

Reprint

as at 9 April 2009

Submarine Cables and Pipelines Protection Amendment Order 1999

(SR 1999/279)

Submarine Cables and Pipelines Protection Amendment Order 1999: revoked, on 9 April 2009, pursuant to clause 5 of the Submarine Cables and Pipelines Protection Order 2009 (SR 2009/41).

PURSUANT to section 37 of the Submarine Cables and Pipelines Protection Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

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Note

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

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

This order is administered in the Ministry of Transport.

1 Title and commencement

- (1) This order may be cited as the Submarine Cables and Pipelines Protection Amendment Order 1999, and is part of the Submarine Cables and Pipelines Protection Order 1992¹ (**the principal order**).
- (2) This order comes into force on the 28th day after the date of its notification in the *Gazette*.

2 New clauses substituted

The principal order is amended by revoking clause 2, and substituting the following clauses:

“2 Interpretation

- “(1) In this order, **fishing vessel** means any vessel that is capable of being used for fishing.
- “(2) Positions stated in this order are expressed in terms of the co-ordinates used in the New Zealand Geodetic Datum 1949.

“2A Protected areas

- “(1) The areas within the territorial sea or internal waters of New Zealand described in Schedule 1 are protected areas for the purposes of the Submarine Cables and Pipelines Protection Act 1996 in respect of all ships.
- “(2) Subclause (1) does not apply to ships that are being used for research carried out by or for the Ministry of Fisheries, as long as the research is carried out without directly or indirectly attaching any of the ships involved to the seabed, whether by anchoring or by any other means.
- “(3) In the area described in Schedule 1 under the heading **Area 7—Cook Strait**, subclause (1) does not apply to fishing vessels that are being used for setting or lifting nets or rock lobster pots, or for paua or kina fishing, as long as those activities are carried out—
 - “(a) During the hours of daylight; and
 - “(b) Without directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means; and

¹ SR 1992/246

- “(c) Either—
- “(i) Within 200 metres of the low-water mark of the North Island, other than the line of low-water mark between the notice board placed at a position in latitude 41°17'.85S, longitude 174°37'.12E and the notice board placed at a position in latitude 41°18'.32S, longitude 174°37'.78E; or
 - “(ii) Within 200 metres of the low-water mark of the South Island, other than the line of low-water mark between the notice board placed at a position in latitude 41°19'.60S, longitude 174°12'.90E and the notice board placed at a position in latitude 41°19'.90S, longitude 174°11'.80E.
- “(4) Subclause (1) does not apply to ships that are being used for laying, monitoring, maintaining, or repairing submarine cables, or for undertaking other operational activities in respect of submarine cables, if any of those activities are carried out—
- “(a) By or for Transpower New Zealand Limited in the area described in Schedule 1 under the heading **Area 7—Cook Strait**; or
 - “(b) By or for Telecom New Zealand Limited or Southern Cross Cables Limited in any of the areas described in Schedule 1 under the following headings:
 - “(i) Area 2—Hauraki Gulf;
 - “(ii) Area 5—Muriwai Beach.
- “(5) In the area described in Schedule 1 under the heading **Area 8—Oaonui**, subclause (1) does not apply to any of the following:
- “(a) Ships that are being used for constructing, repairing, maintaining, or servicing Maui gas field off-shore platforms, submarine pipelines, and associated off-shore facilities;
 - “(b) Fishing vessels that are being used for setting or lifting nets or rock lobster pots, or for paua or kina fishing, as long as those activities are carried out—
 - “(i) During the hours of daylight; and

- “(ii) Without directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means; and
- “(iii) Within 2 miles of the low-water mark of the North Island.”

3 Schedule 1 amended

The heading to Schedule 1 is amended—

- (a) By omitting the expression “First Schedule”, and substituting the expression “Schedule 1”:
- (b) By omitting the expression “Cl. 2”, and substituting the expression “Cl. 2A”.

MARIE SHROFF,
Clerk of the Executive Council.

Explanatory Note

This note is not part of the order, but is intended to indicate its general effect.

This order, which takes effect on the 28th day after its notification in the *Gazette*, makes the following changes to the Submarine Cables and Pipelines Protection Order 1992:

- To remove a loophole, the expression “dropping anchor” is replaced by the comprehensive expression “directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other-means”:
- Kina fishing is added to the activities that are conditionally permitted in areas specified by the order:
- Ships used by or for Transpower New Zealand limited are permitted to lay, monitor, maintain, or repair submarine cables in Cook Strait:
- Ships used by or for Telecom New Zealand Limited or Southern Cross Cables Limited are permitted to lay, monitor, maintain, or repair submarine cables in Hauraki Gulf and Muriwai Beach.

Reprinted as at **Submarine Cables and Pipelines Protection**
9 April 2009 **Amendment Order 1999**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 August 1999.

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Notes**1 General**

This is an eprint of the Submarine Cables and Pipelines Protection Amendment Order 1999. It incorporates all the amendments to the order as at 9 April 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

**3 List of amendments incorporated in this eprint
(most recent first)**

Submarine Cables and Pipelines Protection Order 2009 (SR 2009/41): clause 5
