



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS
AMATEUR FISHING) REGULATIONS 1991, AMENDMENT NO. 2**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of August 1994

Present:

THE HON. DOUG KIDD PRESIDING 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, Amendment No. 2, and shall be read together with and deemed part of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of October 1994.

2. Interpretation—(1) Regulation 3 of the principal regulations is hereby amended by inserting, after the definition of the term “blue cod” (as inserted by regulation 2(1) of the Fisheries (Southland and Sub-

*S.R. 1991/57
Amendment No. 1: S.R. 1993/289

Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No. 1), the following definition:

“Blue cod pot”—

“(a) Means any pot (whether baited or not) that is capable of catching or holding blue cod; and

“(b) Includes any other device capable of catching, holding, or storing blue cod; but

“(c) Does not include a rock lobster pot.”.

(2) Regulation 3 of the principal regulations is hereby amended by inserting, after the definition of the term “ling” (as so inserted), the following definition:

“‘Longline’ means any line to which more than 7 hooks (whether baited or not) are attached.”.

(3) Regulation 3 of the principal regulations is hereby amended by inserting, after the definition of the term “rig” (as so inserted), the following definition:

“‘Rock lobster pot’—

“(a) Means any pot (whether baited or not) that is capable of holding rock lobsters; and

“(b) Includes any other device capable of catching, holding, or storing rock lobsters.”.

3. Maximum daily number of fish—(1) Regulation 4 (5) of the principal regulations (as substituted by regulation 3 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No. 1) is hereby amended by omitting the word “taken”, and substituting the word “take”.

(2) Regulation 4 of the principal regulations (as so substituted) is hereby amended by adding the following subclause:

“(6) No person shall, on any day, take more than 15 blue cod from those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point (at 46° 53.85’ S and 168° 09.76’ E) to Bullers Point on Stewart Island (at 46° 55.26’ S and 168° 11.45’ E).”

4. Scallops—The principal regulations are hereby amended by revoking regulation 5, and substituting the following regulation:

“5. (1) Notwithstanding anything in regulation 24 of the Fisheries (Amateur Fishing) Regulations 1986*, but subject to subclause (2) of this regulation,—

“(a) Any person may take any scallops from, or possess any scallops taken from, the Southland Fishery Management Area between the 1st day of October in any year and the 15th day of March in the next year (both days inclusive); but

“(b) No person shall take any scallops from, or possess any scallops taken from, those waters between the 16th day of March in any year and the 30th day of September in the same year (both days inclusive).

“(2) No person shall, on any 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.”

5. Other restrictions relating to Paterson Inlet—The principal regulations are hereby amended by inserting, after regulation 5A (as inserted by regulation 4 of the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, Amendment No. 1), the following regulation:

“5AA. No person shall—

“(a) Use or have in possession a set net or longline or blue cod pot; or
“(b) Use more than 2 rock lobster pots on any day,—
within those waters of Paterson Inlet lying inside a straight line drawn from Ackers Point (at 46° 53.83’ S and 168° 09.82’ E) to Bullers Point on Stewart Island (at 46° 55.26’ S and 168° 11.45’ E).”

6. Offences—Regulation 7 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:

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

“(a) Possessing more than the specified maximum daily number of any fish in contravention of regulation 4 of these regulations; or

“(b) Possessing more than the specified maximum daily number of scallops in contravention of regulation 5(2) of these regulations,—

if the defendant satisfies the Court that the number of fish or scallops, as the case may be, possessed in excess of the relevant specified daily number were not taken in breach of the relevant one 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 1 October 1994, amend the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991.

Regulation 2 inserts into regulation 3 of the principal regulations some new definitions.

Regulation 3 amends regulation 4 of the principal regulations and imposes in respect of certain waters of Paterson Inlet a daily bag limit of 15 blue cod per person.

Regulation 4 revokes and replaces regulation 5 of the principal regulations and redefines the amateur scallop open season in the Southland Fishery Management Area as being the period between 1 October in any year and 15 March in the next year.

Regulation 5 inserts into the principal regulations new regulation 5^{AA} and prohibits—

- (a) The use of set nets, longlines, and cod pots in certain waters of Paterson Inlet;
- (b) The use of more than 2 lobster pots per person in those waters.

Regulation 6 effects a consequential amendment.

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