

# THE FISHERIES (DRIFTNET) REGULATIONS 1989

Governor-General

## ORDER IN COUNCIL

At Wellington this            day of            1989

Present:

IN COUNCIL

PURSUANT to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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### ANALYSIS

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| 1. Title and commencement                 | 5. Offences   |
| 2. Definition of "driftnet"               | 6. Foreign fishing craft within exclusive economic zone controlled by other regulations |
| 3. Prohibition on use of driftnets        |   |
| 4. Prohibition on possession of driftnets |   |

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### REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Driftnet) Regulations 1989.

(2) These regulations shall come into force on the 11th day of July 1989.

2. Definition of "driftnet"—In these regulations, "driftnet" means a gillnet or any other net—

- Which is more than 1 kilometre in length; and
- Which acts by encircling, entrapping, or entangling any fish; and
- Which is used or intended to be used by being left to drift in, or on the surface of, the water; and

(d) Which is not used or intended to be used while attached to any point of land or the sea bed irrespective of whether the net is used or intended to be used while attached to any vessel.

3. Prohibition on use of driftnets—No person shall use for fishing in New Zealand fisheries waters any driftnet.

4. Prohibition on possession of driftnets—No person shall have on board any vessel in New Zealand fisheries waters any driftnet.

5. Offences—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who fails to comply with or acts in contravention of regulation 3 or regulation 4 of these regulations.

6. Foreign fishing craft within exclusive economic zone controlled by other regulations—Nothing in these regulations (which are subject to sections 3 and 89(3)(a) of the Fisheries Act 1983) relates to the use of foreign fishing craft within the exclusive economic zone.

Clerk of the Executive Council.

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#### 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 11 July 1989, make it an offence for any person—

- (a) To use for fishing in New Zealand fisheries waters any driftnet (as defined in the regulations); or
- (b) To have on board any vessel in New Zealand fisheries waters any driftnet (as defined in the regulations).

These regulations do not apply in relation to the use of foreign fishing craft within the exclusive economic zone. Similar provisions in relation to such foreign fishing craft have been included in the Exclusive Economic Zone (Driftnet) Regulations 1989.