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**THE EXCLUSIVE ECONOMIC ZONE (FOREIGN FISHING CRAFT)
REGULATIONS 1978, AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of October 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL
PURSUAT to section 22 of the Territorial Sea and Exclusive Economic Zone Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <p>1. Title and commencement</p> <p>2. New heading and regulations relating to licences to fish for certain highly migratory species inserted in principal regulations</p> <p><i>Special Provisions Relating to Licences to Fish for Certain Highly Migratory Species</i></p> <p>36A. Interpretation</p> | | <p>36.B. Grant of licences authorising fishing for highly migratory species of tuna</p> <p>36C. Conditions of highly migratory species licences</p> <p>36D. Limitation of application of certain regulations to highly migratory species licences</p> <p>3. First Schedule amended</p> <p>4. New Fourth Schedule added Schedules</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978,

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Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978, Amendment No. 4 1988/263

Amendment No. 4, and shall be read together with and deemed part of the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978” (hereinafter referred to as the principal regulations).

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

2. New heading and regulations relating to licences to fish for certain highly migratory species inserted in principal regulations—The principal regulations are hereby amended by inserting, after regulation 36, the following heading and regulations:

“Special Provision Relating to Licences to Fish for Certain Highly Migratory Species

“36A. **Interpretation**—In this regulation and in regulations 36B to 36D of these regulations, unless the context otherwise requires,—

“ ‘Agency’ means the body or person authorised pursuant to the Treaty to grant regional fishery licences:

“ ‘Highly migratory species licence’ means a licence granted under section 15 of the Act in accordance with regulation 36B of these regulations:

“ ‘Purse seining’ means using any net which is operated from a vessel to encircle fish and drawn together at the bottom to enclose the fish:

“ ‘Regional fishery licence’ means a licence issued by the Agency pursuant to the Treaty:

“ ‘Treaty’ means the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, done at Port Moresby on the 2nd day of April 1987: and includes—

“ (a) All Annexes and Schedules to the Treaty: and

“ (b) Any amendments to the Treaty in force in respect of New Zealand.

“36B. **Grant of licences authorising fishing for highly migratory species of tuna**—(1) Where the Minister is notified by the Agency that any foreign fishing craft that has been issued with a regional fishery licence is to be used for fishing for highly migratory species of tuna (other than southern bluefin tuna) in the exclusive economic zone, the Minister may, under section 15 of the Act, grant a highly migratory species licence in respect of that foreign fishing craft.

“36C. **Conditions of highly migratory species licences**—(1) It shall be a condition of every highly migratory species licence that the foreign fishing craft in respect of which the licence is issued shall not be used in the exclusive economic zone for fishing.

“S.R. 1978/63

Amendment No. 1: S.R. 1979/212

Amendment No. 2: S.R. 1980/221

Amendment No. 3 S.R. 1985/248

“ (a) For any species of fish other than highly migratory species of tuna (excluding southern bluefin tuna); or

“ (b) By any fishing method other than purse seining; or

“ (c) In any area specified in the Fourth Schedule to these regulations; or

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“(d) At any time when the craft’s regional fishery licence is not in force; or

“(e) In contravention of any term, condition, or requirement of the craft’s regional fishery licence, or of any requirement of these regulations or of any other relevant New Zealand law.

“(2) A highly migratory species licence shall be subject to such further conditions not inconsistent with the provisions of the Treaty as the Minister thinks fit to impose, and any such further conditions shall be specified in the licence.

“36D. **Limitation of application of certain regulations to highly migratory species licences**—(1) Nothing in regulations 6 to 22 and regulations 26 to 30 of these regulations shall apply in relation to any highly migratory species licence, or any foreign fishing craft in respect of which such a licence is in force, except to such extent as may be specified by the Minister in the licence.

“(2) Nothing in regulations 37 and 38 of this Act shall apply in relation to any foreign fishing craft in respect of which a highly migratory species licence is in force, except to the extent that the exercise of the powers or the carrying out the duties referred to in those regulations is reasonably necessary to ensure compliance with the terms of the licence.

“(3) Nothing in the Exclusive Economic Zone (Licence Fees and Royalties) Regulations 1987” shall apply in respect of highly migratory species licences.”

3. First Schedule amended—The First Schedule to the principal regulations is hereby amended by inserting, after form 2, the form set out in the First Schedule to these regulations.

4. New Fourth Schedule added—The principal regulations are hereby amended by adding, after the Third Schedule (as added by regulation 2 (2) of the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978, amendment No. 2), the Fourth Schedule set out in the Second Schedule to these regulations.

*S.R. 1987/288

SCHEDULES

FIRST SCHEDULE

Reg. 3

NEW FORM 2A INSERTED IN FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 36B (2)

"FORM 2A

*Licence to Fish for Certain Highly Migratory Species of Tuna in the Exclusive
Economic Zone of New Zealand*

1. This licence is issued pursuant to section 15 of the Territorial Sea and Exclusive Economic Zone Act 1977 and in accordance with regulation 36B of the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978.

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EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations made provision for the granting of highly migratory species licences under the Exclusive Economic Zone (Foreign Fishing Craft) Regulations 1978. The new provisions basically regulate the position of United States tuna boats pursuing tuna (other than southern bluefin tuna) into New Zealand's exclusive economic zone. The new licences may be granted to vessels that have previously obtained a regional fishery licence in accordance with the Treaty on Fisheries Between the Government of Certain Pacific Island States and the Government of the United States of America concluded at Port Moresby in 1987.

Many of the detailed provisions of the principal regulations will not apply to the highly migratory species licences, given the nature of the fishing involved, but all such licences will be subject to the conditions set out in new *regulation 36C* (including any conditions of the regional fishery licence) and such other conditions as the Minister thinks fit to impose.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 November 1988.

These regulations are administered in the Ministry of Energy.

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