

1963/197



**THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 6**

—
BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 18th day of November 1963

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.

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REGULATIONS

1. (1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 6, 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 1st day of January 1964.

PART I

CRAYFISH

2. In this Part of these regulations—

“Length”, in relation to any crayfish, means its length from the tip of the rostral spine (or beak) between the eyes to the tip of the telson of the tail fan, measured in a middle straight line along the back with the crayfish spread as nearly as possible flat, as illustrated in diagram A in the Schedule to these regulations:

“Length”, in relation to any crayfish tail, means its length from the after side of the calcified bar or sternum on the under side of the first segment to the tip of the telson of the tail fan, measured in a middle straight line along the under side or ventral side with the tail laid flat on its back, as illustrated in diagram B in the Schedule to these regulations.

3. No person shall fish for, take, or kill, or land from any vessel any crayfish less than 10 in. in length.

*S.R. 1950/147 (Reprinted with Amendments Nos. 1 to 4: S.R. 1956/16)
 Amendment No. 5: S.R. 1959/186

4. No person shall sell, purchase, or have in possession any crayfish, whether fresh, frozen, cooked, or in any other state, less than 10 in. in length.

5. No person shall sell, purchase, or have in possession any crayfish tail (being that part of the crayfish known more properly as the abdomen and separated from the body of the crayfish), whether fresh, frozen, cooked, or in any other state, less than 6 in. in length.

6. (1) Regulation 3 hereof shall apply with respect to the taking of crayfish in or from the waters of the sea described in subclause (2) of this regulation from a fishing boat registered at Dunedin or Oamaru and domiciled and landing its catch between the mouth of the Waitaki River and Nugget Point, and to the landing from any such vessel of crayfish taken from those waters, as if for the expression "10 in." there were substituted the expression "7 in."

(2) The waters of the sea referred to in subclause (1) of this regulation are the following:

All waters of the sea within 3 nautical miles of high-water mark of the coast of the South Island between a straight line running due east from the mouth of the Waitaki River and a straight line running due east from Nugget Point.

(3) Subject to the provisions of regulation 7 hereof, regulation 4 hereof shall apply to any sale or purchase made or to the having in possession at any place within those parts of New Zealand described in subclause (4) of this regulation of any crayfish taken in the waters of the sea described in subclause (2) of this regulation from a fishing boat registered at Dunedin or Oamaru and domiciled and landing its catch between the mouth of the Waitaki River and Nugget Point, as if for the expression "10 in." in the said regulation 4 there were substituted the expression "7 in."

(4) The parts of New Zealand referred to in subclause (3) of this regulation are the following:

(a) The Provincial District of Otago, excluding therefrom the Counties of Southland, Wallace, Fiord, Lakes, Vincent, and Stewart Island, the MacLennan, Clinton, Catlins, Pomohaka, Clydevale, Waipahi, and Glenkenich Ridings of the County of Clutha, and the boroughs (except the Borough of Balclutha) and town districts situated within or contiguous to the boundaries of those counties or of those ridings, as the case may be:

(b) That part of the Provincial District of Canterbury south of the Rangitata River, excluding the parts of the Counties of Lakes and Vincent situated within that Provincial District.

(5) Notwithstanding anything in regulations 4 and 7 hereof, it shall be lawful for any person to sell, purchase, or have in possession any crayfish less than 10 in. but not less than 7 in. in length taken in the waters of the sea specified in subclause (2) of this regulation from a fishing boat registered at Dunedin or Oamaru and domiciled and landing its catch between the mouth of the Waitaki River and Nugget Point and packed in a consumer pack at an authorised packing house in that part of the Provincial District of Otago described in paragraph (a) of subclause (4) of this regulation.

(6) In any proceedings against any person for the offence of having in possession at any place outside the part of the Provincial District of Otago described in paragraph (a) of subclause (4) of this regulation

of any crayfish less than 10 in. but not less than 7 in. in length, it shall be a good defence if the defendant proves that the crayfish came from a consumer pack packed at an authorised packing house in that part of that Provincial District.

(7) For the purposes of this regulation, a fishing boat shall be deemed to be domiciled at the place at which the catch taken from that boat is required to be landed, as specified in the boat-fishing permit for the time being in force in respect of that boat.

(8) In this regulation—

“Consumer pack” means a container which—

(a) Complies with the requirements of the Food and Drug Regulations 1946,* and

(b) Contains only whole crayfish and is of a net weight not exceeding 2 lb; and

(c) When sold, is sealed with an unbroken seal; and

(d) Is inscribed with the words “Crayfish Consumer Pack”, the name of the proprietor of the authorised packing house, the location of that packing house, and the net weight of the crayfish therein:

“Packing house” means premises registered under the Food Hygiene Regulations 1952† where crayfish are packed, being premises authorised by the Minister of Marine to be used for the preparation of crayfish consumer packs.

7. No person shall in those parts of New Zealand described in sub-clause (4) of regulation 6 hereof, sell for resale in any other part of New Zealand any crayfish, whether fresh, frozen, cooked, or in any other state, of less length than 10 in., unless it is packed in a consumer pack as defined in regulation 6 hereof.

