

Version
as at 28 October 2021



Fisheries (Foreign Fishing Vessel) Regulations 2001 (SR 2001/258)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 299 of the Fisheries Act 1996, Her 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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

These regulations are the Fisheries (Foreign Fishing Vessel) Regulations 2001.

2 Commencement

These regulations come into force on 1 October 2001.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Fisheries Act 1996

Agency means the body or person authorised under the Treaty to grant regional fishery licences

call sign means International Call Sign

Central East means all New Zealand fisheries waters within the Central Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412) enclosed by a line commencing at Cape Runaway on the east coast of the North Island (at 37°32'S and 177°59.4'E); then proceeding due north to a point 33°25'S and 177°59.4'E on the outer boundary of the exclusive economic zone; then proceeding in a generally south-easterly direction along the outer limits of the exclusive economic zone to its intersection with the 42°10'S parallel of latitude; then proceeding due west along latitude 42°10'S to a point 42°10'S and 174°42'E; then proceeding in a generally north-westerly direction to Brothers Island light at 41°06'S and 174°26'E; then proceeding in an easterly direction to a point 41°06'S and 174°50'E on the west coast of the North Island; then proceeding in generally southerly, easterly, and

northerly directions along the mean high-water mark to the point of commencement; but does not include any part of the territorial sea or internal waters within that area

Central Egmont means all New Zealand fisheries waters within the Central Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412) enclosed by a line commencing at Tirua Point on the west coast of the North Island (at 38°23'S and 174°38.5'E); then proceeding in a north-westerly direction to a point 37°35'S and 170°03'E on the outer boundary of the exclusive economic zone; then proceeding in a generally south-easterly direction to a point 40°32'S and 174°20'E; then proceeding in a generally south-easterly direction to Brothers Island light (at 41°06'S and 174°26'E); then proceeding in an easterly direction to a point 41°06'S and 174°50'E on the west coast of the North Island; but does not include any part of the territorial sea or internal waters within that area

Central West means all New Zealand fisheries waters within the Central Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412) lying north and west of a line commencing at 41°06'S and 174°50'E on the west coast of the North Island and proceeding due west to the boundary of the Central Fishery Management Area; but does not include—

- (a) the territorial sea and internal waters; or
- (b) an area enclosed by a line commencing at a point 40°40.6'S and 174°44.6'E on the outer boundary of the territorial sea and proceeding in a north-westerly direction to a point 40°34.8'S and 174°37.2'E; then proceeding along a line every point of which is 8 nautical miles seawards of the outer boundary of the territorial sea to the boundary of the Central Fishery Management Area (as so defined); then proceeding in a generally easterly direction to the outer boundary of the territorial sea; then proceeding in a generally southerly direction along the outer boundary of the territorial sea to the point of commencement

Challenger means that part of the Challenger Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412) lying north of latitude 40°30'S; but does not include—

- (a) the territorial seas and internal waters; or
- (b) an area enclosed by a line commencing at a point 40°19.4'S and 173°00.5'E; then proceeding in a south-easterly direction to a point 40°27.8'S and 174°00'E; then proceeding in a generally south-westerly direction along the outer boundary of the territorial sea to the point of commencement

Chatham Rise means all New Zealand fisheries waters within the South-East Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412) lying east of a line commencing at a point 42°10'S

and 176°00'E and proceeding due south to a point 46°00'S and 176°00'E; but does not include any part of the territorial sea or internal waters within that area

chief executive means the chief executive of the Ministry

country of registration means the State in which a vessel is recognised at international law as being registered

Danish 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 without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to 1 or more vessels

equipment includes instruments and fishing gear

fish-carrying capacity, in relation to a fish carrier, means the amount (in tonnes) of the fish that the fish carrier is permitted by the conditions of its licence to carry in the exclusive economic zone

fishing log means a fishing log required to be maintained under regulation 19(2)

highly migratory species licence means a licence granted under section 83 of the Act in accordance with regulation 30

inspection port, in relation to any particular foreign fishing vessel, means any New Zealand port that the Minister has, by notification to the operator, licence holder, or master of the vessel, or the National Fisheries Representative of the vessel, designated as an inspection port for the purposes of these regulations

licence means a licence granted under section 83 of the Act

licensed vessel means a licensed foreign fishing vessel

Minister means, subject to any enactment, any Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Act

Ministry means, subject to any enactment, the Ministry that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Act

National Fisheries Representative, in relation to any foreign fishing vessel, means the National Fisheries Representative approved for the time being for that vessel by the Minister under regulation 4

purse seining means using any net that is operated from a vessel to encircle fish and drawn together at the bottom to enclose the fish

regional fishery licence means a licence issued by the Agency under the Treaty

ship's log means a ship's log required to be maintained on a licensed vessel under regulation 19(1)

