



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 21**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of September 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, 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 Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 21, 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: *(Revoked by S.R. 1992/227)*
- Amendment No. 4: *(Revoked by S.R. 1989/241)*
- Amendment No. 5: *(Revoked by S.R. 1989/241)*
- Amendment No. 6: *(Revoked by S.R. 1992/227)*
- Amendment No. 7: S.R. 1989/293
- Amendment No. 8: S.R. 1990/218
- Amendment No. 9: S.R. 1990/309
- Amendment No. 10: *(Revoked by S.R. 1992/321)*
- Amendment No. 11: S.R. 1991/162
- Amendment No. 12: S.R. 1992/227
- Amendment No. 13: S.R. 1992/321
- Amendment No. 14: S.R. 1993/281
- Amendment No. 15: S.R. 1993/352
- Amendment No. 16: S.R. 1994/177
- Amendment No. 17: S.R. 1995/34
- Amendment No. 18: S.R. 1995/234
- Amendment No. 19: S.R. 1996/19
- Amendment No. 20: S.R. 1996/80

(2) Subject to 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) Regulation 4 of these regulations shall come into force on 1 October 1996.

2. New regulations for set nets inserted—The principal regulations are hereby amended by inserting, after regulation 2B (as inserted by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 14), the following regulations:

“2BA. **Set netting prohibited in shallow waters**—Notwithstanding anything in regulation 42(4) of the Fisheries (Commercial Fishing) Regulations 1986, no commercial fisherman shall use or possess in the waters of the Challenger Fishery Management Area a set net having a total length exceeding 500 metres unless—

“(a) The net is set in waters 30 metres or more in depth, and no part of the upper surface of the net, when set, is 2 metres or less from the surface of the water; or

“(b) In any case where—

“(i) The net is set in waters less than 30 metres in depth; or

“(ii) Any part of the upper surface of the net, when set, is 2 metres or less from the surface of the water—
the set net has surface floats attached to it at intervals of not more than 500 metres or part thereof.

“2BB. **Set net soak time**—Notwithstanding anything in regulation 42A of the Fisheries (Commercial Fishing) Regulations 1986, no commercial fisherman shall leave any set net in the waters of the Challenger Fishery Management Area for more than 24 hours without underrunning the net and removing any fish that have been caught.”

3. New regulation for taking of eels inserted—The principal regulations are hereby amended by inserting, after regulation 14I (as inserted by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 7), the following regulation:

“14J. **Taking of eels in Pelorus River prohibited**—(1) No commercial fisherman shall take eels from the Pelorus River.

“(2) For the purpose of this regulation, the term “Pelorus River” means all those waters of the Pelorus River east of the junction of the Pelorus River with the Wakamarina River (at 41° 17' 17.6”S and 173° 40' 18.5”E) and west of Ruapaka due south of Trig 2122 at the centre line of the Pelorus River (at 41° 17' 10.0”S and 173° 42' 05.3”E).”

4. Revocation of regulation—The principal regulations are hereby amended by revoking regulation 13A (as inserted by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 2).

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 to—

- (a) Prohibit the use of set nets 500 metres or more long in waters less than 30 metres deep, unless appropriate floats are used;
- (b) Extend to 24 hours, rather than the 18 hours specified in regulation 42A of the Fisheries (Commercial Fishing) Regulations 1986, the period within which a commercial fisherman must underrun a set net and remove any fish that have been caught;
- (c) Prohibit the taking of eels from the Pelorus River.

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

Date of notification in *Gazette*: 26 September 1996.

These regulations are administered in the Ministry of Fisheries.