



**THE SEA-FISHERIES (BOATS AND LICENSES)
REGULATIONS 1945**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 19th day of
December, 1945

Present :

THE HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Fisheries Act, 1908, and the Fisheries Amendment Act, 1945, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PART I.—PRELIMINARY

1. These regulations may be cited as the Sea-fisheries (Boats and Licenses) Regulations 1945.
2. These regulations shall come into force on the 31st day of December, 1945.

Definitions

3. In these regulations, if not inconsistent with the context,—
 - “ The Act ” means the Fisheries Amendment Act, 1945.
 - “ The principal Act ” means the Fisheries Act, 1908.
 - “ Appeal Authority ” means the Sea-fisheries Licensing Appeal Authority appointed under the Act :
 - “ Boat license ” means a license granted under the Act to the owner of a fishing-boat authorizing the boat to be used in fishing for purposes of sale :
 - “ Crew ”, with respect to any fishing-boat, means every person employed thereon except (a) the owner of the boat, (b) any person employed as an engineer and engaged wholly in connection with the propelling machinery of the boat, (c) any person employed wholly as a fireman or as a cook on the boat :
 - “ Crew license ” means a license granted under the Act authorizing the person to whom it is granted to engage in fishing in his employment on a fishing-boat :
 - “ Fish ” does not include salmon or trout or whitebait, but, save as aforesaid, includes oysters and every description both of fish and of shellfish found in New Zealand waters, and their young, or fry, or spawn :

- “ Fisherman’s license ” means a license, not being a boat license or a crew license, granted under the Act authorizing the person to whom it is granted to engage in fishing for purposes of sale :
- “ Fishing ” means taking any fish for purposes of sale, and “ to fish ” has a corresponding meaning :
- “ Fishing-boat ” or “ boat ” includes every vessel of whatever size and however propelled which is used in fishing for purposes of sale, and includes every small boat carried on or attached to a fishing-boat :
- “ Fishery officer ” means an officer appointed under Part I of the principal Act :
- “ License ” includes a boat license, a crew license, and a fisherman’s license, and a temporary license :
- “ Licensed fishing-boat ” means a fishing-boat in respect of which the owner thereof holds a boat license :
- “ Licensing authority ” means the Sea-fisheries Licensing Authority appointed under the Act :
- “ Minister ” means the Minister of Marine :
- “ Owner ”, in relation to any boat, includes any body of persons, whether incorporated or not, by which the boat is owned :
- “ A temporary license ” includes a boat license, a crew license, and a fisherman’s license granted for a limited period under subsection (3) of section 8 of the Act :
- “ Port or place of registry ”, with respect to any fishing-boat, means the port or place where the fishing-boat is registered :
- “ Secretary ” means the Secretary to the Marine Department, and includes any officer for the time being duly authorized to act in that capacity :
- “ Superintendent ” includes a Superintendent of Mercantile Marine appointed under the Shipping and Seamen Act, 1908, or any other officer discharging the duty of a Superintendent of Mercantile Marine, and, with respect to any fishing-boat, means the Superintendent at the port or place where such boat is registered :
- “ Take ”, and any term of like import, includes taking, catching, killing, or pursuing by any means or device, and includes also the attempt to take.

Consequential Amendments of the Sea-fisheries Regulations 1939

4. (1) The Sea-fisheries Regulations 1939 are amended as follows :—

- (a) The words “ Sea-fishing Boats, Licensing and Registration of ” and the words “ Part VII.—Sea-fishing Boats, Measurement of ” in Regulation 1 of Part I are revoked :
- (b) The whole of Part VI, except the words and figures “ Part VI ” in the heading and except Regulations 22, 23, and 25 thereof, is revoked :
- (c) The whole of Part VII is revoked :
- (d) Regulation 1 of Part XX is revoked :
- (e) Regulations 3, 4, and 5 of Part XXI are revoked :
- (f) The Second, Third, Fourth, and Fifth Schedules are revoked.

(2) The Sea-fisheries Regulations 1939, Amendment No. 3, is amended by revoking Regulation 4 thereof.

PART II.—REGISTRATION OF FISHING-BOATS

Ports and Places for Registration

5. The ports or places set forth in the first column of the First Schedule hereto shall be ports or places of registry for fishing-boats, and the letter or letters set forth in the second column of that Schedule shall be the distinguishing letter or letters for those ports or places respectively.

Registers

6. (1) The register of fishing-boats to be kept by the Superintendent at each such port or place of registry shall be in the form numbered 1 in the Second Schedule hereto.

(2) Each such form in the register shall bear one of a series of consecutive numbers.

Application for Registration

7. (1) The owner of any fishing-boat seeking registration thereof shall make application in that behalf to the Superintendent at the port or place to which the boat belongs, or at the port nearest to that place.

(2) Every such application shall be in the form numbered 2 in the Second Schedule hereto.

