



THE FISHING INDUSTRY BOARD LEVY REGULATIONS
1964

BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 16th day of December 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 14 of the Fishing Industry Board Act 1963, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title, commencement, and application—(1) These regulations may be cited as the Fishing Industry Board Levy Regulations 1964.

(2) These regulations shall come into force on the 1st day of January 1965.

(3) The fisherman's levy shall be payable in respect of fish sold by a fisherman after the commencement of these regulations.

(4) The wholesaler's levy shall be payable in respect of fish purchased by a wholesaler from a fisherman after the commencement of these regulations.

(5) Subject to the provisions of regulation 6 hereof, the retailer's levy shall be payable in respect of fish sold by a wholesaler, or sold by a fisherman to a person other than a wholesaler, after the commencement of these regulations.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Fishing Industry Board Act 1963:

“Board” means the Fishing Industry Board:

“Fish” has the same meaning as in section 2 of the Act:

“Fisherman” means the holder of a boat-fishing permit or shore-fishing permit, as defined in the Commercial Fishing Regulations 1963,* who takes fish for the purposes of sale; and includes any person employed by the holder of any such permit who receives any part of the proceeds of the sale of such fish; and also includes any person who, not being the holder of such a permit, takes fish for the purposes of sale or receives any part of the proceeds of the sale of such fish:

“Levy” means the fisherman’s levy, the wholesaler’s levy, or the retailer’s levy, as the case may require:

“Prescribed”, in relation to any levy, means prescribed by the Board, pursuant to section 14 of the Act, by notice in the *Gazette*:

“Prescribed form” means a form provided for the purpose by the Board:

“Retailer” means any person who purchases fish from a wholesaler or from a fisherman for the purposes of resale to the public in the natural or processed state:

“Sell” means to dispose of for money or other valuable consideration, or by barter; and includes offering and exposing for sale, or sending or delivering for sale; and “sale” and “purchase” have corresponding meanings:

“Selling price”, in relation to any fish, means—

(a) For the purposes of the provisions of these regulations relating to the fisherman’s levy, the price at which the fish is sold by the fisherman by whom it was taken:

(b) For the purposes of the provisions of these regulations relating to the wholesaler’s levy, the price at which the fish is sold to the wholesaler by the fisherman by whom it was taken:

(c) For the purposes of these regulations, relating to the retailer’s levy, the price at which the fish is sold to the retailer by a wholesaler or by a fisherman acting as a wholesaler;— and “purchase price” has a corresponding meaning:

“Wholesaler” means any person who purchases fish from a fisherman or from another wholesaler for the purposes of resale to a retailer in the natural or processed state.

3. Maximum levies on fish—The maximum levies payable on all fish sold in New Zealand shall be as follows:

- (a) In the case of the fisherman’s levy, the sum of 1d. for every £1 of the total selling price of all fish sold by the fisherman (whether to a wholesaler or not):
- (b) In the case of the wholesaler’s levy, the sum of 1d. for every £1 of the total fisherman’s price of all fish purchased by the wholesaler from a fisherman:
- (c) In the case of the retailer’s levy, the sum of $\frac{1}{2}$ d. for every £1 of the total wholesaler’s selling price of all fish purchased by the retailer from a wholesaler, or from a fisherman where the fisherman acts as a wholesaler.

4. Fisherman’s levy—Subject to the provisions of regulation 7 hereof, there shall be payable to the Board by every fisherman in respect of all fish sold by him a levy at the prescribed rate (in these regulations referred to as the fisherman’s levy).

5. Wholesaler’s levy—Subject to the provisions of regulation 7 hereof, there shall be payable to the Board by every wholesaler in respect of all fish purchased by him from a fisherman a levy at the prescribed rate (in these regulations referred to as the wholesaler’s levy).

6. Retailer's levy—Subject to the provisions of regulation 7 hereof, there shall be payable to the Board by every person, whether a retailer or not, who purchases fish from a wholesaler or, not being a wholesaler, purchases fish from a fisherman a levy in respect of that fish at the prescribed rate (in these regulations referred to as the retailer's levy):

Provided that no retailer's levy shall be payable—

- (a) In respect of fish exported from New Zealand; or
- (b) Until the fish is sold to a person who is not a wholesaler, in respect of fish sold by a wholesaler to another wholesaler.

