



PENRHYN PEARL AND PEARL SHELL (AMENDMENT) BYLAWS 1997

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this 18th day of November 1997

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to sections 15 and 16 of the Outer Islands Local Government Act 1987 and section 5 of the Marine Resources Act 1989 the Queen's Representative acting by and with the advice and consent of the Executive Council, hereby makes the following By-laws.

ANALYSIS

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| 1. Short title | 6. Pearl Shell Farming Corporate Licence a prerequisite for Cultured Pearl Shell Farming Corporate Licence |
| 2. No Pearl Shell Farming without a permit | 7. No Pearl Shell Seeding without a permit or licence |
| 3. Council may grant Pearl Shell Farming Permit | 8. New Schedules Schedules |
| 4. Heading to Part III substituted | |
| 5. Cultured Pearl Shell Farming Permit | |

BYLAWS

Bylaws to amend the Penrhyn Pearl and Pearl shell Bylaws 1993

1. Short title - These Bylaws may be cited as the Penrhyn Pearl and Pearl Shell (Amendment) Bylaws 1997, and shall be read together with and deemed part of the Penrhyn Pearl and Pearl Shell Bylaws 1993 (hereinafter referred to as the "principal Bylaws").

2. No Pearl Shell Farming without a permit - Section 9 of the principal Bylaws is amended by:

- (a) inserting in the heading, after the word "permit", the words "or corporate licence"; and
- (b) inserting in the second line after the word "Permit", the words "or Pearl Shell Farming Corporate Licence"; and
- (c) inserting after the words "Schedule IV", the words "or Schedule IV(A)".

3. Council may grant Pearl Shell Farming Permit - Section 10 of the principal Bylaws is amended by inserting after the word "Permit", in each place where it occurs, the following:

"or Pearl Shell Farming Corporate Licence".

4. Heading to Part III substituted - The heading to Part III of the principal Bylaws is repealed and the following heading is substituted:

"CULTURED PEARL SHELL FARMING PERMIT OR CORPORATE LICENCE"

5. Cultured Pearl Shell Farming Permit - Section 11 of the principal Bylaws is amended by -

- (a) inserting after the word "Permit", in each place where it occurs, the following "or Cultured Pearl Shell Farming Corporate Licence";
- (b) by inserting after the words "Schedule V", the words "or Schedule V(A)".

6. Pearl Shell Farming Corporate Licence a prerequisite for Cultured Pearl Shell Farming Corporate Licence - The principal Bylaws are amended by inserting after section 12, the following new section 12A -

"12A. Pearl Shell Farming Corporate Licence a prerequisite for Cultured Pearl Shell Farming Corporate Licence - No Cultured Pearl Shell Farming Corporate Licence shall be issued to any person unless that person holds a current Pearl Shell Farming Corporate Licence."

7. No Pearl Shell Seeding without a permit or licence - Section 13 of the principal Bylaws is amended by -

- (a) inserting in the third line after the words "Seeding Permit", the following "Cultured Pearl Shell Seeding Corporate Licence"; and
- (b) by inserting after the words "Schedules VI", the following "VI(A)".

8. New Schedules - The principal Bylaws are further amended by -
- (a) deleting Schedule 1A and substituting a new Schedule 1A ; and
 - (b) inserting after Schedule IV, a new Schedule IV(A); and
 - (c) inserting after Schedule V, a new Schedule V(A); and
 - (d) inserting after Schedule VI, a new Schedule VI(A);

as set out in these Bylaws.

P. Puna
Clerk of the Executive Council

SCHEDULE 1A

PENRHYN ISLAND COUNCIL

Sec. 4

APPLICATION FORM

A.

Type of PERMIT/LICENCE required

Tick one

- | | | |
|----|--|-------|
| 1. | PEARL SHELL FREE DIVING PERMIT | |
| 2. | PEARL SHELL FARMING PERMIT | |
| 3. | PEARL SHELL FARMING CORPORATE LICENCE | |
| 4. | CULTURED PEARL SHELL FARMING PERMIT | |
| 5. | CULTURED PEARL SHELL FARMING CORPORATE LICENCE | |
| 6. | CULTURED PEARL SHELL SEEDING PERMIT | |
| 7. | CULTURED PEARL SHELL SEEDING CORPORATE LICENCE | |
| 8. | CULTURED PEARL SHELL SEEDING LICENCE | |

REQUEST

I, of
do hereby apply for the above permit/licence.

