



Reprint under section 7 of the Regulations Act 1936 of the Freshwater Fisheries Regulations 1951 (S.R. 1951/15, reprinted 1964/196), as amended by the following enactments:

- Amendment No. 1, S.R. 1951/200
- Amendment No. 2, S.R. 1952/185
- Amendment No. 3, S.R. 1955/177
- Amendment No. 4, S.R. 1957/178
- Amendment No. 5, S.R. 1960/142
- Amendment No. 6, S.R. 1962/152
- Amendment No. 7, S.R. 1963/179
- Public Revenues Amendment Act 1963, s. 4 (4)
- Amendment No. 8, S.R. 1964/136
- Decimal Currency Act 1964, s. 7
- Amendment No. 9, S.R. 1965/170
- Amendment No. 10, S.R. 1966/208
- Amendment No. 11, S.R. 1970/101
- Ministry of Agriculture and Fisheries Amendment Act 1972, ss. 4 (1), 6 (2)
- Amendment No. 12, S.R. 1973/230 (*Revoked by Regulation 4 (2) of S.R. 1975/152*)
- Amendment No. 13, S.R. 1975/152

Modification notices and local or special regulations (for details, see the particular notice or regulation concerned):

(Ashburton 1975)	S.R. 1975/153
(Auckland 1975)	S.R. 1975/154
(Bay of Islands 1975)	S.R. 1975/155
(Hawera 1975)	S.R. 1975/156
(Hawke's Bay 1975)	S.R. 1975/157
(Hobson 1975)	S.R. 1975/155
(Mangonui-Whangaroa 1975)	S.R. 1975/155
(Marlborough 1975)	S.R. 1975/158
(Nelson 1975)	S.R. 1975/158
(North Canterbury 1975)	S.R. 1975/159
Amendment No. 1	S.R. 1975/208
(Otago 1975)	S.R. 1975/160
(Quinnat Salmon 1963)	S.R. 1963/143
Amendment No. 1	S.R. 1975/123
(Rotorua Trout Fishing 1959)	S.R. 1959/206
Amendment No. 1	S.R. 1960/138
Amendment No. 2	S.R. 1966/31
(Rotorua Trout Fishing 1971)	S.R. 1971/64
Amendment No. 1	S.R. 1971/265
Amendment No. 2	S.R. 1973/18
Amendment No. 3	S.R. 1973/216
Amendment No. 4	S.R. 1974/4
(South Canterbury 1975)	S.R. 1975/161
(Southern Lakes Fishing 1971)	S.R. 1971/65
Amendment No. 1	S.R. 1973/20
Amendment No. 2	S.R. 1974/5
(Southland 1975)	S.R. 1975/162
(Stratford 1975)	S.R. 1975/156
(Taranaki 1975)	S.R. 1975/156
(Taupo Trout Fishing 1971)	S.R. 1971/66
Amendment No. 1	S.R. 1973/21
Amendment No. 2	S.R. 1974/6

(Tauranga 1975)	S.R. 1975/163
(Tourist Fishing 1963)	S.R. 1963/175
(Trout Fishing - Westland 1938)	S.R. 1938/122
Amendment No. 1	S.R. 1943/77 (<i>Revoked</i> <i>by reg. 4 of 1946/113</i>)
Amendment No. 2	S.R. 1946/113 (<i>Revoked by</i> <i>reg. 4 (1) of 1964/136</i>)
(Waimarino 1975)	S.R. 1975/164
(Waitaki Valley 1975)	S.R. 1975/161
(Wanganui 1975)	S.R. 1975/165
(Wellington 1975)	S.R. 1975/166
(West Coast 1975)	S.R. 1975/167
(Westland 1975)	S.R. 1975/168
(Whangarei 1975)	S.R. 1975/155
(Whangaroa 1975)	S.R. 1975/155

NOTE: Except where otherwise indicated, all references to money in decimal currency in square brackets were substituted for references to money in the former currency by s. 7 of the Decimal Currency Act 1964.

THE FRESHWATER FISHERIES REGULATIONS 1951 (REPRINT)

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of
February 1951

Present:

THE HON. K. J. HOLYOAKE PRESIDING 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.

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REGULATIONS

PART I—PRELIMINARY

1. **Title and commencement**—(1) These regulations may be cited as the Freshwater Fisheries Regulations 1951.

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

2. **Interpretation**—(1) In these regulations, and in any local regulations made after the commencement of these regulations, unless the context otherwise requires,—

“The Act” means Part II of the Fisheries Act 1908:

“Acclimatised fish” means brown trout (*Salmo trutta*), rainbow or steelhead trout (*Salmo irideus* or *Salmo gairdnerii*), the American brook trout or char (*Salvelinus fontinalis*), the mackinaw trout or char (*Cristivomer namaycush*), the Atlantic salmon (*Salmo salar*), the quinnat or spring salmon (*Oncorhynchus tshawytscha*), the sockeye salmon (*Oncorhynchus nerka*), the perch (*Perca fluviatilis*) **¶**, the rudd (*Scardinius erythrophthalmus*) and the tench (*Tinca tinca*) **¶**; and includes the young, fry, ova, and spawn, and any part of any such fish; but does not include salmon preserved in cans and imported into New Zealand:

“Acclimatisation society”, “registered acclimatisation society”, or “society” means an acclimatisation society registered under **¶**the Wildlife Act 1953**¶**; but does not include the Department of Internal Affairs:

“Canning”, in relation to fish, includes the preservation of fish in sealed cans or jars; and “can” has a corresponding meaning:

- ["Close season" means, in respect of any part of any district, the portion of any year which is not included in the open season for that part:]
- "Commercial smokehouse" means any smokehouse in respect of which a fee is charged for the smoking of [acclimatised fish] or any smokehouse available with or without additional charge to the paying guests of any angling camp, angling lodge, or boardinghouse; and includes any fish preparation room, salting room, or drying room adjacent to or forming part of a smokehouse:
- "Day" means a day computed from midnight to midnight:
- "District" or "acclimatisation district" means a part of New Zealand declared to be a district for the purposes of [the Wildlife Act 1953]:
- "Fish" means all fish whether indigenous or not, their young, fry, ova, and spawn; and includes any part of a fish:
- "Holder", in relation to any licence, means the person named under as the holder thereof:
- "Licence" means a licence to fish for acclimatised fish issued under these regulations:
- "Licence fees" means the fees referred to in the Act:
- "Limit bag" means the maximum number of acclimatised fish which may be taken and killed pursuant to these or to any local regulations by any one person in any one day:
- "Local regulations" means any regulations made or enuring under the Act or any other authority in that behalf and in force at the commencement of these regulations or hereafter enacted and declared to apply to and to have effect in only one or more specified districts or the waters thereof or in any part thereof respectively; and includes any modification or amendment of any such regulations made under the provisions of paragraph (d) of subsection (2) of section 83 of the Act (as enacted by section 11 of the Fisheries Amendment Act 1948):
- "Minister" means [the Minister of Agriculture and Fisheries]:
- "Officer" means an officer or an honorary officer appointed for the purposes of the Act:
- ["Open season" means the period from the 1st day of October in any year to the 30th day of April in the year next following (both days inclusive) during which fishing for acclimatised fish is generally permitted, or, in respect of any acclimatisation district or any part or parts thereof, or, in respect of any particular species of fish either generally or in any water or waters, such other period or periods in which from time to time fishing may be permitted by local regulations:]
- "Private waters" means any waters wholly contained within the land of one private owner, but does not include the water of any permanent river, or stream, or lake which passes or extends from the land of one owner to that of another nor any water not wholly contained within the land of one private owner:
- "Size", in relation to any fish, means the total length from the tip of nose to the tip of tail:

“Size limit” means the minimum size of fish which may be taken and killed pursuant to these or to any local regulations:

“Take”, and all references thereto, includes taking, catching, killing, or pursuing by any means or device, and includes also the attempt to take:

“Trout” includes char of any species:

“Undersized fish” means a fish of a smaller size than the minimum prescribed by these regulations or by any local regulations for the taking of fish:

“Waters” means any salt, brackish, or fresh waters in New Zealand or on the coasts or bays thereof and includes artificial waters, but does not include private waters.

(2) For the purposes of these regulations and of any local regulations, a person fishing shall be deemed to be fishing both at the place from where he is fishing and also at any place reached by his line or lure.

In subclause (1), in the definition of “acclimatised fish”, the words in square brackets were substituted for the words “and the tench (*Tinca vulgaris*)” by regulation 2 of S.R. 1975/152.

In subclause (1), in the definitions of “acclimatisation society” and “district”, the Wildlife Act 1953, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Animals Protection and Game Act 1921–22.

In subclause (1) the definition of the term “close season” was substituted for the original definition by regulation 2 (1) of S.R. 1964/136.

