

1880, No. 18.

**ANIMALS
PROTECTION.**

AN ACT to consolidate the Law for the Protection of Animals and for the Encouragement of Acclimatization Societies.

[17th August, 1880.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is “The Animals Protection Act, 1880.”

Interpretation.

2. In this Act, if not inconsistent with the context,—

“District” means such parts of the colony as the Governor may from time to time appoint to be districts under this Act ;

And until any such appointment each provincial district shall be deemed to be a district :

“Notification” means a notice by or under the direction of the Governor, published in the *Gazette* or in any newspaper circulating in the district to which such notification relates :

“Animal” and “bird” respectively mean the animals and birds mentioned in the several Schedules to this Act, and any other animals and birds which shall hereafter be declared to come within the operation of this Act :

“Game” includes all imported animals and birds mentioned in the Third Schedule to this Act, and such other imported animals and birds as shall be declared to come within the provisions of this Act relating to game :

“Native game” includes all native animals and birds mentioned in the Fourth Schedule to this Act, and any other native animals and birds which shall be declared to come within the provisions of this Act relating to native game :

“Imported,” as applied to any bird or animal, means imported into any district and turned at large, and includes the offspring of such bird or animal, and every bird or animal of like species at large in such district.
 “Take or kill” means the hunting, shooting, pursuing, taking, or killing any bird or animal by any means not prohibited by this Act.

AS TO THE PROTECTION OF GAME.

3. No person shall take or kill any game in any district except within a consecutive period, to be fixed by notification, between the first day of May and the thirty-first day of July, both inclusive, and only between the hours of sunrise and sunset. Time for killing game.

Such period shall not exceed three months in any year, and shall be deemed to be the “game season” for the purposes of this Act.

4. The Governor may declare, by notification, in which part or parts of a district game shall not be taken or killed, and declare the particular species of game which shall not be so taken or killed. Governor may declare in what part of the district game may not be killed.

The Governor may in like manner declare that any description of imported bird is established in any district, and is to be considered as native game.

5. No game shall be poisoned on any pretence whatever.

No game shall be trapped or taken by means of traps, or by any other means than hunting or shooting, nor shall any trap, net, or snare be erected or set for the purpose of such trapping or taking at any time whatever, except by persons duly authorized under section twenty-three of this Act. Game not to be poisoned or trapped.

6. No person shall take or kill, or use any dog, gun, net, or other engine for the purpose of taking or killing any game, until such person shall have taken out a license to kill game under this Act, and paid the duty hereby made payable thereon. Game not to be taken or killed without license.

If any person shall offend against the provisions of this section, he shall be liable to a penalty not exceeding twenty pounds. Penalty.

7. No person in *bond fide* occupation of any land not being Crown lands, or some one person appointed by him, shall be prevented from taking or killing game upon any lands so occupied by such first-mentioned person within the periods allowed under this Act, or be liable to any penalty for so doing. Persons may kill game on their own land without license.

8. The Governor shall appoint a fit person or fit persons in each district to issue licenses to take or kill game. Licensing officers.

Every such license shall be in the form of the First Schedule to this Act, and shall be issued and signed by the person appointed to issue such license, and be dated on the day when the same was actually issued, and be in force during the period specified in the license. Form of license.

9. Such license shall only be issued upon payment of the duty payable for the same, being such sum not exceeding fifty shillings as may be fixed by notification. License fee.

10. No person shall sell game or dispose thereof for any gain or reward until he shall have taken out a license for that purpose and paid the duty thereon. Every such license shall be in the form of the Second Schedule to this Act, and shall be in force for a period ending on the seventh day after the close of any game season fixed under the powers herein contained. No person to sell game unless licensed under this Act.

11. Licenses to sell game shall be signed and issued by the same person or persons as under this Act are authorized to sign and issue licenses to take or kill game. The duty payable upon the issue of a license to sell game or any renewal thereof shall be five pounds. Penalty for selling game without license.

If any person shall sell any game without having duly taken out and having in force such license as aforesaid, he shall, for every such act, be liable to a penalty of twenty pounds.

Exception as to persons licensed to kill game.

12. The holder of every license to take or kill game may sell game to any person holding a license to sell game without taking out any additional license to sell game.

Penalty on sale of dead hen-pheasant.

13. Every person who shall sell, offer for sale, or expose for sale, and every holder of a license to sell game who shall have in his possession or shall in any manner dispose of any dead hen-pheasant, shall be liable to a penalty, for every such act, not exceeding twenty pounds.

If such person hold a license to take or kill game, or to sell game, every such license shall, on conviction, become *ipso facto* void.

May except certain districts over which licenses shall extend.

14. Whenever the Chairman of any duly-registered acclimatization society shall certify in writing to any person authorized to issue licenses to take or kill game that any lands are actually and lawfully used by such society for its purposes, such lands shall be excepted from such licenses within the district in respect of which the same are issued.

