

**Version
as at 1 November 2022**



Fisheries Act 1983

Public Act 1983 No 14
Date of assent 23 September 1983
Commencement see section 1(2)

Fisheries Act 1983: repealed, on 1 November 2022, by section 22 of the Fisheries Amendment Act 2022 (2022 No 56).

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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Miscellaneous provisions

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<i>[Repealed]</i>	
Schedule 3	61
Enactments amended	
<i>[Repealed]</i>	

An Act to consolidate and reform the law relating to the management and conservation of fisheries and fishery resources within New Zealand and New Zealand fisheries waters

1 Short Title and commencement

- (1) This Act may be cited as the Fisheries Act 1983.
- (2) Subject to section 108(6), this Act shall come into force on 1 October 1983.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

annual allowable catch, in relation to scallops in the Southern Scallop Fishery, means the annual allowable catch specified in Part 3 of Schedule 1D

approved,—

- (a) in relation to Part 3, means approved by the Authority; and
- (b) in all other cases, means approved by the Director-General

aquatic life, in relation to New Zealand fisheries waters, means any species of plant or animal life (except birds) which, at any time of the life history of the species, must inhabit water; and includes any part of such plant or animal

area within the jurisdiction of the local Fish and Game Council means the district administered by a Fish and Game Council or, where there is no Fish and Game Council, a district administered by the Department of Conservation

Authority means the Fisheries Authority established under section 13(1)

beach cast seaweed means seaweed of any species that is unattached and cast ashore

boat authority means a licence, approved by the Authority, which sets out those particulars of a controlled fishery licence that apply to a particular fishing vessel used by the person holding the licence

commercial fisherman means any person who has a fishing permit issued under section 63 entitling the person to take any species or class of fish, aquatic life, or seaweed

commercial fishing means taking fish for sale within New Zealand or New Zealand fisheries waters

Commission means the Treaty of Waitangi Fisheries Commission established by section 4 of the Maori Fisheries Act 1989

controlled fish means any fish in respect of which a fishery has been declared to be a controlled fishery under this Act

controlled fishery means a fishery which the Governor-General, by Order in Council, has declared to be a controlled fishery; and includes all persons and vessels engaged in fishing a controlled fishery

Director-General means the responsible chief executive

dredge oyster means the mollusc known as *Tiostrea chilensis*

Environment Court means the Environment Court constituted under the Resource Management Act 1991

exclusive economic zone means the exclusive economic zone of New Zealand as defined by section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

fish includes all species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes, and all shellfish, at all stages of the life history of such finfish and shellfish; and includes any part thereof

Fish and Game Council means a Fish and Game Council established under section 26P of the Conservation Act 1987

fishery means 1 or more stocks or parts of stocks or 1 or more species of fish, aquatic life, or seaweed that can be treated as a unit for the purposes of conservation or management

fishery management area means any area so declared pursuant to section 5

fishery officer means any officer specified as such in section 76

fishery resource means any fishery, or any stock, species, habitat, or location of fish, aquatic life, or seaweed

fishing means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and includes any other activity which may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and also includes any operation in support of or in preparation for any activities described in this definition

Fishing Industry Board means the New Zealand Fishing Industry Board established under the Fishing Industry Board Act 1963

fishing permit means a permit issued pursuant to section 63

fishing unit, in relation to a controlled fishery licence, means the vessel or vessels used by the licence holder in carrying out the business of fishing together with all gear and equipment used in association with that business; and includes any employee of the licence holder engaged in that business

fishing vessel includes every description of vessel, aircraft, hovercraft, or other thing, of whatever size, that is capable of being used in fishing

fishing year means,—

- (a) in relation to rock lobster and southern blue whiting, and in relation to scallops in the Southern Scallop Fishery and in the Northland scallop fishery (as defined in the Fisheries Act 1996), a period of 12 months commencing on each 1 April; and
- (b) in relation to any other species of fish, a period of 12 months commencing on each 1 October

foreign fishing craft means any fishing vessel that is not a New Zealand fishing vessel

foreign owned New Zealand fishing vessel means a New Zealand fishing vessel that cannot be registered without the consent of the Director-General under section 57(8)

Foveaux Strait dredge oyster means any dredge oyster found in the Foveaux Strait dredge oyster fishery

Foveaux Strait dredge oyster fishery means the Foveaux Strait dredge oyster fishery defined in regulation 2 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986

freshwater eel means the species *Anguilla australis*, *Anguilla dieffenbachii*, and *Anguilla reinhardtii*, in all areas in New Zealand fisheries waters

internal waters means all internal waters of New Zealand as defined by section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

lease, in relation to any individual transferable quota or transferable term quota, includes a sublease

licence, in relation to Part 3, means a controlled fishery licence issued under that Part

management plan means a fishery management plan prepared under section 6

marine farming means the activity of breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest; but does not include—

- (a) any such activity undertaken pursuant to regulations made under section 91; or
- (b) any such activity where fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or
- (c) any such activity where the fish, aquatic life, or seaweed being farmed cannot be distinguished, or be kept separate, from naturally occurring fish, aquatic life, or seaweed—

and **to farm** has a corresponding meaning which includes any operation in support of, or in preparation for, any marine farming

marine farming permit means a permit issued under section 67J

master, in relation to any vessel (whether a fishing vessel or not), means any person for the time being having command or charge of the vessel

meatweight, in relation to scallops, means the weight of scallops remaining when the shell, skirt, and gut have been removed and discarded

Minister means the Minister of Fisheries

Ministry means the responsible Ministry

New Zealand fisheries waters means—

- (a) all waters in the exclusive economic zone of New Zealand;
- (b) all waters of the territorial sea of New Zealand;
- (c) all internal waters of New Zealand;
- (d) all other fresh or estuarine waters where fish indigenous to or acclimatised in New Zealand are found

New Zealand fishing vessel means any fishing vessel registered under section 57

optimum, in relation to the maximum sustainable yield from a fishery, means the maximum sustainable yield from that fishery modified, for the purposes of a management plan, by any relevant economic, social, recreational, or ecological factor

owner, in relation to any fishing vessel, includes any body of persons, whether incorporated or not, by which the vessel is owned and except as provided in section 57(9)(c), includes any charterer, sub-charterer, lessee, or sub-lessee of the vessel

PAU 5A or Quota management area PAU 5A—Fiordland, PAU 5B or Quota management area PAU 5B—Stewart Island, or PAU 5D or Quota management area PAU 5D—Southland and Otago means the area having

that name and reference number and described in Part 3 of Schedule 1 of the Fisheries Act 1996

paua means a fish of the species *Haliotis iris* or *Haliotis australis*; but does not include a fish of the species *Haliotis virginea*

plan means a fishery management plan made pursuant to Part 1

port has the same meaning as in section 2(1) of the Harbours Act 1950

possession means possession of or control over any fish, or possession of or control over any vessel, vehicle, container, package, thing, or place in or on which the fish are found, either jointly or on one's own account

premises means any land or building; and includes any vessel, aircraft, or hovercraft, or any vehicle or conveyance of any kind whatever

processing includes cutting, shelling, and the use of all methods of manufacture and preservation

public authority includes every local authority and every department or instrument of the Executive Government of New Zealand or local authority; and includes the New Zealand Maori Council and the National Parks and Reserves Authority established under section 17 of the National Parks Act 1980

Quota Appeal Authority means the Quota Appeal Authority established under section 28A

quota management area means any fishery management area or quota management area described in Schedule 1 of the Fisheries Act 1996

quota management system means a quota management system established under Part 2A or Part 2B

Registrar means a Registrar of the Ministry appointed under section 56

rock lobster means—

- (a) the spiny rock lobster (*Jasus edwardsii*); and
- (b) the packhorse rock lobster (*Jasus verreauxi*)

sale includes every method of disposition for valuable consideration, including barter; and includes the disposition to an agent for sale on consignment; and also includes offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and also includes disposal by way of raffle, lottery, or other game of chance; and **sell** and **sold** have corresponding meanings

scallop means the mollusc *Pecten novaezelandiae*; but does not include scallop spat

scallop spat—

- (a) means the pelagic larval stage of the mollusc *Pecten novaezelandiae*; and

(b) includes any shelled animal of that species that has been retained by fishing gear on which it settled while in the larval stage

seaweed includes all kinds of algae and sea-grasses that grow in New Zealand fisheries waters below low water, or on tidal lands

shellfish includes all species of the phylum Echinodermata and phylum Mollusca and all species of the class Crustacea at all stages of the life history of all such fish