In subclause (1), in the definition of the term “commercial smokehouse”, the words “acclimatised fish” were substituted for the word “trout” by regulation 3 (a) of S.R. 1970/101.

In subclause (1), in the definition of the term “Minister”, the reference to the Minister of Agriculture and Fisheries was substituted for a reference to the Minister of Marine by s. 6 (2) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

In subclause (1) the definition of the term “open season” was substituted for the original definition by regulation 2 (2) of S.R. 1964/136.

In subclause (1) a definition of the term “Secretary of Marine” was revoked by regulation 2 of S.R. 1960/142. See now the definition of the term “Director-General of Agriculture and Fisheries” in s. 78 of the Fisheries Act 1908 (as inserted by s. 6 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972). This replaced an earlier definition of the term “Secretary for Marine” in s. 78 of the Fisheries Act 1908 (as inserted by s. 2 (6) of the Fisheries Amendment Act 1959).

3. Definition of waters—For the purposes of these regulations and subject to any local regulations, the waters of any district shall be deemed to include the mouth of every river or stream, and the mouth of every river or stream shall be deemed to include every outlet thereof and the seashore between those outlets and the waters of the sea or of any harbour lying within a distance of **[500 metres]** from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour.

The expression “500 metres” was substituted for the expression “500 yards” by regulation 5 of S.R. 1975/152.

4. Application—These regulations shall apply throughout New Zealand except in the Rotorua Acclimatisation District (which includes the Taupo Trout Fishing District) or, subject to subclause (2) of regulation 11 hereof, in the Southern Lakes Acclimatisation District.

5. Effect on local regulations—Except as hereinafter expressly provided to the contrary, these regulations shall prevail over any local regulations.

6. Division into Parts—These regulations are divided into Parts as follows:

- Part I—Preliminary. (Regulations 1 to 6.)
- Part II—Modification of Regulations. (Regulation 7.)
- Part III—Licences. (Regulations 8 to 38.)
- Part IV—Liabilities of Persons Fishing. (Regulations 39 to 47.)
- Part V—Restriction on Lures and Fishing Gear. (Regulations 48 to 50.)
- Part VI—Bag and Size Limits. (Regulations 51 to 55.)
- Part VII—Netting of Fish. (Regulations 56 to 59.)
- Part VIII—Marked Fish. (Regulations 60 to 63.)
- Part IX—Storage of Fish in Freezing Chambers. (Regulations 64 to 68.)
- Part X—Canning of Acclimatised Fish. (Regulations 69 to 81.)
- Part XI—Commercial Smokehouses. (Regulations 82 to 84.)
- Part XII—Unlawful Possession and Dealing. (Regulations 85 to 88.)
- Part XIII—Pisciculture. (Regulations 89 to 97.)
- Part XIV—Faunistic Reserves. (Regulation 98.)
- Part XV—Indigenous Fish. (Regulations 99 to 102.)
- Part XVI—Pollution of Waters. (Regulations 103 to 106.)
- Part XVII—Exemptions. (Regulations 107 to 109.)
- Part XVIII—Seizure and Disposal of Fish and Gear. (Regulations 110 and 111.)
- Part XIX—Penalties. (Regulations 112 to 116A.)
- Part XX—Revocations and Savings. (Regulations 117 and 118.)

PART II—MODIFICATION OF REGULATIONS

7. Modification of regulations—(1) The Minister may by notice in writing published in the *Gazette* and operating in the Minister's discretion in any acclimatisation district or districts, or in any defined part or parts thereof, modify these or any other regulations made under the Act for all or any of the following purposes:

- (a) Extending the duration of the close season or shortening the duration of the open season for the taking of any species of fish:
- (b) Reducing the maximum number or maximum aggregate weight of any species of fish which may be taken in any one day:
- (c) Increasing the minimum size of any species of fish that may be taken:
- (d) Prohibiting or restricting the taking of any species of fish by any method or at any time or in any waters which would otherwise be lawful.

【(2) Every such notice shall be read together with and deemed part of the regulations modified by the notice.】

Subclause (2) was added by regulation 2 of S.R. 1951/200.

PART III—LICENCES

8. Licence required to fish—No person shall fish for, take, or kill any acclimatised fish unless he is the holder of a licence issued under these regulations or under some other regulations enabling him in that behalf or except pursuant to any provision of the Act or of these regulations or of any other regulations enabling him in that behalf.

9. Classes of licences—There may be issued in respect of any acclimatisation district the several classes of licence which are enumerated in the first column of the First Schedule hereto.

10. Form of licences—Every licence shall be in such one of the forms set out in the Second, Third, and Fourth Schedules hereto as may be appropriate, or to the effect thereof [and, if issued after the 30th day of April 1956, shall contain only such other matter as the [Director-General of Agriculture and Fisheries] from time to time prescribes or approves].

The words in single square brackets were added by regulation 2 of S.R. 1955/177.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

11. Area of availability of licences—(1) A whole-season licence issued under these regulations shall be available throughout New Zealand except in the Rotorua Acclimatisation District (which includes the Taupo Trout Fishing District) or in the Southern Lakes Acclimatisation District.

[(2) Notwithstanding anything in the last preceding subclause, any whole-season licence issued by any acclimatisation society shall be available in that part of the Southern Lakes Acclimatisation District which lies within the Westland Land District.]

[(2A) Notwithstanding anything in subclause (1) or subclause (3) of this regulation, any person who is the holder of a current licence issued under these regulations by the Southland Acclimatisation Society, and whose permanent and principal or only place of residence is within the district of that society, may, during the open season in those waters, fish for, take, and kill acclimatised fish in the following waters situated within the Southern Lakes Acclimatisation District, namely:

- (a) Lakes Monowai, Hauroko, Poteriteri, and Hakapoua;
- (b) All rivers and streams flowing into or out of any of those lakes;
- (c) The Borland Burn,—

subject to compliance by him with all the provisions of [the Southern Lakes Fishing Regulations 1971]* in force at that time with respect to those waters.]

(3) Any licence issued for a shorter period than a whole season shall be available only in respect of the district for which it is issued.

(4) A single-river or single-water licence shall be available only in respect of the waters described therein within the district in respect of which the licence is issued.

*S.R. 1971/65
Amendment No. 1: S.R. 1973/20
Amendment No. 2: S.R. 1974/5

(5) Any licence issued under [the Rotorua Trout Fishing Regulations 1971],* [the Taupo Trout Fishing Regulations 1971]†, or [the Southern Lakes Fishing Regulations 1971]‡ shall be available only in the district in respect of which it was issued.

[(6) Notwithstanding the provisions of subclause (5) of this regulation, the holder of any licence for the time being current issued under [the Rotorua Trout Fishing Regulations 1971]]* may during the open season in the Hawke's Bay Acclimatisation District fish for, take, and kill acclimatised fish in the waters or from the bank of that portion of the Mohaka River that lies within the Hawke's Bay Acclimatisation District and is opposite the boundary between that district and the Rotorua Trout Fishing District in accordance with these regulations and all local regulations in force at that place at that time.

[(7) Notwithstanding anything in the foregoing provisions of this regulation, where regulations in force in any district specified in subclause (1) of this regulation provide that licences issued under these regulations shall be available in that district, the licences shall be available accordingly.]

[(8) Notwithstanding anything in subclause (3) of this regulation, a licence issued for a shorter period than a whole season by the Waitaki Acclimatisation Society or by the Waimate Acclimatisation Society shall be available in respect of the whole of the bed of the Waitaki River where that river constitutes part of the boundary between the districts of those societies.]

[(9) Notwithstanding anything in subclause (3) of this regulation, a licence issued for a shorter period than a whole season by the South Canterbury Acclimatisation Society, the Waimate Acclimatisation Society, or the Waitaki Acclimatisation Society shall be available in the waters of Lake Benmore.

[(10) Notwithstanding anything in subclause (3) of this regulation, a licence issued for a shorter period than a whole season by the South Canterbury Acclimatisation Society or the Waimate Acclimatisation Society shall be available in respect of the whole of the bed of the Pareora River where that river constitutes part of the boundary between the districts of those societies.]

Subclause (2) was substituted for the original subclause (2) by regulation 2 (1) of S.R. 1952/185.

Subclause (2A) was inserted by regulation 2 of S.R. 1963/179.

In subclause (2A) (c) the Southern Lakes Fishing Regulations 1971, being the corresponding enactment in force at the date of this reprint, have been substituted for the revoked Southern Lakes Fishing Regulations 1951.

In subclause (5) the Rotorua Trout Fishing Regulations 1971, the Taupo Trout Fishing Regulations 1971, and the Southern Lakes Fishing Regulations 1971, being the corresponding enactments in force at the date of this reprint, have been substituted for the revoked Rotorua Trout Fishing Regulations 1939, the revoked Taupo Trout Fishing Regulations 1950, and the revoked Freshwater Fisheries (Southern Lakes) Regulations 1945.

