

Serial Number 1951/15

THE FRESHWATER FISHERIES REGULATIONS 1951

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.

REGULATIONS

PART I—PRELIMINARY

1. (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. (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 :

“ Acclimatized 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*) and the tench (*Tinca vulgaris*); 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 :

“ Acclimatization society ”, “ registered acclimatization society ”, or “ society ” means an acclimatization society registered under the Animals Protection and Game Act, 1921–22; 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 the period during which fishing for acclimatized fish is not expressly permitted, either generally or in respect of any acclimatization district or districts or any part or parts thereof, or in respect of any particular species of fish, either generally or in any acclimatization district or districts or any part or parts thereof :
- “Commercial smokehouse” means any smokehouse in respect of which a fee is charged for the smoking of trout 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 “acclimatization district” means a part of New Zealand declared to be a district for the purposes of the Animals Protection and Game Act, 1921-22 :
- “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 therein as the holder thereof :
- “Licence” means a licence to fish for acclimatized fish issued under these regulations :
- “Licence fees” means the fees referred to in the Act :
- “Limit bag” means the maximum number of acclimatized 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 Marine :
- “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 acclimatized fish is generally permitted, or, in respect of any acclimatization 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 of not more than seven months duration, 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 :

- “Secretary of Marine” means the Secretary to the Marine Department :
- “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.

3. 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 yards from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour.

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

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

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

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| 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 Acclimatized 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 116.)
 Part XX—Revocations and Savings. (Regulations 117 and 118.)

PART II—MODIFICATION OF REGULATIONS

7. The Minister may by notice in writing published in the *Gazette* and operating in the Minister's discretion in any acclimatization 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.

PART III—LICENCES

8. No person shall fish for, take, or kill any acclimatized 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. There may be issued in respect of any acclimatization district the several classes of licence which are enumerated in the first column of the First Schedule hereto.

10. 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.

Area of Availability of Licences

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

(2) Notwithstanding anything in the last preceding subclause, a whole season licence issued by the Westland Acclimatization Society to a man of eighteen years of age or over shall be available in that part of the Southern Lakes Acclimatization District which lies within the Westland Land District.

(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.

(5) Any licence issued under the Rotorua Trout Fishing Regulations 1939*, the Taupo Trout Fishing Regulations 1950†, or the Freshwater Fisheries (Southern Lakes) Regulations 1945‡ shall be available only in the district in respect of which it was issued.

Duration of Availability of Licences

12. (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 six 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.

Issue of Licences

13. Whole season licences under these regulations for persons other than youths shall, upon request being made in that behalf to any acclimatization society in a district where there is an open season for acclimatized fish, be issued by that society.

14. Licences for youths and licences other than whole season licences may be issued in its discretion by the acclimatization society of the district in respect of which the licence is expressed to take effect.

15. No acclimatization 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. No person shall canvas or seek to induce any person outside the boundaries of any acclimatization district to obtain a licence from the acclimatization society of that district.

17. 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 authorized by the society in that behalf.

* Statutory Regulations 1939, Serial number 1939/199, page 815.

† Statutory Regulations 1950, Serial number 1950/188, page 849.

‡ Statutory Regulations 1945, Serial number 1945/131, page 312.

18. 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. Notwithstanding the provisions of these regulations prescribing fees for different classes of licences, it shall be lawful for any acclimatization 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. 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. (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 2s. 6d. Every such duplicate licence shall have the same force and effect as the original licence.

Licence Fees

22. 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, sixth, and seventh columns of the First Schedule hereto.

23. 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 acclimatization society or to any member or officer thereof or to any person authorized to verify licences issued by a society as to the age of himself or any other person or as to any other matter.

24. All sums received by an acclimatization society in respect of licence fees shall, subject to the liability to make to the Consolidated Fund the payments hereinafter specified, be applied by the society for the purpose of distribution, rearing, cultivation, and protection of fish or for the development, preservation, or better management of fisheries, or for the necessary and proper administrative expenses of the society.

25. All sums received by an acclimatization 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 Fund prescribed under regulation 26 hereof :
- (b) The making of payments towards the reasonable and proper overhead expenses of any regional or national organization of acclimatization 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.

26. There shall be paid into the Consolidated Fund by every society a tenth of the aggregate fees chargeable for fishing licences issued by the society in respect of any period commencing after the commencement of these regulations.

27. All moneys 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 Fund not later than three months after the end of that financial year.

