

1966/20



Reprint under section 7 of the Regulations Act 1936 of the Fisheries (General) Regulations 1950 (S.R. 1950/147), as amended by the following amendments:

- Amendment No. 1 (S.R. 1952/210)
- Amendment No. 2 (S.R. 1954/75)
- Amendment No. 3 (S.R. 1954/177)
- Amendment No. 4 (S.R. 1955/205)
- Amendment No. 5 (S.R. 1959/186)
- Amendment No. 6 (S.R. 1963/197)
- Amendment No. 7 (S.R. 1963/198)
- Amendment No. 8 (S.R. 1964/211)

THE FISHERIES (GENERAL) REGULATIONS 1950 (REPRINT)

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of August 1950

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with the advice of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PART I—PRELIMINARY

1. These regulations may be cited as the Fisheries (General Regulations 1950).
2. These regulations are divided into parts, as follows:
 - Part I—Preliminary (Regulations 1 to 7).
 - Part II—Nets and Net Fishing (A, General Provisions, Regulations 8 to 25; B, Local Provisions, Regulations 26 to 63).
 - Part III—Danish Seining and Similar Methods (A, General Provisions, Regulations 64 to 70; B, Local Provisions, Regulations 71 to 73).
 - Part IV—Trawling (A, General Provisions, Regulations 74 to 78; B, Local Provisions, Regulations 79 to 82).

- Part V—Line Fishing (Regulations 83 [to 84A]).
- Part VI—Blue Cod (Regulations 85 to 90).
- Part VII—Swordfishing (Regulations 91 to 93).
- Part VIII—Crayfish (Regulations 94 to [100E]).
- Part IX—Shellfish (Regulations 101 to [106c]).
- [Part IXA—Flatfish (Regulations 106D and 106E).]
- Part X—Miscellaneous and General (Regulations 107 to 114).

In Part V regulation 84A was inserted by regulation 5 of S.R. 1954/75.

Part VIII was repealed by regulation 21 (a) of S.R. 1963/197. As to crayfish, see now Part I of Amendment No. 6 (S.R. 1963/197) (reprinted in place of this Part).

In Part IX regulations 106A–106C were inserted by regulation 20 of S.R. 1952/210, and regulation 106c was substituted by regulation 17 of S.R. 1959/186.

Part IXA was inserted by regulation 21 (1) of S.R. 1952/210.

3. These regulations shall come into force on the seventh day after notification in the *Gazette* of the making hereof.

4. (1) In these regulations, if not inconsistent with the context,—

“Blue cod” means the fish of which the scientific name is *Parapercis colias* (Forster):

[“Boat-fishing permit” means a permit issued under section 10 of the Fisheries Amendment Act 1963:]

[“Crew”, in relation to a fishing boat, means every person employed or engaged thereon:]

“Day” means a day computed from midnight to midnight:

“Equipment” includes every type of fishing net or fishing line used in the fishing industry, and in particular includes Danish seine nets, purse seine nets, trawl nets, set nets, drag nets, and long lines and hand lines of every description:

[“Fish” includes every description of fish and of shellfish found in New Zealand waters, and their young or fry or spawn; but does not include salmon, or trout, or other acclimatised fish, or whitebait, or oysters, or toheroa:]

[“Fishery officer” means an officer appointed under Part I of the Fisheries Act 1908:]

“Fishing boat” or “boat” includes every vessel of whatsoever size and however propelled which is used in fishing for purposes of sale, and includes every small boat carried on or attached to a fishing boat:

[“Fishing permit” or “permit” means a boat-fishing permit or a shore-fishing permit, as the case may require:]

“Herring” means the yellow eyed mullet (*Agonostomus forsteri*), but does not include the sardine or the species of *Mugil* known as mullet or kanae:

“High water mark” means high water mark at ordinary spring tides:

“Long line” includes lines set, moored, or placed for the purpose of taking fish, but does not include deep “hand lines”:

“Low water mark” means low water mark at ordinary spring tides:

“Master” means the person in command of a fishing boat:

“Net” does not include any whitebait net, angler’s landing net, angler’s bait net, or a net that is used in accordance with the provisions of any regulations other than these regulations for the time being in force:

“Otter board” means any device for keeping a power drawn net open while it is being hauled, and includes a paravane:

“Owner,” in relation to any boat, includes any body of persons, whether incorporated or not, by which the boat is owned:

[“Port or place of domicile”, in relation to any fishing boat, means the port or place at which the boat is based and from which fishing is substantially carried out, as specified in the boat-fishing permit for the time being in force in respect of that boat; and “domiciled” has a corresponding meaning:]

“Purchase” means to acquire for money or other valuable consideration or by barter, and includes offering to purchase:

[“Registered fishing boat” means a boat registered as a fishing boat under Part I of the Fisheries Amendment Act 1963; and “registration” has a corresponding meaning:]

“Sardine” means the fish of which the scientific name is *Sardinia neopilcharda*, also known as the Picton herring:

[“Secretary” means the Secretary for Marine appointed under the Shipping and Seamen Act 1952; and includes his deputy:]

“Sell” means to dispose of for money or other valuable consideration, or by barter, and includes offering and exposing for sale, or sending or delivering for sale; and “sale” has a corresponding meaning:

[“Shellfish” includes every description of molluscs, crustaceans, and echinoderms found in New Zealand waters, and their young or spawn; but does not include oysters or toheroa:]

[“Shore-fishing permit” means a permit issued under section 11 of the Fisheries Amendment Act 1963:]

“Superintendent” includes a Superintendent of Mercantile Marine appointed under [the Shipping and Seamen Act 1952], and any other officer discharging the duties of a Superintendent of Mercantile Marine, and with respect to any fishing boat means the Superintendent at the port or place where such boat is registered:

[“Take” and all references thereto—

(a) Include taking, catching, killing, or pursuing by any means or device; and

(b) In relation to shellfish, also include their removal or extraction or separation from the bed of any tidal waters; and

(c) Also include the attempt to take.]

[(2) For the purposes of these regulations fish, or any parts thereof, shall be deemed to be in the possession of any person when that person has, alone or jointly with any other person, possession of or control over the fish, or the parts thereof, or possession of or control over any vessel, vehicle, container, package, thing, or place in or on which are the fish, or the parts thereof:

Provided that, in any proceedings for an offence against these regulations, being an offence relating to the possession of any fish, or any parts thereof, found in or on any vessel, vehicle, container, package, thing, or place in the possession or under the control of the defendant, alone or jointly with any other person, it shall be a good defence if the defendant satisfies the Court that he had no knowledge that they were in or on that vessel, vehicle, container, package, thing, or place.]

In subclause (1) the definition of the term "boat-fishing permit" was inserted by regulation 2 (1) of S.R. 1963/198. A definition of the term "boat licence" was revoked by that regulation.

In subclause (1) the definition of the term "crew" was inserted by regulation 3 (2) of S.R. 1963/198. A definition of the term "crew licence" was revoked by regulation 2 (1) of S.R. 1963/198.

In subclause (1) the definition of the term "fish" was substituted for the original definition by regulation 2 (1) of S.R. 1959/186.

In subclause (1) the definition of the term "fishery officer" was substituted for the original definition by regulation 3 (1) of S.R. 1963/198.

In subclause (1) the definition of the terms "fishing permit" or "permit" was inserted by regulation 2 (1) of S.R. 1963/198. A definition of the term "licensed fisherman" was revoked by that regulation.

In subclause (1) definitions of the terms "licensed fisherman" and "licensed fishing boat" (as inserted by regulation 2 of S.R. 1954/75) were revoked by regulation 2 (1) of S.R. 1963/198.

In subclause (1) the definition of the term "port or place of domicile" was inserted by regulation 3 (2) of S.R. 1963/198.

In subclause (1) the definition of the term "registered fishing boat" was inserted by regulation 2 (1) of S.R. 1963/198. A definition of the term "licensed fishing boat" was revoked by that regulation.

In subclause (1) the definition of the term "secretary" was substituted for the original definition by regulation 2 (2) of S.R. 1959/186.

In subclause (1) the definition of the term "shellfish" was inserted by regulation 2 (3) of S.R. 1959/186.

In subclause (1) the definition of the term "shore-fishing permit" was inserted by regulation 2 (1) of S.R. 1963/198.

In subclause (1), in the definition of the term "superintendent", the Shipping and Seamen Act 1952, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Shipping and Seamen Act 1908.

In subclause (1) the definition of the term "take" was substituted for the original definition by regulation 2 (4) of S.R. 1959/186.

Subclause (2) was added by regulation 2 (5) of S.R. 1959/186.

5. The Fisheries (General) Regulations 1947* and the Fisheries (General) Regulations 1947, Amendment No. 2, are hereby revoked.

6. All certificates, appointments, registers, records, instruments, and generally all acts of authority, applications, and all other matters, acts, and things, and all periods of time, which originated under the regulations hereby revoked and are of continuing effect at the time of the coming into force of these regulations shall enure for the purpose of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

7. These regulations shall, except as otherwise herein expressly provided, have force and effect throughout the Dominion of New Zealand, and the territorial waters thereof, including all salt, fresh, or brackish waters in the Dominion, and all shores of such waters, or any part thereof, or shores contiguous or adjacent to such waters:

*S.R. 1947/82

Amendment No. 1: *Revoked*

Amendment No. 2: S.R. 1948/156

Provided that nothing in this regulation shall affect any restriction of any of the regulations hereinafter contained to particular parts of the Dominion.

PART II—NETS AND NET FISHING

A. GENERAL PROVISIONS

MEASUREMENTS OF NETS

8. For the purposes of these regulations the size of mesh of a net shall be the size ascertained by measuring the length between knot and knot of opposite corners with the mesh closed, the net being first wetted and stretched and having been tanned, barked, or otherwise prepared for use. If the net is dry, the part to be measured shall immediately before measuring be soaked in either fresh or salt water for not less than 10 minutes. In case of dispute or doubt a weight of 1 lb in the case of a trawl net, or a weight of $\frac{1}{2}$ lb in the case of a net of any other description, shall be slung or attached to the lower knot of the mesh to produce a fair strain or extension, and the mesh shall be measured whilst the weight is in position.

9. Any fishery officer may at any time examine and measure any net used for fishing purposes or any net which he has reason to believe is intended to be used for fishing purposes.

10. Every person commits an offence against these regulations who, being in possession of any net which is used or to be used or which a fishery officer has reason to believe is intended to be used for fishing purposes, refuses to allow a fishery officer to measure the net or prevents him from measuring the net or obstructs him in measuring the net.

MARKS OF OWNERSHIP

11. Every owner of a net used for taking fish for purposes of sale shall mark the net with a distinguishing brand in legible characters, and in the case of a set net the brand shall be placed on at least one float cork at each end of the net, and in the case of a drag net on the first cork at each end of the net:

Provided that in the case of a net the owner of which is the owner of a registered fishing boat the distinguishing brand shall be the registered distinguishing mark assigned to that boat upon its registration.