*S.R. 1971/64

Amendment No. 1: S.R. 1971/265

Amendment No. 2: S.R. 1973/18

Amendment No. 3: S.R. 1973/216

Amendment No. 4: S.R. 1974/4

†S.R. 1971/66

Amendment No. 1: S.R. 1973/21

Amendment No. 2: S.R. 1974/6

‡S.R. 1971/65

Amendment No. 1: S.R. 1973/20

Amendment No. 2: S.R. 1974/5

Subclauses (6) and (7) were added by regulation 3 of S.R. 1951/200.

In subclause (6) the Rotorua Trout Fishing Regulations 1971, being the corresponding enactment in force at the date of this reprint, have been substituted for the revoked Rotorua Trout Fishing Regulations 1951.

Subclause (8) was added by regulation 3 of S.R. 1963/179.

Subclauses (9) and (10) were added by regulation 2 of S.R. 1965/170.

12. Duration of availability of licences—(1) In any licence other than a half-season licence the first day named therein shall be a day not earlier than the day on which the licence is issued (where the licence is issued during the open season) or not earlier than the first day of the next open season (where the licence is issued during a close season).

(2) In a whole-season or single-river or single-water licence the second day named therein shall be either the last day of the current open season (where the licence is issued during the open season) or the last day of the next open season (where the licence is issued during a close season).

(3) In a monthly licence the second day named therein shall be not later than one calendar month after the day preceding the first day named therein.

(4) In a weekly licence the second day named therein shall be the day 6 days after the first day named therein, so that if the first day named be a Tuesday the second day shall be the following Monday.

(5) In a half-season licence the first day named therein shall be a day not earlier in the season than the 20th day of December or the day on which the licence is issued (whichever of these days be the later), and the second day named therein shall be the last day of the current open season.

13. Issue of licences—Whole-season licences under these regulations . . . shall, upon request being made in that behalf to any acclimatisation society in a district where there is an open season for acclimatised fish, be issued by that society.

The words "for persons other than youths" were omitted by regulation 5 (2) of S.R. 1955/177.

14. Part season licences—. . . Licences other than whole-season licences may be issued in its discretion by the acclimatisation society of the district in respect of which the licence is expressed to take effect.

The words "Licences for youths and" were omitted by regulation 5 (3) of S.R. 1955/177.

15. Restricting issue of licences—No acclimatisation society shall issue or cause to be issued a licence at any place outside the boundaries of its district, and no person shall verify any licence issued in breach of this regulation.

16. Prohibition on procuring of licences—No person shall canvas or seek to induce any person outside the boundaries of any acclimatisation district to obtain a licence from the acclimatisation society of that district.

17. Verification of licences—Every licence shall before issue be verified by the signature of the secretary of the society by which the licence is issued or by the signature of some other person authorised by the society in that behalf.

18. Application for licences—Every applicant for a licence shall furnish his true full name, usual address, and calling or occupation to the person to whom the application is made, and shall see that that name, address, and calling or occupation are correctly set out in the licence when it is issued to him.

19. Reduction or waiver of fees—Notwithstanding the provisions of these regulations prescribing fees for different classes of licences, it shall be lawful for any acclimatisation society to issue a licence to any person either for no fee or for such reduced fee as the society approves where in the sole discretion of the society adequate compassionate grounds are shown.

20. Compassionate licences—Any licence issued pursuant to the last preceding regulation shall have endorsed on it at the time of issue the words “compassionate licence”, and shall be valid only within the district or for such water or waters as may be specified in the licence within the district of the society which issued the licence.

21. Cancellation of licences—(1) Any society may accept and cancel any licence it has issued, and may thereupon refund to the former holder of the licence the whole or any part of the fee paid therefor, where in the sole discretion of the society which issued the licence there appear to be reasonable and adequate grounds for so doing.

(2) Any society, on proof to its satisfaction that a licence has been lost or mutilated and, in the case of mutilation, on surrender of the licence to the society, may issue in its place a duplicate licence, for which the charge shall be **【25c】**. Every such duplicate licence shall have the same force and effect as the original licence.

22. Licence fees—Subject to the provisions of subclause (2) of the last preceding regulation, there shall be paid and taken for licences issued under these regulations the appropriate fees set out in the fourth, fifth **【and sixth】** columns of the First Schedule hereto.

The words “and sixth” were substituted for the words “sixth and seventh” by regulation 5 (4) of S.R. 1955/177.

A proviso which was added by regulation 4 (2) of S.R. 1951/200 was revoked by regulation 3 (a) of S.R. 1973/230.

23. Prohibition of false representations to obtain licence—No person shall, with a view to the obtaining by or for himself or any other person of a licence at a lower fee than the appropriate fee set out in the First Schedule hereto, make a false representation to any acclimatisation society or to any member or officer thereof or to any person authorised to verify licences issued by a society as to the age of himself or any other person or as to any other matter.

24. Application of licence fees—All sums received by an acclimatisation society in respect of licence fees shall, subject to the liability to make to **【the Consolidated Revenue Account】** the payments hereinafter specified, be applied by the society for the purpose of distribution, rearing, cultivation, and protection of fish or for the development, preser-

vation, or better management of fisheries, or for the necessary and proper administrative expenses of the society.

The reference to the Consolidated Revenue Account was substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963.

25. Expenditure of licence fees—All sums received by an acclimatisation society in respect of licence fees under these regulations shall be spent within the district of the society receiving them; but nothing in this regulation shall prevent—

- (a) The making of the payments to **the Consolidated Revenue Account** prescribed under regulation 26 hereof:
- (b) The making of payments towards the reasonable and proper overhead expenses of any regional or national organisation of acclimatisation societies:
- (c) Any expenditure in the district of any one or more societies made with the prior consent of the Minister for a freshwater fisheries purpose, and made in accordance with any conditions laid down by the Minister.

The reference to the Consolidated Revenue Account was substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963.

26. Payments to Consolidated Revenue Account—There shall be paid into **the Consolidated Revenue Account** by every society **15 percent** of the aggregate fees chargeable for fishing licences issued by the society in respect of any period commencing after the commencement of these regulations.

The reference to the Consolidated Revenue Account was substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963.

The words "15 percent" were substituted for the words "a tenth" by regulation 2 of S.R. 1962/152.

27. Date for payment to Consolidated Revenue Account—All money payable pursuant to the last preceding regulation in respect of any licence issued during a financial year of any society shall be paid into **the Consolidated Revenue Account** not later than 3 months after the end of that financial year.

The reference to the Consolidated Revenue Account was substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963.

28. Method of payment to Consolidated Revenue Account—Any payment to **the Consolidated Revenue Account** under these regulations may be made by lodging the same to the credit of the Public Account at any bank where for the time being payments to the credit of the Public Account are authorised to be made and forwarding the bank receipt therefor to **the Director-General of Agriculture and Fisheries**.

The reference to the Consolidated Revenue Account was substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

128A. Payments to Council of South Island Acclimatisation Societies—

Each acclimatisation society whose district is in the South Island shall pay to the Council of South Island Acclimatisation Societies in respect of each whole-season licence issued by the society at the fee specified in the fourth column of the First Schedule hereto—

- (a) The sum of **[[60c]]** in the case of any such licence issued in respect of the open season ending with the 30th day of April 1963:
- (b) The sum of **[[70c]]** in the case of any such licence issued in respect of any subsequent open season.】

Regulation 28A was substituted for the former regulation 28A (as inserted by regulation 3 of S.R. 1960/142) by regulation 3 of S.R. 1962/152.

128B. Fisheries Pool Fund South Island, and application of Fund—

(1) The Council of South Island Acclimatisation Societies shall establish a fund to be known as the Fisheries Pool Fund.

(2) All amounts paid to the Council under regulation 28A of these regulations shall be paid into the Fisheries Pool Fund.

(3) Money in the Fisheries Pool Fund may be applied by the Council—

- (a) In making grants to acclimatisation societies whose district is in the South Island to be used for the purpose of ranging and management of freshwater fisheries:
- (b) In reimbursing expenditure incurred by the Crown under arrangements made with the Council:
- (c) For any other purpose in relation to freshwater fisheries research, investigation, and management in the South Island, whether by way of grant to individual societies or otherwise,—
and for no other purpose.】

Regulation 28B was inserted by regulation 3 of S.R. 1960/142.

128c. Payments to Council of North Island Acclimatisation Societies—

Each acclimatisation society whose district is in the North Island shall pay to the Council of North Island Acclimatisation Societies the sum of **[[60c]]** in respect of each whole-season licence issued by the society at the fee specified in the fourth column of the First Schedule hereto.

128d. Fisheries Pool Fund North Island, and application of Fund—

(1) The Council of North Island Acclimatisation Societies shall establish a fund to be known as the Fisheries Pool Fund.

(2) All amounts paid to the Council under regulation 28c of these regulations shall be paid into the Fisheries Pool Fund.

