

1962/199

Reprint under section 7 of the Regulations Act 1936 of the Wildlife Regulations 1955 (S.R. 1955/28), as amended by the following Amendment:

Amendment No. 1, S.R. 1962/55

THE WILDLIFE REGULATIONS 1955 (REPRINT)

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 21st day of March 1955

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Wildlife Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PART I—PRELIMINARY

1. (1) These regulations may be cited as the Wildlife Regulations 1955.

(2) These regulations shall come into force on the 1st day of April 1955.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Wildlife Act 1953:

“Issuing agent” means a person authorised by a society to issue licences under these regulations:

Expressions defined in the Act have the meanings so defined.

3. These regulations are divided into Parts as follows:

Part I—Preliminary. (Regulations 1 to 3.)

Part II—Licences and Licence Fees. (Regulations 4 to 17.)

Part III—Restrictions on Methods of Taking Game. (Regulations 18 to 21.)

Part IV—Freezing Chambers and Canneries. (Regulations 22 to 27.)

Part V—Taxidermists. (Regulations 28 to 32.)

- Part VI—Export of Animals and Birds. (Regulation 33.)
 Part VII—Use of Birdlime. (Regulations 34 to 36.)
 Part VIII—Liberation and Marking of Wildlife. (Regulations 37 to [39A].)
 Part IX—Acclimatisation Districts and Societies. (Regulations 40 to 43.)
 Part X—General. (Regulations 44 to 46.)
 Schedules.

In Part VIII the reference to s. 39A appeared as s. 39 in the principal regulations.

PART II—LICENCES AND LICENCE FEES

4. Every licence issued under these regulations shall be in a form provided or approved by the Secretary, shall bear the words printed prominently on the face thereof “Issued under the authority of the Wildlife Regulations 1955”, and shall contain such other matter as the Secretary prescribes or approves.

[5. (1) Licences shall authorise the holder to hunt or kill game in one district only, and shall have effect for the season of issue only.

(2) Notwithstanding anything in subclause (1) of this regulation, the Minister, on the application in writing of two or more societies whose districts form one continuous area, may consent to licences issued by any of those societies being available throughout the several districts of those societies, and every such licence shall authorise the holder to hunt and kill game in those districts accordingly.]

This regulation was substituted for the original regulation 5 by regulation 2 of S.R. 1962/55.

6. Every applicant for a licence shall furnish his true full name and usual address to the person to whom the application is made, and that information shall be set out in the licence.

7. Every licence shall before issue be signed by the issuing agent by whom the licence is issued or by some person authorised by him to sign on his behalf.

8. No licence shall be valid unless it is in the proper form and has been completed in accordance with regulations 6 and 7 hereof and signed by the applicant, who shall, when those conditions have been complied with, become the licence holder for the purposes of the Act and of these regulations.

9. (1) Where any person commits a breach of the Act or of these regulations or of any notification by the Minister under the Act, the Court in its discretion may, in addition to imposing a fine, declare void and of no effect any licence of that person, and the convicted person shall in such a case forthwith surrender the licence to the Court.

(2) The Court in its discretion may also, in addition to any other penalty, make an order prohibiting the issue of a licence to that person for any period not exceeding two years, and the person in respect of whom any such order is made shall not apply for or otherwise obtain any licence during that period. Any licence obtained by any such person during that period shall be void and of no effect.

10. Any society may accept and cancel any licence which it has issued under these regulations, and may thereupon refund to the former holder of the licence the whole or any part of the fee paid therefor, where in the sole discretion of that society there appear to be reasonable and adequate grounds for so doing.

11. Any society, on proof to its satisfaction that a licence has been lost or mutilated and, in the case of mutilation, on surrender of the licence to the society, may without fee issue a new licence in replacement of the licence. Every such new licence shall bear an endorsement that it is in replacement of the original licence so lost or mutilated and shall have the same force and effect as the original licence.

