



**FISHERIES (ALLOCATION OF INDIVIDUAL CATCH
ENTITLEMENT) REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of February 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 297 (1)(b) of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation
3. Allocation of individual catch entitlement by allocation notice

4. Individual catch entitlement may be based on previous catch history
5. Different quantities of individual catch entitlements may be allocated for same stock

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Allocation of Individual Catch Entitlement) Regulations 1999.

(2) These regulations come into force on the 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 1996:

“Individual catch entitlement” means a catch limit for a commercial fisher set under these regulations by an allocation notice that apportions an annual amount of stock that can be taken exclusively by that fisher:

“Previous catch history”, in relation to a commercial fisher, means an amount of stock that has been lawfully taken by that fisher in any fishing year or years, as determined by the chief executive.

3. Allocation of individual catch entitlement by allocation notice—The chief executive may from time to time, by notice in the *Gazette*, allocate individual catch entitlements for any stock that is not within the quota management system but for which a total catch limit has been set under section 11 of the Act.

4. Individual catch entitlement may be based on previous catch history—Without limiting the generality of regulation 3, in allocating an individual catch entitlement for a stock to a commercial fisher, the chief executive may base the allocation in whole or in part on the fisher’s previous catch history for that stock.

5. Different quantities of individual catch entitlements may be allocated for same stock—Different quantities of individual catch entitlements for the same stock may be allocated to different commercial fishers.

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 the day after the date of their notification in the *Gazette*, authorise the chief executive to allocate individual catch entitlements for any stock that is not within the quota management system but for which a total catch limit has been set under section 11 of the Fisheries Act 1996.

Regulation 2 defines certain terms used in the regulations.

Regulation 3 authorises the chief executive to allocate individual catch entitlements by means of allocation notices in the *Gazette*. Once an allocation notice is given, the notice will apply until it is varied and the chief executive is not obliged to carry out an annual review of the individual catch entitlements issued.

Regulation 4 allows the chief executive to allocate an individual catch entitlement based on a commercial fisher's previous catch history for the stock concerned.

Regulation 5 recognises that unequal individual catch entitlements for a stock may be allocated to different commercial fishers. This is likely where previous catch histories are used in allocating individual catch entitlements.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 4 February 1999.
These regulations are administered in the Ministry of Fisheries.