Southern Scallop Fishery has the same meaning as it has in the Fisheries Act 1996

Southern Scallop Fishery Advisory Committee means the advisory committee established under section 28ZZD

southern scallop season means the season for the time being determined by the Minister under section 28ZM(3); and includes any extension of the season under that provision

spat means any lifecycle stage or size-range of any fish, aquatic life, or seaweed that is declared by the Director-General by notice in the *Gazette* to be spat for the purposes of this Act

spat catching permit means a permit to take spat issued under section 67Q

sports fish has the same meaning as in the Conservation Act 1987

taking means fishing; and **to take** has a corresponding meaning

territorial sea means all waters of the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

tidal lands means such areas of land as are covered and uncovered by the effect of ordinary spring tides

tidal water means such part of the sea or of a river or creek as is within the effect of ordinary spring tides

total allowable catch, with respect to the yield from a fishery, means the amount of fish, aquatic life, or seaweed that will produce from that fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors, fishing patterns, the interdependence of stocks of fish, and any generally recommended sub-regional or regional or global standards

total allowable commercial catch means, in relation to a fishery subject to a quota management system under Part 2A, the total allowable commercial catch for that fishery specified pursuant to section 28C(1) or section 28CA or section 28OB or section 28OC

transferable term quota means quota that confers on the holder the right to take rock lobster at any time in the period of 25 years beginning on 1 April 1990 (being quota that may be transferred as if it were individual transferable quota allocated under Part 2A).

- (2) For the purposes of this Act and any regulations made under it, unless the context otherwise requires, the term **sale** does not include the disposal by public auction of fish taken by amateur fishermen during the course of a fishing competition, if the competition and the auction are carried out in accordance with any conditions imposed by the Director-General, either generally or specifically, and the proceeds from the auction, less only the auctioneer's commission (if any) and similar related expenses, are applied to purposes which are cultural, benevolent, philanthropic, or charitable.

Section 2(1) **acclimatisation district**: repealed, on 10 April 1990, pursuant to section 3(4) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **acclimatisation society**: repealed, on 10 April 1990, by section 129(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **acclimatised fish**: repealed, on 10 April 1990, by section 129(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **annual allowable catch**: inserted, on 1 October 1992, by section 2(1) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **area within the jurisdiction of the local Fish and Game Council**: inserted, on 10 April 1990, pursuant to section 3(4) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **area within the jurisdiction of the local Fish and Game Council**: amended, on 10 April 1990, pursuant to section 3(3) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **beach cast seaweed**: inserted, on 9 September 1999, by section 2 of the Fisheries Act 1983 Amendment Act 1999 (1999 No 102).

Section 2(1) **commercial fisherman**: substituted, on 1 August 1986, by section 2(1) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **Commission**: inserted, on 23 December 1992, by section 22 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (1992 No 121).

Section 2(1) **Director-General**: amended, on 1 July 1995, pursuant to section 6(1)(a) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Section 2(1) **district anglers notice**: repealed, on 10 April 1990, by section 129(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **dredge oyster**: inserted, on 1 April 1988, by section 16 of the Fisheries (Foveaux Strait Dredge Oyster Fishery) Amendment Act 1988 (1988 No 6).

Section 2(1) **Environment Court**: inserted, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 2(1) **exclusive economic zone**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2(1) **Fish and Game Council**: inserted, on 10 April 1990, by section 129(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **fishing permit**: amended, on 1 August 1986, by section 13(2)(a) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **fishing year**: substituted, on 20 December 1989, by section 48(1) of the Maori Fisheries Act 1989 (1989 No 159).

Section 2(1) **fishing year** paragraph (a): amended, on 23 June 1998, by section 35(1) of the Fisheries (Remedial Issues) Amendment Act 1998 (1998 No 67).

Section 2(1) **fishing year** paragraph (a): amended, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 2(1) **fishing year** paragraph (a): amended, on 1 October 1992, by section 2(2) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **foreign owned New Zealand fishing vessel**: inserted, on 1 August 1986, by section 2(3) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **Foveaux Strait dredge oyster**: inserted, on 1 April 1998, by section 16 of the Fisheries (Foveaux Strait Dredge Oyster Fishery) Amendment Act 1998 (1998 No 6).

Section 2(1) **Foveaux Strait dredge oyster fishery**: inserted, on 1 April 1998, by section 16 of the Fisheries (Foveaux Strait Dredge Oyster Fishery) Amendment Act 1998 (1998 No 6).

Section 2(1) **freshwater eel**: inserted, on 9 September 1999, by section 2 of the Fisheries Act 1983 Amendment Act (No 2) 1999 (1999 No 105).

Section 2(1) **internal waters**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2(1) **lease**: substituted, on 1 April 1990, by section 2(1) of the Fisheries Amendment Act 1990 (1990 No 29).

Section 2(1) **marine farming**: inserted, on 7 July 1993, by section 2(1) of the Fisheries Amendment Act 1993 (1993 No 67).

Section 2(1) **marine farming permit**: inserted, on 7 July 1993, by section 2(1) of the Fisheries Amendment Act 1993 (1993 No 67).

Section 2(1) **meatweight**: inserted, on 1 October 1992, by section 2(1) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **Ministry**: amended, on 1 July 1995, pursuant to section 6(1)(b) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Section 2(1) **owner**: amended, on 1 August 1986, by section 2(5) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **PAU 5A**: substituted, on 23 June 1998, by section 35(2) of the Fisheries (Remedial Issues) Amendment Act 1998 (1998 No 67).

Section 2(1) **paua**: inserted, on 1 October 1995, by section 2 of the Fisheries Amendment Act 1995 (1995 No 51).

Section 2(1) **Planning Tribunal**: repealed, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 2(1) **Quota Appeal Authority**: inserted, on 1 August 1986, by section 2(6) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **quota management area**: substituted, on 23 June 1998, by section 35(3) of the Fisheries (Remedial Issues) Amendment Act 1998 (1998 No 67).

Section 2(1) **quota management system**: inserted, on 1 August 1986, by section 2(6) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **quota management system**: amended, on 1 October 1992, by section 2(4) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **Registrar**: amended, on 1 August 1986, by section 13(2)(b) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 2(1) **rock lobster**: inserted, on 20 December 1989, by section 48(3) of the Maori Fisheries Act 1989 (1989 No 159).

Section 2(1) **scallop**: inserted, on 1 October 1992, by section 2(1) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **scallop spat**: inserted, on 1 October 1992, by section 2(1) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **Southern Scallop Fishery**: substituted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 2(1) **Southern Scallop Fishery Advisory Committee**: inserted, on 1 October 1992, by section 2(1) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **southern scallop season**: inserted, on 1 October 1992, by section 2(1) of the Fisheries Amendment Act (No 2) 1992 (1992 No 90).

Section 2(1) **spat**: inserted, on 7 July 1993, by section 2(2) of the Fisheries Amendment Act 1993 (1993 No 67).

Section 2(1) **spat catching permit**: inserted, on 7 July 1993, by section 2(2) of the Fisheries Amendment Act 1993 (1993 No 67).

Section 2(1) **sports fish**: inserted, on 10 April 1990, by section 129(3) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **territorial sea**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2(1) **total allowable commercial catch**: inserted, on 1 April 1990, by section 2(2) of the Fisheries Amendment Act 1990 (1990 No 29).

Section 2(1) **transferable term quota**: inserted, on 20 December 1989, by section 48(4) of the Maori Fisheries Act 1989 (1989 No 159).

2A Act to bind Crown

This Act shall bind the Crown.

Section 2A: inserted, on 1 August 1986, by section 3 of the Fisheries Amendment Act 1986 (1986 No 34).

