



**THE FISHERIES (LICENSED FISH RECEIVERS)  
REGULATIONS 1986**

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PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 11th day of August 1986

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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ANALYSIS

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Licensed Fish Receivers) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Fisheries Act 1983:

“Certificate of recognition” means a certificate of recognition issued or renewed under these regulations:

“Fish export licence” means a licence to export fish issued under the Fish Export Licensing Regulations 1982\*:

“Fish packing house licence” means a licence to operate a fish packing house issued under the Meat Act 1981:

“Fish receiving” means receiving fish for handling or processing from a commercial fisherman in circumstances to which section 67 (2) of the Act does not apply; but does not include the receiving of fish by the Crown:

“Fish receiver’s licence” means a fish receiver’s licence issued or renewed under these regulations:

“Handling and processing”, in relation to fish, means the weighing, washing, grading, opening, shucking, cutting, filleting, trimming, smoking, drying, freezing, canning, bagging, packaging, preserving, reducing, or other processing; but does not include the cooking of fish or fish products to form the whole or part of a meal sold or supplied at or from the premises where the fish or fish products are cooked.

**3. Licensing of fish receivers**—(1) No person shall engage in fish receiving on any occasion on or after the 1st day of October 1986 unless at that time that person is the holder of a fish receiver’s licence or a certificate of recognition.

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who commits any breach of subclause (1) of this regulation.

**4. Applications for licences and recognition of other licences**—(1) Every application for a fish receiver’s licence under these regulations shall be made to the Director-General on a form provided for that purpose by the Director-General and shall be accompanied by the application fee specified in regulation 12 of these regulations.

(2) Every application for the recognition of a fish export licence or a fish packing house licence as a fish receiving licence shall be made to the Director-General on a form provided by the Director-General for that purpose and shall be accompanied by the application fee specified in regulation 12 of these regulations.

**5. Director-General may require information from applicant**—(1) The Director-General may require any applicant to produce evidence that—

- (a) All premises to which the fish receiver's licence or certificate of recognition would relate comply with the Food Hygiene Regulations 1974† (if appropriate); and
- (b) All premises to which the fish receiver's licence or certificate of recognition would relate are licensed by the local authority under the Health (Registration of Premises) Regulations 1966\* (if appropriate); and
- (c) The holder is capable of meeting and maintaining the standard for the keeping of records and accounts as determined from time to time by the Director-General under section 66 of this Act.

(2) The Director-General may require an applicant to provide details of the address or location of all premises that will be owned, operated, or used by the applicant where fish purchased by, acquired by, or in the possession of the applicant is to be stored, sold by wholesale or retail, handled or processed, or otherwise disposed of.

**6. Grant of fish receiver's licence**—(1) The Director-General shall, on payment of the fee specified in or under regulation 12 of these regulations, issue a fish receiver's licence to an applicant under regulation 4 (1) of these regulations if the applicant has produced all, or in the opinion of the Director-General, a sufficient amount of the information required under regulation 5 of these regulations, and the Director-General is satisfied that the applicant is operating or intends to operate a fish receiving business, and is satisfied either—

- (a) That the applicant will, in every fishing year to which the licence is to apply, be handling and processing in total 30 tonnes or more of fish purchased or obtained from 3 or more New Zealand fishing vessels; or
- (b) That the applicant should receive a fish receiver's licence, having regard to the applicant's special business circumstances.

(2) The Director-General may impose conditions on any licence granted under subclause (1) (b) of this regulation being conditions that relate to the species or amounts of fish that may be received, the sources of those fish, or the subsequent disposition of those fish.

(3) Notwithstanding subclause (1) of this regulation, the Director-General shall not issue a fish receiver's licence to any applicant where the Director-General is satisfied that—

- (a) The applicant or any person likely to be involved in the fish receiving operations has been convicted of any offence under any enactment relating to fish; or
- (b) The applicant or any person likely to be involved in the management of the fish receiving operations has been involved in the management of the fish receiving operations of a body corporate that has been convicted of any offence under any enactment relating to fish—

unless the Director-General is satisfied that the fish receiving operations will be conducted in a proper manner.

**7. Recognition of fish export licences and fish packing house licences**—(1) The Director-General shall recognise a fish export licence or a fish packing house licence as a fish receiver's licence if the applicant has

produced all, or in the opinion of the Director-General a sufficient amount of, the information required under regulation 5 of these regulations.

(2) Where the Director-General recognises any fish export licence or fish packing house licence as a fish receiver's licence the Director-General shall, on payment of the fee specified in regulation 12 of these regulations, issue to the holder of that licence a certificate of recognition in a form provided by the Director-General for that purpose.

