

TASMANIA.

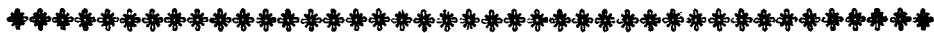


1870.

ANNO TRICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 23.



AN ACT to make provision for the Preservation of Trout in this Colony, and to regulate the Fishing for the same. [18 October, 1870.]

WHEREAS Trout have been introduced into this Colony from abroad: Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

Preliminary.

1 This Act may be cited for all purposes as "The Trout Act, 1870." Short Title.

2 In this Act, unless there is something inconsistent in the context, the words and expressions hereinafter mentioned shall have respectively the meanings hereby assigned to them; that is to say,—

Definition of terms.

"Person" shall include any body of persons corporate or unincorporate: "Person."

"Trout" shall include all non-migratory fish of the genus *Salmo*: "Trout."

"Young of Trout" shall include all fry of Trout which measure less than Six inches from the eye to the fork of the tail: "Young of Trout."

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“Waters.”

“Waters” shall include all the fresh waters of the Colony :

“Fixed engine.”

“Fixed engine” shall include stake nets, bag nets, putts, putchers, traps, and all fixed implements or engines for catching or for facilitating the catching of fish.

Prohibition of certain Modes of taking Trout.

Penalty on taking Trout except by rod and line.

3 No person shall take or attempt to take Trout in any other manner than by angling with a rod and line ; and any person acting in contravention of this Section shall forfeit all nets and tackle used by him in so doing, and shall for each offence incur a penalty not exceeding Two Pounds.

No engines to be used for catching Trout.

4 No fixed engine of any description shall be placed or used for catching Trout in any waters ; and any engine placed or used in contravention of this Section, and any Trout taken by such engine, shall be forfeited, and in addition thereto the owner of any engine placed or used in contravention of this Section shall, for each day of so placing or using the same, incur a penalty not exceeding Two Pounds.

Prohibition of the Destruction of young Fish.

Penalty on taking young of Trout.

5 No person shall do any of the following things ; that is to say,—

- (1.) Wilfully take or destroy the young of Trout :
- (2.) Buy, sell, or expose for sale, or have in his possession, the young of Trout :
- (3.) Wilfully disturb any spawning bed, or any bank or shallow on which the spawn of Trout may be :

And any person acting in contravention of this Section shall incur the following penalties ; that is to say,—

- (1.) He shall forfeit all the young of Trout found in his possession :
- (2.) He shall forfeit all rods, lines, and instruments used in committing any of the above offences :
- (3.) He shall for each offence pay a penalty not exceeding Two Pounds :

But nothing herein contained shall apply to any person who may have obtained such young of Trout for artificial propagation or other scientific purposes, and nothing herein contained shall prejudice the legal right of any owner to take materials from any stream.

Restrictions as to Times of Fishing.

Close time.

6 No person shall fish for, catch, or attempt to catch or kill Trout between the days hereinafter mentioned (which interval is herein referred to as “the close season”) ; that is to say, between the First day of *May* and the First day of *September* following, both inclusive ; and any person acting in contravention of this Section shall forfeit any Trout caught by him, and shall, in addition thereto, incur a penalty not exceeding Two Pounds.

Penalty on selling fish during close time.

7 No person shall buy, sell, or expose for sale, or have in his possession for sale, any Trout between the Third day of *May* and the Second day of *September* following ; and any person acting in contra-

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vention of this Section shall forfeit any fish so bought, sold, or exposed for sale, or in his possession for sale, and shall incur a penalty not exceeding Two Pounds for each such fish.

Licences to fish.

8 It shall not be lawful for any person to fish for or catch Trout who shall not be the holder of a licence issued under the provisions of this Act. No person to fish for Trout unless licensed.

9 Every person who may desire to fish for Trout may apply in writing to the Colonial Treasurer, or to such other person or persons as may be appointed for that purpose by the Governor in Council, for a licence under this Act, and the Colonial Treasurer may thereupon issue to such person a licence giving an authority to such person to fish for Trout with rod and line until the First day of *May* then next: Provided always, that previously to the issuing of every such licence the person obtaining the same shall pay to the Colonial Treasurer, or to such other person or persons as may be appointed for that purpose by the Governor in Council, such sum as shall be from time to time fixed by the Governor in Council: But nothing in this Section contained shall entitle any person holding such licence as aforesaid to enter upon the land of any private owner or owners adjoining waters for the purpose of catching Trout without the consent of such owner or owners. Persons licensed may fish for Trout.

10 If any person shall, after the commencement of this Act, fish for Trout without being duly licensed under this Act, he shall forfeit and pay a penalty not exceeding Two Pounds; and every such offender shall forfeit all rods and tackle used by him, and shall also be liable to the payment to the Colonial Treasurer for the time being, or to such other person or persons as may be appointed for that purpose by the Governor in Council, of the full licence fee payable by such person over and above the said penalty. Persons not licensed liable to penalty for fishing.

11 All offences against this Act shall be heard and determined, and all nets or other engines, instruments, or devices, directed to be forfeited by this Act, be adjudged forfeited, and all penalties be recovered in a summary way by and before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person who thinks himself aggrieved by any summary conviction may appeal against the same in the mode prescribed by *The Appeals Regulation Act*. Procedure in respect of offences.

ALPHABET



1881

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