



## THE FISH LEVY REGULATIONS 1976, AMENDMENT NO. 1

KEITH HOLYOAKE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of January 1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Fishing Industry Board Act 1963, 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 Fish Levy Regulations 1976, Amendment No. 1, and shall be read together with and deemed part of the Fish Levy Regulations 1976\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1980.

**2. Interpretation**—(1) Regulation 2 of the principal regulations is hereby amended by inserting, after the definition of the term “Board”, the following definition:

“‘Commercial fishing levy’ means the levy required to be paid by regulation 5 (1) (b) of these regulations.”

(2) The said regulation 2 is hereby further amended by omitting from the definition of the expression “fish levy” the expression “regulation 5”, and substituting the expression “regulation 5 (1) (a)”.

**3. Levies**—The principal regulations are hereby amended by revoking regulation 5, and substituting the following regulation:

“5. (1) Subject to subclause (2) of this regulation, every wholesaler shall pay to the Board—

“(a) A levy on all fish taken or purchased by the wholesaler (otherwise than from another wholesaler) of an amount fixed by the Board by notice in the *Gazette*, which amount shall not exceed 1.2 percent of the primary price of those fish; and

“(b) A levy on all fish taken or purchased by the wholesaler (otherwise than from another wholesaler) of 0.1 percent of the primary price of those fish.

“(2) Subclause (1) of this regulation shall not apply to fish purchased in a live state for fish farming within the territorial limits of New Zealand.”

**4. Certain provisions relating to fish levy to apply to commercial fishing levy**—The principal regulations are hereby amended by inserting, after regulation 5, the following regulation:

“5A. The provisions of regulations 6 (4), 9, 10 (1), and 11 of these regulations shall apply to the payment and collection of the commercial fishing levy as if every reference in those provisions to the fish levy were a reference to the commercial fishing levy.”

**5. Fisherman's contribution**—Regulation 7 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) A wholesaler who has paid the commercial fishing levy in respect of any fish sold to him by a fisherman may recover the amount of the levy so paid from that fisherman; and that amount shall be recoverable in any Court of competent jurisdiction as a debt due to the wholesaler.”

**6. Export refund abolished**—The principal regulations are hereby amended by revoking regulation 12.

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, which come into force on 1 April 1980, have 2 effects. First they institute a levy on fish, payable by the fishermen who catch them, of 0.1 percent of their primary price. The levy, to be known as the commercial fishing levy, is payable to such organisation or organisations representing persons engaged in the taking of fish for the purposes of sale as the Minister of Agriculture and Fisheries specifies.

Secondly, they revoke the regulation providing for the refund of one third of the fish levy paid in respect of fish exported.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 January 1980.

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