South-East Coast means all New Zealand fisheries waters within the South-East Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412) lying west of a line commencing at a point 42°10'S and 176°00'E and proceeding due south to a point 46°00'S and 176°00'E; then proceeding in a generally south-westerly direction to an unnamed point that connects to Slope Point by a line intersecting at right angles a line drawn from 46°S and 176°E to 49°S and 169°E; then proceeding in a north-westerly direction to Slope Point (at 46°40.5'S and 169°00'E); then proceeding by the mean high-water mark to Clarence Point (at 42°10'S and 173°56'E); then proceeding in a straight line along latitude 42°10'S to the point of commencement; but does not include any part of the territorial sea or internal waters within that area

Southern Islands means—

- (a) all that area enclosed by a line commencing at a point 49°30'S and 165°E; then proceeding due east to a point 49°30'S and 168°E; then proceeding due south to a point 51°30'S and 168°E; then proceeding due west to a point 51°30'S and 165°E; then proceeding north due north to the point of commencement; and
- (b) all that area enclosed by a line commencing at a point 51°30'S and 168°E; then proceeding due east to a point 51°30'S and 171°E; then proceeding due south to a point 53°30'S and 171°E; then proceeding due west to a point 53°30'S and 168°E; and then proceeding due north to the point of commencement

Southland means the Southland Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412); but does not include any part of the territorial sea or internal waters within that area

Sub-Antarctic means the Sub-Antarctic Fishery Management Area (as defined in the notice published in the *Gazette* of February 1986 at page 412); but does not include any part of the territorial sea or internal waters within that area

support vessel means a foreign fishing vessel that is licensed to be used in the exclusive economic zone for any activity relating to fishing except for the taking of fish or as a fish carrier

trawl 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), other than a Danish seine net, that—

- (a) has a buoyancy system on the top edge; and
- (b) is weighted on the bottom edge; and

- (c) is operated by being drawn over the bed of any waters, or through any waters, by 1 or more vessels underway

trawling means the use of a trawl net

Treaty means the Treaty on Fisheries between the Governments of certain Pacific Island States and the Government of the United States of America, done at Port Moresby on 2 April 1987; and includes—

- (a) all annexes and schedules to the Treaty; and
- (b) any amendments to the Treaty in force in respect of New Zealand

vessel includes all equipment on board or used by a vessel.

- (2) For the purposes of these regulations, a fraction of a tonne is to be treated as a whole tonne if—
 - (a) the gross registered tonnage of a support vessel consists of a whole number of tonnes and a fraction of a tonne; or
 - (b) the fish-carrying capacity of a foreign fishing vessel consists of a whole number of tonnes and a fraction of a tonne.

Regulation 3(1) **inspection port**: substituted, on 11 July 2002, by regulation 3 of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

4 **Approval of National Fisheries Representative**

If, under section 82(1) of the Act, the Minister has apportioned, among countries other than New Zealand, the foreign allowable catch in respect of any stock within the exclusive economic zone,—

- (a) the government of any country to which the apportionment applies must nominate for the approval of the Minister a specified individual to be the National Fisheries Representative for the fishing vessel of that country for the purposes of these regulations; and
- (b) the Minister may approve the nominated individual.

5 **Communications must be given through National Fisheries Representative**

Unless in any particular case the Minister or chief executive otherwise authorises, every notice, other document, or communication that is to be served on or given to the Minister or the chief executive in respect of any foreign fishing vessel or of any licence holder, operator, master, or crew member of any foreign fishing vessel must be served or given through the National Fisheries Representative to the chief executive at Wellington.

Regulation 5: amended, on 11 July 2002, by regulation 4 of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

*Licensing of foreign fishing vessel***6 Application for licence**

- (1) An application for a licence must be in the form specified in form 1 of Schedule 1.
- (2) Before determining any application for a licence, the Minister may require to be submitted to the Minister, in respect of the application, any further information, not contained or attached to the application, that is reasonably necessary or expedient to exercise his or her powers under section 83 of the Act.

7 Issue of licence

On granting a licence, the Minister may issue a licence, in the form specified in form 2 of Schedule 1, to the operator of the foreign fishing vessel in respect of which the licence is granted.

Regulation 7: amended, on 11 July 2002, by regulation 5 of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

8 Endorsement of variation of licence

- (1) If, under section 83(5) of the Act, the Minister has varied the licence of any foreign fishing vessel and the chief executive has required the licence holder or the master of the vessel to deliver the licence to the chief executive at Wellington for endorsement accordingly, that operator or master must do so within 72 hours after the vessel next enters a New Zealand port.
- (2) After a licence has been endorsed under this regulation, it must be returned to the licence holder or master of the licensed vessel.

Regulation 8(1): amended, on 11 July 2002, by regulation 6(1)(a) of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

Regulation 8(1): amended, on 11 July 2002, by regulation 6(1)(b) of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

Regulation 8(2): amended, on 11 July 2002, by regulation 6(2) of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

9 Licence to be kept on vessel

Except as provided in regulation 8, every licence must be maintained in good condition on the foreign fishing vessel in respect of which it is issued, in a place where it may be readily inspected by a fishery officer and is safe from the elements.

