



ANALYSIS

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1987, No. 36

An Act to amend the Marine Farming Act 1971

[30 March 1987]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Marine Farming Amendment Act 1987, and shall be read together with and deemed part of the Marine Farming Act 1971 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “fish”, and substituting the following definition:

“ ‘Fish’ includes—

“(a) All species of finfish of the Classes Agnatha, Chondrichthyes, and Osteichthyes at all stages of their life history:

“(b) All shellfish (including all species of the phylum Echinodermata and phylum Mollusca and all species of the Class Crustacea) at all stages of their life history:

“(c) All species of animal life (except birds) which at any time of the life history of the species must inhabit water;—

and includes any part of such finfish, shellfish, or animal life; but does not include trout.”.

(2) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “marine vegetation”, and substituting the following definition:

“‘Marine vegetation’ means any species of plant life which at any time of the life history of the species must inhabit water; and includes all kinds of algae and sea-grasses that grow below water or on tidal lands:”.

(2) Section 2 (1) of the Marine Farming Amendment Act 1983 is hereby consequentially repealed.

3. Application of Fisheries Act 1983—(1) The principal Act is hereby amended by repealing section 49, and substituting the following section:

“49. (1) Nothing in the Fisheries Act 1983 or any regulations made or notice given under that Act shall apply in respect of the taking, possession, acquisition, disposal, or disturbance of—

“(a) Fish or marine vegetation of a species specified in a lease or licence taken, possessed, acquired, disposed of, or disturbed in accordance with the lease or licence and—

“(i) Held by the lessee or licensee within the leased area or licensed area; or

“(ii) Bred by the lessee or licensee; or

“(iii) Acquired by the lessee or licensee from the Crown or from another lessee or licensee; or

“(iv) Disposed of by the lessee or licensee to another lessee or licensee or to the Crown; or

“(v) Acquired by the lessee or licensee with the authority of the Minister:

“(b) Fish or marine vegetation of a species specified in a permit granted under section 14A of this Act, taken, possessed, acquired, disposed of, or disturbed in accordance with the permit.

“(2) Nothing in this Act shall authorise any person to take, possess, acquire, dispose of, or disturb any fish or marine vegetation other than that to which the lease, licence, or permit held by that person or that person’s employer or principal relates.

“(3) For the purposes of subsection (2) of this section fish or marine vegetation shall not be in possession of a lessee, licensee, or permit holder or that person’s employee or agent by reason only that the fish or marine vegetation occurs in its natural living state in the area to which the lease, licence, or permit relates.”

(2) The Fisheries Act 1983 is hereby amended by repealing so much of the Third Schedule as relates to section 49 of the principal Act.

This Act is administered in the Ministry of Agriculture and Fisheries.