(3) Money in the Fisheries Pool Fund may be applied by the Council—

- (a) In making grants to acclimatisation societies whose district is in the North Island to be used for the purpose of ranging and management of freshwater fisheries:
- (b) In reimbursing expenditure incurred by the Crown under arrangements made with the Council:
- (c) For any other purpose in relation to freshwater fisheries research, investigation, and management in the North Island, whether by way of grant to individual societies or otherwise,—
and for no other purpose.】

Regulations 28c and 28d were inserted by regulation 3 of S.R. 1964/136.

29–31. *Revoked by regulation 3 of S.R. 1955/177.*

32. Validation of licences—No licence shall have any effect or validity until the holder thereof has verified the same by signing his usual signature clearly and legibly in the space provided for the purpose on the licence.

33. Rights of licence holders—The holder of a licence to fish for acclimatised fish may fish for, take, and kill any species of acclimatised fish in any place where the licence is for the time being available during such time as the licence is available between the first and last days (both inclusive) falling within the open season for that species in the place where the holder is fishing.

34. Prohibition on use of more than one rod—Every licence shall be deemed to authorise the holder thereof to fish for, take, and kill acclimatised fish with rod and running line only, and no person shall in fishing for acclimatised fish use or have under his control at any one time more than one assembled rod and running line.

35. No right of transfer of licence—No licence shall be transferable or be deemed to authorise any person to fish other than the person named therein as the holder.

36. Withdrawal of licences—Every licence declared void or directed to be impounded by the Court under regulation 113 of these regulations shall, on demand by any officer of the society which issued it, be surrendered by the holder to that officer, and any such officer shall be entitled to demand and receive the licence and to destroy it or to impound it, as the case may be.

37. Restrictions on licences—Every licence shall be subject to the Act and to all general and local regulations made thereunder for the time being in force, and, notwithstanding the terms of any licence, the holder thereof shall not be authorised to fish in any place during the close season in that place, and any rights conferred by regulations 11 and 33 hereof shall be subject to the provisions of any local regulations in force and applicable.

38. No right of entry on land—No licence shall confer any right of entry upon the land of any person without his consent.

PART IV—LIABILITIES OF PERSONS FISHING

39. Carriage of licence and search of gear—Every person fishing for acclimatised fish or in possession of an assembled fishing rod and gear suitable for fishing for acclimatised fish shall carry with him a current licence issued to him, and shall, on the demand of any officer or of any person producing a current licence available in the district in which the first-mentioned person is fishing, produce and show to any such officer or person his licence and the contents of his creel or bag and

the lure or bait used by him in fishing for or taking or killing any acclimatised fish, and all fishing tackle, lures, or baits then in his possession.

40. Specimen signature required—The holder of a current licence when fishing for acclimatised fish or in possession of an assembled fishing rod and gear suitable for fishing for acclimatised fish shall, on demand of any officer, make or give legibly and clearly a specimen signature for comparison with the signature of the holder on the licence required under regulation 32 hereof.

41. Authorised fishing tackle—No person shall fish for, take, or kill any acclimatised fish with or by any means other than with rod and running line or use for the purpose of taking or killing any acclimatised fish—

- (a) Any cross line, paravane, “otter”, or hand line; or
- (b) Any stroke-hauling or foul-hooking gear; or
- (c) Any firearm, spear, or missile; or
- (d) Any narcotic, explosive, or poisonous substance or thing; or
- (e) Any net except a landing net; or
- (f) Any unsportsmanlike device or method.

42. Prohibition of unauthorised fishing tackle, etc.—No person shall, when fishing for acclimatised fish or when in possession of an assembled fishing rod and gear suitable for fishing for acclimatised fish, have in his possession or under his control or convey or cause to be conveyed to the vicinity of any place where he is fishing or proposes to fish any cross line, paravane, or “otter”, any stroke-hauling or foul-hooking gear, any spear, any narcotic or poisonous substance or liquid, or any net except a landing net or a small bait net not over **[1.8 metres]** in length.

The expression “1.8 metres” was substituted for the expression “6 ft” by regulation 5 of S.R. 1975/152.

43. Use of landing net or gaff—Subject to any local regulations, a landing net or gaff may be used to secure and land any acclimatised fish while the fish is hooked and is being played on a rod and line used in accordance with the provisions of these regulations.

44. Personal use of rod—No person shall fish for acclimatised fish with a rod and line unless he is in actual attendance within **[15 metres]** of the rod and has the rod under his own visual observation.

The expression “15 metres” was substituted for the expression “50 ft” by regulation 5 of S.R. 1975/152.

[44A. Method of taking quinnat salmon]—(1) Every person taking any quinnat salmon in any waters to which this regulation applies by any means other than by hooking it through the mouth shall immediately return it alive with as little injury as possible into the waters from which it was taken.

(2) No person shall have in his possession any quinnat salmon taken in any waters to which this regulation applies by any means other than by being hooked through the mouth, except for the purpose of returning

it into those waters in accordance with the provisions of subclause (1) of this regulation.

(3) Nothing in subclause (1) or subclause (2) of this regulation shall apply with respect to any quinnat salmon lawfully taken pursuant to a salmon netting licence issued under the Quinnat Salmon Regulations 1963*.

(4) This regulation applies to the following waters:

(a) All waters in the Ashburton Acclimatisation District:

(b) All waters in the South Canterbury Acclimatisation District.】

This regulation was inserted by regulation 2 of S.R. 1966/208.

45. No taking acclimatised fish in close season—No person shall otherwise than in accordance with these regulations fish for, take, or kill any species of acclimatised fish or in any way intentionally injure or disturb acclimatised fish at any time which is a close season in that place for that species of acclimatised fish.

See also regulation 87 of these regulations.

46. No disturbing or possessing spawning redds, eggs, or larvae—No person shall otherwise than in accordance with these regulations intentionally disturb or damage the spawning redds or the eggs or larvae of acclimatised fish or have in his possession the eggs or larvae of acclimatised fish.

47. Restriction on use of lights for eeling, etc.—No person shall in fishing for eels or other indigenous fish use a torch, acetylene lamp, electric lamp, or other artificial light, or any specified type or types of light, in any specified waters to which the acclimatisation society of the district has, with the approval of 【the Minister of Agriculture and Fisheries】 publicly notified in the district, resolved that this regulation shall apply.

The reference to the Minister of Agriculture and Fisheries was substituted for a reference to the Minister of Marine by s. 6 (2) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

PART V—RESTRICTION ON LURES AND FISHING GEAR

48. Authorised lures and baits—No person shall fish for acclimatised fish with any bait or lures other than artificial or natural fly, insect, worm, crustacea, minnow, or fish, or, in respect of any district or water or waters, such baits or lures within these categories as are not expressly prohibited by local regulations.

49. Description of lures and baits—For the purpose of this Part of these regulations and of any local regulations restricting or defining permitted lures, unless otherwise expressly provided by those local regulations,—

【(a) “Artificial fly” shall be deemed to include any lure of feather, fur, wool, or similar material; but shall not include any lure in the tying of which lead or other weight has been incorpor-

*S.R. 1963/143

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- ated, unless the hook incorporated in that lure does not exceed **【14 mm】** in length (exclusive of the eye) and the gape of the hook does not exceed **【6 mm】**;
- (b) Artificial minnow shall be deemed to include spoonbait, any feather lure in the tying of which lead or other weight has been incorporated to facilitate the casting or sinking of the lure, and any lure which incorporates a spinning device or a device to impart a wobbling or irregular motion to the lure;
- (c) The term "fish" does not include fish ova or any portion of a fish or any shell fish (mollusca).

Para. (a) was substituted for the original para. (a) by regulation 3 of S.R. 1965/170.

In para. (a) the expression "14 mm" was substituted for "9/16 in.", and the expression "6 mm" was substituted for the words "7/32 in. and the hook is not larger than size No. 10 ('reddish' or 'old' scale)" by regulation 5 of S.R. 1975/152.

50. Authorised fishing gear—No person when fishing for acclimatised fish shall, unless expressly permitted by local regulations, use—

- (a) A rod consisting of only one piece of a greater length than **【3.4 metres】**;
- (b) More than 2 lures or baits;
- (c) Any lead or weight attached below or so as to hang below any lure or bait;
- (d) Any lead or weight heavier than that permitted by any local regulations;
- (e) In any water in which only artificial fly is permitted, any lead or weight other than the necessary weight of line, cast, and fly;
- (f) Any artificial fly having more than one hook or having a multiple hook;
- (g) Any bait or lure treated with any medicinal or chemical preparation other than—
- (i) In the case of artificial fly, oil used solely to give buoyancy to such flies; and
 - (ii) In the case of natural baits, a formalin or other preservative preparation;
- (h) Any wire, either plain or twisted, or any gimp trace or cast of a greater thickness than **【0.82 mm】**;
- (i) Any wire or gimp trace or cast of a greater length than **【1.8 metres】**;
- (j) On or in conjunction with any spoonbait, minnow, or other lure any double or treble hook or other fixed multiple assembly of hooks any one hook of which has a greater distance than **【13 mm】** between the point and the nearest part of the shank of the hook; or
- (k) In conjunction with any spoonbait or artificial minnow any lead or weight affixed to the trace or line at a distance of less than **【38 cm】** above the lure.

