



Reprint under section 7 of the Regulations Act 1936 of the Rock Lobster Regulations 1969 (S.R. 1969/250), as amended by the following enactments:

Fisheries (General) Regulations 1950, Amd. No. 15, S.R. 1971/71/4 (h)
 Amendment No. 1, S.R. 1971/86
 Amendment No. 2, S.R. 1971/172 (*Revoked by regulation 8 (b) of S.R. 1972/125*)
 Fisheries (General) Regulations 1950, Amd. No. 17, S.R. 1971/282/2 (2) (b)
 Amendment No. 3, S.R. 1972/125
 Ministry of Agriculture and Fisheries Amendment Act 1972, ss. 4 (1), 6 (2)
 Fisheries (General) Regulations 1950, Amd. No. 20, S.R. 1973/11/13 (impliedly)
 Amendment No. 4, S.R. 1973/131
 Amendment No. 5, S.R. 1974/150

THE ROCK LOBSTER REGULATIONS 1969 (REPRINT)

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of December 1969

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING 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. Title and commencement—(1) These regulations may be cited as the Rock Lobster Regulations 1969.

(2) Except as provided in regulation 18 of these regulations, these regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Consumer pack” means a container which—

(a) Complies with the requirements of [the Food and Drug Regulations 1973*]; and

(b) Contains only whole rock lobsters or whole rock lobster tails; and

(c) Does not exceed 2 lbs in weight (net); and

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

(e) Is inscribed with the words “Crayfish Consumer Pack”, “Crayfish (Tails) Consumer Pack”, “Rock Lobster Consumer Pack”, or “Rock Lobster (Tails) Consumer Pack”, as the case may be, the name of the proprietor of the packing house, the location of that packing house, and the net weight of the crayfish or crayfish tails or rock lobsters or rock lobster tails therein:

“Length”, in relation to any rock lobster 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 the points of measurement to be those illustrated in the diagram shown in the First Schedule to these regulations:

“Lobster pot” includes a lobster basket or any other device used for catching [, holding, or storing] rock lobsters:

“Packhorse crayfish” means the crayfish known as *Jasus verreauxi* of the northern waters of New Zealand, and also known as green crayfish:

*S.R. 1973/79

“Packing house” means premises registered under [the Food Hygiene Regulations 1974*] where rock lobster tails are packed, being premises authorised by [the Minister of Agriculture and Fisheries] to be used for the processing and packing of rock lobster or rock lobster tails to which this regulation refers:

“Port or place of domicile”, in relation to any fishing boat, means the port or place at which the boat is based and from which fishing is substantially carried out, as specified in the boat-fishing permit for the time being in force in respect of the boat; and “domiciled” has a corresponding meaning:

[“Retailing”, in relation to rock lobsters, includes the receiving, storing, preparing, or serving of any rock lobster in any restaurant or other eating place:]

“Rock lobster”, or “lobster”, means any spiny crayfish or packhorse crayfish; and includes the tail or any other part of any such crayfish:

“Sell” includes barter, and also includes offering or attempting to sell, or receiving for sale, or exposing for sale, or sending or delivering for sale, and also includes an invitation to purchase and a disposal by raffle:

“Spiny crayfish” means the species of crayfish known as *Jasus edwardsii*, and also known as red crayfish:

“Tailing” means the process whereby the 6 abdominal segments and the tail fan are removed from the cephalothorax or head or body of any crayfish; and “to tail” has a corresponding meaning.

(2) Every reference to a rock lobster in these regulations includes any rock lobster, whether cooked, fresh, frozen, or in any other state.

(3) Expressions defined in Part I of the Fisheries Act 1908 and in Part I of the Fisheries Amendment Act 1963 and used in these regulations have the meanings so defined.

In subclause (1):

“Consumer pack”: The Food and Drug Regulations 1973, being the corresponding enactment in force at the date of this reprint, have been substituted for the revoked Food and Drug Regulations 1946.

“Lobster pot”: The words in square brackets were inserted by regulation 2 (1) of S.R. 1971/86.

“Packing house”: The Food Hygiene Regulations 1974, being the corresponding enactment in force at the date of this reprint, have been substituted for the revoked Food Hygiene Regulations 1952, and the reference to the Minister of Agriculture and Fisheries was substituted for a reference to the Minister of Marine by s. 6 (2) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

“Retailing”: The definition of this term was inserted by regulation 2 (2) of S.R. 1971/86.

3. Restrictions on fishing for rock lobsters—(1) Except as permitted in regulation 6 of these regulations, no person shall fish for, take, or kill, or land from any vessel—

(a) Any spiny crayfish the tail of which is less than 6 in. in length;
or

(b) Any packhorse crayfish the tail of which is less than 8.5 in. in length.