PERMITTED SIZE OF MESH

12. Subject to any express provisions in force relating to particular cases, no person shall take fish of any of the descriptions included in the table subjoined to this regulation by means of [any net] having a mesh of a less size than the size set opposite the name of such description of fish in the said table, and no such person shall for purposes of fishing for fish of any of the descriptions aforesaid use or be in possession of [any net] which when prepared for use has a mesh of a less size than the respective size aforesaid:

Provided that nothing in this regulation shall apply to Danish seine nets or trawl nets.

Description of Fish	Size of Mesh
Butterfish (greenbone)	4½ in.
[Eels	1 in.]
Flatfish of all descriptions	4 in.
Garfish (piper)	1 in.
Herring	1½ in.
Mullet	3¼ in.
Sardine	1 in.
All fish not elsewhere included in this table	2½ in.

The words "any net" were substituted for the words "a set net or drag net" in two places by regulation 2 of S.R. 1952/210.

The words in square brackets in the table were inserted by regulation 4 of S.R. 1963/198.

[DRAG NETTING NORTH OF LATITUDE 39° S

[13. (1) In those waters of the North Island north of latitude 39 degrees south in which both trawling and Danish seining are for the time being prohibited no person shall, except as provided in subclause (2) of this regulation, use any drag net which has a pocket, bag, or cod-end.

(2) The provisions of subclause (1) of this regulation shall not apply to—

- (a) The waters of the coast lying between Marsden Point and Mackenzie Cove;
- (b) The waters of the Bay of Plenty outside of a straight line from trig. 272 on Te Ho Head due south to Matakana Island; thence following the high water mark on the seaward side of Matakana Island to a point due west of the Stony Beacon on the south side of Mount Maunganui; thence by a straight line to the Stony Beacon on the south side of Mount Maunganui;
- (c) The waters of the Bay of Plenty on the eastern side of a line from the southern extremity of Motu Otau Island due south to the mainland.]

This regulation was substituted for the original regulation 13 by regulation 2 of S.R. 1955/205.

PERMITTED LENGTH OF DRAG NET

14. Subject to any express provisions in force relating to particular cases, no person shall in fishing for purposes of sale use or be in possession of a drag net having a length exceeding 180 yards.

15. No person shall for purposes of taking fish otherwise than for sale use or be in possession of a drag net having a length exceeding 44 yards.

METHOD OF HAULING DRAG NET

16. No person shall haul any drag net toward or on to the shore by any method other than pulling by hand.

17. No person shall drag, draw, or haul any drag net containing fish on to dry land, but shall empty such net in the water.

18. Every person who commits a breach of the last preceding regulation commits an offence against these regulations and shall be liable on summary conviction to a fine not exceeding £20.

STALLING

19. (1) Subject to any express provisions in force relating to particular cases, no person shall for purposes of taking fish set any net by the process known as "stalling," or use any net which is set by the process known as stalling.

[(2) For the purposes of these regulations the process known as stalling means the process whereby a net is set in any bay, inlet, river, stream, or creek in tidal waters in such a manner that any fish enclosed or entangled by the net are left stranded by the falling tide or in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net.]

Subclause (2) was substituted for the original subclause (2) by regulation 3 of S.R. 1952/210.

[SET NETS AND HOOP NETS

[20. (1) Except as provided in subclause (3) of this regulation,—

- (a) No person shall use more than one set net at the same time:
- (b) No person shall use any set net the length of which exceeds 66 yards:
- (c) No person shall use more than three hoop nets at the same time.

(2) In subclause (1) of this regulation the term "hoop net" means a device for taking fish comprising a frame to which netting is attached, by whatever name it is locally called.

[[(3) The provisions of this regulation shall not apply to—

- (a) The holder of a fishing permit who is engaged in fishing pursuant to the terms of the permit; or
- (b) The owner or any member of the crew of a registered fishing boat who is engaged in fishing from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat.]]]

The original regulation 20 was revoked by regulation 4 of S.R. 1952/210 and the above regulation was inserted by regulation 3 of S.R. 1954/75.

Subclause (3) was substituted for the original subclause (3) by regulation 2 (1) of S.R. 1963/198.

NETS IN CHANNELS

21. No person shall [set or place or allow to be set or placed] for the purpose of taking fish, any net that extends more than half-way across the width of any channel or stream measured at right angles to the direction of the channel or stream.

The words in square brackets were substituted for the original words by regulation 5 of S.R. 1952/210.

[USE OF POLES FOR NET FISHING

[22. No person shall, in any tidal waters or on any tidal lands or in the waters of the sea or of any harbour or of any inlet or in any lake or river, erect any pole or stake for using in conjunction with a fishing net or use in conjunction with a fishing net any erected pole or stake.]

This regulation was substituted for the original regulation 22 by regulation 3 of S.R. 1955/205.

USE OF NETS BY DANISH SEINING VESSELS

23. No person shall fish by means of a set net or use a set net for the purpose of taking fish if such set net be set from a boat for the time being equipped with gear for taking fish by means of a Danish seine net, or from its tender.

24. No person being the master of a boat for the time being equipped with gear for taking fish by means of a Danish seine net shall permit the taking of fish by means of a set net set from the boat or from its tender.

[NETTING IN RIVER MOUTHS, ESTUARIES, AND OTHER WATERS

[25. (1) No person shall use any net in any salt, brackish, or fresh waters in New Zealand or on the coasts or bays thereof except for the purpose of taking indigenous fish:

Provided that nothing in this regulation shall be deemed to make it unlawful for any person to use a net for the purpose of taking acclimatised fish in accordance with the provisions of any regulations in that behalf for the time being in force.

(2) Where any acclimatised fish is taken in any such net otherwise than is permitted by any such regulations, the person using the net shall return the fish immediately with as little injury as possible into the water from which it was taken.

(3) In this regulation the expression "acclimatised fish" has the same meaning as in the Freshwater Fisheries Regulations 1951*.]

This regulation was substituted for the original regulation 25 by regulation 6 of S.R. 1952/210.

B. LOCAL PROVISIONS

[DRAG NETS IN HAURAKI GULF AND TAIRUA, KATIKATI, AND TAURANGA HARBOURS

26. (1) No person shall, in the waters specified in subclause (2) of this regulation,—

- (a) Set a drag net from any boat that is propelled by any means other than solely by oars; or
- (b) In the setting or hauling of a drag net or of the ropes or warps attached thereto, use any boat that is propelled by any means other than solely by oars.

(2) The waters to which subclause (1) of this regulation applies are—

- (a) The waters of Hauraki Gulf in which trawling or Danish seining is for the time being prohibited:
- (b) The waters of Tairua Harbour inside of a straight line from the southernmost point of the North Head to the northernmost point of the South Head:

*S.R. 1951/15 (Reprinted with Amendments Nos. 1 to 8: S.R. 1964/196)
Amendment No. 9: S.R. 1965/170

- (c) The waters of Katikati Harbour and Tauranga Harbour inside of a straight line from trig. 272 on Te Ho Head due south to Matakana Island; thence following the high water mark on the landward side of Matakana Island to a point due west of the Stony Beacon on the south side of Mount Maunganui; thence by a straight line to the Stony Beacon on the south side of Mount Maunganui.]

This regulation was substituted for the original regulation 26 by regulation 4 of S.R. 1955/205.

[DRAG NETS IN WHANGAREI HARBOUR

[26A. (1) No person shall, in the waters of the Whangarei Harbour inside of a straight line from Marsden Point to Lort Point,—

- (a) Use a drag net for taking fish for the purpose of sale, except in the area specified in subclause (2) of this regulation; or
- (b) Set a drag net from any boat that is propelled by any means other than solely by oars; or
- (c) In the setting or hauling of a drag net or of the ropes or warps attached thereto, use any boat that is propelled by any means other than solely by oars; or
- (d) Use a drag net having a pocket or cod end.

(2) The area specified in paragraph (a) of subclause (1) of this regulation is that part of the waters of the Whangarei Harbour inside of a straight line from Single Tree Point to Annoyance or Manganese Point; thence to Beecher Point; thence to Cemetery Point; thence to Darch Point; thence to Lort Point; and thence to Marsden Point.]

This regulation was inserted by regulation 5 of S.R. 1963/198.

HAURAKI GULF SET NETS

27. No person shall in the waters of Hauraki Gulf (including the Firth of Thames) that lie to the southward of a straight line drawn from Rodney Point to Cape Colville use for taking flounder a set net or set nets having a mesh of less than $4\frac{3}{4}$ in. if such net or nets when slung for fishing have a greater total length than 160 yards.

TAURANGA HARBOUR

28. No person shall use a net for the purpose of taking fish for sale in those waters of Tauranga Harbour which lie south of . . . the Tauranga-Taneatua railway line.

The words "the bridge carrying" were omitted by regulation 7 of S.R. 1952/210.

29. No person shall use a drag net for the purpose of taking fish for sale in those waters of Tauranga Harbour known as Hunters Creek or Otapu Creek which lie to the north of straight lines drawn from the southernmost point of Panepane Point to the southernmost point of Opounui Point, thence to the site of the Kotukutuku Maori School.

WELLINGTON HARBOUR

30. No person shall at any time during the period from the 1st day of November in any year until the 30th day of April in the next following year (both days inclusive) use a net for the purpose of taking

fish in the waters of Oriental Bay in Wellington Harbour that lie within a straight line from the north-eastern corner of [boat harbour] to a point on the foreshore at high water mark 200 yards north-east of the site of the Band Rotunda.

The words in square brackets were substituted for the words "Te Aro Baths" by regulation 6 of S.R. 1963/198.

KAWHIA HARBOUR

31. (1) No person shall in the waters described in subclause (3) of this regulation use for taking flounder a set net or set nets having a mesh of less than $4\frac{3}{4}$ in. if such net or nets when slung for fishing have a greater total length than 160 yards.

(2) No person shall in the waters described in subclause (3) of this regulation use for taking mullet a set net or set nets having a mesh of less than $3\frac{3}{4}$ in. if such net or nets when slung for fishing have a greater total length than 160 yards.

(3) The waters to which this regulation applies are the waters of Kawhia Harbour lying inside a straight line drawn from the southernmost extremity of North Head to the northernmost extremity of Urawitiki Point on the Southern Head.

[DRAG NETS IN KAWHIA, AOTEA, AND RAGLAN HARBOURS

[31A. No person shall use a drag net for taking fish for the purposes of sale in the following waters:

Kawhia Harbour

(1) The waters of Kawhia Harbour lying inside of a straight line from the northernmost extremity of Urawitiki Point on the Southern Head of Kawhia Harbour to North Head or Tau-ra-tahi.