(3) Every such application shall be accompanied by a license granted under the Act and these regulations to the applicant as owner of the boat authorizing the boat to be used in fishing for the purposes of sale (in these regulations called a boat license).

Registration

8. (1) The Superintendent, upon receipt of any such application and license in respect of any fishing-boat, and upon his being satisfied that the Act, the principal Act, and these regulations have been complied with in all relevant particulars, shall enter in the register the name of the boat and such other particulars as the form of the application and register herein prescribed requires.

(2) The Superintendent shall thereupon assign to such boat a registered distinguishing-mark, which shall consist of the letters indicating the port or place of registry (as set forth in the First Schedule hereto), followed by the consecutive number of the entry relating to such boat in the register.

Certificate of Registry

9. Upon completion of registration as aforesaid the Superintendent shall issue to the owner a certificate of registry in the form numbered 3 in the Second Schedule hereto and shall return the boat license (after noting in the register the fact of its production) to the owner.

Periodical Inspection of Certificates of Registry

10. (1) The owner of every registered fishing-boat shall produce the certificate of registry in respect thereof to the Superintendent for inspection at least once in every year and shall at the same time report to him any change in the employment of the boat, or in any of the matters particulars as to which were furnished by the owner in the form of application for registration, which has taken place since the issue of the certificate or since the last occasion when the certificate was produced, as the case may be.

(2) The owner shall at the same time produce to the Superintendent his current boat license.

(3) The Superintendent shall thereupon note any alterations reported as aforesaid in the appropriate entry in the Register and also on the certificate of registry and shall return the certificate to the owner endorsed with a note signed by the Superintendent as to the fact and date of such inspection together with the boat license.

(4) If it is impossible or impracticable for the owner to submit the certificate of registry to the Superintendent who issued it, he may submit it to the Superintendent at any other port or place of registry, who shall, if no alterations as aforesaid are to be recorded, note on the certificate in manner aforesaid the fact of its production and report the fact that he has done so to the Superintendent at the port or place of registry; and in any case where an alteration is to be recorded he shall forward the certificate of registry, accompanied by the boat license and a note of the alterations required, to the Superintendent who issued it for the same action as he is required by clause (3) of this regulation to take.

Loss or Destruction of Certificate of Registry

11. When the owner of a boat applies to and proves to the satisfaction of the Superintendent that the certificate of registry has been lost or destroyed the Superintendent may, upon payment of a fee of 2s. 6d., issue to the owner a copy of the certificate of registry certified under the Superintendent's hand to be a true copy, and that copy shall have all the effect of the original.

Change of Name of Boat

12. After registration, no change shall be made in the name of any fishing-boat without the authority in writing of the Secretary granted upon the written application of the owner and upon the Secretary's being satisfied that the application is made on reasonable, sufficient, and proper grounds, and with the written approval of the Licensing Authority. The Superintendent shall, upon such written authority and written approval being produced to him, enter the new name in the register and in the certificate of registry, but shall not in either place delete the former name, and shall forward the boat license, together with a copy of the Secretary's written authority, to the Licensing Authority to enable the change of name to be recorded:

Provided that if the boat is registered under Part IV of the Merchant Shipping Act, 1894 (Imperial), or any Act in force in the Dominion in place thereof, her name shall not be altered except in accordance with the provisions of the Act under which she is registered.

Registration upon Change of Ownership

13. (1) Upon a change of ownership of any registered fishing-boat registration thereof shall cease to have any force or effect, and the new owner shall make application for registry of the boat in the manner prescribed by these regulations.

(2) The previous owner shall immediately upon a change of ownership deliver up to the Superintendent the certificate of registry and the boat license, and the Superintendent shall cancel the entry in the register and the certificate of registry relating to such boat and shall

forward the boat license, together with an intimation that registration has been cancelled and the reason therefor, to the Licensing Authority for cancellation.

Loss or Destruction of Boat or Boat ceasing to be used for Fishing

14. (1) The owner of a registered fishing-boat shall, in the event of the boat being actually or constructively lost, burnt, broken up, or otherwise destroyed or ceasing to be used as a fishing-boat, immediately give notice thereof in writing to the Superintendent and shall deliver up to him the certificate of registry and the boat license or account for the same to the satisfaction of the Superintendent.

(2) The Superintendent shall thereupon cancel the entry in the register relating to such boat, note thereon the occasion for so doing, and cancel the certificate of registry (if available). He shall also notify the Licensing Authority accordingly and forward the boat license (if available) to him for cancellation.

(3) If in any of the events aforesaid the owner omits or is unable to give notice to the Superintendent as aforesaid, the Secretary, upon being satisfied from any representation made by the owner or otherwise as to any of the said events, may direct the Superintendent to cancel the registration of the boat. The Superintendent shall thereupon take the appropriate steps prescribed by clause (2) of this regulation.

