

Hon. Sir J. G. Ward.

ANIMALS PROTECTION.

ANALYSIS.

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A BILL INTITULED

Title.

AN ACT to consolidate the Law for the Protection of Animals and for the Encouragement of Acclimatisation Societies.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :— 5

Short Title.

1. The Short Title of this Act is "The Animals Protection Act, 1905."

Interpretation.

1880, No. 18, sec. 2

2. In this Act, if not inconsistent with the context,—

"Close season" means the season or period during which it is not lawful to take or kill game or native game as the case may be : 10

"District" means such part of the colony as the Governor may from time to time appoint to be a district under this Act : 15

And until any such appointment each provincial district shall be deemed to be a district :

"Game" and "imported game" include all imported animals and birds mentioned in the *First* Schedule to this Act, and such other imported animals and birds as shall be declared to come within the provisions of this Act relating to game : 20

"Imported," as applied to any bird or animal, means imported into any district and turned at large, and includes the offspring of such bird or animal, and every bird or animal of like species at large in such district : 25

"Native game" includes all animals and birds mentioned in the *Second* Schedule to this Act, and any other animals and birds which shall be declared to come within the provisions of this Act relating to native game : 30

"Notification" means a notice by or under the direction of the Governor, published in the *Gazette* or in any newspaper circulating in the district to which such notification relates :

"Regulations" means regulations made under this Act : 35

"Take or kill," and all references thereto, include the hunting, taking, shooting, pursuing, or destruction of any bird or animal by any lawful means, whether the animal or bird is actually taken or killed or not.

New paragraph.

"Sanctuary," any portion or part of district notified or set apart by the Governor under this Act or under any Act repealed thereby as a place within which game, or native game, or both, may not be taken or killed. 40

As to Protection of Game.

Time for killing native and imported game.

1903, No. 46, s. 1, altered.

3. (1.) The season for taking or killing native and imported game (except deer and godwits) throughout the colony shall begin on the first day of May and close on the thirty-first day of July, both inclusive, in each year ; but if the first day of May shall fall on a Sunday in any year, then such season shall not begin till the day following : 45 50

1900, No. 45, s. 2, altered.

Provided that, upon the written application of any duly registered acclimatisation society, it shall be lawful for the Governor by notification to further restrict such season in any particular district or portion thereof, but within the respective dates or periods afore- 55

said, or close such season absolutely within such district or portion thereof. Such notification may apply to all game or to any particular species, sex, or kind of game specified therein :

5 Provided further that, whenever the season is so restricted, the dates fixed for the opening and closing of the season shall be notified in the *Gazette* not less than ~~twenty-one days~~ *four calendar months* prior to the first day of May of that year, or when the season is to be wholly closed in any year, then notice to that effect shall be given not later than the tenth day of April in such year.

10 (2.) The game season for deer in each district shall be such as is from time to time prescribed by the Governor by notification.

(3.) No person shall take or kill any game or native game between the hours of seven *post meridiem* and six *ante meridiem* : *Provided that this shall not apply to deer.*

15 4. Any penalties imposed by this Act for taking, buying, selling, exposing for sale, or having in possession any game, native game, or protected native birds, except during the times fixed under this Act, shall apply in respect of the said times as the same may be varied or limited hereunder.

Penalties to apply to season as varied. 1881, No. 34, s. 3.

20 5. The Governor may, by notification, declare—

(a.) That any particular species or sex of game or native game may be taken or killed within each district during the game season, and in such case no person shall take or kill any game or native game otherwise than in terms of such notification ;

Governor may notify in which part of district game not to be killed.

1880, No. 18, s. 4.

25 (b.) In which part or parts of a district game shall not be taken or killed, and the particular species or sex of game which shall not be so taken or killed ;

30 (c.) That any description of imported bird is established in any district, and is to be considered as game.

~~6. No game shall be poisoned on any pretence whatever.~~

No game to be poisoned.

Ibid, s. 5.

No game to be trapped.

Ibid.

35 7. (1.) No game shall be trapped or taken by means of traps, or by any other means than by hunting or shooting, nor shall any trap, net, or snare be erected or set for the purpose of such trapping or taking at any time whatever, except by persons duly authorised under section *thirty-four* of this Act.

New subclause.