3 Application of Act to exclusive economic zone

- (1) Nothing in this Act shall be construed—
 - (a) to require the licensing or registration or obtaining of a permit or of any consent by a foreign fishing craft for the purpose of fishing within the exclusive economic zone of New Zealand; or
 - (b) to authorise the making of any regulations in derogation of the provisions of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977, or of any regulations made under that Act, relating to fishing within the exclusive economic zone; or
 - (c) to authorise the boarding, search, seizure, taking of possession, detention, or forfeiture under this Act of any such foreign fishing craft, or of any equipment or fish on board the craft, or the arrest of any crew member of such craft, in respect of any offence relating to fishing within the exclusive economic zone; or
 - (d) to authorise the imposition of a term of imprisonment on any crew member of any such foreign fishing craft in respect of any such offence.
- (2) Nothing in Part 3 or section 60 shall apply to fishing by foreign fishing craft within the exclusive economic zone.
- (3) Where, but for the provisions of subsection (1), a person would be liable to suffer imprisonment for the commission of any offence, he shall instead of such imprisonment be liable on conviction to a fine not exceeding in the case of any

licensee, owner, or master of the foreign fishing craft \$10,000, and not exceeding in the case of any other crew member of the foreign fishing craft \$1,000.

- (4) Any offence against this Act that is committed within the exclusive economic zone of New Zealand shall be deemed to have been committed in New Zealand.

Section 3(1)(b): amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 3(2): amended, on 1 August 1986, by section 13(3) of the Fisheries Amendment Act 1986 (1986 No 34).

Section 3(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

3A Conversion factors

[Repealed]

Section 3A: repealed, on 1 October 2001, by section 314(1)(d) of the Fisheries Act 1996 (1996 No 88).

Part 1

Fishery management plans

[Repealed]

Part 1: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

4 Purposes of fishery management plans

[Repealed]

Section 4: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

5 Declaration of fishery management area

[Repealed]

Section 5: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

6 Fishery management plan

[Repealed]

Section 6: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

7 Fishery management advisory committees

[Repealed]

Section 7: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

8 Procedure in relation to plans

[Repealed]

Section 8: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

9 Objections to, and submissions on, proposed plan

[Repealed]

Section 9: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

10 Inquiry by Planning Tribunal

[Repealed]

Section 10: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

10A Regulations to bring plan into effect

[Repealed]

Section 10A: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

10B Amendments to fisheries management plans

[Repealed]

Section 10B: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

11 Emergency amendments to plan

[Repealed]

Section 11: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

12 Minister may impose emergency restrictions before introduction of plan

[Repealed]

Section 12: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

Part 2

Fisheries Authority

[Repealed]

Part 2: repealed, on 1 October 2001, pursuant to section 314(1)(f) of the Fisheries Act 1996 (1996 No 88).

13 Establishment of Fisheries Authority

[Repealed]

Section 13: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

14 Chairman not to be financially interested in fishing industry

[Repealed]

Section 14: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

15 Deputies of members

[Repealed]

Section 15: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

16 Co-opted members

[Repealed]

Section 16: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

17 Meetings of Authority

[Repealed]

Section 17: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

18 Procedure before Authority

[Repealed]

Section 18: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

19 Fees and travelling allowances

[Repealed]

Section 19: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

20 Administration of Authority

[Repealed]

Section 20: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

21 Money received by Authority and refunds

[Repealed]

Section 21: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

22 Representation of parties

[Repealed]

Section 22: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

23 Evidence before Authority

[Repealed]

Section 23: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

24 Reasons for decision of Authority may be obtained

[Repealed]

Section 24: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

25 Functions and powers of Authority

[Repealed]

Section 25: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

26 Authority to implement policy of Government

[Repealed]

Section 26: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

27 Financial year

[Repealed]

Section 27: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

28 Annual report

[Repealed]

Section 28: repealed, on 1 October 2001, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

28A Quota Appeal Authority

[Repealed]

Section 28A: repealed, on 1 October 2001, by section 314(1)(f) of the Fisheries Act 1996 (1996 No 88).

Part 2A

Commercial fishing on quota management system

[Repealed]

Part 2A: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28AB Part 2A not to apply to Southern Scallop Fishery

[Repealed]

Section 28AB: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28B Declaration that species or class of fish subject to quota fishing

[Repealed]

Section 28B: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28BA Declaration that rock lobster subject to quota fishing

[Repealed]

Section 28BA: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28BB Subdivision of quota management area known as PAU 5

[Repealed]

Section 28BB: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28BC Total allowable commercial catch for paua

[Repealed]

Section 28BC: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28BD Allocation of total allowable commercial catch for paua

[Repealed]

Section 28BD: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28C Total allowable commercial catch for species other than rock lobster

[Repealed]

Section 28C: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28CA Total allowable commercial catch for rock lobster

[Repealed]

Section 28CA: repealed, on 1 October 2001, by section 314(1)(g) of the Fisheries Act 1996 (1996 No 88).

28D Matters to be taken into account in determining or varying any total allowable commercial catch

[Repealed]

Section 28D: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28E Criteria for granting provisional maximum individual transferable quotas

[Repealed]

Section 28E: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28EA Special provisions in relation to provisional maximum transferable term quotas in respect of rock lobster

[Repealed]

Section 28EA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28F Guaranteed minimum individual transferable quotas

[Repealed]

Section 28F: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28FA Guaranteed minimum transferable term quota

[Repealed]

Section 28FA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28G Notice of quota allocations to be given

[Repealed]

Section 28G: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28GA Notice of quota allocations for rock lobster

[Repealed]

Section 28GA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28H Appeal against allocation or failure to allocate provisional maximum individual transferable quota

[Repealed]

Section 28H: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28HA Appeal against allocation or failure to allocate provisional maximum transferable term quota

[Repealed]

Section 28HA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28I Decisions of Quota Appeal Authority

[Repealed]

Section 28I: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28J Effect of increase in provisional maximum individual transferable quota by Quota Appeal Authority

[Repealed]

Section 28J: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28JA Effect of increase in provisional maximum transferable term quota by Quota Appeal Authority

[Repealed]

Section 28JA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28K Effect of allocation of guaranteed minimum individual transferable quota

[Repealed]

Section 28K: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28KA Effect of allocation of guaranteed minimum transferable term quota

[Repealed]

Section 28KA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28L Agreements to surrender provisional maximum individual transferable quota

[Repealed]

Section 28L: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28M Minister may abandon quota management scheme

[Repealed]

Section 28M: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28N Reduction of provisional maximum individual transferable quotas

[Repealed]

Section 28N: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28NA Reduction of provisional maximum transferable term quotas

[Repealed]

Section 28NA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28O Allocation of individual transferable quota

[Repealed]

Section 28O: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28OA Allocation of transferable term quota

[Repealed]

Section 28OA: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

Variation in total allowable commercial catch and consequent reduction or increase in quota

[Repealed]

Heading: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28OB Variation in total allowable commercial catch for species other than rock lobster

[Repealed]

Section 28OB: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28OC Variation of total allowable commercial catch for rock lobster

[Repealed]

Section 28OC: repealed, on 1 October 1996, by section 314(1)(i) of the Fisheries Act 1996 (1996 No 88).

28OD Reduction of total allowable commercial catch

[Repealed]

Section 28OD: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28OE Increase in total allowable commercial catch

[Repealed]

Section 28OE: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

Compensation for reductions in quota over transitional period

[Repealed]

Heading: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28OF Interpretation

[Repealed]

Section 28OF: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OG Compensation for reductions in individual transferable quota for species other than rock lobster during transitional compensation period

[Repealed]

Section 28OG: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OH Compensation in respect of initial allocation of transferable term quota for rock lobster

[Repealed]

Section 28OH: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OI Compensation for reduction in transferable term quota for rock lobster

[Repealed]

Section 28OI: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OJ Limit on total compensation payable

[Repealed]

Section 28OJ: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OK Determination of preliminary percentage of compensation payable before end of transitional compensation period

[Repealed]

Section 28OK: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OL Manner and timing of payment of compensation

[Repealed]

Section 28OL: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OM Power to withhold compensation where amounts owing to Crown

[Repealed]

Section 28OM: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28ON Additional amounts payable by Crown in respect of goods and services tax

[Repealed]

Section 28ON: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

28OO Compensation payable without further appropriation than this Act

[Repealed]

Section 28OO: repealed, on 1 October 2001, by section 314(1)(j) of the Fisheries Act 1996 (1996 No 88).

Dealings in quota

[Repealed]

Heading: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28P Registers and forms of leases

[Repealed]

Section 28P: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28Q Transfers and leases of individual transferable quotas

[Repealed]

Section 28Q: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28R Form of transfers and leases of individual transferable quota

[Repealed]

Section 28R: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28S Minimum holdings of quota and interests in quota

[Repealed]

Section 28S: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28T Distribution of total allowable catch where increased or not initially allocated as quota

[Repealed]

Section 28T: repealed, on 1 April 1990, by section 20 of the Fisheries Amendment Act 1990 (1990 No 29).

