

(5) In no case shall any authorized officer affix the official mark to any skin until there has been produced to and checked by him a duly certified statement in the Form No. 2 in the First Schedule to these regulations as prescribed by Regulation 5 hereof relating to such skin, unless he is satisfied by such evidence as he may require that such skin is of an opossum not taken or killed in New Zealand.

(6) In the case of opossums taken or killed in New Zealand the said royalty shall be paid by the person taking or killing the same, and shall be paid—

(a) Within one month after the date on which the same was taken if the same was taken in any of the places referred to in clause (7) of Regulation 2 hereof or taken pursuant to clause (6) or clause (8) of Regulation 2 hereof; or

(b) Within one month after the closing date of the open season in the acclimatization district in which the same was taken, provided the same was lawfully taken in the same year during the open season in that acclimatization district.

(7) In the case of opossum-skins imported into New Zealand the said royalty shall be paid by the person importing the same, and shall be payable on the importation thereof.

(8) The Under-Secretary may extend the periods referred to in clauses (6) and (7) of this regulation, subject to such conditions and the payment of such additional royalty, not exceeding the sum of 3d. per skin, as he thinks fit to impose.

(9) Except as otherwise provided in these regulations, every person being the owner or in possession of an opossum-skin not bearing the official mark shall pay to an authorized officer the said royalty in respect thereof within one month from the date of these regulations or within one month from the date of the skin coming into his possession, whichever is the later.

(10) It shall be a sufficient compliance with this regulation on the part of any person taking and killing opossums in New Zealand if he delivers the skins thereof to a licensed broker in the acclimatization district in which such opossums were killed, and authorizes such broker to pay the royalty on his behalf.

(11) On payment of any royalty by a licensed broker there shall be allowed to such broker a commission of 5 per centum.

(12) Such commission shall be payable when such broker shall have forwarded the monthly return referred to in clause (2) of Regulation 7 hereof, and shall be allowed in respect of all royalties paid by such broker the particulars of payment of which shall at the time of payment of the commission have been forwarded to the Under-Secretary as provided by clause (16) of this regulation.

(13) The liability of every person being a licensed broker and being in possession of a skin not bearing an official mark to pay royalty thereon as aforesaid shall exist irrespective of any right of the broker to recover the royalty from any other person under clause (10) of this regulation or otherwise, and irrespective of the liability of any other person to pay such royalty.

(14) Notwithstanding the foregoing provisions of this regulation, if on the importation of any skins into New Zealand and production thereof to an officer authorized to receive royalty it is shown to the satisfaction of such officer that such skins are not intended to be disposed of for gain or to be made up or manufactured as coats, rugs, muffs, or other articles of personal or domestic or household use or ornament, then no royalty shall be payable in respect of such skins, but the same shall be marked with an appropriate official mark to denote that they are imported skins on which no royalty has been paid.

(15) No person shall thereafter dispose of for gain any such skin as is referred to in the last preceding clause hereof otherwise than to or through a licensed broker, and on the disposal of any such skin for gain or if the same is at any time made up or manufactured as aforesaid the royalty hereinbefore provided shall immediately become due and payable.

(16) Every officer appointed to receive royalty shall at the end of every month (whether any royalties have been paid to him during the month or not) forward to the Under-Secretary a return in the Form No. 7 in the First Schedule hereto.

9. DISPOSAL OF SKINS.

(1) Any person may dispose of opossum-skins by gift, sale, or otherwise howsoever if such skins bear the appropriate official mark.

(2) Skins which do not bear such official mark may be disposed of to or by a licensed broker only.

(3) No person shall export or attempt to export opossum-skins without the consent in writing of the Under-Secretary.

(4) No person shall export or attempt to export opossum-skins unless they have been stamped with the appropriate official mark.

(5) No person shall tan or otherwise preserve any skin or manufacture the same into coats, rugs, muffs, or other articles or prepare to tan or otherwise preserve the same, unless such skin bears the appropriate official mark.

10. LIBERATING OPOSSUMS.

(1) No person shall liberate or harbour opossums in any area defined in the Second Schedule hereto or in any registered orchard or on any land within half a mile of such orchard.

(2) No person shall liberate an opossum in any part of New Zealand without the previous express written consent of the Minister, and subject to such conditions as the Minister may in his discretion impose upon giving such consent.

11. OFFENCES, PENALTIES, AND FORFEITURES.

(1) No person shall at any time have possession of any opossum-skin which does not bear an official mark thereon; provided, however, that it shall not be a breach of this regulation to have possession of any such skin—

(a) Within one month after the date on which the same was taken, if the same was lawfully taken in any of the places mentioned in clause (7) of Regulation 2 hereof, or taken pursuant to clause (6) or clause (8) of Regulation 2 hereof.

(b) At any time within one month after the closing date of the open season in the acclimatization district in which the same was taken, provided such skin was lawfully taken in the same year during the open season in that acclimatization district; or

(c) At any time within one month from the date of importation if the same is imported;

and provided also that the Under-Secretary may extend such periods subject to such conditions as he thinks fit to impose.

(2) It shall be an offence for any person to perforate or otherwise stamp or mark an opossum-skin in such a way as to suggest that an official mark has been affixed or for any person other than an authorized officer to have in his possession or on his premises any stamping machine, device, tool, or other instrument for the purpose of counterfeiting an official mark, and every such offence shall be punishable by a fine of £20 in addition to forfeiture of the stamping machine, device, tool, or other instrument, and the skin or skins stamped or attempted or intended to be stamped therewith, or of the skin or skins concerned, as the case may be. Such stamping machine, device, tool, or other instrument and the skin or skins marked or attempted or intended to be marked therewith, or such skin or skins concerned, as the case may be, may at any time be seized by a ranger and, if so seized, shall either upon the conviction of such person or if such person cannot be traced, be forfeited to and become the property of the Crown.

(3) Every person carrying on the business of tanner or skin-preserver receiving opossum-skins not bearing an official mark shall forthwith, upon receiving the same, forward the name and address of the person from whom the skins were received to the Under-Secretary.

(4) Except as provided in the said Act or in these regulations, no person shall sell opossums or opossum-skins, or have opossums or opossum-skins in his possession:

Provided that the Minister may authorize the keeping of live opossums in possession subject to such conditions as he thinks fit.

(5) All opossums or opossum-skins in the possession of any person shall, on demand by any constable, officer of an acclimatization society, Ranger, or authorized officer, be produced for inspection; and any person illegally in possession of opossums or opossum-skins is liable on conviction to a fine of £10, and to a further fine of £5 for each opossum or opossum-skin found in his possession; and such opossums or opossum-skins may at any time be seized by a Ranger, and, if so seized, shall, either upon the conviction of such person or if such person cannot be traced, be forfeited to and become the property of the Crown.

(6) Any person who commits a breach of any of these regulations is liable on conviction, if no other penalty is provided, to a fine not exceeding £20 for each breach.

(7) All opossums or opossum-skins, and all nets, traps, firearms, ammunition, engines, instruments, appliances, and devices lawfully seized by a Ranger under the said Act, and used or intended to be used in breach of these regulations shall be forfeited to and become the property of the Crown.

(8) It shall be the duty of every Ranger or constable who has seized any opossums, opossum-skins, or other things as aforesaid, or into whose possession they have come, to forward immediate notification thereof to the Minister.