



THE FISHERIES (GENERAL) REGULATIONS 1950, AMENDMENT NO. 38

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of April 1983

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

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Size of mesh of net 4. Power net fishing and multiple power net fishing 5. Prohibition of use of Danish seine net 6. Prohibited waters for use of Danish seine net 7. Trawl nets 8. Prohibition of use of trawl net 9. Prohibited waters for use of trawl net | <ol style="list-style-type: none"> 10. Prohibition of fishing in Double Cove 11. Restrictions on the taking of certain species of fish 12. Restrictions on taking snapper in Tasman Bay 13. Limitation on size of fish 14. Restrictions on fishing by vessels over 40 m registered length 15. Sixth Schedule added to principal regulations |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 38, 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 day after the date of their notification in the *Gazette*.

*S.R. 1950/147 (Reprinted with Amendments Nos. 1 to 35: S.R. 1981/241)
Amendment No. 36: S.R. 1981/299
Amendment No. 37: S.R. 1982/178

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

“Squid” means—

“(a) The fish, commonly known as arrow squid, which has the scientific name *Nototodarus sloanii*; and

“(b) The fish, commonly known as broad squid, which has the scientific name *Sepioteuthis bilineata*.”.

3. Size of mesh of net—Regulation 12 of the principal regulations is hereby amended by adding (in the place of the subclauses (3) and (4) that were added by regulation 3 (1) of the Fisheries (General) Regulations 1950, Amendment No. 36 and which expired with the 31st day of March 1983) the following subclauses:

“(3) Notwithstanding subclause (1) of this regulation, no person shall—

“(a) Take rig from the control area defined in subclause (4) of this regulation with any net the size of the mesh of which is less than 150 mm; or

“(b) Be in possession in the control area of any rig while also in the possession of any net the size of the mesh of which is less than 150 mm; or

“(c) Land from the control area any rig while in possession of any net the size of the mesh of which is less than 150 mm.

“(4) For the purpose of subclause (3) of this regulation, the term ‘control area’ means the waters of Golden Bay and Tasman Bay lying inside a straight line drawn from the easternmost point of Farewell Spit to Cape Stephens.”

4. Power net fishing and multiple power net fishing—(1) The principal regulations are hereby amended by revoking regulation 69 (as substituted by regulation 9 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26 and as subsequently amended), 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)—

“(a) In areas 005, 006, or area 007 of the Auckland Fisheries Management Area; or

“(b) In the Tasman Bay Fisheries Management Area if the size of the mesh (as ascertained in accordance with regulation 8 of these regulations) is less than 125 mm in the last 3 m of the closed end of the net; or

“(c) In the Hawke Bay Fisheries Management Area; or

“(d) In the Bay of Plenty Fisheries Management Area if the size of the mesh (as ascertained in accordance with regulation 8 of these regulations) is less than 125 mm in the last 3 m of the closed end of the net.

“(4) No person shall use any mechanically operated surrounding net for the purpose of taking snapper—

“(a) In areas 005, 006, or area 007 of the Auckland Fisheries Management Area; or

“(b) Three days after the date of publication of any notice that the Director-General has given pursuant to regulation 106T(4) of these regulations, in the Tasman Bay Fisheries Management Area for the remainder of any control period in respect of which that notice was given.

“(5) Nothing in this regulation shall forbid—

“(a) The use, in waters in which trawling or Danish seining is not entirely forbidden, 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 72 (25) of these regulations except, for the purposes of taking snapper, in the Tasman Bay Fisheries Management Area during any part of any control period in respect of which the Director-General has given notice pursuant to regulation 106T(4) of these regulations; or

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

“(d) The use, at any time in the period commencing on the 1st day of September in any year and ending with the close of the last day of February in the following year, 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 Cape Barrier (the reference points named being as shown on chart N.Z. 522); or

“(e) The use, within any waters in which Danish seining is prohibited pursuant to regulation 71 and subclause (10A) or subclause (25B) of regulation 72 of these regulations, of a mechanically operated surrounding net for purposes other than the taking of snapper.”

