

Serial Number **1950/196**

THE TOHEROA REGULATIONS 1946, AMENDMENT NO. 2

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 8th day of
November, 1950

Present :

THE RIGHT HON. S. G. HOLLAND PRESIDING 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

1. (1) These regulations may be cited as the Toheroa Regulations 1946, Amendment No. 2, and shall be read together with and deemed part of the Toheroa Regulations 1946* (hereinafter called the principal regulations).

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

2. Regulation 3 of the principal regulations is hereby amended as follows :—

(a) By adding to the definition of the term “canning” the words “and ‘canned’ has a corresponding meaning”:

(b) By revoking the definition of the term “Maori”.

3. Part II of the principal regulations is hereby revoked, and the following Part comprising the following heading and regulations substituted :—

“ PART II—RESTRICTIONS ON TAKING TOHEROA

“ 7. No person shall take or assist in taking or have in his possession any toheroa the shell of which is less than 3 in. in greatest length.

“ 8. No person (not being the holder of a toheroa licence acting within the scope of his licence) shall take more than twenty toheroa in any one day (computed from midnight to midnight) from any beach or beaches.

“ 9. No person shall in any one day and in any one vehicle convey more than fifty toheroa, not being canned toheroa.

“ 10. No person shall take toheroa at any time during the months of January, February, and March in any year from any part of the beach on that part of the west coast of the North Island lying between the westernmost point of the southern side of the entrance to Whangape Harbour and the southernmost point on the northern side of the entrance to Hokianga Harbour.

“ 11. No person shall take toheroa from any beach other than the beach referred to in the last preceding regulation at any time during the months of October and November in any year.

* Statutory Regulations 1946, Serial number 1946/112, page 268.

Amendment No. 1: Statutory Regulations 1948, Serial number 1948/126, page 333.

“ 12. No person shall for the purpose of taking toheroa use any implement made of metal.

“ 13. No person shall open toheroa in any place below high water mark.

“ 14. Regulations 7 to 12 hereof shall not apply to officers of the Marine Department taking toheroa for scientific or piscicultural purposes, and shall not apply to toheroa taken by such persons for such purposes.

“ 15. Regulations 8 and 12 hereof, in so far as the latter refers to the use of an implement made of metal, shall not apply to a lessee, or to any person acting for the time being as the servant of a lessee, when the lessee or servant is taking toheroa for the purpose for which a lease was granted in a place where the taking of toheroa is authorized by the lease.

“ 16. Regulation 9 hereof, in so far as it refers to the use of a vehicle for the transport of toheroa, shall not apply to a licensee or lessee, or to any person acting for the time being as the servant of a lessee, when the licensee, lessee, or servant is taking toheroa for the purpose for which a licence or lease was granted in a place where the taking of toheroa is authorized by the licence or lease.”

4. (1) Regulation 45 of the principal regulations is hereby revoked, and the following regulation substituted:—

“ 45. Every person who commits a breach of these regulations shall be liable to a fine not exceeding £100.”

(2) Regulations 46 and 47 of the principal regulations are hereby revoked.

5. The Toheroa Regulations 1946, Amendment No. 1, are hereby revoked.

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 substitute new provisions for Part II of the principal regulations, which prescribes the restrictions on the taking of toheroa. The principal amendments are as follows:—

- (a) Maoris are now in the same position as Europeans in relation to the number of toheroa they are entitled to take and the beaches from which they are entitled to take them.
- (b) No person may take more than twenty toheroa in one day in any part of New Zealand, and the vehicle limit of fifty toheroa per vehicle now applies throughout New Zealand. These limits formerly applied only to Bay of Plenty, Wellington, and Southland beaches, with higher limits elsewhere.
- (c) The provision of regulation 19 of the principal regulations prohibiting the use of a metal spade in digging for toheroa, which applied only to Wellington beaches, now applies generally throughout New Zealand.
- (d) Regulation 23 of the principal regulations, which authorized the Minister of Marine to grant special permission to a cannery to take toheroa in the close season if it had not operated during the preceding five months, has not been re-enacted.
- (e) The maximum penalty for a breach of Part II or Part III of the principal regulations has been increased, and is now £100 in all cases.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 9th day of November, 1950.

These regulations are administered in the Marine Department.