[(2) No person shall land from any vessel—

- (a) Any spiny crayfish tail which is less than 6 in. in length; or
- (b) Any packhorse crayfish tail which is less than 8.5 in. in length.]

Subclause (2) was added by regulation 3 of S.R. 1971/86.

4. Restriction on landing rock lobsters—No person shall land from any vessel or sell or have in possession any rock lobster or rock lobster tail which—

- (a) Is in such a condition that it cannot be measured in accordance with the provisions of regulation 23 of these regulations; or
- (b) Has the calcified bar of the first abdominal segment fractured; or
- (c) Is otherwise so mutilated as to prevent its being measured in accordance with these regulations.

5. Restrictions on sale, etc., of rock lobsters—Except as provided in regulation 7 of these regulations, no person shall sell, purchase, or have in his possession—

- (a) Any spiny crayfish the tail of which is less than 6 in. in length; or
- (b) Any packhorse crayfish the tail of which is less than 8.5 in. in length; [or]

- [(c) Any spiny crayfish tail which is less than 6 in. in length; or
- (d) Any packhorse crayfish tail which is less than 8.5 in. in length.]

In para. (b) the word “or” was added, and paras. (c) and (d) were added, by regulation 4 of S.R. 1971/86.

[6. Special provisions relating to the taking of rock lobsters off Otago—(1) Notwithstanding anything in regulation 3 or regulation 5 of these regulations, but subject to the provisions of this regulation, it shall be lawful for rock lobsters the tails of which are less than 6 in. in length to be fished for or taken in that part of the sea lying between a straight line running due east from the mouth of the Waitaki River and a straight line running due east from Nugget Point, and within 8 nautical miles of the high-water mark of the coast of the South Island.

(2) No person shall take from that part of the sea described in subclause (1) of this regulation any rock lobster the tail of which is less than 6 in. in length unless—

- [[(a) The rock lobster is taken during the period commencing with the 21st day of June 1974 and ending with the 19th day of December 1974, and the tail of that rock lobster is not less than 5 in. in length; or
- (b) The rock lobster is taken during the period commencing with the 21st day of June 1975 and ending with the 19th day of December 1975, and the tail of that rock lobster is not less than 5.25 in. in length; or
- (c) The rock lobster is taken during the period commencing with the 21st day of June 1976 and ending with the 19th day of December 1976, and the tail of that rock lobster is not less than 5.5 in. in length; or
- (d) The rock lobster is taken during the period commencing with the 21st day of June 1977 and ending with the 19th day of December 1977, and the tail of that rock lobster is not less than 5.75 in. in length.]]

(3) Without limiting the provisions of subclause (2) of this regulation, no person operating from a fishing boat shall take from that part of the sea described in subclause (1) of this regulation any rock lobster the tail of which is less than 6 in. in length unless the following conditions are satisfied:

- (a) A boat-fishing permit authorising the taking of rock lobsters is in force in respect of the boat:
 - (b) The boat is registered at Dunedin and domiciled at a port or place lying between the mouth of the Waitaki River and Nugget Point:
 - (c) All rock lobsters with tails less than 6 in. in length are landed at the said port or place of domicile.
- (4) This regulation shall remain in force until the 19th day of December **[[1977]]**, and shall then expire.]

This regulation was substituted for the original regulation 6 (as amended by regulation 5 of S.R. 1971/86, and regulations 2 and 3 of S.R. 1971/172) by regulation 2 of S.R. 1972/125.

In subclause (2), paras. (a)–(d) were substituted for the former paras. (a)–(c) (as amended by regulation 2 (1) of S.R. 1973/131) by regulation 2 of S.R. 1974/150.

In subclause (4) the figures “1977” were substituted for the figures “1974” by regulation 2 (2) of S.R. 1973/131.

Regulation 7 of S.R. 1972/125 provides as follows:

7. Restrictions on taking rock lobsters from certain parts of the sea— During the period commencing with the 20th day of December 1971, and ending with the 19th day of December **[[1977]]**, no person shall fish for or take any rock lobster from any waters which lie east of the Otago coastline between Nugget Point and that point known as Long Point which lies in a south-westerly direction from Nugget Point.

In regulation 7 of S.R. 1972/125 the figures “1977” were substituted for the figures “1974” by regulation 2 (7) of S.R. 1973/131.

