

**Reprint  
as at 1 February 2014**



**Fisheries (Amateur Fishing)  
Regulations 1986**

(SR 1986/221)

Fisheries (Amateur Fishing) Regulations 1986: revoked, on 1 February 2014, by regulation 161(1)(a) of the Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482).

Paul Reeves, Governor-General

**Order in Council**

At Wellington this 2nd day of September 1986

Present:

The Right Hon G W R Palmer presiding in Council

Pursuant to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

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Regulations 1986**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Fisheries (Amateur Fishing) Regulations 1986.
- (2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

### 2 Application

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

Regulation 2: amended, on 1 October 2001, by regulation 3(a) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 2: amended, on 1 October 2001, by regulation 3(b) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Fisheries Act 1996

**amateur-fishing charter vessel operator** means a person who receives payment or benefit to provide a vessel and a

fishing guide in order to take fishers who are not commercial fishers on fishing trips

**black coral** means a coelenterate of the order *Antipatharia*

**blue cod** means the fish of which the scientific name is *Parapercis colias*

**blue moki** means the fish of which the scientific name is *Latridopsis ciliaris*

**bob** means a baited stocking or net sock that is capable of catching rock lobster

**brown bullhead catfish** (commonly known as catfish) means a fish of which the scientific name is *Ameiurus nebulosus*

**butterfish** means those fish of which the scientific names are *Odax pullus* and *Odax cyanoallix*

**cockle** means the mollusc *Chione (Austrovenus) stutchburyi*

**drag net** or **beach seine net** means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

- (a) has a buoyancy system on the top edge; and
- (b) is weighted on the bottom edge; and
- (c) is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore

**eel** means the shortfin eel (*Anguilla australis*) and the longfin eel (*Anguilla dieffenbachii*)

**elephant fish** means the fish of which the scientific name is *Callorhynchus milii*

**fishing gear** includes any net, line, pot, bob, trap, dredge, apparatus, device, or thing that is used or is capable of being used for the purposes of taking fish

**fishing method** means the way in which any fishing gear is used to take fish or any other practice that is likely to result in taking fish

**flatfish** includes the following species:

- (a) sand flounder (“dab”, “white”, “diamond”, or “square” flounder) (*Rhombosolea plebeia*):
- (b) lemon sole (*Pelotretis flavilatus*):
- (c) New Zealand sole (*Peltorhamphus novaezeelandiae*):

- (d) flounder (“yellow belly”) (*Rhombosolea leporina*):
- (e) brill (*Colistium guntheri*):
- (f) turbot (*Colistium nudipinnis*):
- (g) black flounder (*Rhombosolea retiaria*):
- (h) greenback flounder (*Rhombosolea tapirinia*)

**fyke net** means any net, fish trap, or part of a net that is used or is capable of being used to take eels; and includes a hinaki trap

**garfish** means the fish of which the scientific name is *Hyporhamphus ihi* (commonly known as piper)

**hapuku/bass** means a fish of the species *Polyprion oxygeneios* or *Polyprion moene*

**herring** means the yellow-eyed mullet (*Aldrichetta forsteri*); but does not include the pilchard or sardine, or the species of mullet known as *Mugil cephalus* or kanae

**hinaki trap** means any fish trap capable of taking eels

**kahawai** means the fish of which the scientific name is *Arripis trutta*

**kina** means the shellfish of which the scientific name is *Evechinus chloroticus* (commonly known as the sea egg); and includes the purple urchin, of which the scientific name is *Centrostephanus rodgersii*

**kingfish** means a fish of the species *Seriola lalandi*

**length**, unless otherwise specified, means—

- (a) [Revoked]
- (b) in relation to any finfish, its length from the tip of the nose to the posterior end of the middle ray of the tail fin:
- (c) in relation to any scallop, the greatest diameter of the shell:
- (d) in relation to any paua, the greatest overall length of the shell measured on a plane parallel to the ventral surface of the paua

**line** or **lines** means any line to which hooks, whether baited or not, are attached (whether the line is held in the hand or otherwise), which is set, moored, or placed, and that is capable of taking fish

**loop** means a snare, lasso, or noose attached to a length of tubing that is used to take fish by being placed over the fish and being drawn tight

**mullet** includes those fish of which the scientific names are *Mugil cephalus* (commonly known as the grey mullet), and *Upeneichthys lineatus* (commonly known as the goatfish or red mullet); but does not include the yellow-eyed mullet (*Aldrichetta forsteri*)

**mussel** means the green mussel (*Perna canaliculus*), the blue mussel (*Mystilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*)

**net** means any net or part of a net used or capable of being used to take fish; but does not include a bob, ring pot, or whitebait net

**open season** means that period of a year not prescribed under these regulations as a closed season

**oyster** includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*) and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea chilensis* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster

**packhorse rock lobster** means the fish of which the scientific name is *Jasus verreauxi* (commonly known as the packhorse or green rock lobster), and includes any part thereof

**paua** means ordinary paua (*Haliotis iris*), yellow foot paua (*Haliotis australis*), and virgin paua (*Haliotis virginea*)

**pilchard or sardine** means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish commonly known as spratt (*Sprattus* spp.)

**pipi** means the mollusc *Paphies australis*

**quinnat salmon** (also known as chinook salmon) means the fish of which the scientific name is *Oncorhynchus tshawytscha*

**red cod** means the fish of which the scientific name is *Pseudophycis bachus*

**red gurnard** means a fish of which the scientific name is *Cheilodichthys kumu*

**red moki** means the fish of which the scientific name is *Cheilodactylus spectabilis*

**rig** means the fish of which the scientific name is *Mustelus lenticulatus*

**ring pot** or **hoop net** or **pull pot** means a circular frame across which netting is attached

**river, stream, or channel** includes all waters that are contained by natural or artificial banks

**rock lobster pot** means any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters except a loop, bob, or ring pot

**set net** includes a gill net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish

**snapper** means the fish of which the scientific name is *Chrysophrys auratus*

**soft shell stage** means the state of a rock lobster following moulting where the exoskeleton has not reached full hardness

**spear** means any device or implement capable of puncturing the flesh or exoskeleton of any fish; but does not include any gaff or similar device used solely for the landing of any finfish

**spiny rock lobster** means the fish of which the scientific name is *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and includes any part thereof

**stalling** means the process whereby a net is set anywhere in such a manner that any fish enclosed or entangled by the net is left stranded by the falling tide or is enclosed or entangled in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net

**tarakihi** means the fish of which the scientific name is *Nemadactylus macropterus*

**toheroa** means the mollusc of which the scientific name is *Paphies ventricosa*

**trevally** means the fish of which the scientific name is *Caranx georgianus*

**trumpeter** means a fish of which the scientific name is *Latris lineata*

**tuatua** means the mollusc *Paphies subtriangulata* and the mollusc *Paphies donacina* (commonly known as southern tuatua)

**underwater breathing apparatus** means any apparatus capable of being used for providing breathable gases underwater, and includes any part of the apparatus; but does not include any snorkel.

