



THE FRESHWATER FISHERIES REGULATIONS 1951,  
AMENDMENT NO. 15

RICHARD WILD, Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 10th day of October 1977

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL  
PURSUANT to the Fisheries Act 1908, His Excellency the Administrator  
of the Government, acting by and with the advice and consent of the  
Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Modification of regulations</li> <li>3. Form of licences</li> <li>4. Area of availability of licences</li> <li>5. Payments to Council of South Island Acclimatisation Societies</li> <li>6. Prohibition against possession or control of spear gun</li> <li>7. Description of lures and baits</li> <li>8. Notification of authorised marking of acclimatised fish</li> <li>9. Register of storage for acclimatised fish</li> <li>10. No unlawful possession in close season</li> </ol> | <ol style="list-style-type: none"> <li>11. Interference with apparatus for scientific purposes</li> <li>12. No unauthorised keeping in captivity of acclimatised fish</li> <li>13. No taking of grayling</li> <li>14. No killing of indigenous fish</li> <li>15. No depositing of indigenous fish on banks</li> <li>16. Taking of indigenous fish</li> <li>17. Possession of mounted specimens</li> <li>18. Offences and penalties</li> <li>19. Increased licence fees in North Island</li> <li>20. Ninth Schedule amended</li> </ol> |
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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Freshwater Fisheries Regulations 1951, Amendment No. 15, and shall be read together with and deemed part of the Freshwater Fisheries Regulations 1951\* (hereinafter referred to as the principal regulations).

(2) Except as provided in regulation 19 (2) of these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

\*S.R. 1951/15 (Reprinted with Amendment Nos. 1 to 13: S.R. 1976/191)  
Amendment No. 14: S.R. 1976/255

**2. Modification of regulations**—Regulation 7 (1) (a) of the principal regulations is hereby amended by omitting the word “open”, and substituting the word “close”.

**3. Form of licences**—(1) Regulation 10 of the principal regulations (as amended by regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 3, and section 6 (2) (c) of the Ministry of Agriculture and Fisheries Act 1972), is hereby further amended by omitting the words “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”, and substituting the words “and shall contain only such other matter as the Director-General from time to time prescribes or approves”.

(2) Regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 3\*, is hereby consequentially revoked.

**4. Area of availability of licences**—(1) Regulation 11 of the principal regulations is hereby amended—

(a) By revoking subclause (8) (as inserted by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 7):

(b) By omitting from subclause (9) (as inserted by regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 9) the words “the Waimate Acclimatisation Society,”, and by inserting, after the word “Waitaki”, the word “Valley”:

(c) By omitting from subclause (10) (as so inserted) the word “Waimate”, and substituting the words “Waitaki Valley”.

(2) Regulation 3 of the Freshwater Fisheries Regulations 1951 Amendment No. 7†, is hereby consequentially revoked.

**5. Payments to Council of South Island Acclimatisation Societies**—Regulation 28A of the principal regulations (as substituted by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 6) is hereby amended—

(a) By revoking paragraph (a):

(b) By omitting, from paragraph (b), the word “subsequent”.

**6. Prohibition against possession or control of spear gun**—The principal regulations are hereby further amended by inserting, after regulation 42, the following regulation:

“42A. (1) No person shall, when taking any fish or when in possession of any fish, have in his possession or under his control, for any purpose whatsoever, any spear gun or pointed missile which is propelled by means of any mechanical or explosive device.

“(2) In this regulation, the term ‘explosive’ has the same meaning as the Explosives Act 1957.”

**7. Description of lures and baits**—Regulation 49 (a) of the principal regulations (as substituted by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 9, and amended by regulation 5 of the Freshwater Fisheries Regulations 1951, Amendment No. 13) is hereby further amended by deleting the words “or similar material”, and substituting the words “or other material of any kind customarily used in the making of artificial flies”.

**8. Notification of authorised marking of acclimatised fish**—Regulation 61 (2) of the principal regulations (as added by regulation 4 of the Freshwater Fisheries Regulations 1951, Amendment No. 9) is hereby amended by adding, after the words “marking of the fish”, the words “or bear a code assigned by the Director-General”.

**9. Register of storage for acclimatised fish**—(1) Regulation 66 of the principal regulations (as amended by regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 11) is hereby further amended by inserting, after the words “register on the day of”, the words “and at the time of”.

(2) The Seventh Schedule to the principal regulations is hereby consequentially amended by omitting from the heading of the 5th column the words “Date of Deposit”, and substituting the words “Date and Time of Deposit”.

**10. No unlawful possession in close season**—Regulation 88 (b) of the principal regulations is hereby amended by omitting the words “trout or salmon” from both places where they appear, and substituting in each case the words “acclimatised fish”.

**11. Interference with apparatus for scientific purposes**—Regulation 92 of the principal regulations is hereby amended by omitting the word “acclimatised”.