[[7. Special provisions relating to the sale, purchase, and possession of rock lobsters in Otago—(1) Notwithstanding anything in regulation 5 of these regulations, but subject to the provisions of this regulation, it shall be lawful for any person to sell, purchase, or have in his possession any rock lobster taken in accordance with regulation 6 of these regulations, or the tail of any such rock lobster, if the rock lobster or rock lobster tail is processed and packed in accordance with regulation 8 of these regulations.

(2) Notwithstanding anything in regulation 5 of these regulations, or in subclause (1) of this regulation, but otherwise subject to the provisions of this regulation, it shall be lawful for any person to sell, purchase, or have in his possession any rock lobster taken in accordance with regulation 6 of these regulations, or the tail of any such rock lobster, if the rock lobster or rock lobster tail is packed in a consumer pack at an authorised packing house situated in the Provincial District of Otago but not in any of the counties of Southland, Wallace, Fiord, Lakes, Vincent, and Stewart Island, or in any of the ridings of Maclellan, Clinton, Catlins, Pomohaka, Clydevale, Waipahi, and Glenkenich of the County of Clutha, or in any of the boroughs (except the Borough of Balclutha), or town districts, situated within or contiguous to the boundaries of those counties or of those ridings.

(3) In any proceedings for having in possession any rock lobster the tail of which is less than 6 in. in length, or any rock lobster tail less than 6 in. in length, it shall be deemed a lawful excuse for the defendant to satisfy the Court that the rock lobster or rock lobster tail came from a consumer pack packed at an authorised packing house situated in that part of the Provincial District of Otago described in subclause (2) of this regulation.

(4) In that part of the Provincial District of Otago described in subclause (2) of this regulation, and in that part of the Provincial District of Canterbury south of the Rangitata River other than in the parts of the Counties of Lakes and Vincent situated within that Provincial District, the provisions of subclause (2) of this regulation shall come into force one month after the date of notification of these regulations in the *Gazette*.

(5) This regulation shall remain in force until the 19th day of March **[[1978]]**, and shall then expire.

In subclause (5) the figures "1978" were substituted for the figures "1975" by regulation 2 (3) of S.R. 1973/131.

7A. Offence to sell, purchase, or possess, after 19 March 1978, any rock lobster taken in accordance with regulation 6—Notwithstanding anything in these regulations, no person shall sell, purchase, or have in his possession, on or after the 19th day of March **[[1978]]**, any rock lobster, or the tail of any rock lobster, that has been taken in accordance regulation 6 of these regulations.]

Regulations 7 and 7A were substituted for the original regulation 7 (as amended by regulation 6 of S.R. 1971/86, and regulation 4 of S.R. 1971/172) by regulation 3 of S.R. 1972/125.

In regulation 7A the figures "1978" were substituted for the figures "1975" by regulation 2 (4) and (5) of S.R. 1973/131.

8. Minister may authorise tailing of rock lobsters in Otago subject to certain conditions—(1) In respect of rock lobsters (not being packhorse crayfish) taken in accordance with regulation 6 of these regulations, the Minister may, subject to the conditions specified in subclause (2) of this regulation, authorise—

- (a) The tailing, processing, packing for export, and export of those rock lobsters and the processing, packing for export, and export of their tails:
 - (b) The sale in New Zealand of those rock lobsters and their tails.
- (2) The conditions referred to in subclause (1) of this regulation are as follows:

- (a) Lobster tailing and processing shall be carried out in an authorised packing house under the supervision of a fishery officer or inspector:
- (b) Rock lobsters authorised for export shall be packed in an authorised packing house under the supervision of a fishery officer or inspector and the containers containing the rock lobsters shall be sealed by him:
- (c) Rock lobster tails for export shall immediately after tailing be packed in an authorised packing house under the supervision of a fishery officer or inspector, and the containers shall be sealed by him where the number of tails exceeds 59 for 20 lb packs or the equivalent where a different size of pack is used:

- (d) The exporter of the rock lobsters or rock lobster tails shall, in writing, give the District Inspector of Fisheries, **[[Ministry of Agriculture and Fisheries]]**, Dunedin, full particulars relating to the transport and storage of the lobsters or lobster tails between the packing house and the ship or aircraft on which they are to be exported from New Zealand:
- (e) Rock lobsters for export shall, to the satisfaction of a fishery officer or inspector, be alive immediately before tailing or processing is commenced in the authorised packing house:
- (f) Rock lobsters or rock lobster tails for sale in New Zealand shall, under the supervision of a fishery officer or inspector, be packed into consumer packs in an authorised packing house.
- (3) This regulation shall remain in force until the 19th day of March **[[1978]]**, and shall then expire.]

This regulation was substituted for the original regulation 8 (as amended by regulation 7 of S.R. 1971/86, and regulation 5 of S.R. 1971/172) by regulation 4 of S.R. 1972/125.

