



**THE FISHERIES (GENERAL) REGULATIONS 1950,  
AMENDMENT NO. 26**

DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 29th day of August 1977

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**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Size of mesh of net</li> <li>4. Use of drag net</li> <li>5. Method of hauling drag net</li> <li>6. Use of ropes with set nets</li> <li>7. Limitation on use of drag nets</li> <li>8. Interpretation of Danish seine net</li> <li>9. Power net fishing and multiple power net fishing</li> </ol> | <ol style="list-style-type: none"> <li>10. Prohibited waters for use of Danish seine net</li> <li>11. Interpretation of "trawling"</li> <li>12. Size of mesh of trawl nets</li> <li>13. Limitation on use of trawl net</li> <li>14. Prohibited waters for use of trawl net</li> <li>15. Restrictions on fishing in Kaiapoi and Cam rivers</li> <li>16. Second Schedule added Schedule</li> </ol> |
|---|--|

**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 26, and shall be read with and deemed part of the Fisheries (General) Regulations 1950\* (hereinafter referred to as the principal regulations).

(2) Except as provided by regulation 15 (2) of these regulations, these regulations shall come into force on the 1st day of September 1977.

**2. Interpretation**—(1) Regulation 4 (1) of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Area’, in relation to the Auckland Fisheries Management Area, means that part of the Management Area described in the Second Schedule to these regulations:

\*S.R. 1950/147 (Reprinted with Amendment Nos. 1 to 20: S.R. 1973/52)  
 Amendment No. 21: S.R. 1973/252  
 Amendment No. 22: S.R. 1975/181  
 Amendment No. 23: S.R. 1975/259  
 Amendment No. 24: S.R. 1976/173  
 Amendment No. 25: S.R. 1977/167

“‘Drag net’ includes a beach seine net:

“‘Fish scaring device’ means any device or action which may scare fish or make them shoal:

“‘Mechanically operated surrounding nets’ includes the use of drum seine nets, purse seine nets, lampara nets, and similar modes of fishing:

“‘Set nets’ include drift nets:”.

(2) The said regulation (4) (1) is hereby further amended by omitting, from the definition of “shellfish” (as substituted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 17), the words “crayfish or”.

**3. Size of mesh of net**—The proviso to regulation 12 (1) of the principal regulations (as amended by regulation 2 (2) of the Fisheries (General) Regulations 1950, Amendment No. 12) is hereby further amended by inserting, after the words “Danish seine nets,” the words “box or teichi nets, mechanically operated surrounding nets,”.

**4. Use of drag net**—(1) The principal regulations are hereby amended by revoking regulation 13 (as substituted by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 4), and substituting the following regulation:

“13. In those waters in which Danish seining is prohibited, no person shall use any drag net which has a pocket, bag, or cod-end.”

(2) Regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 4, is hereby consequentially revoked.

**5. Method of hauling drag net**—(1) The principal regulations are hereby further amended by revoking regulation 16 (as substituted by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 16), and substituting the following regulation:

“16. (1) No person shall pull or haul any drag net or any rope or warp attached to, or used with, any such net by any method other than by pulling or hauling by hand.

“(2) No person shall use any fish scaring device in the vicinity of, or with, any drag net.”

(2) Regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 16, is hereby consequentially revoked.

**6. Use of ropes with set nets**—The principal regulations are hereby further amended by inserting, after regulation 20, the following regulation:

“20A. (1) No person shall use any rope or warp pulled or hauled by any mechanical device, with or in the vicinity of any set net in any waters in which the use of a Danish seine net is forbidden by these regulations.

“(2) Nothing in subclause (1) of this regulation shall prohibit the use from a registered fishing boat of mechanically set or hauled set nets.

“(3) No person shall use any fish scaring device in the vicinity of, or with, any set net.”

**7. Limitation on use of drag nets**—(1) Regulation 26 (1) (b) of the principal regulations (as substituted by regulation 4 of the Fisheries

(General) Regulations 1950, Amendment No. 4) is hereby amended by inserting, after the words "attached thereto", the words "or used with any such net or subsequently attached to any such net".

(2) Regulation 26A (1) (c) of the principal regulations (as inserted by regulation 5 of the Fisheries (General) Regulations 1950, Amendment No. 7) is hereby amended by inserting, after the words "attached thereto", the words "or used with any such net or subsequently attached to any such net".

