



Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 18th day of August 2014

Present:

The Right Hon John Key presiding 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 (Commercial Fishing) Amendment Regulations (No 2) 2014.

2 Commencement

These regulations come into force on 1 October 2014.

3 Principal regulations

These regulations amend the Fisheries (Commercial Fishing) Regulations 2001 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

In regulation 3, insert in their appropriate alphabetical order:

“**artificially attached**, in relation to shark fins, means attached to the corresponding body of the shark through some artificial means, for example, the fins are stitched, tied, or stapled to the body of the shark or secured in a bag with the body of the shark

“**blue shark** means a shark of the species *Prionace glauca*

“**naturally attached**, in relation to shark fins, means attached to the corresponding body of the shark through some portion of uncut skin

“**shark** means a fish of the class *Chondrichthyes*, but excludes *Batoidea*

“**shark finning** means the removal of the fin of any shark and the return of the body of that shark to the sea

“**wet**, in relation to shark fins, means fins that have not undergone any drying”.

5 New regulations 52B and 52C and cross-heading inserted

After regulation 52A, insert:

“Shark finning

“52B Shark finning prohibited

“(1) Commercial fishers must not undertake shark finning in New Zealand fisheries waters.

“(2) Commercial fishers must not land the fins of any species of shark unless the fins are landed naturally attached.

- “(3) Despite subclause (2), commercial fishers may—
- “(a) land any blue shark with its fins artificially attached;
 - “(b) land any species of shark approved by the chief executive as being able to be landed with its fins separate from its body if the ratio of the weight of the landed fins to the greenweight of the shark does not exceed the ratio approved by the chief executive.
- “(4) If subclause (3)(b) applies, the fins must—
- “(a) be stored in separate receptacles according to species; and
 - “(b) be landed wet.

“52C Circulars relating to shark finning

- “(1) The chief executive may, by notice in the *Gazette*, issue, amend, or revoke a circular that—
- “(a) specifies the species of shark for which fins may be landed separately from the body of the shark; and
 - “(b) sets the fin to greenweight ratio for the landing of fins and bodies for each species of shark specified under paragraph (a); and
 - “(c) specifies the primary fins associated with each species of shark specified under paragraph (a).
- “(2) Before issuing, amending, or revoking a circular, the chief executive must consult, to the extent that is practicable in the circumstances, with any persons or organisations considered by the chief executive to be representative of the classes of persons or organisations likely to have an interest in the circular.”

6 Regulation 84 amended (Offences)

In regulation 84(3), after “50(1) or (2),”, insert “52B,”.

Michael Webster,
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 2014, amend the Fisheries (Commercial Fishing) Regulations 2001 (the **principal regulations**) to impose a ban on shark finning by commercial fishers in New Zealand fisheries waters in line with a commitment made in the *National Plan of Action for the Conservation and Management of Sharks 2013*.

Regulation 4 amends regulation 3 of the principal regulations, which defines terms. The amendments insert new definitions of artificially attached, blue shark, naturally attached, shark, shark finning, and wet for the purposes of *new regulations 52B and 52C*.

Regulation 5 inserts *new regulations 52B and 52C* into the principal regulations. The new regulations prohibit the landing of the fins of any species of shark unless they are naturally attached to the body of the shark, with 2 exceptions.

The first exception allows commercial fishers to land blue sharks with their fins artificially attached (*see new regulation 52B(3)(a)*).

The second exception allows commercial fishers to land a shark of any species approved by the chief executive of the Ministry for Primary Industries as being able to be landed with its fins separate from its body if the ratio of the weight of the landed fins to the greenweight of the shark does not exceed the ratio specified by the chief executive by notice in the *Gazette*. If this exception applies, the fins must be stored in separate receptacles according to species and landed wet (*see new regulations 52B(4) and 52C*).

Regulation 6 amends regulation 84(3) of the principal regulations, which relates to offences, to refer to *new regulation 52B*. The effect of the amendment is that a person who undertakes shark finning in contravention of *new regulation 52B* is liable on conviction (under regulation 85(4) of the principal regulations) to a fine not exceeding \$100,000.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 22 July 2014 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mpi.govt.nz/news-resources/publications>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 21 August 2014.

These regulations are administered by the Ministry for Primary Industries.
