



**THE FISHERIES (COMMERCIAL QUOTAS) REGULATIONS 1984,  
AMENDMENT NO. 2**

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DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 9th day of September  
1985

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, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (Commercial Quotas) Regulations 1984, Amendment No. 2, and shall be read together with and deemed part of the Fisheries (Commercial Quotas) Regulations 1984\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Offences**—The principal regulations are hereby amended by inserting, after regulation 5 (as inserted by regulation 4 of the Fisheries (Commercial Quotas) Regulations 1984, Amendment No. 1), the following regulation:

“6. (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who—

“(a) Takes any fish in excess of any quota imposed under these regulations; or

- “(b) Takes any fish in excess of any quota allocated to that person under any notice made under regulations made pursuant to the Fisheries Act 1983; or
- “(c) Takes any fish for which quotas have been allocated under any such notice unless the person is authorised by that notice to take that fish.
- “(2) It shall be a defence to any proceedings for an offence specified in subclause (1) of this regulation if the Court is satisfied that—
- “(a) The taking of the fish was an inevitable consequence of the lawful taking of other fish; and
- “(b) The defendant notified a Fishery Officer of the taking of the fish as soon as practicable after the fish were taken; and
- “(c) The fish were disposed of or surrendered to the Crown in a manner directed by a Fishery Officer.”

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 create offences of taking fish in excess of quota, and taking fish that are subject to quota if the person is not authorised to take that fish.

There is a defence where the Court is satisfied that the taking of the fish was an inevitable consequence of the taking of other fish and the taking of the fish was notified to a Fishery Officer as soon as practicable. The fish must also have been disposed of or surrendered to the Crown in a manner directed by a Fishery Officer.

Quota for finfish and paua are imposed under the Fisheries (Commercial Quotas) Regulations 1984. Quotas are allocated under the Fisheries (Sea Fishing) Notice 1984 and the Fisheries (Commercial Paua Quotas) Notice 1984 that are made under the Fisheries (Commercial Fishing) Regulations 1983.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 September 1985.

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