



**THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 10**

—
ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 24th day of June 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with advice and consent of the Executive Council, hereby makes the following regulations:

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ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application of regulations 4. Size of net for catching sardines 5. Use of nets in New Zealand fisheries waters 6. Revocation of provision relating to use of trawl nets in Hawke Bay 7. Revocation of regulation relating to use of set line 8. Amendment to regulations relating to crayfish consequent on the abolition of Oamaru Registry 9. Tailing of crayfish on registered fishing boats 10. Crayfish quotas | <ol style="list-style-type: none"> 11. Quotas of shellfish permitted to be taken, etc. 12. Quotas of scallops permitted to be taken, etc. 13. Close season for scallops 14. Quotas of flatfish 15. Restriction on taking undersized hapuka removed 16. Relaxing restrictions on taking fish, crayfish, or shellfish from Milford Sound 17. Offence to sell or receive fish in certain cases 18. Revocation of regulation restricting the taking of porpoises in Cook Strait |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries Regulations 1950, Amendment No. 10, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950* (hereinafter referred to as the principal regulations).

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

*S.R. 1950/147 (Reprinted with Amendments 1 to 8: S.R. 1966/20)
Amendment No. 9: S.R. 1967/112

2. Interpretation—(1) Regulation 4 of the principal regulations is hereby amended by revoking the definition of “equipment” in subclause (1), and substituting the following definition:

“‘Equipment’ includes Danish seine nets, purse seine nets, trawl nets, set nets, long lines, hand lines, traps, pots, underwater breathing apparatus, and any other net, line, or gear of any description whatsoever used in catching fish:”.

(2) The said regulation 4 (as amended by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 5) is hereby further amended by omitting from the definition of “fish” in subclause (1) the words “New Zealand waters”, and substituting the words “New Zealand fisheries waters”.

(3) The said regulation 4 is hereby further amended by revoking the definition of “net” in subclause (1), and substituting the following definition:

“‘Net’ includes a purse seine net, a gill net, a drag net, a hoop net, a lampara net, and a ring net; but does not include a whitebait net, angler’s landing net, angler’s bait net, or a net that is used in accordance with the provisions of any regulations other than these regulations for the time being in force:”.

(4) The said regulation 4 (as amended by regulation 2 (3) of the Fisheries (General) Regulations 1950, Amendment No. 5) is hereby further amended by omitting from the definition of “shellfish” in subclause (1) the words “New Zealand waters”, and substituting the words “New Zealand fisheries waters”.

3. Application of regulations—The principal regulations are hereby further amended by revoking regulation 7, and substituting the following regulation:

“7. These regulations shall, except as otherwise expressly provided, have force and effect throughout New Zealand and New Zealand fisheries waters; but nothing in this regulation shall affect the application of any restriction contained in any of the regulations following this regulation to particular parts of New Zealand or of New Zealand fisheries waters.”

4. Size of net for catching sardines—Regulation 12 of the principal regulations is hereby amended by omitting from the second column of that part of the table therein that relates to sardines the expression “1 in.”, and substituting the expression “ $\frac{1}{2}$ in.”.

5. Use of nets in New Zealand fisheries waters—Regulation 25 of the principal regulations (as substituted by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 1) is hereby amended by omitting from subclause (1) the words “any salt, brackish, or fresh waters in New Zealand or on the coasts or bays thereof”, and substituting the words “New Zealand fisheries waters”.

6. Revocation of provision relating to use of trawl nets in Hawke Bay—(1) Regulation 80 of the principal regulations is hereby amended by revoking paragraph (b) of subclause (19).

(2) Regulation 5 (2) of the Fisheries (General) Regulations 1950, Amendment No. 5, is hereby consequentially revoked.

7. Revocation of regulation relating to use of set line—Regulation 83 of the principal regulations is hereby revoked.

8. Amendment to regulations relating to crayfish consequent on the abolition of Oamaru Registry—Regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 6, is hereby amended by omitting from subclauses (1), (3), and (5) the words “or Oamaru” wherever they appear.

9. Tailing of crayfish on registered fishing boats—Regulation 16 of the Fisheries (General) Regulations 1950, Amendment No. 6, is hereby amended by omitting from subclause (4) the word “licensed”, and substituting the word “registered”.

10. Crayfish quotas—Regulation 19 of the Fisheries (General) Regulations 1950, Amendment No. 6 (as amended by regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 9), is hereby further amended by omitting from subclause (2) the word “him” wherever it appears, and substituting in each case the word “them”.

11. Quotas of shellfish permitted to be taken, etc.—(1) Regulation 106 of the principal regulations (as substituted by regulation 16 of the Fisheries (General) Regulations 1950, Amendment No. 5) is hereby amended by omitting the word “4-gallon”, wherever it appears, and substituting in each case the word “2-gallon”.

(2) The said regulation 106 is hereby further amended by inserting, after subclause (1), the following subclauses:

“(1A) No persons who are associated together shall on any one day, without lawful excuse (of which proof shall lie on them), take by any means whatsoever shellfish (other than scallops) exceeding in quantity one 5-gallon lot measured in their shells or be in possession of shellfish (other than scallops) exceeding in quantity one 5-gallon lot measured in their shells:

“Provided that if only two persons are associated they shall not together in any one day take or be in possession of more than one 4-gallon lot of shellfish (other than scallops) measured in their shells.

“(1B) Where the provisions of subclause (1A) of this regulation are contravened in the case of an association of persons, every one of the persons so associated together shall be deemed to have committed an offence against this regulation.”

