



**THE FISHERIES (CENTRAL AREA COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 9**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of February 1996

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.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 9, and shall be read together with and deemed part of

the Fisheries (Central Area Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1996.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations (as substituted by regulation 2 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 3) is hereby amended by inserting, after the definition of “commercial fisherman”, the following definition:

“‘Container’ includes any barrel, box, bag, carton, can, crate, drum, tank, wrapper, or other package, receptacle, or covering:”.

(2) Regulation 2 (1) of the principal regulations (as so substituted) is hereby further amended by revoking the definitions of the terms “Gisborne concession pack” and “licensed concession fish packing house” (as both inserted by regulation 2 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 5).

(3) Regulation 2 (1) of the principal regulations (as so substituted) is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Licensed fish receiver’ means the person who is the holder of a fish receiver’s licence or certificate of recognition pursuant to the Fisheries (Licensed Fish Receivers) Regulations 1986†:

“‘Quota management area 3’ has the same meaning as in the Third Schedule to the Maori Fisheries Act 1989:”.

3. New regulations substituted—The principal regulations are hereby amended by revoking regulations 14j and 14k (as substituted by regulation 3 of the Fisheries (Central Area Commercial Fishing) Regulations 1986, Amendment No. 5), and substituting the following regulations:

“14j. Closed season for rock lobster—(1) No commercial fisherman shall take any rock lobster from the waters of quota management area 3, or be in possession of any rock lobster taken from those waters, or fish using any rock lobster pot in those waters, during—

“(a) The month of May in any year; or

“(b) The period commencing with the 1st day of September in any year and ending with the 31st day of January in the following year (both days inclusive).

“(2) Notwithstanding subclause (1) of this regulation, a commercial fisherman may possess any rock lobster taken from the waters of quota management area 3 during any period specified in that subclause, if the rock lobster was taken from those waters on a day to which that subclause does not apply.

“(3) No person shall sell or possess for sale or process rock lobster taken from the waters of quota management area 3 during any period specified in subclause (1) of this regulation.

“(4) Notwithstanding subclause (3) of this regulation, a person may sell or possess for sale or process any rock lobster taken from the waters of

*S.R. 1986/217

Amendment No. 1: S.R. 1986/252

Amendment No. 2: S.R. 1989/292

Amendment No. 3: S.R. 1991/165

Amendment No. 4: (Revoked by S.R. 1993/173)

Amendment No. 5: S.R. 1993/173

Amendment No. 6: S.R. 1993/280

Amendment No. 7: S.R. 1994/184

Amendment No. 8: S.R. 1995/232

†S.R. 1986/190

quota management area 3 in any period specified in subclause (1) of this regulation, if the rock lobster was taken from those waters on a day to which subclause (1) of this regulation does not apply.

“(5) No commercial fisherman shall take female spiny rock lobster from the waters of quota management area 3, or be in possession of female spiny rock lobster taken from those waters, during the months of June, July, or August in any year.

“(6) Notwithstanding subclause (5) of this regulation, a commercial fisherman may possess any female spiny rock lobster taken from the waters of quota management area 3 during any period specified in that subclause, if the female spiny rock lobster was taken from those waters during the months of February, March, or April in any year.

“(7) No person shall sell or possess for sale or process any female spiny rock lobster taken from the waters of quota management area 3 during the months specified in subclause (5) of this regulation.

“(8) Notwithstanding subclause (7) of this regulation, a person may sell or possess for sale or process any female spiny rock lobster taken from the waters of quota management area 3 during any month specified in subclause (5) of this regulation, if the female spiny rock lobster was taken from those waters during the months of February, March, or April in any year.

“14K. **Concession relating to male spiny rock lobster—**
(1) Notwithstanding regulation 27 of the Fisheries (Commercial Fishing) Regulations 1986, but subject to regulation 29 of those regulations, any person authorised under a quota to take spiny rock lobster from quota management area 3 may take or be in possession of or sell to a licensed fish receiver an undersize male spiny rock lobster, if—

“(a) The spiny rock lobster is taken from the Gisborne Concession Area during the months of June, July, or August in any year; and

“(b) Either—

“(i) The spiny rock lobster was, or (if on board a fishing vessel) is to be, landed at a point lying within the Gisborne Concession Area; or

“(ii) The spiny rock lobster was, or (if on board a fishing vessel) is to be, landed at a point lying outside the Gisborne Concession Area with the prior approval of the chief executive of the Ministry of Fisheries, and in accordance with such conditions as the chief executive imposes; and

“(c) The spiny rock lobster is, or (if on board a fishing vessel) is to be, delivered and sold to a licensed fish receiver; and

“(d) The width of the tail of the spiny rock lobster is not less than 52mm when measured in accordance with regulation 14L of these regulations.

“(2) Notwithstanding regulation 27 (2) of the Fisheries (Commercial Fishing) Regulations 1986, but subject to regulation 14M of these regulations, a licensed fish receiver may sell or possess or process a male spiny rock lobster, or male spiny rock lobster tail, taken in accordance with subclause (1) of this regulation.”

4. Processing and sale of Gisborne Concession Area male spiny rock lobster—The principal regulations are hereby amended by revoking regulation 14M (as substituted by regulation 3 of the Fisheries (Central

Area Commercial Fishing) Regulations 1986, Amendment No. 5), and substituting the following regulation:

“14M. (1) Any person who sells or possesses or processes male spiny rock lobsters or male spiny rock lobster tails pursuant to the authority of regulation 14K of these regulations shall ensure that, except as otherwise authorised by these regulations,—

“(a) All tailing and processing of male spiny rock lobsters and processing of male spiny rock lobster tails is carried out by a licensed fish receiver; and

“(b) Male spiny rock lobsters and male spiny rock lobster tails are held in a container clearly and legibly marked with the words ‘Gisborne Rock Lobsters’.

“(2) No licensed fish receiver shall sell or otherwise transfer to any person within New Zealand other than a licensed fish receiver any rock lobster with a tail, or any rock lobster tail, measuring less than 54mm.”

DIANE WILDERSPIN,
Acting for 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 April 1996,—

(a) Maintain for future years the current concession size limits for male rock lobster taken in the Gisborne Concession Area, and restate the existing close seasons:

(b) Remove some of the restrictions on the landing and disposal of rock lobster taken from the Concession Area.

Rock lobster taken from the Concession Area may now be landed outside it, with the prior approval of and subject to conditions specified by the chief executive of the Ministry of Fisheries.

Nor will it be necessary for concession rock lobsters to be disposed of to a licensed concession fish packing house, but any licensed fish receiver in possession of or transporting them will have to clearly indicate their origin on the relevant container or tank.

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

Date of notification in *Gazette*: 29 February 1996.

These regulations are administered in the Ministry of Fisheries.