28TA Distribution of total allowable catch for rock lobster where increased or not initially allocated as quota

[Repealed]

Section 28TA: repealed, on 1 April 1990, by section 20 of the Fisheries Amendment Act 1990 (1990 No 29).

28U Power of Crown to acquire, hold, transfer, lease, or cancel quotas

[Repealed]

Section 28U: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28V Taking of fish in excess of quota, and carrying forward of unused quota

[Repealed]

Section 28V: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28W Restriction on amount of quota that may be held by any one person

[Repealed]

Section 28W: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28X Quota not to be allocated to owners of licensed foreign fishing craft

[Repealed]

Section 28X: repealed, on 1 October 1996, by section 314(1)(h) of the Fisheries Act 1996 (1996 No 88).

28Y Quota not to be sold to or held in respect of licensed foreign fishing craft or leased to them other than by Crown

[Repealed]

Section 28Y: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28Z Quota not to be allocated to overseas individuals or companies with overseas control

[Repealed]

Section 28Z: repealed, on 1 October 1999, by section 31(1) of the Fisheries Amendment Act 2000 (2000 No 20).

General

[Repealed]

Heading: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZA Fish subject to quota fishing cannot be taken for sale other than under quota

[Repealed]

Section 28ZA: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZAA Rock lobster subject to quota fishing cannot be taken for sale other than under quota

[Repealed]

Section 28ZAA: repealed, on 1 April 1990, by section 26(1) of the Fisheries Amendment Act 1990 (1990 No 29).

28ZB Prohibitions and requirements relating to dumping or retention of quota management system fish

[Repealed]

Section 28ZB: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZC Resource rental payable in respect of quota

[Repealed]

Section 28ZC: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

28ZCA Special provision in relation to quota balances

[Repealed]

Section 28ZCA: repealed, on 1 October 2001, by section 314(1)(k) of the Fisheries Act 1996 (1996 No 88).

28ZD Commercial fishermen may be required to pay deemed value of excess or unauthorised quota fish

[Repealed]

Section 28ZD: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZE Assessment of deemed value of fish

[Repealed]

Section 28ZE: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZF Amount of deemed value to be returned to fisherman where quota subsequently obtained

[Repealed]

Section 28ZF: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZG Fisherman may offer lease of quota in lieu of paying deemed value

[Repealed]

Section 28ZG: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

28ZGA Limitations on powers of Quota Appeal Authority and courts in certain cases

[Repealed]

Section 28ZGA: repealed, on 1 October 2001, by section 314(1)(l) of the Fisheries Act 1996 (1996 No 88).

Part 2B

Quota management system for scallops in Southern Scallop Fishery

[Repealed]

Part 2B: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

Establishment of system

[Repealed]

Heading: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZH Application of this Part

[Repealed]

Section 28ZH: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZI Scallops subject to quota fishing

[Repealed]

Section 28ZI: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZJ Annual allowable catch for scallops

[Repealed]

Section 28ZJ: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZK Allocation of annual allowable catch

[Repealed]

Section 28ZK: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZL Variation of annual allowable catch

[Repealed]

Section 28ZL: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZM Prohibition on taking scallops for sale outside scallop season

[Repealed]

Section 28ZM: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZN Effect of increase or reduction in annual allowable catch until 31 March 1997

[Repealed]

Section 28ZN: repealed, on 1 July 1995, by section 5 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

28ZO Crown to transfer quota to iwi after 31 March 1997

[Repealed]

Section 28ZO: repealed, on 1 July 1995, by section 5 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

28ZP Effect of increase or reduction in annual allowable catch after 31 March 1997

[Repealed]

Section 28ZP: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZQ No compensation for effect of reduction in annual allowable catch

[Repealed]

Section 28ZQ: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

Dealings in quota

[Repealed]

Heading: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZR Register to be maintained

[Repealed]

Section 28ZR: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZS Transfers and leases of individual transferable quotas

[Repealed]

Section 28ZS: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZT Form of leases of individual transferable quota

[Repealed]

Section 28ZT: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZU Minimum holdings of quota and interest in quota

[Repealed]

Section 28ZU: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZV Power of Crown to acquire, hold, transfer, lease, or cancel quotas

[Repealed]

Section 28ZV: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZW Restriction on amount of quota that may be held by any one person

[Repealed]

Section 28ZW: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZX Quota not to be sold to or held in respect of licensed foreign fishing craft or leased to them other than by Crown

[Repealed]

Section 28ZX: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZY Quota not to be allocated to overseas individuals or companies with overseas control

[Repealed]

Section 28ZY: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

General

[Repealed]

Heading: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZZ Scallops subject to quota fishing cannot be taken for sale other than under quota

[Repealed]

Section 28ZZ: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZZA Prohibitions and requirements relating to dumping or retention of scallops

[Repealed]

Section 28ZZA: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

28ZZB Resource rental payable in respect of quotas

[Repealed]

Section 28ZZB: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

28ZZC Scallop spat

[Repealed]

Section 28ZZC: repealed, on 1 October 1995, by section 9(1) of the Fisheries Amendment Act 1995 (1995 No 51).

Enhancement

[Repealed]

Heading: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZZD Southern Scallop Fishery Advisory Committee

[Repealed]

Section 28ZZD: repealed, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

28ZZE Minister to determine enhancement programme

[Repealed]

Section 28ZZE: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZZF Closure of Southern Scallop Fishery

[Repealed]

Section 28ZZF: repealed, on 1 October 1996, by section 314(1)(o) of the Fisheries Act 1996 (1996 No 88).

28ZZG Levies

[Repealed]

Section 28ZZG: repealed, on 15 August 1996, by section 10 of the Fisheries Amendment Act 1995 (1995 No 51).

Part 3

Controlled fisheries

[Repealed]

Part 3: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

Register of controlled fishery licences

[Repealed]

Heading: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

29 Register of controlled fishery licences

[Repealed]

Section 29: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

*Controlled fisheries licensing**[Repealed]*

Heading: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

30 Declaration of controlled fisheries*[Repealed]*

Section 30: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

31 Offence to fish controlled fishery without licence*[Repealed]*

Section 31: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

32 Application for licence*[Repealed]*

Section 32: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

33 Authority may grant licence*[Repealed]*

Section 33: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

34 Matters to be considered in determining application for licence*[Repealed]*

Section 34: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

35 Classification and duration of licences*[Repealed]*

Section 35: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

36 Terms and conditions of licence*[Repealed]*

Section 36: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

37 Renewal of licence*[Repealed]*

Section 37: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

38 Temporary licence*[Repealed]*

Section 38: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

39 Temporary master may be appointed*[Repealed]*

Section 39: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

40 Boat authorities

[Repealed]

Section 40: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

41 Licence not transferable

[Repealed]

Section 41: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

42 Fishing not to be suspended

[Repealed]

Section 42: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

43 Voluntary surrender of licence

[Repealed]

Section 43: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

44 Lost licences, boat authorities, and temporary licences

[Repealed]

Section 44: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

45 Revocation and suspension of licence

[Repealed]

Section 45: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

46 Review of licences

[Repealed]

Section 46: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

47 Restrictions on licences in certain cases

[Repealed]

Section 47: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

48 Keeping of accounts and records

[Repealed]

Section 48: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

Appeals

[Repealed]

Heading: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

49 Appeal against decision of Authority

[Repealed]

Section 49: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

50 Persons entitled to appeal

[Repealed]

Section 50: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

51 Rights of licensee pending disposal of appeal in certain cases

[Repealed]

Section 51: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

52 Hearing and determination of appeal

[Repealed]

Section 52: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

53 Court may refer appeals back to Authority

[Repealed]

Section 53: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

54 Appeals to Court of Appeal on questions of law

[Repealed]

Section 54: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

**Part 3A
Taiapure-local fisheries**

[Repealed]

Part 3A: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54A Object

[Repealed]

Section 54A: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54B Declaration of taiapure-local fisheries

[Repealed]

Section 54B: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54C Proposal for establishment of taiapure-local fishery

[Repealed]

Section 54C: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54D Initial consideration of proposal

[Repealed]

Section 54D: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54E Notice of proposal

[Repealed]

Section 54E: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54F Objections to, and submissions on, proposal

[Repealed]

Section 54F: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54G Inquiry by tribunal

[Repealed]

Section 54G: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54H Appeal on question of law

[Repealed]

Section 54H: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54I Power of Minister to recommend declaration of taiapure-local fishery

[Repealed]

Section 54I: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54J Management of taiapure-local fishery

[Repealed]

Section 54J: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

54K Power to recommend making of regulations

[Repealed]

Section 54K: repealed, on 1 October 1996, by section 314(1)(p) of the Fisheries Act 1996 (1996 No 88).

