



Fisheries (Schedules 5A and 6) Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 16th day of September 2002

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 67B and 72(7) of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Fisheries, makes the following order.

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1	Title	4	Sixth Schedule of Fisheries Act
2	Commencement		1996 amended
3	Schedule 5A of Fisheries Act 1996 amended		

Order

1 Title

This order is the Fisheries (Schedules 5A and 6) Order 2002.

2 Commencement

This order comes into force on the first day of the fishing year that commences after this order is made.

3 Schedule 5A of Fisheries Act 1996 amended

Schedule 5A of the Fisheries Act 1996 is amended by inserting, in their appropriate alphabetical order, the following stocks:

COC1A
COC7A
COC7B
QSC3

4 Sixth Schedule of Fisheries Act 1996 amended

The Sixth Schedule of the Fisheries Act 1996 is amended by inserting, in their appropriate alphabetical order and in the appropriate columns, the following stocks:

Stock	Area	Requirements
Cockle <i>Chione</i> (<i>Austrovenus</i>) <i>stutchburyi</i>	Whangarei Harbour cockle fishery Nelson Bays cockle fishery Marlborough cockle fishery	A commercial fisher may return any cockle to the waters from which it is taken if— (a) the cockle is likely to survive the return; and (b) the return takes place as soon as practicable after the cockle is taken.
Queen scallop (<i>Chlamys delicatula</i>)	All New Zealand fisheries waters	A commercial fisher may return any queen scallop to the waters from which it is taken if— (a) the queen scallop is likely to survive the return; and (b) the return takes place as soon as practicable after the queen scallop is taken.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order takes effect on 1 October 2002, which is the first day of the fishing year that commences after the order is made.

Clause 3 adds COC1A, COC7A, COC7B, and QSC3 (cockle and queen scallop) to Schedule 5A of the Fisheries Act 1996. The effect of this clause is to exclude these stocks from the underfishing rights accrual regime of section 67A of the Fisheries Act 1996.

Clause 4 adds cockles and queen scallops to the Sixth Schedule, allowing these stocks to be returned to the sea or other waters in accordance with the requirements specified in column 3 of that schedule.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 19 September 2002.

This order is administered in the Ministry of Fisheries.
