



**THE FISHERIES (SOUTH-EAST AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 2**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of May 1988

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 (South-East Area Commercial Fishing) Regulations 1986, Amendment No. 2, 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).

(2) These regulations shall come into force on the 1st day of June 1988.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “rock lobster”, and substituting the following definition:

“‘Rock lobster’ means the fish of which the scientific name is *Jasus edwardsii*, commonly known as the spiny or red rock lobster.”.

3. Special provisions relating to taking of rock lobster from Otago Concession Area—The principal regulations are hereby amended by revoking regulation 6, and substituting the following regulation:

“6. (1) Notwithstanding regulation 27 (1) of the Fisheries (Commercial Fishing) Regulations 1986*, but subject to regulation 29 of those regulations, a commercial fisherman may take and be in possession of an undersize rock lobster or the tail of an undersize rock lobster provided that—

“(a) The lobster is taken from the Otago Concession Area during the period commencing with the 21st day of June in any year and ending with the 19th day of December in the same year (both days inclusive); and

“(b) The length of the tail of the lobster is not less than 127 mm; and

“(c) The fishing vessel used in taking the lobster is registered at Dunedin and domiciled at a port or place within the Otago Concession Area; and

“(d) The lobster is, or is to be, landed at that port or place of domicile; and

“(e) The lobster is, or is to be, delivered untailed and unprocessed to a licensed fish packing house.

“(2) Notwithstanding regulation 54 of the Fisheries (Commercial Fishing) Regulations 1986*, a commercial fisherman may have on board any fishing vessel and use a rock lobster pot that does not comply with the requirements of that regulation provided that—

“(a) The fisherman does so only within the Otago Concession Area during the period referred to in subclause (1) (a) of this regulation; and

“(b) The fishing vessel is registered at Dunedin and domiciled at a port or place within the Otago Concession Area; and

“(c) The pot has—

“(i) At least one aperture (other than the mouth) of a size not less than 38 mm in height and 152 mm in width in any part of the pot except the bottom and in a position to enable undersize rock lobster to escape; or

“(ii) Spot-welded rectangular mesh having spaces of not less than 38 mm in height and 152 mm in width.

“(3) In subclause (1) of this regulation, a reference to an undersize rock lobster is a reference to a rock lobster that is undersize according to the provisions of regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986*.

“(4) In subclause (2) of 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. Processing and sale of Otago Concession Area rock lobster—Regulation 7 of the principal regulations is hereby amended by omitting all the words preceding paragraph (a), and substituting the words “Notwithstanding regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986*, but subject to regulation 29 of those regulations, a person may sell or possess for sale or process for sale undersize rock

lobster taken in accordance with regulation 6 (1) of these regulations provided that”.

5. Taking, possession, processing, and sale of certain rock lobster prohibited—The principal regulations are hereby amended by inserting, after regulation 7A, the following regulation:

“7A. Notwithstanding regulation 29 (1) (f) of the Fisheries (Commercial Fishing) Regulations 1986, a rock lobster taken from the Otago Concession Area in accordance with regulation 6 (1) of these regulations may be taken, possessed, processed, or sold, notwithstanding that the calcified bar or any part of the exoskeleton (the outer shell of the tail) of the second abdominal segment of the rock lobster is fractured, or that any part of any primary pleural spine of the second abdominal segment is broken, provided that the rock lobster is in such a state that its tail can be properly measured as required under these regulations.”

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 1 June 1988, amend the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

The regulations relate to the taking of undersize rock lobster in the Otago Concession Area. The tail length measurement of 127 mm for the area remains unchanged, but some provisions have been amended or rewritten mainly as a consequence of the change to the use of a tail-width measurement effected by the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1988.

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