40 (2.) It shall be unlawful to use for the purpose of taking or killing any deer, moose, elk, or other animal declared to be game, any metal-patched or metal-cased bullet, under a penalty not exceeding *ten* pounds for each offence : *Provided that this provision shall not apply to the use of the bullet known as the expansive or mushroom bullet.*

45 8. (1.) No person shall take or kill, or use any dog or gun for the purpose of taking or killing, any game until such person has taken out a license to kill game under this Act, and paid the fee hereby made payable therefor.

Game not to be taken or killed without license.

Ibid, s. 6.

(2.) Every person who offends against the provisions of this section is liable to a fine not exceeding *twenty* pounds.

50 9. (1.) The Governor shall appoint, by notification or otherwise, a fit person or fit persons in each district to issue licenses to take or kill game (other than deer).

Licensing officers.

Ibid, s. 8.

55 (2.) Every such license shall be in the form of the *Third* Schedule to this Act, or in such other form as may from time to time be prescribed by regulations, and shall be issued and signed by the person appointed to issue such license, and be dated on the day when the same was actually issued, and be in force during the period specified in the license.

Form of license.

60 10. Such license shall be issued upon payment of the fee of *one* pound.

License fee.

1903, No. 46, s. 5.

No person to sell game without license.
1880, No. 18, s. 10.

11. No person shall sell game, or dispose thereof for any gain or reward, until he has taken out a license for that purpose and paid the fee therefor. Every such license shall be *issued at the discretion of the Colonial Secretary, and shall be in the form of the Fourth Schedule to this Act, and shall be in force for a period* 5
ending on the seventh day after the close of any game season fixed under the powers herein contained :

Forms of licenses may be altered.

12. The forms of licenses set forth in the *Third and Fourth Schedules* hereto shall be used until the same are altered or revoked by regulations made under this Act. 10

Issue of licenses to sell game.
Ibid, s. 11.

13. (1.) Licenses to sell game shall be signed and issued by the same person or persons as under this Act are authorised to sign and issue licenses to take or kill game.

Fee.

(2.) The fee payable upon the issue of a license to sell game *and native game* shall be *five* pounds. 15

Penalty.
Ibid, s. 11.

(3.) Every person who sells any game *and native game* without having duly taken out and having in force such license as aforesaid, is liable for every such act to a fine not exceeding *twenty* pounds nor less than *forty* shillings.

(4.) No license either to kill or sell game or native game shall be issued under this Act to any person appearing to be under the age of ~~sixteen~~ *fourteen* years. 20

Game at large deemed to be imported game.
1886, No. 11, s. 2.

14. All game, as the same is defined by this Act, at large within any district proclaimed hereunder shall be deemed to be "imported" game, and it shall not be necessary in any proceedings under this Act 25
to prove the fact of importation into any particular district.

Penalty for killing hen-pheasant or selling dead hen-pheasant.
1880, No. 18, s. 13.

15. (1.) Every person who kills a *hen-pheasant*, or sells, offers for sale, or exposes for sale, or who has in his possession, or in any manner disposes of, any dead hen-pheasant, *or any bird protected under this Act*, is liable to a fine, for every such act, not exceeding 30
~~five~~ *ten* pounds.

(2.) If such person holds a license to take or kill game, or to sell game, every such license shall, on conviction, become *ipso facto* void.

Certain lands over which licenses not to extend.
Ibid, s. 14.

16. (1.) Whenever the chairman of any duly registered acclimatisation society certifies in writing that any lands are actually 35
and exclusively used by such society for acclimatisation purposes, or whenever any lands are set apart as reserves for native or imported game, then the Governor may by notification direct that such lands shall be excepted from the operation of any licenses issued within the district where such lands are situated respectively: *Provided* 40
that all national parks shall be exempted from the operation of all or any licenses issued within the district where such lands are situated respectively.

(2.) Any person taking or killing any game upon any lands so excepted shall be deemed to be an unlicensed person within the 45
provisions of this Act.

Penalty for destroying eggs.
Ibid, s. 15.

17. Every person who unlawfully takes and destroys, or wilfully destroys, the eggs of any ~~game~~ birds *enumerated in Schedules One, Two, and Five hereof*, is liable to a fine not exceeding ~~five~~ *ten* pounds. 50

As to killing imported birds, not being game.
Ibid, s. 16.

18. (1.) The Governor may declare by notification that im-
ported birds, not being game, or any of them, may be taken or killed in such part or parts of a district as in such notification shall be described.