DECLARATION

I hereby declare that I shall abide with all the conditions imposed upon me under the permit/licence. I am fully aware of the penalties imposed under the provisions, terms and conditions of the licence/permit.

Signature of/on behalf of Applicant

DATED this day of 19

B. OTHER DETAILS REQUIRED BY THE COUNCIL

(If applying for Corporate Licence, go to II)

- I.
 - 1. Applicant's date of birth
 - 2. Island/country of origin
 - 3. Outline in brief how you propose to carry out your farming operations
(With others or whether it is to be a family operation).
.....
.....
.....
.....
 - 4. Indicate the area of your choice and its approximate size.
.....
.....
 - 5. Indicate the names of your employees or members of the family who will
be authorised to dive and work on your farm.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 6. Indicate the number of diving apparatus you have for use on your farm.
.....
 - 7. Indicate the number of shells you wish to farm and seed.
.....
- II.
 - 1. Name of company:
 - 2. Address of registered office:
 - 3. Names and addresses of directors; chief executive officer or manager;
secretary; accountant; and auditor:
.....
.....
.....
.....
.....

D. MISCELLANEOUS

(If applying for a Corporate Licence, go to 2)

1. (a) A fee of \$50.00 shall accompany this application form in respect of the issuance of a permit or licence (other than a free diving permit and corporate licence) and shall not be refundable.
- (b) An annual fee of \$25.00 in respect of a permit or licence (other than a free diving permit and corporate licence) shall be payable upon the expiration of the twelve months from the date of issue of the licence or permit and that fee shall not be refundable.
2. (a) A fee of an amount agreed upon between the Applicant and the Island Council, shall accompany this application form in respect of the issuance of a corporate licence and shall not be refundable.
- (b) An annual fee of an amount agreed upon between the Applicant and the Island Council in respect of a corporate licence shall be payable upon the expiration of two years from the date of issue of the licence and that fee shall not be refundable.

SCHEDULE IV(A)

PENRHYN ISLAND COUNCIL

Sec. 9

PEARL SHELL FARMING CORPORATE LICENCE

Company's name and address (of registered office):
..... ("the Holder"), is hereby granted a Pearl Shell Farming Corporate Licence for the purposes and conditions set out below:

CONDITIONS:

1. THIS Licence is valid for a period of years commencing from the date shown below.
2. THIS Licence allows the Holder to set up a Pearl Shell Farm in the Penrhyn lagoon within the designated area.
3. THIS Licence is valid to the Holder only and shall not be transferred to any other person.
4. THIS Licence further allows the Holder to farm for spat collection within the same designated area or another area approved by the Island Council.
5. THIS Licence also allows the Holder to employ workers on its farm who shall work within the boundary of the farm.

In the absence of written verification the applicant may prove to the satisfaction of the the Island Council.

6. THE Holder is not permitted to dive or harvest pearl shells on Sunday, Christmas Day, ANZAC Day, Good Friday, Gospel Day, or when there is a death on the Island unless authorised by the Island Council.

Every Holder who contravenes this condition shall be liable to -

- (a) suspension of this Licence for such period of time as the Island Council may determine; or
- (b) cancellation of this Licence by the Island Council.

7. THE Holder is not permitted to dive or harvest pearl or pearl shells within 25 metres of public reserves or trust farms or private farm boundaries specified by the Island Council.

Every Holder who contravenes this conditions shall be liable to -

- (a) confiscation of any shell obtained; and
- (b) a fine not exceeding \$200.

The Holder shall abide and obey all other regulations and restrictions the Island Council may have given in writing in respect of this Licence and if the Holder fails to comply with any of these regulations or restrictions then this Licence shall be revoked.