In subclause (2) (d) the reference to the Ministry of Agriculture and Fisheries was substituted for a reference to the Marine Department by s. 6 (2) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

In subclause (3) the figures "1978" were substituted for the figures "1975" by regulation 2 (6) of S.R. 1973/131.

9. Restriction on exporting rock lobsters—(1) Except as provided in regulation 8 of these regulations, no person shall export or pack for export, or ship for export, from New Zealand—

(a) Any spiny crayfish the tail of which is less than 6 in. in length;
or

(b) Any packhorse crayfish the tail of which is less than 8.5 in. in length; **[[or]]**

[[(c) Any spiny crayfish tail which is less than 6 in. in length; or

(d) Any packhorse crayfish tail which is less than 8.5 in. in length.]]

(2) Every person carrying on business as an exporter of rock lobsters, rock lobster tails, or rock lobster meat from New Zealand shall ensure that every container in which rock lobsters or rock lobster tails are packed for export bears the date of packing. The date of packing may be in a code known to an Inspector of Fisheries.

In subclause (1) (b) the word "or" was added, and paras. (c) and (d) were added, by regulation 8 of S.R. 1971/86.

10. Restriction on processing rock lobsters—No person shall process for the extraction of the rock lobster meat—

(a) Any spiny crayfish the tail of which is less than 6 in. in length;
or

(b) Any packhorse crayfish the tail of which is less than 8.5 in. in length; **[[or]]**

[[(c) Any spiny crayfish tail which is less than 6 in. in length; or

(d) Any packhorse crayfish tail which is less than 8.5 in. in length.]]

In para. (b) the word "or" was added, and paras. (c) and (d) were added, by regulation 9 of S.R. 1971/86.

11. Records to be maintained—(1) Every person carrying on the business of processing rock lobsters or rock lobster tails for export from New Zealand shall maintain in such form as may be required by [the Director-General of Agriculture and Fisheries] adequate records of—

- (a) The number or weight of rock lobsters or rock lobster tails received each day at the premises where he carries on the business of processing the rock lobsters for export:
- (b) The person from whom the rock lobsters or rock lobster tails were received:
- (c) The number of containers and the weight of rock lobsters, rock lobster tails, or rock lobster meat packed for export at the said premises each day.

(2) Every person carrying on business as aforesaid shall at any time during his ordinary hours of business, on being requested to do so by any Inspector of Fisheries, produce for inspection by the inspector all or any of the records required to be maintained under subclause (1) of this regulation.

(3) Every entry in the records required to be maintained under this regulation shall be labelled or marked with—

- (a) The serial number of each container in which rock lobsters, rock lobster tails, or rock lobster meat are packed:
- (b) The number of lobsters or tails or the weight of lobster meat packed in the container:
- (c) The date of packing (which date may be in a code known to an Inspector of Fisheries).

(4) Every person carrying on the business of processing rock lobsters shall ensure that every container of lobsters, lobster tails, or lobster meat packed for export bears a label or marking clearly showing the number of lobsters or tails or the weight of lobster meat, as the case may be, packed in the container and a batch number. Any such batch number may be in a code known to an Inspector of Fisheries.

In subclause (1) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Secretary for Marine by s. 6 (2) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

12. Restriction on taking, etc., rock lobster in soft-shell stage—

(1) No person shall take any rock lobster that is in the soft-shell stage.

(2) No person shall sell, purchase, or have in his possession any rock lobster which is in the soft-shell stage.

13. Baited net not to be used for taking rock lobsters—No person shall take rock lobsters by means of a baited set net whereby a piece of ordinary fishing net is baited and left submerged in the sea.

14. Restrictions on taking rock lobsters carrying external eggs, etc.—

(1) Every person who takes any rock lobster that is carrying external eggs 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 rock lobster or from any lobster tail.

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

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

15. Rock lobsters to be landed ashore alive—(1) Except as provided in regulation 16 of these regulations, every master of a registered fishing boat which is for the time being engaged in taking rock lobsters, and every person engaged in taking rock lobsters pursuant to a shore-fishing permit, shall ensure that all rock lobsters so taken are landed ashore alive.

(2) Where any person is charged with the offence of failing to comply with subclause (1) of this regulation, he shall not be convicted of the offence if he satisfies the Court that it was not practicable to land the rock lobsters ashore alive or that [the Director-General of Agriculture and Fisheries] or a fishery officer had specifically authorised the landing of those lobsters to which the charge relates.