10 Duplicate licence

The Minister may issue a duplicate licence to the licence holder if—

- (a) the Minister is satisfied that a licence has been accidentally lost, destroyed, or so damaged as to be illegible; or
- (b) the Minister considers it desirable for any other reason to do so.

Regulation 10: amended, on 11 July 2002, by regulation 7 of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

Control of licensed vessels in exclusive economic zone

11 Notice of intention to enter zone

- (1) No foreign fishing vessel to which this regulation applies may enter the exclusive economic zone from the high seas unless, not less than 24 hours before its entry, the chief executive has been notified of the following matters:
 - (a) the name, call sign, and country of registration of the vessel:
 - (b) the latitude and longitude of the point at which the vessel will enter the exclusive economic zone:
 - (c) the port to which the vessel will proceed for inspection under regulation 12:
 - (d) the species of fish on board the vessel, and the quantity and condition of each species.
- (2) This regulation applies to—
 - (a) foreign fishing vessels that enter the exclusive economic zone in furtherance of, or for the purpose of making, an application for a licence; and
 - (b) licensed vessels.

12 Compulsory port inspection on entry to zone

- (1) Every vessel to which regulation 11 applies must, on entering the exclusive economic zone from the high seas, proceed directly and immediately to an inspection port.
- (2) A licensed vessel must not be used for fishing in the exclusive economic zone except under a clearance to fish in the zone given by a fishery officer at an inspection port to which the vessel has proceeded under subclause (1).

13 Compulsory port inspection before leaving zone

- (1) A licensed vessel must not enter the high seas from the exclusive economic zone except under a clearance to leave the zone given by a fishery officer at an inspection port.
- (2) Every licensed vessel in respect of which a clearance has been given under subclause (1) must, on leaving the inspection port at which the clearance is given, proceed expeditiously to the high seas.
- (3) A licensed vessel in respect of which a clearance has been given under subclause (1) must not be used for fishing in the exclusive economic zone before it enters the high seas.

14 Exemption from port inspection

- (1) The chief executive may, in any particular case or class of cases, exempt a licensed vessel from compliance with any provision of regulations 12 and 13 on the conditions, if any, that the chief executive may specify.
- (2) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more identified vessels.

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 14(2): inserted, on 28 October 2021, by regulation 36 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

15 Port calls following clearance to fish

If a licensed vessel wishes to enter a New Zealand port after it has been given a clearance under regulation 12 to fish in the exclusive economic zone but before it has been given a clearance under regulation 13 to leave the zone, the chief executive must be notified not less than 24 hours before its intended entry of the following matters:

- (a) the name, call sign, and country of registration of the vessel:
- (b) the intended port of entry:
- (c) the purpose of the intended entry.

16 Flags

Every licensed vessel must, at all times while it is in New Zealand fisheries waters, fly the flag of its country of registration.

17 Markings

- (1) Every licensed vessel must, at all times while it is in New Zealand fisheries waters, display its call sign in block Roman alphabet letters, in white markings on a black background or in black markings on a white background, on the port and the starboard side of the hull so that the markings are clearly visible and legible from the air and at sea level.
- (2) Without limiting the requirements of subclause (1),—
 - (a) in the case of a licensed vessel whose overall length exceeds 20 metres, the lettering required to be displayed must not be less than 1 metre in height; and

- (b) in the case of a licensed vessel whose overall length does not exceed 20 metres, the lettering required to be displayed must not be less than 50 centimetres in height.
- (3) A licensed vessel must not use, for fishing in the exclusive economic zone, any fishing equipment that may not be readily seen to be attached to the vessel, unless the equipment is permanently and legibly marked with the call sign of the vessel in a manner that it may be readily identified as being used by that vessel.

18 Lighting

Every licensed vessel in the exclusive economic zone must display lights and shapes in compliance with the requirements of the International Regulations for Preventing Collisions at Sea for the vessel and the activity in which it is engaged.

19 Records

- (1) Every master of a licensed vessel must maintain a ship's log in the English language on board the vessel at all times while the vessel is in New Zealand fisheries waters, and must enter in that log a record of the date, time, and nature of every instruction, direction, or requirement communicated to the master by the Minister, the chief executive, or a fishery officer while the vessel is in New Zealand fisheries waters.
- (2) Every master of a licensed vessel must maintain a separate fishing log in the English language on board the vessel at all times while the vessel is in New Zealand fisheries waters, in which the master must enter daily, whenever the vessel is in the exclusive economic zone, the following information relating to the activities of the vessel during that day:
 - (a) the fishing effort of the vessel:
 - (b) the methods of fishing used:
 - (c) the areas in which fishing was undertaken:
 - (d) the species of fish taken, and the quantity and condition of each species:
 - (e) the species of fish returned from the vessel to the sea, and the quantity and condition of each species:
 - (f) any other information that the chief executive may reasonably require to ascertain the fishing activities of that vessel in the exclusive economic zone.
- (3) Every fishing log must be maintained in a form supplied or approved by the chief executive.
- (4) Every master of a licensed vessel must, within 72 hours after each occasion on which the vessel enters a New Zealand port, forward a copy to the chief executive of that part of the fishing log that is then completed.