8. THIS Licence is a prerequisite to a Cultured Pearl Shell Farming Corporate Licence.

9. THE Holder who fails to comply with any of the above conditions shall be liable to having this Licence revoked.

SIGNED BY
(Chairman of the Penrhyn Island Council)

DATED this day of 19

SCHEDULE V(A)

PENRHYN ISLAND COUNCIL

Sec. 11 CULTURED PEARL SHELL FARMING CORPORATE LICENCE

Company's name and address (of registered office):
..... ("the Holder"). is hereby granted a Culture Pearl Shell Farming Corporate Licence for the purposes and conditions set out below:

CONDITIONS:

1. **THIS** Licence is valid for a period of years commencing from the date shown below.
2. **THIS** Licence is valid to the Holder only and shall not be transferred to any other person without the approval of the Island Council first had and obtained.
3. **THIS** Licence allows the Holder to set up a Pearl Shell Farm for the purpose of culturing artificially made pearls. This Licence is a prerequisite to granting a Seeding Licence to any technician with whom the Holder wishes to employ on the Holder's farm, and approved by the Island Council.
4. **THIS** Licence allows the Holder to have its prepared shells transferred for seeding to the designated seeding station as approved by the Island Council and be returned thereafter.
5. **THIS** Licence is only valid for and within the designated area required by the Holder as approved by the Island Council.

In the absence of written verification the applicant may prove to the satisfaction of the Island Council.

6. **THE** Holder is not permitted to dive or harvest pearl shells on Sunday, Christmas Day, ANZAC Day, Good Friday, Gospel Day, or when there is a death on the Island unless authorised by the Island Council.

Every Holder who contravenes this condition shall be liable to -

- (a) suspension of this Licence for such period of time as the Island Council may determine; or
- (b) cancellation of this Licence by the Island Council.

7. **THE** Holder is not permitted to dive or harvest pearl or pearl shells within 25 metres of public reserves or trust farms or private farm boundaries specified by the Island Council.

Every Holder who contravenes this condition shall be liable to -

- (a) confiscation of any shell obtained; and
- (b) a fine not exceeding \$200.

8. THE The Holder shall abide and obey all other regulations and restrictions the Island Council may have given in writing in respect of this Licence and if the Holder fails to comply with any of these regulations or restrictions then this Licence shall be revoked.

SIGNED BY
(Chairman of the Penrhyn Island Council)

DATED this day of 19

SCHEDULE VI(A)

PENRHYN ISLAND COUNCIL

Sec. 13 CULTURED PEARL SHELL SEEDING CORPORATE LICENCE

Company's name and address (of registered office):
..... ("the Holder"). is hereby granted a Cultured Pearl Shell Seeding Corporate Licence for the purposes and conditions set out below:

CONDITIONS:

1. **THIS** Licence is valid for a period of months commencing from the date shown below.
2. **THIS** Licence is valid to the Holder only and shall not be transferred to any other person without the approval of the Island Council first had and obtained.
3. **THIS** Licence allows the Holder to artificially seed any of the Holder's prepared pearl shell in the Penrhyn lagoon.
4. **THE** Holder shall declare the number of shells seeded for the Holder and submit in writing a record of all other shells seeded under the same licence.
5. **THE** Holder is not permitted to dive or harvest pearl shells on Sunday, Christmas Day, ANZAC Day, Good Friday, Gospel Day, or when there is a death on the Island unless authorised by the Island Council.

Every Holder who contravenes this condition shall be liable to -

- (a) suspension of this Licence for such period of time as the Island Council may determine; or
- (b) cancellation of this Licence by the Island Council.

6. **THE** Holder is not permitted to dive or harvest pearl or pearl shells within 25 metres of public reserves or trust farms or private farm boundaries specified by the Island Council.

Every Holder who contravenes this condition shall be liable to -

- (a) confiscation of any shell obtained; and
- (b) a fine not exceeding \$200.

7. **THE** The Holder shall abide and obey all other regulations and restrictions the Island Council may have given in writing in respect of this Licence and if the Holder fails to comply with any of these regulations or restrictions then this Licence shall be revoked.

SIGNED BY
(Chairman of the Penrhyn Island Council)

DATED this day of 19