8. No person shall land from any vessel or sell or have in possession any crayfish, crayfish tail, or part thereof which is in such a condition that it cannot be measured in accordance with the provisions of regulation 2 hereof.

9. No person shall export or pack for export or attempt to export from New Zealand, or ship for the purposes of export from New Zealand, any crayfish less than 10 in. in length or any crayfish tail less than 6 in. in length.

10. No person shall process for the extraction of the crayfish meat any crayfish less than 10 in. in length.

11. No person shall take any crayfish that is in the soft-shell stage.

12. No person shall sell, purchase, or have in possession any crayfish, whether fresh, frozen, cooked, or in any other state, which is in the soft-shell stage.

*S.R. 1946/136

Amendment No. 1: S.R. 1947/152

Amendment No. 2: (*Revoked by S.R. 1951/68*)

Amendment No. 3: S.R. 1949/158

Amendment No. 4: S.R. 1950/102

Amendment No. 5: S.R. 1950/138

Amendment No. 6: S.R. 1951/68

Amendment No. 7: (*Revoked by S.R. 1951/240*)

Amendment No. 8: S.R. 1951/240

Amendment No. 9: S.R. 1954/2

Amendment No. 10: S.R. 1955/19

Amendment No. 11: S.R. 1956/29

Amendment No. 12: S.R. 1959/110

Amendment No. 13: S.R. 1961/85

†S.R. 1952/74

Amendment No. 1: S.R. 1953/161

Amendment No. 2: S.R. 1962/104

13. (1) No person shall land crayfish or any parts thereof from any fishing boat, except at the place where the catch taken from that boat is required to be landed, as specified in the boat-fishing permit for the time being in force in respect of that boat.

(2) Nothing in subclause (1) of this regulation shall apply with respect to any crayfish taken in the waters of the sea adjacent to the coast of the South Island which lie between Puysegur Point and Bruce Bay from any fishing boat specified in paragraph (a) or paragraph (b) of regulation 17 hereof.

14. No person shall take crayfish by means of a baited set net whereby a piece of ordinary fishing net is baited and left submerged in the sea.

15. (1) Every person who—

(a) Takes any crayfish that is carrying external eggs; or

(b) At any time during the months of July, August, and September in any year, takes any female crayfish in the waters of the sea described in regulation 17 hereof—

shall immediately return it alive with as little injury as possible into the water from which it was taken.

(2) No person shall remove the external eggs from any female crayfish or from any crayfish tail.

(3) No person shall buy, sell, expose for sale, or have in possession any female crayfish or crayfish tail which is carrying external eggs.

(4) No person shall buy, sell, expose for sale, or have in possession any female crayfish or crayfish tail from which any of the external eggs have been removed by artificial means.

(5) No person shall buy, sell, expose for sale, or have in possession any crayfish or crayfish tail from which any of the pleopods or swimmerets or any part thereof have been removed.

16. (1) No person shall remove the tail (the process known as "tailing" whereby the six abdominal segments and tail fan are removed from the cephalothorax or head and body) from any crayfish in the uncooked state aboard any boat.

(2) No person being the owner or master of any boat shall permit the removal of the tail (the process known as "tailing" described as aforesaid) from any crayfish in the uncooked state aboard that boat.

(3) No person being the owner or master of any boat shall dump, cast, throw, place in the sea, or return to the sea from that boat, or permit the dumping, casting, throwing, placing in the sea, or returning to the sea from that boat, the head and body or cephalothorax of any crayfish in an uncooked state from which the tail has been removed.

(4) No person being the owner or master of any licensed fishing boat shall have in possession aboard or land from that boat or permit to be aboard that boat or landed from that boat the tail (being the six abdominal segments) of any crayfish in the uncooked state that is separate from the cephalothorax or head and body.

17. Nothing in regulation 16 hereof shall apply with respect to any crayfish taken in the waters of the sea adjacent to the coast of the South Island (including Stewart Island) which lie to the south of Waipapa Point on the east side of Toetoes Bay on the south coast and to the south of Bruce Bay on the west coast—

(a) From any fishing boat registered at Bluff under Part I of the Fisheries Amendment Act 1963; or

- (b) From any fishing boat registered under that Part of that Act at Dunedin or Greymouth or Westport, if the master or person in charge, before leaving the port at which the boat is registered to fish for crayfish in those waters, has notified the local Inspector of Fisheries at that port of his intention to fish for crayfish in those waters and has notified the Inspector immediately after the return of the boat to that port that the boat has been engaged in fishing for crayfish in those waters.

18. No owner or master of any fishing boat registered under Part I of the Fisheries Amendment Act 1963 shall in fishing for crayfish use any set pot or crayfish basket, unless the mark buoy or float to which the line from the set pot or crayfish basket is attached is clearly marked with the distinguishing port letters and registered number of the boat.

19. (1) No person shall take by any means whatsoever more than one dozen crayfish on any one day or be in possession of more than one dozen crayfish or the tails thereof taken on any one day.