Part 4

Fishing vessels and methods of fishing

[Repealed]

Part 4: repealed, on 1 October 2001, pursuant to section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

55 Provisions of this Part to apply

[Repealed]

Section 55: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

56 Registration offices and Registrars

[Repealed]

Section 56: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

57 Fishing vessels to be registered

[Repealed]

Section 57: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

58 Application of this Part to tenders

[Repealed]

Section 58: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

59 Cancellation of registration of fishing vessel

[Repealed]

Section 59: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

60 Taking of fish, etc, by other than New Zealand ships

[Repealed]

Section 60: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

61 Possession of fish, etc, by vessels that are not New Zealand ships

[Repealed]

Section 61: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

62 Taking fish, etc, commercially without permit prohibited

[Repealed]

Section 62: repealed, on 1 October 2001, by section 314(1)(r) of the Fisheries Act 1996 (1996 No 88).

63 Fishing permits

[Repealed]

Section 63: repealed, on 1 October 2001, by section 314(1)(r) of the Fisheries Act 1996 (1996 No 88).

63A Transfer of permit to estate of deceased fishing permit holder

[Repealed]

Section 63A: repealed, on 1 October 2001, by section 314(1)(r) of the Fisheries Act 1996 (1996 No 88).

63B Expiry of section 63A

[Repealed]

Section 63B: repealed, on 1 October 2001, by section 314(1)(r) of the Fisheries Act 1996 (1996 No 88).

64 Special permits

[Repealed]

Section 64: repealed, on 1 October 2001, by section 314(1)(r) of the Fisheries Act 1996 (1996 No 88).

65 Minister may restrict fishing

[Repealed]

Section 65: repealed, on 1 October 1996, by section 314(1)(s) of the Fisheries Act 1996 (1996 No 88).

Records, returns, and restrictions on disposal of fish, etc, by commercial fishermen and others

[Repealed]

Heading: repealed, on 1 October 2001, pursuant to section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

66 Records and returns

[Repealed]

Section 66: repealed, on 1 October 2001, by section 314(1)(t) of the Fisheries Act 1996 (1996 No 88).

67 Disposal of fish by commercial fishers

[Repealed]

Section 67: repealed, on 1 October 2001, by section 314(1)(u) of the Fisheries Act 1996 (1996 No 88).

67A Restrictions on purchase or acquisition of fish by certain persons

[Repealed]

Section 67A: repealed, on 1 October 2001, by section 314(1)(u) of the Fisheries Act 1996 (1996 No 88).

67B Examiners

[Repealed]

Section 67B: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

Scientific observer scheme

[Repealed]

Heading: repealed, on 1 October 2000, pursuant to section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

67C Scientific observer scheme established

[Repealed]

Section 67C: repealed, on 1 October 2000, by section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

67D Appointment of scientific observers

[Repealed]

Section 67D: repealed, on 1 October 2000, by section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

67E Director-General to give notice of intention to place scientific observer on vessel

[Repealed]

Section 67E: repealed, on 1 October 2000, by section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

67F Powers of scientific observers

[Repealed]

Section 67F: repealed, on 1 October 2000, by section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

67G Food and accommodation to be provided for scientific observers

[Repealed]

Section 67G: repealed, on 1 October 2000, by section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

67H Supervision by scientific observers of transhipments, dumping of fish, and operation of greenweight conversion factors

[Repealed]

Section 67H: repealed, on 1 October 2000, by section 314(1)(w) of the Fisheries Act 1996 (1996 No 88).

Part 4A

Marine farming

Part 4A: inserted, on 7 July 1993, by section 6 of the Fisheries Amendment Act 1993 (1993 No 67).

67I Interpretation

[Repealed]

Section 67I: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67J Marine farming permits

[Repealed]

Section 67J: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67K Change or cancellation of conditions of marine farming permits

[Repealed]

Section 67K: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67L Effect of marine farming permit

[Repealed]

Section 67L: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67M Transfer of permits

[Repealed]

Section 67M: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67N Duration of permit

[Repealed]

Section 67N: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67O Lapse, cancellation, and surrender of permit

[Repealed]

Section 67O: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67OA Effect of moratorium on coastal permits on marine farming permits

[Repealed]

Section 67OA: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67P Review of marine farming permit conditions

[Repealed]

Section 67P: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67Q Authority to catch spat

[Repealed]

Section 67Q: repealed, on 1 January 2005, by section 19(1) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

67R Effect of spat catching permit

- (1) Notwithstanding anything to the contrary in this Act, a spat catching permit authorises the holder of that permit—
 - (a) to take and possess spat of fish, aquatic life, or seaweed; and
 - (b) to sell, transfer, or dispose of spat of the fish, aquatic life, or seaweed—specified in the permit.
- (2) Spat shall only be sold, transferred, or disposed of—
 - (a) to the Crown; or
 - (b) to a person who holds a marine farming permit; or
 - (c) to a person who holds a marine farming lease or licence; or
 - (d) to a person who holds a licence issued under the Freshwater Fish Farming Regulations 1983; or
 - (e) to any other approved person.

Section 67R: inserted, on 7 July 1993, by section 6 of the Fisheries Amendment Act 1993 (1993 No 67).

67S Duration of spat catching permit

- (1) The period for which any spat catching permit is issued is such period, not exceeding 5 years, as is specified in the permit, and if no such period is specified, is 5 years from the date the permit was issued.
- (2) Sections 67K, 67O, and 67OA apply, with all necessary modifications, in respect of a spat catching permit, as if every reference in those sections to a marine farming permit were a reference to a spat catching permit.
- (3) A spat catching permit shall not be transferred.

Section 67S: inserted, on 7 July 1993, by section 6 of the Fisheries Amendment Act 1993 (1993 No 67).

Section 67S(2): amended, on 26 March 2002, by section 15 of the Resource Management (Aquaculture Moratorium) Amendment Act 2002 (2002 No 5).

Part 5

Freshwater fisheries

[Repealed]

Part 5: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

68 Taking of acclimatised fish within licensed fish farm permitted

[Repealed]

Section 68: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

68A Offences relating to spawning acclimatised fish

[Repealed]

Section 68A: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

69 Sales of acclimatised fish to and from acclimatisation societies and Crown

[Repealed]

Section 69: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

69A Fishing competitions relating to acclimatised fish

[Repealed]

Section 69A: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

70 Restrictions on fishing

[Repealed]

Section 70: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

71 Acclimatisation society responsibilities

[Repealed]

Section 71: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

72 Acclimatisation societies may grant special permits

[Repealed]

Section 72: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

73 Fishing rights not to be sold or let

[Repealed]

Section 73: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

74 Occupier may fish without licence

[Repealed]

Section 74: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

75 Pollution of fresh waters and estuaries

[Repealed]

Section 75: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

75A Part 5 administered in Department of Conservation

[Repealed]

Section 75A: repealed, on 10 April 1990, by section 136 of the Conservation Law Reform Act 1990 (1990 No 31).

Part 6**Appointment and powers of fishery officers**

[Repealed]

Part 6: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

76 Appointment of fishery officers

[Repealed]

Section 76: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

77 Appointment of honorary fishery officers

[Repealed]

Section 77: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

78 Issue of warrants

[Repealed]

Section 78: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

79 Powers of fishery officers

[Repealed]

Section 79: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

80 Powers of seizure

[Repealed]

Section 80: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

80A Director-General may direct that transfer or lease of quota not to be registered pending laying of information for quota management offence

[Repealed]

Section 80A: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

81 Persons to assist fishery officer

[Repealed]

Section 81: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

82 Fish unfit for human consumption to be condemned and vessel prohibited

[Repealed]

Section 82: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

83 Protection of fishery officer from liability

[Repealed]

Section 83: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

Part 7

Miscellaneous provisions

Miscellaneous provisions

84 Pollution of marine waters

[Repealed]

Section 84: repealed, on 1 October 1996, by section 314(1)(s) of the Fisheries Act 1996 (1996 No 88).

