



Fisheries (Amateur Fishing) Amendment Regulations (No 2) 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 (Amateur Fishing) Amendment Regulations (No 2) 2001.
- (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 1 October 2001.

3 Application

Regulation 2 of the principal regulations is amended by omitting—

- (a) the word “fishermen”, and substituting the word “fishers”; and
- (b) the word “quota”, and substituting the words “catch entitlement”.

4 Interpretation

Regulation 3 of the principal regulations is amended by revoking the definition of **Act**, and substituting the following definition:

“**Act** means the Fisheries Act 1996”.

5 New regulations 6 and 6A substituted

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

“6 Minimum net mesh size and species length

- “(1) A person must not use a net to take a species of fish specified in the following table unless the net mesh size used is at least the minimum net mesh size specified for the species of fish in the following table:

Species of fish	Minimum net mesh size (mm)
Blue cod	—
Blue moki	115
Butterfish	108
Eels	12
Elephant fish	150
Flatfish	100

Species of fish	Minimum net mesh size (mm)
Garfish (piper)	25
Hapuku/bass	–
Herrings	25
Kahawai	85
Kingfish	100
Mullet	85
Pilchard	25
Red cod	100
Red moki	115
Rig	150
Snapper	100
Tarakihi	100
Trevally	100
All others (excluding quinnat salmon)	100

- “(2) A person must not take or be in possession of a species of fish specified in the following table that is less than the minimum length specified for the species of fish in the following table:

Species of fish	Minimum species length (cm)
Blue cod	33
Blue moki	40
Butterfish	35
Eels	–
Elephant fish	–
Flatfish (except sand flounder)	25
Garfish (piper)	–
Hapuku/bass	–
Herrings	–
Kahawai	–
Kingfish	65
Mullet	–
Pilchard	–
Red cod	25
Red moki	40
Rig	–
Sand flounder	23
Snapper	25
Tarakihi	25
Trevally	25
All others (excluding quinnat salmon)	–

“6A **Maximum daily number of eels**

- “(1) The maximum number of eels that may be taken or possessed by a person on any day is 6.

“(2) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of eels, but not more than 3 times the daily limit.

“(3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of eels.”

6 New regulation 10 substituted

The principal regulations are amended by revoking regulation 10, and substituting the following regulation:

“10 Stalling prohibited

“(1) A person must not set any net if stalling occurs as a result.

“(2) A person who sets a net must ensure that stalling does not occur while the net is set.”

7 Quinнат salmon fishing

Regulation 17 of the principal regulations is amended by revoking subclause (5), and substituting the following subclauses:

“(5) The maximum number of quinнат salmon that may be taken or possessed by a person on any day is 4.

“(5A) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of quinнат salmon, but not more than 3 times the daily limit.

“(5B) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of quinнат salmon.”

8 New regulation 19 substituted

The principal regulations are amended by revoking regulation 19, and substituting the following regulation:

“19 Daily allowance of shellfish

“(1) The maximum number of shellfish that may be taken or possessed by a person on any day is the number specified in the following table:

Species of shellfish	Maximum daily number (per person)
Cockles	150
Kina	50
Mussels	50

Species of shellfish	Maximum daily number (per person)
Oysters—dredge	50
—Pacific or rock	250
Paua—ordinary	10
—yellow foot	10
Pipi	150
Scallops	20
Tuatua	150
Others (whether of the same species or of different species)	50

- “(2) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of a species of shellfish specified in the table in subclause (1), but not more than 3 times the daily limit.
- “(3) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of a species of shellfish specified in the table in subclause (1).
- “(4) The minimum length of shellfish (whether entire, chipped, or broken) that may be taken or possessed by any person on any day is specified in the following table:

Species of shellfish	Minimum length (mm)
Cockles	—
Kina	—
Mussels	—
Oysters—dredge	as in subclause (5)
—Pacific or rock	—
Paua—ordinary	125
—yellow foot	80
Pipi	—
Scallops	100
Tuatua	—
Others (whether of the same species or of a different species)	—

- “(5) A person must not take or possess any dredge oyster that can be passed through a rigid circular metal ring having a clear inside diameter of 58 mm.”

9 New regulation 22 substituted

The principal regulations are amended by revoking regulation 22, and substituting the following regulation:

“22 Taking, possessing, or disturbing toheroa

- “(1) A person must not take, possess, or disturb toheroa.
- “(2) A person contravenes this subclause if the person takes, possesses, or disturbs up to 50 toheroa.
- “(3) A person contravenes this subclause if the person takes, possesses, or disturbs more than 50 toheroa.”

10 Rock lobster

- (1) Regulation 25(1)(a) of the principal regulations is revoked.
- (2) Regulation 25 of the principal regulations is amended by inserting, after subclause (1), the following subclauses:
- “(1A) The maximum number of rock lobsters that may be taken or possessed by a person on any day is 6.
- “(1B) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of rock lobsters, but not more than 3 times the daily limit.
- “(1C) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of rock lobsters.”

11 Undersize rock lobster

Regulation 25A(7) of the principal regulations is amended by omitting the words “the First Schedule to the Fisheries (Commercial Fishing) Regulations 1986 (as inserted by the Fisheries (Commercial Fishing) Regulations 1986, Amendment No 2)”, and substituting the words “Schedule 1 of the Fisheries (Commercial Fishing) Regulations 2001”.

12 Fish taken for hui, tangi, or other approved purpose

Regulation 27 of the principal regulations is amended by omitting the word “Director-General” wherever it appears, and substituting in each case the words “chief executive”.

13 New regulation 29 substituted

The principal regulations are amended by revoking regulation 29, and substituting the following regulation:

“29 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 6, 6A(2), 7 to 15, 17(1), (2), (3), (4), (5), or (5A), 18, 19(2), (4), or (5), 20, 21, 22(2), 23, 24, 25(1) or (1B), 25B, or 26.
- “(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 6A(3), 17(5B), 19(3), 22(3), 25(1C), or 28 (which are offences of exceeding 3 times the prescribed daily limit).
- “(3) In the case of any person charged with being unlawfully in possession of more than the maximum number of any species of finfish, shellfish, or aquatic life to which the person is entitled, it is a defence if that person satisfies the court that the number of finfish, shellfish, or aquatic life in excess of the maximum was not taken in breach of these regulations.
- “(4) In the case of any person charged with taking or being in possession of scallops during a closed season, it is a defence if that person satisfies the court that the scallops were washed ashore.”

14 Revocations

The following regulations are revoked:

- (a) regulations 3 and 7 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1993/284);
- (b) regulation 3 of the Fisheries (Amateur Fishing) Regulations 1986, Amendment No 6 (SR 1994/178);
- (c) regulation 3 of the Fisheries (Amateur Fishing) Amendment Regulations 2000 (SR 2000/77);
- (d) Fisheries (Amateur Fishing) Amendment Regulations (No 2) 2000 (SR 2000/243).

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 comes into force on 1 October 2001, amend the Fisheries (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.
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These regulations are administered in the Ministry of Fisheries.
