



**THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 17**

—
ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of December 1971

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 and consent of the Executive Council, hereby makes the following regulations.

—
REGULATIONS

1. Title—These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 17, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950* (hereinafter referred to as the principal regulations).

2. Interpretation—(1) Regulation 4 of the principal regulations is hereby amended by omitting the definition of the term “shellfish”, and substituting the following definition:

“‘Shellfish’ includes every description of molluscs, crustaceans, and echinoderms found in New Zealand fisheries waters, and their young or spawn; but does not include crayfish or rock lobster, oysters, or toheroa:”

(2) The following regulations are hereby consequentially revoked:

- (a) Subclause (4) of regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 10:
- (b) Subclause 2 of regulation 27 of the Rock Lobster Regulations 1969†.

*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

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

Amendment No. 13: S.R. 1970/62

Amendment No. 14: S.R. 1970/160

Amendment No. 15: S.R. 1971/71

Amendment No. 16: S.R. 1971/156

†S.R. 1969/250

3. Danish seining—Regulation 72 of the principal regulations is hereby amended by adding the following heading and subclause:

“WATERS NOT OTHERWISE SPECIFIED

“(26) The waters inside the seaward entrance to any harbour, or in any river, stream, lake, lagoon, or estuary, not otherwise specified or provided for in this regulation.”

4. Trawling—Regulation 80 of the principal regulations (as amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 12) is hereby amended by adding the following heading and subclause:

“WATERS NOT OTHERWISE SPECIFIED

“(36) The waters inside the seaward entrance to any harbour, or in any river, stream, lake, lagoon, or estuary, not otherwise specified or provided for in this regulation.”

5. Restriction on taking mussels from Queen Charlotte Sound—Regulation 103 of the principal regulations (as substituted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) is hereby amended by inserting in subclause (2), after the word “Sound”, the words “(including Tory Channel)”.

6. Restrictions on taking sea eggs—The principal regulations (as amended by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) are hereby further amended by revoking regulation 106G together with the heading “Sea Eggs”.

7. Close season for paua—The principal regulations are hereby further amended by inserting, after regulation 106E (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) the following regulation:

“106EA (1) No person shall during the close season for paua—

“(a) Take, remove, or bring ashore any paua; or

“(b) Have any paua on board any boat, or land any paua from any boat; or

“(c) Sell or have for sale any paua.

“(2) No person shall have or possess any paua that he knows to have been taken, removed, or brought ashore, or to have been on board or to have been landed from any boat, during the close season for paua.

“(3) Notwithstanding anything in subclause (1) of this regulation, it shall be a defence to any charge of selling or having for sale any paua during the close season for paua, to prove that the paua sold or for sale were lawfully taken outside the close season for paua.

“(4) For the purposes of this regulation, the close season for paua shall commence with the 1st day of February in each year and end with the 31st day of May in that year.”

8. Restrictions on using underwater breathing apparatus—The principal regulations (as amended by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) are hereby further

amended by inserting, after regulation 106κ, the following regulation:
“106κΑ (1) No person shall use any underwater breathing apparatus while taking any shellfish.

“(2) No person shall be in possession of any shellfish while in possession of any underwater breathing apparatus.

“(3) No person shall have any shellfish in or on board any boat or vehicle in or on which there is any underwater breathing apparatus.

“(4) No person shall be in possession of any shellfish that he knows to have been taken by the use of underwater breathing apparatus.

“(5) For the purposes of this regulation, the expression ‘underwater breathing apparatus’ does not include a snorkel.”

9. Restrictions on taking shellfish from the vicinity of the Mahia Peninsula—The principal regulations are hereby further amended by omitting from regulation 106L (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) the words “(molluscs or crustaceans)”.

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.

These regulations amend the Fishing (General) Regulations 1950. A close season is prescribed for paua, commencing with 1 February and ending with 31 May in each year.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 December 1971.

These regulations are administered in the Marine Department.