85 Determination of closed seasons for fishing

[Repealed]

Section 85: repealed, on 1 October 1996, by section 314(1)(s) of the Fisheries Act 1996 (1996 No 88).

86 Closed season in exclusive economic zone

[Repealed]

Section 86: repealed, on 1 October 1996, by section 314(1)(s) of the Fisheries Act 1996 (1996 No 88).

87 Research and development of fisheries

[Repealed]

Section 87: repealed, on 1 October 1996, by section 314(1)(s) of the Fisheries Act 1996 (1996 No 88).

88 Limitation of Act

[Repealed]

Section 88: repealed, on 1 October 2001, by section 314(1)(y) of the Fisheries Act 1996 (1996 No 88).

88A Giving of notices, etc

[Repealed]

Section 88A: repealed, on 1 October 2001, by section 314(1)(z) of the Fisheries Act 1996 (1996 No 88).

88B Electronic transmission

- (1) For the purpose of this Act, the chief executive may approve the transmission of accounts, records, returns, transactions, information, notices, objections, requests, applications, or other documents provided for under this Act by means of electronic transmission.
- (2) An approval under subsection (1)—
 - (a) may relate to any person or any 1 or more classes of person:
 - (b) may relate to any 1 or more classes of accounts, records, returns, transactions, information, notices, objections, requests, applications, or other documents:
 - (c) may specify the person or organisation to whom the accounts, records, returns, transactions, information, notices, objections, requests, applications, or other documents must be transmitted:
 - (d) may specify the method of transmission that may be used:
 - (e) is subject to such conditions and other provisions (if any)—
 - (i) as may be set out for the purposes of this section in regulations made under section 89; or
 - (ii) determined by the chief executive.
- (3) The chief executive may alter or revoke any approval given under subsection (1).

Section 88B: inserted, on 9 September 1999, by section 7 of the Fisheries Act 1983 Amendment Act 1999 (1999 No 102).

Regulations

[Repealed]

Heading: repealed, on 1 October 2001, pursuant to section 314(1)(za) of the Fisheries Act 1996 (1996 No 88).

89 Regulations

[Repealed]

Section 89: repealed, on 1 October 2001, by section 314(1)(za) of the Fisheries Act 1996 (1996 No 88).

90 Licences to fish for acclimatised fish

[Repealed]

Section 90: repealed, on 10 April 1990, by section 142 of the Conservation Law Reform Act 1990 (1990 No 31).

91 Special regulations relating to freshwater fish farming

[Repealed]

Section 91: repealed, on 1 October 2001, by section 314(1)(za) of the Fisheries Act 1996 (1996 No 88).

92 Regulations may provide for the issuing of circulars

[Repealed]

Section 92: repealed, on 1 October 2001, by section 314(1)(za) of the Fisheries Act 1996 (1996 No 88).

92A Certain notices to have status of regulations

[Repealed]

Section 92A: repealed, on 1 October 2001, by section 314(1)(za) of the Fisheries Act 1996 (1996 No 88).

Offences and penalties

93 General offences

[Repealed]

Section 93: repealed, on 1 October 2001, by section 314(1)(zb) of the Fisheries Act 1996 (1996 No 88).

94 Liability of directors and managers

[Repealed]

Section 94: repealed, on 1 April 1990, by section 44 of the Fisheries Amendment Act 1990 (1990 No 29).

95 Obstructing fishery officers

[Repealed]

Section 95: repealed, on 1 October 2001, by section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

96 Neglect or refusal to supply particulars, and improper divulging of information

[Repealed]

Section 96: repealed, on 1 October 2001, by section 314(1)(t) of the Fisheries Act 1996 (1996 No 88).

97 Buying, selling, or possessing fish, etc, contrary to Act

[Repealed]

Section 97: repealed, on 1 October 2001, by section 314(1)(u) of the Fisheries Act 1996 (1996 No 88).

98 Using hazardous substances to catch or destroy fish

[Repealed]

Section 98: repealed, on 1 October 2001, by section 314(1)(ze) of the Fisheries Act 1996 (1996 No 88).

98A Knowingly permitting premises to be used for offence against Act

[Repealed]

Section 98A: repealed, on 1 October 2001, by section 314(1)(zd) of the Fisheries Act 1996 (1996 No 88).

99 Ownership and possession of fish

[Repealed]

Section 99: repealed, on 1 October 1996, by section 314(1)(ze) of the Fisheries Act 1996 (1996 No 88).

100 Fish on registered vessel deemed to have been caught in New Zealand

[Repealed]

Section 100: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

101 Fish taken in New Zealand fisheries waters must be landed in New Zealand

[Repealed]

Section 101: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

101A Injury or damage to marine farm or spat catching area

- (1) Every person (unless authorised under this Act) commits an offence, and is liable to a fine not exceeding \$5,000, who takes, removes, disturbs, or interferes with any fish, aquatic life, or seaweed being farmed in an area in respect of which a marine farming permit has been issued under section 67J.
- (2) Every person (unless authorised under this Act) commits an offence, and is liable to a fine not exceeding \$5,000, who takes, removes, disturbs, or interferes with the spat of any fish, aquatic life, or seaweed specified in a spat catching permit issued under section 67Q, and which is in the exclusive and continuous possession or control of the holder of the permit within the area to which the permit relates.

Section 101A: inserted, on 7 July 1993, by section 8 of the Fisheries Amendment Act 1993 (1993 No 67).

101B Obstructing holder of marine farming or spat catching permit

- (1) Every person commits an offence, and is liable to a fine not exceeding \$5,000, who obstructs, hinders, or prevents any person—
- (a) who holds a marine farming permit issued under section 67J; or
 - (b) who is employed by or acting under the authority of a person who holds a marine farming permit issued under section 67J—
- from farming or lawfully taking farmed fish, aquatic life, or seaweed from the area to which the permit relates.
- (2) Every person commits an offence, and is liable to a fine not exceeding \$5,000, who obstructs, hinders, or prevents any person—
- (a) who holds a spat catching permit issued under section 67Q; or
 - (b) who is employed by or acting under the authority of a person who holds a spat catching permit issued under section 67Q—
- from catching or holding spat of the species catching permit from the area to which the permit relates.

Section 101B: inserted, on 7 July 1993, by section 8 of the Fisheries Amendment Act 1993 (1993 No 67).

102 Fish on registered vessel deemed to have been taken for the purposes of sale

[Repealed]

Section 102: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

102A Controlled fish and gear deemed to be taken or used in controlled fishery

[Repealed]

Section 102A: repealed, on 11 July 2002, by section 314(1)(e) of the Fisheries Act 1996 (1996 No 88).

103 Fish on licensed premises or premises where food sold deemed to have been taken for purposes of sale

[Repealed]

Section 103: repealed, on 1 October 2001, by section 314(1)(zf) of the Fisheries Act 1996 (1996 No 88).

103A Fish in excess of certain quantities deemed to have been acquired or possessed for purposes of sale

[Repealed]

Section 103A: repealed, on 1 October 2001, by section 314(1)(zf) of the Fisheries Act 1996 (1996 No 88).

104 Proceedings for offences

[Repealed]

Section 104: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

104A Informations relating to certain offences may be heard together

[Repealed]

Section 104A: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

105 Strict liability

[Repealed]

Section 105; repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

105A Defences available to commercial fishermen taking unauthorised fish

[Repealed]

Section 105A: repealed, on 1 October 2001, by section 314(1)(y) of the Fisheries Act 1996 (1996 No 88).

105AA Defence available to person injuring or damaging marine farm or spat catching area

It shall be a defence in any proceedings against a person for an offence under section 101A, if the defendant proves that the offence occurred as an inevitable consequence of saving human life or saving any ship or boat.

Section 105AA: inserted, on 7 July 1993, by section 9 of the Fisheries Amendment Act 1993 (1993 No 67).

105AB Defences available to person operating marine farm

Section 105A(1) applies, with all necessary modifications, to a person who is the holder of a marine farming permit as if every reference in that subsection to a commercial fisherman were a reference to a person who is the holder of a marine farming permit.

