

(3) Except as provided in these regulations, or in any special regulations made in respect of any district, no person shall take or kill opossums unless he is at the time the holder of a license or permit.

(4) Notwithstanding anything hereinbefore contained, any *bona fide* occupier of any land, and any one son or daughter of such occupier may take or kill opossums on that land without a license (but subject to obtaining a permit as hereinafter provided, and to all other restrictions and conditions imposed by or under the said Act or these regulations) during any open season in which opossums may lawfully be taken or killed under a license in the district within the boundaries of which such land is situated:

Provided that no person convicted of a breach of these regulations or of any former regulations respecting opossums made under Part III of the said Act, or a breach of section 16 of the Police Offences Act, 1927, shall be entitled to exercise any of the rights and privileges conferred by this clause within a period of two years next following the date of such conviction, notwithstanding that such person may have obtained a permit pursuant to the next succeeding clause hereof; and a permit issued to any such person shall be of no effect.

(5) Before any person takes or kills opossums pursuant to clause (4) of this regulation he shall first apply for and obtain a permit for such purpose from the secretary of the acclimatization society in whose district the said land is situated, and shall furnish such evidence as the secretary may require in proof that he is a *bona fide* occupier of such land or the son or daughter of a *bona fide* occupier, as the case may be. It shall be mandatory on the secretary of the acclimatization society concerned to issue such permit if the secretary is satisfied that the applicant is a person qualified to hold a permit. No fee shall be charged for such permit. Such permit shall be in the form or to the effect set out in form No. 6 in the First Schedule hereto. Where the holder of any permit issued under this clause is convicted of a breach of any of these regulations, the Court by which he is so convicted may, if it thinks fit, cancel such permit.

(6) The Minister may, by writing under his hand, authorize any acclimatization society, or the officers or servants of any such society, or any other person without being the holder of a license, to catch or take opossums for the purpose of distributing or exchanging the same in some other country or in some other part of New Zealand, or for any scientific or other purpose approved by the Minister. Any such authority may permit the holder thereof to enter upon a sanctuary or public domain for the purpose of catching or taking opossums as specified therein, and shall be subject to such conditions as may be specified therein.

(7) Notwithstanding anything in these regulations, it shall be lawful at any time and in any acclimatization district for the following persons to take or kill opossums, by any means not involving unnecessary cruelty, in the respective places hereinafter mentioned:—

- (a) The occupier of a registered orchard, within the boundaries of such orchard;
- (b) The occupier of a registered orchard exceeding one acre in extent, within the boundaries of such orchard and on the land within half a mile of such orchard (with the consent of the person in occupation of such land);
- (c) The occupier of any land within half a mile of a registered orchard exceeding one acre in extent, upon such land;
- (d) The occupier of any land within any of the areas defined in the Second Schedule hereto, upon the land in his occupation within such area;

Provided always that for the purpose of this clause—

“Occupier” includes a *bona fide* employee of an occupier;

“Registered orchard” means an orchard registered under the Orchard and Garden Diseases Act, 1928:

Provided also that the provisions of Regulation 4 hereof shall apply so far as applicable to any such occupier or employee as if he were the holder of a license:

Provided also that no person convicted of a breach of these regulations or of any former regulations respecting opossums made under Part III of the said Act, or a breach of section 16 of the Police Offences Act, 1927, shall be entitled to exercise any of the rights and privileges conferred by this clause within a period of two years next following the date of such conviction.

(8) Before any person takes or kills opossums pursuant to clause (7) of this regulation he shall first apply for and obtain a permit for such purpose from the secretary of the acclimatization society in whose district the land occupied by him is situated, and shall furnish such evidence as the secretary may require in proof that he is qualified under the provisions of the said clause (7). It shall be mandatory on the secretary of the acclimatization society concerned to issue such permit if such secretary is satisfied that the applicant is a person qualified to hold a permit. No fee shall be charged for such permit. Such permit shall be in the form or to the effect set out in form No. 8 in the First Schedule hereto.

