



Customs Export Prohibition (Toothfish) Order 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 5th day of May 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 56 of the Customs and Excise Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and being of the opinion that the prohibition effected by this order is necessary in the public interest, makes the following order.

Contents

1	Title	3	Interpretation
2	Commencement	4	Certain toothfish exports prohibited

Order

- 1 Title**
This order is the Customs Export Prohibition (Toothfish) Order 2003.
- 2 Commencement**
This order comes into force on 11 May 2003.

3 Interpretation

In this order,—

Commission means the Commission for the Conservation of Antarctic Marine Living Resources, established under Article VII of the Convention

Conservation Measure means Conservation Measure 170/XVIII, adopted by the Commission in November 1999; and includes any amendment or modification of the Conservation Measure adopted by the Commission

Convention means the Convention on the Conservation of Antarctic Marine Living Resources that was opened for signature at Canberra on 1 August 1980

toothfish means any living or dead fish, and any flesh or other part (whether raw, or in any way processed or preserved) of any fish, of the following species:

- (a) Antarctic toothfish (*Dissostichus mawsoni*);
- (b) Patagonian toothfish (*Dissostichus eleginoides*).

4 Certain toothfish exports prohibited

The exportation of toothfish is prohibited, unless it is covered by a completed catch document (and, if New Zealand is not the country of landing, by a completed re-export document) issued by a party to the Convention in accordance with the Conservation Measure.

Diane Wilderspin,
Acting for 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 comes into force on 11 May 2003, prohibits the exportation of 2 species of toothfish, unless it is covered by a completed catch document (and, if New Zealand is not the country of landing, by a completed re-export document) issued in accordance with Conservation Measure 170/XVIII. That Measure was adopted by the Commission for the Conservation of Antarctic

Marine Living Resources in November 1999, under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources.

This order continues the prohibition formerly in the Customs Export Prohibition (Toothfish) Order 2000 (SR 2000/59). The Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000 (SR 2000/57), which came into force on the same day as that order and impose certain duties, also give effect to the Conservation Measure.

Under section 56(5)(a) of the Customs and Excise Act 1996, this order expires on the close of 31 December 2003 except so far as it is expressly confirmed by Act of Parliament passed before that date. Even if confirmed completely in that way, under section 57 of that Act, this order expires on the close of 10 May 2006 unless it is sooner revoked or extended for a further period of up to 3 years.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 8 May 2003.

This order is administered in the New Zealand Customs Service.
