



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 20**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of October 1995

Present:

THE HON. WYATT CREECH 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 20, 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
- Amendment No. 18: S.R. 1995/35
- Amendment No. 19: S.R. 1995/174

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “fyke net”, and substituting the following definition:

“‘Fyke net’ means any trap net (set with or without leaders or wings) where—

“(a) The trap section has single or multiple throats and is supported by hoops or rings; and

“(b) The leaders or the net are held in position by poles or anchoring devices or by both poles and anchoring devices.”

(2) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “set net” (as amended by regulation 2(2) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15), and substituting the following definition:

“‘Set net’ includes a gill net or any other sort of net which acts by entangling, entrapping, or entangling any fish; but does not include a fyke net or a hinaki trap.”

(3) Regulation 2(2) of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15 is hereby consequentially revoked.

3. New regulation relating to eels inserted—The principal regulations are hereby amended by inserting, after regulation 31E, the following heading and regulation:

“Eels

“31F. Maximum legal weight for eel taken from South Island fisheries waters—(1) No commercial fisherman shall take from the South Island fisheries waters described in subclause (2) of this regulation any shortfinned or longfinned eel weighing more than 4 kilograms, or possess any such eel taken from those waters.

“(2) For the purposes of subclause (1) of this regulation, ‘South Island fisheries waters’ means those New Zealand fisheries waters south of a line commencing at the intersection of latitude 40° 00’S with the boundary of the exclusive economic zone, then proceeding in a generally easterly direction to a point at 40° 00’S and 173° 30’E, then proceeding to a point at 42° 00’S 175° 00’E, then following a line drawn along latitude 42° 00’S to a point where this line intersects the boundary of the exclusive economic zone.”

4. Length of set net—Regulation 42(5) of the principal regulations (as substituted by regulation 8 of the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 15) is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Set any set net within 60 metres of any other set net.”

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 come into force on the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Commercial Fishing) Regulations 1986 by—

- (a) Amending the definition of the term “fyke net” so that it is consistent with definitions of the same term contained in the various regional commercial fishing regulations; and
- (b) Excluding fyke nets and hinaki traps from the definition of the term “set net”; and
- (c) Amending regulation 42, which places certain restrictions on set nets, to ensure that it does not apply to fyke nets or hinaki traps; and
- (d) Introducing a maximum legal weight of 4 kilograms for eels taken from South Island fisheries waters.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 November 1995.
These regulations are administered in the Ministry of Fisheries.