



**THE FISHERIES (AMATEUR FISHING) REGULATIONS 1986,  
AMENDMENT NO. 2**

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PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of August 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.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Amateur Fishing) Regulations 1986, Amendment No. 2, 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 8th day of September 1990.

**2. Rock lobster**—Regulation 25 (1) of the principal regulations (as substituted by regulation 3 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No. 1) is hereby amended by adding the following paragraph:

\*S.R. 1986/221  
Amendment No. 2: S.R. 1990/40

“(e) Any rock lobster in the soft shell stage.”

**3. Offences**—(1) Regulation 29 (1) of the principal regulations is hereby amended by omitting the expression “and 26”, and substituting the expression “26, and 28”.

(2) Regulation 29 (2) of the principal regulations is hereby amended by inserting, before the words “Every person”, the words “Subject to subclause (2A) of this regulation,”.

(3) Regulation 29 of the principal regulations is hereby further amended by inserting, after subclause (2), the following subclause:

“(2A) Where, on or after the 1st day of October 1993, any person is convicted of any offence against these regulations for which the specified maximum penalty is a fine of \$5,000, that person shall be liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years immediately preceding the date of that conviction, that person has been convicted of any offence against the Act or any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.”

(4) Regulation 29 (3) of the principal regulations is hereby amended by omitting the expression “section 101”, and substituting the expression “section 105”.

**4. Open season for toheroa at Oreti Beach**—(1) Notwithstanding regulation 22 of the principal regulations but subject to subclause (2) of this regulation, any person to whom the principal regulations apply may take toheroa from Oreti Beach, Southland, between the hours of 7 a.m. and 6 p.m. on the 8th day of September 1990.

(2) The right conferred by subclause (1) of this regulation is subject to the following provisions:

- (a) No person shall take or be in possession of more than 5 toheroa:
- (b) No person shall be in possession of any toheroa that is less than 100 mm in length (whether entire, chipped, or broken):
- (c) No person shall use any implement or device of any kind for the purpose of locating or taking any toheroa, or be in possession of any such implement or device while in possession of any toheroa:
- (d) No person shall remove any toheroa from its shell or be in possession of any toheroa that has been removed from its shell, while within 2 km of Oreti Beach:
- (e) Every person who takes any toheroa that is less than 100 mm in length shall immediately re-bury it, causing as little injury as possible, below the mean high water mark, provided that where the shell of any such toheroa is broken or damaged it shall be surrendered to a Fishery Officer as soon as practicable.

(3) For the purposes of this regulation, Oreti Beach means that part of Oreti Beach lying between the confluence of the Waimatuku Stream at 46° 22.0'S and 168° 10.0'E and a point at 46° 29.4'S and 168° 15.6'E, being approximately 1.8 kilometres north of Entrance Point at the New River Harbour entrance.

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 8 September 1990, amend the Fisheries (Amateur Fishing) Regulations 1986.

*Regulation 2* amends regulation 25 (1) of the principal regulations to prohibit the taking of rock lobster in the soft shell stage.

*Regulation 3* replaces regulation 29 of the principal regulations, which relates to offences and penalties. The principal changes are as follows:

- (a) The maximum fine for the breach of regulation 28 is increased from \$5,000 to \$10,000.

Regulation 28 requires that unlawfully taken fish be returned immediately to the waters from which they have been taken:

- (b) A new regulation 29 (2A) is inserted and provides that where a person is convicted on or after 1 October 1993 of an offence against the regulations for which the specified maximum penalty is a fine of \$5,000, that person is liable on that conviction to a fine not exceeding \$10,000 if, in the 3 years preceding the date of conviction, that person has been convicted of any offence against the Fisheries Act 1983 or any regulations made under that Act for which the specified maximum penalty was a fine of \$5,000.

*Regulation 4* provides for an open toheroa season at Oreti Beach in Southland to be held on 8 September 1990 between the hours of 7 a.m. and 6 p.m.

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

Date of notification in *Gazette*: 30 August 1990.

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