



**THE FISHERIES (COMMERCIAL FISHING)
REGULATIONS 1986, AMENDMENT NO. 13**

ROBIN COOKE, Administrator of the Government

ORDER IN COUNCIL

At Wellington this 24th day of August 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. 13, 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
Amendment No. 11: S.R. 1992/115
Amendment No. 12: S.R. 1992/208

(2) These regulations shall come into force on the 1st day of October 1992.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term “net”, the following definition:

“ ‘Net-sonde monitor cable’—

“(a) Means a continuous cable or wire that—

“(i) Is operated from a winch located on the aft or stern of a fishing vessel; and

“(ii) Leads directly from the aft or stern of the vessel to an electronic recorder or monitor attached to the headline, headrope, or meshes of a trawl net; but

“(b) Does not include any acoustically-linked net monitor system that is a paravane or a hull-mounted transducer system.”

3. Size limit on rock lobster—Regulation 27 (4) (b) of the principal regulations (as substituted by regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 2) is hereby amended by inserting, after the words “tail length”, the words “or the tail width”.

4. Measurement of net mesh size—The principal regulations are hereby amended by revoking regulation 37, and substituting the following regulation:

“37. (1) Net mesh size shall be the size ascertained by measuring the greatest diagonal distance within a mesh, when measured in accordance with subclause (2) of this regulation.

“(2) For the purposes of subclause (1) of this regulation, the net mesh size shall be measured as follows:

“(a) The net mesh size shall be measured using a certified gauge provided by a Fishery Officer, which gauge shall correspond to the mesh size to be measured:

“(b) The measurement shall be carried out in accordance with the provisions of Part B of the Third Schedule to these regulations.

“(3) For the purposes of subclause (2) of this regulation, a ‘certified gauge’ is a gauge that—

“(a) Has the configuration of any of the gauges depicted in Part A of the Third Schedule to these regulations; and

“(b) Bears an identifying mark including the letters ‘MAF’ and also bears a number that is unique to that gauge; and

“(c) Is certified either by the Measurements Standards Laboratory of New Zealand (as defined in the National Standards Regulations 1976) or by an Inspector of Weights and Measures or by an accredited person (as defined in section 2 of the Weights and Measures Act 1987) as being an accurate net mesh measuring gauge for the purposes of these regulations.”

5. Use of net-sonde monitor cables prohibited—The principal regulations are hereby amended by inserting, after regulation 41, the following regulation:

“41A. No commercial fisherman shall operate from a New Zealand fishing vessel any net-sonde monitor cable.”

6. New Third Schedule added—The principal regulations are hereby amended by adding the Third Schedule set out in the Schedule to these regulations.