Section 105AB: inserted, on 7 July 1993, by section 9 of the Fisheries Amendment Act 1993 (1993 No 67).

105B Liability of principal for actions of agent in relation to records and returns

[Repealed]

Section 105B: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

105C Liability of companies and persons for actions of officers and employees

[Repealed]

Section 105C: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

105D Liability of directors and managers

[Repealed]

Section 105D: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

105E Presumption as to authority

[Repealed]

Section 105E: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

Evidence in proceedings

[Repealed]

Heading: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

106 Certificates and official documents

[Repealed]

Section 106: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

106A Copies of accounts, records, returns, and other documents

[Repealed]

Section 106A: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

106B Presumption as to master of fishing vessel

[Repealed]

Section 106B: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

106C Presumptions to apply whether or not separate or further evidence adduced in support

[Repealed]

Section 106C: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

Penalties

107 Penalties

[Repealed]

Section 107: repealed, on 1 October 2001, by section 314(1)(zb) of the Fisheries Act 1996 (1996 No 88).

107A Provision for payment of fees

[Repealed]

Section 107A: repealed, on 1 October 2001, by section 314(1)(q) of the Fisheries Act 1996 (1996 No 88).

107AA Provision for payment of compensation

- (1) Where any person is convicted of an offence against section 101A, then, whether or not the court imposes any penalty in respect of the offence, the court shall order the defendant to pay to the holder of the marine farming permit such sum as it thinks fit by way of compensation for any loss of property suffered by that person as a consequence of the offence.
- (2) Any order made under subsection (1) shall be recoverable as if it were a fine and shall not affect the right of any person to recover any sum, in excess of the amount ordered, in civil proceedings.

Section 107AA: inserted, on 7 July 1993, by section 10 of the Fisheries Amendment Act 1993 (1993 No 67).

107B Forfeiture of property and quota on conviction

[Repealed]

Section 107B: repealed, on 1 October 2001, by section 314(1)(zh) of the Fisheries Act 1996 (1996 No 88).

107C Provisions relating to forfeited property and quota

[Repealed]

Section 107C: repealed, on 1 October 2001, by section 314(1)(zi) of the Fisheries Act 1996 (1996 No 88).

107D Forfeiture of licence, approval, permission, or permit, and banning from industry on second conviction

[Repealed]

Section 107D: repealed, on 1 October 2001, by section 314(1)(zi) of the Fisheries Act 1996 (1996 No 88).

107DA Disqualification from holding marine farming or spat catching permit

On the conviction of any person for an offence against this Act or any regulations made under this Act in relation to a marine farming permit or a spat catching permit, in addition to any other penalty which may be imposed, the court may order the defendant to be disqualified from holding or applying for a marine farming permit or a spat catching permit for such period and on such conditions as the court thinks fit.

Section 107DA: inserted, on 7 July 1993, by section 11 of the Fisheries Amendment Act 1993 (1993 No 67).

107E Rewards to informers

[Repealed]

Section 107E: repealed, on 1 October 2001, by section 314(1)(zg) of the Fisheries Act 1996 (1996 No 88).

Cost recovery

[Repealed]

Heading: repealed, on 1 October 2001, pursuant to section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107EA Levies

[Repealed]

Section 107EA: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107EB Certain costs to be borne by the Crown

[Repealed]

Section 107EB: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107EC Consultation required before levy order (other than amending order) made

[Repealed]

Section 107EC: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107ED Consultation required before amending levy order made

[Repealed]

Section 107ED: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107EE Levy orders may be amended during fishing season

[Repealed]

Section 107EE: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107EF Payment of levies

[Repealed]

Section 107EF: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107EG Levies to be separately accounted for

[Repealed]

Section 107EG: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

*Commodity levies**[Repealed]*

Heading: repealed, on 1 October 1996, pursuant to section 314(1)(zk) of the Fisheries Act 1996 (1996 No 88).

107EH Application of Commodity Levies Act 1990*[Repealed]*

Section 107EH: repealed, on 1 October 1996, by section 314(1)(zk) of the Fisheries Act 1996 (1996 No 88).

*Resource rentals**[Repealed]*

Heading: repealed, on 1 October 1994, pursuant to section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

107F Resource rentals payable in respect of certain fish*[Repealed]*

Section 107F: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

107G Variation of resource rentals by Order in Council*[Repealed]*

Section 107G: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

107H Resource rentals to be paid to Fisheries Fund*[Repealed]*

Section 107H: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

*Provisions relating to debts**[Repealed]*

Heading: repealed, on 1 October 2001, pursuant to section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107I Amounts payable under Act recoverable as statutory debts*[Repealed]*

Section 107I: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107J Caveats on quota*[Repealed]*

Section 107J: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107K Priority of debts

[Repealed]

Section 107K: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

107L Suspension of permit or fish receiver's licence where levies unpaid

[Repealed]

Section 107L: repealed, on 1 October 2001, by section 314(1)(zj) of the Fisheries Act 1996 (1996 No 88).

Repeals, revocations, and amendments

[Repealed]

Heading: repealed, on 1 October 2001, pursuant to section 314(1)(zl) of the Fisheries Act 1996 (1996 No 88).

108 Repeals, revocations, and amendments

[Repealed]

Section 108: repealed, on 1 October 2001, by section 314(1)(zl) of the Fisheries Act 1996 (1996 No 88).

109 Saving

[Repealed]

Section 109: repealed, on 1 October 2001, by section 314(1)(zl) of the Fisheries Act 1996 (1996 No 88).

Schedule 1

Fishery management plans

[Repealed]

s 8(1)

Schedule 1: repealed, on 1 October 1996, by section 314(1)(zm) of the Fisheries Act 1996 (1996 No 88).

Schedule 1A

Species or classes of fish in respect of which any person may hold or take on lease 35% of total individual transferable quotas for New Zealand fisheries waters

[Repealed]

s 28W(1)(a), (9)

Schedule 1A: repealed, on 1 October 2001, by section 314(1)(m) of the Fisheries Act 1996 (1996 No 88).

Schedule 1B

Resource rentals under quota management system

[Repealed]

ss 28ZC, 107G

Schedule 1B: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

Schedule 1C

Resource rentals where no quota management system

[Repealed]

ss 107F, 107G

Schedule 1C: repealed, on 1 October 1994, by section 8(1) of the Fisheries Amendment Act 1994 (1994 No 87).

Schedule 1D

Southern Scallop Fishery

[Repealed]

ss 2(1), 28ZJ, 28ZK, 28ZL, 107G

Schedule 1D: repealed, on 1 October 2001, by section 314(1)(zn) of the Fisheries Act 1996 (1996 No 88).

Schedule 1DA
**Paua quota management areas and related total allowable
commercial catches**

[Repealed]

ss 28BB(1), 28BC(1)

Schedule 1DA: repealed, on 1 October 2001, by section 314(1)(zn) of the Fisheries Act 1996 (1996 No 88).

Schedule 1E
Fisheries related costs to be borne by Crown

[Repealed]

s 107EB

Schedule 1E: repealed, on 1 December 1999, by section 314(1)(zo) of the Fisheries Act 1996 (1996 No 88).

Schedule 2

[Repealed]

s 108(1)–(4)

Schedule 2: repealed, on 1 October 2001, by section 314(1)(zl) of the Fisheries Act 1996 (1996 No 88).

Schedule 3
Enactments amended

[Repealed]

s 108(5)

Schedule 3: repealed, on 1 October 2001, by section 314(1)(zl) of the Fisheries Act 1996 (1996 No 88).

Fisheries Act 1996

Public Act	1996 No 88
Date of assent	13 August 1996
Commencement	see section 1(2)–(3)

1 Short Title and commencement

- (1) This Act may be cited as the Fisheries Act 1996.
- (2) Subject to subsection (3), this Act shall come into force on a date to be appointed by the Governor-General by Order in Council; and different dates may be so appointed by 1 or more Orders in Council for different provisions and different purposes.
- (2A) Despite subsection (2), sections 56, 57, 58, 62, and 358 come into force on 1 October 1999.
- (3) Sections 332 and 333 shall come into force on 1 March 1997.

Section 1(2): section 314(1)(e) brought into force for all purposes, on 11 July 2002, by clause 2 of the Fisheries Act Commencement Order 2002 (SR 2002/167).