In para. (a) the expression "3.4 metres" was substituted for the expression "11 ft"; in para. (h) the expression "0.82 mm" was substituted for the expression "No. 21 standard wire gauge"; in para. (i) the expression "1.8

metres" was substituted for the expression "6 ft"; in para. (j) the expression "13 mm" was substituted for the expression "half an inch"; and in para. (k) the expression "38 cm" was substituted for the expression "15 in.", by regulation 5 of S.R. 1975/152.

PART VI—BAG AND SIZE LIMITS

51. Daily limit bag—No person shall on any one day take or kill more than **[50 acclimatised fish]** **[(being trout or salmon)]**, or in any district or water or waters such smaller limit bag as may be prescribed by local regulations in respect of the district or water or waters.

The words in the first set of square brackets were substituted for the words "20 acclimatised fish" by regulation 4 of S.R. 1960/142.

The words in the second set of square brackets were inserted by regulation 2 (1) of S.R. 1957/178.

52. No fishing after taking limit bag—No person shall continue to fish for **[trout or salmon]** on any day on which he has already taken and killed **[50 acclimatised fish]** **[(being trout or salmon)]**.

The words in the first set of square brackets were substituted for the words "acclimatised fish" by regulation 2 (2) (a) of S.R. 1957/178.

The words in the second set of square brackets were substituted for the words "20 acclimatised fish" by regulation 4 of S.R. 1960/142.

The words in the third set of square brackets were added by regulation 2 (2) (b) of S.R. 1957/178.

53. No fishing after taking limit bag from specified water—No person shall continue to fish for **[trout or salmon]** within any district or in any water or waters in respect of which a smaller limit bag than **[50 acclimatised fish]** **[(being trout or salmon)]** is prescribed by local regulations on any day on which he has already taken and killed such smaller limit bag as is prescribed for the district or water or waters.

The words in the first set of square brackets were substituted for the words "acclimatised fish" by regulation 2 (3) (a) of S.R. 1957/178.

The words in the second set of square brackets were substituted for the words "20 acclimatised fish" by regulation 4 of S.R. 1960/142.

The words in the third set of square brackets were inserted by regulation 2 (3) (b) of S.R. 1957/178.

54. Minimum size to be taken—No person shall fish for, take, or kill in any manner whatever, or intentionally have in his possession, any trout or salmon which does not exceed in length **[15 cm]** or such greater size limit as may in respect of any district or water or waters be prescribed by local regulations.

The expression "15 cm" was substituted for the expression "6 in." (which was substituted for the expression "9 in." by regulation 5 of S.R. 1960/142) by regulation 5 of S.R. 1975/152.

55. Release of undersize fish—Every person taking a trout or salmon which does not exceed in length **[15 cm]** or such greater size limit as may be laid down by local regulations in respect of the water from which the fish is taken shall immediately return it alive with as little injury as possible into the water from which it was taken.

The expression "15 cm" was substituted for the expression "6 in." (which was substituted for the expression "9 in." by regulation 5 of S.R. 1960/142) by regulation 5 of S.R. 1975/152.

PART VII—NETTING OF FISH

56. Authorised use of nets—No person shall use or cause to be used for any purpose whatsoever a net of any description in any waters, except—

- (a) A landing net used to secure fish being lawfully caught with rod and line;
- (b) A whitebait net;
- (c) A bait net not over [1.8 metres] in length used to take small indigenous fish as bait for angling; or
- (d) Any net used for taking fish for purposes of pisciculture or scientific investigations pursuant to an authority granted under these regulations:

Provided that it shall be a defence to any person charged with a breach of this regulation if he proves that he was netting for indigenous fish or netting for acclimatised fish for sale in accordance with the provisions of any regulations in that behalf for the time being in force.

The expression "1.8 metres" was substituted for the expression "6 ft" by regulation 5 of S.R. 1975/152.

57. Prohibited use of nets—Nothing in the last preceding regulation shall be deemed to authorise the use of any net in any water or area or the use of any type of net in any water or area contrary to the provisions of any other regulations restricting or forbidding the use of nets.

58. Release of acclimatised fish caught in net—Any acclimatised fish taken by any person netting for indigenous fish shall immediately be returned by the person taking it with as little injury as possible into the water from which it was taken.

59. Release of acclimatised fish inadvertently netted—Any acclimatised fish taken by any person netting for acclimatised fish for sale in accordance with the provisions of any regulations in that behalf and not being a fish of the species the taking of which is authorised by those regulations shall immediately be returned by the person taking it with as little injury as possible into the water from which it was taken.

PART VIII—MARKED FISH

60. No unauthorised marking of acclimatised fish—No person shall mark any living acclimatised fish by attaching thereto a tag or other distinguishing device or by clipping or removing a fin or fins, except with the written consent of [the Director-General of Agriculture and Fisheries] or of the acclimatisation society of the district within which the fish is marked or to be marked.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

61. Notification of authorised marking of acclimatised fish—(1) Any acclimatisation society marking or authorising the marking of any living acclimatised fish shall as soon as possible thereafter notify [the Director-General of Agriculture and Fisheries] in writing of the time and place where the fish were marked, the species, size, and number of fish marked, and the form or kind of mark employed.

[(2) Every tag used in the marking of living acclimatised fish shall bear the letter or letters set out in the Ninth Schedule to these regulations appropriate to the acclimatisation society marking or authorising the marking of the fish.]

In subclause (1) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

Subclause (2) was added, from 1 April 1967, by regulation 4 (1) and (2) of S.R. 1965/170.

62. Notifying details of marked fish taken—Any angler taking during the open season any acclimatised fish bearing a tag or distinguishing device shall either cause the fish and tag or device to be delivered to the acclimatisation society of the district in which it was taken or shall forthwith deliver to that society full particulars in writing of the tag or distinguishing device, the place where and date when the fish was taken, and, if it is reasonably possible so to do, the weight and length of the fish.

63. Release of marked acclimatised fish unlawfully taken—Any person taking otherwise than as described in the last preceding regulation any acclimatised fish bearing a tag or distinguishing device shall immediately return it alive with as little injury as possible into the water from which it was taken, and shall forthwith notify the society in the district in which the fish was taken of any tag or distinguishing device and any number thereon and the place where and time when the fish was taken.

PART IX—STORAGE OF FISH IN FREEZING CHAMBERS

64. No unauthorised storage of acclimatised fish in close season—No manager or person in charge of a freezing chamber shall, during the close season for . . . acclimatised fish in the district where the freezing chamber is situated, deposit or accept for deposit in the freezing chamber any [acclimatised fish], except with the consent in writing of an officer of the acclimatisation society for the district given from time to time in respect of any specified fish or parcel of fish.

The words "trout or" were omitted by regulation 2 (a) of S.R. 1970/101.

The words "acclimatised fish" were substituted for the words "trout or acclimatised fish, other than quinnat salmon" by regulation 2 (b) of S.R. 1970/101.

65. Limit on storage of acclimatised fish at end of open season—No manager or person in charge of a freezing chamber shall hold or retain in the freezing chamber any [acclimatised fish] for more than one month after the end of the open season for [such] acclimatised fish in the district where the freezing chamber is situated.

The words "acclimatised fish" were substituted for the words "trout or other acclimatised fish, except quinnat salmon" by regulation 2 (c) of S.R. 1970/101.

The word "such" was substituted for the words "trout or such other" by regulation 2 (d) of S.R. 1970/101.

66. Register of storage for acclimatised fish—Every manager or person in charge of a freezing chamber in which [acclimatised fish] are from time to time deposited shall keep on the premises a register thereof in the form set out in the Seventh Schedule hereto, and shall make in respect of the . . . acclimatised fish deposited therein appropriate entries in the first 5 columns of the register on the day of deposit and the appropriate entry in the sixth column on the day of delivery, and shall retain the register for at least 6 months after the making of the last entry therein.

The words "acclimatised fish" were substituted for the words "trout or other acclimatised fish, except quinnat salmon" by regulation 2 (e) of S.R. 1970/101.

The words "trout or other" were omitted by regulation 2 (f) of S.R. 1970/101.

67. Details of stored acclimatised fish to be supplied—Every manager or person in charge of a freezing chamber in which from time to time . . . acclimatised fish are deposited shall, whenever required, furnish any officer with full particulars of all acclimatised fish deposited therein, and shall permit any such officer at all reasonable times to enter the chamber and inspect any acclimatised fish therein and to inspect and make copies of entries in any register kept for the purposes of these regulations.