Reg. 6

SCHEDULE

NEW THIRD SCHEDULE ADDED TO PRINCIPAL REGULATIONS

Reg. 37

“THIRD SCHEDULE

“MEASUREMENT OF NET MESH SIZE

PART A—DIAGRAMS OF CERTIFIED GAUGES

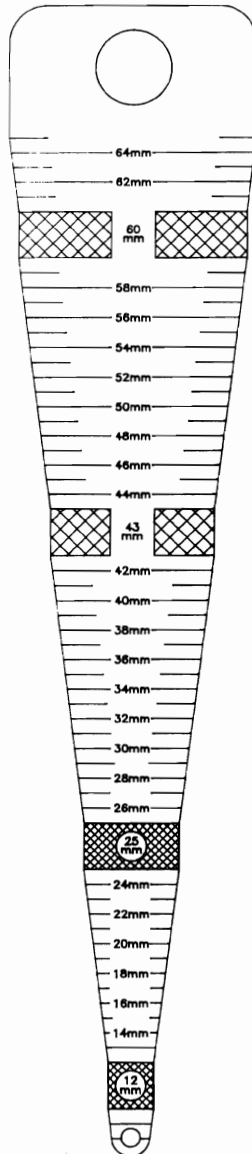


Figure 1

SCHEDULE—*continued*

NEW THIRD SCHEDULE ADDED TO PRINCIPAL REGULATIONS—*continued*

“THIRD SCHEDULE—*continued*

“MEASUREMENT OF NET MESH SIZE—*continued*

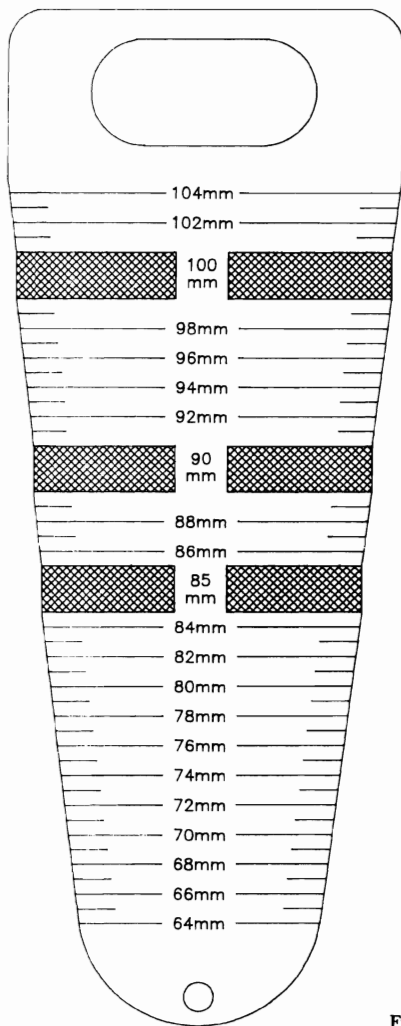


Figure 2

SCHEDULE—*continued*

NEW THIRD SCHEDULE ADDED TO PRINCIPAL REGULATIONS—*continued*

“THIRD SCHEDULE—*continued*

“MEASUREMENT OF NET MESH SIZE—*continued*

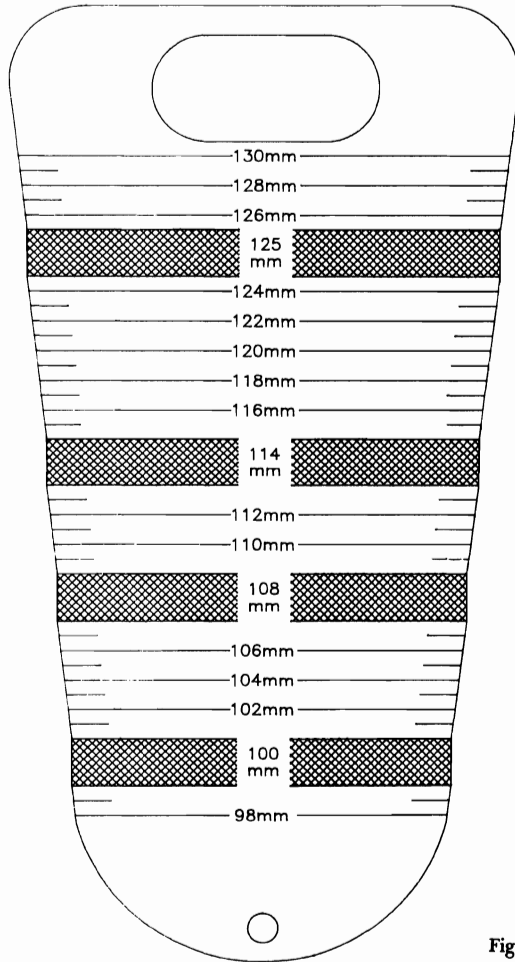


Figure 3

SCHEDULE—*continued*

NEW THIRD SCHEDULE ADDED TO PRINCIPAL REGULATIONS—*continued*

“THIRD SCHEDULE—*continued*”

“MEASUREMENT OF NET MESH SIZE—*continued*”

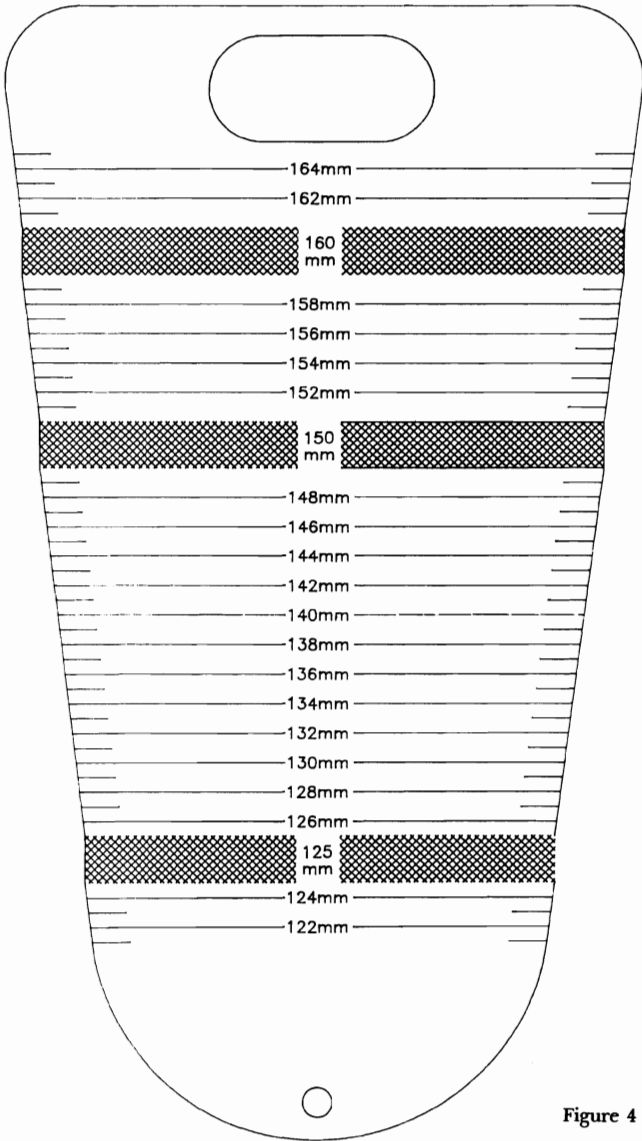


Figure 4

SCHEDULE—*continued*NEW THIRD SCHEDULE ADDED TO PRINCIPAL REGULATIONS—*continued*“THIRD SCHEDULE—*continued*”“MEASUREMENT OF NET MESH SIZE—*continued*”PART B—METHOD OF NET MESH SIZE MEASUREMENT
USING CERTIFIED GAUGE*Use of certified gauge*