(3) No person being the owner or master of any registered fishing boat shall have in his possession aboard or land from that boat or permit to be aboard that boat or landed from that boat the tail (being the 6 abdominal segments) of any rock lobster in the uncooked state that is separate from the cephalothorax or head and body, or the tail of any rock lobster that is attached to the eviscerated cephalothorax or head and body.

In subclause (2) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to a Superintendent of Mercantile Marine by s. 6 (2) (d) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

16. Regulation 15 not to apply in respect of water adjacent to parts of the south coast of the South Island—(1) Notwithstanding anything to the contrary in regulation 15 of these regulations it shall be lawful to tail in the uncooked state any rock lobster taken from 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) By any fishing boat registered at Bluff under Part I of the Fisheries Amendment Act 1963; or

(b) By any fishing boat registered under that Part of the 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 rock lobsters in those waters, has notified the local Inspector of Fisheries at that port of his intention to fish for rock lobsters 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 rock lobsters in those waters.

(2) No person shall land from any boat the tail of any rock lobster to which this regulation applies unless the tail is 6 in. or more in length.

(3) No person shall land any rock lobsters taken from the waters of the sea adjacent to the coast of the South Island lying between Waipapa Point and Bruce Bay by a registered fishing boat to which subclause (1) of this regulation applies except at the port or place of domicile of the boat or at any port or place lying between Puysegur Point and Bruce Bay.

(4) After giving the notice required by this regulation, the master or person in charge of the fishing boat shall not fish for rock lobsters from that boat in any other waters until he has notified [the Director-General of Agriculture and Fisheries] or the Inspector of Fisheries of the port or place at which the boat is domiciled of his return to that port or place.

(5) After having given the notice required under this regulation, the master or person in charge of the boat shall ensure that the tails of rock lobsters taken by the boat are at no time aboard the boat in waters other than those specified in this regulation except during the return passage from the place at which the lobsters were taken to the port or place of the boat's domicile at Dunedin, Greymouth, or Westport, as the case may be.

In subclause (4) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to a Superintendent of Mercantile Marine by s. 6 (2) (d) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

17. Lobster gear to be marked—(1) No person in fishing for rock lobsters from a registered fishing boat pursuant to a boat-fishing permit shall set or cause to be set from the boat any lobster pot unless the pot and the buoy or float attached to the pot is clearly and permanently marked with distinguishing port letters and registered number of the boat.

(2) No person in fishing for rock lobsters pursuant to a shore-fishing permit shall set or cause to be set any lobster pot unless the pot and the buoy or float attached to the pot is clearly and permanently marked with the surname and initials of the holder of the permit, the distinguishing port letters (being the port where the permit was issued), and the letters "SP".

(3) No person (not being a person engaged in fishing for rock lobsters pursuant to the authority of a boat-fishing or shore-fishing permit) shall set any lobster pot for the taking of rock lobsters unless the buoy or float attached to the pot is clearly and permanently marked with his surname and initials.

18. Apertures to be left in lobster pots—(1) No person, including the owner or master of a registered fishing boat, shall have on board the boat any lobster pot, unless there is incorporated in the pot at least one aperture at the bottom or lower edge of one end or side of the pot which will enable any undersized lobsters to escape from it.

(2) For the purposes of enabling undersized rock lobsters to escape from lobster pots, no person shall set any lobster pot, unless there is incorporated in it at the bottom or lower edge of one of its sides or ends at least one aperture of not less than the following dimensions:

(a) In the case of a pot set in the waters referred to in subclause (1) of regulation 6 of these regulations, $1\frac{1}{2}$ in. in height and 6 in. in width:

(b) In the case of a pot set in any other part of New Zealand fisheries waters, $2\frac{1}{8}$ in. in height and 12 in. in width:

Provided that nothing in this subclause shall restrict the use of a lobster pot which has a spot-welded square or rectangular mesh having spaces $2\frac{1}{8}$ in. in height between its horizontal wires.

(3) Every person, being the owner or master of any boat, shall ensure that no lobster pot is set from his boat, unless there is incorporated in the pot at least one aperture spaced at the bottom or lower edge of one end or side of the pot which will enable undersized lobsters to escape from it.

(4) This regulation shall come into force 6 months after the date of commencement of these regulations.

19. Restrictions on taking rock lobsters by persons not holding fishing permits—(1) No person shall take by any means whatsoever more than 6 rock lobsters on any one day or be in possession of more than 6 rock lobsters 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 rock lobsters on any one day or be in possession of more than 30 rock lobsters or the tails thereof taken on any one day:

Provided that if less than 5 persons are associated together they shall not take on any one day more than 6 rock lobsters for each such person or be in possession of more rock lobsters or the tails thereof taken on any one day than 6 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 rock lobsters 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 rock lobsters 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 rock lobsters 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 rock lobsters taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.

