



**THE FISHERIES (RECORDKEEPING) REGULATIONS 1990,  
AMENDMENT NO. 1**

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CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 26th day of August 1991

Present:

THE HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, Her 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. Title and commencement**—(1) These regulations may be cited as the Fisheries (Recordkeeping) Regulations 1990, Amendment No. 1, and shall be read together with and deemed part of the Fisheries (Recordkeeping) Regulations\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of October 1991.

**2. Unloading docket**—Regulation 12 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) An unloading docket shall be kept where—

“(a) A licensed fish receiver or a person acting as an agent of a licensed fish receiver takes possession of fish from a commercial fisherman; and

“(b) It is not practicable for a purchase invoice to be issued at the time the licensed fish receiver or agent takes possession of the fish.”

**3. Purchase invoices**—Regulation 13 (3) of the principal regulations is hereby amended by adding the following paragraph:

“(h) Where an unloading docket has not been kept in respect of the fish, the number and type of the containers in which the fish were received.”

**4. Sales systems**—Regulation 22 (e) of the principal regulations is hereby amended by omitting the words “, where more than 100 kilograms of fish is so dumped or disposed of,”.

**5. Licensed fish receivers to furnish annual inventory returns**—Regulation 25 (3) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) The number of fish containers, the net weight of the fish in each container, and the total net weight of each species of fish:”.

**6. Director-General may require further annual inventory return**—The principal regulations are hereby amended by revoking regulation 26, and substituting the following regulation:

“26. (1) Where the Director-General considers on reasonable grounds that an annual inventory return fails to meet the requirements of these regulations, the Director-General may, by notice in writing, require the licensed fish receiver concerned—

“(a) To furnish a fresh return in respect of the matters specified in the notice; or

“(b) To undertake, within the same fishing year, another physical stocktake, and to furnish an annual inventory return in respect of that stocktake.

“(2) A notice given under subclause (1) (a) of this regulation shall specify the manner and form in which the return is to be completed, and a reasonable time within which the return is to be furnished.

“(3) Every licensed fish receiver who receives a notice given under subclause (1) of this regulation shall comply with that notice.”

**7. Offences**—(1) Regulation 28 (1) of these regulations is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Being a licensed fish receiver who is required to comply with a notice given under regulation 26 (1) of these regulations, fails to comply with that notice; or”.

(2) Regulation 28 (1) (d) of the principal regulations is hereby amended by omitting the words “, knowing that statement or entry to be false or misleading or being reckless as to whether the statement or entry is false or misleading”.

MARIE SHROFF,  
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, which come into force on 1 October 1991, amend the Fisheries (Recordkeeping) Regulations 1990.

*Regulation 2* amends regulation 12 of the principal regulations to require an unloading docket to be generated at the time a licensed fish receiver takes possession of fish from a commercial fisherman. Formerly, an unloading docket had to be generated only if possession was taken at the time the fish were landed.

*Regulation 3* amends regulation 13 of the principal regulations to require a purchase invoice to state the number and type of containers in which the fish were received if an unloading docket has not been kept in respect of the fish.

*Regulation 4* amends regulation 22 of the principal regulations to require a record to be kept of all fish that is dumped or disposed of by any means other than sale. Formerly, this requirement applied only where more than 100 kg of fish was so dumped or disposed of.

*Regulation 5* amends regulation 25 (3) of the principal regulations by requiring an annual inventory return to specify the net weight of the fish held in containers and of each species, rather than the gross weight of containers with fish in them.

*Regulation 6* replaces regulation 26 of the principal regulations and enables the Director-General of Agriculture and Fisheries to require that any part of an annual inventory return to be completed afresh if it fails to meet the requirements of the regulations. Formerly, a whole new return was required.

*Regulation 7* makes it an offence to fail to comply with a requirement given under regulation 26 and also amends regulation 28 (1) (d) of the principal regulations. Regulation 28 (1) (d) makes it an offence to make any false or misleading statement or entry of information in any record required by the principal regulations, if the offender knows the statement or entry to be false or misleading or is reckless as to whether it is false or misleading. The amendment removes the requirement for the prosecution to prove knowledge or recklessness on the part of the offender.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 29 August 1991.

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