Regulation 3 **Act**: substituted, on 1 October 2001, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 3 **amateur-fishing charter vessel operator**: inserted, on 1 October 2010, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2010 (SR 2010/294).

Regulation 3 **bob**: inserted, on 16 December 2005, by regulation 3(1) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 3 **brown bullhead catfish**: inserted, on 1 April 2007, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 3 **fishing gear**: amended, on 16 December 2005, by regulation 3(2) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 3 **groper**: revoked, on 30 September 1993, by regulation 2(1) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 3 **hapuku/bass**: inserted, on 30 September 1993, by regulation 2(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 3 **kingfish**: inserted, on 30 September 1993, by regulation 2(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 3 **length** paragraph (a): revoked, on 1 April 1990, by regulation 2(1) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40).

Regulation 3 **loop**: inserted, on 1 October 2009, by regulation 4(1) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

Regulation 3 **measuring device**: revoked, on 1 April 1990, by regulation 2(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40).

Regulation 3 **net**: amended, on 16 December 2005, by regulation 3(3) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 3 **oyster**: amended, on 1 October 1994, by regulation 2 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 6 (SR 1994/178).



Regulation 3 **packhorse rock lobster**: inserted, on 1 April 1990, by regulation 2(3) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40).

Regulation 3 **red gurnard**: inserted, on 1 April 2007, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 3 **rock lobster pot**: substituted, on 1 October 2009, by regulation 4(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

Regulation 3 **set net**: amended, on 30 September 1993, by regulation 2(3) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 3 **spiny rock lobster**: inserted, on 1 April 1990, by regulation 2(4) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40).

Regulation 3 **trumpeter**: inserted, on 1 April 2007, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 3 **whitebait**: revoked, on 26 September 1991, by regulation 2 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1991/172).

Regulation 3 **whitebait net**: revoked, on 26 September 1991, by regulation 2 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1991/172).

#### **4 Conflict between these regulations and other regulations**

In the event of any inconsistency between any of these regulations and any regulations made under the Act that relate to amateur fishing in any specified area of New Zealand fisheries waters, those regulations shall prevail over the inconsistent regulations in these regulations.

#### **5 Measurement of net mesh size**

- (1) For the purposes of these regulations, the size of mesh of a net shall be the size ascertained by measuring the length between the inner edges of the knots of opposite corners of the mesh with the mesh closed or, where the mesh has no knots, the length between the inner edges of opposite corners of the mesh with the mesh closed.
- (2) In cases of dispute or doubt, a weight of 1 kg shall be slung or attached to the lower knot or join of the mesh to produce a fair strain or extension, and the mesh shall be measured while the weight is in position.

- (3) For the purposes of this regulation, the inner edge, in relation to a knot, means the edge of the knot that is nearest to the knot of the opposite corner of the mesh that is being measured.

## 6 Minimum net mesh size and species length

- (1) A person must not use a net to take a species of fish specified in the following table unless the net mesh size used is at least the minimum net mesh size specified for the species of fish in the following table:

Species of fish	Minimum net mesh size (mm)
Blue cod	—
Blue moki	115
Butterfish	108
Eels	12
Elephant fish	150
Flatfish	100
Garfish (piper)	25
Hapuku/bass	—
Herrings	25
Kahawai	85
Kingfish	100
Mullet	85
Pilchard	25
Red cod	100
Red moki	115
Rig	150
Snapper	100
Tarakihi	100
Trevally	100
All others (excluding quinnat salmon)	100

- (2) A person must not take or be in possession of a species of fish specified in the following table that is less than the minimum length specified for the species of fish in the following table:

<b>Species of fish</b>	<b>Minimum species length (cm)</b>
Blue cod	33
Blue moki	40
Butterfish	35
Eels	—
Elephant fish	—
Flatfish (except sand flounder)	25
Garfish (piper)	—
Hapuku/bass	—
Herrings	—
Kahawai	—
Kingfish	75
Mullet	—
Pilchard	—
Red cod	25
Red gurnard	25
Red moki	40
Rig	—
Sand flounder	23
Snapper	25
Tarakihi	25
Trevally	25
Trumpeter	35
All others (excluding quinnat salmon)	—

Regulation 6: substituted, on 1 October 2001, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 6(2) table: amended, on 1 April 2007, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 6(2) table: amended, on 15 January 2004, by regulation 3 of the Fisheries (Amateur Fishing) Amendment Regulations (No 3) 2003 (SR 2003/376).

## **6A Maximum daily number of eels**

- (1) The maximum number of eels that may be taken or possessed by a person on any day is 6.

- (2) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of eels, but not more than 3 times the daily limit.
- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of eels.

Regulation 6A: substituted, on 1 October 2001, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

## **7 Marking of nets**

- (1) No person shall set or use any set net unless there is attached to each end of the net a surface float that is legibly and permanently marked with that person's initials and surname.
- (2) No person shall set or use any fyke net unless there is a surface float attached to it that is legibly and permanently marked with that person's initials and surname.

## **8 Hauling of nets**

No person shall set, pull, haul, or retrieve any net, or pull or haul any rope, warp, or chain attached to, or used with, any such net, other than by hand.

## **9 Restrictions on nets in channels**

- (1) No person shall use or set any net that, either by itself or together with any other net, extends more than one-quarter across the width of any river, stream, or channel measured at right angles to the bank of that river, stream, or channel at that place at that time.
- (2) No person shall use or set any net that, at any time, either by itself or together with or in conjunction with any other net, wing, or leader extends more than one-quarter of the width of any arm of the sea, including any estuary, inlet, bay, or sound.
- (3) For the purposes of subclause (2), the width of any arm of the sea, including any estuary, inlet, bay, or sound, shall be the shortest line of any straight lines that may be drawn between any point on the water's edge and any point on the opposing water's edge, being a line that intersects the net at some point.

Regulation 9(1): amended, on 30 September 1993, by regulation 4(1) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 9(2): added, on 30 September 1993, by regulation 4(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 9(3): added, on 30 September 1993, by regulation 4(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

## **10 Stalling prohibited**

- (1) A person must not set any net if stalling occurs as a result.
- (2) A person who sets a net must ensure that stalling does not occur while the net is set.

