



**THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986,
AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 19th day of December 1988

Present:

THE HON. M. K. MOORE PRESIDING IN COUNCIL

PURSUANT to 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986, Amendment No. 4, and shall be read together with and deemed part of the Fisheries (Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

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

2. Prohibition on taking or possession of salmon—The principal regulations are hereby amended by inserting, after regulation 30, the following heading and regulation:

*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

“Salmon

“30A. (1) Subject to the provisions of this regulation, no commercial fisherman shall take or be in possession of any salmon.

“(2) Where a commercial fisherman takes any salmon that is tagged, the fisherman shall retain and land the salmon and surrender it to a Fishery Officer.

“(3) Subclause (1) of this regulation shall not apply where—

“(a) Salmon are taken by a commercial fisherman as an inevitable consequence of the lawful taking of other fish; and

“(b) When taken, the salmon are dead or are so damaged as to be unlikely to survive being returned to the water; and

“(c) The commercial fisherman notifies a Fishery Officer as soon as practicable of the taking of the salmon; and

“(d) The commercial fisherman surrenders the salmon to the Crown or disposes of them in such manner as may be directed by a Fishery Officer.

“(4) Subject to section 69 of the Act and to subclause (5) of this regulation, no person shall sell or possess for sale any salmon.

“(5) A licensed fish receiver may sell or possess for sale any salmon surrendered to the Crown or disposed of pursuant to subclause (3) of this regulation.”

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 prohibit the taking and possession of salmon by commercial fisherman, subject to 2 exceptions:

— The prohibition does not apply to tagged salmon, which should be retained and surrendered to a Fishery Officer.

— Nor does the prohibition apply where salmon taken as accidental bycatch are dead or are so damaged as to be unlikely to survive being returned to the water, provided the fisherman notifies a Fishery Officer as soon as practicable and surrenders the fish to the Crown or disposes of them in a manner directed by a Fishery Officer.

The regulations also prohibit the sale or possession for sale of salmon, except for licensed fish receivers dealing with salmon surrendered to the Crown or disposed of in accordance with a direction of a Fishery Officer pursuant to the new regulation 30A (3).

These regulations should be read in conjunction with the repeal of regulation 16 (c) and (d) of the Freshwater Fish Farming Regulations 1983 effected by Amendment No. 2 to those regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1988.

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