

Fisheries (Amateur Fishing) Amendment Regulations 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 5th day of December 2005

Present:

The Hon Dr Michael Cullen presiding in Council

Pursuant to section 297 of the Fisheries Act 1996, Her 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

(1) These regulations are the Fisheries (Amateur Fishing) Amendment Regulations 2005.

(2) In these regulations, the Fisheries (Amateur Fishing) Regulations 1986

SR 1986/221

are called "the principal regulations".

2 Commencement

These regulations come into force on 16 December 2005.

3 Interpretation

(1) Regulation 3 of the principal regulations is amended by inserting, after the definition of blue moki, the following definition:

"bob means a baited stocking or net sock that is capable of catching rock lobster".

(2) Regulation 3 of the principal regulations is amended by inserting in the definition of fishing gear, after the word "pot,", the word "bob,".

(3) Regulation 3 of the principal regulations is amended by inserting in the definition of net, after the words "include a", the words "bob, ring pot, or".

4 Daily allowance for shellfish

Regulation 19 of the principal regulations is amended by adding the following subclause:

"(6) This regulation is subject to regulation 19A."

5 New regulation 19A inserted

The principal regulations are amended by inserting, after regulation 19, the following regulation:

"19A Daily allowance for dredge oysters or scallops when diving if safety person on board vessel

"(1) Despite regulation 19(1) or any other regulations made pursuant to section 297 of the Fisheries Act 1996 relating to daily limits, a person may take on any day, an additional amount of dredge oysters or scallops that is equivalent to---

"(a) 1 times the daily limit of dredge oysters or scallops, if subclause (2) applies; or

"(b) 2 times the daily limit of dredge oysters or scallops, if subclause (3) applies.

"(2) This subclause applies if---

"(a) the person takes the dredge oysters or scallops by the method of hand gathering when diving from a fishing vessel; and

"(b) 1 safety person is on board the vessel at all times when the dredge oysters or scallops are taken; and

"(c) No more than an additional amount that is equivalent to 1 times the daily limit of dredge oysters or scallops is taken in total by all persons diving from the vessel.

"(3) This subclause applies if---

"(a) a person takes the dredge oysters or scallops by the method of hand gathering when diving from a fishing vessel; and

"(b) 2 or more safety persons are on board the vessel at all times when the dredge oysters or scallops are taken; and

"(c) No more than an additional amount that is equivalent to 2 times the daily limit of dredge oysters or scallops is taken in total by all persons diving from the vessel.

"(4) In this regulation,---

"daily limit, in relation to dredge oysters or scallops, means---

"(a) the maximum daily number of dredge oysters or scallops specified in the table in regulation 19(1); or

"(b) in any other case, the maximum daily number or maximum daily catches of dredge oysters or scallops specified in any other regulations made pursuant to the Fisheries Act 1996

"safety person means a person on board a fishing vessel who is assisting the safety of a person taking the dredge oysters or scallops."

6 New regulation 20 substituted

The principal regulations are amended by revoking regulation 20, and substituting the following regulation:

"20 Shellfish to be measurable

"(1) No person may possess seaward of the mean high-water mark any shellfish to which a minimum length restriction applies in such a state that it cannot be measured.

"(2) Subclause (1) does not apply to the possession of dredge oysters or scallops on board a fishing vessel for consumption.

"(3) No person may land from a fishing vessel any shellfish to which a minimum length restriction applies in such a state that it cannot be measured."

7 Use of underwater breathing apparatus prohibited for taking paua and mussels

(1) The heading to regulation 21 of the principal regulations is amended by omitting the words "and mussels".

(2) Regulation 21 of the principal regulations is amended by omitting the words "or mussels" wherever they appear.

8 Rock lobster

Regulation 25(2) of the principal regulations is amended by omitting the words "; but this prohibition shall not apply to the use of ring pots".

9 Apertures to be incorporated in rock lobster pots

Regulation 25B of the principal regulations is amended by adding the following subclause:

"(6) This regulation does not apply to the use or possession of a bob or ring pot."

10 New regulation 28A inserted

The principal regulations are amended by inserting, after regulation 28, the following regulation:

"28A Regulations do not apply to use of landing net
Nothing in these regulations applies to the use by a person of a landing net to secure fish that have been lawfully taken."

Diane Morcom,
Clerk of the Executive Council.