

Serial Number 1951/147

**THE SEA FISHERIES (BOATS AND LICENCES)  
REGULATIONS 1951**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of  
June, 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, doth hereby make the following regulations.

REGULATIONS

PART I—PRELIMINARY

*Title and Commencement*

1. (1) These regulations may be cited as the Sea Fisheries (Boats and Licences) Regulations 1951.

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

*Interpretation*

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

“The Act” means the Fisheries Amendment Act, 1945 :

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

“Appeal Authority” means the Sea Fisheries Licensing Appeal Authority appointed under the Act :

“Boat licence” means a licence granted under the Act to the owner of a fishing boat authorizing the boat to be used in fishing for purposes of sale :

“Crew”, with respect to any fishing boat, means every person employed or engaged thereon, but does not include—

(a) The owner of the boat :

(b) Any person employed as an engineer and engaged wholly in connection with the propelling machinery of the boat :

(c) Any person employed wholly as a fireman or as a cook on the boat :

“Crew licence” means a licence granted under the Act authorizing the person to whom it is granted to engage in fishing as a member of the crew of a fishing boat :

- “Fish” does not include salmon or trout or whitebait, but, save as aforesaid, includes oysters and every description both of fish and of shellfish found in New Zealand waters, and their young, or fry, or spawn :
- “Fisherman’s licence” means a licence, not being a boat licence or a crew licence or a temporary crew licence, granted under the Act authorizing the person to whom it is granted to engage in fishing for purposes of sale :
- “Fishing” means taking any fish for purposes of sale, and “to fish” has a corresponding meaning :
- “Fishing boat” or “boat” includes every vessel of whatever size and however propelled which is used in fishing for purpose of sale, and includes every small boat carried on or attached to a fishing boat :
- “Fishery officer” means an officer appointed under Part I of the principal Act :
- “Licence” includes a boat licence, a crew licence, a temporary crew licence, and a fisherman’s licence :
- “Licensed fishing boat” means a fishing boat in respect of which the owner thereof holds a boat licence :
- “Licensing Authority” means the Sea Fisheries Licensing Authority appointed under the Act :
- “Minister” means the Minister of Marine :
- “Owner”, in relation to any boat, includes any body of persons, whether incorporated or not, by which the boat is owned :
- “Port or place of registry”, with respect to any fishing boat, means the port or place where the fishing boat is registered :
- “Secretary” means the Secretary to the Marine Department, and includes any officer for the time being duly authorized to act in that capacity :
- “Superintendent” includes a Superintendent of Mercantile Marine appointed under the Shipping and Seamen Act, 1908, or any other officer discharging the duty of a Superintendent of Mercantile Marine, and, with respect to any fishing boat, means the Superintendent at the port or place where the boat is registered :
- “Take”, and any term of like import, includes taking, catching, killing, or pursuing by any means or device, and includes also the attempt to take.

## PART II—LICENCES GENERALLY

### *Classification*

3. For the purposes of these regulations licences are hereby classified as follows :—

- (a) A licence granted to the owner of a fishing boat authorizing the boat to be used in fishing for purposes of sale (and referred to in paragraph (b) of subsection (1) of section 3 of the Act), and in these regulations called a boat licence :
- (b) A licence granted to any person authorizing him to engage in fishing as a member of the crew of a fishing boat (and referred to in subsection (1) of section 4 of the Act), and in these regulations called a crew licence :

- (c) A licence, not being a boat licence or a crew licence or a temporary crew licence, granted to any person authorizing him to engage in fishing for purposes of sale (and referred to in subsection (2) of section 4 of the Act), and in these regulations called a fisherman's licence :
- (d) A crew licence granted temporarily under subsection (3) of section 8 of the Act, and in these regulations called a temporary crew licence.