Regulation 10: substituted, on 1 October 2001, by regulation 6 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

## **11 Use of poles or stakes**

No person shall erect any pole or stake for using in conjunction with any fishing net or use in conjunction with any fishing net any erected pole or stake; but nothing in this regulation shall apply to the use of any pole or stake used in conjunction with a fyke net if the pole or stake is clearly visible at all stages of the tide and is removed at the cessation of fishing.

## **12 Set nets**

- (1) No person shall—
  - (a) use or possess in or adjacent to New Zealand fisheries waters a set net having a length exceeding 60 m; or
  - (b) use or possess in or adjacent to New Zealand fisheries waters more than 1 set net; or
  - (c) set a net within 60 m of any other net; or
  - (d) use or possess in or adjacent to New Zealand fisheries waters any baited set net, other than a fyke net or hinaki trap.
- (2) Subject to subclause (3), no person on board any vessel shall take fish by using a set net if there is on board the vessel more than 1 set net.
- (3) Two set nets may be used from or possessed on board any vessel if one set net has a mesh size of less than 50 mm and does not exceed 10 m in length.

Regulation 12(1)(d): substituted, on 5 November 1998, by regulation 2 of the Fisheries (Amateur Fishing) Amendment Regulations 1998 (SR 1998/302).

Regulation 12(2): added, on 30 September 1993, by regulation 5 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 12(3): added, on 30 September 1993, by regulation 5 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

### 13 Drag nets

No person shall—

- (a) use or possess in or adjacent to New Zealand fisheries waters a drag net unless—
  - (i) the net length does not exceed 40 m; and
  - (ii) the total warp length does not exceed 200 m;
- (b) set, use, or possess in or adjacent to New Zealand fisheries waters more than 1 drag net at any one time.

### 14 Fyke nets and hinaki traps

No person shall set, use, or possess in or adjacent to New Zealand fisheries waters more than 1 fyke net or more than 1 hinaki trap at any one time.

### 15 Line fishing

No person shall,—

- (a) use or possess in or adjacent to New Zealand fisheries waters any line unless all the surface floats attached to it are clearly and legibly marked with that person's surname and initials; or
- (b) use or possess in or adjacent to New Zealand fisheries waters any line that has more than 25 hooks attached; or
- (c) use or possess in or adjacent to New Zealand fisheries waters more than 1 line (other than rod and reel lines or hand lines); or
- (d) at any time, use from or set from or possess on board a vessel in or adjacent to New Zealand fisheries waters a line (other than rod and reel lines or hand lines) if, at that time, more than 2 lines (other than rod and reel lines or hand lines) are being used from or are set from or possessed on board the vessel.

Regulation 15: substituted, on 1 October 1994, by regulation 4 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 6 (SR 1994/178).

### **15A Marking of pots**

A person must not use or have on board any vessel or vehicle any pot, unless the pot and the buoy or float attached to the pot or float line are clearly and permanently marked with the person's surname and initials.

Regulation 15A: inserted, on 1 June 2009, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

### **15B Person and vessel limits on number of pots**

- (1) The maximum number of pots that may be used, set, or possessed in New Zealand fisheries waters is,—
  - (a) in the case of pots being used, set, or possessed by an individual (including an individual who is the only person on a vessel), 3 pots:
  - (b) in the case of pots used, set, or possessed by 2 or more individuals from a vessel, 6 pots.
- (2) A person contravenes this subclause if the person (being an individual to whom subclause (1)(a) applies), on any day,—
  - (a) uses, sets, or possesses—
    - (i) 4 pots; or
    - (ii) 5 or 6 pots; or
  - (b) uses, sets, or possesses more than 6 pots.
- (3) A person contravenes this subclause if the person (being an individual to whom subclause (1)(b) applies), on any day,—
  - (a) uses, sets, or possesses pots from or on a vessel so that—
    - (i) more than 6 pots but not more than 9 pots are being used, set, or possessed on or from the vessel; or
    - (ii) more than 9 pots but not more than 12 pots are being used, set, or possessed or on from the vessel; or
  - (b) uses, sets, or possesses pots from or on a vessel so that more than 12 pots are being used, set, or possessed on or from the vessel.

Regulation 15B: inserted, on 1 June 2009, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

### **16 Live brown bullhead catfish**

- (1) A person must not possess a live brown bullhead catfish.

- (2) A person who takes a live brown bullhead catfish must kill it immediately.

Regulation 16: substituted, on 1 April 2007, by regulation 6 of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

### **17 Quinntat salmon fishing**

- (1) No person shall take quinntat salmon by any method other than a rod and running line.
- (2) No person shall be in possession of any quinntat salmon taken in contravention of subclause (1).
- (3) No person fishing for quinntat salmon shall be in possession or have control over more than 1 assembled rod and running line.
- (3A) Notwithstanding subclause (3), nothing in this regulation prohibits the use, by a person fishing for quinntat salmon, of another rod and running line to jig for sprat or other baitfish, so long as any salmon taken on that rod and running line is returned to the water immediately.
- (4) No person shall use a rod and running line to take quinntat salmon unless that person is within 15 metres of the rod and has the rod under visual observation.
- (5) The maximum number of quinntat salmon that may be taken or possessed by a person on any day is 4.
- (5A) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of quinntat salmon, but not more than 3 times the daily limit.
- (5B) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of quinntat salmon.
- (6) This regulation shall apply only to the taking of quinntat salmon, and the possession of quinntat salmon taken, from areas that are not within an area of jurisdiction of the Fish and Game Council for that area.

Regulation 17(3A): inserted, on 30 September 1993, by regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284).

Regulation 17(5): substituted, on 1 October 2001, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 17(5A): inserted, on 1 October 2001, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).



Regulation 17(5B): inserted, on 1 October 2001, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 17(6): amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

**18 Prohibition on possession of fish in conjunction with unlawful nets, traps, or lines**

No person shall be in possession of any fish together with any net, trap, or line that the person is not permitted to set or use by regulations 12 to 17, whether or not that net, trap, or line is being used in fishing.

*Shellfish*

**19 Daily allowance of shellfish**

- (1) The maximum number of shellfish that may be taken or possessed by a person on any day is the number specified in the following table:

<b>Species of shellfish</b>	<b>Maximum daily number (per person)</b>
Cockles	150
Kina	50
Mussels	50
Oysters — dredge	50
— Pacific or rock	250
Paua — ordinary	10
— yellow foot	10
Pipi	150
Scallops	20
Tuatua	150
Others (whether of the same species or of different species)	50

- (2) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of a species of shellfish specified in the table in subclause (1), but not more than 3 times the daily limit.
- (3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of a species of shellfish specified in the table in subclause (1).

