

Penalty.

4. Any person acting in contravention of the provisions of this Law shall be guilty of an offence under this Law and shall be liable upon summary conviction before a Court of Magisterial jurisdiction to a fine not exceeding one pound or in default of payment thereof to a period of imprisonment not exceeding one week.

9 OF 1922.

TO PROVIDE FOR THE REGULATION OF OYSTER FISHERIES.

MALCOLM STEVENSON.]

[March 13, 1922.]

Short title.

1. This Law may be cited as the Oyster Fisheries Law, 1922.

Interpretation.

2. In this Law:—

“Oysters” include the brood, ware, half-ware, spat, and spawn of oysters.

Power to High Commissioner in Council on memorial to make order for oyster fishery.

3. An order for the establishment or improvement, and for the maintenance and regulation, of an oyster fishery on the shore and bed of the sea, above or below, or partly above and partly below, low-water mark (which shore and bed are in this Law referred to as the sea-shore), may be made by the High Commissioner in Council under this Law, on an application by a memorial in that behalf presented to the Commissioner by any persons desirous of obtaining such an order (which persons are in this Law referred to as the promoters).

Publication of draft order and notice to owners of adjoining lands, etc.

4. If on consideration of the memorial the High Commissioner in Council thinks fit to proceed in the case, the promoters shall cause copies of the draft of the order as proposed by them (with such modifications, if any, as the High Commissioner in Council requires) to be published and circulated in such manner as the High Commissioner in Council thinks sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as the High Commissioner in Council directs or approves, to the owners or reputed owners, lessees or reputed lessees, and occupiers (if any) of the portion of the sea-shore to which the proposed order relates, and of the lands adjoining thereto.

Objections and representations respecting order.

5. During one month after the first publication of the draft order the Commissioner shall receive any objections or representations made to him in writing respecting the proposed order.

Inquiry into proposed order by public sittings.

6. The Commissioner shall as soon as conveniently may be after the expiration of the said month proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose

hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the sea-shore to which the proposed order relates, and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the proposed order, with power from time to time to adjourn any sitting; and the Commissioner may, for the purpose of such inquiry, take evidence, and by summons under his hand require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit for the purpose of the inquiry; and any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey such summons, and any person who refuses or neglects to answer any question which the Commissioner is authorized to ask, shall be liable to a penalty not exceeding ten pounds for each offence; and any person who wilfully gives false evidence in any examination on oath in any such inquiry, or in an affidavit to be used in any such inquiry, shall be deemed guilty of perjury.

Notice shall be published in such manner as the Commissioner directs of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

7. The Commissioner shall make a report in writing to the High Commissioner setting forth the result of the inquiry, and stating whether in his opinion the proposed order should be approved, with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and representations, if any, made on the inquiry, and his opinion thereon.

Report of Commissioner as to proposed order.

8. As soon as conveniently may be after the receipt by the High Commissioner of the report of the Commissioner, the High Commissioner in Council shall proceed to consider the objections or representations that have been made respecting the proposed order and also the report of the Commissioner, and thereupon he shall either refuse the application or settle and make an order in such form and containing such provisions as he thinks expedient.

Settlement and making of order.

9. Where the High Commissioner in Council makes an order, the promoters shall cause it to be published and circulated in such manner as the High Commissioner in Council thinks sufficient for giving information to all parties interested, and shall give notice of it, in such manner as the High Commissioner in Council directs or approves, to the owners or reputed owners, lessees, or reputed lessees, and occupiers (if any) of the portion of the sea-shore to which the order relates, and of the lands adjoining thereto.

Publication of order.