



Fisheries (Basking Shark—High Seas Protection) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 15th day of November 2010

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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Regulations

1 Title

These regulations are the Fisheries (Basking Shark—High Seas Protection) Regulations 2010.

2 Commencement

These regulations come into force on 16 December 2010.

3 Interpretation

In these regulations,—

basking shark means a fish of the species *Cetorhinus maximus*

high seas means the waters outside the national fisheries jurisdiction of any country

New Zealand ship has the same meaning as in section 2(1) of the Ship Registration Act 1992

taking and **to take** have the same meaning as in section 2(1) of the Fisheries Act 1996

tender has the same meaning as in section 2(1) of the Fisheries Act 1996.

4 Prohibition on using New Zealand ship on high seas to take basking shark

No person may use a New Zealand ship, or a tender of that ship, on the high seas to take a basking shark.

5 Offence

- (1) A person commits an offence if the person breaches regulation 4.
- (2) A person who commits an offence against subclause (1) is liable on summary conviction to a fine not exceeding \$100,000.

Michael Webster,
for 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 16 December 2010, prohibit the taking of any basking shark using a New Zealand ship on the high seas. A person convicted of breaching the prohibition may be fined up to \$100,000.

The Convention on the Conservation of Migratory Species of Wild Animals (1979) requires a prohibition on the taking of basking sharks. These regulations implement the prohibition in relation to New Zealand ships on the high seas. The prohibition is implemented in relation to New Zealand fisheries waters by the addition of basking shark to Schedule 7A of the Wildlife Act 1953.

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

Date of notification in *Gazette*: 18 November 2010.

These regulations are administered by the Ministry of Fisheries.