- (4) The minimum length of shellfish (whether entire, chipped, or broken) that may be taken or possessed by any person on any day is specified in the following table:

Species of shellfish	Minimum length (mm)
Cockles	—
Kina	—
Mussels	—
Oysters — dredge	as in subclause (5)
— Pacific or rock	—
Paua — ordinary	125
— yellow foot	80
Pipi	—
Scallops	100
Tuatua	—
Others (whether of the same species or of a different species)	—

- (5) A person must not take or possess any dredge oyster that can be passed through a rigid circular metal ring having a clear inside diameter of 58 mm.

- (6) This regulation is subject to regulation 19A.

Regulation 19: substituted, on 1 October 2001, by regulation 8 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 19(6): added, on 16 December 2005, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

**19A Daily allowance for dredge oysters or scallops when diving if safety person on board vessel**

- (1) Despite regulation 19(1) or any other regulations made pursuant to section 297 of the Act relating to daily limits, a person may take on any day, an additional amount of dredge oysters or scallops that is equivalent to—
- (a) 1 times the daily limit of dredge oysters or scallops, if subclause (2) applies; or
  - (b) 2 times the daily limit of dredge oysters or scallops, if subclause (3) applies.
- (2) This subclause applies if—

- (a) the person takes the dredge oysters or scallops by the method of hand gathering when diving from a fishing vessel; and
  - (b) 1 safety person is on board the vessel at all times when the dredge oysters or scallops are taken.
  - (c) *[Revoked]*
- (2A) For the purposes of subclause (2), no more than an additional amount that is equivalent to 1 times the daily limit of dredge oysters or scallops may be taken in total by all persons diving from the vessel.
- (3) This subclause applies if—
- (a) a person takes the dredge oysters or scallops by the method of hand gathering when diving from a fishing vessel; and
  - (b) 2 or more safety persons are on board the vessel at all times when the dredge oysters or scallops are taken.
  - (c) *[Revoked]*
- (3A) For the purposes of subclause (3), no more than an additional amount that is equivalent to 2 times the daily limit of dredge oysters or scallops may be taken in total by all persons diving from the vessel.
- (3B) To avoid doubt, any additional amount taken for a safety person in accordance with this regulation is not part of the daily limit for the purposes of regulation 19.
- (4) In this regulation,—
- daily limit**, in relation to dredge oysters or scallops, means—
- (a) the maximum daily number of dredge oysters or scallops specified in the table in regulation 19(1); or
  - (b) in any other case, the maximum daily number or maximum daily catches of dredge oysters or scallops specified in any other regulations made pursuant to the Act
- safety person** means a person on board a fishing vessel who is assisting the safety of a person taking the dredge oysters or scallops.

Regulation 19A: inserted, on 16 December 2005, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 19A(1): amended, on 1 March 2006, by regulation 3(1) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

Regulation 19A(2)(b): amended, on 1 April 2007, by regulation 7(1) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(2)(c): revoked, on 1 April 2007, by regulation 7(2) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(2A): inserted, on 1 April 2007, by regulation 7(3) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(3)(b): amended, on 1 April 2007, by regulation 7(4) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(3)(c): revoked, on 1 April 2007, by regulation 7(5) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(3A): inserted, on 1 April 2007, by regulation 7(6) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(3B): inserted, on 1 April 2007, by regulation 7(6) of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

Regulation 19A(4) **daily limit** paragraph (b): amended, on 1 March 2006, by regulation 3(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

### **19B Accumulation limit for paua**

- (1) This regulation applies to a person if the person has—
  - (a) accumulated paua over a period exceeding 1 day; and
  - (b) breached the daily limit specified for paua in regulation 19(1); and
  - (c) established the defence specified in regulation 29(3).
- (2) If this regulation applies, then the maximum number or amount of paua that may be possessed by the person on any day is—
  - (a) 20 paua; or
  - (b) if the number of paua cannot be determined, the amount of paua that comprises a shucked weight (being the weight of the paua remaining when the shell has been removed and discarded) of 2.5 kilograms of paua.
- (3) A person contravenes this subclause if the person, on any day, possesses more than the limit of paua specified in subclause (2), but not more than 3 times that limit.
- (4) A person contravenes this subclause if the person, on any day, possesses more than 3 times the limit of paua specified in subclause (2).

Regulation 19B: inserted, on 1 October 2009, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

**20 Shellfish to be measurable**

- (1) No person may possess seaward of the mean high-water mark any shellfish to which a minimum length restriction applies in such a state that it cannot be measured.
- (2) Subclause (1) does not apply to the possession of dredge oysters or scallops on board a fishing vessel for consumption.
- (3) No person may land from a fishing vessel any shellfish to which a minimum length restriction applies in such a state that it cannot be measured.

Regulation 20: substituted, on 16 December 2005, by regulation 6 of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

**21 Use of underwater breathing apparatus prohibited for taking paua**

No person shall—

- (a) use any underwater breathing apparatus while taking paua:
- (b) possess any paua while in possession of any underwater breathing apparatus:
- (c) have any paua in or on any conveyance in or on which there is any underwater breathing apparatus:
- (d) possess any paua that the person knows to have been taken when the person taking them was using underwater breathing apparatus.

Regulation 21 heading: amended, on 16 December 2005, by regulation 7(1) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 21(a): amended, on 16 December 2005, by regulation 7(2) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 21(b): amended, on 16 December 2005, by regulation 7(2) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 21(c): amended, on 16 December 2005, by regulation 7(2) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 21(d): amended, on 16 December 2005, by regulation 7(2) of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

**22 Taking, possessing, or disturbing toheroa**

- (1) A person must not take, possess, or disturb toheroa.
- (2) A person contravenes this subclause if the person takes, possesses, or disturbs up to 50 toheroa.

- (3) A person contravenes this subclause if the person takes, possesses, or disturbs more than 50 toheroa.

Regulation 22: substituted, on 1 October 2001, by regulation 9 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

### **23 Oysters**

- (1) No person shall open any oyster while it adheres to the object or other oyster on which it grew or discard the shell of the oyster on or near such object or other oyster.
- (2) No person shall take or possess any oysters taken in the South Island during the period commencing with 1 September in any year and ending with the last day of February (both days inclusive) in the following year.

### **24 Scallops**

No person shall take or possess any scallops taken between 15 February and 14 July in the same year (both days inclusive).