(2.) No such imported birds shall be taken or killed in any 55
district except as hereinbefore mentioned.

(3.) Every person who offends against the provisions of this section is liable to a fine not exceeding *ten* pounds.

As to Native Game.

Struck out.

19. (1.) No person shall take or kill, or use any dog or gun for the purpose of taking or killing, any native game until such person has taken out a license to kill native game under this Act and paid the fee (if any) payable therefor under any regulations made under this Act; provided that no such fee shall exceed five shillings. (2.) The provisions of this section shall not apply to aboriginal natives of any district taking or killing native game therein otherwise than for sale, and subject to such regulations as the Governor may from time to time prescribe either generally or in respect of such district.
20. No person shall sell any native game, or take or kill any native game for the purpose of sale, without previously taking out a license to sell such game, under a fine not exceeding *ten* pounds. Such license may be issued by the like persons, and the like fee shall be payable, as in the case of a license to sell game.
21. (1.) Every such license shall be in such form as the Governor may prescribe by notification. (2.) Provided that no person holding a license to sell game then in force shall be liable, on taking out a license to sell native game, to pay any further fee during the currency of such first-mentioned license.
22. It shall be lawful for the Governor, by notification published in the *Gazette*, to prohibit absolutely, or for such time as he may think fit, the taking or killing of any bird indigenous to the colony, whether the same be native game or not; and any person failing or neglecting to observe all or any of the provisions of such notification shall be deemed to be guilty of an offence against the provisions of this Act, and on conviction shall be liable to a fine of not less than *five* and not exceeding *twenty* pounds.
- Provisions affecting "Game" and "Native Game."*
23. (1.) Every holder of a license to sell game or native game shall keep a book wherein shall be entered the correct name and postal address, and occupation, and number of license (if any) of every person from whom such license-holder purchases any game or native game, specifying the number and description of game or native game purchased from each such person, and the locality in which such game or native game was killed or taken; and such book shall be open for inspection at all reasonable hours by any police officer or Ranger. (2.) No such dealer shall purchase any game or native game from any person who does not hold a license to sell game. (3.) No sale of game or native game shall take place prior to the first day of ~~May~~ *June* or subsequently to the first day of August in any year.
24. If the person keeping such book as aforesaid fails to enter the particulars required by the *last preceding* section, or to otherwise observe the provisions thereof, he is liable on conviction to a fine not exceeding *five* pounds nor less than *one* pound.
25. Any person in *bona fide* occupation of any land, or any son of such person, or any one person appointed in writing by such first-mentioned person, may take or kill game upon any lands so occupied by such first-mentioned person within the periods allowed under this Act without being liable to any penalty for so doing.

No person to take or kill native game without license.

Native game not to be sold without license.
1889, No. 23, s. 5.

Form of license.
Ibid, s. 6, altered.

Governor may prohibit destruction of any indigenous bird.
1886, No. 11, s. 3.

Register of sales of game or native game to be kept.
1889, No. 23, s. 7, altered.

Period of sale limited.
Ibid, s. 6, altered.

Penalty for failure to keep register.
Ibid, s. 7, altered.

Persons may kill game on their own land without license.
1903, No. 46, s. 4.

Governor may prohibit sale of game or native game in certain cases.

1895, No. 13, s. 5.

26. Whenever it shall be made to appear that any imported game or native game is not sufficiently numerous to warrant the sale thereof in any district or part of a district, the Governor may from time to time, upon the recommendation of the Colonial Secretary, by notification, prohibit the sale of any such game or native game within such district or part thereof for such period as may be specified in such notification. 5

Governor may declare certain animals and birds protected.

27. The Governor may from time to time declare by notification that any animal or bird mentioned in the *Fifth* Schedule to this Act, or any other animal or bird in addition to those so mentioned, shall be protected absolutely or for a specified time, or that the provisions of this Act or any of them shall apply to such animals or birds, and may limit such notification to any particular district or part of a district specified in such notification; and any persons failing to observe all or any of the provisions of such notification shall be deemed to be guilty of an offence against the provisions of this Act, and on conviction shall be liable to a fine of not less than five pounds nor more than twenty pounds. 10 15

But no indigenous animals or birds shall at any time be deemed to be "game." 20

Close season for game and native game.

1895, No. 13, s. 7.
1900, No. 45, s. 4,
altered.

