

Serial Number 1951/2

THE COOK ISLANDS COMMERCIAL FISHING REGULATIONS 1951

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 17th day of
January, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Cook Islands Act, 1915, 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 Cook Islands Commercial Fishing Regulations 1951.

(2) These regulations shall come into force on the 1st day of April, 1951.

2. In these regulations, unless the context otherwise requires,—

“Boat” includes every vessel used in navigation of whatsoever size and however propelled :

“Commercial fishing” means taking fish for the purposes of sale otherwise than for domestic consumption in any island of the Cook Islands :

“Domestic fishing” means taking fish for the purposes of sale for domestic consumption in any island of the Cook Islands :

“Fish” includes every description both of fish and of shell fish found in the territorial waters of the Cook Islands, and their young or fry or spawn :

“Resident Commissioner” means the Resident Commissioner of Rarotonga or the Resident Commissioner of Niue, as the case may require :

“Sale” includes barter, and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale :

“Take” includes taking, catching, killing, or pursuing by any means or device ; and includes also attempting to take ; and “taking” has a corresponding meaning.

3. Except as provided in regulation 4 hereof, nothing in these regulations shall apply to a Native as defined in section 2 of the Cook Islands Act, 1915.

4. No person (whether a Native or not) shall use any boat for commercial fishing within the territorial waters of the Cook Islands.

5. Except as provided in regulation 6 hereof, no person shall use any boat within a lagoon in any island of the Cook Islands for the purpose of taking fish for use as lures or bait.

6. (1) The Resident Commissioner may by writing under his hand authorize any person to engage in domestic fishing in the territorial waters of the Cook Islands.

(2) The Resident Commissioner may by writing under his hand authorize any person to use a boat for the purpose of taking fish for use as lures or bait from any lagoon in any island of the Cook Islands.

(3) The authority of the Resident Commissioner may be granted subject to any such conditions as he may think fit with respect to the size of the boat and the methods to be used in domestic fishing or in taking fish or fish for use as lures or bait and any other matters incidental thereto.

(4) No person shall engage in domestic fishing in the territorial waters of the Cook Islands or use a boat for the purpose of taking fish for use as lures or bait from a lagoon in any island of the Cook Islands except in pursuance of, and in accordance with the conditions of a written authority from, the Resident Commissioner.

7. Any person who commits a breach of these regulations is liable to a fine not exceeding £50.

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.*]

These regulations prohibit commercial fishing in any territorial waters of the Cook Islands, that is, fishing for the purposes of sale other than for domestic consumption in the Cook Islands. This prohibition extends to all persons, whether Natives or not. Any person (not being a Native) desiring to take fish for domestic consumption in the Cook Islands must first obtain the written authority of the Resident Commissioner. No person (not being a Native) may take fish for use as bait within any lagoon in the Cook Islands without the written authority of the Resident Commissioner.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 18th day of January, 1951.

These regulations are administered in the Department of Island Territories.