

1978/63



EXCLUSIVE ECONOMIC ZONE (FOREIGN FISHING CRAFT) REGULATIONS 1978

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of March 1978

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 22 of the Territorial Sea and Exclusive Economic Zone Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- | | | |
|--|---|--|
| 1. Title and commencement | <i>Control of Licensed Craft in the
Exclusive Economic Zone</i> | |
| 2. Interpretation | | |
| <i>Administration</i> | | |
| 3. Approval of National Fisheries Representative | | |
| 4. Communications to be made through National Fisheries Representative | | |
| 5. Fishing plan | | |
| <i>Licensing of Foreign Fishing Craft</i> | | |
| 6. Application for licence | | |
| 7. Additional information | | |
| 8. Minister may require application to be in pursuance of fishing plan | | |
| 9. Issue of licence | | |
| 10. Licence fees | | |
| 11. Endorsement of variation of licence | | |
| 12. Suspension of licence | | |
| 13. Cancellation of licence | | |
| 14. Effect of action not affected | | |
| 15. Production of licence | | |
| 16. Licence to be kept on craft | | |
| 17. Duplicate licence | | |
| | | 18. Notice of intention to enter zone |
| | | 19. Compulsory port inspection on entry to zone |
| | | 20. Compulsory port inspection before leaving zone |
| | | 21. Exemption from port inspection |
| | | 22. Port calls following clearance to fish |
| | | 23. Flags |
| | | 24. Markings |
| | | 25. Lighting |
| | | 26. Records |
| | | 27. Interpreters |
| | | 28. Methods of communication |
| | | 29. Reporting |
| | | 30. Notification of completion of quota |
| | | 31. Restrictions on trawling and bottom-lining |
| | | 32. Stowage of gear |
| | | 33. Avoidance of set gear |
| | | 34. Trans-shipment of catch |
| | 35. Landing of fish | |
| | 36. Interference with fisheries | |

<i>Enforcement</i>
37. General powers of enforcement officers in respect of licensed craft
38. Facilities for observers and enforcement officers
39. Safety of New Zealand officials
40. Compliance with instructions
41. Bonds
42. Administrative penalties

<i>Miscellaneous Provisions</i>
43. Regulations to be read subject to conditions of licence
44. Offences
45. Extensions of time
46. Service of communications
47. Revocations Schedules

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978.

(2) These regulations shall come into force on the 1st day of April 1978.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Approved fishing plan” means a fishing plan for the time being approved by the Minister under regulation 5 (4) of these regulations:

“Call sign” means International Radio Call Sign:

“Country of registration” means the state in which a craft is recognised at international law as being registered:

“Craft” includes all equipment on board or used by a craft:

“Director-General” means the Director-General of Agriculture and Fisheries:

“Enforcement officer” means—

(a) Any officer specified in section 24 (16) of the Act:

(b) Any officer of the New Zealand Naval Forces of the rank of Midshipman or above:

(c) Any other member of the New Zealand Armed Forces authorised in writing for the time being by the Chief of Defence Staff to be an enforcement officer for the purposes of these regulations:

“Equipment” includes instruments and fishing gear:

“Fishing log” means a fishing log required to be maintained on a licensed craft under regulation 26 (2) of these regulations:

“Inspection port”, in relation to any particular foreign fishing craft, means any New Zealand port that the Minister has, by notification to the owner, licensee, or master of the craft, or to the National Fisheries Representative of the craft, designated as an inspection port for the purposes of these regulations:

“Licensed craft” means a licensed foreign fishing craft:

“National Fisheries Representative”, in relation to any foreign fishing craft, means the National Fisheries Representative approved for the time being for that craft by the Minister of Foreign Affairs under regulation 3 of these regulations:

“NZST” means New Zealand Standard Time:

“Ship’s log” means a ship’s log required to be maintained on a licensed craft under regulation 26 (1) of these regulations:

“Trawling” means drawing a net (not being a Danish seine net) by one or more craft under way.

Administration

3. Approval of National Fisheries Representative—Where, under section 13 (1) of the Act, the Minister has for the time being made an apportionment of the allowable catch for foreign fishing craft in respect of a fishery in the exclusive economic zone—

- (a) The government of any country to which the apportionment applies shall nominate for the approval of the Minister of Foreign Affairs a specified individual to be the National Fisheries Representative, for the purposes of these regulations, for the fishing craft of that country; and
- (b) The Minister of Foreign Affairs may approve accordingly the individual so nominated.