Aotea Harbour

(2) The waters of Aotea Harbour lying inside of a straight line from the westernmost extremity of Kahua Point to Potahi, the northern head.

Raglan Harbour

(3) The waters of Raglan Harbour lying inside of a straight line from Tekoko Hill to the westernmost extremity of Rangitoto Point on the northern head at the entrance to Raglan Harbour.]

This regulation was inserted by regulation 7 of S.R. 1963/198.

[KAIPARA HARBOUR

[32. Notwithstanding anything hereinbefore contained, it shall be lawful to take fish on the mudflats in Kaipara Harbour by the process known as stalling, subject to the following conditions:

- (a) The size of mesh of set nets so used shall not be less than $4\frac{1}{4}$ in.;
- (b) No net the size of mesh of which is less than $4\frac{1}{4}$ in. shall be aboard any launch used in such fishing or in its tender;
- (c) No person shall set more than 600 yards of net from any one launch (including its tender);
- (d) Not more than the 600 yards of net are carried aboard any one launch (including its tender);

- (e) No person shall join together the nets used or set by different boats or launches; and
- (f) There shall be a clear space of not less than 100 yards between the nets set by different boats, and no person shall set nets without leaving such a space.]

This regulation was substituted for the original regulation 32 by regulation 8 of S.R. 1952/210.

33. No person shall use a drag net for the purpose of taking fish in the waters of Kaipara Harbour inside a straight line drawn from the southernmost point of North Sandspit to Puki-tu.

CANTERBURY LIMIT QUANTITY

34. *Revoked by regulation 21 (2) of S.R. 1952/210.*

35-37. *Revoked by regulation 3 (a) of S.R. 1959/186.*

LYTTELTON HARBOUR

38. (1) No person shall in the waters described in subclause (2) of this regulation at any time between the 1st day of October in any year and the 30th day of April in the next following year (both days inclusive)—

- (a) Use for the purpose of taking fish any net having a mesh of less than 4 in.; or
- (b) Carry on board a vessel engaged in flounder fishing any net having a mesh of less than 4 in.

(2) The waters to which this regulation applies are the waters comprising Lyttelton Harbour and adjacent waters lying inside a straight line drawn from the lighthouse on Godley Head to the westernmost extremity of Wakaroa Point on the eastern side of Pigeon Bay.

LAKE ELLESMERE AND LAKE FORSYTH

39. No person shall in the waters of Lake Ellesmere use for taking fish other than herring a net having a mesh of less than 4 in.

40. No person shall in the waters of Lake Ellesmere use for taking herring a net having a mesh of a size exceeding 2½ in.

41. No person shall use for fishing in Lake Ellesmere a set net of which the web is more than 9 meshes deep.

42. No person fishing with a set net in the waters of Lake Ellesmere or Lake Forsyth shall leave the net in the water without underrunning the net and taking therefrom any fish that have been caught therein at an interval of time exceeding—

- (a) Between the 1st day of November in any year and the 30th day of April in the next following year (both days inclusive), a period of 12 hours; or
- (b) Between the 1st day of May and the 31st day of October (both days inclusive) in any year, a period of 24 hours.

[43. (1) No person shall—

- (a) Use any net for taking fish in any river or stream flowing into Lake Ellesmere except an angler's landing net, an angler's bait net, a whitebait net, or a net for pisciculture or scientific investigations, used in accordance with the provisions of any regulations in that behalf for the time being in force; or

- [[**(b)** Use any net for taking fish in the waters of Lake Ellesmere lying within an arc of a circle having a radius of approximately three-quarters of a mile around the centre of the mouth of—
- (i) The Irwell River; or
 - (ii) Harts Creek; or
 - (iii) The Selwyn River; or
 - (iv) No. 2 Drain; or
 - (v) The Halswell River,—
- the points where that circular arc meets the shore of the lake being indicated in each case by posts painted in alternate black and yellow bands, such bands being approximately 12 in. in height, each such post being surmounted by a triangular plate, painted yellow.]]
- (2) For the purposes of this regulation the mouth of any river or stream shall be deemed to be the place where, at mean lake level when the lake is open to the sea, the waters of the river or stream meet the waters of the lake and, in any case where a river or stream has more than one mouth, shall be deemed to include every outlet thereof and the shore of the lake between those outlets.]

This regulation was substituted for the original regulation 43 by regulation 9 of S.R. 1952/210.

In subclause (1), para. (b) was substituted for the original para. (b) by regulation 4 of S.R. 1959/186.

44-52. *Revoked by regulation 3 (a) of S.R. 1959/186.*

53. *Revoked by regulation 3 (b) of S.R. 1959/186.*

54-60. *Revoked by regulation 3 (c) of S.R. 1959/186.*

BLUFF HARBOUR

61. Notwithstanding anything hereinbefore contained it shall be lawful for any person in the waters of Bluff Harbour to use for taking flounder a drag net having a mesh of not less than $2\frac{1}{4}$ in., but no person shall in the waters of Bluff Harbour use for the purpose of taking flounder a net having a mesh of less than $2\frac{1}{4}$ in.

62, 63. *Revoked by regulation 3 (c) of S.R. 1959/186.*

PART III—DANISH SEINING AND SIMILAR METHODS

A. GENERAL PROVISIONS

64. In this part of these regulations "Danish seine net" means a net which has a wing on each side of a cod-end or bag, with a warp attached to each wing, and which is operated by being drawn over the sea bottom or through the sea, the net being hauled to the vessel by a winch or other mechanical device or by hand.

65. No person shall use a Danish seine net the mesh of which in the last 3 yards of the cod-end measures less than 5 in.

66. No person shall use or convey a Danish seine net on any vessel while such vessel is engaged in trawling.

67. No person shall use an otter board with or attach the same to any Danish seine net.

68. No person shall convey an otter board on any vessel while such vessel is engaged in Danish seining.

69. No person shall in waters in which the use of a Danish seine net for taking fish is for the time being forbidden use for the purpose of taking fish any net which is drawn over the sea bottom or through the sea by two vessels or by means of any mechanical device, whether from a vessel or from the shore.

[69A. No person shall in waters in which the use of a Danish seine net for taking fish is for the time being forbidden take fish by any other method from any vessel that has on board any Danish seine net.]

This regulation was inserted by regulation 8 of S.R. 1963/198.

70. No person shall have on board any boat a Danish seine net any part of which contravenes the provisions of this Part of these regulations.

B. LOCAL PROVISIONS

71. No person shall use a Danish seine net for taking fish within the waters described in the next succeeding regulation.

72. The waters referred to in the last preceding regulation are the following:

NORTH ISLAND WATERS

Parengarenga Harbour

(1) The waters of Parengarenga Harbour lying inside a straight line drawn from the easternmost extremity of Fox Point in a north-easterly direction to the easternmost extremity of Coal Point (otherwise known as Kohau Point).

Rangaunu Bay

(2) The waters of Rangaunu Bay lying inside a straight line drawn from the easternmost extremity of Grenville Point (otherwise known as Gravell Point), to the northernmost end of the northern island of the Moturoa Islands, and thence to the northernmost extremity of Cape Karikari (otherwise known as Cape Karaka).

Doubtless Bay

(3) The waters of Doubtless Bay lying inside a straight line drawn from the easternmost extremity of Knuckle Point to the northernmost extremity of Flat Head (otherwise known as Bergens Point).

Whangaroa Harbour

(4) The waters of Whangaroa Harbour lying inside a straight line drawn from the White Beacon on South Head to the north-eastern extremity of North Head.

Bay of Islands

(5) (a) The waters of the Bay of Islands lying inside the islands mentioned in this subclause and inside straight lines commencing at the southernmost extremity of Porae-nui Point and running thence to the easternmost extremity of Toke Toke Point; thence to the northern extremity of Tapeka Point; thence to the north-west point of Motu Arohia (otherwise known as Robertson's or Robinson's Island), and

from the south-easternmost extremity of Motu Arohia to the southernmost extremity of Motu Rua (otherwise known as Mita's Island), and from the easternmost extremity of Motu Rua to the southernmost extremity of Motukiekie; thence to the westernmost extremity of Oruapukapuka, and from the easternmost extremity of Oruapukapuka to the westernmost extremity of Richard's Peninsula.

(b) At any time during the months of November, December, January, and February in any year within the waters of the Bay of Islands lying inside a boundary commencing at the easternmost point of Cape Wiwiki, and running thence in a straight line to the northern extremity of Red Head on Red Island (otherwise known as Okahu or Okahi Island), and thence in a straight line in a north-easterly direction to the northern extremity of Cape Brett.

Whangaruru Harbour

(6) The waters of Whangaruru Harbour lying inside a boundary commencing at the easternmost extremity of Cape Home on the northern side of the entrance of the said harbour, and running thence in a south-westerly direction to the easternmost extremity of Henry Island; thence through the easternmost extremity of Nops Island in a straight line to the shore on the southern side of the said harbour.

Tutukaka Harbour

(7) The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head in a south-westerly direction through the rocky islets to the headland on the southern side of the entrance to the said harbour.

[Whangarei

(8) The waters of the sea lying within 3 nautical miles of high water mark of that portion of the mainland lying between the southernmost point of Busby Head, near Whangarei Heads, and the north-western point of Mackenzie Cove.]

North Rodney

(9) At any time between the 1st day of October in any year and the 1st day of April in the next following year (both days inclusive) in the waters of the sea lying within 1 nautical mile from the high water mark of the shore that extends from the mouth of the Mangawai River to the easternmost extremity of Rodney Point.

Kawau Bay

(10) Those waters of the sea bounded by a straight line drawn from Accord Point on the western side of Kawau Island to the northern extremity of Goat Island; thence by a straight line drawn to the extreme eastern point of Algie Bay; thence by the foreshore to Fish Point; thence by a straight line drawn from Fish Point to Percy Point on the south-western side of Kawau Island; and thence by the foreshore on the western side of Kawau Island to the commencing point.

Hauraki Gulf

[(11) The waters of the Hauraki Gulf lying inside straight lines drawn from Fish Point through Blanche Channel in the Kaitu Kala Islands group to Tiritiri Lighthouse; thence to Thumb Point on Waiheke Island; thence by a straight line to the south-east head of Hook Bay; thence by a straight line to Kauri Point; thence by high water mark of Waiheke Island to Waite (or Waiti) Point (being the point nearest to Pakatoa Island); thence by a straight line across the northern entrance of Waiheke Channel or Man-o'-war Passage to the northern extremity of Pakatoa Island, and by a straight line from the southern extremity of Pakatoa Island to the northern extremity of Rotoroa (Rotaro) Island; thence by high water mark of the eastern side of Rotoroa (Rotaro) Island to the point of intersection by a straight line drawn from the summit of the hill on Waiheke Island known as Maunganui, being the hill marked as 764 ft high on the 1941 Edition of Admiralty Chart Number 1896, and marked 770 ft high on the 1931 Edition of the same chart, and passing through Rotaro Island (otherwise known as Rotoroa Island), to Tuhua Islet (otherwise known as The Cow); thence along this last-mentioned straight line to Tuhua Islet (otherwise known as The Cow), and from the northern extremity of The Cow in a straight line to the western extremity of the largest island in the Motukawao Group commonly known as Happy Jack; thence in a straight line to the north head of Colville Bay (otherwise known as Cabbage Bay), on Coromandel Peninsula.]

