



**FISHERIES (COMMERCIAL FISHING) AMENDMENT
REGULATIONS (NO. 3) 1998**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of October 1998

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, and sections 297 and 298 of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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| 1. Title and commencement | 4. Use of fyke nets in South Island fisheries waters |
| 2. Minimum finfish length, weight, and net mesh size | 5. Trawling by vessels over 46 m long prohibited in territorial sea |
| 3. Maximum legal weight for eel taken from South Island fisheries waters | |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Amendment Regulations (No. 3) 1998,

and are part of the Fisheries (Commercial Fishing) Regulations 1986* (“the principal regulations”).

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Minimum finfish length, weight, and net mesh size—Regulation 21 of the principal regulations is amended by revoking subclauses (1A) and (1B), and substituting the following subclauses:

“(1A) Nothing in subclause (1) applies to—

“(a) Restrict the net mesh size of any purse seine or lampara net to the extent that it is used by a commercial fisher to take albacore, anchovy, blue mackerel, jack mackerel, garfish, kahawai, koheru, pilchard, saury, skipjack tuna, trevally or yellow fin; or

“(b) The taking of kingfish by trawling or the possession of kingfish taken by trawling.

“(1B) Despite subclause (1), a commercial fisherman may take koi or brown bullhead catfish by means of a fyke net, so long as the mesh of the net is not less than 12 mm.”

3. Maximum legal weight for eel taken from South Island fisheries waters—Regulation 31F of the principal regulations is amended by revoking subclause (3), and substituting the following subclause:

“(3) For the purposes of this regulation, ‘South Island fisheries waters’ means all New Zealand fisheries waters in the area to the south of a line commencing at the intersection with the boundary of the New Zealand exclusive economic zone at 38° 09’S and 169° 32’E, then proceeding in a generally easterly direction to a point at 40° 02’S and 173° 00’E, then proceeding in a south-easterly direction to a point offshore from Kapiti Island at 40° 42’S and 174° 40’E, then proceeding in a generally southerly direction to a point offshore from Cape Terawhiti at 41° 13’S and 174° 31’E, then proceeding in a generally southerly direction to a point in Cook Strait at 41° 26’S and 174° 23’E, then proceeding in an easterly direction to a further point in Cook Strait at 41° 32’S and 174° 28’E, then proceeding in a generally south-easterly direction to a further point in Cook Strait at 41° 35’S and 174° 36’E, then proceeding in a generally

*S.R. 1986/215

Amendment No. 1: S.R. 1986/250
 Amendment No. 2: S.R. 1988/104
 Amendment No. 3: S.R. 1988/175
 Amendment No. 4: S.R. 1988/321
 Amendment No. 5: (Revoked by S.R. 1990/186)
 Amendment No. 6: (Revoked by S.R. 1990/186)
 Amendment No. 7: S.R. 1990/186
 Amendment No. 8: S.R. 1991/61
 Amendment No. 9: (Revoked by S.R. 1993/174)
 Amendment No. 10: S.R. 1991/249
 Amendment No. 11: S.R. 1992/115
 Amendment No. 12: S.R. 1992/208
 Amendment No. 13: S.R. 1992/237
 Amendment No. 14: S.R. 1993/174
 Amendment No. 15: S.R. 1993/278
 Amendment No. 16: (Revoked by S.R. 1996/268)
 Amendment No. 17: S.R. 1994/175
 Amendment No. 18: S.R. 1995/35
 Amendment No. 19: S.R. 1995/174
 Amendment No. 20: S.R. 1995/229
 Amendment No. 21: (Revoked by S.R. 1996/268)
 Amendment No. 22: (Revoked by S.R. 1996/268)
 Amendment No. 23: S.R. 1996/268
 Amendment 1997: S.R. 1997/26
 Amendment (No. 2) 1997: S.R. 1997/190
 Amendment (No. 3) 1997: S.R. 1997/287
 Amendment 1998: S.R. 1998/23
 Amendment 1998 (No. 2): S.R. 1998/279

easterly direction to a point south of Sinclair Head at 41° 39'S and 174° 58'E, then proceeding in a generally south-easterly direction to a point on the southern side of the Chatham Rise at 44° 26'S and 178° 26'E, and then in a generally south-easterly direction to a point that intersects the boundary of the New Zealand exclusive economic zone at 47° 46'S and 175° 57'W."

4. Use of fyke nets in South Island fisheries waters—Regulation 31G of the principal regulations is amended by omitting the expression "28 mm", and substituting the expression "31 mm".

5. Trawling by vessels over 46 m long prohibited in territorial sea—Regulation 47A of the principal regulations is amended by omitting the expression "43 m", and substituting the expression "46 m".

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 28 days after their notification in the *Gazette*, amend the Fisheries (Commercial Fishing) Regulations 1986 by—

- (a) Removing the mesh size restriction on purse seine and lampara nets used to take certain species (*regulation 2*); and
- (b) Altering the definition of "South Island fisheries waters" in relation to the taking of eels, to accord with the definition in the Fisheries (South Island Customary Fishing) Regulations 1998 (*regulation 3*); and
- (c) Increasing from 28 mm to 31 mm the minimum inside diameter of fyke net escapement tubes for fishers targeting eels in South Island fisheries waters (*regulation 4*); and
- (d) Increasing from 43 m to 46 m the maximum size of fishing vessels able to trawl within the territorial sea (*regulation 5*).

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

Date of notification in *Gazette*: 8 October 1998.

These regulations are administered in the Ministry of Fisheries.