



THE EXCLUSIVE ECONOMIC ZONE (INTERIM MEASURES
FOR FOREIGN FISHING CRAFT) REGULATIONS 1977,
AMENDMENT NO. 3

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of March 1978

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING 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. 3, 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 day after the date of their notification in the *Gazette*.

2. Forms—(1) The principal regulations are hereby amended by adding the following regulation:

“7. (1) For the purposes of section 25 (2) of the Act (as applied by regulation 6 of these regulations), every bond shall be in the form specified in Form 1 of the Second Schedule to these regulations.

“(2) For the purposes of section 26 of the Act (as so applied)—
“(a) A notice under subsection (1) of that section shall be in the form specified in Form 2 of the Second Schedule to these regulations; and

*S.R. 1977/246

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

Amendment No. 2: S.R. 1977/291

“(b) A notice under subsection (3) of that section shall be in the form specified in Form 3 of the Second Schedule to these regulations; and

“(c) A notice under subsection (7) of that section shall be in the form specified in Form 4 of the Second Schedule to these regulations.”

(2) The principal regulations (as amended by regulation 2 (b) of the Exclusive Economic Zone (Interim Measures for Foreign Fishing Craft) Regulations 1977, Amendment No. 1*) are hereby further amended by renumbering the Schedule as the First Schedule, and by adding as the Second Schedule to those regulations the schedule contained in the Schedule to these regulations.

(3) Regulation 4 (1) of the principal regulations is hereby consequentially amended by inserting, before the word “Schedule”, the word “First”.

*S.R. 1977/279

SCHEDULE

Reg. 2 (2)

“SECOND SCHEDULE

“FORMS

Reg. 7 (1)

“FORM 1

“Bond To Secure Surrender Of Craft For Forfeiture

“KNÓW 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.

“FORM 2 Reg. 7 (2) (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. 7 (2) (b) "FORM 3
"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)

Reg. 7 (2) (c) FORM 4
"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."

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 to prescribe forms for the purposes of the enforcement of those regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 March 1978.

These regulations are administered in the Ministry of Foreign Affairs.