12. Where under the provisions of section 61 (2) of the Act any person purporting to be the holder of a licence under these regulations has produced the licence to an authorised person (as defined in section 61 (3) of the Act), he shall, if required by that authorised person, make and give legibly and clearly a specimen signature for comparison with the signature of the holder as shown on the licence.

13. Subject to the provisions of regulation 11 hereof, there shall be paid and taken for a licence issued under these regulations such sum, being not less than 30s. nor greater than 60s., as the Council of the society by resolution from time to time decides:

Provided that it shall be lawful for a society to issue a complimentary licence where this has been approved of by the unanimous decision of the Council of the society [or issue a licence to any person for either no fee or at such reduced fee as the Council of the society in its sole discretion may approve where adequate compassionate grounds are shown]. The annual report of each society shall include a list of persons to whom complimentary licences were issued during the year covered by the report:

Provided also that the Council of the society shall not alter the licence fee unless at least 14 clear days' notice of its intention so to do has been published in a daily newspaper circulating in the district of the society.

The words in square brackets were inserted by regulation 3 of S.R. 1962/55.

14. (1) Every acclimatisation society whose district is situated in the North Island of New Zealand shall pay to the body known as the Council of North Island Acclimatisation Societies the sum of 5s. in respect of each licence issued by the society for fee under these regulations.

(2) Every acclimatisation society whose district is situated in the South Island of New Zealand shall pay to the body known as the Council of South Island Acclimatisation Societies the sum of 5s. in respect of each licence issued by the society for fee under these regulations.

15. For the purposes of research or of such other purposes as the Secretary decides there shall be paid by each Island Council into the Consolidated Fund out of the money paid to the Council under regulation 14 hereof such sum as the Secretary decides after consultation with the Council concerned. All such sums shall be paid not later than three months after the close of the financial year of the Island Council concerned.

16. All licence fees paid to any society under these regulations shall form part of the funds of the society and may be applied only for the purposes specified in section 33 of the Act.

17. Subject to the provisions of section 109 (2) of the Public Revenues Act 1953, all fines recovered under the Act or these regulations on the information of an officer of any society other than the Department shall be paid into and form part of the funds of the society, and may be applied only for the purposes specified in section 33 of the Act.

PART III—RESTRICTIONS ON METHODS OF TAKING GAME

18. (1) No person shall use any artificial decoy for the purpose of hunting or killing game, unless that decoy is securely anchored.

(2) No person shall place any artificial decoy within 60 yards of any other artificial decoy already set out by any other person.

(3) Every person using artificial decoys shall prevent them from spreading over an area greater than 30 yards square and shall prevent any of them coming within 60 yards of any other artificial decoys already set out by any other person in conformity with subclauses (1) and (2) of this regulation.

[18A. No person shall use with any shotgun used for the purpose of hunting or killing of game any cartridge containing any shot greater in size than size BB.]

This regulation was inserted by regulation 4 of S.R. 1962/55.

19. No person shall hunt or kill game while occupying any stand, hide, shelter, maimai, mudhole, loo, louvre, or position (hereinafter referred to as a stand) which has been duly claimed by any other licence holder in accordance with the following provisions:

(a) A stand may be claimed by the planting thereon, subsequent to such time on such day as is decided by the society, of a stake having either a board or an identifying label attached having plainly marked thereon the name and the address of the claimant and the number of his licence:

(b) No person shall claim more than one stand:

(c) No stand shall be claimed within 100 yards of a stand which has already been duly claimed by any other person, except with the consent of the last mentioned person:

Provided that any stand not occupied by the claimant within one hour after the opening hour of shooting in that district as prescribed by the Minister's notification may be occupied on that day by any other licence holder:

Provided further that nothing in this regulation shall be deemed to affect in any way whatsoever the rights of the occupier of the land as defined in section 19 (4) of the Act.

[20. No person other than the occupier of the land shall shoot within 100 yards of a lawfully occupied stand, except with the consent of the occupier of that stand.]

This regulation was substituted for the original regulation 20 by regulation 5 of S.R. 1962/55.