4. Communications to be made through National Fisheries Representative—Unless in any particular case the Minister or the Director-General otherwise authorises, every notice, other document, or communication that is to be served on or given to the Minister or the Director-General in respect of any foreign fishing craft or of any licensee, owner, master, or crew member of any foreign fishing craft, shall be served, or given, through the National Fisheries Representative to the Director-General at Wellington.

5. Fishing plan—(1) For the purposes of these regulations, the National Fisheries Representative of any country in respect of which the Minister has made an apportionment of the allowable catch for foreign fishing craft under section 13 (1) of the Act in respect of any fishery in the exclusive economic zone may from time to time submit to the Minister a fishing plan that complies with this regulation.

(2) Every fishing plan shall be in the English language in the form of a memorandum, and shall outline the proposals for taking from the fishery the apportionment that has been made in respect of that country, including the following information:

- (a) The areas in the exclusive economic zone within which fishing will be carried out by fishing craft of that country;
- (b) An estimate of the number of fishing craft from that country that will be engaged;
- (c) The estimated times of arrival in and departure from the exclusive economic zone of such fishing craft;
- (d) The proposed duration of the fishing plan;
- (e) An outline of the likely calls into New Zealand ports to be made by the fishing craft of that country during the duration of the fishing plan;
- (f) An outline of all proposed trans-shipments of fish from the fishing craft of that country to other craft in the exclusive economic zone, during the duration of the fishing plan (including an estimate of the number and nature of such other craft involved, and of the times and places of trans-shipment);
- (g) An outline of all proposed landings of fish in New Zealand from the fishing craft of that country during the duration of the fishing plan;
- (h) An outline of all other proposed operations in support of the fishing craft of that country in the exclusive economic zone during the duration of the fishing plan;

(i) Such other information as the Minister may reasonably require in order to exercise his powers under section 15 of the Act.

(3) The National Fisheries Representative of any country in respect of which a fishing plan has been submitted under this regulation may from time to time submit, in the same manner, any proposal to vary or revise that fishing plan.

(4) The Minister may from time to time approve any fishing plan submitted to him under this regulation, or any proposal to vary that plan.

(5) In approving a fishing plan, or a proposal to vary a fishing plan, the Minister may specify the time for which the approval shall remain in force.

(6) The Minister may from time to time, of his own motion, vary or suspend any approved fishing plan, or cancel his approval of any fishing plan.

(7) The approval of a fishing plan shall not be construed to limit any power of the Minister relating to the licensing of any foreign fishing craft.

Licensing of Foreign Fishing Craft

6. Application for licence—Every application for a licence in respect of a foreign fishing craft shall be made to the Minister in the form specified in Form 1 of the First Schedule to these regulations or in such other form as the Minister may in any particular case or class of cases authorise.

7. Additional information—Before determining any application for a licence, the Minister may require to be submitted to him in respect of the application such further information, not contained in or attached to the application, as is reasonably necessary or expedient in order to exercise his powers under section 15 of the Act.

8. Minister may require application to be in pursuance of fishing plan—Without limiting the powers of the Minister under the Act, he may refuse to consider or grant an application for a licence—

- (a) If there is no approved fishing plan for the country of the foreign fishing craft in respect of which the application is made; or
- (b) If the application is made otherwise than in pursuance of the fishing plan for that country.

9. Issue of licence—On granting a licence, the Minister may issue a licence, in the form specified in Form 2 of the First Schedule to these regulations, to the owner of the foreign fishing craft in respect of which the licence is granted.

10. Licence fees—The Minister may refuse to issue a licence until the prescribed fee for it has been paid.

11. Endorsement of variation of licence—(1) Where under section 17 of the Act the Minister has varied the licence of any foreign fishing craft, and the Director-General has required the licensee or the master of the craft to deliver the licence to the Director-General at Wellington

for endorsement accordingly, that owner or master shall do so within 72 hours after the craft next enters a New Zealand port.

(2) After a licence has been endorsed under this regulation, it shall be returned to the licensee or master of the licensed craft.

12. Suspension of licence—(1) Where under section 20 of the Act, the Minister suspends any licence or class of licence, every licensee to whom the suspension applies shall within 72 hours after receiving notice of the suspension surrender his licence to the Director-General.

