

Serial Number 1952/210



**THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 1**

H. F. O'LEARY,
Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington, this 19th day
of November 1952

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT
IN COUNCIL.

PURSUANT to the Fisheries Act 1908, His Excellency the Administrator
of the Government, acting by and with the advice and consent of the
Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Fisheries (General)
Regulations 1950, Amendment No. 1, and shall be read together with
and deemed part of the Fisheries (General) Regulations 1950* (herein-
after referred to as the principal regulations).

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

Nets and Net Fishing

2. Regulation 12 of the principal regulations is hereby amended by
omitting the words "a set net or drag net" wherever they occur, and
substituting in each case the words "any net".

3. Regulation 19 of the principal regulations is hereby amended
by revoking subclause (2), and substituting the following subclause :—

"(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."

4. Regulation 20 of the principal regulations is hereby revoked.

5. Regulation 21 of the principal regulations is amended by omitting
the words "set, put, stake, or place, or allow to be set, put, staked,
or placed", and substituting the words "set or place or allow to be
set or placed".

* Statutory Regulations 1950 Serial number 1950/147, page 501.

6. Regulation 25 of the principal regulations is hereby revoked, and the following heading and regulation substituted:—

“ 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 acclimatized fish in accordance with the provisions of any regulations in that behalf for the time being in force.

“ (2) Where any acclimatized 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 ‘ acclimatized fish ’ has the same meaning as in the Freshwater Fisheries Regulations 1951*.”

7. Regulation 28 of the principal regulations is hereby amended by omitting the words “ the bridge carrying ”.

8. Regulation 32 of the principal regulations is hereby revoked, and the following heading and regulation substituted:—

“ 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.”

9. Regulation 43 of the principal regulations is hereby revoked, and the following regulation substituted:—

“ 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 any river or stream flowing into the lake, the points where that circular arc meets the shore of the lake being indicated by posts.

* Statutory Regulations 1951, Serial number 1951/15, page 23.

“(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.”

10. Regulation 53 of the principal regulations is hereby revoked, and the following heading and regulation substituted :—

“TAIERI RIVER

“53. No person shall use a net for the purpose of taking fish in the Taieri River above the site of a rock known as John Bull’s Head situated on the north bank approximately one mile above the site of the traffic bridge at Taieri Mouth.”

Danish Seining and Similar Methods

11. Regulation 72 of the principal regulations is hereby amended by revoking subclause (16).

Trawling

12. Regulation 80 of the principal regulations is hereby amended as follows :—

(a) By omitting from subclause (8) the words “Busby Point”, and substituting the words “Busby Head” :

(b) By omitting from paragraph (a) of subclause (12) the words “Trig marked 1,050 ft. on Coromandel Peninsula, as shown on Admiralty Chart No. 3797”, and substituting the words “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” :

(c) By revoking subclause (22) :

(d) By revoking the proviso to subclause (30).

Line Fishing

13. Regulation 84 of the principal regulations is hereby revoked, and the following regulation substituted :—

“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.”

Crayfish

14. Regulation 94 of the principal regulations is hereby amended by omitting the words “9 in.”, and substituting the words “10 in.”.

15. Regulation 95 of the principal regulations is hereby amended by omitting the words “9 in.”, and substituting the words “10 in.”.

16. (1) The principal regulations are hereby amended by inserting, after regulation 95, the following regulation :—

“95A. 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 or in a cooked state, that measures less than 5 $\frac{3}{4}$ in. measured from

the after side of the calcified bar or sternum on the under side of the first segment to the end of the tail along the under side or ventral side with the tail laid flat on its back."

(2) Regulation 96 of the principal regulations is hereby amended by omitting from subclause (3) the words "made or", and substituting the words "made and nothing in that regulation or in regulation 95A hereof shall be deemed to apply".

17. Regulation 97 of the principal regulations is hereby amended by omitting the words "9 in.", and substituting the words "10 in."

18. The principal regulations are hereby amended by inserting, after regulation 97, the following regulation :—

"97A. No person shall sell any crayfish tail (being that part of the crayfish more properly known as the abdomen), whether fresh or in a cooked state, that measures less than $5\frac{3}{4}$ in. measured from the after side of the calcified bar or sternum on the under side of the first segment to the end of the tail measured on the ventral or under side with the tail spread flat on its back, in those parts of New Zealand described in subclause (4) of regulation 96 hereof for resale in or export from any other part of New Zealand."

19. The principal regulations are hereby amended by inserting in Part VIII, after regulation 100, the following regulations :—

"100A. (1) No person shall in any part of New Zealand knowingly fish for, take, or kill any crayfish which is carrying external eggs.

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

"(3) Every person taking any female crayfish, the taking of which is forbidden by either of the two preceding subclauses of this regulation, shall immediately return it alive with as little injury as possible into the water from which it was taken.

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

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

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

"100B. (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' 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 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.

“100c. (1) Nothing in regulation 100B 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 coast and to the south of Bruce Bay on the west coast—

“(a) From any fishing boat registered at Bluff under the Sea Fisheries (Boats and Licences) Regulations 1951* ; or

“(b) From any fishing boat registered under those regulations at Dunedin or Greymouth or Westport, if the master, 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 that Inspector immediately after the return of the boat to that port that the boat has been engaged in fishing for crayfish in those waters.

“(2) No person shall at any time in the waters described in subclause (1) of this regulation carry on board any registered fishing boat, while trawl nets are carried on board, any crayfish traps or crayfish baskets or crayfish pots.

“100d. No owner or master of any licensed fishing boat 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.”

Shell Fish

20. The principal regulations are hereby amended by inserting in Part IX, after regulation 106, the following regulations:—

“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 shell fish (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 shell fish (including crayfish) for purposes of sale.