21. For the purposes of section 18 (1) (c) (iii) of the Act, the magazine of every automatic or auto-loading or repeating shotgun used for hunting or killing game shall be so adjusted that the gun is incapable of holding more than two shells, as follows:

- (a) In the case of an automatic or semi-automatic or auto-loading shotgun with a tubular magazine—
- (i) By inserting a metal or wooden filler at the muzzle end of the magazine of such dimensions that it cannot be removed without prior removal of a metal pin set transversely through the magazine and riveted at both ends; or
- [(ia) By inserting at the muzzle end of the magazine a metal or wooden filler that cannot be removed without the prior removal of a metal cap, inserted in the magazine tube above the magazine-spring retaining clip and below the end of the magazine tube, and soldered, sweated, or brazed to the magazine tube in at least two diametrically opposed points; or]
- (ii) By inserting a metal pin set transversely through the magazine and riveted at both ends:
- [(b) In the case of a repeating shotgun with a tubular magazine—
- (i) By inserting a metal or wooden filler at the muzzle end of the magazine of such dimensions that it cannot be removed without the prior removal of a metal pin set transversely through the magazine and riveted at both ends; or
- (ii) By inserting at the muzzle end of the magazine a metal or wooden filler that cannot be removed without the prior removal of a metal cap, inserted in the magazine tube above the magazine-spring retaining clip and below the end of the magazine tube, and soldered, sweated, or brazed to the magazine tube in at least two diametrically opposed points:]
- (c) In the case of a repeating shotgun with a box magazine, by inserting a metal pin riveted at both ends and set transversely across and through the magazine:
- (d) In the case of any automatic, semi-automatic, auto-loading or repeating shotgun of any type other than those specified in paragraphs (a), (b), and (c) of this regulation, it shall be rendered incapable of holding more than two shells by a method which will not allow of a change in the field.

In paragraph (a), subparagraph (ia) was inserted by regulation 6 (1) of S.R. 1962/55.

Paragraph (b) was substituted for the original paragraph (b) by regulation 6 (2) of S.R. 1962/55.

PART IV—FREEZING CHAMBERS AND CANNERIES

22. In this Part of these regulations—

“Freezing chamber” means any freezing chamber, cool store, refrigerating works, cannery, or other plant or premises (not being a private dwellinghouse) where any game is frozen, canned, or otherwise preserved or treated or stored:

“Open season” includes the first three days next following the close of an open season.

23. (1) Nothing in this Part of these regulations shall apply with respect to the controlling authority or authorised officers of a public museum acting within the scope of an authority granted by the Secretary under section 55 (1) of the Act.

(2) Nothing in regulation 24 or regulation 25 hereof shall apply with respect to an authorised officer of the Department or of any society acting in the course of his duties for the Department or society,

as the case may be, provided he attaches a label to the game indicating his name and the name of the Department or, as the case may be, the name of his society.

24. No person shall place, or cause to be placed, in any freezing chamber any game except during the open season for that game in the district in which that game was hunted or killed.

25. No person shall place or keep, or cause to be placed or kept, any game in any freezing chamber except in accordance with the following conditions:

- (a) The number of game which may at any one time be so placed or kept, or caused to be so placed or kept, by any one person shall not exceed twenty head in the aggregate:
- (b) No game from which the legs have been removed shall be so placed or kept, or be caused to be so placed or kept:
- (c) No game shall be so placed or kept, or caused to be so placed or kept, unless there is affixed or tied thereto a label on which the following particulars are legibly written:
 - (i) The name and the address of the owner of the game:
 - (ii) The date on which the game was placed in the freezing chamber:
 - (iii) The number of the game licence (if any) of the owner of the game:
 - (iv) If the owner of the game is not the holder of a game licence, such particulars as will indicate the means or manner in which ownership was acquired:
 - (v) The name of the acclimatisation district in which the game was taken.

26. (1) Every manager or person in charge of a freezing chamber in which game is deposited shall record in a register kept for that purpose the following particulars in respect of the game deposited:

- (a) The full name and address of the owner:
- (b) The date the game was placed in the freezing chamber:
- (c) The kind of game and the number thereof.

