

1973/11



THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 20

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 29th day of January 1973

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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Marking of ownership of nets 4. Regulation 18—Penalty 5. Use of Danish seine net by more than 1 vessel 6. Using Danish seine net in North Island waters 7. Size limit for the taking of paua 8. Close season for paua 9. Shellfish to be placed in labelled containers | <ol style="list-style-type: none"> 10. Restrictions on the number of shellfish that may be taken on any 1 day 11. Restrictions on using underwater breathing apparatus 12. Restrictions on the number of flatfish that may be taken on any 1 day 13. Offence to sell or receive fish in certain cases 14. Penalty for disposal of fish unlawfully taken |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 20, 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 day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 4 of the principal regulations is hereby amended by inserting after the definition of the term “Day”, the following definition:

“‘Director-General’ means the Director-General of Agriculture and Fisheries.”.

*S.R. 1950/47 (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
Amendment No. 17: S.R. 1971/282
Amendment No. 18: S.R. 1972/104
Amendment No. 19: S.R. 1972/198

(2) The said regulation 4 is hereby further amended by adding to the definition of the term "Owner" in subclause (1) the words ", and includes any charterer, subcharterer, lessee, or sublessee, of the boat".

(3) The said regulation 4 is hereby further amended by revoking the definition of the term "Secretary", and also by revoking the definition of the term "Superintendent".

3. Marking of ownership of nets—The principal regulations are hereby further amended by revoking regulation 11, and substituting the following regulation:

"11. (1) No person being the owner or crew member of a registered fishing boat, or the holder of a shore fishing permit, shall set, use, or haul any net unless there is attached to each end of the net a float that is legibly and permanently marked with a distinguishing brand.

"(2) No person shall set, use, or haul any set net unless there is attached to each end of the net that is in the water a float that is clearly visible on the surface of the water and is legibly and permanently marked with a distinguishing brand.

"(3) For the purposes of this regulation the expression 'distinguishing brand' means—

"(a) In respect of the owner or crew member of a registered fishing boat, a brand showing the registered number of that boat; and

"(b) In respect of the holder of a shore fishing permit, a brand showing the initials and surname of the holder of the permit and the letters SP; and

"(c) In respect of any person other than the owner or crew member of a registered fishing boat or the holder of a shore fishing permit, a brand showing the initials and surname of that person."

4. Regulation 18—Penalty—The principal regulations are hereby further amended by revoking regulation 18.

5. Use of Danish seine net by more than 1 vessel—Regulation 69 of the principal regulations (as substituted by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 19) is hereby amended by adding the following subclause:

"(3) This regulation shall remain in force until the 30th day of June 1976, and shall then expire."

6. Using Danish seine net in North Island waters—Regulation 72 of the principal regulations (as amended by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 19) is hereby further amended by adding to subclause (10) the words "This subclause shall remain in force until the 30th day of June 1976, and shall then expire."

7. Size limit for the taking of paua—The principal regulations (as amended by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) are hereby further amended by revoking regulation 106D, and substituting the following regulation:

"106D. (1) No person shall take—

- “(a) Any ordinary paua the shell of which is less than 5 in. in greatest length; or
- “(b) Any yellow-foot paua the shell of which is less than 3¼ in. in greatest length.
- “(2) No person shall have in his possession or sell, store, or process—
- “(a) Any ordinary paua in the shell, or the shell of any ordinary paua, which is less than 5 in. in greatest length; or
- “(b) Any yellow-foot paua in the shell, or the shell of any yellow-foot paua, which is less than 3¼ in. in greatest length.”

8. Close season for paua—(1) The principal regulations (as amended by regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 17) are hereby further amended by revoking regulation 106EA.

(2) Regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 17, is hereby consequentially revoked.

9. Shellfish to be placed in labelled containers—The principal regulations are hereby further amended by revoking regulation 106I (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15), and substituting the following regulation:

“106I. (1) No person shall:

- “(a) Land any shellfish from a registered fishing boat; or
- “(b) Pursuant to consent granted under section 16 of the Fisheries Amendment Act 1963, transfer any shellfish from a registered fishing boat to another vessel (whether a fishing boat or not) or have on board or land from any boat any shellfish that have been transferred from a registered fishing boat—

unless the shellfish are contained in sacks or other containers which are externally and legibly labelled to show the name and registered number of the boat from which they were caught, the date on which they were caught, and the signature of the master of the boat from which they were caught.

