

No. XXV.

An Act to amend the “Fisheries Act 1881.” [*2nd May, 1883.*]

FISHERIES ACT
AMENDMENT.
—

BE it enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. Notwithstanding anything contained in the Principal Act nets may be used of such dimensions in such tidal waters and during such times as may be prescribed by regulations to be made by the Governor under section nine of the said Act.

Amendment of
Principal Act as to
nets.

Fisheries Act Amendment.

Amendment of
sections 11 12 and
13 of Principal Act.

2. Notwithstanding anything contained in the Principal Act the Justices shall not order any unlawful nets used by or found in the possession of any person convicted under the eleventh twelfth or thirteenth sections of the Principal Act to be forfeited to Her Majesty unless such person has been previously convicted of using an unlawful net within the meaning of any of the said cited sections.

Definition of natural
oyster-bed.

3. So much of clause two of the Principal Act as defines a natural oyster-bed is hereby repealed and from and after the passing of this Act the following shall be deemed to be a natural oyster-bed viz.—Any bank shore bed or place of deposit in any tidal waters containing oysters which have not been laid down by artificial means Provided always that nothing in this section contained shall render any person who takes oysters from the shore above low-water-mark for his own consumption and not for the purpose of sale liable to the penalty provided by section thirty-nine of the Principal Act Provided also that the existence of any natural oyster-bed lying above low-water-mark which may be included within any area applied for to be leased under section twenty-eight of the Principal Act shall not prevent the inclusion of such oyster-bed within the lease if the Commissioners recommend its inclusion in the lease.

As to leases.

4. Notwithstanding anything in the Principal or this Act contained leases of shores of tidal waters for the purposes of and at a rental not less than that prescribed by the thirty-second section of the Principal Act and including any such proportion of deep water frontage to the foreshore as the Governor may think proper to lease may be made by the Governor (provided that no single lease comprises more than two thousand lineal yards of shore) for any term not exceeding fifteen years renewable from time to time on the application of the lessee during the twelfth year of the term for a like term not exceeding fifteen years from the expiration of the preceding term and upon such further conditions and provisions (including the reservation of an increased rent during the whole or any part of the new term) as the Governor may think proper And such conditions and provisions may be declared either by regulations or in the leases or in both Where the land abutting on any foreshore is Crown land not under lease promise of lease or lawful occupation any person though not an owner lessee or occupant within the meaning of the said thirty-second section may be a lessee for the purposes of this section Any lease under the Principal or this Act may describe the area leased by reference to posts stakes buoys or marks on the ground and showing the limits of the said area.

Short title and
definition.

5. In this Act which may be cited as the “Fisheries Act Amendment Act 1883” the expression “Principal Act” means the “Fisheries Act of 1881” (44 Vic. No. 26).