(2) On the expiry of the period of any suspension of a licence, it shall be returned to the licensee.

13. Cancellation of licence—Where under section 20 of the Act, the Minister cancels any licence or class of licence, every licensee to whom the cancellation applies shall within 72 hours after receiving notice of the cancellation surrender his licence to the Director-General.

14. Effect of action not affected—Nothing in regulation 11, regulation 12, or regulation 13 of these regulations shall be construed to limit the effect of any variation, suspension, or cancellation of a licence.

15. Production of licence—Every master of a licensed craft in New Zealand fisheries waters shall, on the demand of any enforcement officer, produce to that officer for inspection the licence issued in respect of the craft.

16. Licence to be kept on craft—Except as provided in regulation 11, regulation 12, regulation 13, and regulation 15 of these regulations, every licence shall be maintained in good condition on the foreign fishing craft in respect of which it is issued, in a place where it can be readily inspected by an enforcement officer and is safe from the elements.

17. Duplicate licence—The Minister may from time to time, where—

- (a) He is satisfied that a licence has been accidentally lost, destroyed, or so damaged as to be illegible; or
 - (b) For any other reason he considers it desirable to do so—
- issue a duplicate licence to the licensee.

Control of Licensed Craft in the Exclusive Economic Zone

18. Notice of intention to enter zone—(1) No foreign fishing craft to which this regulation applies shall enter the exclusive economic zone from the high seas unless, not less than 24 hours before its entry, the Director-General has been notified of the following matters:

- (a) The name, call sign, and country of registration of the craft;
- (b) The latitude and longitude of the point at which the craft will enter the exclusive economic zone;
- (c) The port to which the craft will proceed for inspection under regulation 19 of these regulations;
- (d) The species of fish on board the craft, and the quantity and condition of each species.

(2) This regulation applies to—

- (a) Any foreign fishing craft entering the exclusive economic zone in furtherance of or for the purpose of making an application for a licence; and
- (b) Any licensed craft.

19. Compulsory port inspection on entry to zone—(1) Every craft to which regulation 18 of these regulations applies shall, on entering the exclusive economic zone from the high seas, proceed directly and immediately to an inspection port.

(2) No licensed craft shall be used for fishing in the exclusive economic zone except in pursuance of a clearance to fish in the zone given by an enforcement officer at an inspection port to which the craft has proceeded under subclause (1) of this regulation.

20. Compulsory port inspection before leaving zone—(1) No licensed craft shall enter the high seas from the exclusive economic zone except in pursuance of a clearance to leave the zone given by an enforcement officer at an inspection port.

(2) Every licensed craft in respect of which a clearance has been given under subclause (1) of this regulation shall, on leaving the inspection port at which the clearance is given, proceed expeditiously to the high seas.

(3) No licensed craft in respect of which a clearance has been given under subclause (1) of this regulation shall be used for fishing in the exclusive economic zone before it enters the high seas.

21. Exemption from port inspection—The Director-General may in any particular case or class of cases exempt a licensed craft from compliance with any provision of regulations 19 and 20 of these regulations, on such conditions (if any) as he may specify.

22. Port calls following clearance to fish—Where a licensed craft wishes to enter a New Zealand port after it has been given a clearance under regulation 19 of these regulations to fish in the exclusive economic zone but before it has been given a clearance under regulation 20 of these regulations to leave the zone, the Director-General shall be notified not less than 24 hours before its intended entry of the following matters:

- (a) The name, call sign, and country of registration of the craft;
- (b) The intended port of entry;
- (c) The purpose of the intended entry.

23. Flags—Every licensed craft shall, at all times while it is in New Zealand fisheries waters, fly the flag of its country of registration.

24. Markings—(1) Every licensed craft shall, at all times while it is in New Zealand fisheries waters, display its call sign in block Roman alphabet letters, in white markings on a black background or in black markings on a white background, on the port and the starboard side of the hull in such a manner that the markings are clearly visible and legible from the air and at sea level.

(2) Without limiting the requirements of subclause (1) of this regulation—

- (a) In the case of a licensed craft whose overall length exceeds 20 metres, the lettering required to be displayed under that subclause shall be not less than one metre in height; and
 - (b) In the case of a licensed craft whose overall length does not exceed 20 metres, the lettering required to be displayed under that subclause shall be not less than 50 centimetres in height.
- (3) No licensed craft shall use for fishing in the exclusive economic zone any fishing equipment that cannot be readily seen to be attached to the craft, unless the equipment is permanently and legibly marked with the call sign of the craft in such a manner that it can be readily identified as being used by that craft.

