

1974/236



THE TOHEROA REGULATIONS 1955, AMENDMENT NO. 13

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of September
1974

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. Title and commencement—(1) These regulations may be cited as the Toheroa Regulations 1955, Amendment No. 13, and shall be read together with and deemed part of the Toheroa Regulations 1955* (hereinafter referred to as the principal regulations).

(2) Regulations 2 (1) and 6 (b) of these regulations shall come into force on the 1st day of December 1974.

(3) Subject to subclause (2) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Close season for taking toheroa—(1) Regulation 2 (1) of the principal regulations is hereby amended by revoking the definition of the expression “close season” (as substituted by regulation 2 (1) of the Toheroa Regulations 1955, Amendment No. 12), and substituting the following definition:

“‘Close season’ means the period commencing on the 1st day of December 1974 and ending with the 30th day of November 1977.”.

*S.R. 1955/206

Amendment No. 1:	S.R. 1962/131
Amendment No. 2:	S.R. 1965/111
Amendment No. 3:	S.R. 1967/187 (<i>Revoked by S.R. 1968/133</i>)
Amendment No. 4:	S.R. 1968/133 (<i>Revoked by S.R. 1968/151</i>)
Amendment No. 5:	S.R. 1968/151
Amendment No. 6:	S.R. 1968/165
Amendment No. 7:	S.R. 1969/152 (<i>Revoked by S.R. 1971/168</i>)
Amendment No. 8:	S.R. 1970/163 (<i>Revoked by S.R. 1971/168</i>)
Amendment No. 9:	S.R. 1971/168
Amendment No. 10:	S.R. 1972/135
Amendment No. 11:	S.R. 1972/178 (<i>Revoked by S.R. 1973/315</i>)
Amendment No. 12:	S.R. 1973/315

(2) Notwithstanding anything in the definition of the expression "close season" in regulation 2 (1) of the principal regulations (as substituted by regulation 2 (1) of the Toheroa Regulations 1955, Amendment No. 12), there shall be an open season for the taking of toheroa for the period commencing on the 27th day of September 1974 and ending with the 10th day of October 1974 on—

- (a) That part of Dargaville Beach located between Glinkes Gully and Chases' Gorge:
- (b) Hokio South Beach located between Ohau Stream and Hokio Stream:
- (c) Oreti Beach, excluding that portion of Oreti Beach lying between New River and a point one mile north of New River:
- (d) Te Waewae Bay.

3. Restrictions on taking toheroa—The principal regulations are hereby further amended by revoking regulation 7 (as substituted by regulation 3 of the Toheroa Regulations 1955, Amendment No. 9), and substituting the following regulation:

"7. No person shall take on any one day more than 10 toheroa."

4. Possession of toheroa—Regulation 7A of the principal regulations (as inserted by regulation 7 of the Toheroa Regulations 1955, Amendment No. 2, and amended by regulation 4 of the Toheroa Regulations 1955, Amendment No. 9) is hereby further amended by revoking subclause (1), and substituting the following subclause:

"(1) No person shall—

- (a) Be in possession of any toheroa (other than canned toheroa) on that part of Dargaville Beach located north of Chases' Gorge or south of Glinkes Gully or on Ninety Mile Beach in Northland, or on any beach on the west coast of the North Island south of latitude 40°S (excluding Hokio South Beach), or within a radius of 1 mile of that part of Dargaville Beach or any of those other beaches on any road, track, or path that provides egress from that part of Dargaville Beach or any of those other beaches:
- (b) Be in possession anywhere of any toheroa taken from that part of Dargaville Beach, or any other beach, mentioned in paragraph (a) of this subclause."

5. Restrictions in conveying toheroa—Regulation 8 of the principal regulations (as substituted by regulation 5 of the Toheroa Regulations 1955, Amendment No. 9) is hereby amended by revoking subclause (1), and substituting the following subclause:

"(1) No person shall keep in or convey by means of any conveyance whatsoever, or keep on, or convey by means of any animal—

- (a) Any toheroa (other than canned toheroa) on that part of Dargaville Beach located north of Chases' Gorge or south of Glinkes Gully, or on Ninety Mile Beach in Northland, or on any beach on the west coast of the North Island south of latitude 40°S (excluding Hokio South Beach), or within a radius of 1 mile of that part of Dargaville Beach or any of

those other beaches on any road, track, or path that provides egress from that part of Dargaville Beach or any other beach specified in this paragraph:

- “(b) More than 50 toheroa (other than canned toheroa) on any part of any other beach for which there is an open season for the time being in force, or within a radius of 1 mile of any such part of a beach on any road, track, or path that provides egress from it, or, if fewer than 5 persons are in or on board the conveyance or on the animal, more than 10 toheroa (other than canned toheroa) for each of those persons.”

6. Revocations—The following regulations are hereby consequentially revoked:

- (a) Regulation 3 of the Toheroa Regulations 1955, Amendment No. 9:
(b) The Toheroa Regulations 1955, Amendment No. 12.

P. G. MILLEN,
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 provide for a close season for all beaches for 3 years commencing on 1 December 1974 and for an open season for certain beaches for the period 27 September 1974 to 10 October 1974 (both inclusive).

They also amend the provisions of the principal regulations prescribing the maximum number of toheroa that may be taken from those beaches, or had in possession on or near those beaches.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 September 1974.

These regulations are administered in the Ministry of Agriculture and Fisheries.