

**Version  
as at 1 November 2022**

## **Fisheries Amendment Act 1990**

Public Act      1990 No 29  
Date of assent    1 April 1990

Fisheries Amendment Act 1990: repealed, on 1 November 2022, pursuant to section 22 of the Fisheries Amendment Act 2022 (2022 No 56).

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**Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

**This Act is administered by the Ministry for Primary Industries.**

55	<i>[Repealed]</i>	6
56	<i>[Repealed]</i>	6

## An Act to amend the Fisheries Act 1983

### BE IT ENACTED by the Parliament of New Zealand as follows:

#### 1 Short Title and commencement

- (1) This Act may be cited as the Fisheries Amendment Act 1990, and shall be read together with and deemed part of the Fisheries Act 1983.
- (2) Except as otherwise provided in this Act, this Act shall come into force on the day on which it receives the Royal assent.

#### 2 Interpretation

- (1) *This subsection substituted the definition of the term **lease** in section 2(1) of the principal Act.*
- (2) *This subsection inserted the definition of the term **total allowable commercial catch** in section 2(1) of the principal Act.*
- (3) Section 2(4) of the Fisheries Amendment Act 1986 is hereby consequentially repealed.
- (4) Unless the context otherwise requires, every reference in every other enactment or in any regulation or notice made under the principal Act to the term **total allowable catch** shall, where that reference is in respect of any species or class of fish that is subject to a quota management system under Part 2A of the principal Act, be read as a reference to the term **total allowable commercial catch**; and the total allowable catch applying to any species or class of fish in any area immediately before the commencement of this Act shall, until a new total allowable commercial catch is specified therefor, be the total allowable commercial catch for that species or class of fish in that area.

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#### 5 New sections substituted

- (1) *This subsection substituted new sections 28C, 28CA, and 28D for the former sections 28C and 28D (as inserted by section 10 of the Fisheries Amendment Act 1986) of the principal Act.*
- (2) Section 50 of the Maori Fisheries Act 1989 is hereby consequentially repealed.
- (3) For the avoidance of doubt, it is hereby declared that the words appearing in section 28D(1)(a)(i) of the principal Act (as enacted by subsection (1) of this section) shall bear the same meaning as the same words bore in section 28C(1)

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of the principal Act immediately before its repeal by subsection (1) of this section, and that the use of the term **total allowable commercial catch** in the said section 28D(1) shall not, by reason of the word “commercial” appearing in that term, be construed as altering that meaning.

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**14 Allocation of individual transferable quota**

(1) *This subsection inserted subsection 28O(1A) in the principal Act.*

(2) *This subsection amended section 28O(2) of the principal Act.*

(3) *This subsection substituted paragraph for 28O(6)(a) of the principal Act.*

(4) Notwithstanding anything in section 28O(1A) of the principal Act (as inserted by subsection (1) of this section), no quota for squid shall be deemed to be allocated to the Crown at any time when the interim order made by the High Court on the 2nd day of November 1987 in certain proceedings commenced by the filing of applications in the Wellington Registry under numbers CP559/87, 610/87, and 614/87, as subsequently varied by that Court, is in force, except to the extent that any variation to the order so allows; and, until that order is discharged or any variation so allows,—

(a) The Crown may, to the extent that it is not inconsistent with the interim order or any variation to that order, deal with quota for squid in accordance with section 28T of the principal Act as if that section had not been repealed by section 20 of this Act; and

(b) The provisions of the said section 28T, as in force before its repeal, shall apply accordingly in relation to any such dealings.

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**22 Taking of fish in excess of quota, and carrying forward of unused quota**

- (1) *This subsection substituted section 28V of the principal Act.*
- (2) Nothing in subsection (1) of this section shall apply to restrict the right of any holder or lessee or lessor of quota to take additional fish under the quota to the extent that any lease of the quota was registered under sections 28P and 28Q of the principal Act before the 1st day of April 1990, and section 28V of the principal Act, as in force before its repeal by subsection (1) of this section, shall apply to any such holder, lessee, or lessor in respect of any such registered lease.
- (3) Section 66 of the Maori Fisheries Act 1989 is hereby consequentially repealed.

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**28***[Repealed]*

Section 28 was repealed, as from 1 October 1994, by section 8(3)(b) Fisheries Amendment Act 1994 (1994 No 87).

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**33 New heading and section substituted**

- (1) *This subsection substituted section 66, and the heading thereto, of the principal Act.*
- (2) *This subsection amended section 67B(1) of the principal Act.*

(3) Schedule 3 to the Official Information Amendment Act 1987 is hereby amended by repealing so much of the item relating to the Fisheries Act 1983 as refers to section 66(3).

(4) This section shall come into force on the 1st day of October 1990.

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

(1) *This subsection inserted section 80A in the principal Act.*

(2) This section shall come into force on a date to be fixed by the Governor-General by Order in Council.

**40 Act not to apply to taking of fish in certain circumstances**

(1) *This subsection substituted subsections 88(1) and (1A) for section 88(1) of the principal Act.*

(2) Section 22 of the Fisheries Amendment Act 1986 is hereby consequentially repealed.

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**44 Liability of directors and managers**

The principal Act is hereby amended by repealing section 94 (as substituted by section 27(1) of the Fisheries Amendment Act 1986).

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**50 Defences available to commercial fisherman taking unauthorised fish**

- (1) *This subsection inserted section 105A in the principal Act.*
- (2) Section 75 of the Maori Fisheries Act 1989 is hereby deemed to be repealed as from its commencement.

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**52 New sections substituted**

- (1) *This subsection substituted sections 107B and 107C of the principal Act.*
- (2) The Public Finance Act 1989 is hereby consequentially amended by repealing so much of the Schedule as relates to section 107B(5) of the Fisheries Act 1983.
- (3) Sections 76 and 77 of the Maori Fisheries Act 1989 are hereby deemed to be repealed as from their commencement.
- (4) Subsections (1) and (2) of this section shall come into force on a date to be fixed by the Governor-General by Order in Council.

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**55***[Repealed]*

Section 55 was repealed, as from 1 October 1994, by section 8(3)(b) Fisheries Amendment Act 1994 (1994 No 87).

**56***[Repealed]*

Section 56 was repealed, as from 1 October 1994, by section 8(3)(b) Fisheries Amendment Act 1994 (1994 No 87).

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## **Consolidation notes**

### **1    *General***

This is a consolidation of the Fisheries Amendment Act 1990 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

### **3    *Amendments incorporated in this consolidation***

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