

1970/62



THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 13

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of April 1970

Present:

THE HON. N. L. SHELTON 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 13, 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 fourteenth day after the date of their notification in the *Gazette*.

2. Fyke nets used in fishing for eels—Regulation 22 of the principal regulations (as amended by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 12) is hereby further amended by adding to subclause (2) the following paragraph:

“(f) The mesh of the net does not exceed $\frac{1}{2}$ in.”.

3. Danish seine nets—Regulation 71 of the principal regulations is hereby amended by omitting the words “for taking fish”.

4. Trawl nets—Regulation 79 of the principal regulations is hereby amended by omitting the words “for taking fish”.

5. Mussel dredge sizes—Regulation 105A of the principal regulations (as inserted by regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 12) is hereby amended by adding to subclause (1) the following proviso:

*S.R. 1950/147 (Reprinted with Amendments Nos. 1-8: S.R. 1966/20)

Amendment No. 9: S.R. 1967/112

Amendment No. 10: S.R. 1968/104

Amendment No. 11: S.R. 1968/212

Amendment No. 12: S.R. 1969/98

“Provided that the master of any fishing boat registered and domiciled at Nelson and in respect of which a boat-fishing permit is for the time being in force authorising the use of a shellfish dredge may, when fishing for mussels, use within that part of the waters of Tasman Bay and Golden Bay lying on the landward side of a straight line drawn from Farewell Spit lighthouse to the Okuri Point light not more than two such dredges if the bar or bit of each such dredge does not exceed 8 ft in length.”

6. Restrictions on taking sea eggs—(1) The principal regulations are hereby further amended by inserting, after regulation 106cc (as inserted by regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 10), the following regulation:

“106ccc (1) No person shall, without lawful excuse (of which the proof shall be on him), take in any one day sea eggs exceeding in quantity one 4-gallon lot measured in their shells or be in possession of sea eggs in any one day exceeding in quantity one 4-gallon lot measured in their shells.

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

“(a) The holder of a fishing permit who is engaged in taking sea eggs 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 sea eggs 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 sea eggs taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.

“(3) In any proceedings for an offence against this regulation, the burden of proving that this regulation does not apply because of the provisions of subclause (2) of this regulation shall be on the defendant.”

(2) Regulation 4 of the principal regulations is hereby consequentially amended by inserting in subclause (1), after the definition of “sardine”, the following definition:

“‘Sea egg’ means the species of fish of which the scientific name is *evechinus chloroticus*, and of which the Maori name is ‘kina’.”

(3) Regulation 106 of the principal regulations is hereby consequentially amended by inserting in subclause (1), after the word “scallops” in each case where it appears, the words “or sea eggs”.

7. Restrictions on fishing in Manukau Harbour—The principal regulations are hereby further amended by inserting, after regulation 107c (as inserted by regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 7), the following regulation:

“107d (1) No person shall take any fish from the prescribed area during the hours between sunrise and sunset or be in possession of any fish in any boat during those hours while within the prescribed area.

“(2) No person (other than a person aboard a registered fishing boat operating in pursuance of a valid boat-fishing permit) shall take or have aboard any other boat any fish while in the prescribed area during the hours between sunset and sunrise.

“(3) No person aboard any boat in the prescribed area shall at any time cast overboard any fish, fish offal, or other refuse likely to attract birds into the area.

“(4) For the purposes of this regulation ‘prescribed area’ means all that area of water in the Manukau Harbour bounded by a line commencing at the intersection of $37^{\circ} 01' 30''$ South latitude and $174^{\circ} 45' 12''$ East longitude and proceeding northerly along the $174^{\circ} 45' 12''$ East meridian of longitude to the mean high water mark of the sea; thence generally easterly along that mean high water mark to its intersection with the $37^{\circ} 00'$ South parallel of latitude; thence easterly along the $37^{\circ} 00'$ South parallel of latitude to its intersection with the mean high water mark; thence generally south easterly along the mean high water mark to its intersection with the $37^{\circ} 01' 06''$ South parallel of latitude; thence south westerly along a right line to its intersection with $37^{\circ} 01' 30''$ South latitude and $174^{\circ} 49' 18''$ East longitude; thence westerly along the $37^{\circ} 01' 30''$ South parallel of latitude to the point of commencement.”

8. Offences and penalties—The principal regulations are hereby further amended by revoking regulation 114, and substituting the following regulation:

“114. (1) Subject to the provisions of the Fisheries Act 1908 and of these regulations, every person commits an offence who, without lawful justification (of which the proof shall be on him), does any act in contravention of any provision of these regulations or fails to comply with any such provision.

“(2) Except as otherwise provided in these regulations, every person who commits an offence against these regulations is liable on summary conviction to—

“(a) A fine not exceeding \$500 in respect of the offence; and

“(b) A further fine not exceeding \$5 in respect of each fish or shellfish to which the offence relates; and

“(c) In the case of a continuing offence, a further fine not exceeding \$10 in respect of each day during which the offence has continued.

“(3) Every person who commits an offence against Part III or Part IV of these regulations is liable on summary conviction to—

“(a) A fine not exceeding \$2,000 in respect of the offence; and

“(b) A further fine not exceeding \$5 in respect of each fish to which the offence relates; and

“(c) In the case of a continuing offence, a further fine not exceeding \$10 in respect of each day during which the offence has continued.”

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 restricts the size of mesh in fyke nets (which are used to catch eels).

Regulations 3 and 4 amend regulations 71 and 79 of the principal regulations so that it is no longer necessary to prove, in a prosecution for breach of those regulations, that the net to which the prosecution relates has been or is to be used for fishing.

Regulation 5 authorises the use of bigger dredges for taking mussels in Tasman Bay and Golden Bay.

Regulation 6 increases the individual quota for taking sea eggs from one 2-gallon lot per person per day to one 4-gallon lot per person per day.

Regulation 7 prohibits certain fishing activities in that part of Manukau Harbour lying near Mangere Airport.

Regulation 8 prescribes increased penalties for breaches of the regulations. The general penalty is raised from \$100 to \$500 for each offence, but in respect of offences relating to trawling or Danish seine fishing the general penalty is raised to \$2,000.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 April 1970.

These regulations are administered in the Marine Department.