



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 17**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of August 1994

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, Her 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 | 5. Alternative position for marking figures, letters, and discs |
| 2. Interpretation | 6. Fees |
| 3. Marking of fishing vessels | 7. New Schedule added |
| 4. Figures, letters, and discs to be maintained and not to be removed | 8. Transitional provision Schedule |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 17, and shall be read together with and deemed part of the Fisheries

(Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 1st day of October 1994.

(3) Regulations 3, 4, 5, and 7 of these regulations, and the Schedule to these regulations, shall come into force on the 1st day of October 1995.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by omitting from the definition of the term “oyster” the words “*Tiostrea lutaria*”, and substituting the words “*Tiostrea chilensis*”.

3. Marking of fishing vessels—The principal regulations are hereby amended by revoking regulations 14 and 16, and substituting the following regulation:

“14. (1) Every owner of a New Zealand fishing vessel of less than 28 metres in overall length shall ensure that, within 7 days after the registration of the vessel or before the vessel is used in fishing, whichever is the earlier,—

“(a) The vessel is marked with figures showing the registered number of the vessel; and

“(b) Those figures are painted on both sides of the forward plane of the hull in accordance with the Fourth Schedule to these regulations.

“(2) Every owner of—

“(a) A New Zealand fishing vessel of or over 28 metres in overall length; or

“(b) A New Zealand fishing vessel whose registration required consent under section 57 (8) of the Act,—

shall ensure that, within 7 days after the registration of the vessel or before the vessel is used in fishing, whichever is the earlier,—

“(c) The vessel is marked with the vessel’s international radio call sign; and

“(d) That call sign is painted amidships on both sides of the hull immediately below the gunwhale in accordance with the Fourth Schedule to these regulations.”

4. Figures, letters, and discs to be maintained and not to be removed—Regulation 17 of the principal regulations is hereby amended by omitting the expression “regulations 14 to 16 of”, and substituting the expression “regulations 14 and 15 of, and the Fourth Schedule to,”.

5. Alternative position for marking figures, letters, and discs—Regulation 18 of the principal regulations is hereby amended by omitting the expression “regulations 14 to 17 of” in both places where they occur,

*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

and substituting in each case the expression “regulations 14 and 15 of, and the Fourth Schedule to,”.

6. Fees—Part IV of the Second Schedule to the principal regulations (as substituted by regulation 3 (1) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 14 and as amended by regulation 2 (2) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 16) is hereby amended by adding the following clauses:

“6. *Applications and approvals under section 61*—(1) The fee payable in respect of any application for consent under section 61 of the Act is \$171.00.

“(2) The fee payable in respect of the giving of any consent under section 61 of the Act is,—

“(a) In the case of a ship not required to carry an automatic location communicator, \$405.00;

“(b) In the case of a ship required to carry an automatic location communicator, \$3501.00.

“7. *Marine farming permits and spat catching permits*—(1) The fee payable in respect of an application for a marine farming permit under section 67J of the Act is \$450.00.

“(2) The fee payable in respect of an application for a spat catching permit under section 67Q of the Act is \$450.00.

“8. *Inspection of marine farming register*—The fee payable in respect of any inspection of the register of marine farming permits that is kept under section 67J (12) of the Act is \$27.00.”

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

8. Transitional provision—Until the 1st day of October 1995, in the case of a New Zealand fishing vessel—

(a) Exceeding 28 metres in overall length; or

(b) Whose registration required consent under section 57 (8) of the Act,—

it shall be sufficient compliance with regulations 14 and 16 of the principal regulations if the vessel is marked in accordance with the provisions being substituted by regulation 3 of these regulations and added by regulation 7 of these regulations.

Reg. 7

SCHEDULE

NEW FOURTH SCHEDULE ADDED TO PRINCIPAL REGULATIONS

Regs. 14, 17, 18

"FOURTH SCHEDULE

PROVISIONS RELATING TO MARKING OF FISHING VESSELS

1. Lettering—Block lettering and figures shall be used.**2. Height**—The height of the letters and figures shall be in proportion to the size of the vessel.**3. Marks**—The height of letters and figures placed on the hull, superstructure, or inclined surfaces shall be as specified in the following table:

<i>Overall Length of Vessel Metres (m)</i>	<i>Minimum Height of Letters and Numbers in Metres (m)</i>
28 m or over	1.0 m
20 m or over but less than 28 m	0.8 m
15 m or over but less than 20 m	0.6 m
12 m or over but less than 15 m	0.4 m
5 m or over but less than 12 m ..	0.3 m
Less than 5 m	0.1 m

4. Hyphen length—The length of the hyphen shall be half the height of the letters and figures.**5. Stroke width**—The width of the stroke for all letters and the hyphen shall be one-sixth of their height.**6. Spaces between letters and numbers**—The space between letters and between figures and between letters and figures shall not exceed a quarter of their height nor be less than one-sixth of their height.**7. Spaces between adjacent letters with sloping sides**—The space between adjacent letters having sloping sides shall not exceed one-eighth of their height nor be less than one-tenth of their height."

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 amend the Fisheries (Commercial Fishing) Regulations 1986. The regulations come into force on 1 October 1994, except for the new fishing vessel marking requirements contained in regulations 3, 4, 5, and 7, and the Schedule. Those requirements come into force on 1 October 1995.

Regulation 2 updates the definition of the term "oyster" in regulation 2 of the principal regulations.

Regulation 3 revokes and replaces regulations 14 and 16 of the principal regulations and relates to the marking of fishing vessels. The new *regulation 14* and the new *Fourth Schedule* (as added by *regulation 6*) implement a new standard established by the United Nations Food and Agricultural Organisation (FAO) and standardise vessel markings.

Regulations 4 and *5* effect consequential amendments.

Regulation 6 prescribes the following new fees:

- (a) A fee of \$171 for an application for consent under section 61 of the Fisheries Act 1983:
- (b) A fee of \$405 for the giving of consent under section 61, where the ship concerned is not required to carry an automatic location communicator:
- (c) A fee of \$3501 for the giving of consent under section 61, where the ship concerned is required to carry an automatic location communicator:
- (d) A fee of \$405 for an application for a marine farming permit or a spat catching permit:
- (e) A fee of \$27 for the inspection of the register of marine farming permits that is kept under section 67J (12) of the Act.

Regulation 7 adds the new *Fourth Schedule* set out in the Schedule to the regulations.

Regulation 8 is a transitional provision that allows fishing vessels exceeding 28 metres in overall length, and fishing vessels registered with consent under section 57 (8) of the Fisheries Act 1983, to comply with the new marking requirements instead of the present ones before 1 October 1995.

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

Date of notification in *Gazette*: 1 September 1994.

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