



**THE FISHERIES (GENERAL) REGULATIONS 1950,  
AMENDMENT NO. 35**

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DAVID BEATTIE, Governor-General

By His Deputy  
RONALD DAVISON

ORDER IN COUNCIL

At the Government House at Wellington this 27th day of July 1981

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL BY HIS DEPUTY 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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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 35, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950\* (hereinafter referred to as the principal regulations).

(2) Subject to subclause (3) of this regulation, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

(3) Regulations 10 and 11 of these regulations shall come into force on the day after the date these regulations are notified in the *Gazette*.

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

“ ‘Eel’ means the shortfin eel (*Anguilla australis*) and the longfin eel (*Anguilla dieffenbachii*):

“ ‘Fishing year’ means the period commencing with the 1st day of April in any year and ending with the 31st day of March in the following year:

“ ‘Orange roughy’ means the fish of which the scientific name is *Hoplostethus atlanticus*:

“ ‘Southern bluefin tuna’ means the fish of which the scientific name is *Thunnus maccoyi*:”.

**3. Limitation on use of nets**—(1) The principal regulations are hereby amended by inserting, after regulation 33 and before the heading “CANTERBURY LIMIT QUANTITY”, the following heading and regulation:

“WAIMAKARIRI, KAIAPOI, AND CAM RIVERS

“33A. No person shall use any net (other than a fyke net) for taking fish—

“(a) In the waters of the Kaiapoi River and its tributaries upstream from the Williams Street Bridge; and

“(b) During the period commencing with the 1st day of February and ending with the 30th day of April in any one year, in the waters of—

“(i) The Kaiapoi River and its tributaries downstream from the Williams Street Bridge; and

“(ii) That part of the Waimakariri River lying northwards of a straight line drawn from the site of a white post on the north bank of the Waimakariri River 200 m downstream of the mouth of the Kaiapoi River to the site of a white post on the south bank of

\*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: (Revoked by S.R. 1977/167)

Amendment No. 25: (Revoked by S.R. 1977/226)

Amendment No. 26: S.R. 1977/226

Amendment No. 27: (Revoked by S.R. 1977/292)

Amendment No. 28: S.R. 1977/292

Amendment No. 29: S.R. 1978/75

Amendment No. 30: (Expired: S.R. 1978/325)

Amendment No. 31: S.R. 1979/131

Amendment No. 32: (Expired S.R. 1979/231)

Amendment No. 33: S.R. 1980/133

Amendment No. 34: S.R. 1980/245

the Waimakariri River; and thence by straight line to the site of a white post on the north bank of the Waimakariri River 200 m upstream of the mouth of the Kaiapoi River (the post on the south bank being situated approximately mid-way between the 2 posts on the north bank).”

(2) Regulation 107E of the principal regulations (as inserted by regulation 15 of the Fisheries (General) Regulations 1950, Amendment No. 26), and regulation 15 of the Fisheries (General) Regulations 1950, Amendment No. 26, are hereby consequentially revoked.

**4. Power net fishing and multiple power net fishing**—(1) Regulation 69 (5) of the principal regulations (as substituted by regulation 9 of the Fisheries (General) Regulations 1950, Amendment No. 26 and amended by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by revoking paragraph (d), and substituting the following paragraph:

“(d) During the period commencing with the 1st day of March and ending with the 31st day of August in any one year, the use of a Danish seine net hauled by not more than 2 vessels each of which is less than 19 m registered length in that part of area 005 of the Auckland Fisheries Management Area lying northwards of a straight line drawn from Cape Rodney to Te Hue Point on Little Barrier Island; thence by high-water mark to Ngatamahine Point; thence by a straight line to Needles Point. The reference points named being as shown on chart N.Z. 522; or”.

(2) Regulation 3 (3) of the Fisheries (General) Regulations 1950, Amendment No. 34 is hereby consequentially revoked.

**5. Limitation on use of trawl net**—(1) Regulation 77 (4) of the principal regulations (as substituted by regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 26 and amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by revoking paragraph (c), and substituting the following paragraph:

“(c) During the period commencing with the 1st day of March and ending with the 31st day of August in any one year, the use of a trawl net hauled by not more than 2 vessels each of which is less than 19 m registered length in that part of area 005 of the Auckland Fisheries Management Area lying northwards of a line drawn from Cape Rodney to Te Hue Point on Little Barrier Island; thence by high-water mark to Ngatamahine Point; thence by a straight line to Needles Point. The reference points named being as shown on chart N.Z. 522; or”.

(2) Regulation 6 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34 is hereby consequentially revoked.

**6. Trawling in Pelorus Sound**—Regulation 81 of the principal regulations (as amended by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 22) is hereby amended by adding the following subclause:

“(e) The trawl net shall not be drawn by more than one vessel”.

- 7. Size of blue cod**—The principal regulations are hereby amended—
- By omitting from regulation 85 the words “Except as provided by regulation 87”;
  - By omitting from regulation 86 (as amended by regulation 2 (1) of the Fisheries (General) Regulations 1950, Amendment No. 7) the words “Except as provided by regulation 87”;
  - By revoking regulation 87.