### **25 Rock lobster**

- (1) No person shall take or possess—
- (a) *[Revoked]*
  - (b) any undersize rock lobster or the tail of any undersize rock lobster:
  - (c) any rock lobster that is carrying external eggs, or from which external eggs have been removed by artificial means:
  - (d) any rock lobster where—
    - (i) any egg-bearing appendage or pleopod or any part thereof has been removed from the lobster, or the tail is in such a state that the sex of the rock lobster cannot be determined; or
    - (ii) the calcified bar or any part of the exoskeleton (the outer shell of the tail) of the first abdominal segment of the tail is fractured, or the rock lobster is in such a state that its tail cannot be properly measured as required under these regulations; or
    - (iii) in the case of a spiny rock lobster, the calcified bar or any part of the exoskeleton (the outer shell of the tail) of the second abdominal segment of

the tail is fractured, or any part of any primary pleural spine of the second abdominal segment is broken:

- (e) any rock lobster in the soft shell stage.
- (1A) The maximum number of rock lobsters that may be taken or possessed by a person on any day is 6.
- (1B) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of rock lobsters, but not more than 3 times the daily limit.
- (1C) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of rock lobsters.
- (2) No person shall set or use a baited net for taking rock lobsters, or possess any rock lobster taken with a baited net.
- (3) No person shall use any spear to take rock lobster, or possess any rock lobster that has been speared.
- (4) *[Revoked]*
- (5) *[Revoked]*
- (6) *[Revoked]*

Regulation 25: substituted, on 1 April 1990, by regulation 3 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40).

Regulation 25(1)(a): revoked, on 1 October 2001, by regulation 10(1) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 25(1)(e): added, on 8 September 1990, by regulation 2 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1990/217).

Regulation 25(1A): inserted, on 1 October 2001, by regulation 10(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 25(1B): inserted, on 1 October 2001, by regulation 10(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 25(1C): inserted, on 1 October 2001, by regulation 10(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 25(2): amended, on 16 December 2005, by regulation 8 of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

Regulation 25(4): revoked, on 1 June 2009, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

Regulation 25(5): revoked, on 1 July 1992, by regulation 2 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

Regulation 25(6): revoked, on 1 July 1992, by regulation 2 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

**25A Undersize rock lobster**

- (1) A rock lobster is **undersize** for the purposes of regulations 25(1)(b) and 25B if, in whatever state the rock lobster or tail is when it is measured (whether alive or dead, or cooked, frozen, or chilled),—
  - (a) in the case of a female spiny rock lobster, the width of its tail is less than 60 mm when measured in accordance with subclauses (2) and (3):
  - (b) in the case of a male spiny rock lobster, the width of its tail is less than 54 mm when measured in accordance with subclauses (2) and (3):
  - (c) in the case of a packhorse rock lobster of either sex, the length of its tail is less than 216 mm when measured in accordance with subclauses (4) and (5).
- (2) The width of the tail of a spiny rock lobster shall, for the purposes of this regulation, be the distance measured in a straight line from the tip of one primary pleural spine on the second abdominal segment of the tail to the tip of the other primary pleural spine on that segment.
- (3) In the case of any dispute as to whether a spiny rock lobster is undersize or not, the width of the tail of the rock lobster shall be measured, and the matter thereby determined, as follows:
  - (a) the width shall be measured by means of a tail-width measuring device supplied by the Director-General bearing a DSIR mark or a MAF mark, or a measuring device supplied by the chief executive bearing an MFish mark, and an identifying number and consisting of a handle with an attachment comprising 2 sets of rigid caliper-type arms. Each such set has one arm that bears a raised L-shaped projection (hereinafter called the measuring bar) and a second arm that is marked with a line some 2 mm away from and parallel to the projected edge of the central column of the device, and either—
    - (i) the expressions “60” and “F”; or
    - (ii) the expressions “54” and “M”:
  - (b) the tail width of a female rock lobster shall be measured by means of the set of caliper-type arms that contains the arm marked with the expressions “60” and “F”. The



- tail width of a male rock lobster shall be measured by means of the set of caliper-type arms that contains the arm marked with the expressions “54” and “M”:
- (c) the tail width shall be measured, using the relevant set of caliper-type arms, by—
    - (i) holding the rock lobster, or tail, with the ventral side uppermost; and
    - (ii) bringing the tip of one of the primary pleural spines on the second abdominal segment into contact with the inside face of the longer section of the measuring bar (Note: in this position the measuring bar being used will not normally be visible to the person measuring); and
    - (iii) while the tip of the spine is so in contact, rotating the measuring device to determine whether or not there is any position in which the tip of the other primary pleural spine on the second abdominal segment will reach that part of the inside edge of the other relevant arm of the device that extends from the line referred to in paragraph (a) to the unattached end of the arm (which part is hereinafter called the measuring edge):
  - (d) no pressure shall be applied to the tail or to the measuring device except such pressure as is necessary to—
    - (i) bring the tip of one of the primary pleural spines on the second abdominal segment into contact with the inside face of the longer section of the measuring bar; and
    - (ii) rotate the measuring device to determine whether or not the tip of the other such spine will reach the measuring edge of the other arm:
  - (e) the rock lobster will be undersize if, when the tip of one such spine is in contact with the inside face of the longer section of the measuring bar, the tip of the other spine fails to reach the measuring edge of the other relevant arm of the measuring device.
- (4) The length of the tail of a packhorse rock lobster shall, for the purposes of this regulation, be the distance in a straight line, when the tail is laid flat, from the posterior side of the calcified

bar on the underside of the first abdominal segment of the tail to the posterior edge of the telson of the tail fan.

- (5) In the case of any dispute as to whether a packhorse rock lobster is undersize or not, the length of the tail of the rock lobster shall be measured, and the matter thereby determined, as follows:
- (a) the length shall be measured by means of a tail-length measuring device supplied by the Director-General consisting of a rigid metal bar with a pin set in it:
  - (b) the pin of the measuring device shall be placed against the mid-point on the posterior side of the calcified bar on the first abdominal segment of the tail:
  - (c) with the pin kept in that position and the tail laid flat, the measuring device shall be brought into line with the posterior edge of the telson of the tail fan, and the length of the tail shall be the distance as indicated on the bar of the measuring device from the pin to that posterior edge:
  - (d) when measuring that distance, no more pressure shall be applied to the tail and the measuring device than is necessary to—
    - (i) cause the calcified bars on the ventral surface of the tail to just touch the measuring device; and
    - (ii) bring the pin of the device and the bar of the device into contact with the relevant points of measurement.
- (6) Any measurement of the tail width of a spiny rock lobster shall be deemed not to be in accordance with subclause (3) if it is carried out by means of a tail-width measuring device that, since having been supplied by the Director-General, has been altered or added to or adapted in such a way as to decrease the distance between the relevant measuring bar and measuring edge.
- (7) The diagrams in Schedule 1 of the Fisheries (Commercial Fishing) Regulations 2001 depict the tail-width measuring device and the parts of the body of a rock lobster referred to in this regulation (other than the exoskeleton), and also the physical features by which male and female spiny rock lobster may be distinguished.

