



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,  
AMENDMENT NO. 18**

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CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 27th day of February 1995

Present:

THE RIGHT HON. D. C. MCKINNON 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.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 18, 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: *(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  
Amendment No. 17: S.R. 1994/175

(2) These regulations shall come into force on the 1st day of April 1995.

**2. Interpretation**—(1) Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Blue mackerel’ means a fish of the species *Scomber australasicus*:

“Brown bullhead catfish’ means a fish of the species *Ictalurus nebulosus*:

“Jack mackerel’ means the fish of which the scientific name is *Trachurus spp.*:

“Koi’ means a fish of the species *Cyprinus carpio*:

“Skipjack tuna’ means a fish of the species *Katsuwonus pelamis*.”

**3. New heading and regulation substituted**—(1) The principal regulations are hereby amended by revoking regulation 20A of the principal regulations (as inserted by regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 8) and the heading immediately above that regulation, and substituting the following heading and regulation:

“*Billfish*

“20A. **Restrictions on taking marlin**—(1) Except as provided in this regulation, no commercial fisherman shall be in possession of any marlin taken from New Zealand fisheries waters.

“(2) No person shall sell or possess for sale any marlin.

“(3) Where a commercial fisherman takes any marlin, the commercial fisherman—

“(a) May tag it with a tag supplied by the Director-General or an officer of the Ministry, and shall return the fish to the sea:

“(b) If the marlin has been tagged already, may retain and land the marlin but shall surrender it to a Fishery Officer:

“(c) In any other case, shall return it (whether alive or dead) to the sea.

“(4) Any Fishery Officer who receives any tagged marlin under subclause (3) of this regulation shall dispose of it as directed by the Director-General.”

(2) Regulation 3 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 8 is hereby consequentially revoked.

**4. Minimum finfish length, weight, and net mesh size**—Regulation 21 of the principal regulations is hereby amended by inserting, after subclause (1A) (as inserted by regulation 3(3) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15), the following subclause:

“(1B) Notwithstanding subclause (1) of this regulation, any commercial fisherman—

“(a) May take blue mackerel, jack mackerel, kahawai, or trevally by means of a purse seine net or lampara net, so long as any mesh of the net is not less than 50 mm:

“(b) May take skipjack tuna by means of a purse seine net or lampara net, so long as any mesh of the net is not less than 63 mm:

“(c) May take koi or brown bullhead catfish by means of a fyke net, so long as any mesh of the net is not less than 12 mm.”

**5. Restrictions on nets in channels**—The principal regulations are hereby amended by revoking regulation 38 (as substituted by regulation 6 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15), and substituting the following regulation:

“38. (1) No commercial fisherman shall use or set any net that, either by itself or together with or in conjunction with any other net, wing, leader, or any other item attached to the net extends more than one-quarter of the way across the width of any channel, river, or stream measured at right angles to the bank of the channel, river, or stream, at that place at that time.

“(2) No commercial fisherman shall use any net that, at any time either by itself or together with or in conjunction with any other net, wing, leader, or any other item attached to the net extends more than one-quarter of the width of any arm of the sea, including any estuary, inlet, bay, or sound.

“(3) For the purposes of subclause (2) of this regulation, the width of any arm of the sea, including any estuary, inlet, bay, or sound, shall be a straight line drawn between any point on the water's edge and any point on the opposing water's edge being a line that intersects at some point the net, or any wing, leader, or any other item attached to the net.”

**6. Offences**—(1) Regulation 57 of the principal regulations (as substituted by regulation 4 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 7) is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 11, 20A, 21 (1), 21 (2), 22 (1), 22 (2), 23, 24, 25, 26, 27 (1), 29 (2), 30, 30A (1), 30A (2), 31, 36A, 41, 41A, 42, 42A, 47, 47A, 48, 49, 50, 51, 52, 53, 54, and 55 of these regulations.”

(2) Regulation 57 (1A) of the principal regulations (as inserted by regulation 12 (2) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15) is hereby amended by omitting the expression “regulations 21 (3), 22 (3), 26 (2), 29 (3), and 31 (2)”, and substituting the expression “regulations 12 (1), 20, 21 (3), 22 (3), 26 (2), 27 (2), 29 (3), 30A (4), and 31 (2)”.

**7. Revocations**—Regulations 6 and 12 (1) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15 are hereby consequentially revoked.

MARIE SHROFF,  
Clerk of the Executive Council.

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## 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 1995, amend the Fisheries (Commercial Fishing) Regulations 1986.

*Regulation 2* inserts into the principal regulations definitions of the terms “brown bullhead catfish” and “koi” and certain other terms.

*Regulation 3* replaces regulation 20A of the principal regulations and allows the taking and landing (but not the sale) of tagged marlin.

*Regulation 4* relaxes the minimum net mesh sizes for certain species.

*Regulation 5* replaces regulation 38 of the principal regulations and relates to the requirements about the use of nets across waterways. The rule remains the same (that is the net must not extend more than one-quarter of the width of the waterway) but the manner in which the measurement is calculated is simplified.

*Regulation 6* updates the list of offences set out in regulation 57 of the principal regulations that may be committed by persons generally or by commercial fishermen.

*Regulation 7* effects consequential revocations.

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