The words "trout or other" were omitted by regulation (2) (g) of S.R. 1970/101.

68. Maximum weight of acclimatised fish for storage—No licence holder or other person shall deposit, and no manager or person in charge of a freezing chamber shall accept for deposit, in any freezing chamber [acclimatised fish] if the licence holder or other person already has an aggregate weight of [51 kg] of any such fish deposited in the chamber.

The words "acclimatised fish" were substituted for the words "trout or other acclimatised fish, other than quinnat salmon" by regulation 2 (h) of S.R. 1970/101.

The expression "51 kg" was substituted for the expression "1 cwt" by regulation 5 of S.R. 1975/152.

PART X—CANNING OF ACCLIMATISED FISH

69. No unauthorised canning of acclimatised fish—No person shall can any acclimatised fish except in accordance with the provisions of these regulations, and no person shall be in possession of any such fish so preserved contrary to the provisions of these regulations.

70. No payment for canning acclimatised fish—No fee shall be paid to or accepted by any person, and no consideration shall be given to or accepted by any person, for the canning of any acclimatised fish.

71. No sale of canned acclimatised fish—No acclimatised fish preserved in any can and no can containing acclimatised fish shall be sold.

72. No trading of acclimatised fish for canned acclimatised fish—No person shall trade, exchange, give, or receive acclimatised fish for cans containing acclimatised fish or for empty cans.

73. Marking cans of acclimatised fish—No person shall can acclimatised fish unless as soon thereafter as may be practicable on the same day the person canning the fish paints in oil paint or engraves on each can clearly and correctly the name of the licence holder who caught the fish, the number and district of issue of his licence, and the date and place where the fish was caught.

74. No interference with marked cans of acclimatised fish—No person shall deface, obliterate, or alter any particulars painted or engraved on any can which contains acclimatised fish.

75. No false marking of canned acclimatised fish—No person shall paint or engrave on a can containing acclimatised fish any incorrect or misleading information.

76. Marking cans before parting with them—No person shall give away or in any way dispose of any can containing acclimatised fish unless the can is marked in accordance with the provisions of regulation 73 hereof.

77. No fishing while holding unmarked cans—No person shall continue to fish on any day when he has in his possession any can containing acclimatised fish on which the particulars required by regulation 73 hereof have not been painted or engraved.

78. Maximum weight of canned acclimatised fish—No person shall have in his possession or at his disposal more than **[23 kg]** gross weight of canned acclimatised fish, the weight to include the weight of cans and their contents.

The expression "23 kg" was substituted for the expression "50 lb" by regulation 5 of S.R. 1975/152.

79. Maximum daily quantity for transport of canned acclimatised fish—No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned acclimatised fish exceeding in aggregate weight of cans and contents **[23 kg]**.

The expression "23 kg" was substituted for the expression "50 lb" by regulation 5 of S.R. 1975/152.

80. Possession of canned acclimatised fish—Any canned acclimatised fish shall be deemed to be in possession of the person whose name and licence number are painted or engraved on the can while that person is in any launch or motor vehicle in which the can is found or in any dwellinghouse, hut, tent, encampment, or caravan of which that person is the sole occupant or one of the occupants.

81. No canned acclimatised fish in public eatinghouse—No manager or person in charge of any hotel, boardinghouse, or restaurant shall serve, allow or cause to be served, or in any way supply to any guest

of that hotel, boarding house, or restaurant any meal consisting wholly or in part of canned acclimatised fish.

PART XI—COMMERCIAL SMOKEHOUSES

82. Register of fish in commercial smokehouses—(1) No manager or person in charge of any commercial smokehouse shall receive any [acclimatised fish] for the purpose of being smoked or have any [acclimatised fish] in any such smokehouse unless he makes or causes to be made correctly in a book kept in the smokehouse for that purpose the entries in respect of the [acclimatised fish] mentioned in subclause (2) of this regulation, and unless he permits any officer to enter the smokehouse at all reasonable times and to inspect any fish therein and to inspect and copy any entries from that book.

(2) The entries to be made in accordance with the provisions of the last preceding subclause are as follows:

- (a) The date of the receipt of the fish at the smokehouse;
- (b) The number of fish;
- (c) The name of the owner of the fish;
- (d) The address of the owner of the fish;
- (e) The number of the licence (if any) of the owner of the fish; and
- (f) The address (if any) to which the fish are to be forwarded.

In subclause (1) the words “acclimatised fish”, wherever they occur, were substituted for the word “trout” by regulation 3 (b) of S.R. 1970/101.

83. Details attached to fish for smoking—No person shall place or permit to be placed or kept in any such smokehouse any [acclimatised fish] to which there is not affixed or tied a label on which are legibly written the following particulars:

- (a) The name and address of the owner of the [acclimatised fish];
- (b) The number of the licence (if any) of the owner; and
- (c) The date on which the [acclimatised fish] were received at the smokehouse.

The words “acclimatised fish”, in the first set of square brackets, were substituted for the words “trout (other than fresh or wet salted trout)” by regulation 3 (c) of S.R. 1970/101.

In paras. (a) and (c) the words “acclimatised fish” were substituted for the word “trout” by regulation 3 (d) of S.R. 1970/101.

84. No gifts of fish for the smoking of fish—No person shall give and no manager or person in charge of a commercial smokehouse shall receive, any [acclimatised fish] in exchange or as a full or partial consideration for the smoking of any [acclimatised fish].

The words “acclimatised fish”, wherever they occur, were substituted for the word “trout” by regulation 3 (e) of S.R. 1970/101.

PART XII—UNLAWFUL POSSESSION AND DEALING

85. No trading in acclimatised fish—[Except for the purposes of pisciculture] no person shall sell or expose or offer for sale or buy or attempt to buy or have in his possession for purposes of sale any acclimatised fish or any part of any acclimatised fish, or fish for, take, or kill, for purposes of sale, any acclimatised fish:

Provided that it shall be a defence to a person charged with a breach of this regulation if he proves that he was lawfully fishing for, taking, or killing acclimatised fish for the purposes of sale under a licence issued pursuant to regulations made in that behalf, or, as the case may be, that the acclimatised fish was lawfully taken for purposes of sale.

The words in square brackets were inserted by regulation 4 of S.R. 1962/152.

86. No use of acclimatised fish for reward—No person shall give or receive any acclimatised fish in compensation or as a consideration or by way of exchange for anything done, or for any service rendered, or for any materials or things supplied.

87. No fishing, etc., in close season—No person shall fish for, take, or kill acclimatised fish during the close season.

See also regulation 45 of these regulations.

88. No unlawful possession in close season—No person shall have in his possession during the close season any acclimatised fish or any part thereof:

Provided that it shall be a defence to a person charged with a breach of this regulation if he proves—

- (a) That the acclimatised fish was quinnat salmon which had been lawfully taken for purposes of sale; or
- (b) That the acclimatised fish was fresh, frozen, or smoked trout or salmon lawfully taken during the open season and that not more than one calendar month had elapsed since the end of the open season in the district within which the trout or salmon had been taken; or
- (c) That the acclimatised fish had been taken and canned lawfully during the open season and had been preserved in cans or jars marked in accordance with the provisions of these regulations, and that not more than one calendar month had elapsed from the end of the open season in the district within which the acclimatised fish had been taken; or
- (d) That the acclimatised fish had been taken for purposes of pisciculture or scientific research in accordance with the provisions of these regulations; or
- (e) That the acclimatised fish was salmon imported into New Zealand in cans and was lawfully purchased as such; or
- (f) That the acclimatised fish had been taken lawfully from private waters and had not been removed from the property of the owner of those private waters during the close season in the district in which the private waters were situated; or
- (g) That the acclimatised fish had been taken pursuant to statutory authority and had not been removed from the district within which the fish had been taken during the close season for acclimatised fish in that district.

PART XIII—PISCICULTURE

89. General authority to take fish for scientific purposes—Notwithstanding any other provision of these regulations, any person authorised

in writing in that behalf by [the Director-General of Agriculture and Fisheries] may by any method whatsoever fish for, take, and kill . . . fish from any waters at any time, whether during the open season or the close season, for purposes of pisciculture or scientific investigation, and may have in his possession fish taken for any such purpose.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

The word "acclimatised" was omitted by regulation 4 of S.R. 1955/177.

90. Restricted authority to take fish for scientific purposes—Notwithstanding any other provisions of these regulations, any person authorised in that behalf by an acclimatisation society in writing verified by the signature of its secretary may by any method whatsoever fish for, take, and kill acclimatised fish from any waters within the district of that society at any time, whether during the open season or the close season, for purposes of pisciculture or scientific investigation, and may have in his possession fish taken for any such purpose.

