairs; and references to the secretary of a duly registered acclimatization society shall be deemed to include the Secretary for Internal Affairs or any person appointed by him for any specified purpose under these regulations:

"Secretary" means the Secretary for Internal Affairs."

(2) All references to the Under-Secretary in the principal regulations shall hereafter be read as references to the Secretary.

*Statutory Regulations 1939, Serial number 1939/23, page 110.

Amendment No. 1: [*Revoked by Serial number 1945/15.*]

Amendment No. 2: Statutory Regulations 1945, Serial number 1945/15, page 37.

Amendment No. 3: Statutory Regulations 1946, Serial number 1946/76, page 159.

Amendment No. 4: Statutory Regulations 1949, Serial number 1949/29, page 132.

Amendment No. 5: Statutory Regulations 1950, Serial number 1950/61, page 210.

3. Regulation 5 of the principal regulations is hereby revoked, and the following regulation substituted :—

“ ISSUE OF LICENCES

“ 5. (1) Subject to the provisions of subsection (3) of section 14 of the Act, no person shall take or kill any imported game or native game during an open season in any district unless he is the holder of a licence under the Act.

“ (2) Licences shall be issued by the person or persons whom the Minister in notifying an open season for imported game or native game, or both, authorizes to issue licences, and shall have effect according to the tenor thereof.

“ (3) Licences may be issued authorizing the holder thereof to take or kill both imported game and native game, and shall be generally in the form No. 1 in the Schedule hereto.

“ (4) Licences may be issued authorizing the holder thereof to take or kill native game only, and shall be generally in the form No. 3 in the Schedule hereto.

“ (5) The fee payable for a licence to take or kill both imported game and native game in an acclimatization district in the South Island shall be thirty shillings (30s.) and for native game only fifteen shillings (15s.).

“ (6) Notwithstanding the provisions of clause (5) of this regulation, the fee for a licence to take or kill both imported game and native game issued in any acclimatization district in the South Island to a person receiving an age benefit or a miner's benefit under the Social Security Act, 1938, shall be one pound (£1) and for a licence to take or kill native game only issued to such a person shall be ten shillings (10s.).

“ (7) The fee payable for a licence to take or kill both imported game and native game in the Auckland Acclimatization District shall be two pounds ten shillings (£2 10s.).

“ (8) The fee payable for a licence to take or kill both imported game and native game in the Bay of Islands, Hawera, Hobson, Mangonui-Whangaroa, Rotorua, Stratford, Taranaki, Wanganui, and Whangarei Acclimatization Districts shall be two pounds (£2).

“ (9) The fee payable for a licence to take or kill both imported game and native game in an acclimatization district in the North Island other than the districts referred to in clauses (7) and (8) of this regulation shall be thirty shillings (30s.).

“ (10) Notwithstanding the provisions of clauses (7), (8), and (9) of this regulation, the fee for a licence to take or kill both imported game and native game issued in any acclimatization district in the North Island to a person receiving an age benefit or a miner's benefit under the Social Security Act, 1938, shall be one pound (£1).”

4. Regulation 6 of the principal regulations is hereby amended by revoking clause (1), and substituting the following clause :—

“ (1) In addition to the prohibitions contained in sections 12 and 13 of the Act, no person shall kill or destroy any imported game or native game, or shoot at or attempt to shoot at any such imported game or native game, with any automatic, auto-loading, or repeating gun capable of holding more than two shells, the magazine of which has not been cut off or plugged with a one piece metal or wooden filler

incapable of being removed without disassembling the gun, or with any rifle, pea rifle, or punt gun, nor shall any person use any cartridge of a length exceeding $2\frac{3}{4}$ in. for the purposes above described.”

5. Regulation 7 of the principal regulations, as substituted by regulation 8 of the Animals Protection and Game Regulations 1939, Amendment No. 4, and amended by regulation 4 of the Animals Protection and Game Regulations 1939, Amendment No. 5, is hereby revoked, and the following regulation substituted:—

“ 7. (1) Except as hereinafter provided, all fees paid for licences issued by an officer of a registered acclimatization society shall be paid to and belong to that society.

“ (2) In respect of each licence issued by an officer of a registered acclimatization society in the North Island (other than the Department of Internal Affairs in respect of an acclimatization district under its control) at a fee of thirty shillings (30s.) or more, there shall be paid by that society to the organization at present known as the Council of North Island Acclimatization Societies the sum of five shillings (5s.), to be devoted by that Council, with the prior approval of the Minister, to the payment—

“ (a) Either directly or through the agency of a registered acclimatization society or its officers, to persons in the North Island, other than officers or paid rangers of a registered acclimatization society, of bounties for the destruction of such birds or animals as may, from time to time, on the recommendation of the Council, be declared by the Minister to be harmful predators of valuable forms of birdlife;

“ (b) Of the costs of and incidental to the encouragement by way of newspaper advertising, or by any other means, of the destruction of the birds or animals referred to in paragraph (a) of this clause;

“ (c) Of prizes or rewards in respect of competitions directed to such destruction as aforesaid;

“ (d) Of administrative expenses in connection with the fund hereby established;

“ (e) Of the cost of research in regard to valuable forms of birdlife and their predators;

“ (f) Of the cost of staff training; and

“ (g) Of the cost of such other measures of game conservation and management as may be recommended by the Council and approved by the Minister.