20. Restrictions on taking rock lobsters from certain parts of the sea—No person shall, notwithstanding that he may be the holder of a fishing permit, take for the purposes of sale any rock lobsters—

- (a) From the shore along that part of the west coast of the North Island lying between the mouth of the Tongaporutu River and Tirua Point; or
- (b) From the shore along that part of the west coast of the North Island lying between the mouth of the Okehu Stream and the mouth of the Waitotara River; or
- (c) From the place known as "Horokaka", which lies off the Whangawehi Inlet on the north side of the Mahia Peninsula in the North Island, those waters being the waters contained inside of 2 intersecting straight lines, one of which is the continuation seawards of a straight line between 2 posts situated at the western end of that inlet and the other of which is the continuation seawards of a straight line between 2 posts situated at the eastern end of that inlet, all such posts being painted yellow; or
- * (d) From the waters in the vicinity of Bare Island off Waimarama, being the waters contained inside of 2 intersecting straight lines, one of which is the continuation seawards of a straight line between 2 posts situated at the mouth of the Waipuka Stream near Ocean Beach Township and the other of which is the continuation seawards of a straight line between 2 posts situated on the mainland of the east coast of the North Island opposite Te Karamea (or Red Island), all such posts being painted yellow; or
- (e) From the waters on the north side of Mahia Peninsula in the North Island contained within 2 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 2 posts situated at Pariokena, all such posts being painted yellow; or
- (f) From the waters of Hawke Bay in the North Island inside of a straight line from the end of the breakwater at Waikokopu to Te Hoe Point on the south side of Mahia Peninsula;
- (g) From the waters in Milford Sound and all those waters in the vicinity of Milford Sound lying inside a straight line drawn from St. Anne's Point to Stripe Point.

As to restrictions on the taking of rock lobsters off the east coast of Otago, see regulation 7 of S.R. 1972/125 reprinted in the notes to regulation 6 of these regulations.

21. All rock lobsters to be alive when processed—(1) No person shall tail any rock lobster which has been caught from a registered fishing boat pursuant to the authority of a boat-fishing permit, or a shore-fishing permit, unless the rock lobster is alive when the tailing commences.

(2) The owner and manager (if any) of any premises where the business of processing rock lobsters is carried on shall ensure that no rock lobster is tailed unless it is alive when the tailing commences:

Provided that nothing in this subclause shall apply to rock lobsters to which regulation 16 of these regulations relates.

***NOTE**—The waters described in paragraph (d) of regulation 20 of these regulations also enclose the "break" to the north-east of Bare Island known as Tokorarangi or Drock Head, and the upwelling known as Ngapuhake to the south-east of Bare Island.

22. Rock lobsters to be placed in labelled containers—(1) It shall not be lawful for any person—

- (a) To transfer rock lobsters or rock lobster tails from one registered fishing boat to any other boat; or
- (b) To land from any registered fishing boat or any other boat any rock lobsters or rock lobster tails; or
- (c) After any such rock lobsters or rock lobster tails have been landed from a registered fishing boat or from any other boat, to convey the lobsters or lobster tails by any means whatsoever to any storing, processing, wholesaling, or retailing premises or to receive any such lobsters or lobster tails into any such premises—

unless the lobsters or lobster tails are contained in sacks or other types of containers, which are externally and visibly labelled to indicate clearly the registered distinguishing marks of the registered fishing boat from which the lobsters were caught, the name of the consignor and the consignee, the date on which the lobsters were caught, and the signature of the master of [the] boat.

(2) Both the owner and the master of a registered fishing boat engaged in rock lobster fishing shall ensure that no person transfers or lands rock lobsters or rock lobster tails in contravention of paragraph (a) or paragraph (b) of subclause (1) of this regulation.

(3) It shall not be lawful for any person to convey or cause to be conveyed by any means whatsoever any rock lobsters or rock lobster tails that have been taken pursuant to a shore-fishing permit to any storing, processing, wholesaling, or retailing premises or to receive any such lobsters or lobster tails into any such premises, unless the lobsters or lobster tails are contained in sacks or other types of containers, which are externally and visibly labelled to indicate clearly, the surname and initials of the holder of the shore-fishing permit, the distinguishing letters of the port at which the permit was issued, the letters "SP", the name of the consignor and consignee, the date on which the lobsters were caught, and the signature of the permit holder.