*Conditions to Which All Licences are Subject*

4. Subject to the provisions of regulation 6 hereof, every licence shall be deemed to be granted subject to the following conditions, whether they are expressed therein or not :—

- (a) That the holder will comply with the provisions of the Act, of the principal Act, of these regulations, and of any other regulations made under the principal Act :
- (b) That the Licensing Authority remains satisfied during the currency of the licence that the holder has not in his application for that licence or in support thereof wilfully made to the Licensing Authority any statement, written or oral, which is misleading or false in any material particular, or has concurred in the making of any such statement by any other person knowing it to be misleading or false in any material particular:
- (c) That the holder shall commence to operate under his licence not later than one month after the grant thereof :
- (d) That the holder will on every occasion that he changes his address or place of abode immediately notify the Licensing Authority of the change :
- (e) That the licence is not transferable and that the holder will not purport to transfer the same.

*Special Conditions to be Endorsed on Licence*

5. Any conditions subject to which a licence is granted, not being conditions declared by these regulations to be implied in all licences, shall be set out in the licence. The said implied conditions may, nevertheless, be set out in or endorsed on the licence in addition.

*Implied Conditions may be Varied or Negatived*

6. Notwithstanding anything to the contrary in these regulations, any conditions declared by these regulations to be implied in any licence may therein be expressly varied or negatived.

*Surrender of Cancelled Licences*

7. The holder of any licence shall, if the licence is cancelled for any reason, deliver it up on demand to the Licensing Authority, notwithstanding that he may intend to appeal against the cancellation.

*Director of Rehabilitation to Receive Notice of Applications*

8. Before the Licensing Authority determines any application for a licence or cancels any licence held by a discharged serviceman, he shall give the Director of Rehabilitation reasonable notice of the application or proposed cancellation, and afford him an opportunity to make representations in the matter.

*Duplicate Licences on Loss or Destruction of Originals*

9. If the holder of any licence proves to the satisfaction of the Licensing Authority that his licence has been lost or destroyed, the Licensing Authority may, upon payment of the prescribed fee, issue a duplicate thereof to be enfaced in bold characters as follows:—

“ This document is a duplicate copy only, issued to the licensee to replace the original declared to have been lost (destroyed).

“ *Date of issue of duplicate* : . . . . .

“ *Signature of Licensing Authority* : . . . . . ”

*Fees for Licences*

10. (1) The fees payable in respect of the grant of licences, whether temporary or not, and the issue of duplicates thereof shall be as set out in the following table of fees:—

TABLE OF FEES

(1) For a boat licence (the boat not being an oyster fishing vessel)—	£	s.	d.
(a) In respect of a boat of overall length not exceeding 40 ft. . .	2	0	0
(b) In respect of a boat of overall length exceeding 40 ft. and not exceeding 70 ft. . . . .		5	0
(c) In respect of a boat of overall length exceeding 70 ft. . . . .	10	0	0
(2) For a boat licence in respect of an oyster fishing vessel irrespective of overall length . . . . .	10	0	0
(3) For a crew licence . . . . .	0	10	0
(4) For a fisherman's licence— <i>i.e.</i> , where no boat is used . . . . .	2	0	0
(5) For a temporary crew licence or any extension thereof . . . . .			No fee
(6) For a duplicate of any licence . . . . .	0	5	0

(2) For the purposes of these regulations the overall length of a boat shall be the length as determined by a Surveyor of Ships or a Fishery Officer measuring the boat from the forward side of the head of the stem to the extreme after end of the boat.

(3) The amount of the fee prescribed by subclause (1) of this regulation for the grant of any licence shall accompany the application therefor and be deposited therewith, and in the event of a licence not being granted the amount which accompanied the application shall be returned to the applicant.

*Ports and Places for Licensing*

11. The ports or places set forth in the first column of the First Schedule hereto shall be the ports for licensing and registry of fishing boats, and the letter or letters set forth in the second column of that Schedule shall be the distinguishing letter or letters for those ports respectively.

*Lodging of Applications*

12. The applications for boat licences and crew licences shall be lodged, in the form provided for the purpose by the Licensing Authority, with the Superintendent at the port or place to which the boat belongs or at the port nearest to that place.

*Renewal of Licences*

13. Every application for a licence (other than an application for a temporary licence or for a first licence) shall be duly completed and in the hands of the Licensing Authority on or before the seventh day of the month of December of the year immediately preceding the year during which the licence is to operate.

## PART III—BOAT LICENCES

*Application for Boat Licence*

14. Every application for a boat licence shall be made by the owner in the form provided for the purpose by the Licensing Authority, and shall be accompanied by the prescribed fee.

