



**THE FISHERIES (TRANSITIONAL PROVISIONS)
REGULATIONS 1996**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of September 1996

Present:

THE RIGHT HON. DON MCKINNON PRESIDING IN COUNCIL

PURSUANT to sections 297 and 354 of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- | | |
|--|--|
| <ul style="list-style-type: none">1. Title and commencement2. Interpretation3. Certain terms defined in 1996 Act to include meanings set out in regulations during transitional period4. Provision relating to setting of total allowable commercial catch under 1983 Act | <ul style="list-style-type: none">5. Obligations in section 189 of 1996 Act relating to accounts, records, returns, etc. to apply to persons referred to in section 66 (1) of 1983 Act6. Provisions in 1983 Act relating to taking of southern scallops and closure of southern scallop fishery to continue until 30 September 1998 |
|--|--|
-

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Transitional Provisions) Regulations 1996.

(2) These regulations shall come into force on the 1st day of October 1996.

2. Interpretation—In these regulations—

“The 1983 Act” means the Fisheries Act 1983:

“The 1996 Act” means the Fisheries Act 1996.

3. Certain terms defined in 1996 Act to include meanings set out in regulations during transitional period—Unless the context otherwise requires, the 1996 Act shall be read subject to the following provisions:

- (a) Until the commencement of section 91 of the 1996 Act, the term “commercial fisher” shall include any commercial fisherman as defined in section 2 (1) of the 1983 Act and the term “fishing permit” shall include any fishing permit as defined in that section 2 (1):
- (b) Until the commencement of section 89 of the 1996 Act, the term “commercial fishing” shall include commercial fishing as defined in section 2 (1) of the 1983 Act:
- (c) Until the commencement of section 103 of the 1996 Act, the term “foreign-owned New Zealand fishing vessel” shall include a foreign owned New Zealand fishing vessel as defined in section 2 (1) of the 1983 Act and the term “New Zealand fishing vessel” shall include a New Zealand fishing vessel as defined in that section 2 (1):
- (d) Until the commencement of section 66 of the 1996 Act,—
 - (i) The term “quota” shall include quota allocated under the 1983 Act in the form of individual transferable quota, guaranteed minimum individual transferable quota, or guaranteed minimum transferable term quota:
 - (ii) The term “quota management system” shall include the quota management system as defined in section 2 (1) of the 1983 Act:
- (e) Until the commencement of section 24 of the 1996 Act, the term “quota management area” shall include any quota management area as defined in section 2 (1) of the 1983 Act:
- (f) Until the commencement of section 97 of the 1996 Act, the term “special permit” shall include any special permit granted under section 64 of the 1983 Act:
- (g) Until the commencement of section 20 of the 1996 Act, the term “stock” shall include a fishery as defined in section 2 (1) of the 1983 Act:

4. Provision relating to setting of total allowable commercial catch under 1983 Act—Once a total allowable catch has been set for any stock under section 13 or section 14 of the 1996 Act, section 28D of the 1983 Act shall, until the commencement of section 20 of the 1996 Act, be read as if every reference in that section 28D to a current total allowable catch for any species or class of fish or fishery were a reference to the current total allowable catch set under that section 13 or section 14 for the corresponding stock.

5. Obligations in section 189 of 1996 Act relating to accounts, records, returns, etc. to apply to persons referred to in section 66 (1) of 1983 Act—Until the repeal of section 66 of the 1983 Act, sections 189 and 190 of the 1996 Act shall be read as if the classes of persons referred to in that section 189 include the classes of persons referred to in subsection (1) of that section 66.

6. Provisions in 1983 Act relating to taking of southern scallops and closure of southern scallop fishery to continue until 30 September 1998—Notwithstanding the repeal of Part IIB of the 1983 Act by section 314 (1) (o) of the 1996 Act, section 28ZM (which relates to and prohibits the taking of southern scallops) and section 28ZZF (which relates to the closure of the southern scallop fishery) of the 1983 Act (as amended by Part VII of the Twelfth Schedule to the 1996 Act) shall continue to apply until the close of the 30th day of September 1998.

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 1 October 1996, contain transitional and savings provisions relating to the commencement of the Fisheries Act 1996.

Regulation 2 defines (for the purposes of the regulations) the Fisheries Act 1983 as the "1983 Act" and the Fisheries Act 1996 as the "1996 Act".

Regulation 3 specifies a number of terms defined in the 1996 Act and provides that, during specified transitional periods, those terms include the meanings given to the corresponding terms under the 1983 Act.

Regulation 4 relates to the setting and variation of total allowable commercial catches under the 1983 Act. Its effect is that the Minister must use the corresponding total allowable catch set under section 13 or section 14 of the 1996 Act when setting or varying a total allowable commercial catch under the 1983 Act or recommending such action.

Regulation 5 relates to the obligations in or under sections 189 and 190 of the 1996 Act relating to the keeping of accounts, records, returns, and other information, and applies those provisions to the persons referred to in section 66 (1) of the 1983 Act.

Regulation 6 continues in force until 30 September 1998 sections 28ZM and 28ZZF of 1983 Act (as amended by Part VII of the Twelfth Schedule to the 1996 Act) which are repealed by section 314 (1) (o) of the 1996 Act as from 1 October 1996. Section 28ZM relates to and prohibits the taking of southern scallops and section 28ZZF relates to the closure of the southern scallop fishery. The effect of this regulation is that contraventions of sections 28ZM and 28ZZF will continue to be offences under section 93 of the 1983 Act.

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

Date of notification in *Gazette*: 19 September 1996.

These regulations are administered in the Ministry of Fisheries.