

FISHERIES—

FISHERIES REGULATIONS 1924.⁽¹⁾

PART 1—PRELIMINARY.

1. These Regulations may be cited as the *Fisheries Regulations* 1924.⁽¹⁾

Am. by Regs.
gazetted on
7.7.1927, r. 2.

2. These Regulations are divided into Parts as follows:—

- Part 1—Preliminary.
- Part 2—Licences.
- Part 2A—Permits.
- Part 3—Port letters and licence numbers.
- Part 4—Minimum dimensions of shells.
- Part 5—Miscellaneous.

PART 2—LICENCES.

3. No person shall engage in fishery in the Territory unless he has first obtained a licence in Form A in the Schedule to these Regulations.

Sub. by Regs.
gazetted on
15.4.1925, r. 1.

(1) The *Fisheries Regulations* 1924 (made under the *Fisheries Ordinance* 1922-1938) comprises the original *Fisheries Regulations* 1924, as amended by the other Regulations referred to in the following Table:—

REGULATIONS MADE BY THE ADMINISTRATOR.

Description.	Date on which made by Administrator.	Date published in <i>N.G. Gaz.</i>	Date of commencement.
<i>Fisheries Regulations</i> 1924	11.6.1924	16.6.1924	16.6.1924 (<i>N.G. Gaz.</i> of 16.6.1924)
<i>Amending Regulations</i>	9.4.1925	15.4.1925	15.4.1925 (<i>N.G. Gaz.</i> of 15.4.1925)
<i>Amending Regulation</i>	26.2.1927	15.3.1927	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 15.3.1927)
<i>Amending Regulations</i>	24.6.1927	7.7.1927	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 7.7.1927)
<i>Amending Regulation</i>	29.10.1928	15.11.1928	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 15.11.1928)
<i>Amending Regulations</i>	12.6.1929	15.6.1929	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 15.6.1929)
<i>Amending Regulation</i>	23.1.1930	31.1.1930	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 31.1.1930)
<i>Amending Regulation</i>	23.12.1930	31.12.1930	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 31.12.1930)
<i>Amending Regulations</i>	19.8.1932	31.8.1932	7.11.1932 (<i>N.G. Gaz.</i> of 31.8.1932)
<i>Amending Regulation</i>	14.10.1932	31.10.1932	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 31.10.1932)
<i>Amending Regulation</i>	6.4.1933	13.4.1933	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 13.4.1933)

(a) Each of the sets of Regulations to which this note (a) applies stated in their respective introductory parts that they were "to come into operation forthwith". At the relevant dates in 1927-1932 Section 13 (2) of the *Fisheries Ordinance* 1922-1938 (under which each of these sets of Regulations were made) provided that "All regulations so made shall be published in the *New Guinea Gazette* and shall take effect from the date of publication, or from a later date, to be specified in such regulations". At the relevant dates in 1927-1930 there was no other Ordinance or regulation of general application providing for the publication of regulations, the date on which they were to take effect or the meaning of "forthwith".

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4. No person shall engage any boat or ship in fishery unless he has first obtained, in addition to the licence required by regulation 3 hereof, a licence in Form B in the Schedule to these Regulations. Sub. by Regs. gazetted on 15.4.1925, r. 2.

5. For the purposes of section 6 of the *Fisheries Ordinance 1922-1932*,⁽²⁾ a District Officer stationed in the District in which an application for a licence referred to in that section is made shall be a prescribed officer. Sub. by Regs. gazetted on 31.10.1932, r. 1.

6. All licences issued under these Regulations shall expire on the thirtieth day of June next following the date of issue.

7.—(1.) The fee payable for a licence in Form A in the Schedule to these Regulations or any renewal thereof shall be the sum of Ten shillings payable in advance. Sub-Reg. (1) am. by Regs. gazetted on 15.4.1925, r. 3.

(2.) The fee payable for a licence in Form B in the Schedule to these Regulations or any renewal thereof shall be in accordance with the following scale, that is to say:— Sub-reg. (2) am. by Regs. gazetted on 15.4.1925, r. 3.

