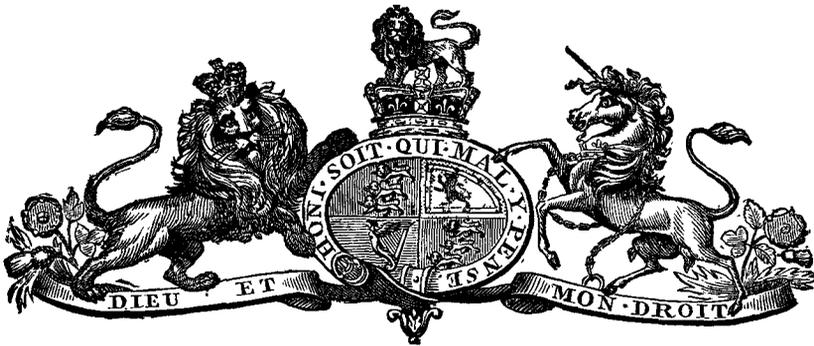


NEW ZEALAND.



TRICESIMO SECUNDO ET TRICESIMO TERTIO  
**VICTORIÆ REGINÆ.**

No. L.

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ANALYSIS.

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| <p>Title.<br/>                 Preamble.<br/>                 1. Short Title.<br/>                 2. Discoverer of oyster-bed may apply for exclusive license.<br/>                 3. Notice of application to be advertised.<br/>                 4. Notice of intention to oppose to be given.<br/>                 5. Inquiry to be held in case of opposition.<br/>                 6. Inquiry in case of no opposition.<br/>                 7. Report to be made to Governor.</p> | <p>8. After report Governor may issue license.<br/>                 9. Rent to be paid by licensee.<br/>                 10. Licensee to have exclusive right to take oysters.<br/>                 11. Fifth section of "Oyster Fisheries Act 1866" to apply to new natural beds.<br/>                 12. License to cease if bed improperly managed.<br/>                 13. Commissioner empowered to extend term of tenancy of planted oyster-bed.<br/>                 14. This Act to be incorporated with "Oyster Fisheries Act 1866." Schedule.</p> |
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AN ACT to amend "The Oyster Fisheries Act 1866." Title.  
 [3rd September 1869.]

**W**HEREAS it is expedient to encourage the discovery of natural Preamble.  
 Oyster-beds and to give to the discoverers thereof such privileges as are hereinafter mentioned

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 Oyster Fisheries Act Amendment Act 1869." Short Title.

**2.** Whenever any person shall before or after the passing of this Act have discovered on or near the Coast of New Zealand a natural oyster-bed he may apply to the Commissioner of Crown Lands for the Province or County on or near the coast whereof such natural oyster-bed shall be for the issue to him of an exclusive license for the use of such oyster-bed as hereinafter provided. Discoverer of oyster-bed may apply for exclusive license.

**3.** The applicant for such exclusive license shall publish in some newspaper published near the place where such oyster-bed is situate a notice of such application and shall in such notice describe the oyster-bed with reasonable certainty and such notice shall be repeated once every week for three months. Notice of application to be advertised.

**4.** Any person wishing to oppose the issue of an exclusive license to the applicant shall give notice in writing of his intention so to do to the Commissioner of Crown Lands aforesaid within three months of the first publication of the notice aforesaid. Notice of intention to oppose to be given.

*Oyster Fisheries Act Amendment.*

Inquiry to be held in case of opposition.

5. Upon receiving notice of the intention to oppose the grant of an exclusive license the Commissioner or some person appointed by him by writing under his hand shall hold an inquiry touching the expediency of issuing an exclusive license. The person holding such inquiry shall have power to administer an oath.

Inquiry in case of no opposition.

6. If no notice of intention to oppose the issue of an exclusive license is received before the expiration of three months from the day of publishing the first advertisement of notice of such application as aforesaid the Commissioner or some person appointed by him by writing under his hand shall inquire concerning the due publication of such notice as aforesaid and touching the expediency of issuing an exclusive license.

Report to be made to Governor.

7. The person holding any such inquiry as aforesaid shall report to the Governor whether in his opinion an exclusive license ought to be granted to the applicant and for what term if any and shall state the facts on which he grounds his opinion.

After report Governor may issue license.

8. On the receipt of such report it shall be lawful for the Governor to issue to the applicant his executors administrators or assigns an exclusive license in the form in the Schedule hereto to use the said oyster-bed for such period not exceeding five years from the date of such license as the Governor having regard to the said report shall think fit.

Rent to be paid by licensee.

9. In and by such license there shall be reserved a yearly sum payable on a day or days in such license mentioned to the Receiver of Land Revenue of such Province or County as aforesaid towards the land revenues thereof.

Licensee to have exclusive right to take oysters.

10. The licensee his executors administrators and assigns paying such yearly sum as aforesaid shall during the whole of the term in the said license mentioned have the sole and exclusive right by himself or themselves or his or their servants agents and licensees to dredge for and take oysters from the said bed.

Fifth section of "Oyster Fisheries Act 1866" to apply to new natural beds.

11. The fifth section of "The Oyster Fisheries Act 1866" shall be deemed to include and apply to every natural oyster-bed for which such exclusive license as aforesaid shall have been granted during the currency of such license as well as any artificial oyster-bed formed under the provisions of the said Act. Provided always that such natural oyster-beds may be distinguished by buoys or other floating marks approved by the said Commissioner of Crown Lands when the same cannot be conveniently marked by posts or other marks put up on the shore.

License to cease if bed improperly managed.

12. If at any time during the currency of any such exclusive license the said Commissioner of Crown Lands shall by writing under his hand certify to the Governor that the holder for the time being of such license or any person by his direction or permission is managing or using the oyster-bed in such manner that the same is likely to be exhausted or greatly reduced in value then it shall be lawful for the Governor in Council if it should seem fit so to do to cancel and revoke such license and upon the publication of an Order in Council cancelling or revoking such license being published in the *New Zealand Gazette* the said license and all rights and privileges of dredging or taking oysters acquired thereunder shall absolutely cease and determine.

Commissioner empowered to extend term of tenancy of planted oyster-bed.

13. Notwithstanding the limitation contained in section four of "The Oyster Fisheries Act 1866" of the term of tenancy of a planted oyster-bed to the term of fourteen years it shall be lawful for the Commissioner to extend such tenancy to a term of thirty years.

This Act to be incorporated with "Oyster Fisheries Act 1866."

14. This Act shall be read and construed as part of "The Oyster Fisheries Act 1866."

*Oyster Fisheries Act Amendment.*

## SCHEDULE.

Schedule.

Know all men by these presents that A.B. of \_\_\_\_\_ his executors administrators and assigns is and are hereby licensed by himself and themselves and his and their servants agents and licensees to dredge for and take oysters on and from the oyster-bed described in the Schedule hereto for the term of \_\_\_\_\_ years from the date hereof he and they paying to the Receiver of Land Revenue at \_\_\_\_\_ the yearly sum of £ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in every year without deduction Provided always that if the said annual sum or any part thereof shall at any time be in arrear for twenty-one days or if the said licensee his executors administrators or assigns shall manage or use the said oyster-bed in such manner that the same shall be likely to be exhausted or greatly reduced in value this license shall cease and that if the said licensee is not the true and first discoverer of the said oyster-bed nor the executor administrator or assign of such first discoverer then this license may be cancelled.

Issued under "The Oyster Fisheries Act Amendment Act, 1869."

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

## SCHEDULE.

Situation of Oyster-bed.	Boundaries or other Description.

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