28. Any payment to the Consolidated Fund 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 authorized to be made and forwarding the bank receipt therefor to the Secretary of Marine.

29. Not later than one month after the end of every open season the secretary of every acclimatization society shall deliver to the Secretary of Marine a statement showing the number of each of the various classes of licence issued by that society during or in respect of that open season and the fees respectively derived from the issue thereof.

30. Except as provided in the next succeeding regulation, the secretary of every society which issues licences shall, not later than three months after the close of every financial year of that society, forward to the Secretary of Marine a certificate signed by a member of the New Zealand Society of Accountants relating to the accounts of that financial year in the form prescribed in the Fifth Schedule hereto.

31. The secretary of every society which issues licences but in respect of which the aggregate fees for an open season do not exceed fifty pounds shall, not later than three months after the close of every financial year of that society, forward to the Secretary of Marine a certificate signed by the secretary and two members of the council of the society relating to the accounts for the financial year in the form prescribed in the Sixth Schedule hereto.

Rights, Duties, and Restrictions Under Licences

32. 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. The holder of a licence to fish for acclimatized fish may fish for, take, and kill any species of acclimatized 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. Every licence shall be deemed to authorize the holder thereof to fish for, take, and kill acclimatized fish with rod and running line only, and no person shall in fishing for acclimatized fish use or have under his control at any one time more than one assembled rod and running line.

35. No licence shall be transferable or be deemed to authorize any person to fish other than the person named therein as the holder.

36. 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. 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 authorized 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 licence shall confer any right of entry upon the land of any person without his consent.

PART IV—LIABILITIES OF PERSONS FISHING

39. Every person fishing for acclimatized fish or in possession of an assembled fishing rod and gear suitable for fishing for acclimatized 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 acclimatized fish, and all fishing tackle, lures, or baits then in his possession.

40. The holder of a current licence when fishing for acclimatized fish or in possession of an assembled fishing rod and gear suitable for fishing for acclimatized 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. No person shall fish for, take, or kill any acclimatized fish with or by any means other than with rod and running line or use for the purpose of taking or killing any acclimatized 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. No person shall, when fishing for acclimatized fish or when in possession of an assembled fishing rod and gear suitable for fishing for acclimatized 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 6 ft. in length.

43. Subject to any local regulations, a landing net or gaff may be used to secure and land any acclimatized 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. No person shall fish for acclimatized fish with a rod and line unless he is in actual attendance within 50 ft. of the rod and has the rod under his own visual observation.

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

46. No person shall otherwise than in accordance with these regulations intentionally disturb or damage the spawning redds or the eggs or larvæ of acclimatized fish or have in his possession the eggs or larvæ of acclimatized fish.

47. 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 acclimatization society of the district has, with the approval of the Minister of Marine publicly notified in the district, resolved that this regulation shall apply.

PART V—RESTRICTION ON LURES AND FISHING GEAR

48. No person shall fish for acclimatized 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. 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, in the tying of which no lead or other weight has been incorporated to facilitate the casting or sinking of the lure :
- (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*).

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

- (a) A rod consisting of only one piece of a greater length than 11 ft. ;
- (b) More than two 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 No. 21 standard wire gauge ;
- (i) Any wire or gimp trace or cast of a greater length than 6 ft. ;
- (j) On or in conjunction with any spoon bait, 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 half an inch between the point and the nearest part of the shank of the hook ; or
- (k) In conjunction with any spoon bait or artificial minnow any lead or weight affixed to the trace or line at a distance of less than 15 in. above the lure.

PART VI—BAG AND SIZE LIMITS

51. No person shall on any one day take or kill more than twenty acclimatized fish, 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.

52. No person shall continue to fish for acclimatized fish on any day on which he has already taken and killed twenty acclimatized fish.

53. No person shall continue to fish for acclimatized fish within any district or in any water or waters in respect of which a smaller limit bag than twenty acclimatized fish 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.

54. 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 9 in. or such greater size limit as may in respect of any district or water or waters be prescribed by local regulations.

55. Every person taking a trout or salmon which does not exceed in length 9 in. 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.

PART VII—NETTING OF FISH

56. 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 6 ft. 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 acclimatized fish for sale in accordance with the provisions of any regulations in that behalf for the time being in force.

57. Nothing in the last preceding regulation shall be deemed to authorize 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. Any acclimatized 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. Any acclimatized fish taken by any person netting for acclimatized 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 authorized 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 person shall mark any living acclimatized 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 Secretary of Marine or of the acclimatization society of the district within which the fish is marked or to be marked.

