

- (b) Take more than fifty toheroa on any one day :

Provided that this regulation shall not apply to toheroa taken for their own consumption by any Maoris, or any half-caste Maoris habitually living with Maoris according to their custom, nor to persons holding licenses as hereinafter provided to take toheroa for purposes of sale, canning, or preservation, nor to officers of the Marine Department taking toheroa for scientific or cultivation purposes :

- (c) Use a spade, shovel, or any similar instrument having a blade of a width exceeding four inches for the purposes of digging for toheroa on any area on the west coast of the North Island :
- (d) Open any toheroa on the beach below high-water mark :
- (e) Take toheroa from any area in the months of October and November in any year.

*Licenses to take Toheroa for Sale.*

115. No person shall take toheroa for purposes of sale, unless he is the holder of a license so to do issued by the Secretary in such form as may be prescribed in that behalf.

116. No such license shall authorize the holder thereof to take and no person shall take toheroa for sale from any of the following areas :—

- (a) That part of the foreshore of the west coast of the North Island south of the entrance to Kaipara Harbour.
- (b) That part of the North Kaipara Beach which lies between a point one mile north of Chase's Gorge and a point one mile south of Mahuta Gorge.
- (c) That part of the North Kaipara Beach which lies between a point one mile north of Glinks Gap and a point one mile south of Glinks Gap.
- (d) The east coast of the North Island.
- (e) The coasts of the South Island.
- (f) Any area of beach in respect of which a license has been issued to take toheroa for preserving purposes.

117. The annual fee for a license to take toheroa for sale shall be £1.

118. No person holding a license to take toheroa for sale shall take in any one day a quantity greater than three bushels (six kerosene tins) measured in the shell.

119. Every person holding a license to take toheroa for sale shall forward to the Secretary, in such form and at such times as may be prescribed in that behalf, returns showing the quantities of toheroa taken by him pursuant to such license.

120. Every person engaged in taking toheroa for sale from any area shall, on the demand of any fishery officer or constable, immediately produce his license to do so.

121. Any fishery officer or constable may at any time, without let or hindrance, enter upon the premises of any person selling or exposing toheroa for sale, and require such person to give him any information required as to the toheroa in his possession, and if such person refuses to give such information he shall be guilty of an offence under these regulations.

122. Any person committing a breach of any of the hereinbefore-recited regulations shall be liable to a fine of £20, and if he is the holder of a license to take toheroa for sale his license may in the discretion of the Minister be cancelled.

*Leases of Toheroa Areas for taking for Canning or Preserving Purposes.*

123. No person, firm, or company shall take toheroa, for the purpose of canning or otherwise preserving the same, from any area without a lease of such area in writing under the hand of the Minister, and subject to the regulations hereinafter specified.

124. The areas in respect of which a lease may be issued to take toheroa for canning or preserving purposes shall be—

- (a) All that part of the beach on the west coast of the North Island commencing at a point seven miles north of the North Head of Kaipara Harbour, and extending therefrom approximately six miles northward :
- (b) All that part of the beach on the west coast of the North Island commencing at the northern boundary of the area immediately hereinbefore described and extending northward to a point one mile south of Glinks Gap :
- (c) All that part of the beach known as the Ninety-mile Beach commencing at a point three miles north of Ahipara and extending generally northwards for a distance of approximately twenty-seven miles :
- (d) All that area of the said beach commencing at the northern boundary of the immediately hereinbefore-described area and extending generally northwards for a distance of approximately twenty-seven miles to Scott's Point :

and such other areas as may from time to time be set aside for that purpose by the Minister.

125. When any such area becomes available for leasing, the Minister may, by advertisement in a newspaper or newspapers circulating in the district, invite tenders for the lease of such area, upon and subject to such terms and conditions as he may prescribe.

126. The lessee shall have the exclusive right to take toheroa from the area included in his lease :

Provided, however, that any persons desiring to take toheroa for their own consumption shall, subject to the provisions of Regulation 114, be allowed to take them without license or charge.

127. The lease shall remain in force for a period of ten years from the date thereof, unless in the meantime such lease is cancelled as hereinafter provided, and the lessee shall not assign, charge, or part with his interest in the lease without the written consent of the Minister first obtained.

128. The lessee shall pay, on or before the dates fixed in the lease for such payments, all sums due in respect of the lease.

129. The lessee shall erect and maintain a properly equipped factory for treating the toheroa taken from the area in respect of which his lease is issued, and the factory shall be completed and in full working order within one year from the date of issue of the lease.

130. The working of the area in respect of which the lease is issued shall be under the control of an Inspector of Fisheries, who shall have power to regulate the quantity of toheroa which may be taken in order to prevent the beds being unduly depleted or injuriously affected.

131. The lessee shall forward to the Secretary, at such times and in such form as may be prescribed in that behalf, returns showing the quantities of toheroa taken by him pursuant to his lease.

132. In case the lessee shall—

- (a) Commit or suffer a breach of these regulations or any of them ;
- (b) Fail to pay the sums specified in Regulation 128 of these regulations ;
- (c) Fail to operate the area for the purpose for which the lease is granted without good and sufficient reason ;
- (d) Take toheroa from any area other than that in respect of which his lease is issued ; or
- (e) Work the beds in such a way that they become depleted or injuriously affected ;

then, and in any of the said cases, the Minister may cancel the said lease on giving three months' written notice to the lessee.

*General.*

133. If at any time it is found that any area is being unduly depleted, or that the condition of the toheroa therein is such as to warrant any restriction on or prohibition of the taking of toheroa therefrom, the Minister may impose, for such period as he may think fit, any such restrictions or prohibition in respect of that area.

*TRAWLING.*

134. "Trawling" or "using a trawl-net" means drawing a net over the sea bottom, or through the sea by means of one or more vessels under way.

135. No person shall haul or use, or attempt to haul or use, a trawl-net for the purpose of taking fish in any of the fishing-areas hereinafter mentioned : Provided that it shall be unlawful to use or convey a Danish seine net or a purse-seine net of any description whatever on any vessel while such vessel is engaged in trawling.

*Akaroa Harbour.*

(1) Within that area of Akaroa Harbour inside a right line drawn from the outermost point of Iron Head (Timutimu) to Trueni Point.

*Bay of Plenty.*

2 (a) Within that area of the Bay of Plenty bounded as follows : Commencing at a point at high-water mark of ordinary spring tides at Town Point ; proceeding thence by a straight line to the southern extreme of Motiti Island ; thence by high-water mark of ordinary spring tides to the north-western extreme of the said island ; thence by a straight line to the north-western extreme of Karewha Island ; thence by a straight line to the north head of the entrance to Katikati Harbour ; thence by high-water mark of ordinary spring tides, including the harbour of Tauranga, to the commencing-point ; as the said area is delineated on the plan marked M.D. 5258, deposited in the office of the Marine Department at Wellington, and thereon edged in pink.

(b) In those waters of the sea inside a right line drawn from Cape Runaway to Orete Point, on the eastern side of the Bay of Plenty.