*Form of Licence*

15. A boat licence shall be in the form numbered 1 in the Second Schedule hereto.

*Conditions to Which All Boat Licences are Subject*

16. Subject to the provisions of regulation 6 hereof, every boat licence shall be deemed to be subject to the following conditions, whether expressed therein or not, in addition to those implied in all licences :—

- (a) That the boat will operate only from the port or ports and within the limits specified in the licence :
- (b) That the owner or master of the boat will not have or permit to be on board the boat or attempt to fish with any type of fishing gear which is not first approved by the Licensing Authority and specified in the licence :
- (c) That fish taken (the catch), or any part thereof, shall not be discharged at any port or place not specified in the licence or be transhipped to any other vessel unless by reason of stress of weather or other circumstance the master finds it difficult or impossible to discharge the catch at the port or place specified in the licence and is obliged to enter some other port or place, in which case the master may, as directed by the Licensing Authority or the full time Inspector of Fisheries or such other person to whom the Licensing Authority has delegated powers under section 11 (2) of the Act, discharge or tranship the catch for carriage to its normal destination, or dispose of the catch amongst the wholesale and retail fish merchants at the port or place he was obliged to enter. In any such case fishing shall not be re-commenced until the boat has returned to the port or place specified in the boat licence :
- (d) That no set-net gear shall be carried on the boat, whether for the purpose of fishing or not, at any time when the boat is equipped for taking fish by means of a Danish seine net :
- (e) That the owner will not, without the permission in writing of the Licensing Authority,—
  - (i) Change the type of any fishing gear on board the boat ;
  - (ii) Replace or alter the propelling engine of the boat ;
  - (iii) Replace or alter any apparatus or engine used for the catching of fish ; or
  - (iv) Make any structural alterations to the boat :
- (f) That every member of the crew shall be the holder of a crew licence or a temporary crew licence :
- (g) That the boat licence shall at all times while the boat is in use be kept on board and exhibited in strict accordance with section 18 of the Act :

- (h) That the owner and the master will at all reasonable times permit any Superintendent, a fishery officer, or any person deputed in that behalf by the Licensing Authority to board the boat and make inspection thereof, of the gear used in fishing, of the catch, of the certificate of registry, of the boat licence, and of the licences held by the crew :
- (i) That the owner and the master will comply with the provisions of these regulations relating to the registration and marking of the boat and small boats used therewith :
- (j) That the owner and the master will not permit to be on board the boat any explosives of any description whatever without the written consent of the Superintendent :
- (k) That the owner will comply with section 66 of the Fisheries Act, 1908, and any regulations made thereunder requiring him to make returns to the Marine Department of all fish (including oysters and other shell fish) taken, whether taken from the parent boat or from any other boat attached to or used in conjunction with the parent boat.

#### *Registration of Boat Licences*

17. (1) The Superintendent, upon receipt of any application for a boat licence in respect of any fishing boat, and upon his being satisfied that the Act, the principal Act, and these regulations have been complied with in all relevant particulars, shall, with the approval of and in the terms approved by the Licensing Authority, issue the boat licence and enter in the register the name of the boat and such other particulars as the form of the application and register herein prescribed requires.

(2) The Superintendent shall thereupon assign to the boat a registered distinguishing mark, which shall consist of the letters indicating the port or place of registry (as set forth in the First Schedule hereto), followed by the consecutive number of the entry relating to the boat in the register.

(3) Every fishing boat in respect of which a boat licence is so registered shall be deemed a registered fishing boat for the purposes of these regulations.

#### *Register of Fishing Boats*

18. The register of fishing boats to be kept pursuant to section 5 of the Act shall be in such form as the Secretary from time to time prescribes.

#### *Certificate of Registry*

19. Upon completion of registration as aforesaid the Superintendent shall issue to the owner a certificate of registry in the form provided for the purpose by the Secretary, and shall return the boat licence (after noting in the register the fact of its production) to the owner.