For every boat not exceeding two tons burden the sum of Ten shillings.

For every ship of under ten tons burden the sum of One pound.

For every ship of ten tons burden or over the sum of Two pounds.

For the purposes of this sub-regulation the tonnage of any boat or ship shall be deemed to be the tonnage specified in the register of such boat or ship, provided that if such boat or ship is not registered the tonnage thereof shall be ascertained by a Collector in accordance with the formula set out in the second schedule⁽³⁾ hereto.

(3.) The fees payable in respect of any licences issued during the first six months of any year shall be one-half of the fees specified in sub-regulations (1) and (2) of this Regulation.

8. In any case where satisfactory proof is given of the loss or destruction of any licence issued under these Regulations the officer by whom such licence was issued may on payment of a fee of five shillings issue a duplicate licence in place of the licence so lost or destroyed.

PART 2A.—PERMITS.

8A. The holder of a licence under paragraph (1) of section six of the *Fisheries Ordinance 1922-1927*,⁽²⁾ or the holder of a licence under paragraph (2) of that section, may make an application in writing, to the Collector or District Officer of the district in which the application is made, for a permit to buy, from natives, pearl, pearl-shell, trochus shell or beche de mer. Part 2A ad. by Regs. gazetted on 7.7.1927, r. 2.
Application for permits by holders of licences.
Ad. by Regs. gazetted on 7.7.1927, r. 2.

(2) Now the *Fisheries Ordinance 1922-1938*.

(3) By *Amending Regulation* dated 9.4.1925 and published in *N.G. Gaz.* of 15.4.1925 the heading "First Schedule" was changed to "The Schedule", and the heading "Second Schedule" was omitted, but no consequential amendment was made in Regulation 7 (2).

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Collector or District Officer may grant permit to buy shell from natives.
Ad. by Regs. gazetted on 7.7.1927, r. 2.

8B. If, in the opinion of the Collector or District Officer, to whom an application under the last preceding regulation is made, it is desirable to do so, the Collector or District Officer may grant to any person, who is entitled to apply for a permit under the last preceding regulation, a permit to buy, from natives, pearls, pearl-shell, trochus shell or beche de mer.

Permit to be in accordance with Form "C."

Ad. by Regs. gazetted on 7.7.1927, r. 2.

8C. A permit granted in pursuance of the last preceding regulation shall be in accordance with Form "C" in the Schedule to these Regulations, and shall specify the place in which the person, to whom the permit is granted, may exercise the rights given by the permit.

Period for which permit granted.

Ad. by Regs. gazetted on 7.7.1927, r. 2.

8D. A permit granted in pursuance of regulation 8B of these Regulations shall be granted for a period terminating on the thirtieth day of June following the date on which the permit was granted.

Fee for permit.

Ad. by Regs. gazetted on 7.7.1927, r. 2.

8E. The fee for a permit granted under regulation 8B of these Regulations shall be Ten shillings.

Ad. by Regs. gazetted on 7.7.1927, r. 2.

8F. Subject to any rights acquired by any person who has obtained a trader's licence under the *Licences Ordinance 1923-1924*⁽²⁾ and any Regulations made thereunder, no person shall buy, from natives, any pearls, pearl-shell, trochus shell or beche de mer, unless he has first obtained a permit which has been granted in pursuance of regulation 8B of these Regulations.

PART 3—PORT LETTERS AND LICENCE NUMBERS.

9. The letters set out hereunder opposite the names of the ports of the Territory shall for the purposes of this Part of these Regulations indicate such ports respectively and are in this Part of these Regulations referred to as port letters:—

A Rabaul	F Namatanai
B Kavieng	G Aitape
C Madang	H Morobe
D Manus	K Gasmata
E Kieta	L Talasea

Am. by Regs. gazetted on 15.4.1925, r. 4, and 31.8.1932, r. 1.

10. Every licence in Form B in the Schedule to these Regulations shall have endorsed thereon the port letter of the port at which such licence was issued, and shall be numbered with its appropriate con-

(2) Now the *Fisheries Ordinance 1922-1938*.

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secutive number having regard to the number of such licences already issued at the port.

