



**THE FISHERIES (CHALLENGER AREA COMMERCIAL FISHING)  
REGULATIONS 1986, AMENDMENT NO. 6**

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PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of August 1989

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING 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.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 6, 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*.

**2. Conditions for taking scallops and oysters**—(1) Regulation 12 (1) of the principal regulations is hereby further amended by adding the following paragraph:

\*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. 1988/185

Amendment No. 5: S.R. 1988/232

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

“(i) 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);

“(ii) Those waters of Queen Charlotte Sound on the landward side of a straight line drawn from Pihaka Point (at 41°13.9’S and 174°02.4’E) to Karaka Point (at 41°15.3’S and 174°03.9’E);

“(iii) 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.”

(2) Regulation 12 (2) of the principal regulations is hereby amended by omitting the expression “45°15’ South parallel”, and substituting the expression “41°15’ South parallel”.

**3. New regulations relating to scallops inserted—**(1) The principal regulations are hereby amended by revoking regulation 12A (as inserted by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 4), and substituting the following regulations:

“12A. **Scallop season and quotas—**(1) No commercial fisherman shall take any scallop from the prescribed area other than during the period commencing on the 3rd day of September in any year and ending on the 21st day of December in that year (both dates inclusive).

“(2) No commercial fisherman shall, during any scallop season, use any fishing vessel to take any scallop from the prescribed area if the vessel (or any vessel for which that vessel is a substitute under the same boat authority) has been used by that or any other commercial fisherman to take 4,600 kilograms (meat weight) or more of scallops in that season.

“(3) No commercial fisherman shall, during any scallop season in respect of which the Director-General has published a notice in accordance with subclause (4) of this regulation, take any scallop from those waters within the prescribed area lying east of longitude 173°50’E after the date specified in that notice.

“(4) Where the Director-General is satisfied in respect of any scallop season that 90 tonnes of scallops (meat weight) has been taken from those waters within the prescribed area lying east of longitude 173°50’E, or is likely to be taken from these 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.

“(5) In this regulation,—

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

“Scallop season” means a period commencing on the 3rd day of September in any year and ending on the 21st day of December in that year (both dates inclusive).

**“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 whose shell is less than 100 mm in length provided that—

“(a) The scallop is taken from the prescribed area (within the meaning of regulation 12 (2) of these regulations) during the period commencing on the 3rd day of September in any year and ending on the 21st day of December in that year (both dates inclusive); and

“(b) The shell of the scallop, whether entire, chipped, or broken, is not less than 90 mm in length.

“(2) Notwithstanding regulation 22 (3) of the Fisheries (Commercial Fishing) Regulations 1986\* (as added by regulation 4 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2)†, a person may sell or possess for sale or process for sale any scallop that is taken in accordance with subclause (1) of this regulation.”

(2) The following regulations are hereby consequentially repealed:

- (a) The Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 4‡;
- (b) The Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No. 5§.

MARIE SHROFF,  
Clerk of the Executive Council.

\*S.R. 1986/215  
†S.R. 1988/104  
‡S.R. 1988/165  
§S.R. 1988/232

#### 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 the taking of scallops.

The amendments are to the following effect:

- (a) The taking of scallops from certain waters within Pelorus Sound and Queen Charlotte Sound is prohibited (*regulation 2*):
- (b) The scallop season is limited to the period 3 September to 21 December in any year (*new regulation 12A (1)*):
- (c) A boat limit of 4,600 kilograms (meat weight) of scallops is imposed (*new regulation 12A (2)*):
- (d) The commercial scallop season will end in respect of waters east of longitude 173° 50' E once the Director-General is satisfied that 90 tonnes (meat weight) of scallops has been taken from those waters, and publishes a notice to that effect (*new regulation 12A (3) and (4)*):
- (e) A 90 mm size concession is to apply to the scallop fishery (*new regulation 12b*).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 August 1989.

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