



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 12**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of August 1992

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. 12, 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).

*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: S.R. (Revoked by S.R. 1989/241)

Amendment No. 5: S.R. (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

Amendment No. 10: S.R. 1991/128

Amendment No. 11: S.R. 1991/162

(2) These regulations shall come into force on the 18th day of August 1992.

2. New regulations substituted—The principal regulations are hereby amended by revoking regulation 12, regulation 12A (as substituted by regulation 2 of Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 10), and regulation 12B (as substituted by regulation 3 (1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 6), and substituting the following regulations:

“12. Conditions for taking oysters—(1) The taking of oysters from within the prescribed area (as defined in subclause (2) of this regulation) shall be subject to the following conditions:

“(a) Notwithstanding regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulation made pursuant to the Fisheries Act 1983 relating to shellfish dredge requirements, any commercial fisherman lawfully dredging for oysters may use not more than 2 dredges, and the bar or bit of any dredge used shall not exceed 2.5 m in length:

“(b) No commercial fisherman shall dredge for oysters between sunset and sunrise:

“(c) No commercial fisherman shall use any dredge on which there is any tine:

“(d) No commercial fisherman shall take any oyster, or possess any oyster taken, from those waters on the landward side of straight lines drawn from Foul Point (at 40° 54.4' S and 173° 03.8' E) to Adolphe Point (at 40° 57.8' S and 173° 04.2' E) to Jules Point (at 40° 58.7' S and 173° 04.2' E) on Adele Island; then along the mean high-water mark to the south-eastern tip of Adele Island (at 40° 59.3' S and 173° 03.5' E) to the south-eastern tip of Fishermens Island (at 40° 59.7' S and 173° 03.2' E) to Guilbert Point (at 40° 59.5' S and 173° 02.2' E).

“(2) In subclause (1) of this regulation, the term ‘prescribed area’ means those waters bounded by straight lines commencing at Kahurangi Point (at 40° 46.7' S and 172° 13.2' E) on the west coast of the South Island and proceeding westerly along the 40° 46.7' south parallel of latitude to its intersection with the 171° 50' east meridian of longitude; then northerly along that meridian of longitude to its intersection with the 40° 15' south parallel of latitude; then easterly along that parallel of latitude to its intersection with the 174° 30' east meridian of longitude; then southerly along that meridian of longitude to its intersection with the 41° 43.8' south parallel of latitude; then westerly along that parallel of latitude to Cape Campbell (at 41° 43.8' S and 174° 16.6' E) on the east coast of the South Island; then generally northwesterly along the mean high-water mark of the sea to the point of commencement.

“12A. Conditions and restrictions relating to scallops—(1) The taking of scallops from within the prescribed area (as defined in regulation 12 (2) of these regulations) shall be subject to the following conditions:

“(a) Notwithstanding regulation 53 of the Fisheries (Commercial Fishing) Regulations 1986* or any other regulation made pursuant to the Fisheries Act 1983 relating to shellfish dredge requirements, any commercial fisherman lawfully dredging for scallops may use

not more than 2 dredges, and the bar or bit of any dredge used shall not exceed 2.5 m in length:

“(b) No commercial fisherman shall dredge for scallops between sunset and sunrise:

“(c) No commercial fisherman shall dredge for scallops on any Friday or Saturday:

“(d) No commercial fisherman shall use any dredge on which there is any tine.

“(2) No commercial fisherman shall take any scallop, or possess any scallop taken, from those waters on the landward side of straight lines drawn from Foul Point (at 40° 54.4'S and 173° 03.8'E) to Adolphe Point (at 40° 57.8'S and 173° 04.2'E) to Jules Point (at 40° 58.7'S and 173° 04.2'E) on Adele Island; then along the mean high-water mark to the south-eastern tip of Adele Island (at 40° 59.3'S and 173° 03.5'E) to the south-eastern tip of Fishermens Island (at 40° 59.7'S and 173° 03.2'E) to Guilbert Point (at 40° 59.5'S and 173° 02.2'E).

“(3) No commercial fisherman shall take any scallop, or possess any scallop taken, from—

“(a) Those waters of Pelorus Sound on the landward side of a straight line drawn from Sheep Point (at 41° 01.2'S and 173° 48.8'E) to Camel Point (at 41° 02'S and 173° 48.6'E) and then to Cregoe Point (at 41° 03.3'S and 173° 49.9'E); or

“(b) Those waters of Queen Charlotte Sound on the landward side of a straight line drawn from the eastern point of Okahu Bay (at 41° 13.5'S and 174° 06.7'E) to a point on the shore on the eastern side of the mouth of Kahikatea Bay (at 41° 14.3'S and 174° 06.8'E); or

“(c) Those waters of East Bay Queen Charlotte Sound on the landward side of a straight line drawn due east from the easternmost point of Ngakuta Bay (at 41° 08.5'S and 174° 21.5'E) to the high tide mark on the opposite shore.

“(4) No commercial fisherman shall dredge for scallops in those waters within 3 kilometres in any direction of the Nelson sewage discharge at sea (at 41° 12.3'S and 173° 19.4'E) off the Boulder Bank at Port Nelson.

“(5) No commercial fisherman shall take any scallop from the waters of quota management area 7, unless the scallop is taken—

“(a) From the waters of the Southern Scallop Fishery in accordance with the Fisheries (Southern Scallop Fishery Quota) Regulations 1992*; or

“(b) During the period beginning on the 18th day of August in any year and ending with the close of the 19th day of December in that year.

“12B. **Size concession for scallops**—(1) Notwithstanding regulation 22 of the Fisheries (Commercial Fishing) Regulations 1986†, a commercial fisherman may take and be in possession of any scallop that—

“(a) Is taken from the prescribed area (as defined in regulation 12 (2) of these regulations); and

“(b) Has a shell, whether entire, chipped, or broken, of not less than 90 mm in length.

“(2) Notwithstanding regulation 22 (3) of the Fisheries (Commercial Fishing) Regulations 1986, a person may sell, possess for sale, or process

for sale any scallop taken in accordance with subclause (1) of this regulation.”

3. Revocations—The following regulations are hereby consequentially revoked:

- (a) The Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 3:
- (b) The Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 6.

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 18 August 1992, amend the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

The regulations remove the former provisions relating to the scallop season and quotas. Those matters are now dealt with by the Fisheries (Southern Scallop Fishery Quota) Regulations 1992.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 August 1992.
These regulations are administered in the Ministry of Agriculture and Fisheries.