25. Lighting—Every licensed craft shall in the exclusive economic zone display lights and shapes in compliance with the requirements of the International Regulations for Preventing Collisions at Sea for the craft and the activity in which it is engaged.

26. Records—(1) Every master of a licensed craft shall maintain in the English language on board the craft, at all times while the craft is in New Zealand fisheries waters, a ship's log and shall enter in that log a record of the date, time, and nature of every instruction, direction, or requirement communicated to the master by the Minister, the Director-General, or an enforcement officer while the craft is in New Zealand fisheries waters.

(2) Every master of a licensed craft shall maintain in the English language on board the craft, at all times while the craft is in New Zealand fisheries waters, a separate fishing log in which he shall enter daily, whenever the craft is in the exclusive economic zone, the following information relating to the activities of the craft during that day:

- (a) The fishing effort of the craft;
- (b) The methods of fishing used;
- (c) The areas in which fishing was undertaken;
- (d) The species of fish taken, and the quantity and condition of each species;
- (e) The species of fish returned from the craft to the sea, and the quantity and condition of each species;
- (f) Such other information as the Director-General may reasonably require in order to ascertain the fishing activities of that craft in the exclusive economic zone.

(3) Every fishing log shall be maintained in a form supplied or approved by the Director-General.

(4) Every master of a licensed craft shall, within 72 hours after each occasion on which the craft enters a New Zealand port, forward so much of the fishing log as is then completed to the Director-General.

27. Interpreters—(1) Every licensed craft shall, at all times while it is in New Zealand fisheries waters, have on board a person who is able to converse effectively in English and to act as an interpreter from English into the language of the master of the craft and from that other language into English.

(2) The Director-General may in any particular case or class of cases exempt a licensed craft from compliance with subclause (1) of this regulation, on such conditions (if any) as he may specify.

28. Methods of communication—(1) Every licensed craft in New Zealand fisheries waters shall carry the latest edition of the “International Code of Signals” published by the Inter-Governmental Maritime Consultative Organisation Marine Safety Committee.

(2) Every person who is a master or officer of a licensed craft shall have a working knowledge of the Code.

(3) In every communication by radio, flag, or light between any licensed craft in New Zealand fisheries waters and any New Zealand authority, the signals specified in the Code shall be used.

29. Reporting—(1) Every licensed craft shall, so long as it is in New Zealand fisheries waters, report to the Director-General within 24 hours after the appropriate times specified in subclause (2) of this regulation the following information:

(a) The name, call sign, and country of registration of the craft:

(b) Its position at that specified time.

(2) The times referred to in subclause (1) of this regulation are—

(a) In the case of a licensed craft that is authorised to fish in the exclusive economic zone by trawling, purse-seining, or long-lining, 1200 hours NZST daily:

(b) In every other case, 1200 hours NZST every Tuesday.

(3) Every licensed craft, so long as it is in New Zealand fisheries waters, shall within 60 hours after 2400 hours NZST every Sunday report to the Director-General the following information:

(a) The name, call sign, and country of registration of the craft:

(b) The position of the craft at the time of reporting:

(c) The species of fish (including all fish returned to the sea, and the quantity of each species) taken by the craft in the exclusive economic zone during the period of 7 days ending at 2400 hours NZST on that Sunday and the areas in which they were taken.

30. Notification of completion of quota—Every National Fisheries Representative shall notify the Director-General forthwith—

(a) Of the completion of the taking of so much of the allowable catch in respect of any fishery in the exclusive economic zone as has been apportioned to the fishing craft of his country:

(b) Of the completion of the taking of so much of that apportionment as may only be taken in a specified area or by a specified method in the exclusive economic zone.

31. Restrictions on trawling and bottom-lining—No licensed craft shall be used in fishing by trawling or bottom-lining in any area specified in the Second Schedule to these regulations.

32. Stowage of gear—(1) All fishing equipment on board a foreign fishing craft in New Zealand fisheries waters shall be stowed in such a manner that it is not readily available for use for fishing.

