

**Reprint**  
**as at 1 February 2014**

**Fisheries (South-East Area  
Amateur Fishing) Amendment  
Regulations 1999**

(SR 1999/182)

Fisheries (South-East Area Amateur Fishing) Amendment Regulations 1999:  
revoked, on 1 February 2014, pursuant to regulation 161(1)(e) of the Fisheries  
(Amateur Fishing) Regulations 2013 (SR 2013/482).

PURSUANT to section 89 of the Fisheries Act 1983 and section 297 of the Fisheries Act 1996, Her Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following regulations.

**Contents**

	Page
1 Title and commencement	1
2 Application	2
3 Interpretation	2
4 Maximum daily number of fish	2
5 Offences	5
6 Revocation	6

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**1 Title and commencement**

- (1) These regulations may be cited as the Fisheries (South East Area Amateur Fishing) Amendment Regulations 1999, and

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

**These regulations are administered in the Ministry for Primary Industries.**

are part of the Fisheries (South-East Area Amateur Fishing) Regulations 1986<sup>1</sup> (“the principal regulations”).

- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

## 2 Application

The principal regulations are amended by revoking regulation 2, and substituting the following regulation:

“2

These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than commercial fishers taking or possessing fish under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.”

## 3 Interpretation

Regulation 3 of the principal regulations is amended by inserting, before the definition of the term **barracouta**, the following definition:

“**Act** means the Fisheries Act 1983 or the Fisheries Act 1996”.

## 4 Maximum daily number of fish

The principal regulations are amended by revoking regulation 3A, and substituting the following regulation:

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<sup>1</sup> SR 1986/225

- Amendment No 1: SR 1989/354
- Amendment No 2: SR 1991/59
- Amendment No 3: SR 1992/271
- Amendment No 4: SR 1993/288
- Amendment No 5: SR 1994/186
- Amendment No 6: SR 1995/237
- Amendment No 7: (*Revoked by SR 1997/286*)
- Amendment 1997: SR 1997/286
- Amendment 1998: SR 1998/27
- Amendment (No 2) 1998: SR 1998/301

“3A

- (1) The following table sets out the maximum daily number of particular species of fish that may be taken or possessed in accordance with subclauses (2) and (3):

Species	Maximum Daily Number
Barracouta .....	—
Blue cod.....	—
Blue moki .....	15
Bluenose .....	—
Blue shark.....	1
Bronze shark.....	1
Butterfish .....	15
Elephant fish.....	5
Flatfish.....	—
Grey mullet.....	—
Hammerhead shark.....	1
Kahawai.....	15
Lamprey .....	—
Ling .....	—
Mako shark.....	1
Marblefish.....	—
Marlin.....	1
Porbeagle shark .....	1
Quinnat salmon .....	2

Species	Maximum Daily Number
Red cod.....	—
Red gurnard .....	—
Red moki .....	15
Rig .....	5
School shark .....	5
Seven gilled shark .....	1
Skate ray .....	5
Snapper.....	10
Spiky dog.....	15
Stargazer.....	—
Tarakihi.....	15
Thresher shark .....	1
Trevally .....	—
Trumpeter .....	15
Warehou.....	15
White pointer.....	1
Wrasse .....	—

- “(2) No person may, on any day,—
- “(a) Take from within the South-East Fishery Management Area any fish in excess of the maximum daily number specified in respect of that fish in the table set out in subclause (1); or
- “(b) Possess more than the specified maximum daily number of any such fish in that area; or

- “(c) Possess more than the specified maximum daily number of any such fish taken from within that area.
- “(3) No person may, on any day,—
  - “(a) Take from within the South-East Fishery Management Area more than 30 fish to which the table set out in subclause (1) applies; or
  - “(b) Possess more than 30 of any such fish in that area; or
  - “(c) Possess more than 30 of any such fish taken from within that area.
- “(4) No person may, on any day,—
  - “(a) Take from within the South-East Fishery Management Area a total quantity of hapuku/bass and kingfish exceeding 5; or
  - “(b) Possess a total quantity of hapuku/bass and kingfish exceeding 5 in that area; or
  - “(c) Possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within that area.
- “(5) No person may, on any day,—
  - “(a) Take from within the South-East Fishery Management Area more than 3 kingfish; or
  - “(b) Possess more than 3 kingfish in that area; or
  - “(c) Possess more than 3 kingfish taken from within that area.”

## **5 Offences**

Regulation 8 of the principal regulations is amended by adding the following subclauses:

- “(5) Where, on or after 1 June 2002, any person is convicted of any offence against these regulations for which the specified maximum penalty is a fine of \$5,000, that person is liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years preceding the date of that conviction, that person has been convicted of any offence against any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.

“(6) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.”

## 6 Revocation

The Fisheries (South-East Area Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1994/186) are consequentially revoked.

MARIE SHROFF,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 28 days after the date of their notification in the *Gazette*, amend the Fisheries (South-East Area Amateur Fishing) Regulations 1986.

*Regulation 2* revokes and replaces regulation 2 of the principal regulations, which relates to the application of those regulations. The new provision ensures that the principal regulations apply to the possession of fish as well as the taking of fish.

*Regulation 3* inserts into regulation 3 of the principal regulations a definition of the term **Act**. The term includes the Fisheries Act 1996 as well as the Fisheries Act 1983.

*Regulation 4* substitutes a new *regulation 3A* in the principal regulations, which allows a person to take, on any day, a limited number of fish from an area, be in possession of that number of fish while in that area, or be in possession of that limited number of fish if they have been taken from that area. The principal reason for replacing regulation 3A is to make it consistent with the corresponding regulation in the other regional amateur fisheries regulations.

*Regulation 5* amends regulation 8 of the principal regulations (which relates to offences) to provide that,—

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- on or after 1 June 2002, a person who has reoffended within a period of 3 years is liable on conviction to a fine of \$10,000; and
- the penalty for repeat offenders applies only to offences carrying a maximum fine of \$5,000; and
- it is a defence if the excess fish were not taken in breach of the regulations.

*Regulation 6* effects a consequential revocation.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 17 June 1999.

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**Eprint notes****1    *General***

This is an eprint of the Fisheries (South-East Area Amateur Fishing) Amendment Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

**2    *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

**3    *Amendments incorporated in this eprint***

Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482): regulation 161(1)(e)

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