#### *Periodical Inspection of Certificates of Registry*

20. (1) The owner of every registered fishing boat shall produce the certificate of registry in respect thereof to the Superintendent for inspection at least once in every year when making application for renewal of the boat licence, and shall at the same time report to him

any change in the employment of the boat, or in any of the matters, particulars as to which were furnished by the owner in the form of application for a boat licence, which has taken place since the issue of the certificate or since the last occasion when the certificate was produced, as the case may be.

(2) The owner shall at the same time produce to the Superintendent his current boat licence.

(3) The Superintendent shall thereupon note any alterations reported as aforesaid in the appropriate entry in the register and also on the certificate of registry and shall return the certificate to the owner endorsed with a note signed by the Superintendent as to the fact and date of the inspection together with the boat licence.

#### *Loss or Destruction of Certificate of Registry*

21. When the owner of a boat applies to and proves to the satisfaction of the Superintendent that the certificate of registry has been lost or destroyed the Superintendent may, upon payment of a fee of 2s. 6d., issue to the owner a copy of the certificate of registry certified under the Superintendent's hand to be a true copy, and that copy shall have all the effect of the original.

#### *Change of Name of Boat*

22. After registration, no change shall be made in the name of any fishing boat without the authority in writing of the Secretary granted upon the written application of the owner and upon the Secretary being satisfied that the application is made on reasonable, sufficient, and proper grounds, and with the written approval of the Licensing Authority. The Superintendent shall, upon that written authority and written approval being produced to him, enter the new name in the register and in the certificate of registry, but shall not in either place delete the former name, and shall forward the boat licence, together with a copy of the Secretary's written authority, to the Licensing Authority to enable the change of name to be recorded :

Provided that if the boat is registered under Part IV of the Merchant Shipping Act, 1894, of the United Kingdom Parliament, or any Act in force in New Zealand in place thereof, her name shall not be altered except in accordance with the provisions of the Act under which she is registered.

#### *Change of Ownership*

23. (1) Upon a change of ownership of any licensed fishing boat, the boat licence and registration thereof shall cease to have any force or effect.

(2) The previous owner shall immediately upon a change of ownership deliver up to the Superintendent the certificate of registry and the boat licence, and the Superintendent shall cancel the entry in the register and the certificate of registry relating to the boat, and shall forward the boat licence, together with an intimation that registration has been cancelled and the reason therefor, to the Licensing Authority for cancellation.

*Loss or Destruction of Boat, or Boat Ceasing to be Used for Fishing*

24. (1) The owner of a licensed fishing boat shall, in the event of the boat being actually or constructively lost, burnt, broken up, or otherwise destroyed or ceasing to be used as a fishing boat, immediately give notice thereof in writing to the Superintendent, and shall deliver up to him the certificate of registry and the boat licence or account for the same to the satisfaction of the Superintendent.

(2) The Superintendent shall thereupon cancel the entry in the register relating to the boat, note thereon the occasion for so doing, and cancel the certificate of registry (if available). He shall also notify the Licensing Authority accordingly and forward the boat licence (if available) to him for cancellation.

(3) If in any of the events aforesaid the owner omits or is unable to give notice to the Superintendent as aforesaid, the Secretary, upon being satisfied from any representation made by the owner or otherwise as to any of the said events, may direct the Superintendent to cancel the registration of the boat. The Superintendent shall thereupon take the appropriate steps prescribed by subclause (2) of this regulation.

*Registration Cancelled Thirty-one Days After Expiry of Licence*

25. Where the owner of any licensed fishing boat fails to renew the boat licence within thirty-one days after its date of expiry, the registration shall thereupon cease to have any force or effect.

*Marking of Registered Fishing Boats*

26. (1) The owner of every registered fishing boat shall, within seven days after the registration of the boat, and in every case before the same is used in fishing, paint or cause to be painted thereon the registered name of the boat and the name of the port or place of registry in white oil colour on a black ground or in black oil colour on a white ground on the stern of the boat in letters which shall be not less than 6 in. in height and  $\frac{3}{4}$  in. in breadth.

(2) The owner of a registered fishing boat shall, within seven days after the registration of the boat, and in every case before the boat is used in fishing, mark or cause to be marked thereon in accordance with the requirements set out in subclause (4) of this regulation the registered distinguishing mark consisting of the letter or letters and the consecutive number assigned to her in the register and appearing in the certificate of registry.