(2) Subclause (1) of this regulation shall not apply to—

(a) A licensed craft that is in the exclusive economic zone in an area in which it may be used for fishing pursuant to its licence; or

(b) Any other foreign fishing craft in an area in New Zealand fisheries waters in which it may lawfully be used for fishing.

33. Avoidance of set gear—Every master of a foreign fishing craft in the exclusive economic zone shall ensure that a distance of not less than one-half of a nautical mile is maintained at all times between the craft and any fishing equipment (other than equipment from the craft) that—

- (a) Has been set in the sea; and
- (b) Has been marked so as to be visible to persons on board any craft navigating within one-half of a nautical mile of the set gear.

34. Trans-shipment of catch—(1) No fish shall be trans-shipped from a foreign fishing craft in New Zealand fisheries waters to any other craft, except at a place and time authorised for the purpose by the Director-General, and in accordance with such conditions (if any) as he may specify.

(2) Subclause (1) of this regulation shall not apply to a trans-shipment at the direction of an enforcement officer.

35. Landing of fish—No fish shall be landed in New Zealand from a licensed craft without the authorisation of the Director-General and in accordance with such conditions (if any) as he may specify.

36. Interference with fisheries—No living organism, article, or substance (other than fishing equipment or bait) that is likely—

- (a) To cause harm to any fish or marine mammal; or
- (b) To obstruct fishing equipment; or
- (c) To become a hazard to navigation—

shall be put or released into the sea of the exclusive economic zone from a foreign fishing craft.

Enforcement

37. General powers of enforcement officers in respect of licensed craft—Any enforcement officer may at any time in New Zealand fisheries waters, with the aid of such assistants as he considers to be necessary for the purpose—

- (a) Require the master or any other crew member of any licensed craft to inform him of the name, call sign, and country of registration of the craft, and the name of the master or any other crew member; and
- (b) Require the master of the craft to produce the ship's log or fishing log to him for inspection and for the making of a copy or transcript for retention by the enforcement officer; and
- (c) Make any entry (being an entry dated and signed by him) in the ship's log; and
- (d) Subject to any other applicable New Zealand law, give to the master such directions as he thinks fit as to the stowing and sealing, or the landing on shore, of any equipment on board the craft that contravenes or is being used in contravention of any condition of the licence issued in respect of the craft or of any New Zealand law that is applicable to the craft; and
- (e) Give such other directions as are necessary or reasonably expedient to the master or any other crew member of the craft for any purpose specified in these regulations or to

provide for the compliance by the craft or the master or any other crew member with the conditions of the licence or any New Zealand law applicable to the craft.

38. Facilities for observers and enforcement officers—(1) Every master of a licensed craft in New Zealand fisheries waters—

- (a) Whenever required to do so by the Director-General, shall allow any person authorised by the Director-General for the purpose to board and remain on the craft as an observer while it is in New Zealand fisheries waters; and
- (b) Whenever required to do so by the Director-General or an enforcement officer, shall allow any enforcement officer to board and remain on the craft while it is in New Zealand fisheries waters.

(2) Every master of a licensed craft in New Zealand fisheries waters shall, whenever required to do so by the Director-General or an enforcement officer, proceed to any New Zealand port or to any other place in New Zealand fisheries waters for the purpose of embarking or disembarking any observer or enforcement officer.

(3) At all times while any observer or enforcement officer is on board a licensed craft pursuant to this regulation, the master—

- (a) Shall allow the observer or enforcement officer full access to all equipment and records, and documents, and to all fish on board the craft; and
- (b) Shall permit the observer or enforcement officer to make such tests, observations, and records, and take and remove such samples as he may require in order to determine the nature and extent of the activities of the craft in New Zealand fisheries waters; and
- (c) Shall provide for the observer or enforcement officer all reasonable assistance to enable him to do any act specified in paragraphs (a) and (b) of this subclause; and
- (d) Shall provide food and accommodation, at least equivalent to the standard of that provided for the officers of the craft, for the observer or the enforcement officer.

(4) No compensation shall be payable by the Crown to the licensee or master of a foreign fishing craft for the costs of complying with subclause (1), subclause (2), or subclause (3) of this regulation.

(5) Nothing in this regulation shall be construed to limit any other powers conferred on an observer or enforcement officer in respect of any foreign fishing craft or its catch.

39. Safety of New Zealand officials—Every person who is a master or crew member of a foreign fishing craft, shall take all reasonable precautions for the safety of every enforcement officer, assistant of an enforcement officer, or observer who is boarding, on board, or leaving the craft in New Zealand fisheries waters.