(2) The register shall not be destroyed until the expiry of six months following the close of the open season in the district in which the freezing chamber is situated.

27. Every manager or person in charge of a freezing chamber in which game is deposited shall, whenever required, permit any ranger or other authorised officer of the Department, or any ranger or other authorised officer of the society in whose district the freezing chamber is located, to enter the chamber at all reasonable times and inspect any game therein, and to inspect and make copies of the register kept for the purposes of these regulations and of any label affixed to any such game.

PART V—TAXIDERMISTS

28. No person acting as a taxidermist (either as a profession or as a casual occupation, whether for reward or not) shall mount, preserve, or cure, or have in his possession for mounting, preserving, or curing, any absolutely protected wildlife:

Provided that any person may mount, preserve, or cure, or have in his possession for mounting, preserving, or curing, any absolutely protected wildlife delivered to him for those purposes by any person

producing at the time of delivery to the taxidermist a permit signed by the Secretary authorising the person producing the permit to have and retain that wildlife in his possession:

Provided further that where any absolutely protected wildlife is delivered to any such taxidermist for any such purpose but no such permit is produced at the time of delivery, he shall place the wildlife in a freezing chamber and advise the Secretary and act upon the instructions of the Secretary as to its disposal. The Secretary may out of money appropriated by Parliament reimburse the taxidermist for any expenditure incurred by him.

29. No person shall hold in possession for the purpose of mounting, preserving, or curing any wildlife included in the First Schedule or Third Schedule to the Act, unless the wildlife has been taken or killed in the open season only for that wildlife or under the written authority of the Secretary. That authority shall be retained by the person in possession of the wildlife, and shall be produced on demand to any officer of the Department.

30. It shall be a defence to any prosecution under regulation 28 or regulation 29 hereof that the person in possession of the wildlife had no control over the manner in which the wildlife came into his possession.

31. Every person so acting as a taxidermist shall keep a register in the form in the First Schedule to these regulations, and in respect of any wildlife or part thereof deposited with him or in his possession shall enter therein the particulars specified in that Schedule.

32. Every person so acting as a taxidermist with whom any absolutely protected wildlife or any wildlife included in the First Schedule or Third Schedule to the Act is deposited, or who has any such wildlife in his possession, shall whenever required furnish any ranger or other authorised officer of the Department or of any society with the particulars of any such wildlife deposited with him or in his possession, and shall permit any such ranger or authorised officer to inspect at all reasonable times any such wildlife or entries made in the register.

PART VI—EXPORT OF ANIMALS AND BIRDS

33. Application for authority to export any animal or bird or part thereof pursuant to section 56 of the Act shall be made to the Secretary in writing signed by the applicant, and shall contain the following particulars:

- (a) The species and numbers of animals, birds, or eggs, or the description and number of the parts, it is desired to export:
- (b) The district or area from which or the person from whom it is desired to obtain the animals, birds, or eggs, or parts of animals, birds, or eggs, or, in the event of the animals, birds, or eggs or parts thereof being already in the possession of the applicant, the authority under which they were obtained or held in possession:
- (c) The name of the person to whom and the country to which it is desired to export the animals, birds, or eggs or parts thereof:
- (d) The purpose for which the export is being made:
- (e) The port, aerodrome, or other place from which export is desired:
- (f) Such other relevant particulars as the Secretary may require.

PART VII—USE OF BIRDLIME

34. For the purpose of this Part of these regulations the term “birdlime” includes all substances of a similar nature to birdlime, and also includes the substance commonly known as green birdlime.

35. Subject to the provisions of regulation 36 hereof, no person shall use birdlime for the purpose of hunting or killing or catching alive any wildlife or be in possession of or sell any birdlime.