61. Any acclimatization society marking or authorizing the marking of any living acclimatized fish shall as soon as possible thereafter notify the Secretary of Marine 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.

62. Any angler taking during the open season any acclimatized fish bearing a tag or distinguishing device shall either cause the fish and tag or device to be delivered to the acclimatization 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. Any person taking otherwise than as described in the last preceding regulation any acclimatized 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 manager or person in charge of a freezing chamber shall, during the close season for trout or acclimatized fish in the district where the freezing chamber is situated, deposit or accept for deposit

in the freezing chamber any trout or acclimatized fish, other than quinnat salmon, except with the consent in writing of an officer of the acclimatization society for the district given from time to time in respect of any specified fish or parcel of fish.

65. No manager or person in charge of a freezing chamber shall hold or retain in the freezing chamber any trout or other acclimatized fish, except quinnat salmon, for more than one month after the end of the open season for trout or such other acclimatized fish in the district where the freezing chamber is situated.

66. Every manager or person in charge of a freezing chamber in which trout or other acclimatized fish, except quinnat salmon, 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 trout or other acclimatized fish deposited therein appropriate entries in the first five 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 six months after the making of the last entry therein.

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

68. 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 trout or other acclimatized fish, other than quinnat salmon, if the licence holder or other person already has an aggregate weight of 1 cwt. of any such fish deposited in the chamber.

PART X—CANNING OF ACCLIMATIZED FISH

69. No person shall can any acclimatized 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 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 acclimatized fish.

71. No acclimatized fish preserved in any can and no can containing acclimatized fish shall be sold.

72. No person shall trade, exchange, give, or receive acclimatized fish for cans containing acclimatized fish or for empty cans.

73. No person shall can acclimatized 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 person shall deface, obliterate, or alter any particulars painted or engraved on any can which contains acclimatized fish.

75. No person shall paint or engrave on a can containing acclimatized fish any incorrect or misleading information.

76. No person shall give away or in any way dispose of any can containing acclimatized fish unless the can is marked in accordance with the provisions of regulation 73 hereof.

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

78. No person shall have in his possession or at his disposal more than 50 lb. gross weight of canned acclimatized fish, the weight to include the weight of cans and their contents.

79. No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned acclimatized fish exceeding in aggregate weight of cans and contents 50 lb.

80. Any canned acclimatized 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 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, boardinghouse, or restaurant any meal consisting wholly or in part of canned acclimatized fish.

PART XI—COMMERCIAL SMOKEHOUSES

82. (1) No manager or person in charge of any commercial smokehouse shall receive any trout for the purpose of being smoked or have any trout 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 trout 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.

83. No person shall place or permit to be placed or kept in any such smokehouse any trout (other than fresh or wet salted trout) 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 trout ;
- (b) The number of the licence (if any) of the owner ; and
- (c) The date on which the trout were received at the smokehouse.

84. No person shall give, and no manager or person in charge of a commercial smokehouse shall receive, any trout in exchange or as a full or partial consideration for the smoking of any trout.

PART XII—UNLAWFUL POSSESSION AND DEALING

85. 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 acclimatized fish or any part of any acclimatized fish, or fish for, take, or kill, for purposes of sale, any acclimatized 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 acclimatized 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 acclimatized fish was lawfully taken for purposes of sale.

86. No person shall give or receive any acclimatized 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 person shall fish for, take, or kill acclimatized fish during the close season.

88. No person shall have in his possession during the close season any acclimatized 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 acclimatized fish was quinnat salmon which had been lawfully taken for purposes of sale ; or
- (b) That the acclimatized 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 acclimatized 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 acclimatized fish had been taken ; or
- (d) That the acclimatized fish had been taken for purposes of pisciculture or scientific research in accordance with the provisions of these regulations ; or
- (e) That the acclimatized fish was salmon imported into New Zealand in cans and was lawfully purchased as such ; or
- (f) That the acclimatized 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 acclimatized 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 acclimatized fish in that district.

PART XIII—PISCICULTURE

89. Notwithstanding any other provision of these regulations, any person authorized in writing in that behalf by the Secretary of Marine may by any method whatsoever fish for, take, and kill acclimatized 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.