(12) In addition to the restrictions prescribed in the last preceding subclause, no person shall at any time during the period from 1st day of October in any year to the 31st day of December in the same year (both days inclusive) use a Danish seine net for taking fish in the waters of Hauraki Gulf inside straight lines drawn from the easternmost extremity of Takatu Peninsula to the easternmost extremity of Kawau Island; thence to Tiritiri Lighthouse; thence to Thumb Point on Waiheke Island.

(13) No person shall use a Danish seine net for taking fish from any vessel the horsepower of the engines of which (including any auxiliary engines for hauling purposes) exceeds 44 brake horsepower, according to the manufacturer's rating, when the engines are working under normal full load within the waters of Hauraki Gulf specified in subclause (10) of this regulation and the waters of the Hauraki Gulf lying inside straight lines drawn from Fish Point through Blanche Channel in the Kaitu Kala Islands group to Tiritiri Lighthouse; thence to Thumb Point on Waiheke Island; thence to the south-eastern extremity of Hook Bay; thence to Kauri Point; thence by high water mark of Waiheke Island to Waite (Waiti) Point (being the point nearest to Pakatoa Island); thence by a straight line to the easternmost point of Pakatoa Island; thence by a straight line in the direction of the northernmost point of Hiueh Island (commonly known as Goat Island) to the point of intersection with the straight line from the northern extremity of Tuhua Islet (otherwise known as The Cow) to the western extremity of the largest island in the Motukawao Group (commonly known as Happy Jack); thence along this last-mentioned straight line to Happy Jack, thence in a straight line to the north head of Colville Bay (otherwise known as Cabbage Bay), on Coromandel Peninsula.

(14) In addition to the restrictions prescribed in the last preceding subclause of this regulation, no person shall at any time during the period from 1st day of October in any year to the 31st day of December in the same year (both days inclusive) use a Danish seine net for taking fish in the waters of Hauraki Gulf within straight lines drawn from the easternmost extremity of Takatu Peninsula to the easternmost extremity of Kawau Island, thence to Tiritiri Lighthouse.

(15) No person shall use a Danish seine net for taking fish from any vessel the horsepower of the engines of which (including auxiliary engines for hauling purposes) exceeds 66 brake horsepower, according to the manufacturer's rating, when the engines are working under normal full load in the waters of Hauraki Gulf lying within straight lines from the easternmost point of Takatu Peninsula to the easternmost point of Kawau Island; thence to Tiritiri Lighthouse; thence to Thumb Point on Waiheke Island; thence to the western extremity of the largest island of the Motukawao group (commonly known as Happy Jack); thence to the north head of Colville Bay (otherwise known as Cabbage Bay), on Coromandel Peninsula.

(16) *Revoked by regulation 11 of S.R. 1952/210.*

Port Abercrombie and Port Fitzroy

(17) The waters of and adjacent to Port Abercrombie and Port Fitzroy in Great Barrier Island lying inside a straight line passing through Green Island and Wellington Head, and lying inside a straight line drawn across Governor Pass at its narrowest point.

Tryphena Harbour

(18) The waters of Tryphena Harbour on Great Barrier Island lying inside a straight line drawn from the northern end of Bailey's Reef and passing through Bird Islet in a south-easterly direction to the northernmost extremity of Home Point.

Kennedy Bay

(19) The waters of Kennedy Bay on Coromandel Peninsula lying inside a straight line commencing at a point at high water mark one-half mile north of the southernmost extremity of the northern entrance to the said Bay, and drawn in a south-easterly direction to the northernmost extremity of Anarake Point.

Mercury Bay

(20) The waters of Mercury Bay lying inside the islands mentioned in this subclause and inside straight lines commencing on the coast at a point nearest the northernmost extremity of Koranga Island to this last-mentioned point and from the southernmost extremity of Koranga Island to the north-easternmost extremity of Te Tui Island (otherwise known as Mahurangi Island); thence to the easternmost extremity of Heri-heri-tauru.

Bay of Plenty, Whangamata Harbour, and Whangamata River

(21) The waters of Whangamata Harbour and Whangamata River and the part of the sea adjacent thereto lying within a radius of 3 nautical miles from the southernmost extremity of the northern head at the mouth of the Whangamata River.

Katikati Harbour to Opotiki Harbour

(22) All waters lying within a distance of 2 nautical miles from high water mark on that part of the shore of the Bay of Plenty which commences at the easternmost extremity of Te Ho Point at the entrance to Katikati Harbour and extends to the westernmost extremity of Haurere Point, approximately 8 nautical miles from Opotiki Harbour.

Cape Runaway

(23) All waters lying within a straight line drawn from the northernmost extremity of Orete Point on the eastern side of the Bay of Plenty to the northernmost extremity of Cape Runaway.

Southern Part of North Island

(24) No person shall use a Danish seine net for taking fish in the waters lying within 3 nautical miles of high water mark of the east coast of the North Island south of Gable End Foreland, the south coast of the North Island, and the west coast of the North Island south of Reef Point.

SOUTH ISLAND WATERS

(25) No person shall use a Danish seine net for taking fish in the waters lying within 3 nautical miles of high water mark of the coast of the South Island.

Subclause (8) was substituted for the original subclause (8) by regulation 2 of S.R. 1954/177.

Subclause (11) was substituted for the original subclause (11) by regulation 9 of S.R. 1963/198.

PENALTY

73. Any person committing a breach of regulation 71 or regulation 72 of these regulations commits an offence against these regulations, and shall be liable on summary conviction to a fine not exceeding £500, without prejudice to any other liability by way of forfeiture of property, revocation or suspension of licence, or otherwise to which he may also be subject.

PART IV—TRAWLING

A. GENERAL PROVISIONS

74. In these regulations "trawling" means drawing a net not being a Danish seine net, over the sea bottom or through the sea by means of one or more vessels under way, and "trawl net" means a net used in trawling.

75. No person shall use for fishing a trawl net the size of the mesh of which ascertained as provided by regulation 8 hereof is less than the following respective sizes, namely:

- (a) In wings and belly and batings down to 100 meshes, $4\frac{1}{4}$ in.:
- (b) In the square, $4\frac{1}{2}$ in.:
- (c) In the cod-end, 4 in.

76. No person shall use for fishing a trawl net the cod-end of which begins higher up the net than the bottom of the 100 meshes referred to in the last preceding regulation.

77. No person shall in waters in which trawling for fish is for the time being forbidden use for the purpose of taking fish any net which is drawn over the sea bottom or through the sea by two vessels or by means of any mechanical device, whether from a vessel or from the shore:

Provided that nothing in this regulation shall be deemed to forbid in waters in which trawling is for the time being entirely forbidden, but the use of a Danish seine net is not for the time being absolutely forbidden, the use of a Danish seine net.

[77A. No person shall in waters in which trawling for fish is for the time being forbidden take fish by any other method from any vessel that has on board any trawl net.]

This regulation was inserted by regulation 10 of S.R. 1963/198.

78. No person shall have on board any boat a trawl net any part of which contravenes the provisions of this Part of these regulations.

B. LOCAL PROVISIONS

79. No person shall haul or use, or attempt to haul or use, a trawl net for taking fish within the waters described in the next succeeding regulation.

80. The waters referred to in the last preceding regulation are the following:

NORTH ISLAND WATERS

Parengarenga Harbour

(1) The waters of Parengarenga Harbour lying inside a straight line drawn from the easternmost extremity of Fox Point in a north-easterly direction to the easternmost extremity of Coal Point (otherwise known as Kohau Point).

Rangaunu Bay

(2) The waters of Rangaunu Bay lying inside a straight line drawn from the easternmost extremity of Grenville Point (otherwise known as Gravell Point), to the northernmost end of the northern island of the Moturoa Islands, and thence to the northernmost extremity of Cape Karikari (otherwise known as Cape Karaka).

Doubtless Bay

(3) The waters of Doubtless Bay lying inside a straight line drawn from the easternmost extremity of Knuckle Point to the northernmost extremity of Flat Head (otherwise known as Bergens Point).

Whangaroa Harbour

(4) The waters of Whangaroa Harbour lying inside a straight line drawn from the White Beacon on South Head to the north-eastern extremity of North Head.

Bay of Islands

(5) The waters of the Bay of Islands lying inside a boundary commencing at the easternmost point of Cape Wiwiki, and running thence in a straight line to the northern extremity of Red Head on Red Island (otherwise known as Okahu or Okahi Island), and thence in a straight line in a north-easterly direction to the northern extremity of Cape Brett.

Whangaruru Harbour

(6) The waters of Whangaruru Harbour lying inside a boundary commencing at the easternmost extremity of Cape Home on the northern side of the entrance of the said harbour, and running thence in a south-westerly direction to the easternmost extremity of Henry Island; thence through the easternmost extremity of Nops Island in a straight line to the shore on the southern side of the said harbour.

Tutukaka Harbour

(7) The waters of Tutukaka Harbour lying inside a straight line drawn from the southern extremity of Tutukaka Head in a south-westerly direction through the rocky islets to the headland on the southern side of the entrance to the said harbour.

Whangarei

(8) The waters of the sea lying within 3 nautical miles of high water mark of that portion of the mainland lying between the southernmost point of [Busby Head], near Whangarei Heads, and the north-western point of Mackenzie Cove.

Port Abercrombie and Port Fitzroy

(9) The waters of and adjacent to Port Abercrombie and Port Fitzroy in Great Barrier Island lying inside a straight line passing through Green Island and Wellington Head, and lying inside a straight line drawn across Governor Pass at its narrowest point.

Tryphena Harbour

(10) The waters of Tryphena Harbour on Great Barrier Island lying inside a straight line drawn from the northern end of Bailey's Reef and passing through Bird Islet in a south-easterly direction to the northernmost extremity of Home Point.

North Rodney

(11) At any time between the 1st day of October in any year and the 1st day of April in the next following year (both days inclusive) in the waters of the sea lying within one nautical mile from the high water mark of the shore that extends from the mouth of the Mangawai River to the easternmost extremity of Rodney Point.

