

AMENDED: SEE ACT. 1923 NO. 10

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Whaling-vessels to be licensed. 3. Returns to be furnished to Marine Department. 4. Whale-factories. | <ol style="list-style-type: none"> 5. Capacity of factory. 6. Regulations. 7. Pollution of public waters by whale-factory. 8. Penalty for unlawfully removing oysters from oyster-beds. 9. Private breeding-ponds for trout. |
|--|---|

1912, No. 49.

Title.

AN ACT to amend the Fisheries Act, 1908.

[7th November, 1912.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Fisheries Amendment Act, 1912, and shall form part of and be read together with the Fisheries Act, 1908 (hereinafter referred to as the principal Act).

Whaling-vessels to be licensed.

2. (1.) Every vessel of twenty-five tons register and upwards engaged in whaling shall be licensed.

(2.) For the purpose of obtaining a license the owner or master of the vessel shall deliver to a Collector a written application, describing the vessel, her name, size, tonnage, gear, and fittings, with true particulars of her ownership, and shall verify such application by a statutory declaration, which the Collector is hereby empowered to take.

(3.) On the receipt of any such application and on payment of the prescribed fee the Collector shall enter the name of the vessel in a register of whaling-vessels to be kept by him, and shall issue to the owner a license in the prescribed form authorizing him to use the said vessel for whaling purposes.

(4.) The fee payable in respect of every such license shall be as follows:—

(a.) In the case of vessels not exceeding one hundred tons register, three pounds:

(b.) In the case of vessels over one hundred tons register, five pounds.

AMENDED: VIDE INSET

REPEALED, AND SUBSTITUTION
THEREFOR: VIDE INSET

(5.) Where a license is issued after the thirtieth day of June in any year the sum payable in respect of the license shall be one-half of the prescribed fee.

(6.) Every such license shall remain in force only until the thirty-first day of December in the year in which it is issued :

Provided that, if the owner of the licensed vessel sells or otherwise disposes of the same, the vessel shall, on the expiration of one month from the date of such sale or disposition, be deemed to be unlicensed unless within that time application is made for a fresh license under this Act.

(7.) The owner or master of any vessel engaged in whaling without a license under this Act is liable to a fine not exceeding one hundred pounds.

3. (1.) Owners or masters of vessels licensed under this Act shall, at such times and in such manner as may be prescribed by regulations under this Act, furnish to the Marine Department returns as to all whales caught by them.

Returns to be
furnished to
Marine
Department.

(2.) Every owner or master who fails to furnish returns in accordance with such regulations is liable to a fine not exceeding ten pounds.

4. (1.) The Governor in Council may from time to time license and permit any part of the foreshore or other Crown land adjacent thereto to be used or occupied as a site for a whale-factory (hereinafter referred to as a shore factory) on such conditions as he thinks fit, but no such site shall be within fifty miles of the site of another such factory.

Whale-factories.

(2.) Such license may be for a period not exceeding fourteen years, and, on expiry, it may be renewed for a further period not exceeding fourteen years.

(3.) No person shall establish or use a floating whale-factory without a license from the Collector, so to do. Every such license shall specify the place or places at which the factory may be moored, and the distance at which it must be moored from any other floating factory or from a shore factory.

AMENDED: VIDE INSET

(4.) Every person who erects any such factory without having first obtained a license under this Act is liable to a fine not exceeding one hundred pounds, and to a further fine not exceeding ten pounds for every day the structure is allowed to remain after notice to remove the same has been given by or on behalf of the Minister.

(5.) The application for a license for a site for a whale-factory shall be made in writing to the Marine Department, and shall be accompanied by plans in duplicate drawn to scale of the site required and of the proposed factory for the approval of the Governor in Council.

(6.) No license shall be granted for a site in proximity to any inhabited place if the working of the factory would, in the opinion of the Minister, be a nuisance or a cause of danger to the public health.

5. A factory for which a license is granted shall be so constructed and equipped as to be capable of converting any whale into commercial products within forty-eight hours after the delivery of the whale to the factory.

Capacity of factory.

Regulations.

6. The Governor may from time to time, by Order in Council gazetted, make regulations—

(a.) Prescribing forms of applications and of licenses under this Act, and the fees or rents payable in respect of whale-factories ;

(b.) Defining the manner in which the tonnage of whaling-vessels shall be ascertained :

Provided that if any such vessel is registered under the Shipping and Seamen Act, 1908, or the Imperial Merchant Shipping Act, 1894, her tonnage for the purposes of this Act shall be deemed to be the tonnage shown on her certificate of registry ; and

(c.) For all other matters in respect of which regulations are deemed to be required or expedient for the effective administration of this Act.

Pollution of public waters by whale-factory.

7. Every person who discharges any noxious matter from a whale or factory into any public waters, bay, harbour, river, stream, or creek is liable to a fine not exceeding fifty pounds.

Penalty for unlawfully removing oysters from oyster-beds.

8. Every person who, without the authority of the Minister, takes oysters from any oyster-bed or area on which oysters have been planted by or under the direction of the Marine Department is liable to a fine of not less than five pounds and not exceeding one hundred pounds. **ADD hereto (2)**

AMENDED : VIDE INSET

Private breeding-ponds for trout.

9. The Governor may from time to time, by Order in Council, authorize any person to construct and maintain ponds for breeding and rearing trout for sale, and may make regulations regarding the working of such ponds and the sale of such trout, and may prescribe a fine not exceeding fifty pounds for breach of such regulations.