1. The net shall be stretched in the direction of the long diagonal of the meshes.
2. A certified gauge shall be inserted by its narrowest extremity into the mesh opening in a direction at a right angle or perpendicular to the plane of the net.
3. The gauge shall be inserted into the mesh opening either with a manual force or using a weight described in clause 15 or clause 16 of this Part, until it is stopped at the tapering edges or parallel edges by the resistance of the mesh.

Selection of meshes to be measured

4. Subject to clauses 5 and 6 of this Part, meshes to be measured shall form a series of 20 consecutive meshes chosen in the direction of the longest dimension of the net.
5. The following meshes shall not be measured:
 - (a) Meshes less than 50 cm from lacings, ropes, or codline. The 50 cm distance shall be measured at a right angle to the lacings, ropes, or codline with the net stretched in the direction of that measurement:
 - (b) Any mesh that has been mended or broken or has attachments to the net fixed at that mesh.
6. The meshes to be measured under clause 4 of this Part need not be consecutive if the application of clause 5 of this Part prevents it.

Measurement of each mesh

7. The size of each mesh shall be the width of the gauge at the point where the gauge is stopped, when using the gauge in accordance with clauses 1 to 3 of this Part.

Determination of the mesh size of the net

8. The mesh size of the net shall be the arithmetical mean in millimetres of the measurements of the total number of meshes selected and measured as provided for in clauses 4 to 7 of this Part, the arithmetical mean being rounded up to the next millimetre.
9. The total number of meshes to be measured is provided for in clauses 10 to 12 of this Part.

Sequence of measuring procedure

10. The Fishery Officer shall measure one series of 20 meshes, selected in accordance with clauses 4 to 6 of this Part, inserting the gauge manually without using a weight.
The mesh size of the net shall then be determined in accordance with clause 8 of this Part.
11. If the calculation of the mesh size shows that the mesh size does not appear to comply with the relevant legal requirements, then 2 additional series of 20 meshes selected in accordance with clauses 4 to 6 of this Part shall be measured.

SCHEDULE—*continued*NEW THIRD SCHEDULE ADDED TO PRINCIPAL REGULATIONS—*continued*“THIRD SCHEDULE—*continued*“MEASUREMENT OF NET MESH SIZE—*continued*

The mesh size shall then be recalculated in accordance with clause 8 of this Part, taking into account the 60 meshes already measured. Subject to clauses 12 to 17 of this Part, this shall be the mesh size of the net.

Procedure to be used when measurement contested

12. If the master of the vessel or any other person has used, intends to use, or is using a net the mesh size of which is being or has been determined in accordance with clauses 10 and 11 of this Part and the master or other person contests the measurement after it has been so determined, such measurement shall not be considered for the determination of the mesh size and the net shall be remeasured by using the appropriate weight specified in clause 15 or clause 16 of this Part and by measuring one series of 20 meshes not previously measured. This will determine the net mesh size when calculated in accordance with clause 8 of this Part.
13. A weight attached to the gauge shall be used for remeasurement.
14. The weight shall be fixed to the hole in the narrowest extremity of the gauge using a hook.
15. For nets of a mesh size of 35 mm or less, as determined in accordance with clauses 10 and 11 of this Part, a force of between 19.59 and 19.63 newtons (equivalent to a mass of 2 kg) shall be applied by using a weight of 2 kg.
16. For nets of a mesh size of more than 35 mm, as determined in accordance with clauses 10 and 11 of this Part, a force of between 48.97 and 49.07 newtons (equivalent to a mass of 5 kg) shall be applied by using a weight of 5 kg.
17. No weight shall be used for the purposes of this Schedule unless it—
 - (a) Bears an identifying mark including the letters ‘MAF’ and also bears a number that is unique to that gauge; and
 - (b) Is certified either by the Measurements Standards Laboratory of New Zealand (as defined in the National Standards Regulations 1976) or by an Inspector of Weights and Measures or by an accredited person (as defined in section 2 of the Weights and Measures Act 1987) as being accurate for the purposes of these regulations.”

DIANE WILDERSPIN,
Acting 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 October 1992, amend the Fisheries (Commercial Fishing) Regulations 1986 principally as follows:

- (a) A new *regulation 37* is substituted and provides a new method of measuring net mesh size. The new method brings the New Zealand method into line with international standards, in particular Commission Regulation (EEC) No. 2108/84 of 23 July 1984:
- (b) A new *regulation 41A* is inserted to prohibit the use of net-sonde monitoring cables on board New Zealand fishing vessels. The cables monitor the depth and location of nets. The purpose of the prohibition is to protect seabirds.

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

Date of notification in *Gazette*: 27 August 1992.

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