Hauraki Gulf

(12) (a) The waters of Hauraki Gulf inside a straight line from Rodney Point to the easternmost point of Takatu Peninsula; thence in a straight line to the easternmost point of Kawau Island; thence by high water mark of the eastern side of Kawau Island to Kawau Point; thence in a straight line to the [northernmost point of the main island of the Motukawao Group locally known as Happy Jack, thence in a straight line to the north-westernmost point of the Moehau Peninsula].

(b) At any time during the period from the 1st day of October in any year until the [last day of February] in the next following year (both days inclusive) in the waters of Hauraki Gulf lying south of a straight line drawn from Rodney Point to Cape Colville.

Kennedy Bay

(13) The waters of Kennedy Bay on Coromandel Peninsula lying inside a straight line commencing at a point at high water mark one-half mile north of the southernmost extremity of the northern entrance to the said bay, and drawn in a south-easterly direction to the northernmost extremity of Anarake Point.

Mercury Bay

(14) The waters of Mercury Bay lying inside the islands mentioned in this subclause, and inside straight lines commencing on the coast at a point nearest to the northernmost extremity of Koranga Island to this last-mentioned point and from the southernmost extremity of Koranga Island to the north-easternmost extremity of Te Tui Island (otherwise known as Mahurangi Island); thence to the easternmost extremity of Heri-heri-tauru.

Bay of Plenty, Whangamata Harbour, and Whangamata River

(15) The waters of Whangamata Harbour and Whangamata River and the part of the sea adjacent thereto lying within a radius of 3 nautical miles from the southernmost extremity of the northern head at the mouth of the Whangamata River.

Katikati Harbour to Opotiki Harbour

(16) All waters lying within a distance of 2 nautical miles from high water mark on that part of the shore of the Bay of Plenty which commences at the easternmost extremity of Te Ho Point at the entrance to Katikati Harbour and extends to the westernmost extremity of Haurere Point, approximately 8 nautical miles from Opotiki Harbour.

Cape Runaway

(17) All waters lying inside a straight line drawn from the northernmost extremity of Orete Point on the eastern side of the Bay of Plenty to the northernmost extremity of Cape Runaway.

[Mahia Peninsula

(18) (a) All waters lying within 2 nautical miles from High water mark of that part of the east coast which extends from Boat Harbour in the north round Mahia Peninsula to the mouth of the Nuhaka River in the south.

(b) All waters lying within 2 nautical miles from high water mark of the shore of Portland Island.]

Hawke Bay

(19) (a) All those waters of Hawke Bay lying inside a straight line drawn from the front beacon (the red light) on Petane Beach, to the easternmost extremity of Ahuriri Bluff; thence to the easternmost extremity of the eastern bank at the mouth of the Tukituki River.

[(b) All those waters of Hawke Bay lying off the coast of the County of Hawke Bay extending seaward a distance of 3 nautical miles from high water mark of the mainland, bounded to the north by a line running due east from the mouth of the Waipuka Stream, near Ocean Beach township, to the south by a line running due east from the mainland through the southernmost point of Karamea (otherwise known as Red Island).]

Wellington

(20) The waters of Wellington Harbour lying inside a straight line drawn from Pencarrow Head low level light to Palmer Head.

Porirua Harbour

(21) The waters of Porirua Harbour lying inside a straight line drawn from the westernmost extremity of the North Head (otherwise known as Te Rewarewa Point) to the northernmost extremity of South Head.

Foxton

(22) *Revoked by regulation 12 (c) of S.R. 1952/210.*

Kawhia Harbour

(23) The waters of Kawhia Harbour and the sea adjacent thereto lying within a radius of $1\frac{1}{2}$ nautical miles from the northernmost extremity of Urawitiki Point on the Southern Head of Kawhia Harbour.

Aotea Harbour

(24) The waters of Aotea Harbour and the sea adjacent thereto lying within a radius of $1\frac{1}{2}$ nautical miles from the westernmost extremity of Kahua Point.

Raglan Harbour

(25) The waters of Raglan Harbour and the sea adjacent thereto lying within a radius of $1\frac{1}{2}$ nautical miles from the westernmost extremity of Rangitoto Point on the northern head at entrance to Raglan Harbour.

Manukau Harbour

(26) The waters of Manukau Harbour lying inside a straight line drawn to the signal staff on the South Head through the easternmost extremity of Paratutai Island.

Kaipara Harbour

(27) The waters of Kaipara Harbour lying inside a straight line drawn from the south-westernmost extremity of North Sandspit to Puki-tu.

SOUTH ISLAND WATERS

Golden Bay

(28) At any time during the period from the 1st day of November in any year until the 30th day of April in the next following year (both days inclusive) in the waters of Golden Bay lying inside a straight line running from Pakawau Bridge to the southernmost point of the southernmost island of the Tata Islands in Golden Bay.

Pelorus and Queen Charlotte Sounds

(29) Those waters of Pelorus Sound and Queen Charlotte Sound inside straight lines drawn from Harding Point to Cape Jackson; thence to Cape Koamaru and from East Head to West Head of Tory Channel, except as provided in regulation 81.

Pegasus Bay

(30) The waters lying within the area extending from the mouth of the Waimakariri River to Okain's Bay, and bounded as follows: on the north by a line commencing at the site of the present flagstaff at the mouth of the Waimakariri River, and proceeding thence due east for a distance of 2 nautical miles; thence by a line to Godley Head; thence by a line to Long-lookout Point; thence on a continuation of this line to its intersection with a line extending due north for a distance of 1 nautical mile from the northernmost point on the east side of Okain's Bay; thence to the said northernmost point on the east side of Okain's Bay; thence by high water mark along Banks Peninsula, Port Lyttelton, and Pegasus Bay to the commencing point.

Le Bons' Bay

(31) The waters of Le Bons' Bay, Banks Peninsula, lying inside a straight line drawn from the north-easternmost extremity of Steep Head to the easternmost extremity of Islet Head.

Akaroa Harbour

(32) The waters of Akaroa Harbour lying inside a straight line drawn from the south-easternmost extremity of Iron Head (otherwise known as Timutimu) to the southernmost extremity of Trueni Point.

Otago Harbour

(33) The waters of Otago Harbour lying inside a straight line drawn from the northernmost extremity of Taiaroa Head to the northernmost extremity of Heyward Point.

In subclause (8) the words "Busby Head" were substituted for the words "Busby Point" by regulation 12 (a) of S.R. 1952/210.

In subclause (12) (a) the words in square brackets were substituted for the original words by regulation 12 (b) of S.R. 1952/210.

In subclause (12) (b) the words in square brackets were substituted for the words "1st day of March" by regulation 5 (1) of S.R. 1959/186.

Subclause (18) was substituted for the original subclause (18) by regulation 4 of S.R. 1954/75.

In subclause (19), para. (b) was substituted for the original para. (b) by regulation 5 (2) of S.R. 1959/186.

The proviso to subclause (30) was revoked by regulation 12 (d) of S.R. 1952/210.

81. Notwithstanding the provisions of subclause (29) of the last preceding regulation, it shall be lawful in the waters of the inner reaches of Pelorus Sound lying inside a straight line from Tawero Point to Whakamawahi Point at any time between the 1st day of April and the 31st day of August (both days inclusive) in any year to use a trawl net subject to the following conditions:

- (a) The headline on such trawl net shall not exceed 30 ft:
- (b) The extension or bridle between each otter board and wing of net shall not exceed 24 ft:
- (c) The mesh of the trawl net shall be not less than $4\frac{1}{2}$ in. in any part:
- (d) The period of time for each drag between completion of shooting and commencement of hauling of the trawl net shall not exceed one hour.

82. Any person committing a breach of regulation 79, regulation 80, or regulation 81 of these regulations commits an offence against these regulations and shall be liable on summary conviction to a fine not exceeding £500 without prejudice to any other liability by way of forfeiture of property, revocation or suspension of licence, or otherwise to which he may also be subject.

PART V—LINE FISHING

83. No person shall permit any long line to continue set, moored, or placed for the purpose of taking fish for a longer period than two hours without attending thereto and taking off any fish caught by the line.

[84. No owner or master of any registered fishing boat engaged in line fishing shall use or permit to be used any mark buoy or float used for the purpose of buoying or marking the fishing line unless the mark buoy or float is distinctly marked with the distinguishing port letters and registered number of the boat.]

This regulation was substituted for the original regulation 84 by regulation 13 of S.R. 1952/210.

[84A. No person shall use a long line or a set line in the waters of Double Cove in Queen Charlotte Sound enclosed within straight lines drawn from Nohokouau Point to the southernmost point of the peninsula lying between Double Cove and Torea Bay.]

This regulation was inserted by regulation 5 of S.R. 1954/75.

PART VI—BLUE COD

85. Except as provided by regulation 87, no person shall take or have in his possession any blue cod of less length than 12 in., measured from the tip of the nose to the posterior end of the middle ray of the tail fin or of less length than $8\frac{3}{4}$ in. measured from the rear of the base of the pectoral fin to the posterior end of the middle ray of the tail fin.

86. Except as provided by regulation 87, no person, including the holder of a [fishing permit, shall sell or take for the purposes of sale or have in his possession for sale, and no person, being the master of a registered fishing boat, shall take or have in his possession on that boat or land from that boat], any blue cod of less length than 13 in. measured from the tip of the nose to the posterior end of the middle ray of the tail fin or of less length than $9\frac{1}{2}$ in. measured from the rear of the base of the pectoral fin to the posterior end of the middle ray of the tail fin.

The words in square brackets were substituted for the original words by regulation 2 (1) of S.R. 1963/198.

87. Nevertheless, it shall be lawful for any person to take and to have in his possession blue cod of a less size than is hereinbefore specified if they are intended to be used and are used solely as bait, and if not more than two such fish are in his possession at any one time.

88. For the purposes of regulations 85, 86, and 87 blue cod in any boat shall be deemed to be in the possession of the person in charge of the boat.

89. Except as provided by regulation 90, no person shall in any one day take more than 12 blue cod from those waters of Queen Charlotte Sound, Tory Channel, and Pelorus Sound and of the sea enclosed within straight lines drawn from the easternmost extremity of West Head to the easternmost extremity of East Head, from the northernmost extremity of Cape Koamaru to the easternmost extremity of Cape Jackson, and thence in a north-westerly direction to the easternmost extremity of Cape Stephens on D'Urville Island; thence from the easternmost extremity of Ragged Point on D'Urville Island to the northernmost extremity of Cape Soucis.

[89A. No person shall bring ashore any blue cod in the waters described in regulation 89 of these regulations in such a state that they cannot be measured in accordance with regulation 85 or regulation 86 of these regulations.]

This regulation was inserted by regulation 6 of S.R. 1954/75.

[90. Regulation 89 shall not apply to any person who is the owner or a member of the crew of a registered fishing boat and is engaged in taking fish from that boat in accordance with the provisions of the boat-fishing permit for the time being in force in respect of that boat.]