**12. No unauthorised keeping in captivity of acclimatised fish**—Regulation 97 of the principal regulations (as amended by regulation 3 of the Freshwater Fisheries Regulations 1951, Amendment No. 13) is hereby further amended by omitting the word “exhibit”, and substituting the word “keep”.

**13. No taking of grayling**—Regulation 99 of the principal regulations is hereby amended—

- (a) By omitting from the heading the words “indigenous fish”, and substituting the word “grayling”;
- (b) By omitting the words “or other fish” from both places where they appear.

**14. No killing of indigenous fish**—Regulation 100 of the principal regulations is hereby amended by omitting the words “small” and “other than elvers”.

**15. No depositing of indigenous fish on banks**—Regulation 101 of the principal regulations is hereby amended by omitting the words “small” and “other than elvers”.

**16. Taking of indigenous fish**—Regulation 102 of the principal regulations is hereby amended—

- (a) By omitting from the heading the word “whitebait”, and substituting the words “indigenous fish”;
- (b) By inserting, after the words “of whitebait”, the word “eels”;
- (c) By omitting the words “small” and “such”.

**17. Possession of mounted specimens**—Regulation 109 of the principal regulations is hereby amended by omitting the word “college”.

**18. Offences and penalties**—Regulation 112 (2) of the principal regulations (as substituted by regulation 6 of the Freshwater Fisheries Regulations 1951, Amendment No. 11) is hereby amended by omitting the expression “\$300”, and substituting the expression “\$1,000”.

**19. Increased licence fees in North Island**—(1) The principal regulations are hereby amended by revoking the First Schedule (as substituted by regulation 2 of the Freshwater Fisheries Regulations 1951, Amendment No. 14), and substituting the new First Schedule as set out in the Schedule to these regulations.

(2) This regulation shall come into force on the 10th day of October 1977.

(3) The Freshwater Fisheries Regulations 1951, Amendment No. 14\*, are hereby consequentially revoked.

**20. Ninth Schedule amended**—The Ninth Schedule to the principal regulations (as added by regulation 5 of the Freshwater Fisheries Regulations 1951, Amendment No. 9) is hereby amended—

(a) By omitting the words “Mangonui-Whangarei”, and substituting the words “Mangonui-Whangaroa”:

(b) By omitting the word “Waimarino” and the letter “V”:

(c) By omitting the word “Waimate” and the letter “W”:

(d) By adding, after the word “Waitaki”, the word “Valley”.

\*S.R. 1976/255

Reg. 19 (1)

## SCHEDULE

### NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 9

### “FIRST SCHEDULE

### 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	10.00	5.00	1.75
2	Half-season	District of issue	7.50	3.75	1.75
3	Monthly ..	District of issue	5.00	2.50	1.75
4	Weekly ..	District of issue	3.50	2.25	1.75
5	Day ..	District of issue	1.25	1.00	0.65
6	Single-river or single-water	Waters described in licence ..	5.00	2.50	1.75”

P. G. MILLEN,  
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 amend the Freshwater Fisheries Regulations 1951.

Regulation 2 relates to the powers of the Minister to modify certain regulations by *Gazette* notice.

Regulation 3 omits redundant words.

Regulation 4 is consequential on the forming of the Waitaki Valley Acclimatisation Society, an amalgamation of the Waimate and Waitaki societies.

Regulation 5 omits redundant words.

Regulation 6 introduces a new regulation to prohibit the use or possession of any spear gun or pointed missile propelled by a mechanical or explosive device when taking or being in possession of any fish. "Take", in relation to fish, is defined in s. 78 (1) of the Fisheries Act 1908, and includes any attempt to take fish.

Regulation 7 relates to the definition of artificial fly.

Regulation 8 provides that, for the purpose of marking acclimatised fish, a code assigned to the relevant acclimatisation society by the Director-General may be used instead of the letters set out in the Ninth Schedule to the principal regulations.

Regulation 9 requires the register of acclimatised fish received into a freezing chamber to show the time the fish was received as well as the date on which it was received.

Regulation 10 extends the defence afforded by regulation 88 (b) of the principal regulations to persons possessing other acclimatised fish as well as trout or salmon.

Regulation 11 extends the prohibition on the unauthorised taking of fish from scientific apparatus to the taking of all fish (as defined in regulation 2 of the principal regulations) and not just acclimatised fish.

Regulation 12 corrects a drafting error.

Regulations 13 to 16 make minor amendments to regulations dealing with indigenous fish.

Regulation 17 omits a redundant word.

Regulation 18 increases, from \$300 to \$1,000, the maximum penalty payable on conviction for an offence against the principal regulations.

Regulation 19 increases the fishing licence fees payable in the North Island to those applying in the South Island.

Regulation 20 amends the Ninth Schedule to the principal regulations. The Schedule relates to the letters to be used on fish marking tags.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 October 1977.

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