



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS
AMATEUR FISHING) REGULATIONS 1991**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of April 1991

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 (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Application—These regulations shall apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishermen taking fish under a permit, licence, quota, or other authorisation issued or granted under the Fisheries Act 1983 or any regulations made under that Act.

3. Interpretation—In these regulations, unless the context otherwise requires,—

“Groper” includes the fish species of which the scientific names are *Polyprion oxygeneios* and *Polyprion maeone*:

“Red coral” means a coelenterate of the order stylasterina:

“Scallop” means the mollusc *Pecten novaeselandiae*:

“Southland and Sub-Antarctic Fishery Management Areas” means the areas comprising the Southland Fishery Management Area and the Sub-Antarctic Fishery Management Area:

“Southland Fishery Management Area” means the fishery management area described as the Southland Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412:

“Sub-Antarctic Fishery Management Area” means the fishery management area described as the Sub-Antarctic Fishery Management Area in the Schedule to the notice declaring fishery management areas that was published in the *Gazette* on the 5th day of February 1986 at page 412.

4. Daily limit for groper—No person shall in any one day—

- (a) Take more than 5 groper from the Southland and Sub-Antarctic Fishery Management Areas; or
- (b) Possess more than 5 groper taken from those areas.

5. Daily limit for scallops—No person shall in any one day—

- (a) Take more than 10 scallops from the Southland and Sub-Antarctic Fishery Management Areas; or
- (b) Possess more than 10 scallops taken from those areas.

6. Taking and possession of red coral prohibited—No person shall take any red coral from the Southland and Sub-Antarctic Fishery Management Areas or possess any red coral taken from those areas.

7. Offences—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who contravenes or fails to comply with regulation 4 or regulation 5 of these regulations.

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who contravenes or fails to comply with regulation 6 of these regulations.

(3) It shall be a defence to a charge of—

- (a) Possessing more than 5 groper in contravention of regulation 4 (b) of these regulations; or
- (b) Possessing more than 10 scallops in contravention of regulation 5 (b) of these regulations,—

if the defendant satisfies the Court that the number of groper or scallops possessed in excess of the relevant limit were not taken in breach of the relevant one of these regulations.

(4) It shall be a defence to a charge of possessing red coral in contravention of regulation 6 of these regulations if the defendant satisfies the Court that the red coral was taken before the commencement of 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 the 28th day after the date of their notification in the *Gazette*, relate to the Southland and Sub-Antarctic Fishery Management Areas, and impose 3 restrictions on amateur fishing in those areas that are additional to the general restrictions contained in the Fisheries (Amateur Fishing) Regulations 1986 (S.R. 1986/221).

The 3 restrictions are as follows:

- (a) The maximum daily limit for groper is set at 5. The former limit was 30:
- (b) The maximum daily limit for scallops is set at 10. The former limit was 20:
- (c) The taking and possession of red coral is absolutely prohibited.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 April 1991.

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