(2) The following regulations are hereby consequentially revoked:

(a) Regulations 77 (3) (c) and 106w of the principal regulations (as inserted by regulation 6 (2) and regulation 8 respectively of the Fisheries (General) Regulations 1950, Amendment No. 36):

(b) Regulation 9 of the Fisheries (General) Regulations 1950, Amendment No. 26:

(c) Regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 34:

(d) Regulations 5 (2), (4), (5), and 6 (2) and 8 of the Fisheries (General) Regulations 1950, Amendment No. 36.

5. Prohibition of use of Danish seine net—(1) The principal regulations are hereby amended by revoking regulation 71 (as amended by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 13 and by regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 37), and substituting the following regulation:

“71. (1) Subject to subclauses (2) and (5) of this regulation, no person shall haul or use a Danish seine net within the waters described in regulation 72 of these regulations.

"(2) In the case of the waters described in subclause (10B) of regulation 72 of these regulations, subclause (1) of this regulation applies only in respect of the use of a Danish seine net from a vessel of 19 m or more registered length.

"(3) In the case of the waters described in subclauses (19), (22A), and (22B) of regulation 72 of these regulations, subclause (1) of this regulation applies only in respect of the period beginning with the date of the commencement of the Fisheries (General) Regulations 1950, Amendment No. 38 and ending with the 30th day of April 1983.

"(4) In the case of the waters described in subclause (23A) of regulation 72 of these regulations, subclause (1) of this regulation applies only in respect of the period beginning with the date of the commencement of the Fisheries (General) Regulations 1950, Amendment No. 38 and ending with the 30th day of September 1983.

"(5) In the case of the waters described in subclause (23B) of regulation 72 of these regulations, subclause (1) of this regulation applies only in respect of the use of a Danish seine net from a vessel of 13.5 m or more overall length."

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 13;

(b) Regulation 6 of the Fisheries (General) Regulations 1950, Amendment No. 37.

6. Prohibited waters for use of Danish seine net—(1) Regulation 72 of the principal regulations is hereby amended by revoking subclause (10B) (as inserted by regulation 10 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26 and as amended by regulation 4 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34), and substituting the following subclause:

"(10B) Areas 005 and 006 of the Auckland Fisheries Management Area."

(2) Regulation 72 of the principal regulations is hereby further amended by inserting, after subclause (23), the following subclauses and headings:

"Whakaki Lagoon to Waihua River

"(23A) The waters lying inside a straight line commencing at the Waihua River mouth (at 39°05.7'S and 177°17.1'E), then proceeding in a southeasterly direction to a point 39°11.3'S and 177°21.2'E, then proceeding in a northeasterly direction to the eastern end of Whakaki Lagoon (at 39°03.4'S and 177°34.2'E), then proceeding along high water mark to the point of commencement.

"Waipatiki Stream to Cape Kidnappers

"(23B) The waters lying inside a straight line commencing at Cape Kidnappers lighthouse (at 39° 38.8'S and 177° 05.5'E), then to the mouth of the Waipatiki Stream (at 39° 18.1'S and 176° 58.6'E), then proceeding along high water mark to the point of commencement."

(3) Regulation 4 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34 is hereby consequentially revoked.

7. Trawl nets—(1) The principal regulations are hereby amended by revoking regulation 75 (as substituted by regulation 8 of the Fisheries (General) Regulations 1950, Amendment No. 37), and substituting the following regulation:

"75. (1) No person shall use for taking fish, or be in possession of, any trawl net that has—

"(a) More than one layer of mesh; or

"(b) Liners, sleeves, or flappers of any material whatsoever; or

"(c) Any mode of strengthening having centres of less than 1 m.

"(2) No person shall use for taking fish in the Auckland Fisheries Management Area any trawl net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is less than 125 mm in the last 3 m of the closed end of the net.

"(3) No person shall use for taking fish in the Bay of Plenty Fisheries Management Area 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), being a net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is less than 125 mm in the last 3 m of the closed end of the net.

"(4) No person shall use for taking fish in the Hawke Bay Fisheries Management Area 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).

"(5) No person shall use for taking fish in the Tasman Bay Fisheries Management Area 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), being a net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is less than 125 mm in the last 3 m of the closed end of the net.

"(6) Notwithstanding subclauses (2) to (5) of this regulation, no person shall use for taking fish, or be in possession of (except while in transit to or from area E of the New Zealand Fisheries Management Area), in any part of areas A, B, C, D, F, G, and H of the New Zealand Fisheries Management Area, a trawl net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is, in any part, less than 100 mm.

