



Fisheries (Central Area Amateur Fishing) Amendment Regulations 2001

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 297 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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Regulations

1 Title

- (1) These regulations are the Fisheries (Central Area Amateur Fishing) Amendment Regulations 2001.

- (2) In these regulations, the Fisheries (Central Area Amateur Fishing) Regulations 1986¹ are called “the principal regulations”.

¹ SR 1986/223

2 Commencement

These regulations come into force on 1 October 2001.

3 Maximum daily number of fish

Regulation 3A of the principal regulations is amended by adding the following subclauses:

- “(6) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of fish, (as specified in this regulation), but not more than 3 times the daily limit.
- “(7) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of fish (as specified in this regulation).”

4 New regulation 3C substituted

The principal regulations are amended by revoking regulation 3C, and substituting the following regulation:

“3C Person and vessel limits on number of rock lobster pots in Gisborne, Hawke’s Bay, and Wellington waters

- “(1) The maximum number of rock lobster pots that may be used or possessed in the waters of the area described in subclause (4) is,—
- “(a) in the case of pots being used, set, or possessed by an individual in those waters, 3 pots;
- “(b) in the case of pots being used, set, or possessed by 2 or more individuals from a vessel in those waters, 6 pots.
- “(2) A person contravenes this subclause if the person, on any day,—
- “(a) uses, sets, or possesses in those waters more than 3 pots but not more than 6 pots; or
- “(b) uses, sets, or possesses in those waters more than 6 pots.
- “(3) A person contravenes this subclause if the person, on any day,—

- “(a) uses, sets, or possesses pots from a vessel in those waters so that more than 6 pots but not more than 12 pots are being used, set, or possessed from the vessel; or
 - “(b) uses, sets, or possesses pots from a vessel in those waters so that more than 12 pots are being used, set, or possessed from the vessel.
- “(4) The area referred to in subclauses (1) to (3) comprises—
- “(a) the area of New Zealand fisheries waters defined on the Ministry of Fisheries Map No 151 (File Reference 20/1/5) held in the Head Office of the Ministry of Fisheries that is bounded—
 - “(i) by the mean high-water mark of that part of the shore of the North Island from East Cape Lighthouse (at 37°41.4'S and 178°32.8'E) to the Wairoa River entrance (at 39°04'S and 177°25'E); and
 - “(ii) by a straight line from East Cape Lighthouse (at 37°41.4'S and 178°32.8'E) on a true compass bearing of 45°; and
 - “(iii) by a straight line from the Wairoa River entrance (at 39°04'S and 177°25'E) on a true compass bearing of 160°; and
 - “(b) the area of New Zealand fisheries waters defined on the Ministry of Fisheries Map No 151 (File Reference 20/1/5) held in the Head Office of the Ministry of Fisheries that is bounded—
 - “(i) by the shoreline (commencing in a southerly direction) from the Wairoa River entrance to the Manawatu River entrance; and
 - “(ii) by a straight line drawn due west of the Manawatu River entrance to a point at 40°28.4'S and 174°30'E, and thence on a true compass bearing of 135°; and
 - “(iii) by a straight line from the Wairoa River entrance on a true compass bearing of 160°.

“(5) For the purposes of subclause (4),—

Manawatu River entrance means that point on the southern bank of the mouth of the Manawatu River at 40°28.4'S and 175°12.5'E;

Wairoa River entrance means that point in the mouth of the Wairoa River at 39°04'S and 177°25'E.”

5 Closed season for rock lobster

Regulation 5A of the principal regulations is amended by adding the following subclauses:

- “(2) A person contravenes this subclause if the person takes or possesses, on any day, 1 or more rock lobsters in breach of subclause (1), but not more than 6 rock lobsters.
- “(3) A person contravenes this subclause if the person takes or possesses, on any day, more than 6 rock lobsters in breach of subclause (1).”

6 New regulation 6 substituted

The principal regulations are amended by revoking regulation 6, and substituting the following regulation:

6 Offences and penalties

- “(1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 if the person contravenes, or fails to comply with, any of regulations 3, 3A(6), 3B, 3C(2)(a) or (3)(a), 4, 4A, 4B, 5, 5A(2), or 5B.
- “(2) A person commits a serious non-commercial offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person contravenes, or fails to comply with, any of regulations 3A(7), 3C(2)(b), 3C(3)(b), or 5A(3).
- “(3) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.”

7 Revocations

The following regulations are revoked:

- (a) regulation 3 of the Fisheries (Central Area Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1996/20);
- (b) regulation 5 of the Fisheries (Central Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/180).

Martin Bell,
Acting for Clerk of the Executive Council.

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 1 October 2001, amend the Fisheries (Central Area Amateur Fishing) Regulations 1986 by restructuring certain prohibitions and offences to reflect appropriate penalty levels.

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

Date of notification in *Gazette*: 20 September 2001.

These regulations are administered in the Ministry of Fisheries.