(3) Every holder of a current certificate of recognition shall be deemed for the purposes of sections 67 and 67A and any other provision of the Fisheries Act 1983 to be licensed under these regulations.

**8. Renewals**—(1) Every application for the renewal of a fish receiver's licence or for the renewal of a certificate of recognition shall be made to the Director-General before the expiry of the licence or certificate on a form provided for the purpose and shall be accompanied by the application fee specified in regulation 12 of these regulations.

(2) The Director-General shall renew the fish receiver's licence or certificate of recognition, as the case may be, on payment of the fee specified in or under regulation 12 of these regulations if the Director-General is satisfied that the conditions that apply to the granting of a fish receiver's licence or recognition of another licence as a fish receiver's licence are being and are likely to continue to be met.

(3) Subject to regulation 11 of these regulations, the Director-General may decline to renew any licence or certificate if the licensee has not at any time in the previous 2 years engaged in fish receiving.

(4) Where any application for the renewal of a licence or certificate is duly made the licence or certificate to be renewed shall continue in force until the renewal is granted or declined and notice of that fact has been given to the holder of the licence or certificate.

**9. Duration of licences and certificates**—Every fish receiver's licence or certificate of recognition issued or received under these regulations shall continue in effect until—

- (a) In the case of a certificate of recognition, the fish export licence or fish packing house licence that has been recognised is revoked, or expires and is not renewed; or
- (b) The licence or certificate is revoked by the Director-General or is surrendered; or
- (c) The 30th day of September following the expiry of 4 years from the date on which the licence or certificate, or renewal, takes effect—whichever first occurs.

**10. Revocation of and refusal to renew licences and certificates**—Subject to regulation 11 of these regulations, the Director-General may revoke a fish receiver's licence or a certificate of recognition if the Director-General is satisfied that, since the issue or latest renewal of the licence or certificate,—

- (a) The holder or any person involved in the fish receiving operations has been convicted of any offence against any enactment relating to fish; or
- (b) The circumstances of the fish receiving operations or the persons involved have so changed that if the holder were to apply for the

licence or certificate or its renewal that licence or certificate would not be granted or renewed.

**11. Director-General to give notice of intention to decline, revoke, or decline to renew licence or certificate**—(1) Where the Director-General proposes to decline, revoke, or to decline to renew any fish receiver's licence or certificate of recognition the Director-General shall give the applicant or the holder of the licence or certificate written notice of that intention and the information on which it is based, and shall give the applicant or the holder a reasonable opportunity to be heard in respect of the matter.

(2) Where the Director-General revokes or declines to renew any licence or certificate the Director-General shall give notice of that decision in a newspaper circulating in the area or areas where the holder of the licence or certificate carried out fish receiving operations, and in such other publications as the Director-General considers appropriate.

**12. Fees**—(1) The fee for an application for a fish receiver's licence or a certificate of recognition, or the renewal of such a licence or certificate, shall be \$200, and except to the extent that the Director-General waives or remits any fee under subclause (3) of this regulation, that fee shall not be refunded if the application is not successful.

(2) The fee for the issue or renewal of a fish receiver's licence or a certificate of recognition shall be \$130, and \$20 in respect of every premises the address or location of which is notified or required to be notified under regulation 5 (2) of these regulations, for each fishing year for which the licence or certificate is to be valid, and shall be payable on the first day of the fishing year to which it relates.

(3) The Director-General may waive or remit payment of such portion of the fees payable under this regulation as the Director-General thinks fit in any case to which regulation 6 (1) (b) of these regulations applies.

P. G. MILLEN,  
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 require the licensing of fish receivers. A fish receiver is defined as any person who receives fish from a commercial fisherman for handling or processing other than in the case of small boat-side sales. It will be an offence for an unlicensed person to receive fish from a commercial fisherman on or after 1 October 1986. Fish export licences and fish packing house licences can be recognised as fish receiver's licences.

Unless there are special circumstances, the fish receiver must be obtaining a total of 30 tonnes or more of fish from 3 or more New Zealand fishing vessels each fishing year.

A licence or certificate of recognition may be declined, revoked, or not renewed if the applicant or any person involved in the management of the operations has been convicted of any fishery offence or has been involved in the management of a body corporate that has been convicted of a fishery offence.

Where the Director-General proposes to decline to grant or renew a licence or certificate or to revoke or not to renew a licence or certificate, the applicant or holder must be given the information relied upon by the Director-General, and must be given a reasonable opportunity to be heard.

There is a non-refundable application fee of \$200 and a further fee where a licence or certificate is granted or renewed of \$130 plus \$20 for each premises for each fishing year for which it applies.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 August 1986.

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