40. Compliance with instructions—Every person who is a master or crew member of a foreign fishing craft in New Zealand fisheries waters shall immediately comply with every instruction, direction, or requirement that is given or made to him by an enforcement officer pursuant to these regulations.

41. Bonds—For the purposes of section 25 (2) of the Act, every bond shall be in the form specified in Form 3 of the First Schedule to these regulations.

42. Administrative penalties—For the purposes of section 26 of the Act—

- (a) A notice under subsection (1) of that section shall be in the form specified in Form 4 of the First Schedule to these regulations; and
- (b) A notice under subsection (3) of that section shall be in the form specified in Form 5 of the First Schedule to these regulations; and
- (c) A notice under subsection (7) of that section shall be in the form specified in Form 6 of the First Schedule to these regulations.

Miscellaneous Provisions

43. Regulations to be read subject to conditions of licence—In relation to a licensed craft, the provisions of these regulations shall be read subject to any condition of the licence issued in respect of that craft.

44. Offences—(1) Where any provision of these regulations is contravened or is not complied with in respect of any foreign fishing craft to which it applies, the master of the craft commits an offence against these regulations, and is liable on summary conviction to a fine not exceeding \$10,000.

(2) Every crew member (other than the master) of a foreign fishing craft who contravenes or fails to comply with any provision of these regulations that applies to that other crew member commits an offence against these regulations, and is liable on summary conviction to a fine not exceeding \$1,000.

(3) In any proceedings under these regulations in which any person is charged with having contravened or having failed to comply with any provision of these regulations, it shall be a defence to the charge if the defendant proves that any material act or omission complained of was done or made and was reasonably necessary for the purpose of—

- (a) Saving human life; or
- (b) Obtaining emergency medical assistance for any person; or
- (c) Averting imminent danger to the safety of any craft.

45. Extensions of time—Where any time limit is prescribed in these regulations for doing any thing, the Director-General may in any particular case if he thinks it is proper to do so extend that time limit.

46. Service of communications—(1) Without limiting any other method of service, delivery, or communication, any notice or other document or communication that is to be or may be served or given by the Minister or by the Director-General or by any enforcement officer to any person under the Act or under these regulations in respect of any foreign fishing craft may be served or given by being delivered or

communicated, as the case requires, to the National Fisheries Representative for that craft and in such a case it shall be deemed to have been served or given at the time when it is so delivered or communicated to the National Fisheries Representative.

(2) Any notice or other document or communication referred to in subclause (1) of this regulation may be served or given by being sent in a registered letter addressed to a National Fisheries Representative or (in the case of any other method of service, delivery, or communication, to any other person on or to whom it is to be served, delivered or communicated) in which case it shall be deemed to have been duly received at the time when it would have been received in the ordinary course of post.

47. Revocations—The following regulations are hereby declared to be revoked in consequence of the coming into force of Part II of the Act:

- (a) The Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977*:
- (b) The Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977, Amendment No. 1†:
- (c) The Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977, Amendment No. 2§:
- (d) The Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977, Amendment No. 3||.

*S.R. 1977/246
†S.R. 1977/279
§S.R. 1977/291
||S.R. 1978/49

SCHEDULES

FIRST SCHEDULE

FORMS

Reg. 6

FORM 1

Application for licence

To: The Minister of Fisheries.

1. I hereby apply for a licence under section 15 of the Territorial Sea and Exclusive Economic Zone Act 1977 in respect of the following foreign fishing craft:

- (a) Name of craft:
- (b) Country of registration:
- (c) Radio call sign:
- (d) Registration number:
- (e) Owner:
- (f) Address of owner:
- (g) Occupation of owner:
- (h) Master:
- (i) Address of master:
- (j) Number of officers:
- (k) Number of crew members.

2. The technical specifications of the craft and its equipment are as set out in the attached annex.

3. I desire the licence for the period commencing on the day of 19..... and expiring with the day of 19.....

4. The purposes for which the licence is required are as follows:

.....
.....
.....

[Specify species of fish sought, areas in which it is proposed to carry on fishing, and methods of fishing to be used, and estimated number of fishing days in zone.]

Dated this day of 19.....

.....
Applicant.