11. Every boat or ship in respect of which a licence in Form B in the Schedule to these Regulations these Regulations⁽⁴⁾ is issued shall bear the port letter of the port at which such licence was issued the letters "No." the number of such licence and the letters "T.N.G." in that order painted in letters and figures of not less than three inches in height in the case of a boat and of not less than six inches in the case of a ship, in white upon a black ground or in black upon a white ground on each side of the stern above the waterline and such letters and figures shall be kept so painted during the whole time that such licence remains in force.

Am. by Regs.
gazetted on
15. 4. 1925, r. 5.

12. Both the master and any other person other than a pilot who is in charge of any such boat or ship which is found engaged in fishing within the waters of the Territory without such letters and figures painted thereon as aforesaid shall be liable to a penalty not exceeding five pounds or in default of payment to imprisonment for a term not exceeding one month.

PART 4—MINIMUM DIMENSIONS OF SHELLS.

13. Any person who fishes sells or purchases—

- (a) any trochus shell the maximum external diameter of the base of which is less than two and one-half inches;
- (b) any pearl oyster, shell of the kind scientifically known as *meleagrina margaritafera*, or shell of any of the varieties commonly known as "golden-edge," "gold-lip," or "silver-lip" in which the nacre or mother-of-pearl portion measures less than five inches from the butt or hinge to the opposite edge or lip, or which measures on the outside less than six and one-half inches from the butt or hinge to the opposite edge; and
- (c) any pearl shell of the kind commonly known as "black lip," in which the nacre or mother-of-pearl portion measures less than 3 inches from the butt or hinge to the opposite edge or lip, or which measures on the outside less than 3½ inches from the butt or hinge to the opposite edge;

Para. (a) am.
by Regs.
gazetted on
15. 4. 1925, r. 6.

Para. (c)
ad. by Regs.
gazetted on
15. 3. 1927.

shall be liable to a penalty not exceeding Five pounds in respect of each such shell so fished, sold or purchased.

(4) Regulation 5 of the *Amending Regulations* gazetted on 15. 4. 1925 provided that the word "under" appearing in Regulation 11 in its original form should be deleted, and the words "in Form B in the Schedule to these Regulations" inserted in its stead. However, the words "these Regulations", which appeared in Regulation 11 immediately after the word "under", were not omitted. The words "these Regulations" (second occurring) have now been omitted by the Third Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

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PART 5—MISCELLANEOUS.

Am. by Regs.
gazetted on
15.4.1925, r. 7.

14. Any person guilty of a breach of or non-compliance with any provision of these Regulations for which no specific penalty is provided shall be guilty of an offence, and shall where no other punishment or penalty is provided upon conviction before a District Court be liable to a penalty of not more than Fifty pounds or in default imprisonment for a term not exceeding six months, and upon proof of such conviction the licence of such person may be cancelled by the officer issuing the same.

R. 14 A
ad. by Regs.
gazetted on
15.11.1928, r. 1;
am. by Regs.
gazetted on
15.6.1929, r. 1;
and 31.1.1930,
r. 1; sub. by
Regs. gazetted
on 31.8.1932,
r. 2; am. by
Regs. gazetted
on 13.4.1933,
r. 1.

14A.—(1.) Subject to the provisions of section 2A of the Ordinance, where any land owned or leased or occupied for the purpose of a plantation has a frontage to the foreshore upon any portion of the coast of the Territory, no person except the owner, lessee, or occupier of the land shall fish on any banks or reefs within any area bounded by—

- (i) the high-water mark;
- (ii) the line drawn parallel to, and rectangularly distant 800 metres from, the high-water mark; and
- (iii) the straight lines drawn to the line mentioned in the immediately preceding paragraph from the points at which the side boundaries of the land terminate at the high-water mark and drawn at right angles to the straight line lying between the points;

Provided that where any portion of an area so bounded is common to two or more areas so bounded the owners, lessees, or occupiers of the land to which the areas are related shall be equally entitled to fish upon the portion which is common to the respective areas:

Provided further that nothing in this sub-regulation contained shall affect the rights in favour of any person under any encumbrance upon the land.

