

1977/291

**THE EXCLUSIVE ECONOMIC ZONE (INTERIM MEASURES
FOR FOREIGN FISHING CRAFT) REGULATIONS 1977,
AMENDMENT NO. 2**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of November 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977, Amendment No. 2, and shall be read together with and deemed part of the Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 24th day of November 1977.

2. Restrictions on nets—The principal regulations are hereby amended by revoking regulation 3, and substituting the following regulation:

“3. (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, any trawl net that has in the cod-end—

“(a) More than one layer of mesh; or

“(b) Liners or sleeves of any material whatsoever.

“(2) No foreign fishing craft shall use for fishing, beyond the territorial sea of New Zealand but north of the 48° 30' S parallel of latitude and within 200 nautical miles of the baseline described in sections 5

*S.R. 1977/246
Amendment No. 1: S.R. 1977/279

and 6 of the Act, any trawl net the size of the mesh of which (as ascertained in accordance with subclause (5) of this regulation) is in the cod-end less than 100 mm.

"(3) No foreign fishing craft shall use for fishing, beyond the territorial sea of New Zealand but south of the $48^{\circ} 30' S$ parallel of latitude and within 200 nautical miles of the baseline described in sections 5 and 6 of the Act, any trawl net the size of the mesh of which (as ascertained in accordance with subclause (5) of this regulation) is in the cod-end less than 60 mm.

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

"(5) For the purposes of this regulation, the size of mesh of a net shall be the size as ascertained by measuring the length between the inner edges of the knots of opposite corners of the mesh, 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 kg 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. In this subclause, the inner edge, in relation to a knot, means the edge of the knot that is nearest to the knot of the opposite corner of the mesh."

3. Limitations as to areas in which foreign fishing craft may trawl—

(1) Part A of the Schedule to the principal regulations is hereby amended by omitting item 2, and substituting the following item:

"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."

(2) Part A of the Schedule to the principal regulations is hereby further amended by adding, after item 5, the following item:

"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 amend the Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977 in the following manner:

- (a) They provide that in the waters beyond the territorial sea of New Zealand but south of the 48° 30' S parallel of latitude and within 200 miles of the baseline of the territorial sea, the size of mesh in trawl nets used by foreign fishing craft shall not in the cod-end be less than 60 mm, instead of 100 mm as presently provided;
- (b) They clarify that the measurement of the size of mesh in trawl nets used by such craft shall be made between the inner edges of the knots at opposite corners of the mesh;
- (c) They extend in a north-westerly direction the second closed area specified in Part A of the Schedule to the principal regulations;
- (d) They add a new closed area to Part A of the principal regulations.

The amending regulations will come into force on 24 November 1977.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 November 1977.

These regulations are administered in the Ministry of Foreign Affairs.