

**Reprint  
as at 3 January 2013**



**Fisheries (Basking Shark—High  
Seas Protection) Regulations 2010**

(SR 2010/401)

Fisheries (Basking Shark—High Seas Protection) Regulations 2010: revoked, on 3 January 2013, by regulation 6 of the Fisheries (Sharks—High Seas Protection) Regulations 2012 (SR 2012/355).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 15th day of November 2010

Present:  
His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry of Fisheries.**

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## Regulations

- 1 Title**

These regulations are the Fisheries (Basking Shark—High Seas Protection) Regulations 2010.
- 2 Commencement**

These regulations come into force on 16 December 2010.
- 3 Interpretation**

In these regulations,—

**basking shark** means a fish of the species *Cetorhinus maximus*

**high seas** means the waters outside the national fisheries jurisdiction of any country

**New Zealand ship** has the same meaning as in section 2(1) of the Ship Registration Act 1992

**taking** and **to take** have the same meaning as in section 2(1) of the Fisheries Act 1996

**tender** has the same meaning as in section 2(1) of the Fisheries Act 1996.
- 4 Prohibition on using New Zealand ship on high seas to take basking shark**

No person may use a New Zealand ship, or a tender of that ship, on the high seas to take a basking shark.
- 5 Offence**
  - (1) A person commits an offence if the person breaches regulation 4.

- (2) A person who commits an offence against subclause (1) is liable on summary conviction to a fine not exceeding \$100,000.

Michael Webster,  
for 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 on 16 December 2010, prohibit the taking of any basking shark using a New Zealand ship on the high seas. A person convicted of breaching the prohibition may be fined up to \$100,000.

The Convention on the Conservation of Migratory Species of Wild Animals (1979) requires a prohibition on the taking of basking sharks. These regulations implement the prohibition in relation to New Zealand ships on the high seas. The prohibition is implemented in relation to New Zealand fisheries waters by the addition of basking shark to Schedule 7A of the Wildlife Act 1953.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 18 November 2010.

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**Notes****1 General**

This is a reprint of the Fisheries (Basking Shark—High Seas Protection) Regulations 2010. The reprint incorporates all the amendments to the regulations as at 3 January 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Fisheries (Sharks—High Seas Protection) Regulations 2012 (SR 2012/355):  
regulation 6

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