

1967/119



**THE COMMERCIAL FISHING REGULATIONS 1963,  
AMENDMENT NO. 2**

BERNARD FERGUSSON, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 7th day of June 1967

**Present:**

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Commercial Fishing Regulations 1963, Amendment No. 2, and shall be read together with and deemed part of the Commercial Fishing Regulations 1963\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

**2. Additional definitions inserted**—Regulation 2 of the principal regulations is hereby amended by inserting in their appropriate alphabetical order, the following definitions:

“‘Crayfish’ includes any part of a crayfish:

“‘Port of landing’, in relation to any registered fishing boat permitted to be used in fishing for crayfish, means the port or place at which the boat’s catch of crayfish is to be landed in accordance with section 17 of the Amendment Act:”.

**3. Fee for transferring registration**—Regulation 13 of the principal regulations is hereby amended by adding to subclause (1) the following paragraph:

“(e) Transfer of registration from one port or place of registry to another pursuant to regulation 26A of these regulations ..... 5 0 0”.

\*S.R. 1963/196  
Amendment No. 1: S.R. 1967/6

**4. Additional fees in respect of fishing permits**—Regulation 15 of the principal regulations is hereby amended by adding to subclause (1) (as substituted by regulation 4 of the Commercial Fishing Regulations 1963, Amendment No. 1) the following paragraphs:

- “(f) Noting on a boat-fishing permit any change of port of landing pursuant to regulation 26B of these regulations ..... 5 0 0
- “(g) Noting on a boat-fishing permit a transfer of registration from one port or place of registry to another pursuant to regulation 26A of these regulations ..... No fee”.

**5. Issue of fishing permits**—Regulation 20 of the principal regulations is hereby amended by omitting from subclause (1) the words “after the 7th day of December of the immediately preceding year”.

**6. New regulations inserted**—The principal regulations are hereby amended by inserting after regulation 26 the following regulations:

“26A. **Transfer of registration**—(1) Any owner of a registered fishing boat desiring to transfer the registration of his boat from the port or place of registry specified in his certificate of registry may make application in that behalf in writing to the Superintendent at the port or place of registry at which he desires his boat to be registered.

“(2) On receipt of the application, together with the owner’s certificate of registry, boat-fishing permit, and the prescribed fee, the Superintendent shall immediately notify the Superintendent at the port or place of registry specified in the owner’s certificate of registry that that owner has applied for a transfer of registration. The last-mentioned Superintendent shall then remove the register copy of the owner’s certificate of register from his register and forward it to the Superintendent of the port or place of registry to which the application was made, who shall then, if the application conforms with these regulations, amend the register copy of the certificate of registry and the owner’s boat-fishing permit and copy of the certificate of registry to show the boat’s new port or place of registry and enter the amended register copy of the certificate in the appropriate place in his register.

“(3) The Superintendent to whom application under this section was made shall return the certificate of registry and boat-fishing permit to the owner named in them as soon as he has completed the formalities prescribed by subclause (2) of this regulation.

“(4) Transfer of registration under this regulation shall be deemed to have been completed only when the owner of the fishing boat has had the amended certificate of registry returned to him or has received notification that the transfer of registration has been effected.

“26B. **Change in port of landing**—(1) Any owner of a registered fishing boat lawfully engaged in crayfishing desiring to land the crayfish taken by him at a port of landing other than the one for the time being specified in his boat-fishing permit pursuant to section 17 of the Amendment Act may make application in writing in that behalf to the Superintendent at the boat’s port or place of registry.

“(2) On receipt of the application, together with the owner’s boat-fishing permit and the prescribed fee, the Superintendent shall, if the port of landing named in the application is within the area of his

registry, immediately approve the application and amend the owner's boat-fishing permit to show the new port of landing at which crayfish may be landed, and shall return the permit to the owner.

"(3) Nothing in this regulation shall be construed—

- "(a) To require any Superintendent to amend a boat-fishing permit in respect of a registered fishing-boat in the manner provided for in this regulation, unless the boat is currently registered at the port or place where he is the Superintendent, and unless the port of landing at which the owner has applied under this regulation to land crayfish is one for the time being approved by the Secretary for Marine as a port or place where crayfish may be landed; or
- "(b) To affect the provisions of Part VIII of the Fisheries (General) Regulations 1951\* in so far as they relate to the ports or places for landing crayfish specified in that Part."

**7. Underwater breathing apparatus**—Regulation 29 of the principal regulations (as substituted by regulation 8 of the Commercial Fishing Regulations 1963, Amendment No. 1) is hereby amended—

- (a) By omitting from subclause (2) the words "in an approved container by an approved person, and in no case shall he cause the container seal to be broken and the apparatus to be removed from its container", and substituting the words "by an approved person, and in no case shall he cause the seal to be broken":
- (b) By omitting from subclause (3) the words "in its container":
- (c) By omitting from subclause (5) the words "or any container".

T. J. SHERRARD,  
Clerk of the Executive Council.

\*S.R. 1950/147 (Reprinted with Amendments Nos. 1 to 8: S.R. 1966/20)

#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

Regulation 2 inserts definitions of "crayfish" and "port of landing" in relation to the landing of crayfish.

Regulations 3 and 4 prescribe the fees to be charged by any Superintendent receiving an application under regulation 3.

Regulation 5 is intended to facilitate the administrative procedure involved in issuing permits under the principal regulations.

Regulation 6 is intended to enable the owner of a registered fishing boat to transfer the registration of his boat from one port or place of registry to another, and to enable the owner of a registered fishing boat engaged in cray-fishing to apply to the Superintendent of the port or place at which his boat is registered to approve a change in the port at which he is permitted to land crayfish.

Regulation 7 amends regulation 29 of the principal regulations and makes it unnecessary for the master of a registered fishing boat to carry underwater-breathing apparatus in an approved container. The apparatus will still have to be sealed by an approved person.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 June 1967.

These regulations are administered in the Marine Department.