**8. Interpretation of Danish seine net**—Regulation 64 of the principal regulations is hereby amended—

- (a) By omitting the words "sea bottom or through the sea", and substituting the words "bed of any waters or through any waters":
- (b) By inserting, after the word "vessel", the words "or to more than one vessel".

**9. Power net fishing and multiple power net fishing**—(1) The principal regulations are hereby further amended by revoking regulation 69 (as substituted by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 19, and amended by regulation 5 of the Fisheries (General) Regulations 1950, Amendment No. 20, and by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 25), and substituting the following regulation:

"69. (1) No person shall use any net that is drawn or hauled by any mechanical device (whether from a vessel or vessels or not), in any waters in which the use of a Danish seine net is forbidden.

"(2) No person shall use any net that is drawn or hauled by more than one vessel, or by more than one mechanical device (whether from a vessel or vessels or not), in any waters in which the use of a Danish seine net is forbidden.

"(3) No person shall use any net that is drawn or hauled by more than one vessel, or by more than one mechanical device (whether from a vessel or vessels or not), in areas 005, 006, and area 007 of the Auckland Fisheries Management Area.

"(4) No person shall use any mechanically operated surrounding net in areas 005, 006, and area 007 of the Auckland Fisheries Management Area for the purpose of taking snapper.

"(5) Nothing in this regulation shall forbid—

"(a) In waters in which trawling or Danish seining is not entirely forbidden, the use of a Danish seine net or trawl net hauled by not more than one vessel or mechanical device; or

"(b) The use of mechanically operated surrounding nets in the waters prohibited to Danish seining by regulations 71, 72 (24), and regulation 72 (25) of these regulations; or

"(c) The use of set nets which are mechanically set or hauled from a registered fishing boat; or

"(d) In area 005 of the Auckland Fisheries Management Area, the use of a Danish seine net hauled by not more than 2 vessels each of which is less than 19 m registered length."

(2) Regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 19, regulation 5 of the Fisheries (General) Regulations

1950, Amendment No. 20, and the Fisheries (General) Regulations 1950, Amendment No. 25, are hereby consequentially revoked.

**10. Prohibited waters for use of Danish seine net**—(1) Regulation 72 of the principal regulations is hereby amended by revoking subclause (10) (as substituted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 19, and amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 20, and by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 25), and substituting the following subclauses:

“(10) Area 007 of the Auckland Fisheries Management Area.

“(10A) If the Director-General is satisfied—

“(a) That approximately 2,500 tonnes of snapper have been taken by registered trawling or seining fishing vessels from area 006 of the Auckland Fisheries Management Area during the period commencing on the 1st day of September in each year and ending with the last day of February in the following year (in this subclause referred to as the summer quota) and he has given at least 7 days public notice of the prohibition, area 006 of the Auckland Fisheries Management Area until the said last day of February:

“(b) That approximately 1,000 tonnes of snapper have been taken by registered trawling or seining fishing vessels from area 006 of the Auckland Fisheries Management Area during the period commencing on the 1st day of March and ending with the 31st day of August in any year (in this subclause referred to as the winter quota) and he has given at least 7 days public notice of the prohibition, area 006 of the Auckland Fisheries Management Area until the said 31st day of August,—

but the Minister may, if he is satisfied that not more than 3,500 tonnes of snapper have been taken in any period of 12 months ending with the 31st day of August, add any unfilled part of the summer quota to the winter quota, or add any unfilled part of the winter quota to the summer quota following.

“(10B) Area 006 of the Auckland Fisheries Management Area, from a vessel of 19 m or more registered length.”

(2) Regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 19, and regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 20, are hereby consequentially revoked.

**11. Interpretation of “trawling”**—Regulation 74 of the principal regulations is hereby amended by omitting the words “, over the sea bottom or through the sea by means of 1 or more vessels under way”, and substituting the words “by a vessel or vessels under way”.

**12. Size of mesh of trawl nets**—Regulation 75 of the principal regulations is hereby amended by adding the following subclause:

“(2) Notwithstanding subclause (1) of this regulation, no person shall use for fishing in area 006 of the Auckland Fisheries Management Area a trawl net having mesh at the cod-end of a size less than 125 mm.”