20 Interpreters

- (1) Every licensed vessel must, at all times while it is in New Zealand fisheries waters, have on board a person who is able to converse effectively in English and to act as an interpreter from English into the language of the master of the vessel and from that other language into English.
- (2) The chief executive may, in any particular case or class of cases, exempt a licensed vessel from compliance with subclause (1) on the conditions, if any, that the chief executive may specify.
- (3) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more identified vessels.

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 20(3): inserted, on 28 October 2021, by regulation 37 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

21 Methods of communication

- (1) Every licensed vessel in New Zealand fisheries waters must carry the latest edition of the International Code of Signals (the **Code**) published by the Inter-Governmental Maritime Consultative Organisation Marine Safety Committee.
- (2) Every person who is a master or officer of a licensed vessel must have a working knowledge of the Code.
- (3) In every communication by radio, flag, or light between any licensed vessel in New Zealand fisheries waters and any New Zealand authority, the signals specified in the Code must be used.

22 Notification of completion of foreign allowable catch

Every National Fisheries Representative must notify the chief executive immediately—

- (a) of the completion of the taking of so much of the foreign allowable catch in respect of any fishery in the exclusive economic zone as has been apportioned to the fishing vessel of his or her country; and
- (b) of the completion of the taking of so much of that apportionment as may only be taken in a specified area or by a specified method in the exclusive economic zone.

23 Restrictions on trawling and bottom-lining

A licensed vessel must not be used in fishing by trawling or bottom-lining in any area specified in Schedule 2.

24 Restrictions on squid jigging

A licensed vessel must not be used in fishing for squid by the method known as squid jigging in any area specified in Schedule 3.

25 Stowage of gear

- (1) All fishing equipment on board a foreign fishing vessel in New Zealand fisheries waters must be stowed so that it is not readily available for use for fishing.
- (2) Subclause (1) does not apply to—
 - (a) a licensed vessel that is in the exclusive economic zone in an area in which it may be used for fishing under its licence; or
 - (b) any other foreign fishing vessel in an area in New Zealand fisheries waters in which it may lawfully be used for fishing.

26 Avoidance of set gear

Every master of a foreign fishing vessel in the exclusive economic zone must ensure that a distance of not less than one-half of a nautical mile is maintained at all times between the vessel and any fishing equipment (other than equipment from the vessel) that—

- (a) has been set in the sea; and
- (b) has been marked so that it is visible to persons on board any vessel navigating within one-half of a nautical mile of the set gear.

27 Transhipment of catch

- (1) Fish must not be transhipped from a foreign fishing vessel in New Zealand fisheries waters to any other vessel, except—
 - (a) at a place and time authorised for the purpose by the chief executive; and
 - (b) in accordance with the conditions, if any, that the chief executive may specify.
- (2) Subclause (1) does not apply to a transhipment at the direction of a fishery officer.

28 Landing of fish

Fish must not be landed in New Zealand from a licensed vessel except with the authorisation of the chief executive and in accordance with the conditions, if any, that the chief executive may specify.

29 Interference with fisheries

A living organism, article, or substance (other than fishing equipment or bait) must not be released into the sea of the exclusive economic zone from a foreign vessel if that is likely—

- (a) to cause harm to any fish or marine mammal; or
- (b) to obstruct fishing equipment; or
- (c) to become a hazard to navigation.

Special provisions relating to licences to fish for certain highly migratory species

30 Grant of licences authorising fishing for highly migratory species of tuna

- (1) If the Minister is notified by the Agency that any foreign fishing vessel that has been issued with a regional fishery licence is to be used for fishing for highly migratory species of tuna (other than southern bluefin tuna) in the exclusive economic zone, the Minister may, under section 83 of the Act, grant a highly migratory species licence for that foreign fishing vessel.
- (2) Any such licence may be granted for any period not exceeding 1 year, and must be in the form specified in form 3 of Schedule 1.

31 Conditions of highly migratory species licenses

- (1) It is a condition of every highly migratory species licence that the foreign fishing vessel for which the licence is issued must not be used in the exclusive economic zone for fishing—
 - (a) for any species of fish other than highly migratory species of tuna (excluding southern bluefin tuna); or
 - (b) by any fishing method other than purse seining; or
 - (c) in any area specified in Schedule 4; or
 - (d) at any time when the vessel's regional fishery licence is not in force; or
 - (e) in contravention of any term, condition, or requirement of the vessel's regional fishery licence, or of any requirement of these regulations, or of any other relevant New Zealand law.
- (2) A highly migratory species licence is subject to any further conditions not inconsistent with the provisions of the Treaty that the Minister thinks fit to impose, and any further conditions must be specified in the licence.