"(7) No person shall use for taking fish, or be in possession of, in area E of the New Zealand Fisheries Management Area, a trawl net the size of the mesh of which (as ascertained in accordance with regulation 8 of these regulations) is, in any part, less than 60 mm.

"(8) Nothing in this regulation shall be construed to prohibit the use of any chafer or chafing gear on the underside of the trawl net if the after end of any such chafer or chafing gear is and remains detached from the trawl net."

(2) Regulations 1 (3) and 8 of the Fisheries (General) Regulations 1950, Amendment No. 37 are hereby consequentially revoked.

8. Prohibition of use of trawl net—(1) The principal regulations are hereby amended by revoking regulation 79 (as amended by regulation 6 (3) of the Fisheries (General) Regulations 1950, Amendment No. 12 and by regulation 4 of the Fisheries (General) Regulations 1950, Amendment No. 13), and substituting the following regulation:

"79. (1) Subject to subclauses (2), (5), and (6) of this regulation, no person shall haul or use a trawl net within the waters described in regulation 80 of these regulations.

"(2) In the case of the waters described in subclause (12B) of regulation 80 of these regulations, subclause (1) of this regulation applies only in respect of the use of a trawl net from a vessel of 19 m or more registered length.

"(3) In the case of the waters described in subclauses (13), (16A), and (16B) of regulation 80 of these regulations, subclause (1) of this regulation applies only in respect of the period beginning with the date of the commencement of the Fisheries (General) Regulations 1950, Amendment No. 38 and ending with the 30th day of April 1983.

"(4) In the case of the waters described in subclause (17A) of regulation 80 of these regulations, subclause (1) of this regulation applies only in respect of the period beginning with the date of the commencement of the Fisheries (General) Regulations 1950, Amendment No. 38 and ending with the 30th day of September 1983.

"(5) In the case of the waters described in subclause (17B) of regulation 80 of these regulations, subclause (1) of this regulation applies only in respect of the use of a trawl net from a vessel of 13.5 m or more registered length.

"(6) In the case of the waters described in subclause (35) of regulation 80 of these regulations, subclause (1) of this regulation applies only in respect of the period that begins on the 1st day of June and ends with the close of the 31st day of August in each year."

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 6 (3) of the Fisheries (General) Regulations 1950, Amendment No. 12:

(b) Regulation 4 of the Fisheries (General) Regulations 1950, Amendment No. 13:

(c) Regulation 9 of the Fisheries (General) Regulations 1950, Amendment No. 37.

9. Prohibited waters for use of trawl net—(1) Regulation 80 of the principal regulations is hereby amended by revoking subclause (12B) (as inserted by regulation 14 (1) of the Fisheries (General) Regulations 1950, Amendment No. 26 and as amended by regulation 7 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34), and substituting the following subclause:

"(12B) Areas 005 and 006 of the Auckland Fisheries Management Area."

(2) Regulation 80 of the principal regulations is hereby further amended by inserting, after subclause (17), the following subclauses and headings:

"Whakaki Lagoon to Waihua River

"(17A) All waters lying inside a straight line commencing at the Waihua River mouth (at 39°05.7'S and 177°17.1'E), then proceeding in a southeasterly direction to a point 39°11.3'S and 177°21.2'E, then proceeding in a northeasterly direction to the eastern end of Whakaki Lagoon (at 39°03.4'S and 177°34.2'E), then proceeding along high water mark to the point of commencement.

"Waipatiki Stream to Cape Kidnappers

"(17B) All those waters lying inside a straight line commencing at Cape Kidnappers lighthouse (at 39° 38.8'S and 177° 05.5'E), then to the mouth of the Waipatiki Stream (at 39° 18.1'S and 176° 58.6'E), then proceeding along high water mark to the point of commencement."

(3) Regulation 7 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34 is hereby consequentially revoked.

10. Prohibition of fishing in Double Cove—(1) The principal regulations are hereby amended by revoking regulation 84A (as inserted by regulation 5 of the Fisheries (General) Regulations 1950, Amendment No. 2), and substituting the following regulation:

“84A. No person shall take any fish from those waters of Double Cove in Queen Charlotte Sound enclosed within a straight line drawn from Nohokouau Point to the southernmost point of the peninsular lying between Double Cove and Torea Bay.”