(8) *[Revoked]*

Regulation 25A: inserted, on 1 April 1990, by regulation 3 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40).

Regulation 25A(1): amended, on 1 July 1992, by regulation 3(1) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

Regulation 25A(1)(a): amended, on 1 July 1992, by regulation 3(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

Regulation 25A(3)(a): amended, on 22 June 2000, by regulation 4 of the Fisheries (Amateur Fishing) Amendment Regulations 2000 (SR 2000/77).

Regulation 25A(3)(a)(i): amended, on 1 July 1992, by regulation 3(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

Regulation 25A(3)(b): amended, on 1 July 1992, by regulation 3(2) of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

Regulation 25A(7): amended, on 1 October 2001, by regulation 11 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 25A(8): revoked, on 12 May 2011, by clause 3 of the Fisheries Regulations Revocation Order 2011 (SR 2011/96).

**25B Apertures to be incorporated in rock lobster pots**

- (1) No person shall use or have on any vessel or vehicle any rock lobster pot, unless the pot has at least 2 rectangular apertures (other than the mouth) through which undersize rock lobsters are able to escape.
- (2) No escape aperture shall—
  - (a) be incorporated in either the top or the bottom of any pot; or
  - (b) have inside dimensions of less than 54 mm by 200 mm.
- (3) Every rock lobster pot that is required to contain escape apertures shall be so constructed that—
  - (a) escape apertures shall be contained in at least 2 opposite faces of the pot:
  - (b) where the escape apertures are placed vertically, the total inside length of the escape aperture or apertures contained in any face of the pot shall not be less than 80% of the total height of the face of the pot in which the aperture or apertures are contained:
  - (c) where placed other than vertically, the total inside length of the escape aperture or apertures contained in any face of the pot shall not be less than 80% of the

total length of the face of the pot in which the aperture or apertures are contained.

- (4) Notwithstanding anything in subclause (1) or subclause (3), no person shall use or have on any vessel or vehicle any round rock lobster pot, unless—
- (a) the pot contains at least 3 rectangular apertures (other than the mouth) through which undersize rock lobsters are able to escape; and
  - (b) each aperture has inside dimensions of not less than 54 mm by 200 mm.
- (5) This regulation does not prohibit the use or possession of rock lobster pots without escape apertures if—
- (a) the pots are constructed entirely of spot welded rectangular mesh with inside dimensions of not less than 140 mm long by 54 mm wide; and
  - (b) the pots are used—
    - (i) without covers or liners; or
    - (ii) with covers or liners that leave unencumbered at least 80% of the surface area of each of 2 opposite sides.
- (6) *[Revoked]*
- (7) This regulation does not prohibit the use or possession of pots without escape apertures for taking species other than rock lobster.

Regulation 25B: inserted, on 1 October 1992, by regulation 4 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114).

Regulation 25B(5): substituted, on 2 October 2003, by regulation 3 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/229).

Regulation 25B(6): revoked, on 1 October 2009, by regulation 6 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

Regulation 25B(7): added, on 1 June 2009, by regulation 6 of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

### **25BA Prohibited use of specified loops to take rock lobster**

- (1) No person may take rock lobster with a loop that is—
- (a) drawn tight by springs or any other trigger mechanism;
- or

- (b) constructed in a way that, if used, is likely to puncture, penetrate, cut, or otherwise damage the tail or carapace of a rock lobster.
- (2) No person may—
  - (a) use, while taking rock lobster, a loop of a type specified in subclause (1):
  - (b) possess any rock lobster while in possession of a loop of a type specified in subclause (1):
  - (c) have any rock lobster in or on a conveyance in or on which there is a loop of a type specified in subclause (1):
  - (d) possess any rock lobster that the person knows has been taken by using a loop of a type specified in subclause (1).

Regulation 25BA: inserted, on 1 October 2009, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

## **25C Octopus pots**

A person must not use or have on board any vessel or vehicle any pot to take octopus unless the entrance to the pot is covered and secured by a latch or similar device so that an octopus must force its way into the pot.

Regulation 25C: substituted, on 1 June 2009, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

### *Black coral*

## **26 Black coral**

No person shall take or possess any black coral.

### *Miscellaneous*

## **26A Registration of amateur-fishing charter vessel operator**

- (1) On and from 1 November 2010, no person may commence or continue operating as an amateur-fishing charter vessel operator unless the person is registered by the chief executive as an amateur-fishing charter vessel operator.
- (2) The chief executive must register a person as an amateur-fishing charter vessel operator on presentation of a properly com-

pleted application on an approved form accompanied by the appropriate fee specified in subclause (3).

- (3) The application fee is—
  - (a) \$54 if the application is made in writing; or
  - (b) \$27 if the application is made electronically.
- (4) The registration of a person as an amateur-fishing charter vessel operator expires at the close of the day that is 1 year after the date on which the person is registered.
- (5) However, a person's registration does not expire under subclause (4) until the chief executive has decided whether to re-register the person if the person has, not later than 1 month before the person's registration expires, applied to be re-registered and, at the date on which the registration would otherwise expire under subclause (4), the chief executive has not decided whether to re-register the person.
- (6) The chief executive may revoke the registration of a person as an amateur-fishing charter vessel operator if the person persistently fails to comply with the reporting obligations provided under regulation 26B, but must not do so before giving the person—
  - (a) notice in writing of the chief executive's intention to do so; and
  - (b) a reasonable opportunity to comply with the reporting obligations that have not been complied with.
- (7) The chief executive may revoke the registration of a person as an amateur-fishing charter vessel operator if the person is subject to a current prohibition order relating to fishing made by the court.

Regulation 26A: inserted, on 1 October 2010, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations 2010 (SR 2010/294).