7. Wholesalers responsible for collection and payment of levies—Every wholesaler shall be responsible for the collection of the fisherman's levy payable in respect of fish purchased by him from a fisherman and of any retailer's levy payable in respect of fish sold by him (whether to a retailer or not), and shall pay those levies to the Board together with the wholesaler's levy payable in respect of fish purchased by him from a fisherman. Payment of those levies shall be made to the Board at the same time as the return specified in regulation 9 hereof is forwarded to the Board.

8. Fisherman selling otherwise than to wholesaler—Where a fisherman sells fish otherwise than to a wholesaler, he shall be deemed for the purposes of these regulations to be a wholesaler in respect of that fish, and shall be liable accordingly for the collection and payment to the Board of the fisherman's levy, the wholesaler's levy, and any retailer's levy payable in respect of that fish.

9. Returns of fish purchased or sold—(1) Every wholesaler shall, within 20 days after the end of each month, forward to the Board, either personally or through his agent, a return in the prescribed form specifying—

- (a) The total fisherman's selling price of all fish purchased by the wholesaler from fishermen during that month, or, if no fish have been so purchased during that month, a "nil" return:
- (b) The total wholesaler's selling price of all fish sold by the wholesaler during that month, whether to a retailer or not, or, if no fish have been sold during that month, a "nil" return.

(2) Every fisherman who in any month sells fish otherwise than to a wholesaler shall, within 20 days after the end of that month, forward to the Board, either personally or through an agent, a return in the prescribed form specifying the total selling price of all fish so sold by him during that month

(3) Where any such return is made by an agent, it must be countersigned by the person required to make it or, if that person is a company, by a responsible officer of the company.

(4) Where any wholesaler ceases for any reason to purchase fish for the purposes of sale, he shall, within 20 days after so ceasing, forward to the Board a return in the prescribed form of the total fisherman's selling price of all fish purchased by him from fishermen and the total

wholesaler's selling price of all fish sold by him during the period from the end of the month for which the last return was made to the date of the last purchase or sale of fish, or, if no fish were purchased or sold during that period, a "nil" return stating the reasons why no fish were so purchased or sold during that period.

10. Change of address to be notified—(1) Every person who makes a return under regulation 9 hereof shall state thereon the address of his usual or principal place of business.

(2) Forthwith after any change of address of any fisherman or wholesaler, he shall give notice in writing thereof to the Board.

11. False or misleading statement—Every person commits an offence against these regulations who makes any statement, written or oral, or concurs in any written or oral statement made by any other person, which is false or misleading in any material particular.

12. Offences—Every person commits an offence against these regulations who, without lawful justification or excuse (proof of which justification or excuse shall lie on him), fails to pay any levy payable by him, or does any act in contravention of these regulations, or fails to comply with any provision of these regulations.

13. Penalty for offences—Every person who commits an offence against these regulations is liable accordingly under section 34 of the Act.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the maximum levies on fish that may be fixed by the Fishing Industry Board pursuant to section 14 of the Fishing Industry Board Act 1963, and also specify the persons by whom the levies are payable and the method of collection of levies.

The maximum levies are—

- (a) A fisherman's levy payable in respect of fish sold by a fisherman at a rate not exceeding 1d. in the £1 of the fisherman's selling price:
- (b) A wholesaler's levy payable in respect of fish purchased by a wholesaler from a fisherman at a rate not exceeding 1d. in the £1 of the fisherman's selling price:
- (c) A retailer's levy payable in respect of fish sold by a wholesaler at a rate not exceeding $\frac{1}{2}$ d. in the £1 of the wholesaler's selling price. This will not apply in the case of fish exported or fish sold by a wholesaler to another wholesaler.

Where a person acts in more than one capacity, e.g., as fisherman, wholesaler, and retailer, he will be liable for the levies payable in respect of each capacity.

The wholesaler will be responsible for the collection and payment of the levies to the Board. Where a fisherman sells fish otherwise than to a wholesaler he will be responsible for the collection and payment of the levies.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 December 1964.

These regulations are administered in the Marine Department.