

1957/182



**THE COOK ISLANDS PEARL SHELL FISHERIES  
REGULATIONS 1950, AMENDMENT NO. 2**

H. E. BARROWCLOUGH, Administrator of the Government

**ORDER IN COUNCIL**

At the Government House at Wellington this 4th day of September 1957

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Cook Islands Act 1915, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

1. These regulations may be cited as the Cook Islands Pearl Shell Fisheries Regulations 1950, Amendment No. 2, and shall be read together with and deemed part of the Cook Islands Pearl Shell Fisheries Regulations 1950\* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by omitting the words "Regulations 9 and 10 hereof and the definition of the terms 'fishing reserve' and 'reserve' in regulation 3", and substituting the words "Regulations 3, 9, 10, 14A and 39".

3. (1) Regulation 3 of the principal regulations is hereby amended by inserting the following definitions in their appropriate alphabetical order:

“‘Diving machine’ includes an aqua lung and any other mechanical device designed to aid breathing under water:

“‘Pipi pearl’ means the pearl known in the Cook Islands as pipi pearl:

“‘To trim’, in relation to pearl shell, means to cut off or remove the outer margin or edge of brittle immature shell growth which does not consist of nacre or mother of pearl and which is of such frailty that it could be broken off by hand by an adult person, and ‘trimmed’ has a corresponding meaning.”

\*S.R. 1950/50

Amendment No. 1: S.R. 1952/54

(2) Regulation 3 of the principal regulations is hereby further amended by adding to the definition of the term "Resident Commissioner" the words "or, in relation to Niue, the Resident Commissioner of Niue".

4. (1) The principal regulations are hereby further amended by revoking regulations 8, 9, and 10, and substituting the following regulations:

"8. (1) No person shall take from a fishing reserve any pearl shell which when trimmed would have a diameter of less than 5 in. measured along its greatest axis.

"(2) Every person who takes any pearl shell which when trimmed would have a diameter of less than 5 in. so measured shall return the same to the water at the site from which it was taken.

"9. No person shall have in his possession or sell or purchase in or export from any part of the Cook Islands any pearl shell which is taken from a fishing reserve and has a diameter, when trimmed, of less than 5 in. measured along its greatest axis.

"10. Where any person in the Cook Islands has in his possession or sells, purchases, or exports any pearl shell having a diameter, when trimmed, of less than 5 in. measured along its greatest axis, that pearl shell shall, in the absence of proof to the contrary, be deemed to have been taken from a fishing reserve."

(2) Regulation 14A of the principal regulations (as inserted by regulation 2 of the Cook Islands Pearl Shell Fisheries Regulations 1950, Amendment No. 1) is hereby amended by revoking subclause (3), and substituting the following subclause:

"(3) Any such Inspector may confiscate any trimmed pearl shell having a diameter of less than 5 in. measured along its greatest axis or any pearl shell which when trimmed would have a diameter of less than 5 in. so measured."

5. The principal regulations are hereby further amended by revoking regulation 39, and substituting the following regulation:

"39. Any person who fails to comply with or acts in contravention of any of these regulations commits an offence, and shall be liable upon conviction to a fine not exceeding £50."

6. (1) The principal regulations are hereby further amended as follows:

(a) By omitting from regulation 16 and also from regulation 19 the words "the Resident Agent for that island", and substituting in each case the words "the Resident Commissioner":

(b) By omitting from regulation 18 and also from regulations 20, 26, 30, 33, 35, 37, and 38 the words "the Resident Agent", and substituting in each case the words "the Resident Commissioner".

(2) Regulation 3 of the principal regulations is hereby amended by revoking the definition of the term "Resident Agent".

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.*

The effect of regulation 2 is to apply to the Island of Niue regulation 3 of the principal regulations (interpretation) and also regulations 14A (appointment and powers of Inspectors) and 39 (penalty for offences).

Regulation 3 defines the terms "diving machine", "pipi pearl", and "to trim" for the purposes of the principal regulations. Those terms are used in the principal regulations but are not defined.

Regulation 4 re-enacts in an amended form regulations 8, 9, and 10 of the principal regulations relating to the taking of under-sized pearl shell. The principal changes are the inclusion of a provision making it an offence to have under-sized shell in possession and altering the method of measuring shell. The minimum size of shell which may be taken is 5 in. measured when trimmed.

Regulation 5 increases the maximum penalty for an offence under the regulations from £20 to £50.

The effect of regulation 6 is to substitute the Resident Commissioner of Rarotonga for the Resident Agent as the authority to issue licences under the principal regulations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 September 1957.

These regulations are administered in the Department of Island Territories.