(9) On being satisfied that injury or damage to any land has arisen or is likely to arise through the presence of opossums on such land, the Minister may in writing authorize the owner or occupier of such land, or his servants, to take or kill opossums thereon without being the holder of a license, subject to such conditions and during such period not exceeding three months from the date thereof as may be specified in such Warrant.

(10) Every person holding a permit to take or kill opossums shall, on demand by any authorized person, produce such permit, and after such demand, if such permit is not produced, or if the person gives a false name or place of residence or address, he shall be liable to a fine not exceeding £20.

(11) For the purposes of the last preceding clause of this regulation “authorized person” includes all Justices, constables, rangers, officers of the State Forest Service, or officers of acclimatization societies, proprietors, or occupiers of land upon which any person may be found in pursuit of opossums, and all holders of licenses or permits to take or kill opossums.

(12) The provisions of Regulations 8 and 9 hereof (relating to royalties and disposal of skins) shall apply to the skins of all opossums taken or killed in New Zealand, whether pursuant to a license in that behalf or otherwise under the provisions of this regulation.

### 3. LICENSES.

(1) A license to take or kill opossums may be issued to any person on payment of the prescribed fee, in the form No. 1 in the First Schedule hereto, and shall be issued by the officers appointed in the special regulations issued in respect of each district; provided that no such license shall be issued to any person who is the holder of a broker's license issued under Regulation 6 hereof; provided, further, that no license shall authorize the taking or killing of opossums in any sanctuary other than a scenic reserve.

(2) Every person holding a license to take or kill opossums shall, on demand by any authorized person, produce such license, and after such demand, if such license is not produced, or if the person gives a false name or place of residence or address, he shall be liable to a fine not exceeding £20.

(3) For the purposes of the last preceding clause of this regulation “authorized person” includes all Justices, constables, rangers, officers of the State Forest Service, or officers of acclimatization societies, proprietors, or occupiers of land upon which any person may be found in pursuit of opossums, and all holders of licenses or permits to take or kill opossums.

(4) Any person authorized to issue licenses hereunder may refuse to issue a license to any person who within two years prior to the date of his application for a license has been convicted of any breach of any of these regulations or of any former regulations respecting opossums made under Part III of the said Act, or a breach of section 16 of the Police Offences Act, 1927.

(5) Where the holder of a license hereunder is convicted of a breach of any of these regulations the Court by which he is so convicted may, if it thinks fit, revoke his license.

(6) If through no fault of his own a person who has paid the prescribed fee for a license to take or kill opossums should be unable to use such license, or if he has inadvertently taken out a license when such license is not required under this regulation, the Minister may, in his absolute discretion, direct that the whole of such fee or any portion thereof shall be refunded to such person. In such event such person shall, before such refund is made, surrender such license to the officer by whom it was issued.

(7) If any person to whom a license has been issued under this regulation proves to the satisfaction of any person authorized to issue licenses, by such evidence as such authorized person may see fit to require, that any license or copy of a license has been lost or mutilated or become illegible, and on payment of a fee of 5s., he may at any time during the currency of the license obtain from such authorized person a copy of the license certified as being a true copy, and such copy shall be available for all purposes for which the original license could have been available under this regulation.

### 4. ENTRY ON PUBLIC AND PRIVATE LAND.

(1) The holder of any license is not entitled by virtue of such license to enter upon any land in private occupation without the consent of the owner or occupier thereof.

(2) The holder of any license is not entitled by virtue of such license—

- (a) To enter upon any State forest, provisional State forest, forest reserve, forest-plantation reserve, bush reserve, timber reserve, or reserve for the growth and preservation of timber without the written consent of a Conservator of Forests or a responsible officer of the State Forest Service having control thereof; nor
- (b) To enter upon any Crown land not in private occupation, any scenic reserve, or any public reserve, other than a public domain, without the written consent of a Commissioner of Crown Lands, or of any Board having control thereof; nor