



Fisheries (Registers) Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 23rd day of July 2001

Present:

The Right Hon Helen Clark 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.

Contents

1	Title	6	Particulars to be shown in Permit Register
2	Commencement		
3	Interpretation	7	Particulars to be shown in Fishing Vessel Register
4	Particulars to be shown in Quota Registers		
5	Particulars to be shown in Annual Catch Entitlement Registers		

Regulations

- 1 Title**

These regulations are the Fisheries (Registers) Regulations 2001.
- 2 Commencement**

These regulations come into force on 1 October 2001.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Fisheries Act 1996.

4 Particulars to be shown in Quota Registers

- (1) This regulation applies to each Quota Register kept under section 124 of the Act (which requires the chief executive to keep a separate Quota Register for each quota management stock).
- (2) The Quota Register kept for a quota management stock must contain the following particulars in addition to those required by section 127 of the Act:
 - (a) the email address (if any) and client number of each quota holder and each person who has a registered interest in quota for the stock:
 - (b) whether or not the stock was previously controlled by an individual catch entitlement:
 - (c) the amount of provisional catch history that is subject to a dispute under section 38 of the Act:
 - (d) the date a caveat is removed (if applicable):
 - (e) whether or not the provisional catch history allocated to a person is subject to an appeal or the determination of an appeal is yet to be given effect to under section 52 of the Act:
 - (f) the current total number of appeals over provisional catch history comprising the appeals that have not been determined and the appeals that have been determined but have not been given effect to under section 52 of the Act:
 - (g) whether or not a person with an allocation of provisional catch history is eligible to receive quota:
 - (h) the amount of provisional catch history cancelled for each person (if any):
 - (i) whether or not the holder of quota or provisional catch history has an exemption under section 56(2) of the Act entitling the holder to hold the quota or provisional catch history even though the holder is an overseas person:
 - (j) whether or not the holder has permission under section 57(3) of the Act to hold quota or provisional catch history:

- (k) whether or not the quota holder has consent under section 60 of the Act to hold quota in excess of the aggregation limits for the stock:
- (l) the amount of the Crown's encumbered and unencumbered holdings of quota.

5 Particulars to be shown in Annual Catch Entitlement Registers

- (1) This regulation applies to each Annual Catch Entitlement Register kept under section 124 of the Act (which requires the chief executive to keep a separate Annual Catch Entitlement Register for each quota management stock and to keep separate Annual Catch Entitlement Registers for each fishing year).
- (2) The Annual Catch Entitlement Register kept for a quota management stock for a particular fishing year must contain the following particulars in addition to those required by section 128 of the Act:
 - (a) the email address (if any) and client number of each holder of annual catch entitlement and each person who has a registered interest in annual catch entitlement:
 - (b) the date a caveat is removed (if applicable):
 - (c) whether or not annual catch entitlement has been transferred in accordance with section 369G of the Act:
 - (d) the total catch—
 - (i) reported to date for the fishing year by the commercial fisher or annual catch entitlement holder on a monthly harvest return amendment (within the meaning of the Fisheries (Reporting) Regulations 2001); or
 - (ii) in any case where there is a conviction under section 230 or section 231 of the Act, or any regulations made under the Act, relating to a failure to furnish returns or the furnishing of false or misleading returns, as assessed by the chief executive for the relevant period—
for the first quarter of the fishing year, the second quarter of the fishing year, the third quarter of the fishing year, and monthly for each of the remaining 3 months of the fishing year:

- (e) the date of cancellation of forward transfers of annual catch entitlement:
- (f) any change to a commercial fisher's reported catch as a result of reviews or appeals under section 80 of the Act:
- (g) whether or not the holder has an exemption under section 56(2) of the Act entitling the holder to hold the annual catch entitlement even though the holder is an overseas person:
- (h) whether or not the holder has permission under section 57(3) of the Act to hold annual catch entitlement:
- (i) the amount of allocations of annual catch entitlement made under sections 340 and 340A of the Act:
- (j) in respect of the Crown's holdings, the total annual catch entitlement available for trading, the total annual catch entitlement unavailable for trading, and the total annual catch entitlement available under section 369G of the Act.

6 Particulars to be shown in Permit Register

The Permit Register must contain the following particulars:

- (a) the name, postal address, email address (if any), and client number of each permit holder:
- (b) the name of each person who is authorised under section 89(5) of the Act to take freshwater eels or to take fish, aquatic life, or seaweed otherwise than from a vessel:
- (c) the period for which each permit is valid:
- (d) whether or not a permit is current or suspended:
- (e) if a permit is suspended, the date on which the suspension took effect:
- (f) whether or not the permit authorises the taking of stocks subject to the quota management system, and the non-quota management system stocks that may be taken under the authority of each permit (if applicable):
- (g) the fishing methods (if any) authorised by each permit (in the case of non-quota management system species):
- (h) all conditions imposed on a permit and whether any exemptions have been granted:
- (i) the name of each person who has breached overfishing thresholds, and whether they have approval to continue despite a prohibition under section 78(1) of the Act.

7 Particulars to be shown in Fishing Vessel Register

The Fishing Vessel Register must contain the following particulars:

- (a) the name, postal address, email address (if any), and client number of each vessel owner and vessel operator:
- (b) the name, postal address, and email address (if any) of each person who is a notified user of a vessel under section 104 of the Act:
- (c) the name, postal address, and email address (if any) of each person who is an authorised agent under section 103(2)(c) or section 105(2)(c) of the Act:
- (d) the name of each vessel:
- (e) each vessel's registration number:
- (f) each vessel's base port and port of registry (if any):
- (g) the status of each vessel (that is, whether it is a New Zealand fishing vessel, a foreign-owned New Zealand fishing vessel, a fish carrier, or a vessel licensed under section 83 of the Act):
- (h) if a vessel is a foreign-owned New Zealand fishing vessel, fish carrier, or licensed under section 83 of the Act, the flag state and port of registry of the vessel:
- (i) the period for which each vessel is registered:
- (j) if a vessel's registration has been cancelled, the date the cancellation took effect:
- (k) if a licence has been issued under section 83 of the Act to fish using a vessel within the exclusive economic zone, whether the licence is suspended:
- (l) if a licence issued under section 83 of the Act is suspended or has been revoked, the date on which the suspension or revocation took effect.

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 2001, prescribe particulars to be shown in the Quota Register, the Annual

Catch Entitlement Register, the Permit Register, and the Fishing Vessel Register. The registers are required to be kept under the Fisheries Act 1996.

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

Date of notification in *Gazette*: 26 July 2001.

These regulations are administered in the Ministry of Fisheries.
