



**FISHERIES (FORM OF TRANSFER OR LEASE OF QUOTA)  
REGULATIONS 1997**

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MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 25th day of August 1997

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, 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 (Form of Transfer or Lease of Quota) Regulations 1997.

(2) These regulations come into force on 1 September 1997.

**2. Interpretation**—In these regulations—  
“The Act” means the Fisheries Act 1983:

“Fishstock code” has the same meaning as in Parts I and II of the Second Schedule of the Fisheries (Reporting) Regulations 1990.

**3. Information to be shown on notification of sale and purchase of individual transferable quota**—Every transfer by way of sale and purchase of individual transferable quota must clearly show or describe, in addition to the details specified in paragraphs (a) and (b) of section 28R (1) of the Act, the following details:

- (a) The full legal name, street address, and Ministry of Fisheries client number of the transferor and transferee:
- (b) The date of completion of the agreement:
- (c) A witness to the signatures of the transferor and transferee (where required):
- (d) The fishstock code of the quota being transferred:
- (e) The tonnage of quota being transferred:
- (f) The price or consideration per tonne for the transfer (excluding goods and services tax):
- (g) The date on which the transfer takes effect:
- (h) The lease number of any existing lease:
- (i) The Ministry of Fisheries client number of the lessee of any lease to which the transfer is subject:
- (j) The date on which any lessee of the quota which is subject to the transfer (if any) has been notified of the transfer:
- (k) Where applicable, the catch specification in respect of the individual transferable quota being transferred (being the amount of catch that is to be transferred along with the quota which is being transferred):
- (l) The signature and initials of the transferor and transferee.

**4. Information to be shown on notification of lease or sublease of individual transferable quota**—Every lease of individual transferable quota must clearly show or describe, in addition to the details specified in paragraphs (a) to (e) of section 28R (2) of the Act, the following details:

- (a) The full legal name, street address, and Ministry of Fisheries client number of the lessor or sublessor of the quota and the lessee or sublessee of the quota:
- (b) The date of the completion of the agreement:
- (c) A witness to the signatures of the lessor or sublessor and lessee or sublessee (where required):
- (d) The fishstock code of the quota being leased or subleased:
- (e) The lease number of the existing lease or sublease (if any exists):
- (f) The rights of the lessee to sublease the quota (if any):
- (g) The tonnage of the quota being leased or subleased:
- (h) The date on which the lease or sublease is to commence:
- (i) The date on which the lease or sublease is to expire:
- (j) The rental charges per tonne under the lease or sublease (excluding goods and services tax):
- (k) The signature and initials of the lessor and lessee under the lease or sublease.

**5. Information to be shown on notification of transfer of lease or sublease of individual transferable quota**—Every transfer of a lease or sublease of individual transferable quota must clearly show or describe the following details:

- (a) The full legal name, street address, and Ministry of Fisheries client number of the transferor and transferee of the lease or sublease of the quota:
- (b) The date of the completion of the agreement:
- (c) A witness to the signatures of the transferor and transferee of the transfer of the lease or sublease of the quota:
- (d) The document and line number of the lease or sublease being transferred:
- (e) The Ministry of Fisheries client number of the lessor or sublessor of the quota:
- (f) Signification by the lessor or sublessor of the quota that the lessor's or sublessor's consent to the transfer has been obtained:
- (g) The Ministry of Fisheries client number of any affected lessee or sublessee of the quota:
- (h) The date that any affected lessee or sublessee was notified of the transfer of the lease or sublease:
- (i) The fishstock code of the quota which forms the subject-matter of the lease or sublease being transferred:
- (j) The amount in tonnes of the quota that forms the subject of the lease or sublease being transferred:
- (k) The price or consideration per tonne for the transfer of the lease or sublease (excluding goods and services tax):
- (l) The date on which the transfer of the lease or sublease takes effect:
- (m) Where applicable, the catch specification in respect of the quota which forms the subject matter of the lease or sublease being transferred (being the amount of catch that is to be transferred along with the quota which forms the subject matter of the lease or sublease which is being transferred):
- (n) The signature and initials of the transferor and transferee of the lease or sublease of the quota.

**6. Offence and penalty**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—

- (a) Being a person required to complete a transfer or lease of individual transferable quota in accordance with section 28R of the Act, fails to clearly show or describe on the form of transfer or lease the information required by regulation 3 or regulation 4 or regulation 5; or
- (b) Makes any false or misleading statement of information required by regulation 3 or regulation 4 or regulation 5.

**7. Revocation**—The Fisheries (Form of Transfer or Lease of Quota) Regulations 1993 (S.R. 1993/292) are revoked.

MARIE SHROFF,  
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 September 1997, revoke and replace the Fisheries (Form of Transfer or Lease of Quota) Regulations 1993.

The main change from the previous regulations is the new *regulation 5*, which specifies the information to be shown on notifications to the Ministry of transfers of leases or subleases of individual transferable quota.

Other changes include:

- (a) The deletion of existing references to transferable term quota (which no longer exists);
- (b) New requirements for information relating to client numbers, notification dates, and catch specifications where quota is transferred (see *regulation 3 (i) to (k)*);
- (c) A requirement that the price of or consideration or rental for a transfer or lease be shown exclusive of GST rather than inclusive;
- (d) A merging of 2 previous separate requirements into a single requirement that the relevant fishstock code be given.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 28 August 1997.

These regulations are administered in the Ministry of Fisheries.