32 Limitation of application of certain regulations to highly migratory species licences

- (1) Nothing in regulations 6 to 15 and regulations 19 to 22 applies to any highly migratory species licence, or any foreign fishing vessel for which such a

licence is in force, except to the extent that may be specified by the Minister in the licence.

- (2) Nothing in regulation 41 applies to highly migratory species licences.

Enforcement

33 Facilities for observers and fishery officers

- (1) Every master of a licensed vessel in New Zealand fisheries waters,—
- (a) whenever required to do so by the chief executive, must allow any person authorised by the chief executive for the purpose to board and remain on the vessel as an observer while it is in New Zealand fisheries waters; and
 - (b) whenever required to do so by the chief executive or a fishery officer, must allow any fishery officer to board and remain on the vessel while it is in New Zealand fisheries waters.
- (2) Every master of a licensed vessel in New Zealand fisheries waters must, whenever required to do so by the chief executive or a fishery officer, proceed to any New Zealand port or to any other place in New Zealand fisheries waters for the purpose of embarking or disembarking any observer or fishery officer.
- (3) No compensation is payable by the Crown to the licence holder or master of a foreign fishing vessel for the costs of complying with subclause (1) or subclause (2).

Regulation 33(3): amended, on 11 July 2002, by regulation 8 of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

34 Safety of New Zealand officials

Every person who is a master or crew member of a foreign fishing vessel must take all reasonable precautions for the safety of every fishery officer, assistant of a fishery officer, or observer, who is boarding, on board, or leaving the vessel in New Zealand fisheries waters.

35 Compliance with instructions

Every person who is a master or crew member of a foreign fishing vessel in New Zealand fisheries waters must immediately comply with every instruction, direction, or requirement that is given or made to him or her by a fishery officer for the purpose of the enforcement of these regulations.

Miscellaneous provisions

36 Regulations must be read subject to conditions of licence

In relation to a licensed vessel, the provisions of these regulations must be read subject to any condition of the licence issued for that vessel.

37 Offences

- (1) In accordance with section 88 of the Act,—
 - (a) every master commits an offence who acts in contravention of, or fails to comply with, any of regulations 8(1), 9, 11(1), 12 to 19, 20(1) or (2), 21, 23, 24, 25(1), 26 to 29, 31, 33(1) or (2), 34, or 35:
 - (b) every crew member other than the master commits an offence who acts in contravention of, or fails to comply with, regulation 29 or regulation 34 or regulation 35.
- (2) For the purposes of determining the appropriate monetary penalty under section 88 of the Act,—
 - (a) if the master or crew member is convicted by a court of an offence against the regulations specified in subclause (1), the monetary penalty may not exceed—
 - (i) \$100,000 for the master for offences against the regulations specified in subclause (1)(a):
 - (ii) \$20,000 for crew members other than the master for offences against the regulations specified in subclause (1)(b); or
 - (b) if the master or crew member admits or is deemed to have admitted an offence against the regulations specified in subclause (1), the monetary penalty may not exceed—
 - (i) \$33,333.33 for the master for offences against the regulations specified in subclause (1)(a):
 - (ii) \$6,666.67 for crew members other than the master for offences against the regulations specified in subclause (1)(b).

38 Extensions of time

If any time limit is prescribed in these regulations for doing any thing, the chief executive may in any particular case, if the chief executive thinks it is proper to do so, extend that time limit.

39 Service of communications

- (1) Without limiting any other method of service, delivery, or communication, any notice or other document or communication that must be or may be served or given by the Minister or by the chief executive or by any fishery officer to any person under the Act or under these regulations in respect of any foreign fishing vessel, may be served or given by being delivered or communicated, as the case requires, to the National Fisheries Representative for that vessel and, in that case, it is deemed to have been served or given at the time when it is so delivered or communicated to the National Fisheries Representative.
- (2) Any notice or other document or communication referred to in subclause (1) may be served or given by being sent in a registered letter addressed to a

National Fisheries Representative or, in the case of any other method of service, delivery, or communication, to any other person on or to whom it is to be served, delivered, or communicated, in which case it is deemed to have been duly received at the time when it would have been received in the ordinary course of post.

40 Application

These regulations apply in respect of every licence granted or renewed on or after the commencement of these regulations.

41 Licence fees and royalties for foreign fishing vessels

- (1) Every person to whom a licence to take a species or class of fish specified in Schedule 5 is granted, or whose licence to take those fish is renewed, must pay to the Crown in respect of the granting or renewal of the licence or the taking of fish, as the case may require, the appropriate fees or royalties specified in Schedule 5.
- (2) Despite subclause (1), if a licence as a fish carrier and a licence as a support vessel have been granted for the same period in respect of 1 foreign fishing vessel—
 - (a) 1 fee only is payable for the issue of both licences; and
 - (b) the fee payable is the higher of the amounts calculated in accordance with Schedule 5 for the 2 licences or, if the amounts are equal, the fee payable is one of those amounts only.

