



**THE FISHERIES (SOUTHLAND AND SUB-ANTARCTIC AREAS
COMMERCIAL FISHING) REGULATIONS 1986, AMENDMENT
NO. 9**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of August 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 9, and shall be read together with and deemed part of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986* (hereinafter referred to as the principal regulations).

*S.R. 1986/220

Amendment No. 1: S.R. 1986/255
 Amendment No. 2: S.R. 1987/19
 Amendment No. 3: S.R. 1988/16
 Amendment No. 4: S.R. 1988/103
 Amendment No. 5: *Revoked by S.R. 1989/199*
 Amendment No. 5: S.R. 1989/55
 Amendment No. 6: S.R. 1989/199
 Amendment No. 7: S.R. 1989/323
 Amendment No. 8: S.R. 1990/111

(2) These regulations shall come into force on the 1st day of October 1990.

2. Concession relating to female rock lobster taken between 1 May 1990 and 30 April 1991—Regulation 5c of the principal regulations (as inserted by regulation 3 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing Regulations 1986, Amendment No. 6) is hereby amended by omitting the words “the holder of a current southern rock lobster controlled fishery licence”, and substituting the words “any person authorised under a quota to take rock lobster from quota management area 8 (as defined in the Third Schedule to the Maori Fisheries Act 1989)”.

3. Offences—The principal regulations are hereby amended by revoking regulation 16, and substituting the following regulation:

“16. (1) Every commercial fisherman who contravenes, or fails to comply with, any of regulations 3, 4, 4A (2), 4B, 6, 6A, 7, 8, 9, 10 (2), 12, 13A, 14, 15, 15A (2), 15B, 15C (1), 15C (2), 15C (3), 15C (4), 15D, 15E, 15F, 15G, 15H, 15I (1), 15I (2), 15J (1), 15J (2), 15J (3), and 15K (1) of these regulations commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

“(2) Subject to subclause (3) of this regulation, every commercial fisherman who contravenes, or fails to comply with, regulation 13 (2) of these regulations commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

“(3) Where, on or after the 1st day of October 1993, any person is convicted of any offence against regulation 13 (2) of these regulations, that person shall be liable on that conviction to a fine not exceeding \$10,000 if, in the period of 3 years immediately preceding the date of that conviction, that person has been convicted of any offence against the Act or any regulations made under the Act for which the specified maximum penalty was a fine of \$5,000.”

4. Schedule amended—The Schedule to the principal regulations (as added by regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 6 and amended by regulation 8 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986, Amendment No. 7), is hereby amended by adding the following item:

“Barn Bay Fishing Company Limited	. . . Neils Beach Fish Depot”.
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MARIE SHROFF,
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 1990, amend the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

Regulation 2 amends regulation 5c of the principal regulations by replacing a reference to a southern rock lobster controlled fishery licence with a reference to an authority granted under a quota. This minor change makes regulation 5c consistent with the Fisheries Act 1983 (as amended by the Fisheries Amendment Act 1990) and with the Maori Fisheries Act 1989.

Regulation 3 replaces regulation 16 of the principal regulations, which relates to offences and penalties. The principal changes are as follows:

- (a) The maximum penalty for all offences against the principal regulations (other than offences against regulation 13) is a fine of \$10,000:
- (b) The maximum penalty for an offence against regulation 13 of the principal regulations (which relates to the labelling of oysters) is a fine of \$5,000:
- (c) Any person convicted on or after 1 October 1993 of an offence against regulation 13 is liable to a fine not exceeding \$10,000 if, in the preceding 3 years, that person has been convicted of any offence against the Fisheries Act 1983 or any regulations made under that Act for which the specified maximum penalty was \$5,000.

Regulation 4 amends the Schedule to the principal regulations by adding a fish depot to the list of licensed concession fish packing houses.

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

Date of notification in *Gazette*: 30 August 1990.

These regulations are administered in the Ministry of Agriculture and Fisheries.