



THE INDUSTRIAL EFFICIENCY (FISH) REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 29th day of
November, 1939.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the Industrial Efficiency Act, 1936, 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. These regulations may be cited as the Industrial Efficiency (Fish) Regulations 1939.

2. These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.*

3. These regulations shall apply to the industries referred to in the notices mentioned in the first column of the Schedule hereto and therein respectively described as set out in the second column of the said Schedule.

4. In these regulations, if not inconsistent with the context,—

“ The said Act ” means the Industrial Efficiency Act, 1936 :

“ Minister ” means the Minister of Industries and Commerce :

“ Bureau ” means the Bureau of Industry established under the Industrial Efficiency Act, 1936 :

“ The said industries ” means the industries referred to in clause 3 hereof :

“ License ” means a license to carry on any one of the said industries :

“ Industrial Fishing License ” means a license to carry on the industry referred to in the Industry Licensing (Fishing) Notice 1939 :

“ Industrial Oyster-dredging License ” means a license to carry on the industry referred to in the Industry Licensing (Oyster-dredging) Notice 1939 :

* See end note.

- “Fish Exporter’s License” means a license to carry on the industry referred to in the Industry Licensing (Fish-export) Notice 1939 :
- “Fish Canner’s License” means a license to carry on the industry referred to in the Industry Licensing (Fish-canning) Notice 1939 :
- “Fish Wholesaler’s License” means a license to carry on the industry referred to in the Industry Licensing (Fish Wholesalers) Notice 1939 :
- “Fish Retailer’s License” means a license to carry on the industry referred to in the Industry Licensing (Fish Retailing) Notice 1939 :
- “Licensee” means a person to whom a license is issued.

PART II.—LICENSE FEES.

5. Every application under section 15 of the said Act for a license to carry on any one of the said industries shall be in writing signed by or on behalf of the applicant.

6. Every person making an application for a license to commence carrying on any of the said industries shall pay an application fee of 10s. :

Provided that if the application be granted the amount of the first license fee payable by the licensee as hereinafter provided shall be deemed to have been satisfied or reduced, as the case may be, by the payment of the said application fee.

7. Every license shall commence on the day on which the license is granted, or any later day named in the license.

8. In respect of every license issued, other than a Fish Wholesaler’s License, there shall be payable for the purposes hereinafter specified by each licensee an annual license fee in accordance with the following scale :—

| | £ | s. | d. |
|--|----|----|----|
| (a) Industrial Fishing License | 0 | 10 | 0 |
| (b) Industrial Oyster-dredging License | 10 | 0 | 0 |
| (c) Fish Exporter’s License | 1 | 0 | 0 |
| (d) Fish Retailer’s License | 2 | 0 | 0 |
| (e) Fish Canner’s License | 1 | 0 | 0 |

9. In respect of every Fish Wholesaler’s License issued there shall be payable by each licensee an annual license fee computed as follows :—

| | | |
|--|----|----|
| Licensees with an annual fish turnover not exceeding one million pounds weight | £ | 10 |
| Licensees with an annual fish turnover exceeding one million but not exceeding two million pounds weight | 20 | |
| Licensees with an annual fish turnover exceeding two million pounds weight | 30 | |

10. For the purpose of the last preceding clause the annual fish turnover shall be deemed to be the total weight (at the time of delivery into the wholesaler’s premises, whether green or in any state of preparation for sale) of fish (as defined in the Industry Licensing (Fish Wholesalers) Notice 1939) received by a wholesaler, whether purchased from fishermen, at auctions, or from any other source, or

caught by the fishing-boats of the wholesaler, and intended for sale by wholesale, for the financial year of the business according to which accounts are prepared for the purpose of income-tax returns and which ended next before the due date for payment of the license fee :

Provided always—

First, that if any fish wholesale business has not been carried on, whether by the same or a previous owner, for a complete financial year immediately prior to the due date for payment of the first license fee payable for the license the annual fish turnover shall be deemed to be a weight bearing the same proportion to the fish turnover for the period for which the business has been carried on as one year bears to the said period ;

Secondly, that, except as provided by clause 12 hereof, the fee for a Fish Wholesaler's License shall nevertheless in no case be less than £10.