FIRST SCHEDULE—*continued*

FORM 2

Reg. 9

Licence to Fish in the Exclusive Economic Zone

1. This licence is issued pursuant to section 15 of the Territorial Sea and Exclusive Economic Zone Act 1977.

2. The foreign fishing craft described hereunder is hereby licensed to be used for fishing in the exclusive economic zone (for the period specified in paragraph 4 of this licence*), for the purposes specified in paragraph 3 of this licence and in accordance with the conditions set out in the Schedule to this licence and subject to all New Zealand laws that apply to the craft in the zone:

Description of Craft

Name of craft:	Name of owner:
Type of craft:	Country of registration:
Registration number:	Overall length:
Gross tonnage:	International radio call sign:
Name of master:

3. The purposes for which the craft may be used for fishing in the zone are as follows:

.....
.....

4. Subject to the Act, this licence is valid from the day of 19..... to the day of 19..... (inclusive).*

5. This licence is not transferable.

SCHEDULE

[*Insert conditions of licence*]

Dated this day of 19.....

.....
Minister of Fisheries

*Delete if inapplicable.



FIRST SCHEDULE—continued

Reg. 41

FORM 3

Bond To Secure Surrender Of Craft For Forfeiture

KNOW all men by these presents that of..... is (are)* held and firmly bound to Her Majesty the Queen in the sum of \$..... for the payment of which sum to Her Majesty the Queen the said does (do jointly and severally*) bind himself (themselves*) (itself*) and his (their*) (its*) (executors and administrators*) (successors*) firmly by these presents.

WHEREAS (hereinafter called the defendant), is the licensee (owner*) (master*) of [name of craft] a foreign fishing craft registered in [country of registration] (under number*) (in respect of which Licence No. has been issued under section 15 of the Territorial Sea and Exclusive Economic Zone Act 1977*):

AND WHEREAS an information (charge*) has been laid against the defendant in the Magistrate's Court at under No. [specify number of information or charge]:

NOW THE CONDITION OF THE ABOVE-WRITTEN BOND is such that if—

- (a) The defendant is found not guilty of the information or charge; or
- (b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court and the amount of all costs due by him to the Crown under section 24 (12) of the Act, and the foreign fishing craft is within that time surrendered to the Crown for forfeiture—

then the above-written obligation shall be of no effect, but that otherwise it shall remain in full force and effect.

Dated at this day of 19

Signed by the above-named	}
in the presence of [or as the case may require, in the case of a company]		

*Delete if inapplicable

FIRST SCHEDULE—*continued*

FORM 4

Reg. 42 (a)

Notice of Alleged Offence

No.

IN THE MATTER of section 26 of
the Territorial Sea and Exclusive
Economic Zone Act 1977

To:
.....
.....

1. TAKE NOTICE that I have reasonable cause to believe that on day the day of 19..... at you committed an offence against [*specify section or regulation applicable*] in that you [*specify brief details of alleged offence*], being an offence relating to fishing within the exclusive economic zone which I consider appropriate to be dealt with under section 26 of the Territorial Sea and Exclusive Economic Zone Act 1977.

2. The following is a summary of the facts on which this allegation is based:

.....
.....
.....

[*Specify a sufficient summary to fully and fairly inform recipient of allegation against him.*]

3. I consider the following matters to be relevant to the imposition of a penalty in this case:

.....
.....
.....

4. This notice is served on you pursuant to section 26 (1) of the Territorial Sea and Exclusive Economic Zone Act 1977. The provisions of that section are set out in full on the reverse side of this notice.

Dated this day of 19.....

.....
Minister of Fisheries.

[*REVERSE SIDE—Section 26 of the Act is to be set out in full.*]

Reg. 42 (b)

FORM 5

Notice Requiring Proceedings to be Dealt with in Court

To: The Minister of Fisheries
Wellington.

TAKE NOTICE that I require that any proceedings in respect of the alleged offence referred to in your Notice Number, served on me under section 26 (1) of the Territorial Sea and Exclusive Economic Zone Act 1977, shall be dealt with before a Court.

Dated this day of 19.....

.....
(Signature)

FIRST SCHEDULE—*continued*

Reg. 42 (c)

FORM 6

Notice of Imposition of Administrative Penalty

No.

IN THE MATTER of section 26 of
the Territorial Sea and Exclusive
Economic Zone Act 1977

To:

.....

.....

