

1972/104



THE FISHERIES (GENERAL) REGULATIONS 1950,
AMENDMENT NO. 18

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of May 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fisheries Act 1908, 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 (General) Regulations 1950, Amendment No. 18, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950* (hereinafter referred to as the principal regulations).

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

2. Interpretation—(1) Regulation 4 of the principal regulations is hereby amended by inserting in subclause (1), after the definition of the term “boat-fishing permit”, the following definition:

“‘Cockle’ means the mollusc *Chione stutchburyi*.”

(2) The said regulation 4 is hereby further amended by inserting in subclause (1), after the definition of the term “master”, the following definition:

“‘Mussel’ means the green mussel *Perna canaliculus*, and the blue mussel *Mytilus edulis*.”

(3) The said regulation 4 is hereby further amended by inserting in subclause (1), after the definition of the term “paua” (as inserted by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 15), the following definition:

“‘Pipi’ means the mollusc *Amphidesma australe*.”

*S.R. 1950/47 (Reprinted with Amendments Nos. 1 to 8: S.R. 1966/20)

Amendment No. 9: S.R. 1967/112
Amendment No. 10: S.R. 1968/104
Amendment No. 11: S.R. 1968/218
Amendment No. 12: S.R. 1969/98
Amendment No. 13: S.R. 1970/62
Amendment No. 14: S.R. 1970/160
Amendment No. 15: S.R. 1971/71
Amendment No. 16: S.R. 1971/156
Amendment No. 17: S.R. 1971/282

(4) The said regulation 4 is hereby further amended by inserting in subclause (1), after the definition of the term "sardine", the following definition:

"'Scallop' means the mollusc *Pecten novaezelandiae*."

(5) The said regulation 4 is hereby further amended by inserting in subclause (1), after the definition of the term "take", the following definition:

"'Tuatua' means the mollusc *Amphidesma subtriangulatum*."

3. Using Danish seine net in North Island waters—Regulation 72 of the principal regulations is hereby amended by revoking subclause (5), together with its heading, and substituting the following subclause and heading:

"Bay of Islands"

"(5) The waters of the Bay of Islands lying inside a boundary commencing at the easternmost point of Cape Wiwiki and running thence in a straight line to the northern extremity of Red Head, and thence in a straight line in a north-easterly direction to the northern extremity of Cape Brett. The reference points named in this subclause are shown on chart N.Z. 5122."

4. Restrictions on shellfish dredging—(1) Regulation 106J of the principal regulations (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) is hereby amended by omitting from subclause (2) the figure "4", and substituting the figure "6".

(2) The said regulation 106J is hereby further amended by adding the following subclause:

"(4) For the purposes of this regulation, the term 'shellfish' includes oysters."

5. Restrictions on the number of shellfish that may be taken on any one day—(1) The principal regulations are hereby amended by revoking regulation 106k (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15), and substituting the following regulation:

"106k. (1) No person shall on any one day, without lawful excuse (of which the proof shall lie on him), take, bring ashore, convey by any means whatsoever, have on board or land from any boat, or in any way possess, more than the number of each species of shellfish specified in the following table:

Paua	Scallops	Mussels	Tuatua	Pipis	Cockles
10	20	50	150	150	150

"(2) Notwithstanding anything in subclause (1) of this regulation, no association of persons shall on any one day, without lawful excuse (of which the proof shall lie on them), take, bring ashore, convey

by any means whatsoever, have on board or land from any boat, or in any way possess, more than the number of each species of shellfish specified in the following table:

No. of persons in association	Paua	Scallops	Mussels	Tuatua	Pipis	Cockles
2	20	40	100	300	300	300
3	30	60	150	450	450	450
4	40	80	200	600	600	600
5 or more	50	100	250	750	750	750

“(3) If any vehicle is used in the commission of an offence against this regulation the person in charge of the vehicle, and, if the vehicle is hired, each hirer of the vehicle, shall be deemed to have committed an offence against this regulation.

“(4) If, in the case of an association of persons, an offence is committed against this regulation, each of the associated persons shall be deemed to have committed an offence against this regulation.

“(5) The provisions of this regulation shall not apply to—

“(a) The holder of a fishing permit who is engaged in taking shellfish pursuant to the terms of the permit; or

“(b) The owner or any member of the crew of a registered fishing boat who is engaged in taking shellfish from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat; or

“(c) Any shellfish taken in accordance with paragraph (a) or paragraph (b) of this subclause.

“(6) In any proceedings for an offence against this regulation, proof that this regulation does not apply because of the provisions of subclause (5) shall be deemed to be a lawful excuse.”

(2) Regulation 106B of the principal regulations (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) is hereby consequentially revoked.

6. Restrictions on the number of flatfish that may be taken on any one day—Regulation 106P of the principal regulations (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 15) is hereby amended by omitting paragraph (c) from subclause (5), and substituting the following paragraph:

“(c) Any flatfish taken in accordance with paragraph (a) or paragraph (b) of this subclause.”

P. J. BROOKS,
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 amend the Fisheries (General) Regulations 1950, principally to redefine the quantities of shellfish that may be taken or possessed on any one day.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 May 1972.

These regulations are administered in the Marine Department.