“106C. No person other than a person duly licensed in that behalf shall in any one day take or have in possession more than three dozen scallops.”

Flat Fish

21. (1) The principal regulations are hereby amended by inserting, after Part IX (as amended by regulation 20 of these regulations), the following new Part comprising the following heading and regulations:—

* Statutory Regulations 1951, Serial number 1951/147, page 441.

“ PART IXA—FLAT FISH

“ 106D. In this Part of these regulations the expression ‘ flat fish ’ means any flounder, sole, or other species of flat fish.

“ 106E. (1) No person shall take by any means whatsoever more than two dozen flat fish on any one day or be in possession of more than two dozen flat fish taken on any one day.

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

“ (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 each be deemed to have committed an offence against this regulation.

“ (4) No person shall in any one day and in any one vehicle or in any one boat knowingly convey or have on board that vehicle or boat more than five dozen flat fish.

“ (5) For the purposes of subclause (4) of this regulation the flat fish on board or in any vehicle or boat shall be deemed to be in the possession of the person for the time being in charge of that vehicle or boat.

“ (6) This regulation shall not apply with respect to any person who is the holder of a boat licence or a crew licence and who in either case is for the time being actually engaged on a licensed fishing boat in fishing for purposes of sale nor to the fish so taken.”

(2) Regulation 34 of the principal regulations is hereby revoked.

Miscellaneous and General

22. Regulation 108 of the principal regulations is hereby revoked, and the following regulation substituted :—

“ 108. (1) The owner of every boat licensed to take fish or shell fish for sale shall, within fourteen days after the end of each month, forward to the Secretary, or such other officer as he may direct, a return in the form prescribed in the Schedule hereto of all fish, including shell fish, caught from that boat during that month.

“ (2) When no fish, including shell fish, are caught or when no fishing is done during any month the owner of every licensed fishing boat shall within fourteen days after the end of that month forward to the Secretary, or such other officer as he may direct, a “ Nil ” return on which is stated the reason for not fishing.

“ (3) On ceasing to use his boat for fishing for sale the owner of every licensed fishing boat shall within fourteen days report the fact in writing to the Secretary or the local Superintendent or Inspector of Fisheries.

“ (4) In any return made under this regulation no person shall furnish any information or make any statement which is false or misleading in any particular.”

23. Regulation 109 of the principal regulations is hereby amended by adding the following paragraph :—

“ (c) Receives into any fish shop or fish shed or fish factory or any premises (not being a dwellinghouse) where fish or shell fish are stored, treated, dressed, canned, or frozen any fish from any vessel or boat, unless he has ascertained that it has come from a duly licensed fishing boat.”

24. The principal regulations are hereby amended by inserting, after regulation 111, the following regulation :—

“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 shell fish, the owner or the person in charge of any premises (not being a dwellinghouse) where the fish or shell fish 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 Fund an amount equal to the proceeds of any such fish or shell fish 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 shell fish. 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 shell fish 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.”

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

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations make miscellaneous amendments to the Fisheries (General) Regulations 1950. The principal amendments are as follows :—

- (a) Mesh sizes which used to apply to set and drag nets now apply to any net (regulation 2).
- (b) The process known as stalling or letting a set net go dry is redefined (regulation 3).
- (c) The prohibition against the process known as blocking is removed (regulation 4).
- (d) The use of nets in river mouths, estuaries, and other waters is clarified (regulation 6).
- (e) In Kaipara Harbour, restrictions are placed on the size of mesh and length of net that may be carried on a boat that is fishing by the method known as stalling. The requirement to under-run the nets is withdrawn (regulation 8).
- (f) The netting limits on Lake Ellesmere and on the Taieri River are re-defined (regulations 9 and 10).
- (g) Special markings on certain classes of Danish seine boats are no longer required (regulation 11).
- (h) The winter trawl line in Hauraki Gulf is redefined using more prominent marks. This new line can be determined at night by making use of the bearing of certain lighthouses (regulation 12 (a) (b)).
- (i) The trawl prohibition at Foxton is withdrawn (regulation 12 (c)).
- (j) The trawl prohibition in Pegasus Bay is tightened by revoking the proviso permitting the boats to fish inside while running for shelter (regulation 12 (d)).
- (k) Any set line gear is to be clearly marked with the distinguishing port letters and registered number of the fishing boat (regulation 13).
- (l) With crayfish the size limit is increased to 10 in., the taking of female crayfish in berry is prohibited, as also is the “tailing” of crayfish at sea and dumping bodies into the water, except in certain South Island waters specified in the new regulation 100c. In view of the established export trade in craytails, a limit size for tails is also declared. Set crayfish gear is required to show marks of ownership (regulations 14 to 19).

- (m) A measure of protection from the commercial exploitation of their shell fish beds is given to the Maoris at Mokau and Waitotara by prohibiting fishing for sale from the shore there (regulation 20).
- (n) A bag limit has been placed on scallops (regulation 20).
- (o) An amateur catch limit previously applicable only in Canterbury is now generally applicable throughout the country and covers all species of flat fish. The individual amateur catch limit is reduced from five dozen per person to two dozen per person. The carriage of more than five dozen flat fish taken otherwise than by a commercial fisherman in any one day on any vehicle or boat is prohibited (regulation 21).
- (p) It is made an offence to submit a false or misleading return of fish caught (regulation 22).
- (q) Operators of fish sheds are required to be certain that they are not purchasing their fish from unlicensed boats (regulation 23).
- (r) Where it is proved that fish has been taken unlawfully, the money derived from the sale of that fish is, on conviction of the offender, to be paid into the Public Account (regulation 24).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 November 1952.

These regulations are administered in the Marine Department.