90. Notwithstanding any other provisions of these regulations, any person authorized in that behalf by an acclimatization society in writing verified by the signature of its secretary may by any method whatsoever fish for, take, and kill acclimatized 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. Notwithstanding any other provision of these regulations, it shall be lawful for—

- (a) Any officer of the Marine Department acting in the course of his official duties ; or
- (b) Any officer of an acclimatization society in the course of his official duties and with the written consent of the Secretary of Marine—

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

92. No person shall take any acclimatized fish from any net, trap, pound net, or other contrivance used by any person authorized 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. No person or acclimatization society shall, without the written authority in that behalf of the Secretary of Marine, 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.

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

95. 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 acclimatization district, without the prior written consent of the Secretary of Marine.

96. (1) No acclimatization society shall, without the written authority in that behalf of the Secretary of Marine, 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.

97. No person shall obtain or shall keep in captivity for purposes of public exhibition any live acclimatized fish except with the prior consent in writing of the acclimatization 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.

PART XIV—FAUNISTIC RESERVES

98. 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 Secretary of Marine, 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.

PART XV—INDIGENOUS FISH

99. 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 acclimatization 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 person shall in any water intentionally kill or destroy small indigenous fish other than elvers.

101. 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. 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 person shall cast or throw into any waters or allow to flow into or place near the bank or margin of any waters any sawdust or sawmill refuse, lime, sheep dip, flaxmill refuse, or any other matter or liquid noxious, poisonous, injurious, or harmful to fish.

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

105. Nothing in this Part of these regulations shall extend to prohibit the depositing in any waters of debris from any mining claim.

106. 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. 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 authorized by the owner.

108. 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. 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 acclimatized fish, and for any acclimatization society, museum, university college, research institution, or fisheries research worker at any time to be in possession of any acclimatized fish whether fresh or preserved.

PART XVIII—SEIZURE AND DISPOSAL OF FISH AND GEAR

110. Where any constable or any officer has reason to believe that any acclimatized 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 acclimatization 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. 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 Marine Department or of some acclimatization society, and upon the conviction of any person on such a charge shall be disposed of by delivery to any officer appointed by the Secretary of Marine to receive the same; but upon the dismissal of such a charge shall be returned to the person last in possession of the articles.

PART XIX—PENALTIES

112. Every person committing a breach of these regulations commits an offence, and shall be liable on summary conviction to a fine not exceeding £50.

113. 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. 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 two 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. 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 acclimatized fish, the Court may recommend to the Secretary of Marine 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 Secretary of Marine 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 Secretary of Marine directs.

116. Subject to the provisions of section 13 (2) of the Finance Act, 1927 (No. 2)*, all fines imposed and recovered in proceedings taken by an acclimatization society for any breach of the Act or any regulations thereunder shall be paid to the acclimatization 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.

PART XX—REVOCATIONS AND SAVINGS

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

118. (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.

* See Reprint of Statutes, Vol. II, p. 346.

SCHEDULES

FIRST SCHEDULE

LICENCES AND FEES

(Reg. 9)

<i>First Column.</i>	<i>Second Column.</i>	<i>Third Column.</i>	<i>Fourth Column.</i>	<i>Fifth Column.</i>	<i>Sixth Column.</i>	<i>Seventh Column.</i>
Number of Class.	Class of Licence.	Area of Availability.	Fee for Men of Eighteen Years and Over.	Fee for Women of Sixteen Years and Over.	Fee for Youths of Sixteen but Under Eighteen Years of Age.	Fee for Persons Under Sixteen Years of Age.
1	Whole season	As provided by regulation 11	£1 10s.	7s. 6d.	12s. 6d.	5s.
2	Half season	District of issue ..	£1	5s.	5s.	5s.
3	Monthly ..	District of issue ..	10s.	5s.	5s.	5s.
4	Weekly ..	District of issue ..	7s. 6d.	5s.	5s.	5s.
5	Day ..	District of issue ..	3s. 6d.	3s. 6d.	3s. 6d.	3s. 6d.
6	Single river or single water	Waters described in licence	10s.	5s.	5s.	5s.

SECOND SCHEDULE

WHOLE SEASON LICENCE

(Reg. 10)

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 authorized to fish for trout and other acclimatized fish with one rod and line only in—

(*In a licence issued in any part of New Zealand except the Rotorua Acclimatization District and the Southern Lakes Acclimatization District and except a licence to a man of eighteen years or over in the Westland Acclimatization District, insert: every part of New Zealand except the Rotorua Acclimatization District, Taupo waters, and the Southern Lakes Acclimatization District:*

(*In a licence issued in the Westland Acclimatization District to a man of eighteen years or over, insert: every part of New Zealand except the Rotorua Acclimatization District, Taupo waters, and that part of the Southern Lakes Acclimatization District which 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 and to all general and local regulations made thereunder for the time being in force.

