

1969/98



**THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 12**

—
ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 3rd day of June 1969

Present:

THE RIGHT HON. J. R. MARSHALL PRESIDING IN COUNCIL

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

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ANALYSIS

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4. Fishing by Danish seine nets near Whangarei
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 12, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950* (hereinafter 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*.

2. Fyke nets—(1) Regulation 4 of the principal regulations is hereby amended by inserting in subclause (1), after the definition of “fishing permit” (as inserted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 7), the following definition:

*S.R. 1950/147 (Reprinted with Amendments Nos. 1 to 8: S.R. 1966/20)
 Amendment No. 9: S.R. 1967/112
 Amendment No. 10: S.R. 1968/104
 Amendment No. 11: S.R. 1968/218

“‘Fyke net’ means any unbaited trap net (set with or without leaders or wings) with the trap section having single or multiple throats and supported by hoops or rings with the leaders or the net being held in position by poles or anchoring devices or by both poles and anchoring devices:”.

(2) Regulation 12 of the principal regulation is hereby amended by inserting, before the words “Danish seine nets”, the words “fyke nets”.

(3) Regulation 21 of the principal regulations is hereby amended by inserting, after the word “channel” in both cases where it appears, the word “river”.

(4) Regulation 22 of the principal regulations (as substituted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 4) is hereby amended by adding, as subclause (2), the following subclause:

“(2) Nothing in this regulation shall apply to any fyke net if the following conditions are satisfied:

“(a) The net is set solely for the purpose of taking eels:

“(b) The person setting the net or causing the net to be set is the holder of a valid fishing permit:

“(c) Every pole or stake used to anchor the net is clearly marked with the number of the fishing permit:

“(d) The pole or stake at all times during use protrudes from the water so that it can be clearly seen:

“(e) The permit holder removes or ensures the removal of the pole or stake from the water on the cessation of fishing.”

(5) The principal regulations are hereby further amended by inserting, after regulation 25 (as substituted by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 1), the following heading and regulation:

“USE OF FYKE NETS IN SLUGGISH WATERS

“25A. No person shall place, set, or use a fyke net in a channel, river, or stream at any point if the flow of water in the channel, river, or stream is exceeding the rate of 40 ft per minute.”

(6) Regulation 39 of the principal regulations is hereby amended by adding the following proviso:

“Provided that, in the case of a fyke net used under the authority of a fishing permit solely for the purpose of taking eels, the net may have mesh not less than $\frac{1}{2}$ in.”

(7) Regulation 41 of the principal regulations is hereby amended by adding the following proviso:

“Provided that nothing in this regulation shall apply in respect of fyke nets.”

3. Kaipara Harbour—Regulation 32 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) Notwithstanding the provisions of subclause (1) of this regulation, the maximum length of net that may be set or conveyed by any person who is not for the time being the holder of a boat-fishing or shore-fishing permit shall be 66 yards.”

4. Fishing by Danish seine nets near Whangarei—(1) Regulation 72 of the principal regulations is hereby amended by revoking subclause (8) (as substituted by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 3), and substituting the following subclause:

“(8) The waters of the sea lying on the landward side of a straight line drawn from the southernmost extremity of Busby Head to the western point of Mackenzie Cove as marked on New Zealand chart numbered 521.”

(2) Regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 3, is hereby consequentially revoked.

5. Trawling prohibited near Whangarei—(1) Regulation 80 of the principal regulations is hereby amended by revoking subclause (8), and substituting the following subclause:

“(8) The waters of the sea lying on the landward side of a straight line drawn from the southernmost extremity of Busby Head to the western point of Mackenzie Cove as marked on New Zealand chart numbered 521.”

(2) Paragraph (a) of regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 1, is hereby revoked.