**8. Restriction on taking mussels from Ohiwa Harbour**—The principal regulations are hereby further amended by inserting, after regulation 101 (as substituted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15), the following new regulation:

“101A. The Minister may, by notice in the *Gazette*, prohibit the taking of mussels from the waters of Ohiwa Harbour during all or any of the period of 12 months commencing on the 1st day of April in any one year and ending with the 31st day of March in the following year.”

**9. 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 omitting the table from subclause (1) (as amended by regulation 3 (1) of the Fisheries (General) Regulations 1950, Amendment No. 23), and substituting the following table:

“Shellfish and area	Quota
Cockles ... ..	150
Kina ... ..	50
Mussels from Ohiwa Harbour	25
Mussels from areas other than Ohiwa Harbour ... ..	50
Paua ... ..	10
Pipi ... ..	150
Scallops ... ..	20
Tuatua ... ..	150”

(2) The said regulation 106k is hereby further amended by omitting the table from subclause (2) (as amended by regulation 3 (2) of the Fisheries (General) Regulations 1950, Amendment No. 23), and substituting the following table:

“Shellfish and area	Quota			
	No. of persons in association			
	2	3	4	5 or more
Cockles ... ..	300	450	600	750
Kina ... ..	100	150	200	250
Mussels from Ohiwa Harbour	50	75	100	125
Mussels from areas other than Ohiwa Harbour ... ..	100	150	200	250
Paua ... ..	20	30	40	50
Pipi ... ..	300	450	600	750
Scallops ... ..	40	60	80	100
Tuatua... ..	300	450	600	750”

(3) Regulation 3 (1) and (2) of the Fisheries (General) Regulations 1950, Amendment No. 23 is hereby consequentially revoked.

**10. Regulations substituted**—The principal regulations are hereby amended by revoking regulations 106Q and 106R (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 33), and substituting the following regulations:

“106Q. **Restrictions on the taking of hake**—(1) For the purposes of this regulation, the term ‘control area’ means those waters of area G of the New Zealand Fisheries Management Area enclosed by a line commencing at a point 43° 32.5′ South and 168° 37.35′ East; then proceeding due north to a point 43° South and 168° 37.35′ East; then proceeding directly to a point 41° South and 170′ East; then proceeding directly to a point 41° 44.9′ South and 170° 53.6′ East; then proceeding in a generally southwesterly direction along the outer limit of the closed area defined in paragraph 4 of the Second Schedule to the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978\*.

“(2) There shall be a quota of 5200 tonnes for the taking of hake by registered fishing boats from the New Zealand Fisheries Management Area in any fishing year.

“(3) Of that quota of 5200 tonnes, not more than 3000 tonnes may be taken from area G of the New Zealand Fisheries Management Area, and of that 3000 tonnes, not more than 2500 tonnes may be taken from the control area.

“(4) Every master of a registered fishing boat taking hake shall submit, to such offices of the Ministry of Agriculture and Fisheries, in such form, and to be received at such times as the Director-General may require, information relating to the taking of hake by that boat.

“(5) Failure to comply with the requirements of the Director-General under subclause (4) of this regulation shall constitute an offence by the owner and the master of the boat.

“(6) When the Director-General is satisfied that in any fishing year registered fishing boats have taken—

“(a) Approximately 5200 tonnes of hake from the New Zealand Fisheries Management Area; or

“(b) Approximately 3000 tonnes from area G of the New Zealand Fisheries Management Area; or

“(c) Approximately 2500 tonnes from the control area,—

he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of hake is prohibited for the remainder of that fishing year in the New Zealand Fisheries Management Area, or in area G of the New Zealand Fisheries Management Area, or in the control area, as the case may require.

“106R. **Restrictions on the taking of silver warehou**—(1) There shall for the taking of silver warehou by registered fishing boats in any fishing year—

“(a) Be a quota of 2000 tonnes in area C of the New Zealand Fisheries Management Area:

“(b) Be a quota of 800 tonnes in area D of the New Zealand Fisheries Management Area:

“(c) Be a quota of 1300 tonnes in area F of the New Zealand Fisheries Management Area:

“(d) Be a quota of 1000 tonnes in area G of the New Zealand Fisheries Management Area.

“(2) Every master of a registered fishing boat taking silver warehou shall submit, to such offices of the Ministry of Agriculture and Fisheries, in such form, and to be received at such times as the Director-General may require, information relating to the taking of silver warehou by that boat.

“(3) Failure to comply with the requirements of the Director-General under subclause (2) of this regulation shall constitute an offence by the owner and the master of the boat.

“(4) When the Director-General is satisfied that in any fishing year the silver warehou quota has been approximately taken for any of areas C, D, F, or G of the New Zealand Fisheries Management Area he may, by such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of silver warehou is prohibited for the remainder of that fishing year in area C, D, F, or area G of the New Zealand Fisheries Management Area, as the case may require.”

**11. New regulations inserted**—The principal regulations are hereby amended by inserting, after regulation 106T (as inserted by regulation 10 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34), the following regulations:

“106U. **Restrictions on the taking of orange roughy**—(1) There shall, for the taking of orange roughy by registered fishing boats from the New Zealand Fisheries Management Area in any fishing year, be a quota of 24,730 tonnes.