36. It shall be a defence to any proceedings for a breach of regulation 35 hereof if the defendant proves that the birdlime to which the charge relates is either the substance commonly known as green birdlime or is a substance manufactured solely for the purpose of preventing damage to fruit by insects, and in either case was—

- (a) In his possession for sale to occupiers of orchards; or
- (b) Sold or agreed to be sold or offered for sale by him to the occupier of an orchard; or
- (c) In his possession as the occupier of an orchard and intended for use solely for the purpose of preventing damage to fruit by insects or (in the case of green birdlime) by birds.

PART VIII—LIBERATION AND MARKING OF WILDLIFE

37. In this Part of these regulations the term “mark” includes any band, ring, clip, tag, or paint, or any other thing or method affixed or applied to any wildlife for the purpose of distinguishing any wildlife; and “marked” and “marking” have corresponding meanings.

38. No person, society, or organisation shall mark any wildlife, other than unprotected wildlife (being wildlife included in the Fifth Schedule to the Act), except with the prior written authority of the Secretary:

Provided that a society or organisation so authorised may delegate that authority to members of the society or organisation.

39. No person, society, or organisation shall liberate any game birds which have been reared in captivity unless the birds have been marked in accordance with such conditions as the Secretary imposes from time to time, or unless the Secretary has authorised the release of the birds without marking.

[39A. Except with the prior consent of the Secretary, no person, society, or organisation shall offer or give any bounty, reward, or other consideration for the return by any person of any mark placed on any wildlife by any person, society, or organisation.]

This regulation was inserted (so as to come into force on 1 April 1963) by regulation 7 of S.R. 1962/55.

PART IX—ACCLIMATISATION DISTRICTS AND SOCIETIES

40. The certificate of registration of a society issued under section 25 (3) of the Act shall be in the form in the Second Schedule to these regulations.

41. Application for the Minister’s approval of new rules or of amendments or additions to existing rules of any society shall be addressed in writing to the Minister and shall be accompanied by two copies of the new rules or proposed amendment or addition to existing rules, duly authenticated by the signatures of the President or Chairman or other principal officer and of one member of the Council of the society and of the Secretary of the society, and sealed with the common seal of the society.

42. The statement of accounts and balance sheet of a society referred to in section 34 of the Act shall be in the form in the Third Schedule to these regulations, so far as that form is applicable to the society.

43. Every society or other body which undertakes legal proceedings in respect of any breach of the Act or of these regulations or of any notification issued under the Act shall forthwith on the completion of the proceedings forward to the Secretary a statement of the circumstances giving rise to the proceedings and the result of the proceedings.

PART X—GENERAL

44. Every person commits an offence who commits a breach of or fails to comply with any provision of these regulations, and is liable on summary conviction to a fine not exceeding £50, in addition to any other penalty to which he may be liable.

45. Where under section 68 of the Act the Court directs that part of a fine shall be payable to an officer or employee of a society, that person shall hold the money in trust for the society and the society shall deal with that money—

(a) For the purposes of defraying the costs of and incidental to the prosecution:

(b) In accordance with the provisions of section 33 of the Act.

46. The regulations specified in the Fourth Schedule to these regulations are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 31

TAXIDERMIST'S REGISTER

Number of Entry	Name and Address of Depositor	Date Received	Description of Wildlife Deposited	Name and Address of Person to Whom Delivered	Date of Delivery

SECOND SCHEDULE

Reg. 40

CERTIFICATE OF REGISTRATION OF ACCLIMATISATION SOCIETY

PURSUANT to the Wildlife Act 1953 and the Wildlife Regulations 1955, the Minister of Internal Affairs hereby certifies that the Acclimatisation Society has been duly registered under the said Act as from the day of 19.....

Dated at this day of 19.....

.....
Minister of Internal Affairs.

THIRD SCHEDULE

FORM OF INCOME AND EXPENDITURE ACCOUNTS AND BALANCE SHEET OF ACCLIMATISATION SOCIETIES

Income and Expenditure Account for the Year Ended 31 August 19..

