

**1977/246**

**THE EXCLUSIVE ECONOMIC ZONE (INTERIM MEASURES  
FOR FOREIGN FISHING CRAFT) REGULATIONS 1977**

DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 26th day of September 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 29 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**

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| <p>1. Title and commencement<br/>2. Interpretation<br/>3. Restrictions on nets</p> | <p>4. Limitations as to area in which foreign fishing vessels may trawl<br/>5. Offences<br/>6. Enforcement Schedule</p> |
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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977.

(2) These regulations shall come into force on the 1st day of October 1977.

**2. Interpretation**—In these regulations,—

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

“Trawl net” means a net used in trawling.

**3. Restrictions on nets**—(1) No foreign fishing craft shall use for fishing, beyond the territorial sea of New Zealand but within 200 nautical miles of the baseline described in sections 5 and 6 of the Act,—

- (a) Any trawl net the size of the mesh of which (as ascertained in accordance with subclause (2) of this regulation) is in the cod-end less than 100 mm; or
- (b) Any trawl net that has in the cod-end more than one layer of mesh; or
- (c) Any trawl net that has in the cod-end liners or sleeves of any material whatsoever.

(2) For the purposes of subclause (1) of this regulation, the size of mesh of a net shall be the size as ascertained by measuring the length between knot and knot of opposite corners with the mesh closed, the net first being wetted and stretched and having been otherwise prepared for use. If the net is dry, the part to be measured shall immediately before measuring be soaked in either fresh or salt water for not less than 10 minutes. In case of dispute or doubt, a weight of 0.5 kilogramme shall be slung or attached to the lower knot of the mesh to produce a fair strain or extension, and the mesh shall be measured while the weight is in position.

(3) Nothing in this regulation shall be construed to prohibit the use of any chafer or chafing gear on the underside of any trawl net.

**4. Limitations as to area in which foreign fishing vessels may trawl—**

(1) No foreign fishing craft shall use for fishing any trawl net in any area specified in Part A of the Schedule to these regulations.

(2) No foreign fishing craft shall use for fishing any trawl net in any area specified in Part B of the Schedule to these regulations.

(3) Subclause (2) of this regulation shall expire with the 31st day of December 1977.

**5. Offences—**(1) Where any foreign fishing craft is used for fishing in contravention of any provision of regulation 3 or regulation 4 of these regulations, each of them the master and every other crew member of the craft commits an offence against these regulations.

(2) Every master of a foreign fishing craft who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$100,000.

(3) Every crew member of a foreign fishing craft (other than the master) who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$5,000.

(4) Every offence that is committed against these regulations shall be deemed to have been committed in New Zealand.

**6. Enforcement—**The provisions of sections 24, 25, and 26 of the Act shall apply in respect of any offence committed against these regulations as if it were an offence specified in section 24 (1) of the Act and the effect of those sections had been brought into force.

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## Regulation 4

## SCHEDULE

## PART A

*Areas closed to trawling by foreign fishing craft during continuance  
of regulations*

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  $38^{\circ} 06.2' S$  and  $174^{\circ} 23.75' E$ ; and then proceeding directly through a westerly direction to a point  $38^{\circ} 06.2' S$  and  $174^{\circ} 13.5' E$ ; 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.

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-easterly 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  $40^{\circ} 19.4' S$  and  $173^{\circ} 00.5' E$ ; and then proceeding through a south-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

PART B

*Areas closed to trawling by foreign fishing craft until 1 January 1978*

1. So much of the area enclosed by a circle, having as its centre Puysegur Point (being  $46^{\circ}09.5'S$  and  $166^{\circ}36.5'E$ ) and having a radius of 45 nautical miles, as lies beyond the outer limits of the territorial sea of New Zealand.

2. The area enclosed by a line commencing at a point  $46^{\circ}42.4'S$  and  $169^{\circ}49.00'E$ ; and then proceeding directly through an easterly direction to a point  $46^{\circ}42.4'S$  and  $170^{\circ}32.5'E$ ; and then proceeding directly through a south-westerly direction to a point  $48^{\circ}20.00'S$  and  $168^{\circ}05.00'E$ ; and then proceeding directly through a westerly direction to a point  $48^{\circ}20.00'S$  and  $168^{\circ}52.00'E$ ; and then proceeding directly through a north-easterly direction to the first-mentioned point.

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

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EXPLANATORY NOTE

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

These regulations contain interim measures which will take effect from 1 October 1977 in relation to foreign fishing craft engaged in fishing beyond the territorial sea of New Zealand but within 200 miles of the baseline of the territorial sea.

The principal effect of the regulations is as follows:

- (a) To control the use of trawl nets by foreign fishing craft throughout the area regulated;
- (b) To close the 5 areas specified in Part A of the Schedule to foreign fishing trawlers;
- (c) To close the 2 areas specified in Part B of the Schedule to foreign fishing trawlers from 1 October 1977 until the end of this year.

The regulations also impose penalties for breaches of their provisions and provide for enforcement procedures.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 September 1977.

These regulations are administered in the Ministry of Foreign Affairs.