42 Place of payment

All fees and royalties payable under these regulations must be paid to the chief executive at Wellington.

43 Revocations

The following regulations are revoked as a consequence of the coming into force of Part 5 of the Act:

- (a) Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978 (SR 1978/63):
- (b) Exclusive Economic Zone (Interim Measures for New Zealand Fishing Craft) Regulations 1977 (SR 1977/247):
- (c) Exclusive Economic Zone (Licence Fees and Royalties) Regulations 1988 (SR 1988/243).

Schedule 1**Forms**

Form 1

Foreign fishing vessel licence application

r 6(1)

- 1 This application is an approved form for the purposes of applying for a licence issued under section 83 of the Fisheries Act 1996 and regulation 6 of the Fisheries (Foreign Fishing Vessel) Regulations 2001.
- 2 *Operator and owner details*
Operator client number:
Operator name:
Operator contact details:
Owner client number:
Owner name:
Owner contact details:
- 3 *Licence details*
Commencement date:
Proposed/preferred expiry date:
Species of fish sought:
Area(s) of exclusive economic zone where fishing is to take place:
Method(s) of fishing to be used:
Estimated number of fishing days in exclusive economic zone:
- 4 *Crew details*
Total number of crew including master:
Master's details—
 - full name:
 - date of birth:
 - nationality:
 - passport number:
 - residential address:
 - phone number:
- 5 *Details of officers (first officer, second officer, and factory manager)*
Full name:
Date of birth:
Nationality:

Passport number:

6 *Basic vessel details*

Has this vessel been registered in New Zealand before?

If so, what is the vessel's vessel registration number?

Forum fisheries registration number (if vessel has one):

Vessel name:

Vessel international call sign (if applicable):

Lloyd's registration number/IMO number (if vessel has one):

Port of registry:

Flag state of vessel:

Previous flag(s) of vessel (if vessel had previous one):

Previous name(s) (if vessel had previous one):

Base port:

7 *Vessel specifications*

Type of vessel (eg, fish carrier, side trawler, stern trawler, longliner, surface longliner, bottom longliner, squid jigger, troll and pole, tuna purse seiner, tanker, line boat (surface/midwater/bottom)):

Fishing method(s) to be used from the vessel:

Gross tonnage:

Overall length (m):

Registered length (m):

Draught (m):

Beam (m):

Maximum speed (knots):

Service speed (knots):

Power output of vessel's main engines (specify if power is measured in kW or hp):

Hull material:

Hull colour:

Maximum duration at sea (days):

Position of superstructure, if vessel has any (fore, aft, or midship):

Superstructure colour (if applicable):

Funnel colour:

Year built (if known):

Number of tenders used in association with the vessel:

- Resale value including gear:
- 8 *Aircraft details (if vessel has any aircraft)*
Type of aircraft:
Aircraft registration:
Make of aircraft:
- 9 *Navigation/communication equipment*
Vessel cellphone number:
Vessel fax number:
Does the vessel have satellite communication equipment? (yes/no)
If so, provide contact numbers and state whether the GPS is interfaced with a course plotter or video plotter:
Radio communications (attach a separate sheet giving details of main working frequencies; specify kHz, MHz, or channel, and radio types, ie, HF, VHF, UHF, SSB):
- 10 *Fish processing and storage*
Is the vessel capable of processing fish meal?
If so, what is the vessel's daily maximum processing capacity?
Is the vessel capable of freezing product while at sea?
If so, what is the vessel's daily maximum freezing capacity?
Number of fishholds:
Total capacity of fishholds (m³):
- 11 *History of prior offences*
Has the vessel's owner, operator, master, or crew had a previous offending history in relation to fishing or transportation within the national fisheries jurisdiction of New Zealand, or another country, or on the high seas?
- 12 *Additional information required by Minister*
- 13 *Reason(s) for additional information*
- 14 *Declaration*
I declare that the information that I have given on this form is correct and complete to the best of my knowledge. I understand that it is an offence to supply false information or make any material omission. I have read and understood the details on the Privacy Act 2020 supplied with this form. I understand that it is my responsibility to keep the licence details up to date.

[Date and signature of applicant]

Schedule 1 form 1: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 1 form 1: amended, on 11 July 2002, by regulation 9 of the Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156).

Form 2
Licence to fish in the exclusive economic zone

r 7

- 1 This licence is issued under section 83 of the Fisheries Act 1996 and in accordance with regulation 7 of the Fisheries (Foreign Fishing Vessel) Regulations 2001.
- 2 This licence is issued to [*operator*] and authorises [*operator*] to use the foreign fishing vessel described below to fish in the exclusive economic zone for the period specified, and in accordance with the conditions of this licence and subject to all New Zealand laws that apply to the vessel in the zone.
- 3 *Description of vessel*
Vessel name:
Vessel international call sign:
Type of vessel:
Flag state of vessel:
Client number of operator:
Name of operator:
Address of operator:
Name of master:
Address of master:
Overall length:
Gross tonnage:
- 4 *Licence details*
Species to which licence applies:
Method(s) of fishing authorised:
Area(s) of the exclusive economic zone where fishing may take place:
This licence is valid from [*date*] to [*date*] (inclusive).
- 5 *Conditions*
This licence is not transferable. Further conditions, if any, are attached in the Schedule. Conditions may be added, amended, or revoked at any time.