<i>Expenditure</i>				<i>Income</i>					
	£	s.	d.	£	s.	d.	£	s.	d.
Fisheries—				Fisheries—					
Purchase of ova and fry	Sale of licences:					
Hatchery expenses—				Whole season—	No.				
Wages	Adult male .. .. .	..			
Other	Women's .. .. .	..			
			<hr/>	Youths? .. .. .	..			
Liberation expenses	Boys' .. .. .	..			
Fish salvage—									
Wages	Half season—					
Other expenses	Men .. .. .	..			
			<hr/>	Others .. .. .	..			
Fisheries Pool Fund levy						
Commission on sale of				Monthly—					
licences	Men .. .. .	..			
Hatchery property—				Others .. .. .	..			
Rent and rates						
Insurance	Weekly—					
Maintenance	Men .. .. .	..			
			<hr/>	Others .. .. .	..			
Angling reserves						
Other expenses (specify)	Day .. .. .	..			
			<hr/>	Single river, etc.—					
Wildlife—				Men .. .. .	..			
Purchase game birds				Others .. .. .	..			
and eggs						
Game farm expenses—									
Wages	Less research					
Other	levy, 10 per					
Liberation expenses	cent .. .. .	..			
			<hr/>						
			<hr/>						
								

Wildlife refuges and closed game areas—				
Improvements, maintenance, etc.	..	..	.....
Vermin destruction	..	..	.....
Commission on sale of licences	..	..	.....
			<hr/>
Game farm property—				
Rent, rates, etc.	..	..	.....
Insurance	..	..	.....
Maintenance	..	..	.....
			<hr/>
Ranging and conservation—				
Wages and allowances	..	..	.....
Travelling expenses and allowances	..	..	.....
Employers' liability insurance	..	..	.....
Motor vehicles—				
Purchase	..	..	.....
Petrol, oil, maintenance	..	..	.....
			<hr/>
Other expenses (specify)	..	..	.....
			<hr/>

Sale of ova and fry	..	..	.....
Fines	..	..	.....
Other receipts (specify)	..	..	.....
			<hr/>
Wildlife—				
Sale of licences: Number				
..... at	.....	.....	.....
Less 5s. per licence levy	..	..	.....
			<hr/>
Sale of birds and eggs	..	..	.....
Fines	..	..	.....
Reimbursement from Vermin Funds	..	..	.....
			<hr/>
Other income—				
Interest on deposits or investments	..	..	.....
Rent	..	..	.....
Affiliation fees: Sub-societies	..	..	.....
Other receipts (specify)	..	..	.....
			<hr/>
Total income—				
Excess of expenditure over income, to Accumulated Funds	..	..	.....

THIRD SCHEDULE—*continued*

FORM OF INCOME AND EXPENDITURE ACCOUNTS AND BALANCE SHEET OF ACCLIMATISATION SOCIETIES—*continued*

Income and Expenditure Account for the Year Ended 31 August 19. .—continued

<i>Expenditure</i>			<i>Income</i>			
Administration and office expenses—	£	s.	d.	£	s.	d.
Secretary's salary			
Other administrative salaries			
Superannuation contributions			
Office rent, rates, etc.			
Office equipment			
Advertising and printing and stationery			
Insurance			
Legal charges			
Audit fee			
Administrative levies: Island Council			
Telephone rentals			
General office expenses			
Travelling expenses: Secretary, Council, and staff			
Donations			
Other expenditure (specify)			
					
Total expenditure			
Surplus, to Accumulated Funds			
					
					
					

FOURTH SCHEDULE
REGULATIONS REVOKED

Title of Regulations	Published in Statutory Regulations	
	Serial Number	Page
The Animals Protection and Game Regulations 1939	1939/23	110
The Animals Protection and Game Regulations 1939, Amendment No. 3	1946/76	159
The Animals Protection and Game Regulations 1939, Amendment No. 6	1951/23	60
The Animals Protection and Game Regulations 1939, Amendment No. 8	1954/59	278
The Birdlime Regulations 1939	1939/77	311

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

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Certified for the purposes of section 7 of the Regulations Act 1936, this 14th day of November 1962.

J. R. HANAN, *Attorney-General.*

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Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 24 March 1955.
These regulations are administered in the Department of Internal Affairs.