1. TAKE NOTICE that I have on the day of 19..... imposed on you a monetary penalty of \$..... in respect of the offence committed by you on the day of 19..... against [*specify section or regulation applicable*].

2. This penalty must be paid to the Crown within 28 days after this notice is served on you.

3. Payment should be made to the Director-General of Agriculture and Fisheries at Wellington.

Dated this day of 19.....

.....
Minister of Fisheries.

SECOND SCHEDULE

Reg. 31

Areas closed to trawling and bottom-lining by foreign fishing craft

1. The area enclosed by a line commencing at a point $37^{\circ} 21.15' S$ and $178^{\circ} 19.6' E$; and then proceeding directly through a northerly direction to a point $37^{\circ} 13.2' S$ and $178^{\circ} 19.6' E$; and then proceeding through a south-easterly direction along a line every point of which is 8 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point $39^{\circ} 06.3' S$ and $178^{\circ} 25.8' E$; and then proceeding directly through a westerly direction to a point $39^{\circ} 06.31' S$ and $178^{\circ} 15.6' E$; and then proceeding through a north-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

2. The area enclosed by a line commencing at a point $36^{\circ} 24.1' S$ and $173^{\circ} 48' E$; and then proceeding directly through a westerly direction to a point $36^{\circ} 24.1' S$ and $173^{\circ} 37.9' E$; and then proceeding through a southerly direction along a line every point of which is 8 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point $40^{\circ} 34.8' S$ and $174^{\circ} 37.2' E$; and then proceeding directly through a south-easterly direction to a point $40^{\circ} 40.6' S$ and $174^{\circ} 44.6' E$; and then proceeding through a north-easterly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

SECOND SCHEDULE—*continued*

3. The area enclosed by a line commencing at a point $41^{\circ} 48.95' S$ and $175^{\circ} 17.4' E$; and then proceeding directly through a southerly direction to a point $42^{\circ} 01.95' S$ and $175^{\circ} 17.4' E$; and then proceeding directly through a north-westerly direction to a point $41^{\circ} 53.6' S$ and $174^{\circ} 49.4' E$; and then proceeding through a south-westerly direction along a line every point of which is 13 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point $44^{\circ} 19.2' S$ and $172^{\circ} 58.75' E$; and then proceeding through a south-westerly direction directly to a point $45^{\circ} 53.0' S$ and $171^{\circ} 02.2' E$; and then proceeding through a northerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

4. The area enclosed by a line commencing at a point $43^{\circ} 45.5' S$ and $168^{\circ} 37.35' E$; and then proceeding directly through a northerly direction to a point $43^{\circ} 32.5' S$ and $168^{\circ} 37.35' E$; and then proceeding through a north-easterly direction along a line every point of which is 13 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point $41^{\circ} 44.9' S$ and $170^{\circ} 53.6' E$; and then proceeding directly through an easterly direction to a point $41^{\circ} 44.9' S$ and $171^{\circ} 10.9' E$; and then proceeding through a southerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

5. The area enclosed by a line commencing at a point $40^{\circ} 19.4' S$ and $173^{\circ} 00.5' E$; and then proceeding directly through a south-easterly direction to a point $40^{\circ} 27.8' S$ and $174^{\circ} 00' E$; and then proceeding through a south-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

6. The area enclosed by a line commencing at a point $35^{\circ} 20' S$ and $172^{\circ} 52.8' E$; and then proceeding directly through a north-westerly direction to a point $34^{\circ} 21.4' S$ and $171^{\circ} 53.8' E$; and then proceeding through a south-easterly direction along the outer limits of the territorial sea of New Zealand to a point $34^{\circ} 16.2' S$ and $172^{\circ} 21.7' E$; and then proceeding directly through a south-easterly direction to a point $34^{\circ} 19.4' S$ and $172^{\circ} 28' E$; and then proceeding through a south-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations, which come into force on 1 April 1978, regulate foreign fishing craft to control fishing in the exclusive economic zone. They provide principally for the following matters:

- (a) The approval of national fisheries representatives for countries that are apportioned a share of the allowable catch for any fishery in the zone;
- (b) The approval of fishing plans submitted by such countries;
- (c) The licensing of foreign fishing craft to fish in the zone;
- (d) The control of the conduct of foreign fishing craft; and
- (e) The powers of enforcement officers.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 March 1978.

These regulations are administered in the Ministry of Foreign Affairs.