



**FISHERIES (COMMERCIAL FISHING) AMENDMENT
REGULATIONS (NO. 3) 1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of November 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983 and sections 297 and 298 of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

- | | |
|---|----------------|
| 1. Title and commencement | 4. Offences |
| 2. Restrictions on taking marlin | 5. Revocations |
| 3. Maximum legal weight for eel taken from South Island fisheries waters | |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Amendment Regulations (No. 3) 1997,

and are part of the Fisheries (Commercial Fishing) Regulations 1986* (“the principal regulations”).

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

2. Restrictions on taking marlin—Regulation 20A of the principal regulations (as inserted by regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 18) is amended by revoking subclause (2), and substituting the following subclause:

“(2) No person may sell or possess for sale any marlin taken from New Zealand fisheries waters.”

3. Maximum legal weight for eel taken from South Island fisheries waters—The principal regulations are amended by revoking regulation 31F (as inserted by regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 20), and substituting the following regulation:

“31F. (1) No commercial fisher may take from the South Island fisheries waters described in subclause (3) any shortfinned or longfinned eel weighing more than 4 kilograms, or possess any such eel taken from those waters.

(2) No person may sell, possess for sale, or process for sale any shortfinned or longfinned eel weighing more than 4 kilograms taken from the South Island fisheries waters described in subclause (3).

(3) For the purposes of subclauses (1) and (2), ‘South Island fisheries waters’ means those New Zealand fisheries waters south of a line commencing at the intersection of latitude 40° 00’S with the boundary of the exclusive economic zone, then proceeding in a generally easterly direction to a point at 40° 00’S and 173° 30’E, then proceeding to a point at 42° 00’S 175° 00’E, then following a line drawn along latitude 42° 00’S to a point where this line intersects the boundary of the exclusive economic zone.”

4. Offences—(1) Regulation 57 of the principal regulations (as substituted by regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 18 and amended by regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 19)

*S.R. 1986/215

Amendment No. 1: S.R. 1986/250
 Amendment No. 2: S.R. 1988/104
 Amendment No. 3: S.R. 1988/175
 Amendment No. 4: S.R. 1988/321
 Amendment No. 5: (Revoked by S.R. 1990/186)
 Amendment No. 6: (Revoked by S.R. 1990/186)
 Amendment No. 7: S.R. 1990/186
 Amendment No. 8: S.R. 1991/61
 Amendment No. 9: (Revoked by S.R. 1993/174)
 Amendment No. 10: S.R. 1991/249
 Amendment No. 11: S.R. 1992/115
 Amendment No. 12: S.R. 1992/208
 Amendment No. 13: S.R. 1992/237
 Amendment No. 14: S.R. 1993/174
 Amendment No. 15: S.R. 1993/278
 Amendment No. 16: S.R. 1993/353
 Amendment No. 17: S.R. 1994/175
 Amendment No. 18: S.R. 1995/85
 Amendment No. 19: S.R. 1995/174
 Amendment No. 20: S.R. 1995/229
 Amendment No. 21: S.R. 1995/281
 Amendment No. 22: S.R. 1996/208
 Amendment No. 23: S.R. 1996/268
 Amendment 1997: S.R. 1997/26
 Amendment (No. 2) 1997: S.R. 1997/190

is amended by revoking subclause (1), and substituting the following subclause:

“(1) Every commercial fisher commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 11, 20A, 21 (1), 21 (2), 22 (1), 22 (2), 23, 24, 25, 26, 27 (1), 29 (2), 30, 30A (1), 30A (2), 31, 31F, 31G, 36A, 41, 41A, 42, 42A, 47, 47A, 48, 49, 50, 51, 52, 53, 54, and 55.”

5. Revocations—The following regulations are revoked:

- (a) Regulation 6 (1) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 18:
- (b) Regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 19:
- (c) Regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 20.

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*, amend the Fisheries (Commercial Fishing) Regulations 1986 by—

- (a) Limiting the prohibition on the selling or possession for sale of marlin taken from New Zealand waters only:
- (b) Prohibiting the sale, possession for sale, or processing for sale of eels weighing more than 4 kilograms that are taken from South Island fisheries waters:
- (c) Inserting references to regulations 31F and 31G (which relate to eels in South Island fisheries waters) in the offence provision in regulation 57 (1), which provides for a fine of \$10,000.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 6 November 1997.

These regulations are administered in the Ministry of Fisheries.