Any person taking or killing any game upon any lands so excepted shall be deemed to be an unlicensed person within the provisions of this Act.

Penalty for destroying eggs.

15. Any person who shall unlawfully take and destroy, or wilfully destroy, the eggs of any game birds shall be liable to a penalty not exceeding five pounds.

As to killing imported birds, not being game.

16. The Governor may declare, by notification, that imported birds, not being game, or any of them, may be taken or killed in such part or parts of a district as in such notification shall be described.

No such imported birds shall be taken or killed in any district except as hereinbefore mentioned.

And if any person offend against the provisions of this section he shall be liable to a penalty not exceeding ten pounds.

AS TO NATIVE GAME.

When native game may be killed.

17. No native game shall be taken or killed in any district, except during such periods as may from time to time be fixed by notification, not exceeding four consecutive months in any year in respect of each bird mentioned in the Fourth Schedule.

Districts may be excluded from Act.

18. The Governor may declare, by notification, that all or any of the provisions of this Act relating to native game shall not be in force in such parts of the colony as he shall in and by such notification define.

PROVISIONS AFFECTING "GAME" AND "NATIVE GAME."

Governor may declare other animals and birds under Act.

19. The Governor may declare, by notification, that any animal or bird, in addition to those mentioned in the several Schedules to this Act, shall come within the operation of this Act.

But no indigenous animals or birds shall at any time be deemed to be "game."

Governor may proclaim that animals or birds cease to come within provisions of Act.

20. The Governor may declare, by notification, that any of the animals or birds mentioned in the several Schedules to this Act, or which may have been proclaimed to come within the provisions of "The Protection of Animals Act, 1873," or which may be declared to come within the operation of this Act, shall cease to be within its operation.

He may in like manner declare that any of the animals or birds declared by this Act to be game or native game, or which have been or shall hereafter be declared to be game as aforesaid, shall cease to be deemed game or native game within the provisions of this Act.

Animals or birds kept in confinement may be killed.

21. Nothing in this Act shall prevent the owner of any animal or bird (except those enumerated in section twenty-eight) from keeping the same in

confinement or in a domesticated state, or from offering for sale or selling, or from taking or killing, any such animal or bird so kept in confinement or in a domesticated state; and it shall be lawful for any person to buy or offer to buy any such animal or bird.

22. No person shall sell or offer for sale, or buy or offer to buy, any game or native game, except during the periods within which it shall be lawful to take or kill game or native game, as the case may be, or, as respects any game, within the period of seven days after the close of the game season fixed under this Act.

When animals or birds may be sold.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

23. The Colonial Secretary may, in writing, authorize any person, or the servants of any such person, to catch or take any such animals or birds, or the eggs of any such birds, for the purpose of distributing, changing, or turning out the same in some other country or in some other part of the colony.

Colonial Secretary may authorize animals, &c., to be taken at any time.

But nothing herein contained shall be deemed to authorize any person to commit a trespass.

24. No person or persons shall be deemed to be so authorized to catch or to take, or shall catch or take, any animals or birds, or the eggs of such birds, unless he or they shall have obtained authority from the Colonial Secretary as before provided.

No animals to be taken without such authority.

No such authority shall in any case have any force or effect for a longer period than twelve calendar months from the date thereof.

25. Except as in this Act provided, no person shall have in his possession any game or native game, except during the periods fixed under this Act, without lawful excuse, the proof whereof shall be on the party charged.

Persons not to have in possession any such animals or birds.

Any such game or native game found in the possession of any person shall be presumed to have been taken or killed by such person contrary to the provisions of this Act, until proof to the contrary be given.

26. If any person whatever shall at any time commit any trespass by entering or being upon any land in the search or pursuit of game or native game, such person shall be liable to a penalty not exceeding twenty pounds :

Trespasser in pursuit of game liable to penalty.

But any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass.

27. Any person found trespassing with gun, or dog and gun, shall *prima facie* be deemed to be in pursuit of game, and subject to the provisions of this Act.

Trespassing with dog or gun.

MISCELLANEOUS PROVISIONS.

28. No person shall introduce any fox, venomous reptile, hawk, vulture, or other bird of prey into the colony, or liberate or allow to go at large any fox, venomous reptile, hawk, vulture, or other bird of prey which may have already been introduced, or to have any fox, venomous reptile, hawk, vulture, or other bird of prey not indigenous to the colony in his possession.

Certain animals or birds not to be introduced.

Every person offending against the provisions of this section shall be liable to a penalty not exceeding one hundred pounds, and in default of payment to be imprisoned for a period of not more than six months.

Penalty.

29. Every person in pursuit of game shall produce his license to any authorized person demanding such production; and any person in pursuit of game or native game who shall refuse or neglect so to produce such license

Who may demand production of license.

or to give his name or place of residence or address, or who shall give a false name or place of residence or address, shall be liable to a penalty not exceeding twenty pounds.