Dated at, this day of, 19. .

.
Agent or Secretary, Acclimatization Society.

.
Signature of Licensee (not valid until signed).

THIRD SCHEDULE

(Reg. 10)

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 authorized to fish for trout and other acclimatized fish with one rod and line only in the Acclimatization 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, Acclimatization 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 authorized to fish for trout and other acclimatized 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, Acclimatization Society.

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

FIFTH SCHEDULE

(Reg. 30)

FORM OF AUDIT CERTIFICATE

I, [*Name in full*], of [*Address*], being a member of the New Zealand Society of Accountants, hereby certify that I have audited the accounts of the Acclimatization Society for the year ended, 19.., and that the aggregate fees receivable by the said acclimatization society for fishing licences issued during the said year under the Freshwater Fisheries Regulations 1951 amounted to the sum of pounds shillings and pence, made up as follows:—

Class of Licence.	Licence Fee.	Income from Each Class.
		£ s. d.
Total	£

Dated at, this day of, 19..

Signature

SIXTH SCHEDULE

(Reg. 31)

CERTIFICATE OF SOCIETY WHOSE AGGREGATE FEES DO NOT EXCEED £50

THE undersigned secretary and councillors respectively of the Acclimatization Society hereby certify that we have examined the accounts of the said acclimatization society for the year ending, 19 . . ., and that the aggregate fees receivable by the said acclimatization society for fishing licences issued during the said year under the Freshwater Fisheries Regulations 1951 amounted to the sum of pounds shillings and pence, made up as follows :—

Class of Licence.	Licence Fee.	Income from Each Class.
		£ s. d.
Total	£

Dated at, this day of, 19 . . .

Secretary :
 Councillor :
 Councillor :

SEVENTH SCHEDULE

FREEZING CHAMBER REGISTER

(Reg. 66)

Number of Trout.	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.

EIGHTH SCHEDULE

REGULATIONS REVOKED

(Reg. 118)

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

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

EXPLANATORY NOTE

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

These regulations (an analysis of which appears in regulation 6) consolidate, with some amendment, the regulations referred to in the Eighth Schedule. The principal changes are as follows:—

Expenditure of Licence Revenue.—The authorized disbursements of a society include the administrative expenses of the society (regulation 24). Research levies are now based on receipts during the financial year instead of the angling season (regulation 27), and small societies are exempt from the requirement of providing audit certificates (regulation 31).

Licences.—Licences do not become valid until signed by the holders (regulation 32), and specimen signatures must be given on request (regulation 40).

Marking of Fish.—Unauthorized marking or tagging is prohibited (regulations 60, 61).

Frozen Trout.—Ministerial consent to export of frozen trout and compulsory inspection of freezing chambers are abolished. Regulation 65 extends to one month the period for retention of fish after the close of the angling season.

Canned Acclimatized Fish.—Regulations 70 to 72 forbid the sale of or traffic in canned acclimatized fish and regulation 81 prohibits the use of such fish in hotels, restaurants, &c. Regulations 73 to 80 limit to 50 lb. weight the amount of canned fish in the possession of individual anglers, require details of origin to be put on cans, and restrict possession in the close season. (The definition of "acclimatized fish" excludes imported canned salmon—regulation 2.)

Possession in Close Season.—The circumstances under which acclimatized fish may be lawfully in possession in the close season are clarified (regulation 88).

Live Fish Exhibits.—Regulation 97 requires the consent of the local acclimatization society to public displays of acclimatized fish and provides for supervision.

Faunistic Reserves.—Regulation 98 provides for the gazetting of faunistic reserves in which interference with aquatic life is prohibited.

Indigenous Fish.—Regulation 99 forbids the taking of native grayling. Regulations 100 and 101 forbid the destruction or waste of certain small fishes.

Exemptions.—Regulation 109 gives relief to research workers and institutions from certain restrictions on the possession of acclimatized fish.

Penalties.—The penalties are extended to include cancellation or impounding of licences (regulation 113). The Court (previously an acclimatization society) is empowered to prohibit the issue for two years of licences to convicted persons (regulation 114). Regulation 115 gives the Court discretion to recommend the return of angling gear to a convicted person.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 8th day of February, 1951.

These regulations are administered in the Marine Department.