



Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of August 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations amended	2
4 Interpretation	2
5 Restrictions relating to underwater breathing apparatus	2
6 New regulation 76A inserted	2
76A Underwater breathing apparatus allowed when harvesting deepwater clam	2

Regulations

1 Title

These regulations are the Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2006.

2 Commencement

These regulations come into force on 1 October 2006.

3 Principal regulations amended

These regulations amend the Fisheries (Commercial Fishing) Regulations 2001.

4 Interpretation

Regulation 3 is amended by inserting the following definition in its appropriate alphabetical order:

“**deepwater clam** means a shellfish of the species *Panopea zelandica*”.

5 Restrictions relating to underwater breathing apparatus

Regulation 76 is amended by omitting “regulation 77” and substituting “regulations 76A and 77”.

6 New regulation 76A inserted

The following regulation is inserted after regulation 76:

“76A Underwater breathing apparatus allowed when harvesting deepwater clam

“(1) If a commercial fisher is carrying and operating an automatic location communicator on board a New Zealand fishing vessel that is being used for fishing for deepwater clam, the commercial fisher may—

“(a) use or have underwater breathing apparatus when taking deepwater clam:

“(b) have underwater breathing apparatus while in possession of deepwater clam:

“(c) have underwater breathing apparatus on board the vessel for the purpose of taking deepwater clam.

- “(2) Nothing in subclause (1) allows a commercial fisher—
- “(a) to use or have underwater breathing apparatus when taking fish, aquatic life, or seaweed other than deepwater clam; or
 - “(b) to have underwater breathing apparatus on board a vessel from which is taken fish, aquatic life, or seaweed other than deepwater clam.”

Diane Morcom,
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 2006, amend the Fisheries (Commercial Fishing) Regulations 2001 to insert a *new regulation 76A*.

The *new regulation 76A* provides that if a commercial fisher is carrying and operating an automatic location communicator on board a New Zealand fishing vessel that is being used for fishing for deepwater clam (and not for other species), the commercial fisher may—

- use or have underwater breathing apparatus when taking deepwater clam:
- have underwater breathing apparatus while in possession of deepwater clam:
- have underwater breathing apparatus on board the vessel for the purpose of taking deepwater clam.

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

Date of notification in *Gazette*: 31 August 2006.

These regulations are administered by the Ministry of Fisheries.