Return of Registrations

15. The Superintendent shall as soon as practicable after the 31st December in each year forward to the Secretary a list showing the names and registered marks of all the fishing-boats on the register kept by him as at the said date.

Marking of Registered Fishing-boats

16. (1) The owner of every registered fishing-boat shall, within seven days after the registration of such boat, and in every case before the same is used in fishing, paint or cause to be painted thereon the registered name of such boat and the name of the port or place of registry in white oil colour on a black ground or in black oil colour on a white ground on the stern of the boat in letters which shall be not less than 6 in. in height and $\frac{3}{4}$ in. in breadth.

(2) The owner of a registered fishing-boat shall, within seven days after the registration of such boat, and in every case before the same is used in fishing, mark or cause to be marked thereon in accordance with the requirements set out in clause (4) of this regulation the registered distinguishing-mark consisting of the letter or letters and the consecutive number assigned to her in the register and appearing in the certificate of registry.

(3) The owner of a registered fishing-boat shall not mark or show thereon any names, letters, or numbers other than such as are prescribed by this regulation.

(4) The requirements referred to in clause (2) of this regulation are the following :—

(a) The letters shall precede the number, and both letters and figures shall be not less than 6 in. in height and $\frac{3}{4}$ in. in breadth, except in the cases provided for in paragraphs (e) and (f) of this clause :

- (b) The letters and numbers shall be placed on each bow of the boat so as to be clearly visible, the tops of such letters and numbers to be from 3 in. to 4 in. below the gunwale :
 - (c) The letters and numbers shall be painted in white oil colour on a black ground or in black oil colour on a white ground, whichever ground colour produces the greatest contrast with the colour of the hull or funnel, as the case may be :
 - (d) In all cases the letters and figures shall be of the same height, and each letter shall be separated from the next following letter by a space equal to one-third of the height of the letters, and each figure forming the number shall be separated from the next following figure by the same space, and the letters shall be separated from the number by twice the same space :
 - (e) In the case of steamers or other vessels carrying a funnel the said letters and numbers shall, in addition to being marked on each bow, be marked on the funnel 12 in. from the top and as far as possible on the foremost half thereof in letters and figures not less than 9 in. in height and 1 in. in breadth :
 - (f) In the case of boats where the depth between gunwale and water-line is not sufficient to permit the marking of letters and numbers of the dimensions and spacing prescribed by this regulation, such letters, numbers, and spaces may be reduced in size accordingly, but not to a size smaller than the greatest size which the space available permits :
- (5) The owner of every registered fishing-boat shall at all times keep the registered name, the name of the port or place of registry, and the letters and numbers marked thereon in a clearly legible condition and shall re-mark or repaint them when necessary for this purpose.

Removal of Marks upon Boat ceasing to be Registered

17. The owner of any fishing-boat shall, within the space of one month from the boat ceasing to be registered from any cause whatever, remove therefrom all registered marks, letters, and numbers.

Registration, Marking, and Licensing of Small Boats attached to Fishing-boats or used therewith

18. (1) Where any fishing-boat carries or has attached to it any small boats used or intended to be used or capable of being used in fishing for purposes of sale, the following provisions as to licensing, registration, and marking thereof shall apply:—

- (a) The number of such boats shall be stated in the application for registration of the parent boat :
- (b) The boat license produced in support thereof shall specify the number of such small boats authorized to be carried or attached :
- (c) The entry in the register and the certificate of registry shall specify the number of small boats authorized and registered in respect of the parent boat :
- (d) The number of small boats carried or attached shall not be increased unless and until the register and the certificate of registry have been amended accordingly upon written application made by the owner to the Superintendent and upon the production of the boat license duly amended by the Licensing Authority authorizing such increase :

- (e) Within seven days after the registry of every small boat, and in every case before it is used in fishing, the owner thereof shall paint or cause to be painted thereon the registered name and port or place of registry of the parent boat, and on each side of such small boat the registered distinguishing-marks of the parent boat conforming in size, colour, and spacing to the provisions of Regulation 16 hereof :

Provided that if the depth between gunwale and water-line is not sufficient to permit the marking of letters and numbers of the dimensions and spacing prescribed by that regulation, such letters, numbers, and spaces may be reduced in size accordingly, but not to a size smaller than the greatest size which the space available permits :

- (f) The owner of every small boat as aforesaid shall at all times keep the registered name, the name of the port or place of registry, and the letters and numbers marked thereon in a clearly legible condition, and shall re-mark or repaint them when necessary for this purpose.
- (2) The provisions of clause (1) of this regulation as to the marking of small boats carried by or attached to fishing-boats shall apply also to small boats used in conjunction with net-fishing boats for the transport and setting of nets, but the provisions as to licensing and registration thereof shall not apply.