(3) The owner of a registered fishing boat shall not mark or show thereon any names, letters, or numbers other than such as are prescribed by this regulation.

(4) The requirements referred to in subclause (2) of this regulation are the following :—

(a) The letters shall precede the number, and both letters and figures shall be not less than 6 in. in height and  $\frac{3}{4}$  in. in breadth, except in the cases provided for in paragraphs (e) and (f) of this subclause :

(b) The letters and numbers shall be placed on each bow of the boat so as to be clearly visible, the tops of the letters and numbers to be from 3 in. to 4 in. below the gunwale :



- (c) The letters and numbers shall be painted in white oil colour on a black ground or in black oil colour on a white ground, whichever ground colour produces the greatest contrast with the colour of the hull or funnel, as the case may be :
- (d) In all cases the letters and figures shall be of the same height, and each letter shall be separated from the next following letter by a space equal to a third of the height of the letters, and each figure forming the number shall be separated from the next following figure by the same space, and the letters shall be separated from the number by twice the same space :
- (e) In the case of steamers or other vessels carrying a funnel the said letters and numbers shall, in addition to being marked on each bow, be marked on the funnel 12 in. from the top and as far as possible on the foremost half thereof in letters and figures not less than 9 in. in height and 1 in. in breadth :
- (f) In the case of boats where the depth between gunwale and water line is not sufficient to permit the marking of letters and numbers of the dimensions and spacing prescribed by this regulation, the letters, numbers, and spaces may be reduced in size accordingly, but not to a size smaller than the greatest size which the space available permits.
- (5) The owner of every registered fishing boat shall at all times keep the registered name, the name of the port or place of registry, and the letters and numbers marked thereon in a clearly legible condition and shall re-mark or repaint them when necessary for this purpose.

*Removal of Marks Upon Boat Ceasing to be Registered*

27. The owner of any fishing boat shall, within seven days after the boat ceases to be registered from any cause whatever, remove therefrom all registered marks, letters, and numbers.

*Small Boats Carried by Parent Boats*

28. (1) Subject to subclause (2) of this regulation, where any licensed fishing boat carries or has attached to it any boat or boats used or intended to be used in taking fish for sale either separately or in conjunction with it, each such boat shall be regarded as a separate fishing boat for which a separate licence shall be obtained in accordance with the provisions of these regulations.

(2) Where any licensed fishing boat carries or has attached to it any small boat or tender used solely for purposes other than taking fish for sale or, in the case of a net fishing boat, used solely for the purpose of transporting and setting nets for catching fish other than crayfish, the small boat or tender shall, provided the parent boat in this latter case is always close at hand when the small boat or tender is being so used, be deemed to be part of the licensed fishing boat for the purposes of these regulations, and the small boat or tender shall be marked with the registered name and port of registry and registered distinguishing marks of the parent boat in the manner prescribed in regulation 26 hereof.

*Licensing Authority to Notify Superintendent of Cancellation  
or Modification of Boat Licence*

29. In every case where a boat licence is cancelled or modified, the Licensing Authority shall notify the Superintendent of the cancellation or modification.

PART IV—CREW LICENCES

*Application for Crew Licence*

30. Every application for a crew licence shall be made in a form provided for the purpose by the Licensing Authority, and shall be accompanied by the prescribed fee,

*Form of Crew Licence*

31. A crew licence shall be in the form numbered 2 in the Second Schedule hereto.

*Conditions to Which All Crew Licences are Subject*

32. Subject to the provisions of regulation 6 of these regulations, every crew licence shall be deemed to be subject to the following conditions, whether expressed therein or not, in addition to those implied in all licences :—

- (a) That the holder will at all times while he is engaged in his employment on a fishing boat carry his crew licence on his person or have it with his personal effects on board the boat :
- (b) That the holder will on demand by any Superintendent, a fishery officer, or any person deputed in that behalf by the Licensing Authority produce his licence for inspection :
- (c) That the holder will not use or attempt to use his crew licence in employment on any fishing boat other than a fishing boat operating from the port or place specified in the licence.