“Authorized person” includes all Justices of the Peace, and constables, and all Rangers appointed under this Act, and the proprietor or occupier of the land on which any person may be found in pursuit of game, and all holders of licenses issued under this Act.

Persons not to use swivel-guns.

30. No person shall kill or destroy any game or native game, or shoot at or attempt to shoot at any game or native game, with an instrument known as a swivel-gun.

Penalty.

If any person shall offend against this provision he shall forfeit and pay a penalty not exceeding ten pounds, besides any other penalty he may have incurred.

Rangers may be appointed.

31. The Governor may appoint one or more fit and proper persons to be Rangers in each district, whose duty it shall be to take care that the provisions of this Act are complied with in the district for which he or they may be appointed.

Fees, penalties, &c., to be paid into Public Account.

32. All duties paid for licenses, and all fines and penalties which may be recovered by virtue of this Act, shall be paid into the Public Account, and be applied,—

Application thereof.

- (1.) In the first instance, in or towards defraying the salaries and expenses of the Rangers to be appointed as aforesaid, and any other expenses of carrying into effect the provisions of this Act :
- (2.) The balance shall be handed to the Treasurer of some registered acclimatization society in the district in which such fees or fines shall have been paid or recovered, for the purposes of such society :
- (3.) If there shall be more than one such society in a district, then such balance shall be divided between all the societies or paid to such one or more of them as the Governor in his discretion may direct ;
- (4.) And, if there shall be no such society, shall form part of the Consolidated Fund.

Penalties, how recoverable.

33. All penalties created by this Act shall be recoverable in a summary way, and any part not exceeding one-half of any fine recovered under this Act shall be paid to the person or persons who shall be instrumental in procuring any such conviction, in such proportion as the convicting Justices shall specify.

AS TO ACCLIMATIZATION SOCIETIES.

Registration of acclimatization societies by depositing their rules.

34. Any acclimatization society may register its rules by depositing a copy of the same, or of any alteration thereof, signed by the chairman of such society, and countersigned by three of the members thereof, in the office of the Colonial Secretary.

As soon as conveniently may be after such deposit, a notification thereof shall be published ; and every society so registered shall, for the purposes of this Act, be deemed to be a duly-registered acclimatization society.

Rules not to be repugnant to this Act.

35. The rules so to be registered shall not be repugnant to this Act, or to any of the laws relating to the importation or protection of animals or birds for the time being in force.

Property of society to be vested in chairman.

36. For the purposes of this Act the property in all animals and birds in the possession or under the control of any registered acclimatization society shall be deemed to be absolutely vested in the chairman for the time being of such society.

Society to notify when animals are turned out for increase.

37. In case any registered acclimatization society shall have turned at large or shall hereafter turn at large any animals or birds, not indigenous, for the

purpose of increase, it shall be the duty of such society forthwith to notify the same in a newspaper circulating within the district in which such animals or birds shall be so turned at large, not less than twice in each of two successive weeks.

38. The Governor may declare by notification that the property in every such animal or bird so turned at large, and its offspring, and every bird and animal of a like species at large in such district, shall, for the purposes of this Act, be deemed to be absolutely vested in the chairman of the said society for any period not exceeding three years, to be stated in such notification.

Animals turned out to be vested in the chairman of society.

39. "The Protection of Animals Act, 1873," and "The Protection of Animals Act Amendment Act, 1875," are hereby repealed.

Repeal of Acts.

But all appointments made under the repealed Acts, and all Proclamations, licenses, or authorities issued thereunder and in force at the date of the passing of this Act, shall respectively be deemed to have been made and issued under this Act.

Saving.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

LICENSE TO TAKE OR KILL GAME.

Form of license to take or kill game. Sec. 8.

[Name in full], of [residence and description of person licensed], having this day paid the sum of _____, pursuant to "The Animals Protection Act, 1880," is hereby licensed to take or kill game within the District of _____ during the game season 18 _____.

Dated at _____, the _____ day of _____, 18 _____.

Signed _____

SECOND SCHEDULE.

LICENSE TO SELL GAME.

Form of license to sell game. Sec. 10.

[Name in full], of [residence and description of person licensed], having this day paid the sum of five pounds (£5), pursuant to "The Animals Protection Act, 1880," is hereby licensed to sell game within the District of _____ during the months of _____.

Dated at _____, the _____ day of _____, 18 _____.

THIRD SCHEDULE.

GAME.

List of game. Sec. 2.

Pheasants.	Quails.	Antelope.
Partridges.	Snipe.	Deer.
Grouse.	Plover.	Imported wild duck
Black-game.	Swans.	of any species.
Ptarmigan.	Hares.	

FOURTH SCHEDULE.

NATIVE GAME.

List of Native game. Secs. 2, 17.

Wild duck of any species.	Wild geese.	Teal.
Bittern.	Dotterell.	Black stilt plover.
Pied stilt plover.	Tui.	Curlew.
	Native pigeon.	Quail.