PART III.—LICENSES GENERALLY

Classification

19. For the purposes of these regulations licenses are classified as follows :—

- (a) A license granted to the owner of a fishing-boat authorizing the boat to be used in fishing for purposes of sale (and referred to in paragraph (b) of subsection (1) of section 3 of the Act), and in these regulations called a boat license :
- (b) A license granted to any person authorizing him to engage in fishing in his employment on a fishing-boat (and referred to in subsection (1) of section 4 of the Act), and in these regulations called a crew license :
- (c) A license, not being a boat license or a crew license, granted to any person authorizing him to engage in fishing for purposes of sale (and referred to in subsection (2) of section 4 of the Act), and in these regulations called a fisherman's license :
- (d) A boat license, a crew license, and a fisherman's license, if granted temporarily under subsection (3) of section 8 of the Act, are in these regulations called a temporary boat license, a temporary crew license, and a temporary fisherman's license respectively.

Director of Rehabilitation to receive Notice of Applications

20. Before the Licensing Authority determines any application for a license or cancels any license held by a discharged serviceman he shall give the Director of Rehabilitation reasonable notice of the application or proposed cancellation, and afford him an opportunity to make representations in the matter.

Duplicate Licenses on Loss or Destruction of Originals

21. If the holder of any license proves to the satisfaction of the Licensing Authority that his license has been lost or destroyed, the Licensing Authority may, upon payment of the prescribed fee, issue a duplicate thereof to be enfaced in bold characters as follows :—

“ This document is a duplicate copy only, issued to the licensee to replace the original declared to have been lost (destroyed).

“ *Date of issue of duplicate :*

“ *Signature of Licensing Authority :*”

Surrender of Cancelled Licenses

22. The holder of any license shall, if the same is cancelled for any reason, deliver up the same on demand to the Licensing Authority, notwithstanding that he may intend to appeal against the cancellation.

Conditions to which all Licenses are subject

23. Every license shall be deemed to be granted subject to the following conditions, whether they are expressed therein or not :—

- (a) That the holder will comply with the provisions of the Act, of the principal Act, of these regulations, and of any other regulations made under the principal Act :
- (b) That the Licensing Authority remains satisfied during the currency of the license that the holder has not in his application for that license or in support thereof wilfully made to the Licensing Authority any statement, written or oral, which is misleading or false in any material particular, or has concurred in the making of any such statement by any other person knowing it to be misleading or false in any material particular :
- (c) That the holder shall commence to operate under his license not later than one month after the grant thereof :
- (d) That the holder will on every occasion that he changes his address or place of abode immediately notify the Licensing Authority of such change :
- (e) That the license is not transferable and that the holder will not purport to transfer the same.

Special Conditions to be endorsed on License

24. Any conditions subject to which a license is granted, not being conditions declared by the last preceding regulation to be implied in all licenses, shall be set out in the license. The said implied conditions may, nevertheless, be set out in or endorsed on the license in addition.

Time for making application for a License

25. Every application for a license (other than an application for a temporary license or for a first license, or an application made before 31st December, 1945) shall be duly completed and in the hands of the Licensing Authority on or before the seventh day of the month of December of the year immediately preceding the year during which the license is to operate.

Fees for Licenses

26. (1) The fees payable in respect of the grant of licenses, whether temporary or not, and the issue of duplicates thereof shall be as set out in the table of fees subjoined to this clause.

TABLE OF FEES

(1) For a boat license (the boat not being an oyster-fishing vessel)—	£	s.	d.
(a) In respect of a boat of overall length not exceeding 40 ft. . .	2	0	0
(b) In respect of a boat of overall length exceeding 40 ft. and not exceeding 70 ft.	5	0	0
(c) In respect of a boat of overall length exceeding 70 ft. . .	10	0	0
(2) For a boat license in respect of an oyster-fishing vessel irrespective of overall length	10	0	0
(3) For a crew license	0	10	0
(4) For a fisherman's license— <i>i.e.</i> , where no boat is used	2	0	0
(5) For a temporary crew license or any extension thereof			No fee
(6) For a duplicate of any license	0	5	0

(2) For the purposes of this regulation the overall length of a boat shall be the length as determined by a Surveyor of Ships or a Fishery Officer measuring the boat from the after-side of the head of the stem to the after-side of the head of the stern-post or after-part of transom or tuck in the case of a transom or tuck stern having no post at the upper part.

(3) The amount of the fee prescribed by clause (1) of this regulation for the grant of any license shall accompany the application therefor and be deposited therewith, and in the event of a license not being granted the amount which accompanied the application shall be returned to the applicant.

PART IV.—BOAT LICENSES

Application for Boat License

27. Every application for a boat license shall be made by the owner in the form numbered 1 in the Third Schedule hereto, and shall be accompanied by the prescribed fee.

