



Fisheries (Sharks—High Seas Protection) Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 3rd day of December 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 297(1) 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Prohibition on using New Zealand ship on high seas to take specified sharks	2
5 Offence	2
6 Revocations	3

Regulations

1 Title

These regulations are the Fisheries (Sharks—High Seas Protection) Regulations 2012.

2 Commencement

These regulations come into force on 3 January 2013.

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

oceanic whitetip shark means a fish of the species *Carcharhinus longimanus*

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

white pointer shark means a fish of the species *Carcharodon carcharias*.

4 Prohibition on using New Zealand ship on high seas to take specified sharks

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

- (a) a basking shark:
- (b) an oceanic whitetip shark:
- (c) a white pointer 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.

6 Revocations

The Fisheries (White Pointer Shark—High Seas Protection) Regulations 2007 (SR 2007/48) and the Fisheries (Basking Shark—High Seas Protection) Regulations 2010 (SR 2010/401) are revoked.

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 3 January 2013, prohibit the taking of any basking shark, oceanic whitetip shark, or white pointer shark using a New Zealand ship (or tender of the ship) on the high seas. A person convicted of breaching the prohibition may be fined up to \$100,000.

These regulations consequentially revoke the existing prohibitions on taking basking sharks and white pointer sharks because those prohibitions are consolidated into these regulations.

The Convention on the Conservation of Migratory Species of Wild Animals (1979) requires a prohibition on the taking of basking sharks and white pointer sharks. Similarly, the Western and Central Pacific Fisheries Commission adopted a prohibition on the taking of oceanic whitetip sharks in March 2012. These regulations implement the prohibition on taking any of these species using a New Zealand ship on the high seas. The prohibition is implemented in relation to New Zealand fisheries waters by the inclusion of the specified shark species in Schedule 7A of the Wildlife Act 1953.

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Regulations 2012**

2012/355

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

Date of notification in *Gazette*: 6 December 2012.

These regulations are administered by the Ministry for Primary Industries.
