

1964/94



**THE WHALING INDUSTRY REGULATIONS 1961,
AMENDMENT NO. 1**

—
BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of July 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Whaling Industry Act 1935, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. (1) These regulations may be cited as the Whaling Industry Regulations 1961, Amendment No. 1, and shall be read together with and deemed part of the Whaling Industry Regulations 1961* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Regulation 2 of the principal regulations is hereby amended by inserting in subclause (1), in their appropriate alphabetical order, the following definitions:

“‘Gray whale’ (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack:

“‘Open season’ means—

“(a) In relation to baleen whales (except humpback whales, gray whales, and right whales) the period commencing on the 1st day of November in any year and ending with the 30th day of April in the next succeeding year:

“(b) In relation to sperm whales, the period commencing on the 1st day of September in any year and ending with the 30th day of April in the next succeeding year:

“‘Right whale’ (*Balaena mysticetus*, *Eubalaena glacialis*, *Eubalaena australis*, etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale:

“‘Sperm whale’ (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, catchalot, or pot whale.”

3. (1) The principal regulations are hereby further amended by inserting, after regulation 2, the following regulation:

“2A. **Act extended to apply to sperm whales**—It is hereby declared that the Act shall apply in relation to sperm whales.”

(2) Regulation 2 of the principal regulations is hereby further amended by revoking subclause (2).

4. The principal regulations are hereby further amended by revoking regulation 10, and substituting the following regulation:

“10. **Minimum sizes**—No person shall take or kill any blue, fin, sei, or sperm whale of less than the following lengths:

“(a) Blue whales 70 ft (21·3 metres):

“(b) Fin whales 57 ft (17·4 metres):

“(c) Sei whales 40 ft (12·2 metres):

“(d) Sperm whales 38 ft (11·6 metres):

“Provided that blue whales of not less than 65 ft (19·8 metres), fin whales of not less than 55 ft (16·8 metres), and sei whales of not less than 35 ft (10·7 metres) in length may be taken for delivery to a land station if the meat of such whales is to be used for consumption in New Zealand as a human or animal food:

“Provided further that sperm whales of not less than 35 ft (10·7 metres) in length may be taken for delivery to land stations.”

5. The principal regulations are hereby further amended by inserting, after regulation 11, the following regulations:

“11A. **Certain species of whales protected**—No person shall take or kill any humpback whale, gray whale, or right whale.

“11B. **Restrictions on taking blue whales**—No person shall take or kill any blue whale in waters south of 40° south latitude.”

6. The principal regulations are hereby further amended by revoking regulation 12, and substituting the following regulation:

“12. **Whales to be taken in open season only**—Subject to regulations 11A and 11B hereof, no person shall take, kill, or treat any baleen whale or sperm whale except during the open season for that species of whale:

“Provided that—

“(a) The process of disposing of a whale of any species that has stranded at any place shall not be deemed to be treating the whale:

“(b) It shall be lawful for any person to treat during the close season any whale which was lawfully taken in the open season.”

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.

The amendments in these regulations provide as follows:

- (a) The Whaling Industry Act 1935 and the principal regulations are extended so as to apply to sperm whales:
- (b) A minimum size limit is fixed for sperm whales:
- (c) The killing of humpback whales, gray whales, and right whales is prohibited:
- (d) The killing of blue whales is prohibited in waters south of 40° south latitude:
- (e) The open season for whales that are not protected is changed.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 July 1964.

These regulations are administered in the Marine Department.