Form of License

28. A boat license shall be in the form numbered 2 in the Third Schedule hereto.

Conditions to which all Boat Licenses are subject

29. Every boat license shall be deemed to be subject to the following conditions, whether expressed therein or not, in addition to those implied in all licenses:—

- (a) That the boat will operate only from the port or ports and within the limits specified in the license:
- (b) That the owner or master of the boat will not have or permit to be on board such boat or attempt to fish with any type of fishing-gear which is not first approved by the Licensing Authority or specified in the license:
- (c) That fish taken (the catch) shall not be discharged at any port or place not specified in the license unless by reason of stress of weather or other circumstance the master finds it difficult or impossible to discharge the catch at the port or place specified in the license and is obliged to enter some other port or place, in which case the master may discharge or tranship the catch at the port or place he was obliged to

enter for carriage to its normal destination, but not before he has disposed of as much as possible of the catch amongst the wholesale and retail fish-merchants at that port or place :

- (d) That no set-net gear shall be carried on the boat, whether for the purpose of fishing or not, at any time when the boat is equipped for taking fish by means of a Danish-seine net :
- (e) That the owner will not, without the permission in writing of the Licensing Authority,—
 - (i) Change the type of any fishing-gear on board such boat :
 - (ii) Replace or alter the propelling engine of such boat ;
 - (iii) Replace or alter any apparatus or engine used for the catching of fish ; or
 - (iv) Make any structural alterations to the boat :
- (f) That every member of the crew (as defined in Regulation 3 hereof) shall be the holder of a crew license or a temporary crew license :
- (g) That the boat license shall at all times while the boat is in use be kept on board and exhibited in strict accordance with section 18 of the Act :
- (h) That the owner and the master will at all reasonable times permit any Superintendent, a fishery officer, or any person deputed in that behalf by the Licensing Authority to board the boat and make inspection thereof, of the gear used in fishing, of the catch, of the certificate of registry, of the boat license, and of the crew licenses held by the crew :
- (i) That the owner and master will comply with the provisions of these regulations relating to the registration and marking of the boat and small boats used therewith :
- (j) That the owner and master will not permit to be on board the boat any explosives of any description whatever without the written consent of the Superintendent :
- (k) That the owner will comply with section 66 of the Fisheries Act, 1908, and any regulations made thereunder requiring him to make returns to the Marine Department of all fish (including oysters and other shell-fish) taken.

*Licensing Authority to notify Superintendent of Cancellation of
Boat License*

30. In every case where a boat license is cancelled or modified, except where cancellation is in pursuance of an intimation from the Secretary of a change of ownership or of loss or destruction of the boat, the Licensing Authority shall notify the Superintendent of such cancellation or modification.

PART V.—CREW LICENSES

Application for Crew License

31. Every application for a crew license shall be in the form numbered 3 in the Third Schedule hereto, and shall be accompanied by the prescribed fee.

Form of Crew License

32. A crew license shall be in the form numbered 4 in the Third Schedule hereto.

Conditions to which all Crew Licenses are subject

33. Every crew license shall be deemed to be subject to the following conditions, whether expressed therein or not, in addition to those implied in all licenses :—

- (a) That the holder will at all times while he is engaged in his employment on a fishing-boat carry his crew license on his person or have it with his personal effects on board the boat :
- (b) That the holder will on demand by any Superintendent, a fishery officer, or any person deputed in that behalf by the Licensing Authority produce his license for inspection :
- (c) That the holder will not use or attempt to use his crew license in employment on any fishing-boat other than a fishing-boat operating from the port or place specified in the license.

PART VI.—FISHERMEN'S LICENSES

Application for a Fisherman's License

34. Every application for a fisherman's license shall be in the form numbered 5 in the Third Schedule hereto, and shall be accompanied by the prescribed fee.

Form of Fisherman's License

35. A fisherman's license shall be in the form numbered 6 in the Third Schedule hereto.

Conditions to which all Fishermen's Licenses are subject

36. Every fisherman's license shall be deemed to be subject to the following conditions, whether expressed therein or not, in addition to those implied in all licenses :—

- (a) That the holder will on demand by any Superintendent, a fishery officer, or any person deputed in that behalf by the Licensing Authority produce his license for inspection :
- (b) That the holder will at all times while he is engaged in fishing (whether for purposes of sale or not) carry his fisherman's license on his person :
- (c) That the holder will not use a boat for purposes of fishing (whether for purposes of sale or not) :
- (d) That the holder will take no oysters.

PART VII.—TEMPORARY LICENSES

Conditions to which all Temporary Licenses are subject

37. Every temporary license of whatever class shall be deemed to be subject to the same implied conditions as those implied conditions to which a license of the same class, not being a temporary license, is subject.

Grant of Temporary Licenses

38. The Licensing Authority shall not grant any temporary license of any class subject to conditions more favourable to the holder than conditions customarily imposed in similar circumstances in the grant of licenses of the same class which are not temporary.