28. The year one thousand nine hundred and seven and every third year thereafter shall be a close season for game (other than deer) and native game :

Provided that the Governor may, upon the recommendation of the Colonial Secretary, by notification in the *Gazette*, exclude the Urewera country and other Native districts in the colony from the operation of this section so far as the same relates to native game : 25

Provided further that, upon petition by any acclimatisation society, the district under the control of such society may also be exempted from the operation of this section wholly or in part, and either as relates to native game or imported game, or both, as the case may be. 30

Fixing time for killing godwits.

1889, No. 23, s. 9.

29. Until otherwise provided by regulations made under this Act, it shall be lawful to kill or take the godwit—known by the native name "kuaka" or "hakakao"—during the months of February, March, and April; but no person shall kill or take any such bird at any other time. 35

Governor may declare any animal or bird under the Act or to cease to be under Act.

1880, No. 18, ss. 19, 20.

30. (1.) The Governor may declare by notification that any animal or bird, in addition to those mentioned in the *First* or *Second* Schedule to this Act, shall come within the provisions thereof relating to game or native game, as the case may be. 40

(2.) The Governor may declare by notification that any of the animals or birds mentioned in the *First* or *Second* Schedule to this Act, or which may have been declared to come within the provisions of "The Animals Protection Act, 1880," or which may be declared to come within the operation of this Act, shall cease to be within its operation. 45

(3.) He may in like manner declare that any of the animals or birds declared by this Act to be game or native game, or which have been or shall hereafter be declared to be game as aforesaid, shall cease to be deemed game or native game within the provisions of this Act: *Provided that this clause does not apply to indigenous birds.* 50

31. Nothing in this Act shall prevent the owner of any animal or bird which has been lawfully taken or obtained from keeping the same in confinement or in a domesticated state, or from offering for sale or selling, or from taking or killing, any such animal or bird so kept ; and it shall be lawful for any person to buy or offer to buy any such animal or bird.
32. (1.) No person shall sell or offer for sale, or buy or offer to buy, any game or native game except during the periods within which it shall be lawful to sell such game or native game, as the case may be ; nor shall any game or native game be held in possession for a greater period than seven days after the close of the game season fixed under this Act, and whether such game or native game be frozen, chilled, or otherwise.
- (2.) Every person who offends against the provisions of this section is liable to a fine not exceeding *five* pounds nor less than *one* pound.
- (3.) The provisions of this section shall apply to game of any species (alive or dead) imported into any district and similar to that existing in such district :
- Provided that the Colonial Secretary may, subject to the provisions of any regulations made under this Act, exempt from the operation of this section any importation of frozen or chilled game for private use and not for sale.
33. No game or native game shall be exported from the colony, unless with the written consent of the Colonial Secretary, and every person who exports or attempts to export any such game or native game without such consent is liable to a fine not exceeding *twenty* pounds.
34. The Colonial Secretary may in writing authorise any acclimatisation society, or the officers or servants of any such society, or other persons, to catch or take any acclimatised animals or birds, or the eggs of any such birds, for the purpose of distributing, changing, or turning out the same in some other country or in some other part of the colony.
- But nothing herein contained shall be deemed to authorise any person to commit a trespass.
35. (1.) No person or persons shall be deemed to be so authorised to catch or to take, or shall catch or take, any animals or birds, or the eggs of such birds, unless he or they have obtained authority from the Colonial Secretary as before provided.
- (2.) No such authority shall in any case have any force or effect for a longer period than ~~twelve~~ *three* calendar months from the date thereof.
36. The Colonial Secretary or any Magistrate may in writing authorise any person, or the servants of any such person, at any time to kill or destroy any animals or birds, whether game or native game, found on his property and committing any damage or injury :
- Provided that the Colonial Secretary or Magistrate satisfies himself that such injury is likely to arise through the presence of such animals or birds.
37. (1.) Except as in this Act provided, no person shall have in his possession any game or native game, or the eggs of any birds mentioned in the Schedules to this Act, without lawful excuse, the proof whereof shall be on the party charged.

Animals or birds in confinement may be killed or sold.
1880, No. 18, s. 21.

When game or native game may be sold.
Ibid, s. 22.

1900, No. 45, s. 3.

Game or native game not to be exported.
Ibid, s. 3.

Authority to take animals or birds for distribution.
1880, No. 18, s. 23.

Colonial Secretary to give such authority.
Ibid, s. 24.

Authority may be given to destroy injurious animals or birds.
1881, No. 34, s. 7, altered.