“(2) No person being the holder of a shore fishing permit shall use for holding or storing shellfish any sack or other container unless it is labelled externally and legibly with his initials and surname, the letters ‘SP’, the date on which the shellfish were taken, and the signature of the permit holder.

“(3) In respect of any sack or other container required to be labelled pursuant to subclause (1) or subclause (2) of this regulation, no person shall—

- “(a) Possess, convey, cause to be conveyed, or have on board any conveyance of any kind, the sack or container unless it is labelled as required; or
- “(b) Receive or accept at any premises the sack or container unless it is labelled as required; or
- “(c) Remove any label from the sack or container before the processing of the shellfish in the sack or container is commenced at any premises at which the shellfish may lawfully be processed for the purposes of human consumption.

“(4) For the purposes of this regulation, the act only of shelling or shucking shall be deemed not to be processing.”

10. Restrictions on the number of shellfish that may be taken on any 1 day—(1) Regulation 106K of the principal regulations (as substituted by regulation 5 (1) of the Fisheries (General) Regulations 1950, Amendment No. 18), is hereby amended by inserting, after subclause (5), the following subclause:

“(5A) The provisions of this regulation shall not apply to any person who on behalf of a Maori Committee, or a District Maori Council, within the meaning of the Maori Welfare Act 1962, takes, brings ashore, conveys, has on board or lands from any boat, or possesses, any paua, scallops, mussels, tuatua, pipis, or cockles for use at a specific tangi or hui, in accordance with the following conditions:

“(a) The Committee or Council applies to a Maori Welfare Officer, appointed for the purposes of the Maori Welfare Act 1962, for permission to take the shellfish, and specifies to the officer the tangi or hui for which they are required; and

“(b) The Maori Welfare Officer, after consulting an inspector of fisheries, approves the quantity of those shellfish that may be taken and the area or areas from which they may be taken; and

“(c) Full compliance is made with the approval given by the Maori Welfare Officer, and the shellfish are used only at the specific tangi or hui for which the application was made.”

(2) The said regulation 106K is hereby further amended, consequentially, by inserting in subclause (6), after the words “subclause (5)”, the words “, or of subclause (5A),”.

11. Restrictions on using underwater breathing apparatus—(1) The principal regulations (as amended by regulation 8 of the Fisheries (General) Regulations 1950, Amendment No. 17) are hereby further amended by revoking regulation 106KA, and substituting the following regulation:

“106KA. (1) No person shall use any underwater breathing apparatus while taking ordinary paua or mussels.

“(2) No person shall be in possession of any ordinary paua or mussels while in possession of any underwater breathing apparatus.

“(3) No person shall have any ordinary paua or mussels 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 ordinary paua or mussels 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.”

(2) Regulation 8 of the Fisheries (General) Regulations 1950, Amendment No. 17, is hereby consequentially revoked.

12. Restrictions on the number of flatfish that may be taken on any 1 day—Regulation 106P of the principal regulations (as inserted by regulation 11 of the Fisheries (General) Regulations 1950, Amendment No. 15) is hereby amended by omitting from paragraph (b) of subclause (2) the words “on any 1 day”.

13. Offence to sell or receive fish in certain cases—Regulation 109 of the principal regulations (as substituted by regulation 17 (1) of the Fisheries (General) Regulations 1950, Amendment No. 10, and amended by regulation 27 (7) of the Rock Lobster Regulations 1969) is hereby further amended by revoking subclause (3).

14. Penalty for disposal of fish unlawfully taken—Regulation 111A of the principal regulations (as inserted by regulation 24 of the Fisheries (General) Regulations 1950, Amendment No. 1) is hereby amended by omitting from subclause (1) the word “Secretary”, and substituting, in each of the 3 places where it occurs, the word “Director-General”.

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. Regulations on using underwater breathing apparatus to take shellfish are limited to the taking of ordinary paua and mussels. Provisions restricting the number of certain shellfish that may be taken on any one day now permit the taking by any person on behalf of a Maori Committee or a District Maori Council of greater quantities, on compliance with certain conditions, for the purposes of any tangi or hui.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 February 1973.

These regulations are administered in the Ministry of Agriculture and Fisheries.