*Temporary Crew Licences*

33. With respect to application for and the grant of temporary crew licences the following provisions shall apply :—

- (a) Application may be made to the Superintendent at any port to whom power in that behalf has been delegated by the Licensing Authority, or to a fishery officer to whom a like power has been delegated at any port or place where there is no Superintendent, for the grant of a temporary crew licence either to enable the applicant to become a member of the crew of a licensed fishing boat to replace any member of the crew who is absent from his employment on account of illness, leave of absence, or from any other unavoidable cause, or where some emergency has arisen or other valid reason exists :
- (b) On the Superintendent or fishery officer, as the case may be, being satisfied that some emergency has arisen or that some valid reason exists as aforesaid, he may grant the application, but if he is not so satisfied he shall not determine the application and shall immediately report in writing the circumstances of the case to the Licensing Authority, who may himself grant or refuse the application.

## PART V—FISHERMEN'S LICENCES

*Application for a Fisherman's Licence*

34. Every application for a fisherman's licence shall be made to the Licensing Authority in a form provided for the purpose by the Licensing Authority, and shall be accompanied by the prescribed fee.

*Form of Fisherman's Licence*

35. A fisherman's licence shall be in the form numbered 3 in the Second Schedule hereto.

*Conditions to Which All Fishermen's Licences are Subject*

36. Subject to the provisions of regulation 6 of these regulations, every fisherman's licence shall be deemed to be subject to the following conditions, whether expressed therein or not, in addition to those implied in all licences:—

- (a) That the holder will on demand by any Superintendent, a fishery officer, or any person deputed in that behalf by the Licensing Authority produce his licence for inspection:
- (b) That the holder will at all times while he is engaged in fishing (whether for purposes of sale or not) carry his fisherman's licence on his person:
- (c) That the holder will not use a boat for purposes of fishing (whether for purposes of sale or not):
- (d) That the holder will take no oysters:
- (e) That the holder will take no toheroas for purposes of sale.

## PART VI—APPEALS WITH RESPECT TO LICENCES

*Notification of Decision of Licensing Authority*

37. (1) In any case where the Licensing Authority refuses to grant or cancels any licence he shall notify his decision to the applicant, or as the case may be, to the person whose licence is so cancelled, by means of registered letter addressed to the applicant or person aforesaid at the address shown in the application or licence, as the case may be.

(2) In any case where the Licensing Authority grants, or refuses to grant, a licence to any person in respect of whose application representations have been made by or on behalf of the Director of Rehabilitation, he shall notify his decision to the Director by means of registered letter.

(3) The date of the receipt for any such letter given to a post officer and signed by or purporting to be signed by the person to whom the letter was addressed or by the Director, as the case may be, shall be deemed to be the date on which the decision was communicated for the purposes of section 12 of the Act.

*Commencement of Appeals*

38. Every appeal shall be deemed to be commenced when a notice of appeal in the form numbered 4 in the Second Schedule hereto has been completed and signed by or on behalf of the appellant and delivered at the office of the Marine Department at Wellington, accompanied by the fee for appeal hereinafter prescribed. The notice shall as soon as practicable be forwarded by the Secretary to the Appeal Authority.

*Notice of Appeal*

39. The Appeal Authority shall give notice of the appeal to the Director of Rehabilitation if he is not himself the appellant and if he appeared or was represented before or made representations to the Licensing Authority in the matter which is the subject of the appeal.

*Notice of Hearing*

40. The Appeal Authority shall give the appellant, and the Director of Rehabilitation to whom notice of the appeal has been given under the last preceding regulation, twenty-eight days' notice of the time and place appointed for the hearing of the appeal.

*Hearing of Appeals to be in Public*

41. The hearing of all appeals under these regulations shall be open to the public :

Provided that the Appeal Authority may direct to the contrary if he is of opinion that it would be injurious to any person if his business or private affairs were made public and that the public interest would not be prejudiced by such a direction.

*Appeal Fees*

42. (1) The fee for appeal to accompany every notice of appeal shall be £2.

(2) If the appellant succeeds in his appeal, the fee for his appeal shall be returned to him.