No game or native game to be had in possession.
1880, No. 18, s. 25.

(2.) Any such game or native game found in the possession of any person shall be presumed to have been taken or killed by such person contrary to the provisions of this Act, until proof to the contrary be given.

Persons not to use swivel guns. 1889, No. 23, s. 4, altered.

38. (1.) No person shall kill or destroy any game or native game, or shoot at or attempt to shoot at any game or native game, with any swivel gun or punt gun, or use any gun other than a shoulder gun. No gun shall be used for the purposes aforesaid the bore of which is larger than the size known as number ten at the muzzle, nor shall any gun be used which exceeds ten pounds in weight. 5 10

(2.) Every person who offends against this provision is liable to a fine not exceeding *ten* pounds nor less than *forty* shillings, besides any other penalty he may have incurred.

Trespasser in pursuit of game liable to penalty. 1880, No. 18, s. 26.

39. If any person at any time commits any trespass by entering or being upon any private land in the search or pursuit of game or native game, such person is liable to a fine not exceeding *five* pounds. 15

But any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass. 20

Trespassing with dog or gun. Ibid, s. 27, altered.

40. Any person found trespassing on private land with gun, or dog and gun, shall *prima facie* be deemed to be in pursuit of game or native game, as the case may be, and subject to the provisions of this Act. 25

Miscellaneous Provisions.

No animal, bird, insect, or reptile to be introduced without consent of Minister. 1895, No. 13, s. 2.

41. No society, authority, or person shall introduce or import into the colony, or turn at large, for the purposes of sport or acclimatisation, or as game, any animal or bird whatever without the consent in writing of the Minister for the time being in charge of the Department of Agriculture; nor shall any noxious animal, bird, insect, or reptile be introduced or imported into the colony without such consent as aforesaid. 30

Landing of snakes, &c., to be prevented. Ibid, s. 3.

42. It shall be the duty of the master, owner, charterer, and agent of any vessel arriving at any port or place in New Zealand to effectually prevent any snake, scorpion, or other noxious reptile from being landed in New Zealand from such vessel, whether in the cargo or otherwise. 35

Penalty for breach thereof. Ibid, s. 4.

43. Every person who offends against or fails to comply with any of the provisions of the *two preceding* sections of this Act is liable to a fine not exceeding *fifty* pounds nor less than *five* pounds. 40

Certain animals or birds not to be introduced. 1880, No. 18, s. 28.

44. (1.) No person shall introduce into the colony, or liberate or allow to go at large, or have in his possession, any fox, venomous reptile, hawk, vulture, or other bird of prey not indigenous to the colony. 45

Penalty.

(2.) Every person who offends against the provisions of this section is liable to a fine not exceeding ~~one~~ *two hundred* pounds, and in default of payment to be imprisoned for a period of not more than *six* months.

Who may demand production of license. Ibid, s. 29.

45. Every person in pursuit of game or native game shall produce his license to any authorised person demanding such production; and any person in pursuit of such game who, upon or after 50

such demand, refuses or neglects so to produce such license, or to give his name or place of residence or address, or who gives a false name or place of residence or address, is liable to a fine not exceeding *twenty* pounds.

5 "Authorized person" includes all Justices of the Peace, and constables, and all Rangers appointed under this Act, the chairman and members of the council or committee of any registered acclimatisation society, and the proprietor or occupier of the land on which any person may be found
10 in pursuit of game or native game, and all holders of licenses to kill any such game issued under this Act.

46. (1.) The Governor may appoint one or more fit and proper persons to be Rangers in each district, whose duty it shall be to take care that the provisions of this Act are complied with in the district
15 for which he or they may be appointed.

Rangers may be appointed.
1880, No. 18, s. 31.

(2.) Any Ranger heretofore appointed under any Act repealed by this Act, and holding office at the date of such repeal, shall continue in office for a period of *two* months from the passing of this Act, but no longer, and during such period shall have and may exercise all
20 the powers of a Ranger appointed under this Act.

Existing appointments temporarily continued.

47. (1.) Any Ranger appointed by the Governor under this 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 Ranger, may seize all game or native game illegally
25 taken or had in possession, or which he may reasonably believe to be so taken or had in possession, and may also seize all nets, guns, engines, instruments, and devices which are being used or are intended to be used contrary to the provisions of this Act.

Rangers to have powers of constables.
1884, No. 45, s. 2.

