



## ANALYSIS

Title	3. Fees on applications for leases or licences
1. Short Title and commencement	4. Objections
2. Restrictions on marine farming	5. Leases and licences of area seaward of leased or licensed area
	6. Regulations

---

1976, No. 147

**An Act to amend the Marine Farming Act 1971**

*14 December 1976*

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 and commencement**—(1) This Act may be cited as the Marine Farming Amendment Act 1976, and shall be read together with and deemed part of the Marine Farming Act 1971 (hereinafter referred to as the principal Act).

(2) Section 3 of this Act shall come into force on the 1st day of January 1977.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the date on which it receives the Governor-General's assent.

**2. Restrictions on marine farming**—The principal Act is hereby amended by inserting, after section 4, the following section:

“4A. Every person commits an offence against this Act who, whether for the purposes of sale or not, farms any area that is not a leased or licensed area.”

**3. Fees on applications for leases or licences—**(1) Section 5 of the principal Act is hereby amended—

(a) By omitting from subsection (3) (a) the expression “\$50”, and substituting the expression “\$100”:

(b) By repealing subsection (4).

(2) Section 5 of the principal Act is hereby further amended by repealing subsection (7), and substituting the following subsection:

“(7) Where an applicant for a lease or licence withdraws his application, the application fee shall be forfeited to the Crown where the Minister is the controlling authority, and to the controlling authority in every other case.”

(3) Section 14B of the principal Act (as inserted by section 5 of the Marine Farming Amendment Act 1975) is hereby amended—

(a) By omitting from subsection (4) (d) (i) the expression “\$50”, and substituting the expression “\$100”:

(b) By repealing subsection (4) (e):

(c) By omitting from subsection (4) (i) the words “unless the controlling authority otherwise directs”.

**4. Objections—**Section 7 (1) of the principal Act is hereby amended by omitting the words “before considering the application”.

**5. Leases and licences of area seaward of leased or licensed area—**The principal Act is hereby further amended by inserting, after section 8, the following section:

“8A. Where—

“(a) In the opinion of the controlling authority any adjoining area immediately seaward of any leased or licensed area is suitable for marine farming; and

“(b) Application is made under this Act by the lessee or licensee and by any other person or persons for a lease or licence of that adjoining area; and

“(c) The controlling authority is satisfied that the lessee or licensee has satisfactorily developed the leased or licensed area as a marine farm and has complied with the provisions of this Act and with the conditions, covenants and other provisions of his lease or licence,—

the lessee or licensee shall have a right to be offered a lease or licence of that adjoining area in preference to the other applicant or applicants.”

**6. Regulations**—Section 48 (1) of the principal Act is hereby amended by inserting, after paragraph (j), the following paragraph:

“(ja) Prescribing matters in relation to the design, construction, condition, lighting, marking, positioning, and inspection of structures, rafts, longlines, and other equipment of structures and rafts, requiring structures, rafts, longlines, and other equipment to be approved before being used on any marine farm or for spat-catching purposes, and prohibiting the use on any marine farm or for such spat-catching purposes of any structure, raft, longline, or other equipment that does not comply with the regulations or, where approval is required, that has not been approved.”

---

This Act is administered in the Ministry of Agriculture and Fisheries.

---