*Appeals by the Director of Rehabilitation*

43. The provisions of regulations 37 to 42 hereof, except as expressly negatived, shall apply, with any necessary modifications, to appeals by the Director of Rehabilitation.

## PART VII—MISCELLANEOUS

*Offences and Penalties*

44. Every person commits an offence and shall be liable on summary conviction to a fine of £50 who—

- (a) Refuses or fails, without lawful justification or excuse, to comply with any obligation imposed on him by these regulations ; or
- (b) Commits a breach of any of these regulations : or
- (c) Refuses or fails, without lawful justification or excuse, to comply with or observe any condition to which any licence granted to him under the Act and these regulations is subject, whether expressly set out therein or not : or
- (d) Makes any statement which is false or misleading in any material particular in any application or representation to a Superintendent, the Licensing Authority, or the Appeal Authority, or in evidence or otherwise in connection with any application for a licence under these regulations or any proceedings or any appeal proceedings under the Act or these regulations ; or

- (e) Obstructs or wilfully impedes any Superintendent or fishery officer in the course of any inspection or in the course of his inquiries or otherwise acting in the execution of his duty in accordance with the Act, the principal Act, or these regulations; or
- (f) Effaces, alters, makes illegible, covers, or conceals in any manner whatsoever the names, letters, or numbers marked or painted on any registered fishing boat or on any small boat registered or used therewith, or is a party to so doing.

*Revocations and Savings*

45. (1) The following regulations are hereby revoked, namely:—

- (a) The Sea Fisheries (Boats and Licences) Regulations 1945\* :  
 (b) The Sea Fisheries (Boats and Licences) Regulations 1945, Amendment No. 1†.

(2) All licences, registrations, applications, and appeals, and generally all acts of authority that originated or had effect under the regulations hereby revoked and are of continuing effect at the commencement of these regulations shall enure for the purpose of these regulations as if they had been made under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

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

SCHEDULES

FIRST SCHEDULE

Reg. 11]

PORTS AND PLACES OF REGISTRY

<i>First Column.</i> Ports or Places of Registry.	<i>Second Column.</i> Distinguishing Letters.	<i>First Column.</i> Ports or Places of Registry.	<i>Second Column.</i> Distinguishing Letters.
Auckland .. ..	A K	Nelson .. ..	N N
Blenheim .. ..	B N	New Plymouth .. ..	N P H
Bluff .. ..	B F	Oamaru .. ..	O M U
Chatham Islands .. ..	C H M	Picton .. ..	P N
Dunedin .. ..	D N	Russell .. ..	R L
Gisborne .. ..	G S	Tauranga .. ..	T A
Greymouth .. ..	G M H	Thames .. ..	T S
Kaipara .. ..	K P A	Timaru .. ..	T U
Lyttleton .. ..	L N	Wanganui .. ..	W G N
Mangonui .. ..	M G N	Wellington .. ..	W N
Napier .. ..	N R	Westport .. ..	W T

\*Statutory Regulations 1945, Serial number 1945/196, page 503.  
 †Statutory Regulations 1948, Serial number 1948/87, page 276.

## SECOND SCHEDULE

## FORMS

Reg. 15]

[Form No. 1.

## MARINE DEPARTMENT

*The Fisheries Amendment Act, 1945*

BOAT LICENCE No. ....

Name of boat: "....." Oyster fishing boat: Fee, £.....  
 Where registered: ..... Fishing { Overall length: .....ft .....in.  
 Registered letters and number.... boat { Licence fee: £.....

THIS licence is issued under the Fisheries Act, 1908, its amendments, and the regulations made thereunder to ....., of ....., the owner of the above mentioned boat, and authorizes the said boat to be used in fishing for purposes of sale.

This licence shall take effect as from the ..... day of ....., 19..., and shall continue in force until the 31st day of December next unless sooner cancelled.

This licence is granted on the conditions applying to all licences and to all boat licences under the Sea Fisheries (Boats and Licences) Regulations 1951 and also on the following conditions—namely: [*For example, conditions as to the port from which the boat is to operate, type of gear to be used, whether restricted to oyster fishing, maximum number of small boats to be carried, &c.*].

Landing place: .....

Gear permitted: .....

Special conditions: .....