(4) The operator or person in charge of any conveyance for the time being used in the conveying of rock lobsters or rock lobster tails, other than rock lobsters taken pursuant to regulation 19 of these regulations, shall ensure that no person conveys in the conveyance any rock lobsters or rock lobster tails in containers which are not labelled in accordance with this regulation.

(5) The owner and manager (if any) of any premises where the business of storing, processing, wholesaling, or retailing rock lobsters or rock lobster tails is carried on, or, where the premises are leased, the lessee of those premises, shall ensure that no person employed by him receives any rock lobsters or rock lobster tails in contravention of subclause (3) [or paragraph] (c) of subclause (1) of this regulation.

(6) No person shall remove the label affixed to a container containing rock lobsters or rock lobster tails pursuant to subclause (1) or subclause (3) of this regulation, until the processing of the lobsters or lobster tails is commenced.

In subclause (1) the word "the" was inserted by regulation 10 (a) of S.R. 1971/86.

In subclause (5) the words "or paragraph" were substituted for the words "and paragraph" by regulation 10 (b) of S.R. 1971/86.

23. Use of measuring sticks—(1) To ascertain whether a rock lobster or the tail of a rock lobster is undersized, it shall be measured with a measuring stick of a type shown in the Second Schedule to these regulations.

(2) In using a measuring stick, no more pressure shall be exerted on the measuring stick or on any part of the rock lobster or the tail of a rock lobster being measured—

- (a) Than will straighten the ventral surface of the tail against the measuring stick; and
- (b) Than will hold the pin on the measuring stick against the after side of the calcified bar on the ventral surface of the first segment of the tail.】

This regulation was substituted for the original regulation 23 by regulation 5 of S.R. 1972/125.

24. Offence to sell or receive rock lobsters in certain cases—Every person commits an offence against these regulations who—

- (a) Sells any rock lobster which has been taken (whether for sale or not) by any vessel other than a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat, or by any person not operating from a vessel otherwise than pursuant to a shore-fishing permit; or
- (b) Receives any rock lobster from any vessel into any fish shop, fish shed, or fish factory, or on any premises (not being a dwellinghouse) where rock lobsters are stored or processed, unless he has previously ascertained that the vessel was a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat; or
- (c) Receives any rock lobster (otherwise than from a vessel) into any fish shop, fish shed, or fish factory, or on any premises (not being a dwellinghouse) where rock lobsters are stored or processed, unless he has previously ascertained that the lobster was taken pursuant to a valid shore-fishing permit:

Provided that, in any proceedings for an offence against paragraph (a) of this subclause, it shall be a defence if the defendant satisfies the Court that he did not know, and could not with the exercise of reasonable care have known, that the lobsters to which the alleged offence relates were so taken.

25. Master of fishing boat to ensure regulations not contravened—Every master of a fishing boat engaged in rock lobster fishing shall ensure that no person for the time being lawfully on the boat contravenes any prohibition contained in these regulations.

26. Offences and penalties relating to illegal rock lobster fishing, etc.—
(1) Every person (being a person engaged in taking rock lobsters for the purposes of sale, or in storing, processing, wholesaling, or retailing rock lobsters or rock lobster tails) commits an offence, and is liable to a fine not exceeding \$1,000 in respect of any such offence and to a further fine not exceeding \$5 for each rock lobster or rock lobster tail in respect of which the offence was committed, who—

- (a) . . . Fails to comply with or contravenes any provision of these regulations; or
 - (b) Without reasonable excuse, fails to comply with any condition or requirement lawfully imposed under these regulations.
- (2) Every person (not being a person to whom subclause (1) of this regulation relates) commits an offence, and is liable to a fine not exceeding \$500 in respect of any such offence and to a further fine not exceeding \$5 for each rock lobster or rock lobster tail in respect of which the offence was committed, who . . . fails to comply with or contravenes any provision of these regulations.
- (3) Notwithstanding the provisions of subclause (2) of this regulation, where a person is convicted of an offence against regulation 14 of these regulations, he shall be liable to a fine not exceeding \$1,000 in respect of the offence and to a further fine not exceeding \$5 for each rock lobster or rock lobster tail in respect of which the offence was committed.

In subclauses (1) and (2) the word "knowingly" was omitted by regulation 11 (1) and (2) respectively of S.R. 1971/86.

27. Revocations, amendments, and saving—(1) The regulations specified in the Third Schedule to these regulations are hereby revoked.