(2.) Any such Ranger shall have power to stop *in transitu* any
30 parcel, package, case, bag, or luggage in possession of the owner, or of any carrier or forwarding agent, whether by land or sea respectively, if he has reason to believe or suspect that any breach of this Act has been committed by such owner. And such Ranger may, in the presence of such owner or of any forwarding agent, or servant of
35 such carrier or owner, open and search any such parcel, package, case, bag, or luggage.

Other powers.

(3.) And also may do all such other acts and things as may be necessary in order to see that the provisions of this Act are complied with; and the production by such Ranger of his appointment under the hand of the Governor shall be a sufficient warrant for his so acting in any of the cases aforesaid.
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Ibid.

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

Penalty for assaulting or obstructing Ranger.
Ibid, s. 3.

49. All fees paid for licenses, and all fines and penalties which may be recovered by virtue of this Act, shall be paid into the Public Account, and be applied,—

Fees, fines, and penalties to be paid into Public Account.

50 (a.) In the first instance, in or towards defraying the salaries and expenses of the Rangers to be appointed as aforesaid, and any other expenses of carrying into effect the provisions of this Act.

1880, No. 18, s. 32.
Application thereof.

- (b.) The balance shall be handed to the treasurer of some registered acclimatisation society in the district in which such fees or fines have been paid or recovered, for the purposes of such society.
- (c.) If there is more than one such society in a district, then such balance shall be divided between all the societies or paid to such one or more of them as the Governor in his discretion may direct. 5
- (d.) And if there is no such society, shall form part of the Consolidated Fund. 10
- 50.** All penalties created by this Act shall be recoverable in a summary way, and any part not exceeding one-half of any fine recovered under this Act may be paid to the person or persons who shall be instrumental in procuring any such conviction, in such proportion as the convicting Magistrate or Justices shall specify. 15
- 51.** If any person fails or neglects to observe all or any of the provisions of this Act, or does or commits anything contrary to the true intent and meaning thereof, he is liable for every such offence, if no other penalty is provided, to a fine not exceeding *twenty* pounds. 20
- (2.) Except where otherwise specially provided the minimum penalty for breach of any of the provisions of this Act shall be the sum of *twenty* shillings.
- 52.** (1.) The Governor may from time to time make, alter, and revoke regulations for the purposes of this Act, and not inconsistent therewith, prescribing— 25
- (a.) The form of licenses to be issued under this Act, and, except where otherwise expressly provided, the fees to be taken therefor in any district, and the mode of issuing such licenses or for refusing the issue of a license : 30
- (b.) The duties of Rangers, the mode of appointment to and removal from office, and the control of such officers :
- (c.) The registration of acclimatisation societies ; and for regulating the formation of any new society within an existing district, for the reregistration of any existing society, and for the dissolution of societies registered under this Act or any repealed Act : 35
- (d.) The mode of keeping books or registers by carrying companies, whether by land or sea, by refrigerating companies or proprietors of freezing-chambers, and forwarding agents, showing the receipt and delivery of all packages or parcels containing game or native game ; and for the inspection by any Ranger of any such books, registers, or freezing-chambers ; and for regulating the importation to the colony of game in a frozen or chilled state or otherwise, and for preventing the sale or keeping in possession thereof otherwise than during the period or periods stated in such regulations : 45
- (e.) The conditions under which, and the season or times at which, the coursing of hares shall take place, and the license fee to be charged for such coursing in any district : 50
- (f.) The deer-shooting season in each district, and the conditions affecting the same ; for setting apart areas of land as sanctuaries or reserves for deer, and for regulating or 55
- How penalties recoverable.**
1880, No. 18, s. 33.
- Penalties in cases not provided for.**
1881, No. 34, s. 4.
1895, No. 19, s. 8.
- Minimum penalty.**
- Regulations.**
- 1903, No. 46, s. 7.
- Ibid, s. 3.**

5 prohibiting the carrying of firearms in any such sanctuary or reserve, or the carrying of a rifle in any deer forest or area in which deer may be killed, other than by licensed deer-stalkers during the deer-shooting season; prescribing the form of licenses and the fees payable therefor; and for regulating or prohibiting the sale of deer or venison, or stags-heads:

(g.) The season during which godwits may be killed or taken: 1903, No. 46, s. 7 (e)

10 (h.) For prohibiting the killing or taking of any game or native game within any domain or forest reserve or other public reserve:

15 (i.) For regulating or restricting the number of game or native game that may be taken or killed by any person during any season or part of a season, and for preventing the use of cylinders or decoys, or of any excessive or unsportsmanlike taking or killing of such game or native game, either generally or in respect of any specified variety of game or native game respectively:

20 (j.) The mode of registering or recording appointments made under section *twenty-five* of this Act:

(k.) The fines (not exceeding *twenty* pounds in any case) payable in respect of the breach of any such regulations.