(2) No persons who are associated together shall take by any means whatsoever more than 30 crayfish on any one day or be in possession of more than 30 crayfish or the tails thereof taken on any one day:

Provided that if only two persons are associated together they shall not take on any one day more than one dozen crayfish for each such person or be in possession of more crayfish or the tails thereof taken on any one day than one dozen for each such person.

(3) Where the provisions of subclause (2) of this regulation are contravened in the case of an association of persons, every one of the persons so associated together shall be deemed to have committed an offence against this regulation.

(4) No person shall on any one day, in any one vehicle or in any one boat, convey or have on board that vehicle or boat more than the number of crayfish or the tails thereof that, having regard to the provisions of subclauses (1) and (2) of this regulation, all the persons on board may take on any one day.

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

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

20. No person shall take crayfish for the purposes of sale in the following waters:

- (a) The waters on the north side of Mahia Peninsula contained within two intersecting straight lines, one of which extends due north from a post situated at the mouth of the Rarohenga Stream and the other of which is a continuation seawards of a straight line between two posts situated at Pariokena, all such posts being painted yellow;
- (b) The waters of Hawke Bay inside of a straight line from the end of the breakwater at Waikokopu to Te Hoe Point on the south side of Mahia Peninsula.

PART II

REVOCATIONS

21. The following regulations are hereby revoked:

- (a) Part VIII of the principal regulations:
- (b) Regulations 16, 18, and 19 of the Fisheries (General) Regulations 1950, Amendment No. 1:
- (c) Regulation 8 of the Fisheries (General) Regulations 1950, Amendment No. 2:
- (d) Regulations 6 to 15 of the Fisheries (General) Regulations 1950, Amendment No. 5.

Reg. 2

SCHEDULE

Diagram A

METHOD OF MEASURING TOTAL LENGTH

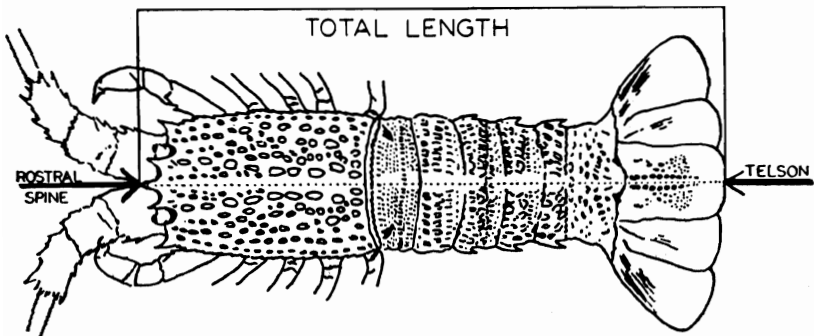
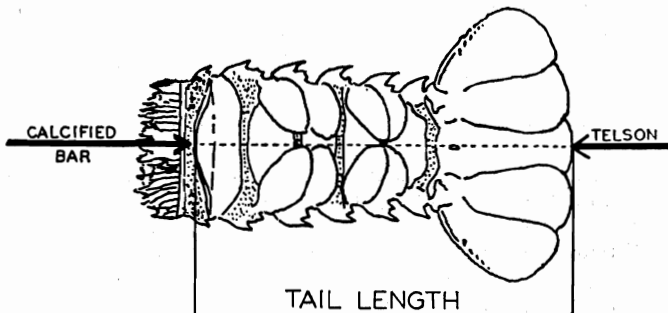


Diagram B

METHOD OF MEASURING TAIL LENGTH



T. J. SHERRARD,
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 replace with some amendments the provisions of Part VIII of the Fisheries (General) Regulations 1950 relating to the taking, possession, and sale of crayfish.

The principal new provisions are—

- (a) A more precise method of measuring crayfish and crayfish tails is prescribed (reg. 2).
- (b) The minimum size of crayfish that may be taken in certain Otago waters is increased from 6 in. to 7 in., and the southern boundary of those waters is fixed at Nugget Point (reg. 6).
- (c) Provision is made for crayfish of less than 10 in. but not less than 7 in. taken in those waters to be packed and sealed in consumer packs for distribution throughout New Zealand (reg. 6).
- (d) The area of Otago where crayfish of less than 10 in. but not less than 7 in. may be sold or packed in consumer packs is amended (reg. 6).
- (e) It will be an offence to be in possession of crayfish or crayfish tails that cannot be measured in accordance with the regulations (reg. 8).
- (f) The export, packing for export, attempt to export, and shipping for export of crayfish less than 10 in. in length and of crayfish tails less than 6 in. in length is prohibited (reg. 9).
- (g) The processing of crayfish under 10 in. in length for meat extraction is prohibited (reg. 10).
- (h) Subject to special provisions relating to crayfish taken between Puysegur Point and Bruce Bay, crayfish may be landed only at the fishing boat's port of domicile (reg. 13).
- (i) The amateur catch limit has been defined to include crayfish tails.
- (j) Provisions at present appearing as a condition of licences prohibiting the taking of crayfish for sale in certain waters off Mahia Peninsula are now written into the regulations (reg. 20).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 November 1963.

These regulations are administered in the Marine Department.