



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 11**

THOMAS EICHELBAUM, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 25th day of May 1992

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Administrator of the Government, 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 (Commercial Fishing) Regulations 1986, Amendment No. 11, and shall be read together with and deemed part of the Fisheries (Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

*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: S.R. 1991/159

Amendment No. 10: S.R. 1991/249

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 1st day of July 1992.

(3) Regulation 4 of these regulations shall come into force on the 1st day of October 1992.

2. Size limit on rock lobster—(1) Regulation 27 (3) (a) of the principal regulations (as substituted by regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2) is hereby amended by omitting the expression “58”, and substituting the expression “60”.

(2) Regulation 27 (4) (a) of the principal regulations (as so substituted) is hereby amended by omitting the expression “June 1988”, and substituting the expression “July 1992”.

3. Method of measurement of rock lobster tail—Regulation 28 of the principal regulations (as substituted by regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2) is hereby amended by omitting the expression “58” wherever it occurs, and substituting in each case the expression “60”.

4. Apertures to be incorporated in rock lobster pots—The principal regulations are hereby amended by revoking regulation 54, and substituting the following regulation:

“54. (1) No commercial fisherman shall have on board any fishing vessel or use any rock lobster pot, unless the pot has at least 2 rectangular apertures (other than the mouth) through which undersize rock lobsters are able to escape.

“(2) No escape aperture shall—

“(a) Be incorporated in either the top or the bottom of any pot; or

“(b) Have inside dimensions of less than 54 mm by 200 mm.

“(3) Every rock lobster pot that is required to contain escape apertures shall be so constructed that—

“(a) Escape apertures shall be contained in at least 2 opposite faces of the pot:

“(b) Where the escape apertures are placed vertically, the total inside length of the escape aperture or apertures contained in any face of the pot shall not be less than 80 percent of the total height of the face of the pot in which the aperture or apertures are contained:

“(c) Where placed other than vertically, the total inside length of the escape aperture or apertures contained in any face of the pot shall not be less than 80 percent of the total length of the face of the pot in which the aperture or apertures are contained.

“(4) Notwithstanding anything in subclause (1) or subclause (3) of this regulation, no commercial fisherman shall have on board any fishing vessel or use any round rock lobster pot, unless—

“(a) The pot contains at least 3 rectangular apertures (other than the mouth) through which undersize rock lobsters are able to escape; and

“(b) Each aperture has inside dimensions of not less than 54 mm by 200 mm.

“(5) Nothing in this regulation shall prohibit the use or possession on board a fishing vessel of a rock lobster pot without escape apertures, so

long as the pot is constructed entirely of spot welded rectangular mesh having inside dimensions of not less than 54 mm by 140 mm.”

5. First Schedule amended—Part I of the First Schedule to the principal regulations (as substituted by regulation 9 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2) is hereby amended by omitting the expression “58” wherever it occurs, and substituting in each case the expression “60”.

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 (except in the case of regulation 4) come into force on 1 July 1992, amend the Fisheries (Commercial Fishing) Regulations 1986.

Regulation 2 increases from 58 mm to 60 mm the minimum tail width for female spiny rock lobsters. It will be a defence if a female spiny rock lobster of 58 mm or more in width was taken before 1 July 1992.

Regulation 3 makes a consequential amendment to regulation 28 of the principal regulations.

Regulation 4, which comes into force on 1 October 1992, revokes and replaces regulation 54 of the principal regulations, which relates to the requirement that rock lobster pots have apertures to allow undersized lobsters to escape. Every pot must have—

- (a) At least 2 escape apertures measuring at least 54 mm by 200 mm at the sides of the pot:
- (b) At least 3 escape apertures if it is a round pot.

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

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