

Regulations under the Fisheries Act, 1908, Part I.

BLEDISLOE, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 29th day of June, 1932.

Present:

THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

WHEREAS by the Fisheries Act, 1908 (hereinafter termed "the said Act"), it is, among other things, enacted that the Governor-General in Council may from time to time make regulations for the purposes mentioned in Part I of the said Act, which shall have force and effect either throughout New Zealand or only in such waters or places specified therein:

And whereas it is expedient to make the regulations hereinafter set forth with respect to fish, shell-fish, oysters, seals, and whales inhabiting the waters of the Dominion herein mentioned:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations; and, with the like advice and consent, doth order that these regulations shall take effect on and after the date of publication thereof in the *New Zealand Gazette*.

GENERAL REGULATIONS.

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

"The said Act" means the Fisheries Act, 1908, and any amendments thereof:

"Fish," "tidal waters," and "tidal lands," and generally all words and expressions herein used which are defined in or by Part I of the said Act shall have the like meaning and interpretation for the purposes of these regulations as they have in or by Part I of the said Act:

"Long-line" shall mean and include lines set, moored, or placed for the purpose of taking fish, but shall not mean nor include deep "hand lines":

"Minister" means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister:

"Secretary" means the Secretary to the Marine Department:

"Superintendent" shall mean the Superintendent of Mercantile Marine, and includes the Collector of Customs acting as a Superintendent of Mercantile Marine, and also any officer or person acting by or under his direction.

2. These regulations shall have force and effect in the Dominion of New Zealand, and in all salt, fresh, or brackish waters in the said Dominion, and on all shores of such waters, or any part thereof, or that may be contiguous or adjacent to such waters. Nothing herein shall affect the application of any of these regulations to particular parts of the said Dominion.

3. No person shall take, buy, sell, expose for sale, or have in possession any fish of any of the species enumerated in this regulation of a less weight or size than that set opposite the name of such fish:—

Description of Fish.	Weight in Ounces or Pounds Avoirdupois.	Length in Inches.
Barracouta	8 oz.	..
Blue cod .. ..	..	*
Butterfish	4 oz.	..
Dabs .. ..	..	9 in.†
Flounders .. ..	..	9 in.†
Garfish .. ..	..	9 in.†
Gurnard	4 oz.	..
Hapuku	5 lb.	..
Herring .. ..	..	5 in.†
Horse-mackerel ..	4 oz.	..
Kahawai	6 oz.	..
Kingfish	3 lb.	..
Mackerel	8 oz.	..
Moki	8 oz.	..
Mullet	4 oz.	..
Red cod	8 oz.	..
Rock-cod	8 oz.	..
Snapper	12 oz.	..
Soles .. ..	..	9 in.†
Tarakihi	4 oz.	..
Trevally	4 oz.	..
Trumpeter	1 lb.	..
Warehou	4 oz.	..

* Of a less length than 12 in. in the natural state, or of a less length than 10 in. when properly headed—that is, the head cut off at the back of the eyes. Provided that this regulation shall not apply to blue cod taken by licensed fishermen and retained by them solely for use as bait.

† Measured from the tip of the nose to the end of the tail.

4. No person shall, for a longer period than two hours, set, moor, or place any long line for the purpose of taking fish without such long line being attended to and the fish taken off.

5. The registered owner or master of any fishing-boat who engages in long-line fishing shall distinctly mark the letters and registered number of such boat on each mark-buoy or object to which he has a long-line attached.

6. No person shall so place any poles or other appliances in tidal waters for the purpose of fastening fishing-nets thereto when netting for fish that such poles or appliances shall not be visible above the water at high water, and any person using such poles or appliances shall remove them each time fishing has ceased.

7. If the poles or other appliances are not removed as required by the foregoing regulation, any Superintendent or Inspector of Fisheries may remove them, and may recover the cost of so doing in a Court of competent jurisdiction.

SEA FISHING-BOATS.

8. In these regulations the term "boat" or "boats" shall mean and include all boats or vessels used or intended to be used for taking fish or oysters for sale.

9. The ports or places set forth in the first column of the First Schedule hereto shall be ports or places of registry for 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 or places respectively.

10. A register of boats in the form set forth in the Second Schedule hereto, or in such other form as may be from time to time prescribed by the Governor-General in Council, with a consecutive series of numbers, shall be kept by the Superintendent at the port or place to which such boats belong, or at the port nearest to such place.

11. The owner of any boat shall make application to the Superintendent to have such boat entered on the register, and shall obtain for every boat belonging to him a certificate of registry in accordance with these regulations.

12. The application in the form set forth in the Third Schedule hereto, and with the particulars therein indicated, shall be made to the Superintendent of the port or place of registry to which the boat belongs, or from which she hails, or, at which she is for the time being employed, or nearest thereto.

13. The Superintendent, on the receipt of the application, shall register the boat in accordance with the particulars contained in the application, appoint a number for it, and issue the certificate of registry to the applicant. The certificate shall be in the form set forth in the Fourth Schedule hereto, and the letter or letters to be inserted in the certificate shall be the distinguishing letter or letters of the port or place of registry.

14. At least once in every year the owner of any boat shall submit the certificate of registry of his boat for examination to a Superintendent, and shall report any alteration respecting the boat or her employment.

15. The Superintendent to whom the certificate is submitted shall endorse his name thereon and the date of examination. If he is not the Superintendent at the port of registry, he shall report the examination to the Superintendent at the port of registry, and in the case of any change being reported respecting the boat he shall forward the certificate of registry to the Superintendent at the port of registry for correction, and the Superintendent shall forthwith make such alterations as may be necessary in the register and certificate of registry.

16. The Superintendent shall forward annually to the Secretary, Marine Department, Wellington, a list of all boats on the register at his port on the 31st December.

17. After registration no change shall be made in the name of any boat unless the Marine Department is satisfied that the application for such change of name is made on reasonable and sufficient grounds and directs that the name may be changed. In the event of such direction being given, the name of the boat may be changed, and the register and certificate altered accordingly. In all cases of change of name the former name shall also appear on the register and on the certificate: Provided that if any boat is registered under Part IV of the Imperial Act known as the Merchant Shipping Act, 1894, or any Act in force in the Dominion in place thereof, her name shall not be altered except in accordance with the provisions of that Act.

18. On a change of ownership of any registered boat—

(a) The new owner shall make application for the registry of the boat in the manner prescribed by these regulations:

(b) The previous owner shall deliver up the certificate of registry to the Superintendent at the port or place of registry, and the Superintendent shall thereupon cancel the certificate and note the cancellation in the register against the registry of the boat.

19. On the transfer of any boat to another port or place of registry the owner of the boat shall apply in writing to the Superintendent at the port or place to which the boat belongs to transfer the registry of the boat from that port or place, and shall deliver up the existing certificate of registry for cancellation, or account for the same to the satisfaction of the Superintendent; and the Superintendent shall transmit