This regulation was substituted for the original regulation 90 by regulation 2 (1) of S.R. 1963/198.

PART VII—SWORDFISH

91. No person shall take any fish of the sub-order Xiphiiformes except by means of a rod and line, and no person shall use to take such fish a line heavier than that known as "39 linen thread line".

92. No owner or master of any boat, whether the said boat is used in fishing for sale or not, shall take or permit to be taken more than four fish of the sub-order Xiphiiformes from that boat in any one day.

93. No person shall continue to fish from any boat for fish of the sub-order Xiphiiformes on any day on which four such fish have to his knowledge been taken from that boat.

PART VIII—CRAYFISH

94–100E. *These regulations comprising Part VIII (regulations 100A–100D having been inserted by regulation 19 of S.R. 1952/210, regulation 100C having been substituted by regulation 8 of S.R. 1954/75, regulation 100E having been inserted by regulation 9 of S.R. 1954/75 and substituted by regulation 15 (1) of S.R. 1959/186) were revoked by regulation 21 (a) of S.R. 1963/197.*

Part I (comprising regulations 2–20) of the Fisheries (General) Regulations 1950, Amendment No. 6, provides as follows:

PART I

CRAYFISH

2. In this Part of these regulations—

"Length", in relation to any crayfish, means its length from the tip of the rostral spine (or beak) between the eyes to the tip of the telson of the tail fan, measured in a middle straight line along the back with the crayfish spread as nearly as possible flat, as illustrated in diagram A in the Schedule to these regulations:

"Length", in relation to any crayfish tail, means its length from the after side of the calcified bar or sternum on the under side of the first segment to the tip of the telson of the tail fan, measured in a middle straight line along the under side or ventral side with the tail laid flat on its back, as illustrated in diagram B in the Schedule to these regulations.

The Schedule is reprinted with the Schedule to the principal regulations.

3. No person shall fish for, take, or kill, or land from any vessel any crayfish less than 10 in. in length.

4. No person shall sell, purchase, or have in possession any crayfish, whether fresh, frozen, cooked, or in any other state, less than 10 in. in length.

5. No person shall sell, purchase, or have in possession any crayfish tail (being that part of the crayfish known more properly as the abdomen and separated from the body of the crayfish), whether fresh, frozen, cooked, or in any other state, less than 6 in. in length.

6. (1) Regulation 3 hereof shall apply with respect to the taking of crayfish [otherwise than during the restricted period] in or from the waters of the sea described in subclause (2) of this regulation from a fishing boat registered at Dunedin or Oamaru and domiciled and landing its catch between the mouth of the Waitaki River and Nugget Point, and to the landing from any such vessel of crayfish taken from those waters [otherwise than during the restricted period], as if for the expression "10 in." there were substituted the expression "7 in."

(2) The waters of the sea referred to in subclause (1) of this regulation are the following:

All waters of the sea within 3 nautical miles of high water mark of the coast of the South Island between a straight line running due east from the mouth of the Waitaki River and a straight line running due east from Nugget Point.

(3) Subject to the provisions of regulation 7 hereof, regulation 4 hereof shall apply to any sale or purchase made or to the having in possession at any place within those parts of New Zealand described in subclause (4) of this regulation of any crayfish taken [otherwise than during the restricted period] in the waters of the sea described in subclause (2) of this regulation from a fishing boat registered at Dunedin or Oamaru and domiciled and landing its catch between the mouth of the Waitaki River and Nugget Point, as if for the expression "10 in." in the said regulation 4 there were substituted the expression "7 in."

(4) The parts of New Zealand referred to in subclause (3) of this regulation are the following:

- (a) The Provincial District of Otago, excluding therefrom the Counties of Southland, Wallace, Fiord, Lakes, Vincent, and Stewart Island, the Maclellan, Clinton, Catlins, Pomohaka, Clydevale, Waipahi, and Glenkenich Ridings of the County of Clutha, and the boroughs (except the Borough of Balclutha) and town districts situated within or contiguous to the boundaries of those counties or of those ridings, as the case may be:
- (b) That part of the Provincial District of Canterbury south of the Rangitata River, excluding the parts of the Counties of Lakes and Vincent situated within that Provincial District.

(5) Notwithstanding anything in regulations 4 and 7 hereof, it shall be lawful for any person to sell, purchase, or have in possession any crayfish less than 10 in. but not less than 7 in. in length taken [otherwise than during the restricted period] in the waters of the sea specified in subclause (2) of this regulation from a fishing boat registered at Dunedin or Oamaru and domiciled and landing its catch between the mouth of the Waitaki River and Nugget Point and packed in a consumer pack at an authorised packing house in that part of the Provincial District of Otago described in paragraph (a) of subclause (4) of this regulation.

(6) In any proceedings against any person for the offence of having in possession at any place outside the part of the Provincial District of Otago described in paragraph (a) of subclause (4) of this regulation of any crayfish less than 10 in. but not less than 7 in. in length, it shall be a good defence if the defendant proves that the crayfish came from a consumer pack packed at an authorised packing house in that part of that Provincial District.

(7) For the purposes of this regulation, a fishing boat shall be deemed to be domiciled at the place at which the catch taken from that boat is required to be landed, as specified in the boat-fishing permit for the time being in force in respect of that boat.

(8) In this regulation—

“Consumer pack” means a container which—

(a) Complies with the requirements of the Food and Drug Regulations 1946,* and

(b) Contains only whole crayfish and is of a net weight not exceeding 2 lb; and

(c) When sold, is sealed with an unbroken seal; and

(d) Is inscribed with the words “Crayfish Consumer Pack”, the name of the proprietor of the authorised packing house, the location of that packing house, and the net weight of the crayfish therein:

“Packing house” means premises registered under the Food Hygiene Regulations 1952† where crayfish are packed, being premises authorised by the Minister of Marine to be used for the preparation of crayfish consumer packs:

□“Restricted period” means the period commencing on the 1st day of January in each year and ending with the 30th day of June in that year.]

In subclause (1) the words in square brackets were inserted in two places by regulation 2 (1) (a) of S.R. 1964/211.

In subclause (3) the words in square brackets were inserted by regulation 2 (1) (b) of S.R. 1964/211.

In subclause (5) the words in square brackets were inserted by regulation 2 (1) (c) of S.R. 1964/211.

In subclause (8) the words in square brackets were added by regulation 2 (2) of S.R. 1964/211.

7. No person shall in those parts of New Zealand described in subclause (4) of regulation 6 hereof, sell for resale in any other part of New Zealand any crayfish, whether fresh, frozen, cooked, or in any other state, of less length than 10 in., unless it is packed in a consumer pack as defined in regulation 6 hereof.

8. No person shall land from any vessel or sell or have in possession any crayfish, crayfish tail, or part thereof which is in such a condition that it cannot be measured in accordance with the provisions of regulation 2 hereof.

9. No person shall export or pack for export or attempt to export from New Zealand, or ship for the purposes of export from New Zealand, any crayfish less than 10 in. in length or any crayfish tail less than 6 in. in length.

10. No person shall process for the extraction of the crayfish meat any crayfish less than 10 in. in length.

□10A. (1) Notwithstanding any provision of this Part of these regulations prohibiting the tailing, processing, sale, or export of crayfish or crayfish tails less than a prescribed minimum length, but subject to the conditions specified in subclause (2) of this regulation, the Minister may, in his discretion, authorise—

*S.R. 1946/136 (Reprinted with Amendments Nos. 1 to 13: S.R. 1963/209)

Amendment No. 14: S.R. 1965/67

†S.R. 1952/74

Amendment No. 1: S.R. 1953/161

Amendment No. 2: S.R. 1962/104

- (a) The tailing and processing of crayfish less than 10 in. in length but not less than 7 in. in length:
 - (b) The export and the packing for export of crayfish less than 10 in. in length but not less than 7 in. in length:
 - (c) The export and the packing for export of crayfish tails from crayfish less than 10 in. in length but not less than 7 in. in length:
 - (d) The sale in New Zealand of crayfish tails from crayfish less than 10 in. in length but not less than 7 in. in length.
- (2) The conditions referred to in subclause (1) of this regulation are as follows:

- (a) Crayfish tailing and processing authorised pursuant to paragraph (a) of that subsection shall be undertaken in an authorised packing house under the supervision of an Inspector of Fisheries:
- (b) Crayfish authorised for export pursuant to paragraph (b) of that subclause shall be packed in an authorised packing house under the supervision of an Inspector of Fisheries, and the containers shall be sealed by the supervising Inspector:
- (c) Crayfish tails authorised for export pursuant to paragraph (c) of that subclause shall be packed in an authorised packing house under the supervision of an Inspector of Fisheries, and the containers shall be sealed by the supervising Inspector where the number of tails exceeds 59 for 20 lb packs or the equivalent where a different size of pack is used:
- (d) Crayfish tails authorised for sale in New Zealand pursuant to paragraph (d) of that subclause shall be packed in an authorised packing house in a consumer pack:
- (e) Crayfish or crayfish tails authorised to be exported pursuant to that subclause shall be exported only on a vessel loading in a port in the Provincial District of Otago prior to proceeding overseas:
- (f) Crayfish for export pursuant to that subclause must, to the satisfaction of the supervising Inspector, be alive immediately before tailing or processing is commenced in the authorised packing house.

(3) In this regulation—

“Consumer pack” means a container which—

- (a) Complies with the requirements of the Food and Drug Regulations 1946;* and
- (b) Contains only crayfish tails; and
- (c) When sold, is sealed with an unbroken seal; and
- (d) Is inscribed with the words “Crayfish (Tails) Consumer Pack”, the name of the proprietor of the packing house, the location of that packing house, and the net weight of the crayfish tails therein:

*S.R. 1946/136 (Reprinted with Amendments Nos. 1 to 13: S.R. 1963/209)
Amendment No. 14: S.R. 1965/67

†S.R. 1952/74

Amendment No. 1: S.R. 1953/161

Amendment No. 2: S.R. 1962/104

“Packing house” means premises registered under the Food Hygiene Regulations 1952† where crayfish tails are packed, being premises authorised by the Minister of Marine to be used for the processing and packing of crayfish or crayfish tails to which this regulation refers.

(4) Every person commits an offence who fails to comply with the provisions of this regulation or any condition specified in this regulation.]

This regulation was inserted by regulation 3 of S.R. 1964/211.

11. No person shall take any crayfish that is in the soft-shell stage.

12. No person shall sell, purchase, or have in possession any crayfish, whether fresh, frozen, cooked, or in any other state, which is in the soft-shell stage.

13. (1) No person shall land crayfish or any parts thereof from any fishing boat, except at the place where the catch taken from that boat is required to be landed, as specified in the boat-fishing permit for the time being in force in respect of that boat.