25 (l.) Providing for the forfeiture and disposal of any game or native game, or of any birds or animals subject to the provisions of this Act or declared to be protected thereby, which have been unlawfully taken, or of anything lawfully seized under this Act.

(2.) Any such regulations may be so framed as to apply to all districts, or to any particular district or part thereof respectively.

30 *As to Acclimatisation Societies.*

53. (1.) Any acclimatisation society may, subject to any regulations made under this Act, register its rules by depositing in the office of the Colonial Secretary a copy of such rules, signed by the chairman of such society and countersigned by three of the members thereof, and stating the district over which the society desires to have control:

Registration of acclimatisation societies by deposit of rules. 1880, No. 18, s. 34, altered.

35 Provided that no new society shall be registered in respect of any area within a district already assigned to an existing acclimatisation society, except upon petition to the Governor and notice given to such existing society in manner provided by regulations made under this Act.

40 (2.) As soon as conveniently may be after such deposit, a notification thereof shall be gazetted, and the date of such *Gazette* shall be deemed to be the date of registration. No amendment of such rules shall have any force or effect until the same has been registered in like manner.

(3.) The rules so to be registered shall not be repugnant to this Act, or to any of the laws relating to the importation or protection of animals or birds for the time being in force.

50 (4.) Every acclimatisation society registered under this Act shall thereupon become a body corporate by the name or title named in such rules, and shall have perpetual succession and a

Then to become a body corporate.

common seal, and in its corporate name may hold and dispose of real and personal property, and may sue and be sued, and may recover any moneys due to the corporation whether by a member thereof or not.

(5.) Any existing acclimatisation society already registered may register its rules under this Act, and thereupon shall be subject to the provisions thereof. 5

Annual statement of accounts to be forwarded to Colonial Treasurer. 1889, No. 23, s. 10.

54. Every acclimatisation society shall, before the twenty-first day of April in each year, forward to the Colonial Treasurer a full statement of accounts, showing in detail the several receipts and items of expenditure of the society as up to the thirty-first day of March preceding, and such statement shall be accompanied by a balance-sheet duly audited, and shall be published once in some newspaper circulating within the district. 10

Provision in case of failure to forward annual statement. Ibid, s. 11.

55. If any acclimatisation society makes default for the space of three calendar months in forwarding such statement and balance-sheet in manner aforesaid, or fails to publish the same as in this Act directed, such society shall not be entitled to receive, nor shall the Colonial Treasurer pay to such society during such default, any moneys received in respect of fees, fines, or penalties under this Act; and the Colonial Treasurer shall be at liberty to pay to any other acclimatisation society or societies in the provincial district all moneys which otherwise would be payable to the society so making default. 20

Property vested in society. 1880, No. 18, s. 36, altered.

56. For the purposes of this Act the property in all animals and birds in the possession or under the control of any registered acclimatisation society shall be deemed to be absolutely vested in such society. 25

Society to notify when animals or birds turned out to increase. Ibid, s. 37, altered.

57. In case any registered acclimatisation society shall have turned at large or shall hereafter turn at large any animals or birds, not indigenous, for the purpose of increase, it shall be the duty of such society forthwith to notify the same in writing to the Colonial Secretary. 30

Such animals or birds vested in society. Ibid, s. 38, altered.

58. The Governor may declare by notification that the property in every such animal or bird so turned at large and its offspring, and every bird and animal of a like species at large in such district, shall, for the purposes of this Act, be deemed to be vested in the said society absolutely or for any period to be stated in such notification. 35

Repeal.

59. The several Acts enumerated in the *Sixth* Schedule to this Act are hereby repealed: 40

But all districts constituted under the repealed Acts, and all Proclamations, notifications, licenses, or authorities issued thereunder and in force at the date of the passing of this Act, shall respectively be deemed to have been made and issued under this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

1880, No. 18,
Third Schedule.

GAME.

