



FISHERIES (TRANSITIONAL PROVISIONS) REGULATIONS 1997

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 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, makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Provisions relating to allocation of quota | | <ol style="list-style-type: none"> 4. Crown contribution to costs 5. References to quota shares for commodity levy purposes in section 305 of 1996 Act |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Transitional Provisions) Regulations 1997.

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

2. Interpretation—In these regulations—

“The 1983 Act” means the Fisheries Act 1983;

“The 1996 Act” means the Fisheries Act 1996.

3. Provisions relating to allocation of quota—Where section 363 of the 1996 Act applies to the allocation of quota declared under section 28B of the 1983 Act to be subject to the quota management system under Part IIA of that Act,—

- (a) The references in sections 35 (1) (b) (ii) (A), 37 (1) (b), and 45 (a) (i) of the 1996 Act to holders of fishing permits are to be read as also referring to persons holding special permits issued under section 64 (1) (c) of the 1983 Act:
- (b) All references in the 1983 Act to “quota allocated under this Act” are to be read as also referring to quota allocated under the 1996 Act.

4. Crown contribution to costs—Until any order is made under section 265 (1) of the 1996 Act, Schedule 1E of the 1983 Act continues to have effect for the purposes of Part XIV of the 1996 Act.

5. References to quota shares for commodity levy purposes in section 305 of 1996 Act—Until the commencement of section 42 of the 1996 Act, the references to quota shares in section 305 of that Act are to be read as referring to individual transferable quota, provisional individual transferable quota, or both, as the case may be.

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 1997, 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 deals with provisions relating to the allocation of quota of a species declared under the 1983 Act to be subject to the quota management system under Part II A of that Act. Section 363 of the 1996 Act provides that certain quota allocation provisions of the 1996 Act are to apply to such declarations under the 1983 Act.

Paragraph (a) provides that references in sections 35, 37, and 45 of the 1996 Act to holders of fishing permits include references to persons holding special permits. This provision is necessary to ensure that permit holders whose legal entity has changed since the years which qualify them to obtain a quota allocation are not precluded from obtaining quota under the quota allocation provisions.

Paragraph (b) allows references to quota allocated under the 1983 Act to be read as including references to quota allocated under the 1996 Act.

Regulation 4 provides that Schedule 1E of the 1983 Act, which sets out the Crown’s contribution to leviable fisheries costs, is to continue to have effect for the purpose of the cost recovery provisions of the 1996 Act.

Regulation 5 provides that, until the full commencement of the quota management system provisions of the 1996 Act, the term “quota shares” in section 305 of the 1996 Act is to be taken as referring to individual transferable quota, provisional individual transferable quota, or both. Section 305 deals with the application of the Commodity Levies Act 1990 to fish, aquatic life, and seaweed.

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.