(2) Nothing in subclause (1) of this regulation shall apply with respect to any crayfish taken in the waters of the sea adjacent to the coast of the South Island which lie between Puysegur Point and Bruce Bay from any fishing boat specified in paragraph (a) or paragraph (b) of regulation 17 hereof.

14. No person shall take crayfish by means of a baited set net whereby a piece of ordinary fishing net is baited and left submerged in the sea.

15. (1) Every person who—

(a) Takes any crayfish that is carrying external eggs; or

(b) At any time during the months of July, August, and September in any year, takes any female crayfish in the waters of the sea described in regulation 17 hereof—

shall immediately return it alive with as little injury as possible into the water from which it was taken.

(2) No person shall remove the external eggs from any female crayfish or from any crayfish tail.

(3) No person shall buy, sell, expose for sale, or have in possession any female crayfish or crayfish tail which is carrying external eggs.

(4) No person shall buy, sell, expose for sale, or have in possession any female crayfish or crayfish tail from which any of the external eggs have been removed by artificial means.

(5) No person shall buy, sell, expose for sale, or have in possession any crayfish or crayfish tail from which any of the pleopods or swimmerets or any part thereof have been removed.

16. (1) No person shall remove the tail (the process known as “tailing” whereby the six abdominal segments and tail fan are removed from the cephalothorax or head and body) from any crayfish in the uncooked state aboard any boat.

(2) No person being the owner or master of any boat shall permit the removal of the tail (the process known as “tailing” described as aforesaid) from any crayfish in the uncooked state aboard that boat.

(3) No person being the owner or master of any boat shall dump, cast, throw, place in the sea, or return to the sea from that boat, or permit the dumping, casting, throwing, placing in the sea, or returning to the sea from that boat, the head and body or cephalothorax of any crayfish in an uncooked state from which the tail has been removed.

(4) No person being the owner or master of any licensed fishing boat shall have in possession aboard or land from that boat or permit to be aboard that boat or landed from that boat the tail (being the six abdominal segments) of any crayfish in the uncooked state that is separate from the cephalothorax or head and body.

17. Nothing in regulation 16 hereof shall apply with respect to any crayfish taken in the waters of the sea adjacent to the coast of the South Island (including Stewart Island) which lie to the south of Waipapa Point on the east side of Toetoes Bay on the south coast and to the south of Bruce Bay on the west coast—

- (a) From any fishing boat registered at Bluff under Part I of the Fisheries Amendment Act 1963; or
- (b) From any fishing boat registered under that Part of the Act at Dunedin or Greymouth or Westport, if the master or person in charge, before leaving the port at which the boat is registered to fish for crayfish in those waters, has notified the local Inspector of Fisheries at that port of his intention to fish for crayfish in those waters and has notified the Inspector immediately after the return of the boat to that port that the boat has been engaged in fishing for crayfish in those waters.

18. No owner or master of any fishing boat registered under Part I of the Fisheries Amendment Act 1963 shall in fishing for crayfish use any set pot or crayfish basket, unless the mark buoy or float to which the line from the set pot or crayfish basket is attached is clearly marked with the distinguishing port letters and registered number of the boat.

19. (1) No person shall take by any means whatsoever more than one dozen crayfish on any one day or be in possession of more than one dozen crayfish or the tails thereof taken on any one day.

(2) No persons who are associated together shall take by any means whatsoever more than 30 crayfish on any one day or be in possession of more than 30 crayfish or the tails thereof taken on any one day:

Provided that if only two persons are associated together they shall not take on any one day more than one dozen crayfish for each such person or be in possession of more crayfish or the tails thereof taken on any one day than one dozen for each such person.

(3) Where the provisions of subclause (2) of this regulation are contravened in the case of an association of persons, every one of the persons so associated together shall be deemed to have committed an offence against this regulation.

(4) No person shall on any one day, in any one vehicle or in any one boat, convey or have on board that vehicle or boat more than the number of crayfish or the tails thereof that, having regard to the provisions of subclauses (1) and (2) of this regulation, all the persons on board may take on any one day.

(5) The provisions of this regulation shall not apply to—

- (a) The holder of a fishing permit who is engaged in taking crayfish pursuant to the terms of the permit; or
- (b) The owner or any member of the crew of a registered fishing boat who is engaged in taking crayfish from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat; or
- (c) Any crayfish taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.

20. No person shall take crayfish for the purposes of sale in the following waters:

- (a) The waters on the north side of Mahia Peninsula contained within two intersecting straight lines, one of which extends due north from a post situated at the mouth of the Rarohenga Stream and the other of which is a continuation seawards of a straight line between two posts situated at Pariokena, all such posts being painted yellow:
- (b) The waters of Hawke Bay inside of a straight line from the end of the breakwater at Waikokopu to Te Hoe Point on the south side of Mahia Peninsula.

PART IX—SHELLFISH

101. The provisions of sections 21 and 22 of the Fisheries Act 1908 relating to the granting of exclusive licences to take oysters shall, with the necessary modifications, apply to mussels.

[101A. (1) No person shall take shellfish for the purposes of sale from any waters where, having regard to the proximity of a source of pollution it is likely that shellfish in those waters are unfit for human consumption:

Provided that nothing in the foregoing provisions of this subclause shall apply in any case where a Medical Officer of Health under the Health Act 1956 has, by notice in writing to the person taking the shellfish, stated that shellfish in those waters are, in the opinion of the Medical Officer of Health, fit for human consumption.

(2) Any notice given under subclause (1) of this regulation may, by notice in writing to the person to whom it was given, be withdrawn by a Medical Officer of Health, and thereupon the first-mentioned notice shall cease to have effect for the purposes of that subclause.]

This regulation was inserted by regulation 11 of S.R. 1963/198.

102. (1) Except as provided in subclause (3) of this regulation, no person shall take, or attempt to take, mussels from the area described in subclause (2) of this regulation.

(2) The area referred to in subclause (1) of this regulation is the following:

Whangarei Harbour

All that area of sea bed and shore of Whangarei Harbour bounded by a line commencing at the southern extremity of Busby Head and proceeding due west to the Marsden Point Beach; thence north-easterly and north-westerly along the line of high water mark to the northern extremity of Marsden Point; thence by a direct line across the Whangarei Harbour to the southern extremity of Lort Point, Reotahi; thence generally easterly and southerly along the high water mark of the Whangarei Harbour to the starting point at Busby Head.

(3) It shall be lawful for any person to take from the area described in subclause (2) of this regulation, mussels for domestic consumption in his own household to a number not exceeding 50 in one day.

103. No person shall light a fire on or in such proximity to any mussel bed or reef in such a manner as to be liable to cause injury to the mussels thereon.

[103A. (1) No person shall take mussels for the purposes of sale in the waters of Queen Charlotte Sound inside of a straight line from Pihaka Point to Karaka Point.

(2) No person shall take mussels for the purposes of sale from any other waters of Queen Charlotte Sound otherwise than by gathering them by hand.

103B. No person shall take scallops for sale from the following waters:

Manukau Harbour

(1) The waters of Manukau Harbour lying inside a straight line drawn to the signal staff on the South Head through the easternmost extremity of Paratutai Island.

Kaipara Harbour

(2) The waters of Kaipara Harbour lying inside a straight line drawn from the south-westernmost extremity of North Sandspit to Puki-tu.

103C. No person shall take for the purposes of sale any scallop the shell of which is less than 4 in. in greatest diameter.

103D. No person shall open any scallop below high water mark, or land from any boat any scallop in such a state that the shell cannot be measured in accordance with the provisions of these regulations.

103E. No person shall take for the purposes of sale any paua the shell of which is less than 5 in. in greatest diameter.

103F. No person shall remove any paua from its shell below high water mark, or land from any boat any paua in such a state that the shell cannot be measured in accordance with the provisions of these regulations.]

Regulations 103A–103F were inserted by regulation 12 of S.R. 1963/198.

104. In all that area of tidal lands and tidal waters of Katikati Harbour that lie to the west of a straight line drawn from Te Ho Heads to Miners Head it shall be unlawful for any person to—

- (a) Take pipis except for domestic consumption in his own household;
- (b) Use any metal instrument for the purpose of taking pipis;
- (c) Drive a vehicle of any kind, including a plough, tractor, scarifier, or cultivator of any kind.

105. No person shall take for the purposes of sale any shellfish (molluscs or crustaceans), excepting crayfish, from any part of the coast lying between Paretu and the mouth of the Nuhaka River, including the coast of Mahia Peninsula, or from the waters adjacent thereto, or from the coast of Portland Island or the waters adjacent thereto.

[106. (1) No person shall take in any one day shellfish (other than scallops) exceeding in quantity one 4-gallon lot measured in their shell or be in possession of shellfish (other than scallops) taken in any one day exceeding in quantity one 4-gallon lot measured in their shell.

[(2) The provisions of this regulation shall not apply to—

- (a) The holder of a fishing permit who is engaged in taking shellfish pursuant to the terms of the permit; or

- (b) The owner or any member of the crew of a registered fishing boat who is engaged in taking shellfish from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat; or
- (c) Any shellfish taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.]]
- (3) The burden of proving that this regulation does not apply because of the provisions of subclause (2) shall lie on the defendant.]]

This regulation was substituted for the former regulation 106 (as substituted by regulation 10 of S.R. 1954/75) by regulation 16 (1) of S.R. 1959/186).

Subclause (2) was substituted for the original subclause (2) by regulation 2 (1) of S.R. 1963/198.

[106A. No person shall in fishing from the shore along that part of the west coast of the North Island lying between the mouth of the Tongaporutu River and Tirua Point take any shellfish (including crayfish) for purposes of sale.

106B. No person shall in fishing from the shore along that part of the west coast of the North Island lying between the mouth of the Okehu Stream and the mouth of the Waitotara River take any shellfish (including crayfish) for purposes of sale.

[106c. (1) No person shall take more than three dozen scallops in any one day or be in possession of more than three dozen scallops taken in any one day.

[(2) The provisions of this regulation shall not apply to—

(a) The holder of a fishing permit who is engaged in taking scallops pursuant to the terms of the permit; or

(b) Any scallops taken by any such person.]]

(3) The burden of proving that this regulation does not apply because of the provisions of subclause (2) shall lie on the defendant.]]]

Regulations 106A to 106c were inserted by regulation 20 of S.R. 1952/210. Regulation 106c was substituted for the original regulation 106c by regulation 17 of S.R. 1959/186.

In regulation 106c, subclause (2) was substituted for the original subclause (2) by regulation 2 (1) of S.R. 1963/198.

[PART IXA—FLATFISH

[106d. In this Part of these regulations the expression “flatfish” means any flounder, sole, or other species of flatfish.

[[106e. (1) No person shall take by any means whatsoever more than two dozen flatfish on any one day or be in possession of more than two dozen flatfish taken on any one day.

