

Serial Number 1939/77.



THE BIRD-LIME REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 16th day of June, 1939.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to the Animals Protection and Game Act, 1921-22, and section 6 of the Statutes Amendment Act, 1936, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Bird-lime Regulations 1939.
2. These regulations shall come into force on the fourteenth day after notification in the *Gazette* of the making thereof.*
3. In these regulations, unless inconsistent with the context,—
 - “ Bird-lime ” includes all substances of a similar nature to bird-lime and the substance commonly known as green bird-lime ;
 - “ Registered orchard ” means an orchard registered under the Orchard and Garden Diseases Act, 1928.
4. (1) No person shall have any bird-lime in his possession, or sell or agree to sell or offer for sale, or purchase, or agree to purchase or offer to purchase, any bird-lime.
 - (2) It shall be a defence to any proceedings for a breach of this regulation if the defendant proves that the bird-lime to which the charge relates is either the substance commonly known as green bird-lime or is a substance manufactured solely for the purpose of preventing damage to fruit by insect pests and was, as the case may be, either—
 - (a) In his possession for sale to occupiers of registered orchards ; or
 - (b) Sold or agreed to be sold or offered for sale by him to the occupier of a registered orchard ; or
 - (c) Purchased or agreed to be purchased or offered to be purchased by him as the occupier of a registered orchard ; or
 - (d) In his possession as the occupier of a registered orchard and intended for use solely for the purpose of preventing damage to fruit by insect pests or (in the case of green bird-lime) by birds.

* See end note.

5. (1) Every person who sells any bird-lime shall effect such sale in the presence of a witness, and shall before delivery to the purchaser enter in a register to be kept by the vendor in the form set out in the Schedule hereto the particulars prescribed by the said form and obtain to such entry the signatures of the purchaser and the witness.

(2) Notwithstanding anything contained in the foregoing clause of this regulation, a sale and purchase of any bird-lime may be made by correspondence if the purchaser's signature is known to the vendor or, if not so known, is witnessed or purports to have been witnessed by a Justice of the Peace, or police officer, or by some person whose signature is known to the vendor. In such case the letter or letters ordering the substance shall be kept by the vendor, and a reference thereto shall be made in the register in the columns provided for the signature of the purchaser and the witness.

6. Every person required to keep a register as provided by Regulation 5 hereof shall permit any officer of the Police or of the Department of Agriculture or of the Department of Internal Affairs, or any ranger appointed under the Animals Protection and Game Act, 1921-22, at all reasonable times to inspect such register and to make copies of any entries therein.

7. (1) No person shall use bird-lime for the purpose of capturing or attempting to capture birds.

(2) It shall be a defence to any proceedings for a breach of this regulation if the defendant proves that the bird-lime used was the substance commonly known as green bird-lime.

8. Every person who offends against any of the provisions of these regulations is liable on summary conviction to a fine of £5, for a second offence to a fine of £10, and for any subsequent offence to a fine of £20.

9. The Bird-lime Regulations 1936* are revoked.

SCHEDULE.

The Bird-lime Regulations 1939.

RECORD OF SALES OF BIRD-LIME, GREEN BIRD-LIME, AND SIMILAR SUBSTANCES.

| Date of Sale. | Name of Purchaser. | Address of Purchaser. | Quantity sold and Kind. | Signature of Purchaser. | Signature of Witness. |
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C. A. JEFFERY,
Clerk of the Executive Council.

* Statutory Regulations 1936-7, Serial number 1937/100, page 377.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 22nd day of June, 1939.

These regulations are administered by the Department of Internal Affairs.