



Fisheries (Amateur Fishing) Amendment Regulations 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 5th day of December 2005

Present:

The Hon Dr Michael Cullen presiding 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 (Amateur Fishing) Amendment Regulations 2005.
 - (2) In these regulations, the Fisheries (Amateur Fishing) Regulations 1986¹ are called “the principal regulations”.

¹ SR 1986/221

2 Commencement

These regulations come into force on 16 December 2005.

3 Interpretation

- (1) Regulation 3 of the principal regulations is amended by inserting, after the definition of **blue moki**, the following definition:

“**bob** means a baited stocking or net sock that is capable of catching rock lobster”.
 - (2) Regulation 3 of the principal regulations is amended by inserting in the definition of **fishing gear**, after the word “pot,”, the word “bob,.”.
 - (3) Regulation 3 of the principal regulations is amended by inserting in the definition of **net**, after the words “include a”, the words “bob, ring pot, or”.

4 Daily allowance for shellfish

Regulation 19 of the principal regulations is amended by adding the following subclause:

- “(6) This regulation is subject to regulation 19A.”

5 New regulation 19A inserted

The principal regulations are amended by inserting, after regulation 19, the following regulation:

“19A Daily allowance for dredge oysters or scallops when diving if safety person on board vessel

- “(1) Despite regulation 19(1) or any other regulations made pursuant to section 297 of the Fisheries Act 1996 relating to daily limits, a person may take on any day, an additional amount of dredge oysters or scallops that is equivalent to—

“(a) 1 times the daily limit of dredge oysters or scallops, if subclause (2) applies; or

- “(b) 2 times the daily limit of dredge oysters or scallops, if subclause (3) applies.
- “(2) This subclause applies if—
 - “(a) the person takes the dredge oysters or scallops by the method of hand gathering when diving from a fishing vessel; and
 - “(b) 1 safety person is on board the vessel at all times when the dredge oysters or scallops are taken; and
 - “(c) no more than an additional amount that is equivalent to 1 times the daily limit of dredge oysters or scallops is taken in total by all persons diving from the vessel.
- “(3) This subclause applies if—
 - “(a) a person takes the dredge oysters or scallops by the method of hand gathering when diving from a fishing vessel; and
 - “(b) 2 or more safety persons are on board the vessel at all times when the dredge oysters or scallops are taken; and
 - “(c) no more than an additional amount that is equivalent to 2 times the daily limit of dredge oysters or scallops is taken in total by all persons diving from the vessel.
- “(4) In this regulation,—
 - “**daily limit**, in relation to dredge oysters or scallops, means—
 - “(a) the maximum daily number of dredge oysters or scallops specified in the table in regulation 19(1); or
 - “(b) in any other case, the maximum daily number or maximum daily catches of dredge oysters or scallops specified in any other regulations made pursuant to the Fisheries Act 1996
 - “**safety person** means a person on board a fishing vessel who is assisting the safety of a person taking the dredge oysters or scallops.”

6 New regulation 20 substituted

The principal regulations are amended by revoking regulation 20, and substituting the following regulation:

“20 Shellfish to be measurable

- “(1) No person may possess seaward of the mean high-water mark any shellfish to which a minimum length restriction applies in such a state that it cannot be measured.

- “(2) Subclause (1) does not apply to the possession of dredge oysters or scallops on board a fishing vessel for consumption.
- “(3) No person may land from a fishing vessel any shellfish to which a minimum length restriction applies in such a state that it cannot be measured.”

7 Use of underwater breathing apparatus prohibited for taking paua and mussels

- (1) The heading to regulation 21 of the principal regulations is amended by omitting the words “**and mussels**”.
- (2) Regulation 21 of the principal regulations is amended by omitting the words “or mussels” wherever they appear.

8 Rock lobster

Regulation 25(2) of the principal regulations is amended by omitting the words “; but this prohibition shall not apply to the use of ring pots”.

9 Apertures to be incorporated in rock lobster pots

Regulation 25B of the principal regulations is amended by adding the following subclause:

- “(6) This regulation does not apply to the use or possession of a bob or ring pot.”

10 New regulation 28A inserted

The principal regulations are amended by inserting, after regulation 28, the following regulation:

“28A Regulations do not apply to use of landing net

Nothing in these regulations applies to the use by a person of a landing net to secure fish that have been lawfully taken.”

Diane Morcom,
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 16 December 2005, amend the Fisheries (Amateur Fishing) Regulations 1986 (the “principal regulations”). The effect of the amendments is as follows:

Regulation 3 of the principal regulations is amended—

- to insert a definition of **bob**:
- to exclude bobs and ring pots from the definition of **net**. This ensures that the minimum mesh sizes in regulation 6(1) do not apply to ring pots and bobs;
- to insert a reference to bobs in the definition of **fishing gear**.

New regulation 19A is inserted into the principal regulations to provide that divers may take—

- 1 additional daily limit of dredge oysters or scallops per fishing vessel if the dredge oysters or scallops are taken by the method of hand gathering and there is 1 safety person on board the vessel at the time the dredge oysters or scallops are taken; or
- 2 additional daily limits of dredge oysters or scallops per fishing vessel if the dredge oysters or scallops are taken by the method of hand gathering and there is 2 or more safety persons on board the vessel at the time the dredge oysters or scallops are taken.

Regulation 19 of the principal regulations is consequentially amended to clarify that the daily limits specified in subclause (1) for dredge oysters and scallops are subject to *new regulation 19A*.

Regulation 20 of the principal regulations is amended to allow for the possession of shucked dredge oysters and scallops on board a fishing vessel for consumption.

Regulation 21 of the principal regulations is amended to allow for the taking and possession of mussels with underwater breathing apparatus.

Regulation 25(2) of the principal regulations, which provides that a person must not set or use a baited net for taking rock lobster is consequentially amended to omit the reference to ring pots as they are no longer included in the definition of net.

Regulation 25B of the principal regulations is amended by adding *new subclause (6)* to allow bobs and ring pots to be used when taking rock lobster.

New regulation 28A is inserted into the principal regulations to permit landing nets to be used to secure fish lawfully taken by any method.

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

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These regulations are administered in the Ministry of Fisheries.