(2.) Any person fishing on banks or reefs contrary to the provisions of the last preceding sub-regulation shall be guilty of an offence.

Penalty: Fifty pounds.

14B.—(1.) No person shall fish on a bank or reef adjacent to Andra Island situated in the District of Manus.

(2.) Any person fishing contrary to the provisions of this regulation shall be guilty of an offence.

Penalty: Fifty pounds.

15. Every District Officer and every Collector shall be an Inspector for the purposes of the *Fisheries Ordinance* 1922-1924.⁽²⁾

(2) Now the *Fisheries Ordinance* 1922-1938.

Fisheries Regulations 1924.

THE SCHEDULE.

Heading am. by Regs. gazetted on 15.4.1925, r. 8.

FORM A.

Form A am. by Regs. gazetted on 15.6.1929, r. 2; sub. by Regs. gazetted on 31.8.1932, r. 3.

Territory of New Guinea.

FISHERY LICENCE (PERSONAL)

(a) having paid the prescribed fee of Ten shillings (10s.) is hereby licensed to engage in fishery in the Territory of New Guinea during the currency of this licence and subject to the provisions of the Fisheries Ordinance 1922-1927 and the Regulations made thereunder.

Date of Issue / /19 .

(Signature).....

Collector of Customs.

(Name of Port).....

(a) Insert name of licensee.

FORM B.

Am. by Regs. gazetted on 15.6.1929, r. 2; sub. by Regs. gazetted on 31.8.1932, r. 3.

Territory of New Guinea.

FISHERY LICENCE (SHIP OR BOAT).

(Port Letter and No.).....

(a) having paid the sum of on account of the ship (or boat) (b) to be employed for fishery in the Territory of New Guinea the said ship (or boat) is hereby licensed to be so employed during the currency of this licence and subject to the provisions of the Fisheries Ordinance 1922-1927 and the Regulations made thereunder.

Date of Issue / /19 .

(Signature).....

Collector of Customs.

(Name of Port).....

(a) Insert name of person. (b) Insert name of ship or boat.

FORM C.

Ad. by Regs. gazetted on 7.7.1927, r. 3.

Territory of New Guinea.

PERMIT TO BUY SHELL FROM NATIVES.

Subject to the provisions of Part 2A of the Fisheries Regulations 1924, as amended from time to time, having paid the prescribed fee of Ten shillings, is hereby permitted to buy, from natives in the Territory of New Guinea, pearl, pearl shell, trochus shell, or beche de mer, as from the date of this permit until the thirtieth day of June, 19 .

Dated this . day of , 19 .

Collector of Customs or District Officer.

FISHERIES—

Heading
 "Second
 Schedule"
 omitted by
 Regs. gazetted
 on 15.4.1925,
 r. 8.

FORMULA FOR FINDING THE TONNAGE OF A BOAT OR SHIP.

(a) Under deck tonnage—

$$\frac{\text{Length} \times \text{Breadth} \times \text{Depth}}{100} \times .75$$

Length for under deck tonnage is to be measured from the after part of the stem head to the fore part of the stern post under the deck.

Breadth to be measured at the widest part of the vessel under deck from inside the sheer stringer or shelf across to the other sheer stringer or shelf.

Depth to be taken amidships from underneath the beam to the top of the keelson.

(b) Additions or subtractions. Any permanent erections on deck closed in on all sides by wood or other solid material (not canvas), also hatch coamings fitted with hatches, shall be added to the under deck tonnage, thus:

$$\frac{\text{Length} \times \text{Breadth} \times \text{Depth}}{100} \text{ (expressed in tons) of permanent erection of hatch, \&c., and becomes the gross tonnage, which, if no deductions are allowable, is the registered tonnage.}$$

Engine room separated from the hold by good bulkhead and chain fitted with hatches, shall be added to the under deck tonnage, thus:

$$\frac{\text{Length} \times \text{Breadth} \times \text{Depth}}{100} \text{ (expressed in tons) of engine room must be deducted from the gross tonnage and becomes registered tonnage.}$$