Schedule

Further conditions of licence

[*State conditions of licence, if any*]

[*Date and signature of Minister of Fisheries*]

Minister of Fisheries

Form 3

Licence to fish for certain highly migratory species of tuna in the exclusive economic zone of New Zealand

r 30(2)

- 1 This licence is issued under section 83 of the Fisheries Act 1996 and in accordance with regulation 30 of the Fisheries (Foreign Fishing Vessel) Regulations 2001.
- 2 This licence is issued to [*operator*] and authorises [*operator*] to use the foreign fishing vessel described below to fish in the exclusive economic zone of New Zealand in accordance with the terms and conditions of this licence and subject to all New Zealand laws that apply to the vessel in the zone:
- 3 *Description of vessel*
Vessel name:
Vessel international call sign:
If vessel has an aircraft,—
 - aircraft registration number:
 - make of aircraft:Client number of operator:
Name of operator:
Address of operator:
Name of master:
Address of master:
- 4 *Species to which licence applies*
- 5 *Method of fishing authorised*
- 6 *Period for which fishing authorised*
This licence is valid from [*date*] to [*date*] (inclusive).
- 7 *Conditions*
This licence is not transferable. Further conditions, if any, are attached in the Schedule. Conditions may be added, amended, or revoked at any time.

Schedule

Further conditions of licence

[State further conditions, if any]

[Date and signature of Minister of Fisheries]

Minister of Fisheries

Schedule 2

Areas closed to trawling and bottom-lining by foreign fishing vessels

r 23

- 1 The area enclosed by a line commencing at a point 37°21.15'S and 178°19.6'E; and then proceeding directly through a northerly direction to a point 37°13.2'S and 178°19.6'E; and then proceeding through a south-easterly direction along a line every point of which is 8 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point 39°06.3'S and 178°25.8'E; and then proceeding directly through a westerly direction to a point 39°06.31'S and 178°15.6'E; and then proceeding through a north-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.
- 2 The area enclosed by a line commencing at a point 36°24.1'S and 173°48'E; and then proceeding directly through a westerly direction to a point 36°24.1'S and 173°37.9'E; and then proceeding through a southerly direction along a line every point of which is 8 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point 40°34.8'S and 174°37.2'E; and then proceeding directly through a south-easterly direction to a point 40°40.6'S and 174°44.6'E; and then proceeding through a north-easterly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.
- 3 The area enclosed by a line commencing at a point 41°48.95'S and 175°17.4'E; and then proceeding directly through a southerly direction to a point 42°01.95'S and 175°17.4'E; and then proceeding directly through a north-westerly direction to a point 41°53.6'S and 174°49.4'E; and then proceeding through a south-westerly direction along a line every point of which is 13 nautical miles seaward of the outer limits of the territorial sea of New Zealand to a point 44°19.2'S and 172°58.75'E; and then proceeding through a south-westerly direction directly to a point 45°53.0'S and 171°02.2'E; and then proceeding through a northerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.
- 4 The area enclosed by a line commencing at a point 43°45.5'S and 168°37.35'E; and then proceeding directly through a northerly direction to a point 43°32.5'S and 168°37.35'E; and then proceeding through a north-easterly direction along a line every point of which is 13 nautical miles seawards of the outer limits of the territorial sea of New Zealand to a point 41°44.9'S and 170°53.6'E; and then proceeding directly through an easterly direction to a point 41°44.9'S and 171°10.9'E; and then proceeding through a southerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.
- 5 The area enclosed by a line commencing at a point 40°19.4'S and 173°00.5'E; and then proceeding directly through a south-easterly direction to a point 40°27.8'S and 174°00'E; and then proceeding through a south-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

- 6 The area enclosed by a line commencing at a point 35°20'S and 172°52.8'E; and then proceeding directly through a north-westerly direction to a point 34°21.4'S and 171°53.8'E; and then proceeding through a south-easterly direction along the outer limits of the territorial sea of New Zealand to a point 34°16.2'S and 172°21.7'E; and then proceeding directly through a south-easterly direction to a point 34°19.4'S and 172°28'E; and then proceeding through a south-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.
- 7 The area north of a line drawn from the boundary of the outer limits of the territorial sea of New Zealand around Solander Island at a point 46°39.6'S and 166°35'E to the boundary of the territorial sea of New Zealand around Stewart Island at a point of 47°19.2'S and 167°3.2'E.

Schedule 3
Areas closed to squid jigging by foreign fishing vessels

r 24

The area enclosed by a line commencing at a point 40°19.4'S and 173°00.5'E; and then proceeding directly through a south-easterly direction to a point 40°27.8'S and 174°00'E; and then proceeding through a south-westerly direction along the outer limits of the territorial sea of New Zealand to the first-mentioned point.

