



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 10**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of July 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, Her 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 Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 10, and shall be read together with and deemed part of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

*S.R. 1986/218

Amendment No. 1: S.R. 1986/253

Amendment No. 2: S.R. 1987/109

Amendment No. 3: S.R. 1987/262

Amendment No. 4: (Revoked by S.R. 1989/241)

Amendment No. 5: (Revoked by S.R. 1989/241)

Amendment No. 6: S.R. 1989/241

Amendment No. 7: S.R. 1989/293

Amendment No. 8: S.R. 1990/218

Amendment No. 9: S.R. 1990/309

2. Scallop season and quotas—The principal regulations are hereby amended by repealing regulation 12A (as substituted by regulation 3 (1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 6), and substituting the following regulation:

“12A. (1) No commercial fisherman shall take any scallop from the prescribed area other than during the period commencing on the 18th day of August in any year and ending on the 19th day of December in that year (both dates inclusive).

“(2) No commercial fisherman shall, during any scallop season in respect of which the Director-General has published a notice in accordance with subclause (3) of this regulation, take any scallop from the Marlborough Sounds area after the date specified in that notice.

“(3) Where the Director-General is satisfied in respect of any scallop season that 80 tonnes of scallops (meat weight) has been taken from the Marlborough Sounds area, or is likely to be taken from those waters by the time the prohibition under this subclause is to come into effect, the Director-General shall give public notice of that fact in a newspaper circulating in the Nelson region and by such other means as the Director-General considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisherman may take any scallop from those waters during that scallop season.

“(4) In this regulation,—

“‘Marlborough Sounds area’ means those waters within the prescribed area that lie east of longitude 173° 50’E, other than those waters enclosed by—

“(a) A straight line from the northernmost point of Nile Head (at 40° 43.8’S and 173° 52.3’E) to the northernmost point of Cape Stephens (at 40° 41.7’S and 173° 57.5’E); and

“(b) The mean high water mark between those 2 points:

“‘Prescribed area’ has the same meaning as in regulation 12 (2) of these regulations:

“‘Scallop season’ means the period specified in subclause (1) of this regulation.”

3. Consequential revocations—The following regulations are hereby consequentially revoked:

- (a) Regulation 3 (a), (b), and (d) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 8;
- (b) Regulation 2 (1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 9.

MARIE SHROFF,
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 the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986 in relation to scallops.

Regulation 2 revokes regulation 12A of these regulations and substitutes a new *regulation 12A* which differs from the original in the following respects:

- (a) The southern scallop season for the 1991 and subsequent years will now commence on 18 August (rather than 2 September) and end on 19 December (rather than 20 December).
- (b) The boat limit applying to the Golden Bay and Tasman Bay area is removed.
- (c) The Port Hardy area is now excluded from the Marlborough Sounds area to which the 80-tonne total commercial quota applies.

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

Date of notification in *Gazette*: 18 July 1991.

These regulations are administered in the Ministry of Agriculture and Fisheries.