

Fisheries Conservation Act Amendment Act 1902

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An Act to amend “The Fisheries Conservation Act, 1884.”

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

1 Short Title.

The Short Title of this Act is “The Fisheries Conservation Act Amendment Act, 1902”; and it shall form part of and be read together with “The Fisheries Conservation Act, 1884” (hereinafter referred to as “the principal Act”).

2 Power to acquire lands for fish-hatcheries.

- (1.) Whenever it is, in the opinion of the Minister for Public Works, necessary in the public interest to acquire any land for the establishment of fish-breeding or

fish-hatcheries in the colony, the Minister may take such land as for a “public work” within the meaning and subject to the provisions of “The Public Works Act, 1894,” and compensation shall be ascertained and paid accordingly: Provided that not more than twenty acres of land shall be so taken for any one hatchery.

- (2.) The Governor in Council may from time to time declare that any streams, waters, or springs are set apart for the purpose of such fish-breeding or fish-hatcheries, subject to any regulations made under the principal Act.
- (3.) The control of any lands acquired under this section may be transferred to or vested in any duly registered acclimatisation society upon such terms or conditions as the Governor in Council thinks fit to impose.
- (4.) Nothing in this section shall apply to any navigable river.

3 Anglers’ camping-grounds.

Subject to the consent of the Minister, it shall be lawful for any acclimatisation society to expend moneys in the purchase of land for camping-grounds for anglers, and in the erection thereon, or on any lands vested in such society, of necessary buildings for their accommodation, and in otherwise providing for their convenience.

4 Private waters.

The expressions “waters the property of any private person” and “water of which he is the owner,” or any similar expressions used in the principal Act, shall not include the waters of any permanent stream which passes from the property of one person to that of another, nor any other waters not wholly contained within the property of one private owner.

5 Fishing rights not to be sold or let.

It shall not be lawful for any person to sell or let the right to fish in any waters.

6 Occupier may fish without license.

No person being the occupier of any lands shall be prevented from fishing without license or payment of fee upon any lands so occupied by such person within the period and upon the conditions allowed by regulations under the principal Act, or be liable to any penalty for so doing.

7 Additional powers conferred on officers under the principal Act.

Any officer appointed or hereafter appointed under section nine of the principal Act shall have and may exercise within the district for which he is appointed all the powers of a constable, and in the exercise of his duties as such officer may seize all nets, instruments, and devices which are being used or are intended to be used contrary to the principal Act and this Act and regulations made or to be made, and also may do all such other things as may be necessary in order to see that the provisions of the principal Act and this Act and the said regulations are

complied with; and the production by such officer of his appointment under the principal Act shall be a sufficient warrant for his so acting in any of the cases aforesaid.

8 Penalty.

If any person assaults, resists, or obstructs any officer, or any person acting by his order or in his aid, in execution of any of the powers conferred on such officer by this Act or by the said Act, every person so offending shall for every such offence incur a penalty not exceeding ten pounds.

9 Regulations and licenses validated.

All regulations heretofore made under the principal Act shall be deemed to be and to have been as valid and effectual as if the same had been duly made subsequent to the passing of this Act.

10 Regulations.

In addition to the several matters mentioned in section five of the principal Act for which provision may be made by regulations, the Governor in Council may make regulations,—

- (1.) Prescribing any conditions or restrictions upon the taking of any fish or having the same in possession:
- (2.) Providing for the issue of licenses to take fish, or certain kinds of fish; the mode of applying for and conditions of such licenses, and the fee to be paid in respect thereof, with power to vary such fee in respect of any part of a district, or in respect of part of any open season, or in respect to male adults, youths, and women; to prohibit or restrict the taking of or fishing for fish, or certain kinds of fish, without such license; and to empower the refusal of licenses to persons convicted of breaches of any Act relating to fishing, or of any regulation made thereunder or under this Act:
- (3.) Providing for the payment to any registered acclimatisation society of any fines or of such license fees, or any of them, for the purpose of the distribution, rearing, cultivation, or protection of fish in the district of such society.