**13. Limitation on use of trawl net**—(1) The principal regulations are hereby further amended by revoking regulation 77 (as amended by regulation 2 (2) of the Fisheries (General) Regulations 1950, Amendment No. 19) and substituting the following regulation:

“77. (1) No person shall use any net that is drawn or hauled by any mechanical device (whether from a vessel or vessels or not), in any waters in which trawling is forbidden.

“(2) No person shall use any net that is drawn or hauled by more than one vessel, or by more than one mechanical device (whether from a vessel or vessels or not), in any waters in which trawling is forbidden.

“(3) No person shall use any net that is drawn or hauled by more than one vessel, or by more than one mechanical device (whether from a vessel or vessels or not), in areas 005, 006, and area 007 of the Auckland Fisheries Management Area.

“(4) Nothing in this regulation shall forbid—

“(a) In waters in which trawling or Danish seining is not entirely forbidden, the use of a trawl net or Danish seine net hauled by not more than one vessel; or

“(b) The use of set nets which are mechanically set or hauled from a registered fishing boat; or

“(c) In area 005 of the Auckland Fisheries Management Area, the use of a trawl net hauled by not more than 2 vessels each of which is less than 19 m registered length.”

(2) Regulation 2 (2) of the Fisheries (General) Regulations 1950, Amendment No. 19, is hereby consequentially revoked.

**14. Prohibited waters for use of trawl net—**(1) Regulation 80 of the principal regulations is hereby amended by revoking subclause (12) (as substituted by regulation 4 of the Fisheries (General) Regulations 1950, Amendment No. 16), and substituting the following subclauses:

“(12) Area 007 of the Auckland Fisheries Management Area and that part of area 006 of the Management Area inside a straight line drawn from the easternmost point of Tawharanui Peninsula; thence by straight line to Slater Point on Kawau Island; thence by high-water mark of the eastern side of Kawau Island to Kawau Point; thence by straight line to the western extremity of Motukahaua Island; thence by straight line to Tokotarea Point at the northern entrance to Colville Bay. The reference points named being as shown on charts N.Z. 522 and N.Z. 532.

“(12A) If the Director-General is satisfied—

“(a) That approximately 2,500 tonnes of snapper have been taken by registered trawling or seining fishing vessels from area 006 of the Auckland Fisheries Management Area during the period commencing on the 1st day of September in each year and ending with the last day of February in the following year (in this subclause referred to as the summer quota) and he has given at least 7 days public notice of the prohibition, the whole of area 006 of the Auckland Fisheries Management Area until the said last day of February:

“(b) That approximately 1,000 tonnes of snapper have been taken by registered trawling or seining fishing vessels from area 006 of the Auckland Fisheries Management Area during the period commencing on the 1st day of March and ending with the 31st day of August in any year (in this subclause referred to as the winter quota) and he has given at least 7 days public notice of the prohibition, the whole of area 006 of the Auckland Fisheries Management Area until the said 31st day of August,—

but the Minister may, if he is satisfied that no more than 3,500 tonnes of snapper have been taken in any period of 12 months ending with the 31st day of August, add any unfilled part of the summer quota to the winter quota, or add any unfilled part of the winter quota to the summer quota following.

“(12B). Area 006 of the Auckland Fisheries Management Area, from a vessel of 19 m or more registered length.”

(2) Regulation 4 of the Fisheries (General) Regulations 1950, Amendment No. 16, is hereby consequentially revoked.

**15. Restrictions on fishing in Kaiapoi and Cam rivers**—(1) The principal regulations are hereby further amended by inserting, after section 107D (as inserted by regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 13) and before the heading “Returns of Fish and Shellfish Caught”, the following regulation:

“107E. A close season is hereby prescribed for the Kaiapoi and Cam rivers and their tributaries during the months of March and April in each year, during which months it shall be unlawful to take fish from the rivers and tributaries, or purchase or sell or possess any fish so taken.”

(2) This regulation shall come into force on the 1st day of March 1978.

**16. Second Schedule added**—(1) The principal regulations are hereby further amended by adding the Schedule set out in the Schedule to these regulations.