91. Authorised use of narcotics—Notwithstanding any other provision of these regulations, it shall be lawful for—

(a) Any officer of [the Ministry of Agriculture and Fisheries] acting in the course of his official duties; or

(b) Any officer of an acclimatisation society in the course of his official duties and with the written consent of [the Director-General of Agriculture and Fisheries]—

to use narcotic or poisonous matter or liquid in any waters (but in the case of an officer of an acclimatisation society only in waters within the district of that society) to stupefy or kill acclimatised fish for purposes of pisciculture or scientific investigation and to have in his possession fish so taken for any such purpose.

In para. (a) the reference to the Ministry of Agriculture and Fisheries was substituted for a reference to the Marine Department by s. 6 (2) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

In para. (b) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

92. Interference with apparatus for scientific purposes—No person shall take any acclimatised fish from any net, trap, pound net, or other contrivance used by any person authorised to take fish for purposes of pisciculture or scientific investigation pursuant to regulation 89 or regulation 90 hereof, or in any way interfere with or damage any such net, trap, pound net, or contrivance.

93. Authorised introduction of indigenous or exotic species—No person or acclimatisation society shall, without the written authority in that behalf of [the Director-General of Agriculture and Fisheries], place, liberate, or introduce into any lake, river, or stream any indigenous or exotic species of mollusca, crustacea, protozoa, insecta, or of annelid, nematode, or platyhelminth worm.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

94. Restricted authority to liberate fish or ova—No person shall liberate any fish or fish ova of any description whatever in the waters of any lake, river, or stream within any acclimatisation district without the prior written consent of the acclimatisation society of that district.

95. General authority to liberate fish or ova—No person shall liberate any fish or fish ova of any description whatever in the waters of any lake, river, or stream, not being part of an acclimatisation district, without the prior written consent of [the Director-General of Agriculture and Fisheries].

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

96. Restricted authority to introduce indigenous or exotic species—(1) No acclimatisation society shall, without the written authority in that behalf of [the Director-General of Agriculture and Fisheries], place, liberate, or introduce into any lake, river, or stream any fish or fish ova of any species whatsoever which is not already present in that lake, river, or stream.

(2) For the purposes of this regulation, that portion of any river or stream above any waterfall or dam shall be deemed to be a separate river or stream from that portion of the river or stream below the waterfall or dam.

In subclause (1) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

97. No unauthorised keeping in captivity of acclimatised fish—No person shall obtain or shall keep in captivity . . . any live acclimatised fish except with the prior consent in writing of the acclimatisation society for the district within which it is proposed to exhibit the fish and except in compliance with such conditions as the society may lay down as to rights of inspection of the fish by officers and as to the welfare of the fish.

The words “for purposes of public exhibition” were omitted by regulation 3 of S.R. 1975/152.

PART XIV—FAUNISTIC RESERVES

98. Faunistic reserves—The Minister may from time to time, by notice published in the *Gazette*, declare any water or waters to be a faunistic reserve, whereupon in respect of any such water so declared, in addition to restrictions on the transfer to and release into waters of fish and other forms of aquatic life imposed by these regulations, it shall be unlawful for any person without the consent in writing of [the Director-General of Agriculture and Fisheries], given solely for purposes of scientific investigation,—

- (a) To take, injure, or kill any fish or any form of live aquatic mollusca, crustacea, protozoa, insecta, or worms:
- (b) To be in possession of any fish or any form of aquatic mollusca, crustacea, protozoa, insecta, or worms taken from that water:
- (c) To introduce or plant any form of aquatic plant.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

PART XV—INDIGENOUS FISH

99. No taking of indigenous fish—No person shall intentionally fish for, take, or kill grayling or fish of the genus *Prototroctes*, and any person unintentionally taking or killing any grayling or any such fish shall forthwith convey or cause it to be conveyed to an officer of the acclimatisation society for the district within which the grayling or other fish was killed, and shall give to that officer full particulars of the time and place of the capture of the grayling or other fish.

100. No killing of indigenous fish—No person shall in any water intentionally kill or destroy small indigenous fish other than elvers.

101. No depositing of indigenous fish on banks—No person, having taken from any water small indigenous fish other than elvers, shall leave the fish upon the bank or shore of any stream or lake.

102. Taking of whitebait—Nothing in regulation 100 or regulation 101 hereof shall be construed as a restriction on the taking of whitebait or other small indigenous fish for the purposes of scientific research or for purposes of human consumption, or as affecting the operation of any other regulations which restrict the taking of any such indigenous fish.

PART XVI—POLLUTION OF WATERS

[103. No discharge of pollutant into waters—(1) No person shall cast or throw into any waters or discharge or cause to be put or discharged into or placed near the bank or margin of any waters any sawdust or sawmill refuse, lime (other than agricultural or slaked lime), sheep dip, flaxmill refuse, oil, chlorinated hydrocarbon pesticide, or any other substance to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds of fish or the food of fish.

(2) Every person commits an offence who does any act in contravention of this regulation, and is liable on summary conviction to a fine not exceeding \$2,000, and, in the case of a continuing offence, to a further fine not exceeding \$20 for every day on which the offence has continued.]

This regulation was substituted for the original regulation 103 by regulation 4 of S.R. 1970/101.

104. No casting of rubbish—No person shall cast any rubbish or refuse or material of any kind into any waters or on any river bed.

105. Revoked by regulation 5 of S.R. 1970/101.

106. No fish refuse on banks—No person shall leave any fish or any cleanings or offal from fish lying unburied on the bank or margin of any waters.

PART XVII—EXEMPTIONS

107. Owners fishing rights—Nothing in these regulations shall apply to—

- (a) Any person taking fish in private waters of which he is the owner; or
- (b) Any person taking fish in any such waters when authorised by the owner.

108. Occupiers fishing rights—Any person in lawful occupation of any land may fish without licence or payment of fee upon that land within the period and upon the conditions allowed by these regulations and any local regulations without being liable to any fine for so doing.

109. Possession of mounted specimens—Notwithstanding any provision of these regulations, it shall be lawful for any person to be in possession at any time of any mounted specimen of acclimatised fish, and for any acclimatisation society, museum, university college, research institution, or fisheries research worker at any time to be in possession of any acclimatised fish whether fresh or preserved.

The reference to a university college is now obsolete; see the definition of a university in s. 2 of the Universities Act 1961 (as substituted by s. 57 (3) of the Massey University Act 1963).

PART XVIII—SEIZURE AND DISPOSAL OF FISH AND GEAR

110. Seizure and disposal of fish—Where any constable or any officer has reason to believe that any acclimatised fish has been unlawfully taken or is unlawfully in possession of any person, the fish may be seized by that constable or officer, and, upon the conviction of the person taking or in possession thereof, the fish shall be disposed of as may be directed by the acclimatisation society of the district within which the fish is found; but upon the dismissal of the charge the fish shall be returned to the person last in possession of it.

111. Seizure and disposal of gear—All nets, gear, tackle, and other apparatus used in any unlawful fishing, whether found on shore or in any vessel or boat (which articles are by section 84 of the Act declared to be forfeited), may be seized by any constable or officer, and, pending the trial of any person on a charge of unlawfully taking fish or a charge of unlawfully fishing, shall be retained by an officer of [the Ministry of Agriculture and Fisheries] or of some acclimatisation society, and upon the conviction of any person on such a charge shall be disposed of by delivery to any officer appointed by [the Director-General of Agriculture and Fisheries] to receive the same; but upon the dismissal of such a charge shall be returned to the person last in possession of the articles.

The reference to the Ministry of Agriculture and Fisheries was substituted for a reference to the Marine Department by s. 6 (2) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

PART XIX—PENALTIES

112. Offences and penalties—(1) Every person commits an offence who does any act in contravention of or fails to comply with any provision of these regulations.

(2) Every person who commits an offence against these regulations for which no penalty is provided elsewhere than in this regulation is liable on summary conviction to a fine not exceeding \$300, and—

- (a) In the case of an offence against any of the following regulations, namely—regulations 44A, 51, 52, 53, 54, 55, 56, 59, 60, 64, 65, 85, 87, 92, and 97 of these regulations, to a further fine not exceeding \$5 for each fish in respect of which the offence was committed; and
- (b) In the case of a continuing offence against regulation 97 of these regulations, to a further fine not exceeding \$5 for each day on which the offence has continued.】

This regulation was substituted for the original regulation 112 by regulation 6 of S.R. 1970/101.

113. Voiding or impounding licence—Where any person commits a breach of these regulations, the Court in its discretion may, instead of inflicting a fine or in addition to such a fine, declare void and of no effect any licence of a person convicted of a breach of these regulations or may order the impounding of any such licence for a stated period, and during that period the licence shall be void and of no effect.

114. Disqualification for a licence—Where any person commits a breach of these regulations, the Court in its discretion may, instead of or in addition to any other penalty, make an order prohibiting the issue of a licence to that person for any period not exceeding 2 years, and the person in respect of whom any such order is made shall not apply for or otherwise obtain any licence during that period and any licence obtained by any such person during that period shall be void and of no effect.