Schedule 4

Areas closed to fishing under highly migratory species licence

r 31(1)(c)

- 1 The territorial seas of New Zealand.
- 2 All seas that are beyond and adjacent to the territorial seas of New Zealand, having as their outer limits a line measured seaward from the base line described in sections 5 and 6 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977, every point of which line is distant 18 nautical miles from the nearest point of the baseline.
- 3 All seas of the exclusive economic zone west of New Zealand that are south of 39°S.
- 4 All seas of the exclusive economic zone east of New Zealand that are south of 40°S.

Schedule 5

Licence fees and royalties

r 41

Part 1

Fee or royalty per tonne of species or class of fish

Species or class of fish	Area in which species or class of fish taken	Fee or royalty per tonne (\$)
Alfonsino (<i>Beryx splendens</i> ; <i>Beryx decadactylus</i>)	All areas	200
Barracouta (<i>Thyrisites atun</i>)	Southland	70
	All other areas	165
Blue cod (<i>Parapercis colias</i>)	All areas	300
Blue moki (<i>Latridopsis ciliaris</i>)	All areas	150
Blue warehou (<i>Seriola brama</i>)	All areas	200
Elephant fish (<i>Callorhynchus millii</i>)	All areas	300
Flatfish (<i>Rhombosolea plebia</i> ; <i>Pelotretis flavilatus</i> ; <i>Peltorhamphus novaezelandiae</i> ; <i>Rhombosolea leporina</i> ; <i>Colistium guntheri</i> ; <i>Colistium nudipinnis</i> ; <i>Rhombosolea tapirina</i>)	All areas	300
Gemfish (<i>Rexea solandri</i>)	All areas	200
Grey mullet (<i>Mugil cephalus</i>)	All areas	225
Gurnard (<i>Chelidonichthys kumu</i>)	All areas	285
Hake (<i>Merluccius australis</i>)	All areas	166
Hapuku/Bass (<i>Polyprion oxygeneios</i> ; <i>Polyprion moene</i>)	All areas	500
Hoki (<i>Macruronus novaezelandiae</i>)	All areas	100
Jack mackerel (<i>Trachurus novaezelandiae</i> ; <i>Trachurus declivis</i>)	All areas	70

Species or class of fish	Area in which species or class of fish taken	Fee or royalty per tonne (\$)
John dory (<i>Zeus faber</i>)	All areas	450
Ling (<i>Genypterus blacodes</i>)	Sub-Antarctic	110
	All other areas	160
Oreo dories (<i>Allocyttus sp.</i> ; <i>Pseudocyttus maculatus</i> ; <i>Neocyttus rhomboidalis</i>)	Auckland, Central, Chal- lenger, and Southland	70
	All other areas	100
Red cod (<i>Pseudophycis bacchus</i>)	All areas	140
Silver warehou (<i>Seriolella punctata</i>)	All areas	150
Snapper (<i>Chrysophrys auratus</i>)	All areas	600
Southern blue whiting (<i>Micromesistius australis</i>)	All areas	50
Squid (<i>Nototodarus sp.</i> ; <i>Sepioteuthis bilineata</i>)	Southern Islands	115
	Any other part of New Zea- land fisheries waters not being Southern Islands, or the terri- torial sea, or internal waters	285
Stargazer (<i>Kathetostoma giganteum</i>)	All areas	110
Tarakihi (<i>Nemadactylus macropterus</i>)	All areas	300
Trevally (<i>Caranx georgianus</i>)	All areas	200
Any other species or class of fish (except albacore or tuna to which Part 2 applies)	Sub-Antarctic	40
	Any other part of New Zea- land fisheries waters not being territorial sea or internal waters	69

Part 2

Fee for licence per vessel

Licence	Fee
Licence to take by longlining albacore (<i>Thunnus alalunga</i>) or yellowfin tuna (<i>Thunnus albacares</i>)	\$14,100 per vessel

Licence	Fee
Licence to take by longlining southern bluefin tuna (<i>Thunnus maccoyi</i>)	\$114,000 per vessel
Licence to take skipjack tuna (<i>Katsuwonus pelamis</i>) by longlining and pole	\$17,000 per vessel
Licence as a fish carrier	\$3,000, plus \$8.50 per tonne of fish-carrying capacity of the fish carrier for each voyage to the exclusive economic zone
Licence as a support vessel	\$3,000, plus \$4.20 per gross registered tonne of the craft for each voyage to the exclusive economic zone

Martin Bell,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 September 2001.

Notes

1 *General*

This is a consolidation of the Fisheries (Foreign Fishing Vessel) Regulations 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulations 36, 37

Privacy Act 2020 (2020 No 31): section 217

Fisheries (Foreign Fishing Vessel) Amendment Regulations 2002 (SR 2002/156)