6. Trawling prohibited in Chatham Islands—(1) Regulation 80 of the principal regulations is hereby further amended by adding the following headings and subclause:

“CHATHAM ISLANDS WATERS

“*Wharekauri Island and Pitt Island*

“(34) The waters of Petre Bay lying inside a straight line drawn from Somes Point to Durham Point and the waters of Hanson Bay lying inside a straight line drawn from Waikeri Point (sometimes known as Okawa Point) to Manukau Point.”

(2) The said regulation 80 is hereby further amended by adding the following subclause:

“(35) All the waters other than those described in subclause (34) of this regulation lying within 3 nautical miles from the high-water marks of the shore of Wharekauri Island and Pitt Island.”

(3) Regulation 79 of the principal regulations is hereby amended by adding the following proviso:

“Provided that this regulation shall apply in respect of the waters described in subclause (35) of regulation 80 of these regulations only during the months of June, July, and August in each year.”

7. Restrictions on shellfish dredging—The principal regulations are hereby further amended by inserting, after regulation 105, the following regulation:

“105A (1) No master of a registered fishing boat authorised by a boat-fishing permit to take shellfish by means of a dredge or dredges shall operate the boat if the boat carries either—

“(a) More than one dredge having a bar or bit exceeding 8 ft in length; or

“(b) More than two dredges either of which has a bar or bit exceeding 4 ft 6 in. in length.

“(2) Notwithstanding the provisions of subclause (1) of this regulation, no master of a registered fishing boat authorised by a boat-fishing permit to take shellfish by means of a dredge shall operate the boat within the waters of the inner reaches of Pelorous Sound lying inside a straight line drawn from Tawero Point to Whakamawahi Point if the boat carries more than one dredge or, in the case of a boat carrying only one dredge, if the dredge has a bar or bit more than 4 ft in length.

“(3) Nothing in this regulation shall apply to a boat carrying a shellfish dredge or shellfish dredges if the boat is registered at Bluff and is authorised by a boat-fishing permit to be used in the taking of dredge oysters from the waters of Foveaux Strait.”

8. Scallops cast ashore—Regulation 106cc of the principal regulations (as inserted by the Fisheries (General) Regulations 1950, Amendment No. 10) is hereby amended by adding the following subclauses:

“(3) Notwithstanding the provisions of this regulation, any person may take scallops washed ashore during the close season prescribed in subclause (2) of this regulation, or may be in possession of any scallops so taken, if the following conditions are complied with:

“(a) The scallops so taken or possessed are not sold:

“(b) The person taking or in possession of the scallops does not contravene subclause (1) or subclause (1A) of regulation 106c of these regulations:

“(c) The person taking or in possession of the scallops does not take them on board or land them from any vessel.

“(4) In the case of scallops washed up on shore, the provisions of subclause (2) of the said regulation 106c shall not apply.

“(5) Where any person is charged with having committed the offence of taking or being in possession of scallops during the close season and pleads that the scallops were washed ashore, the onus of proving that they were washed ashore shall be on that person.”

9. Spearing of fish for sale prohibited—The principal regulations are hereby further amended by inserting, after regulation 109 (as substituted by regulation 17 of the Fisheries (General) Regulations 1950, Amendment No. 10), the following regulation:

“109A. No person shall take for the purposes of sale by means of a spear or speargun any fish or shellfish.”

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2 regulates the use of fyke nets which are used for eel fishing.

Regulation 3 amends regulation 32 of the principal regulations and relates to the maximum length of net that may be set when fishing in Kaipara Harbour by the method known as “stalling”.

Regulations 4 and 5 redefine the waters of Whangarei Harbour for the purpose of regulations 72 and 80 of the principal regulations.

Regulation 6 restricts trawling in the vicinity of the Chatham Islands.

Regulation 7 restricts the number and sizes of dredges used in shellfish dredging. The regulation does not apply to boats registered at Bluff and carrying dredges for oyster fishing.

Regulation 8 permits the taking and possession of scallops that are washed ashore during the close season provided certain conditions are complied with.

Regulation 9 prohibits the taking of fish or shellfish commercially by means of a spear or speargun.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 June 1969.

These regulations are administered in the Marine Department.