

Serial Number 1951/228

**THE ROTORUA TROUT FISHING REGULATIONS 1951,  
AMENDMENT NO. 1**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 10th day of  
October 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Rotorua Trout Fishing Regulations 1951, Amendment No. 1, and shall be read together with and deemed part of the Rotorua Trout Fishing Regulations 1951\* (hereinafter referred to as the principal regulations).

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

2. Regulation 9 of the principal regulations is hereby revoked.

3. The principal regulations are hereby amended by inserting, after regulation 22, the following new regulation :—

“ 22A. Notwithstanding anything in regulation 21 or regulation 22 hereof, the holder of any licence for the time being current issued under the Freshwater Fisheries Regulations 1951† and available in the Hawke's Bay Acclimatization District may during the open season in the Rotorua Trout Fishing District fish for, take, and kill trout in the waters or from the bank of that portion of the Mohaka River that lies within the last-mentioned district and is opposite the boundary between that district and the Hawke's Bay Acclimatization District, subject to compliance by him with all the provisions of these regulations in force at that place at that time.”

4. Regulation 32 of the principal regulations is hereby amended by adding the words “ to a depth of not less than 6 in. below the level of the surrounding ground ”.

5. Regulation 39 of the principal regulations is hereby amended by adding the words “ or on or onto the bank or margin of any waters or river bed ”.

6. Regulation 40 of the principal regulations is hereby amended as follows :—

(a) By omitting the word “ unburied ” :

(b) By adding the words “ unless it is buried to a depth of not less than 6 in. below the level of the surrounding ground ”.

7. Regulation 41 of the principal regulations is hereby amended by omitting the words “ except during the first five days thereof ”.

\* Statutory Regulations 1951, Serial number 1951/36, page 95

† Statutory Regulations 1951, Serial number 1951/15, page 23

8. Regulation 36 of the principal regulations is hereby amended by adding to paragraph (r) of subclause (5) the words "and Lakes Kaitawa and Whakamarino".

9. The principal regulations are hereby amended by revoking regulations 67 to 70, and substituting the following regulation:—

" 67. Subject to the provisions of section 88 (2) of the Maori Purposes Act 1931, no person shall in any lake in the district, whether natural or artificial, or in any tributary of any such lake or in the Ohau Channel fish for, take, or kill in any manner whatever any species of whitebait, any crustacea of the genus *Paranephrops* (commonly called freshwater crayfish or koura), or any other small fish indigenous to New Zealand, or the ova, young, or fry of any such whitebait, crustacea, or other fish as aforesaid in any stage whatsoever, or intentionally have in his possession or sell any such whitebait, crustacea, or other fish or the ova, young, or fry thereof, taken or killed in any such waters."

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 make several miscellaneous amendments of the Rotorua Trout Fishing Regulations 1951.

Regulation 2 revokes regulation 9 of the principal regulations, which authorizes issuing officers to refuse a licence to persons convicted of offences in relation to fishing for trout. Regulation 81 of the principal regulations has not been affected, and the power of prohibiting the issue of licences to convicted persons is now confined to the Court that makes the conviction.

Regulation 3 provides for licences issued under the Freshwater Fisheries Regulations 1951 to be available in the Rotorua Fishing District in that part of the Mohaka River that forms the boundary between that district and the Hawke's Bay Acclimatization District.

Regulation 32 of the principal regulations requires any person who takes any undersized fish to return it alive into the water, or, if it is dead or is diseased, to dispose of it by burial. Regulation 4 of these regulations requires the fish to be buried to a depth of at least 6 in.

The effect of regulation 5 is to prohibit the leaving of rubbish on the bank or margin of any waters or river bed.

Regulation 40 of the principal regulations forbids the leaving of fish or fish cleanings or offal unburied on the bank or margin of any water in which there are trout. Regulation 6 of these regulations requires any such fish, cleanings, or offal to be buried to a depth of at least 6 in.

Regulation 41 of the principal regulations makes it unlawful for any person to be in possession of trout during the close season except during the first five days thereof, but it is a defence to any person charged with an offence under that regulation if he proves (*inter alia*) that the fish was lawfully taken during the open season and that not more than one month had elapsed since the close of the open season. In view of the latter provision, the words "except during the first five days thereof" in the earlier part of the regulation are unnecessary, and have been omitted by regulation 7 of these regulations.

Regulation 9 replaces the existing provisions as to the taking of small indigenous fish other than grayling. The principal change in the new provision is the prohibition of the taking by Europeans of the freshwater crayfish or koura or of whitebait in any inland lakes or the tributaries of any such lake.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11th day of October 1951.

These regulations are administered in the Department of Internal Affairs.