### **26B Reporting obligations of amateur-fishing charter vessel operator**

- (1) An amateur-fishing charter vessel operator must provide information to the chief executive in accordance with this regulation.
- (2) The information to be provided under this regulation—

- (a) is the information specified for the purposes of this regulation by the chief executive by notice in the *Gazette*; and
  - (b) must be provided in the form and at the times specified by the chief executive in the notice given under paragraph (a).
- (3) The information that may be required by a notice under subclause (2) is information about the fishing activities of an amateur-fishing charter vessel operator, including (but not limited to)—
- (a) details of the vessel being used; and
  - (b) where fishing has taken place and its duration; and
  - (c) the species and quantity of fish taken.
- (4) Before issuing, amending, or revoking a notice given under subclause (2), the chief executive must consult any organisations that the chief executive considers to be representative of the persons likely to be substantially affected by the notice.

Regulation 26B: inserted, on 1 October 2010, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations 2010 (SR 2010/294).

## **27 Fish taken for approved traditional non-commercial fishing use**

- (1) Nothing in these regulations or in any other regulations made pursuant to the Act relating to amateur fishing and imposing any restriction on the taking of fish, aquatic life, or seaweed shall apply where—
- (a) the fish, aquatic life, or seaweed is or are taken for the purposes of a traditional non-commercial fishing use (except a hui or tangi) approved by the chief executive; and
  - (b) the fish are taken in accordance with any conditions considered by the chief executive to be necessary for the overall conservation and management of the fishery.
- (2) The chief executive may, in writing, delegate to 1 or more of the following, namely,—
- (a) any Maori Committee constituted by or under the Maori Community Development Act 1962; or

- (b) any marae committee that is an incorporated society under the Incorporated Societies Act 1908; or
- (c) any kaitiaki of the tangata whenua,—  
the power to approve a traditional non-commercial fishing use (except a hui or tangi) under subclause (1)(a).

Regulation 27: substituted, on 23 December 1992, by section 37(1) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (1992 No 121).

Regulation 27 heading: amended, on 1 March 2006, by regulation 4(1) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

Regulation 27(1)(a): amended, on 1 March 2006, by regulation 4(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

Regulation 27(1)(a): amended, on 1 October 2001, by regulation 12 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 27(1)(b): amended, on 1 October 2001, by regulation 12 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 27(2): amended, on 1 March 2006, by regulation 4(3) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

Regulation 27(2): amended, on 1 October 2001, by regulation 12 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

## **27A Regulations do not apply to fish, aquatic life, or seaweed taken under authorisation for hui or tangi**

- (1) These regulations (and any other regulations made under the Act that relate to amateur fishing and impose restrictions on the taking of fish, aquatic life, or seaweed) do not apply if the fish, aquatic life, or seaweed is taken—
  - (a) for the purposes of a hui or tangi; and
  - (b) in accordance with an authorisation granted by a person or organisation specified in subclause (2); and
  - (c) in accordance with any conditions notified in the *Gazette* that are considered by the chief executive to be necessary for the overall conservation and management of the fishery.
- (2) The persons and organisations are—
  - (a) a marae committee, whether incorporated or not, established for the purpose of managing or operating a marae;
  - (b) a Maori Committee constituted by or under the Maori Community Development Act 1962;
  - (c) a runanga, whether incorporated or not:



- (d) a Maori Trust Board within the meaning of the Maori Trust Boards Act 1955.
- (3) An authorisation issued by a person or organisation specified in subclause (2)—
- (a) must be in the form set out in the Schedule; and
  - (b) must state the conditions (if any) relating to the taking of the fish, aquatic life, or seaweed; and
  - (c) may be issued only by an individual who is an authorised representative of the person or organisation; and
  - (d) may not be issued by an authorised representative unless the authorised representative's name and contact details have been notified to the nearest office of the Ministry of Fisheries.
- (4) An authorised representative may not issue an authorisation—
- (a) unless the person or organisation for whom he or she is the authorised representative represents the tangata whenua of the area to which the authorisation relates; and
  - (b) if a Tangata Kaitiaki/Tiaki or Tangata Tiaki/Kaitiaki has been appointed under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 or the Fisheries (South Island Customary Fishing) Regulations 1999, for the area to which the authorisation relates; and
  - (c) unless satisfied that the fish, aquatic life, or seaweed to be taken under the authorisation will be taken for a purpose that is neither commercial in any way nor for pecuniary gain or trade.
- (5) An authorised representative who issues an authorisation must—
- (a) give the authorisation a unique sequential number; and
  - (b) record on the authorisation the date and time the fish, aquatic life, or seaweed is to be taken; and
  - (c) complete all parts of the authorisation except to the extent that the authorisation expressly provides otherwise; and
  - (d) keep a copy of the authorisation and produce the copy to a fishery officer if required to do so.

- (6) An authorisation issued by an authorised representative expires at the end of 48 hours after the date and time recorded on it under subclause (5)(b).
- (7) A person contravenes this subclause if—
  - (a) the person is not an authorised representative and purports to issue an authorisation as if he or she were an authorised representative; or
  - (b) the person is an authorised person and—
    - (i) issues an authorisation in breach of subclauses (3), (4), or (6); or
    - (ii) fails to comply with subclause (5).

Regulation 27A: inserted, on 1 March 2006, by regulation 5 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

## **28 Returning of unlawfully taken fish**

- (1) Any person engaged in amateur fishing shall, taking all reasonable care to ensure their survival, immediately return any finfish, shellfish, or aquatic life that is unlawfully taken or is of an unlawful state or size back into the waters from which the finfish, shellfish, or aquatic life was taken.
- (2) The following are not counted towards the relevant daily limits set out in these regulations or in any other regulations relating to amateur fishing made under the Act:
  - (a) any finfish that is—
    - (i) of lawful size; and
    - (ii) returned immediately to the waters from which it was taken in a manner in which it is likely to survive;
  - (b) any fish, shellfish, or aquatic life that is—
    - (i) undersized or less than its specified minimum length; and
    - (ii) returned immediately to the waters from which it was taken.

Regulation 28(2): added, on 1 April 2007, by regulation 8 of the Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33).

## **28A Regulations do not apply to use of landing net**

Nothing in these regulations applies to the use by a person of a landing net to secure fish that have been lawfully taken.

Regulation 28A: inserted, on 16 December 2005, by regulation 10 of the Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322).