11. The first license fee payable in respect of any business shall be due and payable immediately notice is given by the Bureau to the applicant that his application for a license has been granted, and shall be deemed to be paid in respect of the period from the date of commencement of the license until the 1st day of January next following.

12. If the period in respect of which the first license fee payable in respect of any business is deemed to be paid is six but less than nine months, the fee hereinbefore prescribed shall be reduced by one-fourth ; if it is three but less than six months, by one-half ; if it is less than three months, by three-fourths of the respective fee hereinbefore prescribed.

13. Every license fee other than the first payable in respect of any business shall become due and payable on the 1st day of December in every year, and shall be deemed to be paid in respect of the period from the 1st day of January until the 31st day of December (both days inclusive) in the next succeeding year :

Provided that in the case of a license granted to commence in the month of December the second license fee shall be payable on the same date as the first.

14. Every license fee not paid on the date on which it becomes due and payable shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

15. Every person making a payment as herein prescribed in respect of any fee shall forthwith notify the Bureau of the amount of such payment and the nature of the fee in respect of which the payment is made.

16. Every wholesaler making any payment in respect of a license fee as prescribed in clause 9 hereof shall forthwith notify the Bureau of the amount of fish turnover on which the amount of the license fee was calculated, and in support thereof shall forward to the Bureau a statement setting out the sources of supply, the kinds, and the respective quantities of fish comprised in such fish turnover.

17. Every application for leave to transfer a license shall be in writing signed by or on behalf of the licensee or the proposed transferee, and shall be accompanied by a transfer fee of £2.

18. Every appeal under section 21 of the said Act shall be in writing signed by or on behalf of the appellant, and shall be accompanied by an appeal fee of £2. Out of moneys appropriated by Parliament for the purpose, and subject to the existence of any available appropriation, such appeal fee shall be refunded in full if, in the opinion of the Minister, the appellant is substantially successful in his appeal.

19. Every application fee, transfer fee, appeal fee, and license fee may be paid by lodging the same to the credit of the Public Account at the bank where for the time being the Public Account is kept, or may be paid in cash at the office of the Bureau of Industry.

20. All moneys received in respect of application fees, transfer fees, appeal fees, and license fees shall, subject to appropriation by Parliament, be applied in defraying the expenditure incurred in the preparation of any plan or plans which may be formulated under section 9 of the said Act in respect of the said industries, and in the general administration of these regulations and of the said Act so far as it relates to the said industries.

PART III.—OFFENCES AND PENALTIES.

21. Any person who delays or fails or neglects to pay in such manner as may be prescribed by these regulations any fees hereinbefore made payable commits an offence against these regulations.

22. Any person who fails to make in accordance with these regulations any return or statement required thereby or in pursuance thereof, or who makes any such return or statement which is false or misleading in any material particular or who in any way fails to comply with these regulations, commits an offence against these regulations.

23. Any person who commits an offence against these regulations shall be liable, on summary conviction, to a penalty not exceeding £10, or, in the case of a continuing offence, to a penalty not exceeding £10 for every day on which such offence is committed or continued.

SCHEDULE.

| Notice. | Industry. |
|---|--|
| The Industry Licensing (Fishing) Notice 1939 | The taking by a fisherman for sale of fish as defined. |
| The Industry Licensing (Oyster-dredging) Notice 1939 | The taking from oyster-beds of oysters as defined. |
| The Industry Licensing (Fish-export) Notice 1939 | The export of fish as defined. |
| The Industry Licensing (Fish-canning) Notice 1939 | The preservation for sale in hermetically sealed cans, jars, or other containers of fish as defined. |
| The Industry Licensing (Fish Wholesalers) Notice 1939 | The sale by wholesale of fish as defined. |
| The Industry Licensing (Fish Retailing) Notice 1939 | The sale by retail of fish as defined. |

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 7th day of December, 1939.
These regulations are administered by the Bureau of Industry in the Department of Industries and Commerce, Tourist and Publicity.