Official receipt No. .... for £....., being the prescribed fee for the grant of this licence. is attached.

.....  
Licensing Authority

Reg. 31]

[Form No. 2.

## MARINE DEPARTMENT

*The Fisheries Amendment Act, 1945*

CREW LICENCE No. ....

THIS licence, issued under the Fisheries Act, 1908, its amendments, and the regulations made thereunder, authorizes ....., of ....., to engage in fishing as a member of the crew of a fishing boat.

This licence shall take effect as from the ..... day of ....., 19..., and shall continue in force until the 31st day of December next unless sooner cancelled.

This licence is granted on the conditions applying to all licences and to all crew licences under the Sea Fisheries (Boats and Licences) Regulations 1951 and also on the following conditions—namely: [*For example: conditions as to employment only on boats operating from a named port.*].

Port or place of employment: .....

Official receipt No. .... for 10s., being the prescribed fee for the grant of this licence, is attached.

.....  
Licensing Authority.

SECOND SCHEDULE—*continued*

Reg. 35]

[Form No. 3

## MARINE DEPARTMENT

*The Fisheries Amendment Act, 1945*

FISHERMAN'S LICENCE NO.....

THIS licence, issued under the Fisheries Act, 1908, its amendments, and the regulations made thereunder, authorizes ....., of ....., to engage in fishing for purposes of sale, but does not authorize the use of a boat in fishing or the taking of oysters or the taking of toheroas for sale.

This licence shall take effect as from the ..... day of ....., 19... and shall continue in force until the 31st day of December next unless sooner cancelled.

This licence is granted on the conditions applying to all licences and to all fishermen's licences under the Sea Fisheries (Boats and Licences) Regulations 1951 and also on the following conditions—namely: [*For example, fishing to be in specified localities, or limiting methods of fishing*].

Official receipt No. .... for £2, being the prescribed fee for the grant of this licence, is attached.

.....  
Licensing Authority.

Date : .....

Reg. 38]

[Form No. 4

*The Fisheries Amendment Act, 1945*

## NOTICE OF APPEAL

To the Sea Fisheries Licensing Appeal Authority,  
Marine Department, Wellington.

TAKE notice that I, [*Name in full*], of ....., intend to appeal to the Appeal Authority against (the refusal of the Licensing Authority to grant to me a \*..... licence) (the cancellation by the Licensing Authority of my \*..... licence No. ....).

Notice of the decision appealed against was received by me on the ..... day of ....., 19..

The decision of the Licensing Authority is stated to have been made on the following grounds: [*Applies only where decision is a refusal of a licence*].

The grounds of this appeal are as follows: [*Set out shortly*].

I propose to bring before the Appeal Authority the following evidence: [*Set out shortly*].

I propose to produce to the Appeal Authority the following documents:

.....

I enclose with this notice of appeal the prescribed fee of £2.

*Ordinary Signature of Appellant* : .....

Date : .....

\* State class of licence: Boat licence, crew licence, fisherman's licence, or temporary crew licence.

NOTES.—(1) This notice of appeal must be lodged with the Appeal Authority within one month of the date on which the decision appealed against was communicated to the Appellant.

(2) This notice of appeal is effectual only if accompanied by the prescribed fee of £2.

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 consolidate with amendments the Sea Fisheries (Boats and Licences) Regulations 1945 and the amendments of those regulations.

The principal amendment is in relation to the registration of fishing boats. Under the regulations revoked, separate applications are required for the registration of fishing boats and for boat licences in respect of these boats. Under the new regulations an application for a boat licence only is necessary, as a fishing boat is automatically registered as such when a boat licence has been issued for it.

Other amendments are as follows :—

- (a) The only temporary licences now obtainable are temporary crew licences (regs. 3 (d) and 33).
- (b) The Licensing Authority has power to direct as to the disposal of any catch landed or transhipped otherwise than as specified on the boat licence (reg. 16 (c)).
- (c) Registration of a boat is automatically cancelled if the boat licence is not renewed (reg. 25).
- (d) New provisions appear with respect to fishing from dories or small boats carried by a parent boat (reg. 28).

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 23th day of June, 1951.

These regulations are administered in the Marine Department