



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 10**

THOMAS EICHELBAUM, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 25th day of May 1992

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Administrator of the Government, 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 (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 10, and shall be read together with and deemed part of the Fisheries (South-East Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

*S.R. 1986/219

Amendment No. 1: S.R. 1986/254

Amendment No. 2: S.R. 1988/105

Amendment No. 3: S.R. 1988/320

Amendment No. 4: S.R. 1989/322

Amendment No. 5: *(Revoked by S.R. 1991/248)*

Amendment No. 6: S.R. 1991/58

Amendment No. 7: *(Revoked by S.R. 1991/163)*

Amendment No. 8: S.R. 1991/165

Amendment No. 9: S.R. 1991/248

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

(3) Regulations 3 and 4 of these regulations shall come into force on the 1st day of October 1992.

2. Interpretation—Regulation 2(1) of the principal regulations (as substituted by regulation 2(1) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 8) is hereby amended by inserting in the definition of the term “licensed fish packing house”, after the words “(Fish Packing House Licence No. 51),”, the words “Otago Marine Management Limited (Freshwater Fish Farming Licence SF/16),”.

3. Apertures to be incorporated in rock lobster pots—The principal regulations are hereby amended by inserting, after regulation 6 (as substituted by regulation 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 2), the following regulation:

“6A. (1) No commercial fisherman shall have on board any fishing vessel or use any rock lobster pot, unless the pot has at least 2 rectangular apertures (other than the mouth) through which undersize rock lobsters are able to escape.

“(2) No escape aperture shall—

“(a) Be incorporated in either the top or the bottom of any pot; or

“(b) Have inside dimensions of less than 38 mm by 200 mm.

“(3) Every rock lobster pot that is required to contain escape apertures shall be so constructed that—

“(a) Escape apertures shall be contained in at least 2 opposite faces of the pot:

“(b) Where the escape apertures are placed vertically, the total inside length of the escape aperture or apertures contained in any face of the pot shall not be less than 80 percent of the total height of the face of the pot in which the aperture or apertures are contained:

“(c) Where placed other than vertically, the total inside length of the escape aperture or apertures contained in any face of the pot shall not be less than 80 percent of the total length of the face of the pot in which the aperture or apertures are contained.

“(4) Notwithstanding anything in subclause (1) or subclause (3) of this regulation, no commercial fisherman shall have on board any fishing vessel or use any round rock lobster pot, unless—

“(a) The pot contains at least 3 rectangular apertures (other than the mouth) through which undersize rock lobsters are able to escape; and

“(b) Each aperture has inside dimensions of not less than 38 mm by 200 mm.

“(5) Nothing in this regulation shall prohibit the use or possession on board a fishing vessel of a rock lobster pot without escape apertures, so long as the pot is constructed entirely of spot welded rectangular mesh having inside dimensions of not less than 38 mm by 140 mm.

“(6) In this regulation, a reference to an undersize rock lobster is a reference to a rock lobster with a tail less than 127 mm in length.”

4. Revocations—Regulation 6 of the principal regulations (as substituted by regulation 3 of the Fisheries (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 2) is hereby amended by revoking subclauses (2) and (4).

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 amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

Regulation 2, which comes into force on the 28th day after the date on which the regulations are notified in the *Gazette*, makes Otago Marine Management Limited (Freshwater Fish Farming Licence SF/16) a licensed fish packing house for the purposes of the principal regulations.

Regulation 3, which comes into force on 1 October 1992, inserts into the principal regulations new *regulation 6A*, which requires rock lobster pots to have—

- (a) At least 2 escape apertures measuring at least 38 mm by 200 mm at the sides of the pot;
- (b) At least 3 escape apertures if it is a round pot.

Regulation 4 effects consequential revocations.

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

Date of notification in *Gazette*: 28 May 1992.

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