

Serial Number 1951/151

THE OPOSSUM REGULATIONS (NO. 2) 1951

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 4th day of
July, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Animals Protection and Game Act, 1921-22, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Opossum Regulations (No. 2) 1951.

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

2. In these regulations, unless the context otherwise requires,—
“The said Act” means the Animals Protection and Game Act 1921-22 :

“Authorized officer” means any officer of the Department of Internal Affairs appointed by the Secretary for all the purposes of these regulations, or for any special purpose, as the case may be :

“Buy” includes barter and exchange for consideration ; and also includes offer to buy, attempt to buy, or agreement to buy :

“Department” means the Department of Internal Affairs :

“Opossum” means any animal of the genus *trichosurus* or of any other genus of the family *phalangeridæ* (commonly known as Australian opossums), but does not include any animal of the species *didelphys* (commonly known as American opossums) :

“Sale” includes barter and exchange for consideration ; and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale ; and “sell” has a corresponding meaning :

“Secretary” means the Secretary for Internal Affairs.

3. No person shall take or kill opossums by any means involving unnecessary cruelty.

4. Every person engaged in taking opossums by means of nooses or traps shall visit all such contrivances used by him for that purpose at least once daily.

5. No person shall liberate opossums in any part of New Zealand.

6. No person shall have live opossums in his possession without the prior consent in writing of the Secretary.

7. No person shall buy or sell any opossum skin to which any ear of the animal is attached.

8. Any authorized officer may—

(a) At all reasonable times enter into and inspect any place (not being a dwellinghouse) where there are, or where he reasonably believes there to be, any opossum skins which he has reasonable grounds for believing to be intended for sale :

Provided that any Justice, upon information on oath that there is probable cause to suspect that there are within any dwellinghouse any skins that are intended for sale or that a breach of regulation 7 hereof has been or is being committed within any dwellinghouse or that preparation has been made to commit such a breach within any dwellinghouse, may by warrant under his hand empower any authorized officer together with any constable to enter and search the dwellinghouse at such time or times in the day as are mentioned in the warrant for the purpose of exercising the powers conferred by this regulation :

(b) Mark, seal, or otherwise secure or count any opossum skins the sale of which appears to be contrary to the provisions of these regulations :

(c) Seize any opossum skins the sale or possession of which appears to him to be contrary to these regulations :

(d) Inspect any opossum skins wherever found which he has reasonable grounds for believing to be intended for sale.

9. (1) Any opossum skins lawfully seized under the provisions of regulation 8 of these regulations shall on the conviction of any person for an offence in respect of which the skins were seized be deemed to be forfeited to His Majesty.

(2) It shall be the duty of every authorized officer who has seized any opossum skins or into whose possession they have come to forward immediate notification thereof to the Secretary, who either on the conviction of any person for any breach of these regulations in respect of the skins or, if no such person can be traced within a period of two years from the date of any such seizure or from the date when the skins came into the possession of the authorized officer, shall, in order to give effect to any forfeiture as aforesaid, give such orders as he thinks fit for the disposal of the skins, and those orders shall immediately on receipt thereof be carried out by the person to whom they are given.

10. Any person who does or who attempts to do any act or thing prohibited by these regulations or who omits to do anything required of him thereby or who obstructs or resists any authorized officer in the exercise of any powers conferred by these regulations commits an offence.

11. (1) The Opossum Regulations 1951* are hereby revoked.

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

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

* Statutory Regulations 1951, Serial number 1951/95, page 316.

EXPLANATORY NOTE

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

These regulations re-enact the Opossum Regulations 1951, with additional provisions prohibiting the sale or purchase of opossum skins with the ears attached. Since the Opossum Regulations 1951 were made, a bounty on certain opossum skins has been introduced, the bounty being payable on the submission of a token of which the ears of the opossum form part. The provisions of these regulations prohibiting the sale or purchase of skins with the ears attached are intended to prevent possible abuses of the bounty system.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 5th day of July, 1951.

These regulations are administered in the Department of Internal Affairs.