115. Forfeited gear and tackle—Where in the discretion of the Court forfeiture of gear and tackle used by a person convicted of a breach of any regulations made under the Act would be inequitable and the gear or tackle is of a kind which could lawfully be used by anglers for taking acclimatised fish, the Court may recommend to 【the Director-General of Agriculture and Fisheries】 the return of the gear or tackle or any portion of it to the person last in possession thereof either immediately or after any stated interval, and 【the Director-General of Agriculture and Fisheries】 shall thereupon dispose of any such gear or tackle in accordance with the recommendation of the Court. Subject to the foregoing provisions of this regulation, all gear and tackle forfeited under the Act shall be disposed of as 【the Director-General of Agriculture and Fisheries】 directs:

【Provided that where the prosecution was commenced on the information of an officer of a registered acclimatisation society, the forfeited gear and tackle shall be disposed of by 【the Director-General of Agriculture and Fisheries】 to that acclimatisation society for the pur-

poses of sale and may be sold by that society, and the proceeds of sale shall be paid into its funds and applied for the purposes of the society].

The references to the Director-General of Agriculture and Fisheries were substituted for references to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

The proviso was added by regulation 7 of S.R. 1970/101.

116. Disposal of fines—Subject to the provisions of [section 109 (2) of the Public Revenues Act 1953] all fines imposed and recovered in proceedings taken by an acclimatisation society for any breach of the Act or any regulations thereunder shall be paid to the acclimatisation society in the district of which the fines were received, for the purpose of the distribution, rearing, cultivation, and protection of fish in the district of that society.

S. 109 (2) of the Public Revenues Act 1953, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed s. 13 (2) of the Finance Act 1927 (No. 2).

[116A. Return of legal proceedings—Every acclimatisation society which undertakes legal proceedings in respect of any breach of the Act or of these regulations or of any modification notice issued pursuant to regulation 7 of these regulations or of any other regulations under the Act shall forthwith on the completion of the proceedings forward to [the Director-General of Agriculture and Fisheries] a statement of the circumstances giving rise to the proceedings and the result of the proceedings.]

This regulation was inserted by regulation 5 of S.R. 1962/152.

The reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

PART XX—REVOCATIONS AND SAVINGS

117. Revocations—The regulations specified in the Eighth Schedule hereto are hereby revoked.

118. Savings—(1) All licences and generally all acts of authority, documents, matters, acts, and things which originated under any regulations hereby revoked and which are of continuing effect at the time of the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and shall, where necessary, be deemed to have so originated, and all local regulations made under the Act or any other authority in that behalf shall until revoked continue to have the same force and effect as they would have had had these regulations not been passed.

(2) All matters and proceedings commenced under any of the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued, completed, and enforced under these regulations.

SCHEDULES

【FIRST SCHEDULE

Reg. 9

LICENCES AND FEES

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>
Number of Class	Class of Licence	Area of Availability	Fee for Men of 17 Years of Age and Over Unless Attending School Full Time	Fee for Women of 17 Years of Age and Over Unless Attending School Full Time	Fee for Persons Under 17 Years of Age or Attending School Full Time
1	Whole-season	As provided by regulation 11	\$ 8.00	\$ 4.00	\$ 1.50
2	Half-season	District of issue	6.00	3.00	1.50
3	Monthly ..	District of issue	4.00	2.00	1.50
4	Weekly ..	District of issue	2.75	1.75	1.50
5	Day ..	District of issue	1.00	0.75	0.50
6	Single-river or single-water	Waters described in licence ..	4.00	2.00	1.50]

This Schedule was substituted, from 1 August 1975, for the former First Schedule (as substituted by regulation 2 of S.R. 1973/230) by regulation 4 (1) and (3) of S.R. 1975/152.

【SECOND SCHEDULE

Reg. 10

WHOLE-SEASON LICENCE

LICENCE TO FISH

The Fisheries Act 1908 and its Amendments

THE holder of this licence, [*Name in full*], of [*Address*], [*Calling or occupation*], having this day paid the sum of, is hereby authorised to fish for trout and other acclimatised fish with one rod and line only in—

(*In a licence issued in any part of New Zealand, except the Rotorua Acclimatisation District and the Southern Lakes Acclimatisation District, insert: every part of New Zealand except the Rotorua Acclimatisation District, Taupo waters, and that part of the Southern Lakes Acclimatisation District that does not lie within the Westland Land District*)—

during any portion of the period from the day of 19....., to the day of 19..... [*Insert earliest and latest dates for any part of New Zealand*], falling within the open season in the place where the holder is fishing subject to the above-mentioned Acts

SECOND SCHEDULE—*continued*

and to all general and local regulations made thereunder for the time being in force.

Dated at this day of 19.....

.....
Agent or Secretary, Acclimatisation Society.

.....
Signature of Licensee (not valid until signed).]

This Schedule was substituted for the original Second Schedule by regulation 2 (2) of S.R. 1952/185.

Reg. 10

THIRD SCHEDULE

HALF-SEASON LICENCE, MONTHLY LICENCE, WEEKLY LICENCE, OR DAY LICENCE

LICENCE TO FISH

The Fisheries Act 1908 and its Amendments

THE holder of this licence, [*Name in full*], of [*Address*], [*Calling or occupation*], having this day paid the sum of, is hereby authorised to fish for trout and other acclimatised fish with one rod and line only in the Acclimatisation District, but not elsewhere in New Zealand,—

(*In the case of a half-season, monthly, or weekly licence: during any portion of the period from the day of 19....., to the day of 19.....*):

(*In the case of a day licence: on the day of 19.....*),—

within the open season in the said district, subject to the above-mentioned Acts and to all general and local regulations made thereunder for the time being in force.

Dated this day of 19.....

.....
Agent or Secretary, Acclimatisation Society.

.....
Signature of Licensee (not valid until signed).

FOURTH SCHEDULE

Reg. 10

SINGLE-RIVER OR SINGLE-WATER LICENCE

LICENCE TO FISH

The Fisheries Act 1908 and its Amendments

THE holder of this licence, [*Name in full*], of [*Address*], [*Calling or occupation*], having this day paid the sum of, is hereby authorised to fish for trout and other acclimatised fish with one rod and line only in the following waters—namely, —during any portion of the period from the day of 19....., to the day of 19....., falling within the open season for those waters, subject to the above-mentioned Acts and to all general and local regulations made thereunder for the time being in force.

Dated this day of 19.....

.....
Agent or Secretary, Acclimatisation Society.
.....

Signature of Licensee (not valid until signed).

—

FIFTH SCHEDULE

This Schedule was revoked by regulation 3 of S.R. 1955/177.

—

SIXTH SCHEDULE

This Schedule was revoked by regulation 3 of S.R. 1955/177.

—

SEVENTH SCHEDULE

Reg. 66

FREEZING CHAMBER REGISTER

Number of [Acclimatised fish]	Weight	Number of Depositor's Licence and Name of District in Which it was Issued	Name of Licence Holder	Date of Deposit	Date of Delivery

The words "acclimatised fish" were substituted for the word "trout" by regulation 2 (i) of S.R. 1970/101.

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Reg. 118

EIGHTH SCHEDULE

REGULATIONS REVOKED

Title	Published in Statutory Regulations	
	Serial Number	Page
The Freshwater Fisheries Regulations 1936 ..	36/1936	119
The Freshwater Fisheries Regulations 1936, Amendment No. 2	1939/112	549
The Freshwater Fisheries Regulations 1936, Amendment No. 3	1942/285	687
The Freshwater Fisheries Regulations 1936, Amendment No. 5	1945/115	285
The Freshwater Fisheries Regulations 1936, Amendment No. 6	1948/7	11
The Freshwater Fisheries Regulations 1936, Amendment No. 7	1949/146	592

Reg. 61

NINTH SCHEDULE

LETTERS FOR FISH MARKING TAGS

Society	Letter	Society	Letter
Ashburton	A	Southland	R
Auckland	B	Stratford	S
Bay of Islands ..	C	Taranaki	T
Hawera	D	Tauranga	U
Hawke's Bay ..	E	Waimarino	V
Hobson	H	Waimate	W
Mangonui-Whangarei ..	I	Waitaki	X
Marlborough ..	K	Wanganui	Y
Nelson	L	Wellington	Z
North Canterbury ..	M	West Coast	AA
Otago	O	Westland	AB
South Canterbury ..	P	Whangarei	AC

This Schedule was added by regulation 5 of S.R. 1965/170.

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

Certified for the purposes of section 7 of the Regulations Act 1936, this 25th day of June 1976.

P. I. WILKINSON, Attorney-General.

Issued under the authority of the Regulations Act 1936.

Date of notification of principal regulations in *Gazette*: 8 February 1951.

These regulations are administered in the Ministry of Agriculture and Fisheries.