(2) Regulation 5 of the Fisheries (General) Regulations 1950, Amendment No. 2 is hereby consequentially revoked.

11. Restrictions on the taking of certain species of fish—(1) The principal regulations are hereby amended by revoking regulation 106Q (as substituted by regulation 10 of the Fisheries (General) Regulations 1950, Amendment No. 35 and amended by regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 37), and substituting the following regulation:

“106Q. (1) There shall be quotas for the taking of hake, silver warehou, orange roughy, hoki, oreo dory, ling, and squid from the New Zealand Fisheries Management Area in that part of each fishing year that begins on the 1st day of October and ends with the close of the 30th day of September.

“(2) The quota for each such species of fish shall be as specified for that species in the Sixth Schedule to these regulations in relation to that area of the New Zealand Fisheries Management Area from which the species is taken.

“(3) When the Director-General is satisfied that, in any fishing year, registered fishing boats have taken the quota of fish specified from any of the areas so specified in the Sixth Schedule to these regulations, he may, by public notice in such newspapers circulating generally throughout New Zealand as he thinks appropriate, give notice that the taking of any of the species of fish in respect of which the quota has been filled is prohibited for the remainder of that fishing year from the area from which the fish were taken to fill the quota.

“(4) No person shall take orange roughy by any method from the New Zealand Fisheries Management Area during the period in each fishing year that begins on the 1st day of August and ends with the close of the 30th day of September.”

(2) Notwithstanding anything in regulation 106Q of the principal regulations or in the Sixth Schedule to the principal regulations (as inserted by regulation 15 of these regulations), there shall, in respect of orange roughy, for the period commencing with the day of commencement of these regulations and expiring with the close of the 31st day of July 1983, be the following quotas:

From area B	..	..	..	1,000 tonnes
From area C	..	..	..	2,000 tonnes
From area D	..	..	..	14,000 tonnes
From the rest of the New Zealand Fisheries Management Area	..	..	..	3,000 tonnes
				<hr/>
				20,000 tonnes

(3) The following regulations are hereby consequentially revoked:

- (a) Regulations 106R, 106U, 106X, 106Y, and 106Z of the principal regulations:
- (b) Regulation 10 of the Fisheries (General) Regulations 1950, Amendment No. 35:
- (c) Regulations 13, 14, and 15 of the Fisheries (General) Regulations 1950, Amendment No. 37.

12. Restrictions on taking snapper in Tasman Bay—(1) Regulation 106T of the principal regulations (as inserted by regulation 10 (2) of the Fisheries (General) Regulations 1950, Amendment No. 34) is hereby amended by revoking subclause (4) (as amended by regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 36), and substituting the following subclause:

“(4) When the Director-General is satisfied that approximately 400 tonnes of snapper have been taken by registered fishing vessels from the control area during the control period (or such greater figure, not exceeding 650 tonnes, decided by the Director-General after consultation with such members of the fishing industry as he considers appropriate and notified in a daily newspaper circulating generally within the districts adjoining Tasman Bay), he shall, by notice published in a daily newspaper circulating generally within the districts adjoining Tasman Bay, so declare and give notice that the provisions relating to the Tasman Bay Fisheries Management Area contained in regulations 69 (3) (b), (4) (b), (5) (b), 72 (25B), and 77 (3) (b) of these regulations shall come into force 3 days after the date of the publication of that notice.”

(2) Regulation 7 of the Fisheries (General) Regulations 1950, Amendment No. 36 is hereby consequentially repealed.

13. Limitation on size of fish—(1) Regulation 107 of the principal regulations (as amended by regulation 4 (1) of the Fisheries (General) Regulations 1950, Amendment No. 29) is hereby amended by inserting in the table following subclause (1), in the appropriate columns after the expression relating to “Tarakihi”, the following item:

“Trevally (*Caranx georgianus*) 25 cm”

(2) The said regulation 107 is hereby further amended by adding the following subclause:

“(3) No person, whether the holder of a fishing permit issued under section 12 of the Fisheries Amendment Act 1963 or the holder of a licence or consent issued or given under section 15 or section 23 of the Territorial Sea and Exclusive Economic Zone Act 1977, or not, shall take or buy or have in possession or sell any snapper (*Chrysophrys auratus*) or trevally (*Caranx georgianus*) which is shorter than 25 cm in length. The measurement of length shall be made from the tip of the nose to the posterior end of the middle ray of the tail fin.”

