



**THE FISHERIES (AMATEUR FISHING) REGULATIONS 1986,  
AMENDMENT NO. 1**

---

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of February 1990

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.

---

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Amateur Fishing) Regulations 1986, Amendment No. 1, and shall be read together with and deemed part of the Fisheries (Amateur Fishing) Regulations 1986\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1990.

**2. Interpretation**—(1) Regulation 3 of the principal regulations is hereby amended by revoking paragraph (a) of the definition of the term “length”.

(2) Regulation 3 of the principal regulations is hereby further amended by revoking the definition of the term “measuring device”.

(3) Regulation 3 of the principal regulations is hereby further amended by inserting, after the definition of the term “oyster”, the following definition:

“‘Packhorse rock lobster’ means the fish of which the scientific name is *Jasus verreauxi* (commonly known as the packhorse or green rock lobster), and includes any part thereof.”.

(4) Regulation 3 of the principal regulations is hereby further amended by inserting, after the definition of the term “spear”, the following definition:

“‘Spiny rock lobster’ means the fish of which the scientific name is *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and includes any part thereof.”.

**3. New regulations substituted**—The principal regulations are hereby amended by revoking regulation 25, and substituting the following regulations:

“25. **Rock lobster**—(1) No person shall take or possess—

“(a) More than 6 rock lobsters taken in any one day:

“(b) Any undersize rock lobster or the tail of any undersize rock lobster:

“(c) Any rock lobster that is carrying external eggs, or from which external eggs have been removed by artificial means:

“(d) Any rock lobster where—

“(i) Any egg-bearing appendage or pleopod or any part thereof has been removed from the lobster, or the tail is in such a state that the sex of the rock lobster cannot be determined; or

“(ii) The calcified bar or any part of the exoskeleton (the outer shell of the tail) of the first abdominal segment of the tail is fractured, or the rock lobster is in such a state that its tail cannot be properly measured as required under these regulations; or

“(iii) In the case of a spiny rock lobster, the calcified bar or any part of the exoskeleton (the outer shell of the tail) of the second abdominal segment of the tail is fractured, or any part of any primary pleural spine of the second abdominal segment is broken.

“(2) No person shall set or use a baited net for taking rock lobsters, or possess any rock lobster taken with a baited net; but this prohibition shall not apply to the use of ring pots.

“(3) No person shall use any spear to take rock lobster, or possess any rock lobster that has been speared.

“(4) No person shall use or have on any vessel or vehicle any rock lobster pot, unless the pot and the buoy or float attached to the pot or float line are clearly and permanently marked with that person’s surname and initials.

“(5) No person shall possess or use any rock lobster pot that does not have at least one aperture (other than the mouth) of a size not less than 54 mm in height and 300 mm in width in any part of the pot except the bottom and in a position to enable undersize rock lobsters to escape.

“(6) Nothing in subclause (5) of this regulation shall prohibit the use of a rock lobster pot which has spot welded mesh having apertures not less than 54 mm in height and 150 mm in width.

“25A. **Undersize rock lobster**—(1) A rock lobster is undersize for the purposes of regulation 25 (1) (b) of these regulations if, in whatever state

the rock lobster or tail is when it is measured (whether alive or dead, or cooked, frozen, or chilled),—

“(a) In the case of a female spiny rock lobster, the width of its tail is less than 58 mm when measured in accordance with subclauses (2) and (3) of this regulation:

“(b) In the case of a male spiny rock lobster, the width of its tail is less than 54 mm when measured in accordance with subclauses (2) and (3) of this regulation:

“(c) In the case of a packhorse rock lobster of either sex, the length of its tail is less than 216 mm when measured in accordance with subclauses (4) and (5) of this regulation.

“(2) The width of the tail of a spiny rock lobster shall, for the purposes of this regulation, be the distance measured in a straight line from the tip of one primary pleural spine on the second abdominal segment of the tail to the tip of the other primary pleural spine on that segment.

“(3) In the case of any dispute as to whether a spiny rock lobster is undersize or not, the width of the tail of the rock lobster shall be measured, and the matter thereby determined, as follows:

“(a) The width shall be measured by means of a tail-width measuring device supplied by the Director-General bearing a D.S.I.R. mark and an identifying number and consisting of a handle with an attachment comprising 2 sets of rigid caliper-type arms. Each such set has one arm that bears a raised L-shaped projection (hereinafter called the measuring bar) and a second arm that is marked with a line some 2 mm away from and parallel to the projected edge of the central column of the device, and either—

“(i) The expressions ‘58’ and ‘F’; or

“(ii) The expressions ‘54’ and ‘M’:

“(b) The tail width of a female rock lobster shall be measured by means of the set of caliper-type arms that contains the arm marked with the expressions ‘58’ and ‘F’. The tail width of a male rock lobster shall be measured by means of the set of caliper-type arms that contains the arm marked with the expressions ‘54’ and ‘M’:

“(c) The tail width shall be measured, using the relevant set of caliper-type arms, by—

“(i) Holding the rock lobster, or tail, with the ventral side uppermost; and

“(ii) Bringing the tip of one of the primary pleural spines on the second abdominal segment into contact with the inside face of the longer section of the measuring bar (Note: in this position the measuring bar being used will not normally be visible to the person measuring); and

“(iii) While the tip of the spine is so in contact, rotating the measuring device to determine whether or not there is any position in which the tip of the other primary pleural spine on the second abdominal segment will reach that part of the inside edge of the other relevant arm of the device that extends from the line referred to in paragraph (a) of this subclause to the unattached end of the arm (which part is hereinafter called the measuring edge):

“(d) No pressure shall be applied to the tail or to the measuring device except such pressure as is necessary to—

“(i) Bring the tip of one of the primary pleural spines on the second abdominal segment into contact with the inside face of the longer section of the measuring bar; and

“(ii) Rotate the measuring device to determine whether or not the tip of the other such spine will reach the measuring edge of the other arm:

“(e) The rock lobster will be undersize if, when the tip of one such spine is in contact with the inside face of the longer section of the measuring bar, the tip of the other spine fails to reach the measuring edge of the other relevant arm of the measuring device.

“(4) The length of the tail of a packhorse rock lobster shall, for the purposes of this regulation, be the distance in a straight line, when the tail is laid flat, from the posterior side of the calcified bar on the underside of the first abdominal segment of the tail to the posterior edge of the telson of the tail fan.

“(5) In the case of any dispute as to whether a packhorse rock lobster is undersize or not, the length of the tail of the rock lobster shall be measured, and the matter thereby determined, as follows:

“(a) The length shall be measured by means of a tail-length measuring device supplied by the Director-General consisting of a rigid metal bar with a pin set in it:

“(b) The pin of the measuring device shall be placed against the mid-point on the posterior side of the calcified bar on the first abdominal segment of the tail:

“(c) With the pin kept in that position and the tail laid flat, the measuring device shall be brought into line with the posterior edge of the telson of the tail fan, and the length of the tail shall be the distance as indicated on the bar of the measuring device from the pin to that posterior edge:

“(d) When measuring that distance, no more pressure shall be applied to the tail and the measuring device than is necessary to—

“(i) Cause the calcified bars on the ventral surface of the tail to just touch the measuring device; and

“(ii) Bring the pin of the device and the bar of the device into contact with the relevant points of measurement.

“(6) Any measurement of the tail width of a spiny rock lobster shall be deemed not to be in accordance with subclause (3) of this regulation if it is carried out by means of a tail-width measuring device that, since having been supplied by the Director-General, has been altered or added to or adapted in such a way as to decrease the distance between the relevant measuring bar and measuring edge.

“(7) The diagrams in the First Schedule to the Fisheries (Commercial Fishing) Regulations 1986\* (as inserted by the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2\*) depict the tail-width measuring device and the parts of the body of a rock lobster referred to in this regulation (other than the exoskeleton), and also the physical features by which male and female spiny rock lobster may be distinguished.

“(8) In any proceedings for an offence against regulation 25 (1) (b) of these regulations, it is a defence if the defendant proves that—

- “(a) The rock lobster or rock lobster tail in question was taken before the 1st day of April 1990; and
- “(b) The defendant would not have been guilty of an offence relating to the tail length of the rock lobster or rock lobster tail under the provisions of these regulations as they were in force immediately before that date.”

C. J. HILL,  
for 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 April 1990, amend the Fisheries (Amateur Fishing) Regulations 1986.

The regulations introduce into the amateur rock lobster fishery the same tail width measurement and size limitations as have applied in the commercial fishery since 1 June 1988.

The new spiny rock lobster size limits are now a minimum tail width of 58 mm for females and 54 mm for males.

The size limits for packhorse rock lobster remain unchanged from the present tail length of 216 mm.

To cater for the new tail-width measurement, it will now be an offence to take or possess a spiny rock lobster if the calcified bar or the exoskeleton (the outer shell of the tail) or any part of a primary pleural spine of the second abdominal segment is fractured or broken.

New regulation 25A sets out in some detail the way in which tail width is to be measured by means of a new caliper-style measuring device supplied by the Director-General of Fisheries.

While persons taking rock lobster may use a measuring device other than the official one as a guide, in case of dispute it will be a measuring device of the kind referred to in the regulation that will be used to determine whether or not a spiny rock lobster is undersize.

---

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

Date of notification in *Gazette*: 1 March 1990.

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