12. Quotas of scallops permitted to be taken, etc.—Regulation 106c of the principal regulations (as substituted by regulation 17 of the Fisheries (General) Regulations 1950, Amendment No. 5) is hereby amended by inserting, after subclause (1), the following subclauses:

“(1A) No persons who are associated together shall on any one day, without lawful excuse (of which the proof shall lie on them), take more than seven and a half dozen scallops or be in possession of more than seven and a half dozen scallops:

“Provided that if only two persons are associated they shall not together on any one day take or be in possession of more than six dozen scallops.

“(1B) Where the provisions of subclause (1A) of this regulation are contravened in the case of an association of persons, every one of the persons so associated together shall be deemed to have committed an offence against this regulation.”

13. Close season for scallops—The principal regulations are hereby further amended by inserting in Part IX, after the said regulation 106c, the following regulation:

“106cc. (1) Notwithstanding anything in this Part of these regulations, no person shall take, injure, or disturb any scallops during the close season for taking scallops.

“(2) For the purposes of this regulation the close season for scallops shall commence on the 1st day of March in each year and end with the 31st day of July in that year.”

14. Quotas of flatfish—Regulation 106E of the principal regulations (as substituted by regulation 18 of the Fisheries (General) Regulations 1950, Amendment No. 5, and amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 9) is hereby further amended by omitting from subclause (2) the word “him” wherever it appears, and substituting in each case the word “them”.

15. Restriction on taking undersized hapuka removed—Regulation 107 of the principal regulations is hereby amended by omitting so much of the table therein as relates to hapuka or groper (including bass groper) and also the footnote to that table.

16. Relaxing restrictions on taking fish, crayfish, or shellfish from Milford Sound—Regulation 107A of the principal regulations (as inserted by regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 2) is hereby amended by omitting from subclause (5) the words “from the northernmost point of Bell Point to the westernmost point of Yates Point”, and substituting the words “from St. Anne’s Point to Stripe Point”.

17. Offence to sell or receive fish in certain cases—(1) The principal regulations are hereby further amended by revoking regulation 109 (as substituted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 7), and substituting the following regulation:

“109. (1) Every person commits an offence against these regulations who—

“(a) Sells any fish or oysters which have been taken (whether for sale or not) by any vessel other than a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat, or by any person not operating from a vessel otherwise than pursuant to a shore-fishing permit; or

“(b) Receives any fish or oysters from any vessel into any fish shop, fish shed, or fish factory, or on any premises (not being a dwellinghouse) where fish or oysters are stored or processed, unless he has previously ascertained that the vessel was a

registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat; or

“(c) Receives any fish or oysters (otherwise than from a vessel) into any fish shop, fish shed, or fish factory, or on any premises (not being a dwellinghouse) where fish or oysters are stored or processed, unless he has previously ascertained that the fish or oysters were taken pursuant to a valid shore-fishing permit:

“Provided that, in any proceedings for an offence against paragraph (a) of this subclause, it shall be a defence if the defendant satisfies the Court that he did not know, and could not with the exercise of reasonable care have known, that the fish or oysters to which the alleged offence relates were so taken.

“(2) For the purposes of this regulation ‘sell’, in relation to any fish or oyster, includes barter, and also includes offering or attempting to sell, or receiving for sale, or exposing for sale, or sending or delivering for sale.”

(2) The Fisheries (General) Regulations 1950, Amendment No. 7, are hereby consequentially amended by revoking so much of the Schedule thereto as relates to the said regulation 109.

18. Revocation of regulation restricting the taking of porpoises in Cook Strait—Regulation 110 of the principal regulations is hereby revoked.

P. J. BROOKS,
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 amend the Fisheries (General) Regulations 1950.

Regulation 2 amends certain definitions.

Regulation 3 re-enacts in an amended form regulation 7 of the principal regulations and is consequent on the passing of the Territorial Sea and Fishing Zone Act 1965.

Regulation 4 reduces the size of mesh of net used for catching sardines from 1 in. to $\frac{1}{2}$ in.

Regulation 5 amends regulation 25 of the principal regulations consequent on the passing of the Territorial Sea and Fishing Zone Act 1965.

Regulations 6 and 7 revoke certain obsolete provisions of the principal regulations.

Regulation 8 makes a minor amendment to regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 6, consequent on the abolition of the Oamaru Fisheries Registry.

Regulations 9 and 10 make minor machinery amendments relating to crayfish to regulations 16 and 17 of the Fisheries (General) Regulations 1950, Amendment No. 6.

Regulation 11 amends regulation 106 of the principal regulations by restricting the maximum quota of shellfish (other than scallops) that may be taken or possessed in any one day to 2 gallons in the case of an individual or 5 gallons in the case of a party.

Regulation 12 amends regulation 106c of the principal regulations by prohibiting a party from taking or possessing more than three dozen scallops in any one day.

Regulation 13 provides for a close season in respect of the taking of scallops commencing with 1 March in each year and ending with 31 July in that year.

Regulation 14 makes a minor machinery amendment.

Regulation 15 removes the restriction on taking undersized hapuka.

Regulation 16 relaxes the restriction on taking fish, crayfish, and shellfish in Milford Sound by reducing the restricted area.

Regulation 17 re-enacts in amended form regulation 109 of the principal regulations, which regulation creates an offence in respect of selling or receiving fish or oysters.

Regulation 18 revokes regulation 110 of the principal regulations, as it is now spent.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 June 1968.

These regulations are administered in the Marine Department.