

Serial Number 1946/83



THE SEAL-FISHERY REGULATIONS 1946

MICHAEL MYERS,
Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington, this 29th day of
May, 1946

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN
COUNCIL

PURSUANT to the Fisheries Act, 1908, His Excellency the Administrator of the Government of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Seal-fishery Regulations 1946.

INTERPRETATION

2. In these regulations—

“The said Act” means the Fisheries Act, 1908 :

“Licensee” means the person or persons or company to whom or to which a license under these regulations is granted :

“Licensing Authority” means the Licensing Authority appointed under the Fisheries Amendment Act, 1945 :

“Minister” means the Minister of Marine.

CLOSE SEASON

3. Subject to the next succeeding regulation, the period from the coming into force of these regulations until and including the 31st day of March, 1948, is hereby declared to be a close season for seals of every species in all parts of New Zealand.

4. Nevertheless, licenses as hereinafter provided may be issued conferring the right of taking seals of any species during any period prescribed by these regulations or by any other regulations for the time being in force, or at the discretion of the Minister during any part of such period and in respect of the parts of New Zealand described in such regulations, or at the discretion of the Minister in respect of any area included in those parts of New Zealand.

5. Licenses may be issued conferring the right of taking seals during the period from the coming into force of these regulations to the 30th day of September, 1946 (both days inclusive), or any period comprised within the first-mentioned period, in respect of the parts of New Zealand described in the First Schedule hereto.

LICENSES

6. Application for a license shall be made in writing to the Licensing Authority and shall set out that the applicant is domiciled in New Zealand, and the applicant shall furnish to the Licensing Authority all such information relating to the suitability of the applicant as the Licensing Authority may require.

7. Every person who in connection with an application for a license makes any false or misleading statement to the Licensing Authority commits an offence against these regulations.

8. A license may be in the form set out in the Second Schedule hereto.

9. No license shall be issued to a person who in the opinion of the Licensing Authority is not domiciled in New Zealand at the date thereof:

Provided that the validity of a license shall not be affected by the fact that the licensee was not so domiciled.

10. Before a license is issued the licensee shall pay therefor a fee of 10s.

11. No license issued under these regulations shall dispense with the necessity of a boat license for any boat to be used in taking seals for purposes of sale authorizing the boat to be so used and a crew license for any person employed as described in the Fisheries Amendment Act, 1945, on any boat so used, or with the necessity of a fisherman's license for any person engaged in taking seals for purposes of sale not being a person employed in a fishing-boat and holding a crew license, and the provisions of the Sea-fisheries (Boats and Licenses) Regulations 1945* shall apply to all such licenses as aforesaid (other than a license issued under these regulations).

OBLIGATIONS OF LICENSEE

12. The licensee shall, not later than the fourteenth day after the close of every calendar month which, or any portion of which, is included in the period stated in the license, give notice in writing to the Collector of Customs at the port named in the license of the place at which seals were taken and killed by the licensee during that calendar month and of the number of seals taken and killed by him at each place.

13. The licensee shall skin every seal taken and killed under the authority of the license and shall, within twenty-one days after the expiration of the period included in the license, deliver the skins to the Collector of Customs at some place to be from time to time notified by the Collector at the port named in the license and allow the same to be stamped by the Collector, and will after the same are stamped take redelivery of the skins forthwith upon receiving notice from the Collector that the same are ready for redelivery.

14. Every licensee shall forthwith give particulars to a fishery officer of any matters coming to the notice of the licensee or any servant of the licensee which may reasonably suggest that a breach of the

* Statutory Regulations 1945, Serial number 1945/196, page 503.

provisions of the said Act relating to sealing or of these regulations is or may be committed, with full particulars of the circumstances and of the identity of any person believed to be involved.

PENALTIES

15. Any person committing a breach of these regulations shall be liable to a fine not exceeding £500 in addition and without prejudice to any other liability by way of forfeiture of property, revocation or suspension of license, or otherwise to which such person may also be exposed.

16. The Minister or any person authorized by the Minister generally or particularly in that behalf may, in his discretion, without the necessity of giving any previous intimation of his intention to the licensee, by notice in writing to the licensee at any time revoke the license, and the license shall thereupon become void, and the licensee shall forthwith surrender the license to the Collector of Customs at the port named in the license.

SCHEDULES

FIRST SCHEDULE

PART 1.—FORESHORES

(a) The foreshore commencing at the easternmost extremity of the northern bank of the Matau branch of the Molyneux River, and extending in a southerly and westerly direction to the southernmost extremity of Long Point, in the Provincial District of Otago, as shown on Admiralty Chart No. 2533.

(b) The foreshore surrounding North Trap Island, South Trap Island, Evening Island, Long Island, Wedge Island, Hidden Island, Moggy Island, Codfish Island, and Solander Island.

(c) The foreshore surrounding all islands within one marine league of that part of the coast of Stewart Island described in paragraph (d) of this Part of this Schedule.

(d) The foreshore commencing at the easternmost extremity of East Head on Stewart Island, thence following the coast in a south and westerly direction, and thence in a northerly and easterly direction to the westernmost extremity of Stewart Island opposite to Rugged Island.

(e) The foreshore surrounding all the islands within one marine league of that part of the west coast of the South Island as described in paragraph (f) of this Part of this Schedule.

(f) All that area of foreshore commencing at the southernmost extremity of Windsor Point on the south-west coast of the South Island, thence in a north and westerly direction, thence following the coast in a north and easterly direction to the northernmost extremity of Jackson Head, on the west coast of the South Island.

(g) The foreshore of any islets or rocks within the territorial water of the said areas described in paragraphs (a) to (f), both inclusive, of this Part of this Schedule.

PART 2.—TERRITORIAL WATERS

(a) The territorial waters lying to the south-east of the coast of the South Island between lines drawn seaward in a south-easterly direction from the easternmost extremity of the northern bank of the Matau branch of the Molyneux River and from the southernmost extremity of Long Point respectively.

(b) The territorial waters lying off the coast of Stewart Island to the south of a line drawn seaward in an easterly direction from the easternmost extremity of East Head and a line drawn seaward in a westerly direction from the westernmost extremity of Stewart Island opposite to Rugged Island.

(c) The territorial waters lying off the coasts of all the islands (except Stewart Island), islets, and rocks named or referred to respectively in Part 1 of this Schedule.

(d) The territorial waters lying to the south and west of the coast of the South Island between a line drawn seaward in a south-westerly direction from the southernmost extremity of Windsor Point and a line drawn seaward in a westerly direction from the northernmost extremity of Jackson Head.

PART 3.—OTHER AREAS

All lands of the Crown not otherwise alienated or disposed of and whether on the mainland of the South Island or on any other island, islet, or rock which are adjoining or contiguous to any foreshore described in Part 1 of this Schedule.

SECOND SCHEDULE

Under the Fisheries Act, 1908

LICENSE TO TAKE SEALS

IN pursuance of the provisions of the Fisheries Act, 1908, and the regulations thereunder, I,, Minister of Marine, do hereby authorize, of, to take seals for the period commencing on the day of, 19. . ., and ending on the day of, 19. . . (both days inclusive), in all those parts of New Zealand being the foreshores, territorial waters, and other areas more particularly defined in the Schedule to this license.

This license is issued subject to the provisions of Part I of the Fisheries Act, 1908, and of the Seal-fishery Regulations 1946, and the port named in this license for the purposes of these regulations shall be the port of

Dated this day of, 1946.

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Minister of Marine.

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 6th day of June, 1946.

These regulations are administered in the Marine Department.