Temporary Crew Licenses

39. With respect to application for and the grant of temporary crew licenses the following provisions shall apply :—

- (a) Application may be made to the Superintendent at any port to whom power in that behalf has been delegated by the Licensing Authority, or to a fishery officer to whom a like power has been delegated at any port or place where there is no Superintendent, for the grant of a temporary crew license either to enable the applicant to become a member of the crew of a licensed fishing-boat to replace any member of the crew who is absent from his employment on account of illness, leave of absence, or from any other unavoidable cause, or where some emergency has arisen or other valid reason exists :
- (b) On such Superintendent or fishery officer, as the case may be, being satisfied that some emergency has arisen or that some valid reason exists as aforesaid, he may grant the application, but if he is not so satisfied he shall not determine the application and shall immediately report in writing the circumstances of the case to the Licensing Authority, who may himself grant or refuse the application.

PART VIII.—APPEALS WITH RESPECT TO LICENSES

Notification of Decision of Licensing Authority

40. (1) In any case where the Licensing Authority refuses to grant or cancels any license he shall notify his decision to the applicant, or as the case may be, to the person whose license is so cancelled, by means of registered letter addressed to the applicant or person aforesaid at the address shown in the application or license, as the case may be.

(2) In any case where the Licensing Authority grants, or refuses to grant, a license to any person in respect of whose application representations have been made by or on behalf of the Director of Rehabilitation, he shall notify his decision to the Director by means of registered letter.

(3) The date of the receipt for such letter given to a post officer and signed by or purporting to be signed by the person to whom the letter was addressed or by the Director, as the case may be, shall be deemed to be the date on which the decision was communicated for the purposes of section 12 of the Act.

Commencement of Appeals

41. Every appeal shall be deemed to be commenced when a notice of appeal in the form numbered 1 in the Fourth Schedule hereto has been completed and signed by or on behalf of the appellant and delivered at the office of the Appeal Authority, accompanied by the fee for appeal hereinafter prescribed.

Notice of Appeal

42. The Appeal Authority shall give notice of the appeal to the Director of Rehabilitation if he is not himself the appellant and if he appeared or was represented before or made representations to the Licensing Authority in the matter which is the subject of the appeal.

Notice of Hearing

43. The Appeal Authority shall give the appellant, and the Director of Rehabilitation to whom notice of the appeal has been given under the last preceding regulation, twenty-eight days, notice of the time and place appointed for the hearing of the appeal.

Hearing of Appeals to be in Public

44. The hearing of all appeals under these regulations shall be open to the public :

Provided that the Appeal Authority may direct to the contrary if he is of opinion that it would be injurious to any person if his business or private affairs were made public and that the public interest would not be prejudiced by such a direction.

Appeal Fees

45. (1) The fee for appeal to accompany every notice of appeal shall be £2.

(2) If the appellant succeeds in his appeal, the fee for his appeal shall be returned to him.

Appeals by the Director of Rehabilitation

46. The provisions of Regulations 40 to 45 inclusive hereof, except as expressly negatived, shall apply, with any necessary modifications, to the Director of Rehabilitation.

PART IX.—OFFENCES AND PENALTIES

47. Every person commits an offence and shall be liable on summary conviction to a fine of £50 who—

- (a) Refuses or fails, without lawful justification or excuse, to comply with any obligation imposed on him by these regulations ; or
- (b) Commits a breach of any of these regulations ; or
- (c) Refuses or fails, without lawful justification or excuse, to comply with or observe any condition to which any license granted to him under the Act and these regulations is subject, whether expressly set out therein or not ; or
- (d) Makes any statement which is false or misleading in any material particular in any application or representation to a Superintendent, the Licensing Authority, or the Appeal Authority, or in evidence or otherwise in connection with any application for registration of a fishing-boat, any proceedings or any appeal proceedings under the Act or these regulations :
- (e) Obstructs or wilfully impedes any Superintendent or fishery officer in the course of any inspection or in the course of his inquiries or otherwise acting in the execution of his duty in accordance with the Act, the principal Act, or these regulations :
- (f) Effaces, alters, makes illegible, covers, or conceals in any manner whatsoever the names, letters, or numbers marked or painted on any registered fishing-boat or on any small boat registered or used therewith, or is a party to so doing.

SECOND SCHEDULE—*continued*

Date of Entry.		Name and Address of Owner.		Name of Skipper.	
Number of Boat License produced.	Number of Small Boats authorized.	Number of Crew Licenses.	Remarks.	Certificate produced for Endorsements, &c.	

[Form No. 2.]