14. Restrictions on fishing by vessels over 40 m registered length—The principal regulations are hereby amended by inserting, after regulation 107I (as inserted by regulation 10 of the Fisheries (General) Regulations 1950, Amendment No. 36), the following regulation:

“107J. No person shall fish from any New Zealand registered fishing boat of over 40 m registered length—

“(a) In those waters specified in the Second Schedule to the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978; or

“(b) In area B of the New Zealand Fisheries Management Area; or
“(c) In the territorial sea.”

15. Sixth Schedule added to principal regulations—The principal regulations are hereby amended by adding the Sixth Schedule set out in the Schedule to these regulations.

SCHEDULE

Reg. 15

NEW SIXTH SCHEDULE TO PRINCIPAL REGULATIONS

“SIXTH SCHEDULE

Reg. 106Q

Species of Fish			Area of New Zealand Fisheries Management Area			Quota in Tonnes
Hake	..	..	D	..	..	700
			G	..	..	1,000
			The rest of the Exclusive Economic Zone (excluding area E)			
			..	..	700	
						2,400
Silver Warehou			C	..	..	1,000
			D	..	..	1,100
			F	..	..	2,900
			G	..	..	1,000
						6,000
Orange Roughy	..	..	B	..	..	2,000
			C	..	..	4,000
			D	..	..	21,750
			The rest of the Exclusive Economic Zone (excluding area E)			
			..	..	4,950	
			32,700			
Hoki	..	..	G	..	..	20,000
			The rest of the Exclusive Economic Zone (excluding area E)			
			..	..	20,400	
			40,400			

SCHEDULE—continued

Species of Fish	Area of New Zealand Fisheries Management Area	Quota in Tonnes
Oreo Dories	C	10,000
	D	6,750
	The rest of the Exclusive Economic Zone (excluding area E)	3,850
		<hr/> 20,600 <hr/>
Ling	Area F, and that part of area E of the New Zealand Fisheries Management Area commencing at the eastern end of the southern boundary of area F of the New Zealand fisheries Management Area then proceeding in a southerly direction to point 49°00'S and 169°00'E; thence in a westerly direction to the boundary of the New Zealand Exclusive Economic Zone; thence in a northerly direction along that boundary to the western end of the southern boundary of the said Area F at 48°30'S; thence eastward along that boundary to the point of commencement	2,000
	The rest of the Exclusive Economic Zone (excluding area E)	6,000
		<hr/> 8,000 <hr/>
Squid	The Southern Islands Management area	14,000
	The rest of the Exclusive Economic Zone (excluding area E)	16,300
		<hr/> 30,000'' <hr/>

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 gives the scientific name of squid.

Regulation 3 relates to restrictions on the size of mesh of nets used in taking rig.

Regulation 4 consolidates regulation 69 of the principal regulations and the amendments to that regulation in relation to power net fishing and multiple power net fishing. Paragraphs (b), (c), and (d) of subclause (3) are new.

Regulations 5 and 6 relate to Danish seining. Regulation 5 consolidates regulation 71 of the principal regulations. Subclauses (4) and (5), which relate to the nature of the restrictions imposed in the prohibited waters described in regulation 6, are new.

Regulations 7 to 9 repeat, in relation to trawl nets, the prohibitions imposed by regulations 5 and 6 in relation to Danish seining.

Regulation 10 replaces the present prohibition against fishing in Double Cove by long line or set line with a total prohibition against all types of fishing.

Regulation 11 consolidates into regulation 106Q of, and a new Sixth Schedule to, the principal regulations, all regulations relating to quotas for fish. A transitional provision is provided for the taking of orange roughy until 31 July 1983.

Regulation 12 amends the provisions relating to the taking of snapper in Tasman Bay.

Regulation 13 imposes a minimum size limit of 25 cm on trevally and snapper, whether caught by an amateur or commercial fisherman.

Regulation 14 prohibits fishing vessels of over 40 m registered length from fishing in the waters described in the regulation.

Regulation 15 adds the new Sixth Schedule (which specifies quotas for fish) to the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 April 1983.

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