## **29 Offences and penalties**

- (1) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person contravenes, or fails to comply with, any of regulations 6, 6A(2), 7 to 15, 15A, 15B(2)(a), 15B(3)(a), 16, 17(1), (2), (3), (4), or (5A), 18, 19(2), (4), or (5), 19B(3), 20, 21, 22(2), 23, 24, 25(1), (1B), (2), or (3), 25B, 25BA, 25C, 26, 26A, 26B, or 27A(7).
- (2) A person commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000 if the person contravenes, or fails to comply with, any of regulations 6A(3), 15B(2)(b), 15B(3)(b), 17(5B), 19(3), 19B(4), 22(3), 25(1C), or 28.
- (3) In the case of any person charged with being unlawfully in possession of more than the maximum number of any species of finfish, shellfish, or aquatic life to which the person is entitled, it is a defence if that person satisfies the court that the number of finfish, shellfish, or aquatic life in excess of the maximum was not taken in breach of these regulations.
- (4) In the case of any person charged with taking or being in possession of scallops during a closed season, it is a defence if that person satisfies the court that the scallops were washed ashore.
- (5) The defence specified in subclause (3) is not available to a person who breaches the accumulation limit for paua specified in regulation 19B(2).

Regulation 29: substituted, on 1 October 2001, by regulation 13 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254).

Regulation 29(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 29(1): amended, on 1 October 2010, by regulation 6(a) of the Fisheries (Amateur Fishing) Amendment Regulations 2010 (SR 2010/294).

Regulation 29(1): amended, on 1 October 2010, by regulation 6(b) of the Fisheries (Amateur Fishing) Amendment Regulations 2010 (SR 2010/294).

Regulation 29(1): amended, on 1 October 2009, by regulation 8(1) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

Regulation 29(1): amended, on 1 October 2009, by regulation 8(2) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

Regulation 29(1): amended, on 1 June 2009, by regulation 9(1)(a) of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

Regulation 29(1): amended, on 1 June 2009, by regulation 9(1)(b) of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

Regulation 29(1): amended, on 1 June 2009, by regulation 9(1)(c) of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

Regulation 29(1): amended, on 1 March 2006, by regulation 6 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

Regulation 29(1): amended, on 11 July 2002, by regulation 3(a) of the Fisheries (Amateur Fishing) Amendment Regulations 2002 (SR 2002/161).

Regulation 29(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 29(2): amended, on 1 October 2009, by regulation 8(3) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

Regulation 29(2): amended, on 1 June 2009, by regulation 9(2)(a) of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

Regulation 29(2): amended, on 1 June 2009, by regulation 9(2)(b) of the Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93).

Regulation 29(2): amended, on 31 March 2003, by regulation 3 of the Fisheries (Amateur Fishing) Amendment Regulations 2003 (SR 2003/19).

Regulation 29(5): added, on 1 October 2009, by regulation 8(4) of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239).

### **30 Revocations**

The following regulations and notice are hereby revoked:

- (a) the Fisheries (Amateur Fishing) Regulations 1983 (SR 1983/294):
  - (b) the Fisheries (Amateur Fishing) Regulations 1983, Amendment No 1 (SR 1984/138):
  - (c) the Fisheries (Amateur Fishing) Regulations 1983, Amendment No 2 (SR 1984/342):
  - (d) the Fisheries (Amateur Fishing) Notice 1984 (SR 1984/348).
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**Schedule**

r 27A(3)

**Form for authorisation to take fish,  
aquatic life, or seaweed**

Schedule: added, on 1 March 2006, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

**Form**

**Authorisation to take fish, aquatic life, or  
seaweed for hui or tangi**

*Regulation 27A, Fisheries (Amateur Fishing) Regulations  
1986*

\*Authorisation No:

This authorisation is issued to (name of holder):

Address (of holder):

Signature of authorisation holder:

Phone No:

Associated harvesters (name of *all* harvesters):

Purpose: †Hui/Tangi

Reason for hui:

To be used at [*address of venue*] on [*date*]

Contact No:

**Authorised harvest and conditions**

<b>Species</b>	<b>Maximum quantity (number or green- weight)</b>	<b>Area from which species is to be taken</b>	<b>Place at which species is to be landed</b>	<b>Actual quantity taken (number or greenweight)</b>
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

**Optional conditions for authorised representative to complete**

Size limit for each species:

Fishing method for each species:

Actual quantity taken to be notified to authorised representative:

†Yes/No

Form—*continued*

**Note**

The above harvester(s) is/are authorised to take quantities of fish *or* aquatic life, *or* seaweed as approved in this authorisation, provided that they are only taken from the area and for the purpose specified. This authorisation is not transferable. It must be carried at all times and be shown to any fishery officer on request. This authorisation is only valid for a 48-hour period, beginning from the date and time specified.

Authorised by [*print name of authorised representative*] on behalf of †marae committee/Maori Committee/runanga/Maori Trust Board.

Address:

Phone No:

Signature:

Date signed:

Authorisation valid from [*date*], [*time*]

\* Surface floats, buoys, or tags must be clearly marked with this authorisation number.

† Circle whichever is applicable.

Schedule form: added, on 1 March 2006, by regulation 7 of the Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341).

P G Millen,  
Clerk of the Executive Council.

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Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 4 September 1986.

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## **Reprints notes**

### **1     *General***

This is a reprint of the Fisheries (Amateur Fishing) Regulations 1986 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2     *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3     *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4     *Amendments incorporated in this reprint***

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

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

Fisheries Regulations Revocation Order 2011 (SR 2011/96): clause 3

Fisheries (Amateur Fishing) Amendment Regulations 2010 (SR 2010/294)

Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/239)

Fisheries (Amateur Fishing) Amendment Regulations 2009 (SR 2009/93)

Fisheries (Amateur Fishing) Amendment Regulations 2007 (SR 2007/33)

Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2005 (SR 2005/341)

Fisheries (Amateur Fishing) Amendment Regulations 2005 (SR 2005/322)

Fisheries (Amateur Fishing) Amendment Regulations (No 3) 2003 (SR 2003/376)

Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2003 (SR 2003/229)

Fisheries (Amateur Fishing) Amendment Regulations 2003 (SR 2003/19)

Fisheries (Amateur Fishing) Amendment Regulations 2002 (SR 2002/161)

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- Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2001 (SR 2001/254)  
Fisheries (Amateur Fishing) Amendment Regulations 2000 (SR 2000/77)  
Fisheries (Amateur Fishing) Amendment Regulations 1998 (SR 1998/302)  
Fisheries (Amateur Fishing) Regulations 1986, Amendment No 6 (SR 1994/178)  
Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284)  
Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (1992 No 121): section 37(1)  
Fisheries (Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1992/114)  
Fisheries (Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1991/172)  
Fisheries (Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1990/217)  
Conservation Law Reform Act 1990 (1990 No 31): section 39(1)(c)  
Fisheries (Amateur Fishing) Regulations 1986, Amendment No 1 (SR 1990/40)
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