(2) Regulation 107 (2) of the principal regulations and the Schedule to those regulations (as added in each case by regulations 3 and 4 respectively of the Fisheries (General) Regulations 1950, Amendment No. 21) are hereby consequentially amended by omitting the word “Schedule”, and substituting the words “First Schedule”.

Reg. 16

### SCHEDULE

#### NEW SECOND SCHEDULE TO THE PRINCIPAL REGULATIONS

Regs. 69 (3), 72 (10), (10A), 75 (2), 77 (3), 80 (12), (12A)

#### “SECOND SCHEDULE

#### “AUCKLAND FISHERIES MANAGEMENT AREA

| Areas    | Description  |
|----------|--|
| Area 005 | Those waters lying inside a line drawn from Bream Tail to Needles Point; thence by a straight line to the northernmost extremity of Great Barrier Island; thence by high-water mark of the western coastline of Great Barrier Island to Cape Barrier; thence by a straight line to Cape Colville; thence by a straight line to Cape Rodney; thence by high-water mark in a north-westerly direction to Bream Tail; and as more particularly delineated on the map No. M.A.F. 110 deposited in the Head Office of the Ministry of Agriculture and Fisheries at Wellington and thereon edged blue. |

"SECOND SCHEDULE—*continued*"AUCKLAND FISHERIES MANAGEMENT AREA—*continued*

| Areas    | Description   |
|----------|---|
| Area 006 | <p>The waters of Hauraki Gulf inside a straight line drawn from the easternmost point of Tawharanui Peninsula to Slater Point on Kawau Island; thence by high-water mark of the eastern side of Kawau Island to <b>Kawau Point</b>; thence by straight line to the lighthouse on Tiritiri Matangi Island; thence by straight line to Thumb Point on Waiheke Island; thence by straight line to the western extremity of Motuoruhi Island; thence by a straight line to the western extremity of Motukahaua Island; thence by straight line to Tokotarea Point at the northern entrance to Colville Bay; thence by high-water mark in a north-westerly direction to Cape Colville; thence by a straight line to Cape Rodney; thence by high-water mark in a southerly direction to the easternmost point of Tawharanui Peninsula; and as more particularly delineated on the map No. M.A.F. 110 deposited in the Head Office of the Ministry of Agriculture and Fisheries at Wellington and thereon edged red.</p> |
| Area 007 | <p>The waters of Hauraki Gulf and the Firth of Thames lying inside a straight line drawn from the easternmost point of Tawharanui Peninsula to Slater Point on Kawau Island; thence by high-water mark to Kawau Point; thence by a straight line to the lighthouse on Tiritiri Matangi Island; thence by straight line to Thumb Point on Waiheke Island; thence by straight line to the western extremity of Motuoruhi Island; thence by straight line to the western extremity of Motukahaua Island; thence by straight line to Tokotarea Point at the northern entrance to Colville Bay; thence by high-water mark around the coast of the mainland back to the easternmost point of Tawharanui Peninsula; and as more particularly delineated on the map No. M.A.F. 110 deposited in the Head Office of the Ministry of Agriculture and Fisheries at Wellington and thereon edged green."</p>  |

P. G. MILLEN,  
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 Fisheries (General) Regulations 1950.

Regulation 2 inserts new definitions. The definition of "area" in relation to the Auckland Fisheries Management Area relates to the snapper fishery in the Hauraki Gulf.

Regulation 3 eases the restriction on mesh sizes in box and teichi nets, and mechanically operated surrounding nets.

Regulation 4 prohibits the use of a drag net having a pocket, bag, or cod-end, in any area in which Danish seining is prohibited.

Regulations 5 and 6 prohibit, in certain cases, the hauling of drag or set nets other than by hand, and prohibits the use of a fish scaring device in the vicinity of those nets.

Regulation 7 relates to the attaching or using of ropes or warps in association with a drag net.

Regulation 8 amends the definition of Danish seine net.

Regulation 9 places prohibitions on the general use of methods of fishing involving power nets and multiple power nets.

Regulation 10 establishes a snapper quota in the Hauraki Gulf when Danish seining is used.

Regulations 11 to 14 make amendments to the regulations dealing with trawling similar to the amendments made by regulations 8, 9, and 10 in relation to Danish seining.

Regulation 15 imposes a close season in the Kaiapoi and Cam rivers during March and April in each year.

---

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 September 1977.

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