

Fisheries (Infringement Offences) Amendment Regulations 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of August 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 297 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

These regulations are the Fisheries (Infringement Offences) Amendment Regulations 2006.

2 Commencement

These regulations come into force on 10 October 2006.

3 Principal regulations amended

These regulations amend the Fisheries (Infringement Offences) Regulations 2001.

4 Schedule 2 amended

Schedule 2 is amended by---

(a) omitting "Infringement Processing Centre, PO Box 6413, Wellington" from each place where it appears and substituting "[specify full address]" in each case; and

(b) omitting "First name(s):", "Family name (or company name):", and "Address (residential or business):" and substituting "Full name (or company name):" and "Full address (residential or business):"; and

(c) omitting "the summary of rights" and substituting "the information about infringement offences"; and

(d) omitting "using 1" and substituting "by either"; and

(e) omitting "Westpac Trust Bank" and substituting "[specify bank]"; and

(f) omitting all the words from and including "Deposit slip" to "\$[Amount paid]" and substituting "[Deposit slip is printed here]"; and

(g) omitting "Summary of rights" and substituting "Information about infringement offences"; and

(h) omitting "summary, you do not understand anything in it," and substituting "information, there is something in it that you do not understand, you should"; and

(i) omitting "issue" from the paragraph headed "Payment of infringement fee" and substituting "service"; and

(j) omitting "Fish (if any) seized from you will be forfeit to the Crown on payment of the infringement fee." from the paragraph headed "Payment of infringement fee" and substituting "If any fish or any proceeds of sale of fish have been seized from you, they will be forfeit to the Crown when you pay the infringement fee."; and

(k) omitting the Note under the paragraph headed "Payment of infringement fee"; and

(l) omitting "enforcement authority at the address shown on the front of this notice" from the paragraph headed "Further action" and substituting "informant at the address shown in the Note at the end of this information"; and

(m) omitting "Westpac Trust Bank" from subparagraph (1) of the paragraph headed "Defences" and substituting "[specify bank]"; and

(n) omitting "paragraph" from subparagraph (2) of the paragraph headed "Defences" and substituting "subparagraph"; and

(o) inserting after the paragraph headed "Defences" the item "Note: paragraph 3(2) summarises section 241 of the Fisheries Act 1996. If you intend to use the defence summarised in paragraph 3(2), you should not rely on the summary but should get a copy of section 241."; and

(p) omitting "address specified on the front of this notice" from subparagraph (1) of the paragraph headed "Right to request hearing" and substituting "informant at the address shown in the Note at the end of this information"; and

(q) omitting "any fish seized are forfeited to the Crown" from subparagraph (4) of the paragraph headed "Right to request hearing" and substituting "any fish or any proceeds of sale of fish seized are forfeit to the Crown"; and

(r) omitting "issue" from subparagraph (1) of the paragraph headed "Consequences of taking no action" and substituting "service"; and

(s) omitting "enforcement authority" from subparagraphs (1) and (2) of the paragraph headed "Consequences of taking no action" and substituting "informant" in each case; and

(s) omitting "address" from the paragraph headed "Questions and other correspondence" and substituting "full address".

5 Schedule 3 amended

(1) Schedule 3 is amended by---

(a) omitting "Defendant details---" and substituting "Reminder notice served on---"; and

(b) omitting "This is an offence against regulation [insert regulation number], being an infringement offence against the Fisheries Act 1996 or regulations made pursuant to that Act." and substituting "This is an infringement offence against [insert section or regulation number] of the [insert Act or regulation name]."; and

(c) inserting "(To be provided for filing in court)" under "Service details"; and

(d) omitting "Infringement notice", "issued by:", "Served by:", and "On [insert date]:" and substituting "Infringement notice served by [method of service] on [date of service]"; and

(e) omitting "Reminder notice issued by:" and "On [insert date]:" and substituting "Reminder notice served by [method of service] at [full address of service] on [date of service]"; and

(f) omitting ", using 1" and substituting "by either"; and

(g) omitting "Infringement Processing Centre, PO Box 6413, Wellington" and substituting "[specify full address]"; and

(h) omitting "Westpac Bank" and substituting "[specify bank]"; and

(i) omitting all the words from and including "Deposit slip" to "\$[Amount paid]" and substituting "[Deposit slip is printed here]"; and

(j) omitting "Notes to defendant"; and

(k) omitting "these notes, there is something" and substituting "this information, there is something in it that"; and

(l) adding to paragraph 1 of the information about infringement offences "If any fish or any proceeds of sale of fish have been seized from you, they will be forfeit to the Crown when you pay the infringement fee."; and

(m) omitting "on the front page" from paragraph 2(1), (2), and (3) of the information about infringement offences and substituting "in the Note at the end" in each case; and

(n) omitting "address" from the second Note under paragraph 2(3) of the information about infringement offences and substituting "full address".

(2) Schedule 3 is amended by adding the following subparagraph to paragraph 2 of the information about infringement offences:

"(4) If you are found guilty or admit the commission of the infringement offence, then, unless the Court for special reasons relating to the offence orders otherwise, any fish or any proceeds of sale of fish seized are forfeit to the Crown."

(3) Schedule 3 is amended by adding "If any fish or any proceeds of sale of fish have been seized from you, they are forfeit to the Crown when a copy of a reminder notice is filed, or is deemed to be filed, in Court within 6 months from the time when the offence is alleged to have been committed." to paragraph 3 of the information about infringement offences.

(4) Schedule 3 is amended by omitting "clause" from paragraph 4(2) of the information about infringement offences and substituting "paragraph".

(5) Schedule 3 is amended by omitting the first Note under paragraph 4 of the information about infringement offences and substituting "Note: Paragraph 4(2) summarises section 241 of the Fisheries Act 1996. If you intend to use the defence summarised in paragraph 4(2), you should not rely on the summary but should get a copy of section 241."

(6) Schedule 3 is amended by omitting "address shown on the front page of this notice" from the second Note under paragraph 4 of the information about infringement offences and substituting "Ministry of Fisheries, [specify full address]".

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in Gazette: 31 August 2006.
These regulations are administered by the Ministry of Fisheries.