*The Fisheries Amendment Act, 1945*APPLICATION FOR REGISTRATION OF A BOAT TO BE USED FOR TAKING FISH
[OR OYSTERS*] FOR SALE

To the Superintendent of Mercantile Marine at

I, [*Name in full*], of [*Address*], hereby apply for registration of the fishing-boat described below, of which I am the owner:—

Name of boat : “

† Class : † Letters : † Number :

Port or place of registry :

Description of boat :—

1. Sailing, steam, or motor :

2. How rigged :

3. When and where built :

4. Description of engine :—

(a) Make [*Trade or maker's name*],

(b) Date of manufacture or first sale :

(c) Fuel :

(d) Horse-power :

5. Method or methods of fishing :—

(Set-net. Seine or drag net. Danish seine. Long-line. Hand-line.
Trawling. [*Strike out which does not apply.*])

6. ‡ Principal dimensions :—

§ Length : § Length of keel :

§ Breadth : § Depth :

Owner :

Address :

Skipper :

Number of crew (total), including skipper, usually employed : Men,; boys,

Number of crew holding crew licenses :

Boat license produced with this application, No.....

Number of small boats authorized :

Signature of Owner :

Date :

* Strike out if not applicable.

† These particulars are to be filled in by the Superintendent.

‡ These measurements are to be made by the officer to whom the application is made. If the boat is registered under Part I of the Merchant Shipping Act, 1894 (Imp.), the particulars of principal dimensions should be adopted from her certificate of registry.

§ In feet and tenths.

[Form No. 3.

*The Fisheries Amendment Act, 1945*CERTIFICATE OF REGISTRY OF A BOAT TO BE USED FOR TAKING FISH [OR OYSTERS*]
FOR SALE

THIS is to certify that the fishing-boat described hereunder is duly registered in accordance with the particulars set out hereunder:—

Name of boat : " "
 Class :
 Port letter : Registered number :
 Port or place of registry :
 Place to which boat belongs :
 Description of boat—
 1. Method of propulsion (sail, steam, or motor) :
 2. How rigged :
 3. When and where built :
 4. Kind and H.P. of engine :
 5. Method or methods of fishing :
 6. Principal dimensions—
 Length : † Breadth : † Depth : †
 Length of keel : †
 Owner : Skipper :
 Number of crew (total), including skipper, usually employed : Men,
 boys,
 Number of crew holding crew licenses :
 Number of boat license : No.
 Number of small boats authorized :

NOTE.—Attention is called to the Sea-fisheries (Boats and Licenses) Regulations 1945, concerning certificates of registry and marking of registered boats.

.
 Superintendent of Mercantile Marine at
 Date :

* Strike out if not applicable. † In feet and tenths.

THIRD SCHEDULE

MARINE DEPARTMENT

[Form No. 1.

The Fisheries Amendment Act, 1945

APPLICATION FOR BOAT LICENSE

I, [*Name in full*], of the owner of the undermentioned sea-fishing boat, hereby apply for a license authorizing the said boat to be used in fishing for purposes of sale:—

Name of boat : " " Class : * Letters : *
 Number : *
 Port of registry : Fishing is to be conducted from :
 Description of boat—
 1. †Sailing, †steam, †motor, or †rowing. 2. How rigged :
 3. When and where built :
 4. Description of engine : (a) ; (b) date of manufacture or
 (Make; trade name or maker's name.)
 first sale : ; (c) fuel : ; (d) horse-power :
 5. ‡Value : Hull : Engine : Gear :
 6. Method or methods of fishing : †Set-net. †Seine or drag net.
 †Danish seine. †Long-line. †Hand line. †Trawling.
 7. §Principal dimensions—Overall length : Length of keel :
 Breadth : Depth :
 Owner : Full postal address :
 Skipper : Full postal address :
 Total number of crew, including skipper, usually employed : Men, ;
 boys,
 Number of crew holding crew licenses usually employed :
 Number of small boats proposed to be carried :
 I enclose herewith the prescribed fee of £. ||

Usual Signature of Applicant :
 Date :

* These particulars are to be filled in by the Superintendent.

† Strike out words not applicable.

‡ State reason for any alteration to value of hull, engine, or gear, depreciation excepted, since last licensing.

§ These measurements are to be as determined in accordance with the Sea-fisheries (Boats and Licenses) Regulations 1945 by a Surveyor of Ships or a fishery officer, except that if the boat is registered under Part I of the Merchant Shipping Act, 1894 (Imp.), the particulars of the principal dimensions are to be adopted from her certificate of registry. Measurements are to be expressed in feet and tenths of a foot.

|| Fee to be computed on overall length in accordance with the prescribed scale of fees. Should the application be refused, the fee will be returned to the applicant at the postal address stated above.

[Form No. 2.]

MARINE DEPARTMENT

The Fisheries Amendment Act, 1945

BOAT LICENSE No.

Name of boat : "" Oyster-fishing boat : Fee, £.....
 Where registered : Fishing-boat : Overall length : ft in.
 Registered letters and number boat { License fee : £.....

THIS license is issued under the Fisheries Act, 1908, its amendments, and the regulations made thereunder to, of, the owner of the above-mentioned boat, and authorizes the said boat to be used in fishing for purposes of sale.

This license shall take effect as from the day of, 19.., and shall continue in force until the 31st day of December, 19.., unless sooner cancelled.