“ (3) In respect to each licence issued at a fee of two pounds (£2) to take or kill both imported game and native game in an acclimatization district in the North Island under the control of the Department of Internal Affairs, there shall be paid to the Council of the North Island Acclimatization Societies the sum of five shillings (5s.) to be expended in the manner provided in clause (2) of this regulation, and the balance shall be paid into the Consolidated Fund.

“ (4) In respect of each licence issued by an officer of a registered acclimatization society in the South Island (other than the Department of Internal Affairs in respect of an acclimatization district under its control) at a fee of thirty shillings (30s.), there shall be paid by that society to the organization at present known as the Council of the South Island Acclimatization Societies the sum of five shillings (5s.), and,

in respect of each licence issued by any such officer at a fee of fifteen shillings (15s.), there shall be paid by that society to that Council the sum of two shillings and sixpence (2s. 6d.), those sums to be devoted by that Council, with the prior approval of the Minister, to the payment—

“(a) Either directly or through the agency of a registered acclimatization society or its officers, to persons in the South Island, other than officers or paid rangers of a registered acclimatization society, of bounties for the destruction of such birds or animals as may, from time to time, on the recommendation of that Council, be declared by the Minister to be harmful predators of valuable forms of birdlife ;

“(b) Of the costs of and incidental to the encouragement by way of newspaper advertising or by any other means of the destruction of the birds or animals referred to in paragraph (a) of this clause ;

“(c) Of prizes or rewards in respect of competitions directed to such destruction as aforesaid ;

“(d) Of administrative expenses in connection with the fund established by this clause ;

“(e) Of the cost of research in regard to valuable forms of birdlife and their predators ;

“(f) Of the cost of staff training ; and

“(g) Of the cost of such other measures of game conservation and management as may be recommended by that Council and approved by the Minister.

“(5) In respect of each licence issued at a fee of thirty shillings (30s.) to take or kill both imported game and native game in an acclimatization district in the South Island under the control of the Department of Internal Affairs, there shall be paid to the Council of the South Island Acclimatization Societies the sum of five shillings (5s.), and, in respect to each licence issued at a fee of fifteen shillings (15s.), there shall be paid to that Council the sum of two shillings and sixpence (2s. 6d.), those sums to be expended in the manner provided in clause (4) of this regulation, and the balance in each case shall be paid into the Consolidated Fund.

“(6) The Minister, in considering any application for his approval under clause (2) or clause (4) of this regulation, may either consent to the application absolutely or subject to such terms and conditions as he in his discretion thinks fit to impose, including conditions limiting or defining any sum which may be devoted to any purpose, or he may refuse to consent to the application.

“(7) Every fine recovered under the Act shall be paid into the Public Account and, except as provided in section 42 of the Act, shall be applied,—

“(a) In the first instance, in or towards defraying the costs of and incidental to the recovery of the fine ;

“(b) Where the offence was committed in an acclimatization district other than a district under the control of the Department of Internal Affairs, the balance shall be paid to the society for the district :

“(c) Where the offence was committed in a district under the control of the Department of Internal Affairs, the balance shall be retained in the Public Account and carried to the Consolidated Fund :

“ Provided that, if any question arises as to the amount required to defray the costs of and incidental to the recovery of any fine, the decision thereon of the Minister of Finance, given in an executive and not in a judicial capacity, shall be final.”

6. The following regulations are hereby revoked, namely :—

- (a) The Animals Protection and Game Regulations 1939, Amendment No. 2 :
- (b) Regulations 4, 6, and 8 of the Animals Protection and Game Regulations 1939, Amendment No. 4 :
- (c) The Animals Protection and Game Regulations 1939, Amendment No. 5.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

Clause 3 revokes regulation 5 of the principal regulations (which relates to the issue of licences to take or kill imported or native game) and re-enacts it in an amended form. The amendments relate to the licensee fees chargeable by certain North Island Acclimatization Societies. In the Auckland Acclimatization District the fee in respect of a licence to take both imported and native game is to be £2 10s., in the Bay of Islands, Hawera, Hobson, Mangonui-Whangaroa, Rotorua, Stratford, Taranaki, Wanganui, and Whangarei Acclimatization Districts the fee is to be £2, and in the remaining districts of the North Island the fee is to be 30s. The fees in the South Island remain the same.

Clause 4 re-enacts in an amended form the provisions of regulation 6 (1) of the principal regulations (which restricts the use of certain automatic shotguns). The purpose of the clause is to extend the existing restrictions to a repeating shotgun.

Clause 5 re-enacts in an amended form the provisions of regulation 7 of the principal regulations (which relates to the purposes for which licence fees may be used). The clause widens the purposes for which the proportions of the fees paid to the Council of North Island Acclimatization Societies and the Council of the South Island Acclimatization Societies may be used. A new provision appears requiring each Council to obtain the prior approval of the Minister to the purposes for which the proportions of fees may be expended.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of February, 1951.

These regulations are administered in the Department of Internal Affairs.