(2) *Revoked by regulation 2 (2) (b) of S.R. 1971/282.*

(3), (4) *Revoked by regulation 4 (h) of S.R. 1971/71.*

(5), (6) *These subclauses amended the Fisheries (General) Regulations 1950, which have been reprinted in S.R. 1973/52.*

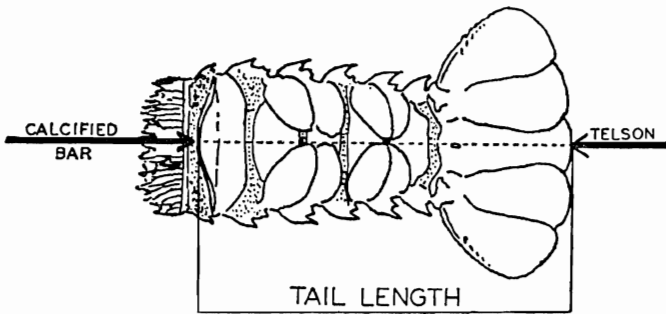
(7) *Impliedly revoked by regulation 13 of S.R. 1973/11.*

(8) For the period commencing on the date of commencement of these regulations and ending with the 31st day of March 1970, these regulations (except regulations 9, 10, 11, 17, 22, 24, 25, and 26) shall not apply in respect of rock lobsters taken from those parts of New Zealand fisheries waters adjacent to the Chatham Islands by registered fishing boats domiciled at any port or place in New Zealand outside the Chatham Islands, so long as the lobsters so taken are landed at that port or place; and in that event the provisions of the regulations specified in the Third Schedule to these regulations, notwithstanding their revocation by subclause (1) of this regulation, shall, so far as they are applicable and except so far as they conflict with the said regulations 9, 10, 11, 17, 22, 24, 25, and 26, continue to apply in respect of the lobsters (crayfish) so taken during the period specified in this subclause as if the revoked regulations had continued in force.

SCHEDULES

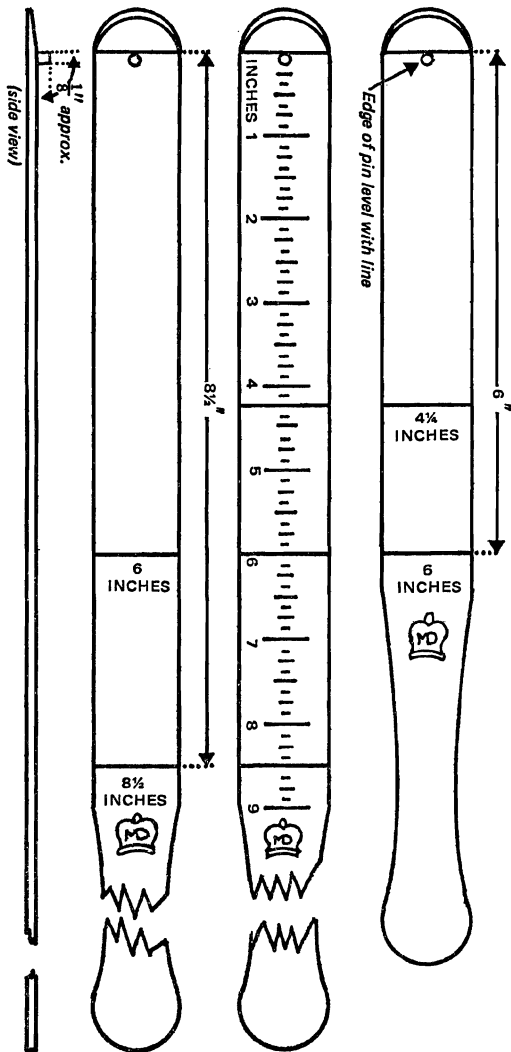
FIRST SCHEDULE
METHOD OF MEASURING TAIL LENGTH

Reg. 2



SECOND SCHEDULE

ROCK LOBSTER TAIL MEASURING STICKS



This schedule was substituted for the former Second Schedule (as substituted by regulation 6 of S.R. 1971/172) by regulation 6 of S.R. 1972/125.

THIRD SCHEDULE

Reg. 27 (1)

REVOCATIONS

Regulations	Statutory Reg- ulations Serial Number
The Fisheries (General) Regulations 1950, Amendment No. 6	1963/197
The Fisheries (General) Regulations 1950, Amendment No. 8: regulations 2 and 3	1964/211
The Fisheries (General) Regulations 1950, Amendment No. 9*: regulation 7	1967/112
The Fisheries (General) Regulations 1950, Amendment No. 10*: regulations 8, 9, and 10	1968/104

*Reprinted with Fisheries (General) Regulations 1950: S.R. 1973/52

P. J. BROOKS,
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936,
this 24th day of July, 1974.*

A. M. FINLAY, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 4 December 1969.
These regulations are administered in the Ministry of Agriculture and Fisheries.