(2) No persons who are associated together shall take by any means whatsoever more than five dozen flatfish on any one day or be in possession of more than five dozen flatfish taken on any one day:

Provided that if only two persons are associated together they shall not take on any one day more than two dozen flatfish for each such person or be in possession of more flatfish taken on any one day than two dozen for each such person.

(3) Where the provisions of subclause (2) of this regulation are contravened in the case of an association of persons, every one of the persons so associated together shall be deemed to have committed an offence against this regulation.

(4) No person shall in any one day, in any one vehicle or in any one boat, convey or have on board that vehicle or boat more than five dozen flatfish.

[(5) The provisions of this regulation shall not apply to—

- (a) The holder of a fishing permit who is engaged in taking flatfish pursuant to the terms of the permit; or
 - (b) The owner or any member of the crew of a registered fishing boat who is engaged in taking flatfish from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat; or
 - (c) Any flatfish taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.]
- (6) The burden of proving that this regulation does not apply because of the provisions of subclause (5) shall lie on the defendant.]]]

Part IXA comprising regulations 106D and 106E was inserted by regulation 21 (1) of S.R. 1952/210.

Regulation 106E was substituted for the original regulation 106E by regulation 18 of S.R. 1959/186.

In regulation 106E, subclause (5) was substituted for the original subclause (5) by regulation 2 (1) of S.R. 1963/198.

PART X—MISCELLANEOUS AND GENERAL

107. No person shall take, buy, sell, expose for sale, or have in possession [whether in a fresh or frozen state] any fish of any of the descriptions included in the table subjoined to this regulation which is of a less size than that set opposite the name of such description of fish in the said table; the measurement, unless otherwise indicated, being made from the tip of the nose to the posterior end of the middle ray of the tail fin.

Description of Fish	Length
Flatfish—	
Dabs (“white” or “square” flounders)	9 in.
Lemon soles	9 in.
English soles	10 in.
Flounders (“yellow bellies”)	10 in.
Flatfish not elsewhere included in this table	10 in.
Round fish—	
Butterfish	13 in.
Blue cod (as provided by Part VI)
Red cod	10 in.
Hapuka or groper (including bass groper)	{ 24 in. or 15 in.*
Kingfish (northern)	16 in.
Moki	11 in.
Mullet	11 in.
Snapper	10 in.
Tarakihi	10 in.
Trevally	10 in.
Trumpeter	14 in.
Warehou	9 in.

*Fifteen inches measured from the rear of the base of the pectoral fin to the posterior end of the middle ray of the tail fin.

The words in square brackets were inserted by regulation 11 of S.R. 1954/75.

[107A. (1) No person shall take any fish, crayfish, or shellfish from any [[registered]] fishing boat in the waters described in subclause (5) of this regulation.

(2) The master or person in charge of any [[registered]] fishing boat shall not permit any person to take any fish, crayfish, or shellfish, from that boat in the said waters.

(3) No person shall cast or throw into the said waters from any [[registered]] fishing boat the waste or offal of any fish, crayfish, or shellfish.

(4) The master or person in charge of any [[registered]] fishing boat shall not permit any person to cast or throw from that boat into the said waters the waste or offal of any fish, crayfish or shellfish.

(5) The waters referred to in subclause (1) of this regulation are as follows:

Milford Sound

The waters of Milford Sound and all those waters in the vicinity of Milford Sound inside a straight line drawn from the northernmost point of Bell Point to the westernmost point of Yates Point.]

This regulation was inserted by regulation 12 of S.R. 1954/75.

In subclauses (1), (2), (3), and (4) the word "registered" was substituted for the word "licensed" by regulation 2 (1) of S.R. 1963/198.

[107B. (1) No person shall take any fish, crayfish, or shellfish for the purpose of sale in the waters described in subclause (2) of this regulation.

(2) The waters referred to in subclause (1) of this regulation are as follows:

- (a) The place known as "Horokaka", which lies off the Whangawehi Inlet on the north side of Mahia Peninsula, those waters being the waters contained inside of two intersecting straight lines, one of which is the continuation seawards of a straight line between two posts situated at the western end of that inlet and the other of which is the continuation seawards of a straight line between two posts situated at the eastern end of that inlet, all such posts being painted yellow:
- (b) The waters in the vicinity of Bare Island off Waimarama, being the waters contained inside of two intersecting straight lines, one of which is the continuation seawards of a straight line between two posts situated at the mouth of the Waipuka Stream near Ocean Beach Township and the other of which is the continuation seawards of a straight line between two posts situated on the mainland of the east coast of the North Island opposite Te Karamea (or Red Island), all such posts being painted yellow.

(NOTE—The waters described in paragraph (b) of subclause (2) of this regulation also enclose the "break" to the north-east of Bare Island known as Tokorangi or Drock Head, and the upwelling known as Ngapuhake to the south-east of Bare Island.)

[107c. (1) No person shall take eels from Lake Forsyth or Lake Horowhenua, or from the Hokio Stream which flows out of Lake Horowhenua:

Provided that nothing in the foregoing provisions of this subclause shall apply with respect to any Maori taking eels otherwise than for the purpose of sale.

(2) In this regulation the term "Maori" means a person belonging to the aboriginal race of New Zealand; and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race.]

Regulations 107B and 107c were inserted by regulation 13 of S.R. 1963/198.

RETURNS OF FISH AND SHELLFISH CAUGHT

108. *Revoked by regulation 14(a) of S.R. 1963/198.*

[109. Every person commits an offence against these regulations who—

- (a) Sells or offers or exposes for sale any fish which he knows or has reasonable cause to believe to have been taken (whether for sale or not) from any vessel or boat other than a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat; or
- (b) Receives into any fish shop or fish shed or fish factory or any premises (not being a dwellinghouse) where fish or shellfish are stored, treated, dressed, canned or frozen any fish from any vessel or boat, unless he has ascertained that it has come from a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat.]

This regulation was substituted for the original regulation 109 (as amended by regulation 23 of S.R. 1952/210, and regulation 19 of S.R. 1959/186) by regulation 2 (1) of S.R. 1963/198.

110. During a period of three years from the coming into force of these regulations no person shall take, or attempt to take, any porpoise of the species commonly known as white porpoise (*Cephalorhynchus hectori*) in the waters of Cook Strait, including the bays, sounds, and estuaries adjacent thereto.

111. It shall be lawful for any fishery officer to seize and take possession of all fish which he has reason to believe have been unlawfully taken [or unlawfully processed after having been taken] and also all baskets, nets, receptacles, gear, tackle, or other apparatus which are being used, or which in the opinion of such officer [have been used or] are intended to be used, in contravention of the provisions of the Fisheries Act 1908 or of these regulations.

The words in square brackets were inserted by regulation 5 of S.R. 1955/205.

[111A. (1) Where any person is convicted of an offence under Part I of the Fisheries Act 1908 or any regulations thereunder in respect of the unlawful taking of fish or shellfish, the owner or the person in charge of any premises (not being a dwellinghouse) where the fish or shellfish the subject of the conviction has been stored, treated, dressed, canned, or frozen shall forthwith, on being required to do so by notice in writing from the Secretary or such officer as he may direct, pay into the Public Account to the credit of [[the Consolidated Revenue Account]] an amount equal to the proceeds of any such fish or shellfish that has been disposed of by that owner or person after having been notified by or on behalf of the Secretary that proceedings were being taken in respect of the unlawful taking of the fish or shellfish. Any amount payable into the Public Account under this regulation shall be recoverable at the suit of the Secretary as if it were a debt due to the Crown.

(2) For the purposes of this regulation the proceeds of the disposal of any fish or shellfish shall be deemed to be the amount for which it was disposed of, less the reasonable and actual cost of storing, treating, dressing, canning, or freezing.]

This regulation was inserted by regulation 24 of S.R. 1952/210.

In subclause (1) the reference to the Consolidated Revenue Account was substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963.

[112. The production by any fishery officer of his warrant of appointment shall be sufficient authority for his acting in accordance with the provisions of regulation 111 hereof.]

This regulation was substituted for the original regulation 112 by regulation 20 of S.R. 1959/186.

113. It shall be a defence to any person charged with taking or having in possession any fish in breach of these regulations if such person proves that on taking the same he immediately returned it alive to the water whence it was taken.

114. Except as otherwise expressly stated, any person committing a breach of these regulations is liable to a fine not exceeding £50, in addition and without prejudice to any other liability by way of forfeiture of property, revocation or suspension of [registration or fishing permit], or otherwise to which he may also be exposed.

The words in square brackets were substituted for the word "licence" by regulation 2 (1) of S.R. 1963/198.

SCHEDULE

Reg. 108 (1)

Marine—161

This Schedule was revoked by regulation 14(a) of S.R. 1963/198.

The Schedule to the Fisheries (General) Regulations 1950 Amendment No. 6 (Part I of which is reprinted in place of the revoked Part VIII of the principal regulations), provides as follows:

SCHEDULE

Reg. 2

Diagram A

METHOD OF MEASURING TOTAL LENGTH

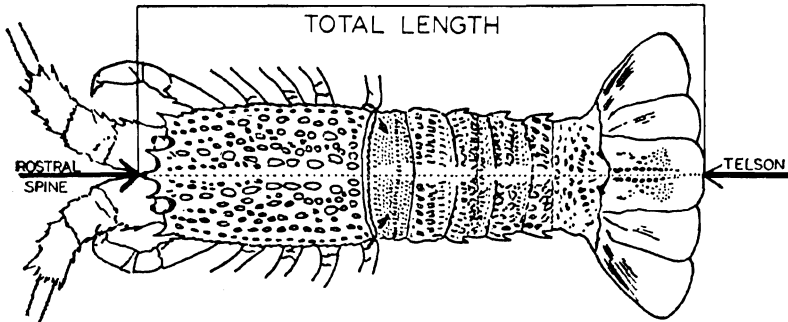
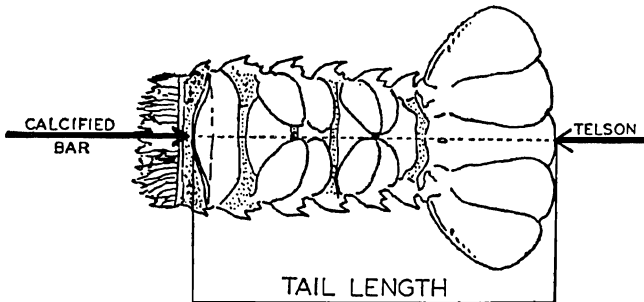


Diagram B

METHOD OF MEASURING TAIL LENGTH



T. J. SHERRARD,
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936,
this 7th day of March 1966.*

J. R. HANAN, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 24 August 1950.
These regulations are administered in the Marine Department.