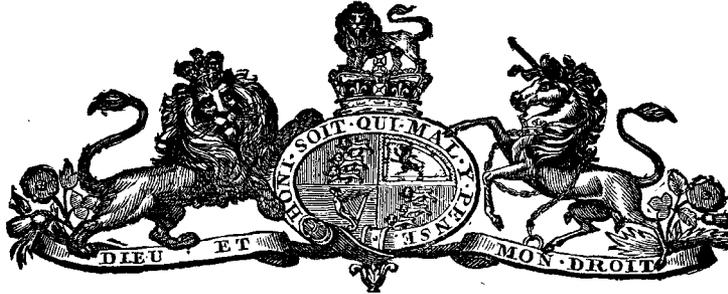


NEW ZEALAND.



QUADRAGESIMO PRIMO
 VICTORIÆ REGINÆ.
 No. 45.

ANALYSIS.

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| <p>Title.
 Preamble.
 1. Short Title.
 2. Interpretation.
 3. Governor in Council may make general regulations.</p> | <p>4. Governor may grant licenses.
 5. Penalty for selling, &c., fish contrary to regulations.
 6. Application of license fees and penalties, &c.
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 8. Act not to affect provisions of the Treaty of Waitangi.</p> |
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AN ACT for the Protection of Fish and Fisheries in Title.
 New Zealand. [8th December, 1877.]

WHEREAS it is expedient to make provision for regulating fisheries Preamble.
 in New Zealand, and for encouraging the establishment of the
 same :

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

1. The Short Title of this Act shall be “The Fish Protection Act, Short Title.
 1877.”

2. In the construction of this Act, if not inconsistent with the Interpretation.
 context or subject, the terms and expressions following shall have the
 meanings hereby assigned to them :—

“Fishery” means any fishery in any waters brought within the
 operation of this Act :

“Waters” shall include salt and fresh waters, and any bay,
 estuary, or other inlet of the sea, but not waters the pro-
 perty of any private person :

“Fish” shall mean and include all fish ordinarily inhabiting the
 waters of the colony, whether fresh or salt water.

Fish Protection.

Governor in Council
may make general
regulations.

3. The Governor in Council may from time to time make general regulations for the purposes of this Act, as follows:—

- (1.) For the constitution of districts in which this Act shall come into operation, and prescribing the limits thereof:
- (2.) Declaring what places in any waters of the colony shall be fisheries for the purposes of this Act:
- (3.) May set apart and reserve any part of any fishery for the natural or artificial propagation of fish.
- (4.) Regulating the period of the year during which fish may be lawfully taken in any fishery, and the size of the mesh of any net or seine used for the purpose of taking fish.

Any regulations so made may be altered, revoked, or amended from time to time; and all regulations so to be made shall be published in the *New Zealand Gazette*, and shall from and after such publication have the force of law.

Governor may grant
licenses.

4. The Governor may grant to any person or persons the exclusive right to use any fishery to be proclaimed as aforesaid, upon payment of such fees as may be prescribed in and subject to general regulations, but may, notwithstanding such grant, from time to time, by notice in writing to the grantee or grantees, or any of them, exclude any particular species of fish from being taken in such fishery.

Penalty for selling,
&c., fish contrary to
regulations.

5. It shall not be lawful for any person to buy, sell, or have in possession any fish taken in contravention of this Act or of general regulations, and fish so taken shall be deemed to be forfeited; and any person found in possession of any fish so taken, or of any part or portion thereof, shall be deemed to have obtained the same in violation of this Act, except only upon legal proof to the contrary, which proof shall devolve wholly upon the person accused; and every person convicted under the provisions of this section shall be liable for each offence to a penalty not exceeding twenty pounds.

Application of license
fees and penalties, &c.

6. All fees and penalties received and recovered under this Act shall be paid into the Consolidated Fund, and the amount received in each year shall be primarily applicable to the payment of any salaries or other expenses to become payable under this Act.

Recovery of penalties.

7. All offences under this Act made punishable by any penalty may be prosecuted summarily under the provisions of "The Justices of the Peace Act, 1866," or under the provisions of any other Act for the time being in force in New Zealand regulating summary proceedings for offences punishable by penalties of a like nature.

Act not to affect
provisions of the
Treaty of Waitangi.

8. Nothing in this Act contained shall be deemed to repeal, alter, or affect any of the provisions of the Treaty of Waitangi, or to take away, annul, or abridge any of the rights of the aboriginal natives to any fishery secured to them thereunder.

WELLINGTON, NEW ZEALAND:

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