This license is granted on the conditions applying to all licenses and to all boat licenses under the Sea-fisheries (Boats and Licenses) Regulations 1945 and also on the following conditions, namely : [*For example, conditions as at the port from which the boat is to operate, type of gear to be used, whether restricted to oyster-fishing, maximum number of small boats to be carried, &c.*]

Official receipt No. for £..... being the prescribed fee for the grant of this license, is attached.

.....
Licensing Authority.

[Form No. 3.]

MARINE DEPARTMENT

The Fisheries Amendment Act, 1945

APPLICATION FOR A CREW LICENSE

I, [*Name in full*], of, hereby apply for a license authorizing me to engage in fishing in the course of my employment on a fishing-boat. I furnish the following information in respect of this application, and declare the same to be true :—

Age :
 Full postal address :
 If previously licensed—No. of license :
 Vessel or vessels on which you worked last year :
 Number of months fishing last year :
 Port or place where you will seek employment :

I enclose with this application the prescribed fee of ten shillings.*

Usual Signature of Applicant :

Date :

* Should this application be refused, the fee will be returned to the applicant at the postal address stated above.

[Form No. 4.]

MARINE DEPARTMENT

The Fisheries Amendment Act, 1945

CREW LICENSE No.

THIS license, issued under the Fisheries Act, 1908, its amendments and the regulations made thereunder, authorizes, of, to engage in fishing in the course of his employment on a fishing-boat.

This license shall take effect as from the day of, 19.., and shall continue in force until the 31st day of December, 19.., unless sooner cancelled.

This license is granted on the conditions applying to all licenses and to all crew licenses under the Sea-fisheries (Boats and Licenses) Regulations 1945 and also on the following conditions, namely : [*For example: conditions as to employment only on boats operating from a named port*].

Official receipt No. for ten shillings, being the prescribed fee for the grant of this license, is attached.

.....
Licensing Authority.

[Form No. 5.]

MARINE DEPARTMENT

The Fisheries Amendment Act, 1945

APPLICATION FOR A FISHERMAN'S LICENSE

I, [Name in full], of, hereby apply for a license authorizing me to engage in fishing for purposes of sale.

I furnish the following information in respect of this application, and declare the same to be true:—

Full postal address:

In what locality do you intend to fish?

Have you ever held a sea-fishing license of any sort that has been cancelled?

What method or methods of fishing do you propose to adopt?

Have you ever previously engaged in fishing for purposes of sale?

If previously engaged in fishing for sale, give particulars of license and methods used for fishing and the place or places where you were so engaged:

I enclose with this application the prescribed fee of £2.*

Usual Signature of Applicant:

Date:

* Should this application be refused, the fee will be returned to the applicant at the postal address stated above.

NOTE.—A fisherman's license does not authorize the holder to use a boat of any sort in fishing, or to take any oysters.

[Form No. 6.]

MARINE DEPARTMENT

The Fisheries Amendment Act, 1945

FISHERMAN'S LICENSE No.

This license, issued under the Fisheries Act, 1908, its amendments and the regulations made thereunder, authorizes of, to engage in fishing for purposes of sale, but does not authorize the use of a boat in fishing or the taking of oysters.

This license shall take effect as from the day of, 19.., and shall continue in force until the 31st day of December, 19.., unless sooner cancelled.

This license is granted on the conditions applying to all licenses and to all fishermen's licenses under the Sea-fisheries (Boats and Licenses) Regulations 1945, and also on the following conditions, namely: [*For example, fishing to be in specified localities, or limiting methods of fishing*].

Official receipt No. for two pounds, being the prescribed fee for the grant of this license, is attached.

.....
Licensing Authority.

Date:

FOURTH SCHEDULE

[Form No. 1.

The Fisheries Amendment Act, 1945

NOTICE OF APPEAL

To the Sea-fisheries Licensing Appeal Authority,
Marine Department, Wellington.

TAKE notice that I, [*Name in full*], of, intend to appeal to the Appeal Authority against (the refusal of the Licensing Authority to grant to me a * license) (the cancellation by the Licensing Authority of my * license No.).

Notice of the decision appealed against was received by me on the day of, 19..

The decision of the Licensing Authority is stated to have been made on the following grounds: [*Applies only where decision is a refusal of a license*].

The grounds of this appeal are as follows: [*Set out shortly*].

I propose to bring before the Appeal Authority the following evidence: [*Set out shortly*].

I propose to produce to the Appeal Authority the following documents:

.....

I enclose with this notice of appeal the prescribed fee of £2.

Ordinary Signature of Appellant:

Date:

* State class of license: Boat license, crew license, fisherman's license, or temporary license of any of those classes.

NOTES.—(1) This notice of appeal must be lodged with the Appeal Authority within one month of the date on which the decision appealed against was communicated to the Appellant.

(2) This notice of appeal is effectual only if accompanied by the prescribed fee of £2.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 20th day of December, 1945.

These regulations are administered in the Marine Department.