



THE FISHERIES (AMATEUR FISHING) REGULATIONS 1983

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 19th day of December 1983

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

ANALYSIS

- 1. Title and commencement
- 2. Interpretation
- 3. Savings
- 4. Application of regulations

- 5. Finfish, shellfish, and aquatic life to be taken in accordance with notice

General Provisions

- 6. Authority to exceed daily quotas
- 7. Fishing by specified communities
- 8. Offences, penalties, and defences

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Amateur Fishing) Regulations 1983.

(2) These regulations shall come into force on the 1st day of January 1984.

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

“Act” means the Fisheries Act 1983:

“Amateur fisherman”, in respect of any person taking fish or aquatic life, means all persons taking fish or aquatic life except a commercial fisherman or other person authorised to take such fish or aquatic life under a permit, licence, or other authorisation issued or granted under the Act:

“Notice” means a notice given by the Director-General pursuant to these regulations, being a notice published in the *Gazette* or, if the Director-General considers the content of the notice to be of purely local application, published at least twice in a newspaper generally circulated in the area affected.

3. Savings—All certificates, appointments, registers, records, instruments, and generally all acts of authority, applications, and all other matters, acts, and things, which originated under the Acts and regulations revoked by Part II of the Second Schedule to the Act and are of continuing effect at the time of the coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

4. Application of regulations—(1) These regulations shall, except as otherwise expressly provided, have force and effect throughout New Zealand fisheries waters; but nothing in this regulation shall affect the application of any restriction or prohibition or privilege contained in or granted by any notice to particular parts of New Zealand or of New Zealand fisheries waters.

(2) Every master of a vessel and driver of any conveyance shall ensure that no person for the time being on the vessel or conveyance contravenes any restriction, prohibition, or requirement imposed by or pursuant to these regulations.

5. Finfish, shellfish, and aquatic life to be taken in accordance with notice—(1) All amateur fishermen taking, possessing, or conveying any finfish, shellfish, or aquatic life shall comply with such requirements as may be specified by the Director-General in a notice given in that behalf.

(2) Subject to the Act, any such notice may provide details of the following:

- (a) The areas of New Zealand waters which may be closed permanently to the taking of finfish, shellfish, or aquatic life, or the areas in which the taking of finfish, shellfish, or aquatic life is subject to such conditions as may be specified in the notice relating to quantities, sizes, periods of time, fishing gear, and fishing methods, or, in the case of shellfish, the marking out of boundaries:
- (b) Any restrictions, prohibitions, or requirements relating to fishing gear or fishing methods used to take fish, shellfish, or aquatic life:
- (c) The minimum size or lengths of such species of finfish, shellfish, and aquatic life as are specified which may be taken, possessed, or conveyed:
- (d) The maximum daily number of such species of finfish, shellfish, and aquatic life as are specified which may be taken, possessed, or conveyed by one person:
- (e) The state in which finfish, shellfish, or aquatic life may or may not be taken, possessed, or conveyed.

General Provisions

6. Authority to exceed daily quotas—Notwithstanding any maximum daily numbers of finfish, shellfish, or aquatic life that may be specified pursuant to these regulations, any committee or council representing a community may, in respect of any special occasion, apply to the Director-General for permission to take more finfish, shellfish, or aquatic life than the maximum specified; and the Director-General may, in writing, allow the application subject to such conditions as he thinks fit.

7. Fishing by specified communities—The Director-General may, by notice given in that behalf, confer on specified communities special rights or privileges or apply special conditions relating to boundaries, species, gear or methods, periods of time, quantities, or any other measure for the management or conservation of finfish, shellfish, or aquatic life in the area in which the specified community resides.

8. Offences, penalties, and defences—(1) Every person commits an offence against these regulations who,—

- (a) Knowingly makes any false or misleading statement or any material omission in any application, return, or other communication made for the purposes of these regulations or any notice made under them; or
- (b) Without lawful excuse, knowingly or negligently fails to comply with any request, requirement, obligation, condition, restriction, or provision imposed or required to be observed by these regulations or any notice made under them.

(2) Every person who commits an offence against these regulations shall, on conviction, be liable to a fine not exceeding \$5,000, and, if the offence is a continuing one, to a further fine not exceeding \$250 for every day after the first day on which the offence has continued.

(3) In addition to the limitations specified in section 88 of the Act and the defences afforded under section 101 of the Act, it shall be a defence—

- (a) In the case of any person charged with being unlawfully in possession of more than the maximum number of any species of finfish, shellfish, or aquatic life than he is entitled, if that person can prove that the number of finfish, shellfish, or aquatic life in excess of the maximum was not taken in breach of these regulations;
- (b) In the case of any person charged with taking or being in possession of scallops during a closed season, if that person can prove that the scallops so taken were washed ashore.

P. G. MILLEN,
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 authorise the Director-General of Agriculture and Fisheries to publish notices relating to amateur fishing.

They also provide for the Director-General to authorise, on special occasions, the taking of fish in excess of any quotas by committees or councils representing communities.

Provision is made for special areas to be set aside, or special conditions imposed, for or on fishing by specified communities.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983.

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