Section 1(2): sections 17, 20–24, 42, 43, 50, 59–61, 66, 67, 68, 72, 74, 76, 80–89, 91–93, 94, 96–98, 102–108, 110–113, 124, 127–130, 132–138, 139, 140, 141–152, 153–166, 168–173, 191, 192, 193–198, 199–217, 219–222, 229–239, 241, 244, 245, 247–254, 256–260, 314(1)(d), (f), (g), (j)–(n), (q), (r), (t)–(v), (y)–(zd), (zf)–(zj), (zl), (zn), (2), (4), 319–321, 323, 325, 326, 328, 331(1)–(3), 336, 339, 344, 345, 347, 348–352, 357, 359, Schedules 5, 6, and 7, and Parts 4–6 and 8 of Schedule 12 brought into force, on 1 October 2001, by clause 2(4) of the Fisheries Act Commencement Order (No 2) 2001 (SR 2001/179).

Section 1(2): section 337 brought into force, on 30 September 2001, by clause 2(2) of the Fisheries Act Commencement Order (No 2) 2001 (SR 2001/179).

Section 1(2): section 343 brought into force, on 30 September 2001, by clause 2(3) the Fisheries Act Commencement Order 2001 (SR 2001/38).

Section 1(2): section 342 brought into force, on 1 September 2001, by clause 2(2) the Fisheries Act Commencement Order 2001 (SR 2001/38).

Section 1(2): sections 77 and 77A brought into force, on 1 August 2001, by clause 2(1) of the Fisheries Act Commencement Order (No 2) 2001 (SR 2001/179).

Section 1(2): sections 18, 19, 75, 75A, 75B, 113A, Part 6A, sections 299A, 362, and Schedules 1A and 11 brought into force on 1 May 2001, by clause 2(1) of the Fisheries Act Commencement Order 2001 (SR 2001/38).

Section 1(2): section 67B, Part 12, sections 228, 314(1)(w), 341, and Schedule 4 brought into force, on 1 October 2000, by clause 2 of the Fisheries Act Commencement Order 2000 (SR 2000/182).

Section 1(2): section 314(1)(zo) and (3) brought into force, on 1 December 1999, by clause 2 of the Fisheries Act 1996 Commencement Order 1999 (SR 1999/380).

Section 1(2): sections 312 and 313 brought into force, on 1 October 1998, by clause 2 of the Fisheries Act Commencement Order 1998 (SR 1998/251).

Section 1(2): sections 30–41, 44–49, 51–55, Part 7, sections 283–293, 356, 363, 364, and Part 9 of Schedule 12 brought into force, on 1 October 1997, by clause 2 of the Fisheries Act Commencement Order (No 2) 1997 (SR 1997/171).

Section 1(2): section 369 and Part 4 of Schedule 9 brought into force, on 1 April 1997, by clause 2 of the Fisheries Act Commencement Order 1997 (SR 1997/40).

Section 1(2): Parts 1, 2, 3, and 9, sections 187–190, Part 14, sections 276–282, 294–311, 314(1)(h), (i), (o), (p), (s), (ze), (zk), (zm), 316–318, 322, 324, 327, 329, 330, 334, 335, 353, 360, 361, 365–368, 370, Schedules 1, 2, and 3, Parts 1–3 of Schedule 9, Schedule 10, and Parts 1–3 and 7 of Schedule 12 brought into force, on 1 October 1996, by clause 2 of the Fisheries Act Commencement Order (No 2) 1996 (SR 1996/255).

Section 1(2): sections 354 and 355 brought into force, on 23 August 1996, by clause 2 of the Fisheries Act Commencement Order 1996 (SR 1996/235).

Section 1(2A): inserted, on 9 September 1999, by section 1(5) of the Fisheries Act 1996 Amendment Act 1999 (1999 No 101).

Part 17

Repeals, amendments, validations, savings, and transitional provisions

Repeals and amendments

314 Repeals of provisions of Fisheries Act 1983

- (1) The following provisions of the Fisheries Act 1983 are hereby repealed:
 - (a) section 2 (the interpretation section):
 - (b) section 2A (as inserted by section 3 of the Fisheries Amendment Act 1986) (which provides that the Act binds the Crown):
 - (c) section 3 (which relates to the application of the Act to the exclusive economic zone):
 - (d)–(zo) *Amendment(s) incorporated in the Act(s)*.
- (2) The following enactments are hereby consequentially repealed:
 - (a) *Amendment(s) incorporated in the Act(s)*:
 - (b) the Territorial Sea and Exclusive Economic Zone Amendment Act 1980:
 - (c) the Territorial Sea and Exclusive Economic Zone Amendment Act 1985:
 - (d) *Amendment(s) incorporated in the Act(s)*:
 - (e) the Fisheries Amendment Act 1986:
 - (f) *Amendment(s) incorporated in the Act(s)*:
 - (g) *Amendment(s) incorporated in the Act(s)*:
 - (h) *Amendment(s) incorporated in the Act(s)*:
 - (i) *Amendment(s) incorporated in the Act(s)*:
 - (j) *Amendment(s) incorporated in the Act(s)*:
 - (k) *Amendment(s) incorporated in the Act(s)*:
 - (l) the Fisheries Amendment Act (No 2) 1990:
 - (m) *Amendment(s) incorporated in the Act(s)*:
 - (n) the Fisheries Amendment Act 1991:

- (o) the Fisheries Amendment Act (No 2) 1992:
 - (p) *Amendment(s) incorporated in the Act(s):*
 - (q) the Fisheries Amendment Act (No 3) 1992:
 - (r) the Fisheries Amendment Act 1993:
 - (s) the Fisheries Amendment Act 1994:
 - (t) *Amendment(s) incorporated in the Act(s):*
 - (u) the Fisheries Amendment Act (No 2) 1994:
 - (v) *Amendment(s) incorporated in the Act(s):*
 - (w) the Fisheries Amendment Act 1995.
- (3) The Fisheries (Crown Contribution) Order 1995 (SR 1995/205) is hereby consequentially revoked.
- (4) Without limiting anything in the Interpretation Act 1999, the repeal of any enactment by this section does not affect any amendment made to any enactment by any of the following enactments:
- (a) section 108(5) of the Fisheries Act 1983:
 - (b) section 30 of the Fisheries Amendment Act 1986:
 - (c) sections 57 and 58 of the Fisheries Amendment Act 1990:
 - (d) section 31 of the Fisheries Amendment Act 1991:
 - (e) Part 2 of the Fisheries Amendment Act (No 2) 1992:
 - (f) section 37 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Section 314(1)(a), (b), (c): not yet in force.

Section 314(1)(x): repealed (without coming into force), on 1 January 2005, by section 19(2) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109).

Section 314(4): amended, on 1 November 1999, pursuant to section 38(1) of the Interpretation Act 1999 (1999 No 85).

Notes

1 *General*

This is a consolidation of the Fisheries Act 1983 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Fisheries Amendment Act 2022 (2022 No 56): section 22

Criminal Procedure Act 2011 (2011 No 81): section 413

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109): section 19(1)

Resource Management (Aquaculture Moratorium) Amendment Act 2002 (2002 No 5): section 15

Fisheries Amendment Act 2000 (2000 No 20): section 31(1)

Fisheries Act 1983 Amendment Act (No 2) 1999 (1999 No 105)

Fisheries Act 1983 Amendment Act 1999 (1999 No 102)

Fisheries (Remedial Issues) Amendment Act 1998 (1998 No 67): section 35(1)–(3)

Fisheries (Foveaux Strait Dredge Oyster Fishery) Amendment Act 1998 (1998 No 6): section 16

Resource Management Amendment Act 1996 (1996 No 160): section 6(2)(a)

Fisheries Act 1996 (1996 No 88): sections 314(1)(d)–(w), (y)–(zo), 316(1)

Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74): section 5(4)

Fisheries Amendment Act 1995 (1995 No 51)

Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31): sections 5, 6(1)

Fisheries Amendment Act 1994 (1994 No 87)

Fisheries Amendment Act 1993 (1993 No 67)

Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (1992 No 121): section 22

Fisheries Amendment Act (No 2) 1992 (1992 No 90)

Conservation Law Reform Act 1990 (1990 No 31): sections 3(3), (4), 129, 136, 142

Fisheries Amendment Act 1990 (1990 No 29)

Maori Fisheries Act 1989 (1989 No 159): section 48(1), (3), (4)

Fisheries Amendment Act 1986 (1986 No 34)