Pheasants.	Quail.	Antelope.
Partridges.	Snipe.	Deer.
Grouse.	Plover.	Imported wild duck
Black-game.	Swans.	of any species.
Ptarmigan.	Hares.	Moose.

SECOND SCHEDULE.

Ibid, Fourth
Schedule.

NATIVE GAME.

Wild duck of any species.	Wild geese.	Teal.
Pied stilt plover.	Dotterell.	Black stilt plover.
Pukeko.	Native pigeon.	Curlew. Godwit.
	Black swan.	Kaka.

THIRD SCHEDULE.

Ibid, Second
Schedule, altered.

LICENSE TO TAKE OR KILL GAME (OTHER THAN DEER).

[Name in full], of [Residence and calling], having this day paid the sum of £ , is hereby authorised to take or kill [Here state the kinds of game authorised to be taken or killed] within the District of , from the day of , 19 , to the day of , 19 , both days inclusive, subject to the provisions of "The Animals Protection Act, 1905."

The lands specified in the Schedule hereto are exempted from the operation of this license.

Dated at , this day of , 19 .

SCHEDULE.

FOURTH SCHEDULE.

LICENSE TO SELL GAME.

[Name in full], of [Residence and calling], having this day paid the sum of five pounds (£5), is hereby licensed to sell game of any of the kinds hereinafter mentioned, within the District of , during the months of , and within seven days thereafter, subject to the provisions of "The Animals Protection Act, 1905."

The kinds of game to which this license applies are .

Dated at , this day of , 19 .

FIFTH SCHEDULE.

BIRDS AND ANIMALS TO BE PROTECTED.

BIRDS.

Bell-bird, or mocker (makomako), (<i>Anthornis melanura</i>).	<i>New.</i> Kaka (<i>Nestor meridionalis</i>).
Bittern, (<i>Botaurus poeciloptilus</i>).	Native thrush (<i>Turnagra tanagra</i> and <i>Turnagra crassirostris</i>).
Crow (kokako), (<i>Glaucopsis</i>).	Fantail (<i>Rhipidura flabellifera</i>).
Blue or mountain duck (whio), (<i>Hymenolæmus malacorhynchus</i>).	Wren (<i>Xenicus longipes</i>).
Crested grebe (<i>Podiceps cristatus</i>).	Tomtit (Genus <i>Petroica</i>).
White heron (kotuku), (<i>Herodias timoriensis</i>).	Robin (Genus <i>Miro</i>).
Huia (<i>Heteralocha acutirostris</i>).	Fernbird (<i>Sphenæacus punctatus</i>).
Kiwi (<i>Apteryx</i>).	Cuckoo (Family <i>Cuculidae</i>).
Morepork (ruru), (<i>Ninox nova-zealandia</i>).	Paradise duck (<i>Casarou variegata</i>).
Ground parrot (kakapo), (<i>Stringops habroptilus</i>).	Blue heron (<i>Demiegretta sacra</i>).
Saddleback (tieke), (<i>Creadion carunculatus</i>).	Kingfisher (<i>Halcyon vagans</i>).
Stitchbird (ihi), (<i>Pogonornis cincta</i>).	Oyster Catcher (<i>Haematopus longirostris</i>).
Parson-bird (tui), (<i>Prothemadera nova-zealandia</i>).	Redbill (<i>Haematopus unicolor</i>).
	Landrail (<i>Hypotaenidia philippensis</i>).
	Swamp-rail (<i>Porzana tabuensis</i>).

ANIMALS.

Opocum (Phalangista).
Tuatara lizard.

Wallaby (*Halmaturus*).

SIXTH SCHEDULE.

ACTS REPEALED.

- 1880, No. 18.—“The Animals Protection Act, 1880.”
1881, No. 34.—“The Animals Protection Act Amendment Act, 1881.”
1884, No. 45.—“The Animals Protection Act 1880 Amendment Act, 1884.”
1886, No. 11.—“The Animals Protection Act 1880 Amendment Act, 1886.”
1889, No. 23.—“The Animals Protection Act 1880 Amendment Act, 1889.”
1895, No. 13.—“The Animals Protection Act 1880 Amendment Act, 1895.”
1900, No. 45.—“The Animals Protection Acts Amendment Act, 1900.”
1903, No. 46.—“The Animals Protection Amendment Act, 1903.”

By Authority: JOHN MACKAY, Government Printer, Wellington.—1905.