

New Zealand.



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1885, No. 16.

Title.

AN ACT to provide for the Establishment of Fishing Towns and Villages, and further to encourage Fisheries in New Zealand, and to promote the Production of Canned and Cured Fish for Export.

[1st September, 1885.]

Preamble.

WHEREAS it is expedient to encourage the establishment of fisheries in New Zealand, and the production of canned and cured fish for export, and, further, to provide for the maintenance of fishing populations by setting apart land for their occupation:

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

Short Title.

1. The Short Title of this Act is "The Fisheries Encouragement Act, 1885."

Interpretation.

2. In the construction of this Act,—

"Fish" means all kinds of fish, including oysters, crayfish, and other shell fish:

"Cured" means preserving fish by salting, smoking, or drying:

"Foreshore line" means the line laid down as provided by the fourth section of this Act:

"Foreshore" means the land defined by the fourth section of this Act.

Governor may set apart land for fishing townships.

3. The Governor may, by Order in Council from time to time, set apart upon the coast-line of New Zealand, or of any bay, harbour, estuary, salt-water creek, or other inlet of the sea, any Crown lands for the purpose of the formation of fishing towns or fishing villages, herein called fishing townships.

4. The Governor shall cause a line, herein called the "foreshore line," to be laid out in every fishing township at such distance inland from the line of low-water mark as he thinks fit, and all the land lying between the said line and the line of low-water mark shall be deemed to be the foreshore for the purposes of this Act.

Foreshore line to be laid out.

5. Every Order in Council setting apart any such lands shall provide, amongst other things,—

Mode of dealing with lands set apart.

- (1.) For selling, or letting with or without right of purchase, sections of land within any fishing township not being part of the foreshore, but so that no section shall contain more than ten acres, or have a frontage of more than one hundred feet upon the foreshore line;
- (2.) For granting licenses to the owner or lessee of any section having frontage on the foreshore line, for the use and occupation of the part of the foreshore adjacent to such section, not being part of any highway or thoroughfare thereon, for the purpose of erecting thereon such wharves, jetties, and other buildings as may be necessary for carrying on the occupation of fishing, curing, and canning fish, and for the import and export of goods connected therewith and otherwise used by the inhabitants of the fishing township, and for determining the conditions and restrictions of such use and occupation under any such license;
- (3.) For granting licenses to any person for such purposes and under similar conditions and restrictions, for the use and occupation of any part of the foreshore within a fishing township, not being adjacent to any section so let or sold, and not being part of any highway or thoroughfare;
- (4.) For laying out highways and thoroughfares on and through the foreshore, and limiting and defining the right of thoroughfare over the same, and for laying out highways over other parts of the fishing township, and generally for regulating the management, use, and occupation of the lands within the same for the purposes of this Act;
- (5.) For granting to the holder of any such license the right to charge tolls for the use of any wharf or jetty, or rent or storage for the use of any building he may have erected under the provisions of such license, and to limit the amount of any such charges.

6. If any person shall use or occupy any part of the foreshore within any fishing township in any other manner than is provided by the license granting the same, or shall violate the conditions and restrictions attached thereto, the Governor may cancel such license, and all right or title accruing thereunder shall absolutely cease.

License cancelled if conditions violated.

7. No license granted under this Act shall entitle the holder thereof, either during the term or after the expiry or cancellation thereof, to any compensation in respect of any buildings or other works he may have erected on the land in respect of which such license shall have been granted, unless the right to such compensation shall have been specially set forth in such license.

When compensation for improvements allowed.

Bonus shall be paid
for canned and
cured fish.

8. In order to encourage the production and curing of fish for export the Colonial Treasurer shall during the next seven years after the passing of this Act, without further appropriation by Parliament, pay out of the Consolidated Fund to any person who shall prepare canned and cured fish for export, and actually export the same from the colony, a bonus or bonuses upon the quantity of canned and cured fish prepared and exported by such person as herein-after mentioned, that is to say,—

- (1.) In respect of the first two hundred tons avoirdupois of fish canned with or without oil, the sum of one penny per pound, the weight of the cans not to be included in the tonnage upon which such bonus is paid;
- (2.) In respect of every ton avoirdupois of fish canned as aforesaid beyond the first two hundred tons, the sum of one halfpenny per pound, the weight of the cans not to be included in the tonnage upon which such bonus is paid;
- (3.) In respect to cured fish the bonus to be paid shall be respectively one farthing and one-eighth of a penny a pound under similar conditions, as far as the same are applicable to those contained in the two last subsections.

9. The total tonnage upon which the Treasurer may grant bonuses as aforesaid under this Act shall not exceed six thousand tons.

Tonnage not to
exceed six thousand.

Trade-mark of
producer to be
registered.

10. Every person intending to apply for the grant of a bonus shall register a special trade-mark under the laws for the time being in force in New Zealand providing for the registration of trade-marks, such trade-mark to be used for all cured and canned fish to be prepared for export by such person, and shall, within six years after the passing of this Act, give notice to the Treasurer of his intention to export canned and cured fish with a view to applying for a bonus, and shall append to such notice a copy of such trade-mark; and all cases, barrels, or cans containing fish cured and canned for export by any such person shall, before exportation, be marked with the trade-mark so registered by him, and no part of any such bonus shall be payable except in respect of cases, barrels, or cans so marked.

11. The Governor in Council may from time to time make regulations prescribing the form of claim for any such bonus, and the form and nature of the evidence which shall be used and produced by any person or persons claiming the payment of any such bonus, and in relation to any matter affecting the right of such person thereto; and every person claiming any such bonus shall deliver such claim to the Collector of Customs at the port from which any fish in respect whereof such claim shall be made has been exported, together with such evidence as shall be prescribed by such regulations; and it shall be the duty of such Collector of Customs to forward such claim and the evidence in support thereof, together with a report by himself thereon, to the Treasurer, who shall thereupon pay the bonus claimed if satisfied with such evidence, or otherwise act thereon in such manner as he shall think fit and reasonable.

12. Any person who shall wilfully, by means of any false representation, procure or endeavour to procure the payment of any such

Governor in Council
may regulate form
and mode of
evidence.

False representation
by exporter a
misdemeanour.

bonus without having duly complied with the provisions of this Act and of any regulations made thereunder, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment for any period not exceeding two years.

13. The Governor may, by Order in Council, from time to time regulate or prohibit the exportation from the colony of any fish caught or produced in the waters of the colony. Any such order may be made in respect of any particular kind of fish as defined by this Act, or may be made in respect of all fish so defined.

Exportation of fish
may be prohibited.

If in breach of such order any fish be exported, or found on board of any ship, or be brought to any place to be shipped for exportation from the colony, they shall be forfeited; and any person offending against the provisions of this section, or any Order in Council issued in pursuance thereof, shall, for every such offence, be liable to a penalty not exceeding one hundred pounds, to be recovered in a summary way.

All fish declared liable to forfeiture by this Act may be seized by any officer of Customs in the manner prescribed by "The Customs Laws Consolidation Act, 1882," and may be sold or otherwise disposed of as by that Act is provided in the case of the seizure of uncustomed or prohibited goods.

Forfeiture.

14. All Orders in Council and regulations from time to time made under the provisions of this Act shall be published in the *Gazette*, and a copy of the *Gazette* containing any such Order in Council or regulations shall be absolute evidence thereof.

Orders in Council to
be published in
Gazette.

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