“(2) Of that quota of 24,730 tonnes, not more than 3000 tonnes may be taken from area C of the New Zealand Fisheries Management Area and not more than 19,790 tonnes may be taken from area D of the New Zealand Fisheries Management Area.

“(3) The master of every registered fishing boat taking orange roughy shall submit, to such offices of the Ministry of Agriculture and Fisheries, in such form, and to be received at such times as the Director-General may require, information relating to the taking of orange roughy by that boat.

“(4) Failure to comply with the requirements of the Director-General under subclause (3) of this regulation shall constitute an offence by the owner and the master of the boat.

“(5) When the Director-General is satisfied that in any fishing year registered fishing boats have taken—

“(a) Approximately 24,730 tonnes of orange roughy from the New Zealand Fisheries Management Area; or

“(b) Approximately 3000 tonnes of orange roughy from area C of the New Zealand Fisheries Management Area; or

“(c) Approximately 19,790 tonnes of orange roughy from area D of the New Zealand Fisheries Management Area,—

he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of orange roughy is prohibited for the remainder of

that fishing year in the New Zealand Fisheries Management Area, or in area C, or in area D of the New Zealand Fisheries Management Area, as the case may require.

“106v. **Restrictions on the taking of southern bluefin tuna**—(1) There shall be a quota of 5000 fish for the taking of southern bluefin tuna from area G of the New Zealand Fisheries Management Area during any fishing year.

“(2) The master of every registered fishing boat taking southern bluefin tuna or the manager of any premises used to process or store southern bluefin tuna shall submit, to such offices of the Ministry of Agriculture and Fisheries, in such form, and to be received at such times as the Director-General may require, information relating to the taking, processing, or storing of southern bluefin tuna by that boat or on those premises.

“(3) In the case of a registered fishing boat, failure to comply with the requirements of the Director-General under subclause (2) of this regulation shall constitute an offence by the owner and the master of the boat.

“(4) When the Director-General is satisfied that the quota of southern bluefin tuna has approximately been taken he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, so declare and give notice that the taking of southern bluefin tuna by registered fishing boats is prohibited in area G of the New Zealand Fisheries Management Area for the remainder of that fishing year.”

**12. Restriction on taking eels**—Regulation 107c of the principal regulations (as inserted by regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 7) is hereby amended by adding the following subclause:

“(3) No person shall take eels for the purpose of sale from those waters, or streams flowing into those waters, lying in a westerly direction from a straight line drawn due south from the site of a post on the north bank to the site of a post on the south bank of the arm of Lake Ellesmere near Taumutu; and as more particularly delineated on the map No. M.A.F. 193 deposited in the Head Office of the Ministry of Agriculture and Fisheries at Wellington and thereon edged red.”

**13. Restrictions on taking fish in the vicinity of Tawharanui Peninsula**—The principal regulations are hereby amended by inserting, after regulation 107F (as inserted by regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 34), the following regulation:

“107G. No person shall take any fish from New Zealand fisheries waters lying on the northern side of Tawharanui Peninsula inside a line drawn from a point 36° 21.8' South and 174° 49.3' East; and then in a northerly direction to a point 36° 21.4' South and 174° 49.6' East; and then in a generally easterly direction by a line every point of which is half a nautical mile from high-water mark to a point 36° 21.3' South and 174° 51.7' East; and then by a straight line due south to a point 36° 21.8' South and 174° 51.7' East.”

**14. Offences and penalties**—Regulation 114 of the principal regulations (as substituted by regulation 8 of the Fisheries (General) Regulations 1950, Amendment No. 13) is hereby amended—

- (a) By omitting the expressions "\$500", "\$5", "\$10", and "\$2000", in every case where they occur, and substituting respectively the expressions "\$1000", "\$10", "\$20", and "\$4000"; and
- (b) By omitting the words "or Part IV", and substituting the words "Part IV or Part IXB".

P. G. MILLEN,  
Clerk of the Executive Council.

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#### 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.

*Regulation 3* prohibits netting in the upper Kaiapoi River and, during February to April, in the lower Kaiapoi River and part of the Waimakariri River. Fyke netting is not prohibited.

*Regulations 4 and 5* permit pair Danish seining and trawling by vessels under 19 m in the northern part of area 005 of the Auckland Fisheries Management Area during March to August.

*Regulation 6* prohibits pair trawling in Pelorus Sound.

*Regulation 7* removes the permission to retain undersized blue cod for bait.

*Regulation 8* provides for the Minister to prohibit the taking of mussels from Ohiwa Harbour by *Gazette* notice.

*Regulation 9* reduces the amateur mussel quota for Ohiwa Harbour.

*Regulations 10 and 11* impose quotas for the taking of hake, silver warehou, orange roughy, and bluefin tuna from certain Management Areas.

*Regulation 12* prohibits the commercial taking of eels from part of Lake Ellesmere near Taumutu.

*Regulation 13* prohibits the taking of all marine life forms from an area to the north of Tawharanui Peninsula in the Hauraki Gulf.

*Regulation 14* increases maximum penalties.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 July 1981.

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