

Serial Number 1939/112.



**THE FRESH-WATER FISHERIES REGULATIONS 1936,
AMENDMENT NO. 2.**

GALWAY, Governor-General.

By his Deputy,
MICHAEL MYERS.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of August, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Fisheries Act, 1908, 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. These regulations may be cited as the Fresh-water Fisheries Regulations 1936, Amendment No. 2.

2. These regulations shall be read together with and form part of the Fresh-water Fisheries Regulations 1936* (hereinafter called the principal regulations), and the amendment thereof.

3. These regulations shall come into force on the day following notification thereof in the *Gazette*.†

4. The Fresh-water Fisheries Regulations 1936, Amendment No. 1,‡ are revoked.

5. Regulation 21 of the principal regulations is amended by revoking the words " with one rod and line only ", and substituting the words " with rod and line only ".

6. Regulation 42 of the principal regulations is amended by adding thereto the following words: " or any unsportsmanlike method not involving the use of any device, or by any means other than rod and line together with a landing-net or gaff used to land fish taken with rod and line ".

7. Regulation 24 of the principal regulations is revoked, and the following substituted :—

" 24. Every license shall be subject to the said Act and to all general and local regulations made thereunder for the time being in force, and, notwithstanding the terms of any license, the holder thereof shall not be authorized to fish for any kind of fish in any place during the close season for that kind of fish in that place, and the rights declared in Regulations 12 to 15 hereof are subject to the provisions of any local regulations in force and applicable."

* Statutory Regulations 1936-7, Serial number 1936/36, page 119.

† See end note.

‡ Statutory Regulations 1936-7, Serial number 1937/190, page 713

8. Regulation 44 of the principal regulations is amended by prefixing thereto the following words: "Subject to any local regulations permitting the use of worm as a bait or lure".

9. Regulation 45 of the principal regulations is amended by adding thereto the following words: "Other than a preparation to ensure buoyancy of the lure in dry-fly fishing".

10. Regulation 48 of the principal regulations is revoked, and the following substituted:—

"48. No person shall fish for, take, or kill in any manner whatever, or have in his possession, any trout which does not exceed 9 in. in length from tip of nose to tip of tail:

"Provided, first, that any person unintentionally taking a trout which does not exceed 9 in. in length from tip of nose to tip of tail who immediately returns it alive with as little injury as possible into the waters from which it was taken shall in respect of that trout be deemed not to have committed an offence against this regulation.

"Provided, secondly, that nothing in this regulation shall affect the validity of any local regulation prohibiting the taking of trout exceeding a greater length than 9 in."

11. The proviso to Regulation 52 of the principal regulations is revoked, and the following substituted:—

"Provided that it shall be a defence to a person charged with a breach of this regulation if such person proves that the fishing, taking, or killing with which he is charged was lawfully done under a license issued pursuant to regulations made in that behalf or, as the case may be, that the salmon in his possession was salmon lawfully taken under a license issued as aforesaid."

12. Regulation 57 of the principal regulations is amended by revoking the words and figures "Part VII", and substituting the words and figures "Part VIII".

13. The principal regulations are amended by inserting therein, next following Regulation 57 thereof, the following additional regulation:—

"57A. Except with the express sanction in writing of the Minister of Marine, no person shall export any trout from the Dominion."

14. Regulation 77 of the principal regulations is amended by revoking the figures "74", and substituting the figures "71".

15. Regulation 79 of the principal regulations is revoked, and the following regulation substituted:—

"79. All fines imposed and recovered for breach of Part II of the said Act or these regulations, or any general or local regulations relating principally or substantially to fishing for acclimatized fish, shall be paid to the acclimatization society in the district of which such fines were received for the purpose of the distribution, rearing, cultivation, and protection of fish in the district of such society."

16. The First Schedule to the principal regulations is amended by revoking the words and figures "27th July, 1919", and substituting the words and figures "29th July, 1919".

C. A. JEFFERY,
Clerk of the Executive Council.