

Fisheries (Auckland and Kermadec Areas Commercial Fishing) Amendment  
Regulations (No 2) 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 (Auckland and Kermadec Areas Commercial Fishing) Amendment Regulations (No 2) 2005.

(2) In these regulations, the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 SR 1986/216 are called "the principal regulations".

2 Commencement

These regulations come into force on the 28th day after the date of their

notification in the Gazette.

### 3 Taking of tuatua prohibited in certain areas

(1) Regulation 4A of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

"(1) No commercial fisher may take any tuatua or be in possession of any tuatua taken from any waters in any of quota management areas TUA1A, TUA1B, and TUA9, except as provided in subclause (3)."

(2) Regulation 4A(2) is revoked.

(3) Regulation 4A(3) of the principal regulations is amended by inserting, after the words "tuatua by dredging", the words "(and to possess tuatua so taken)".

### 4 New regulations 4C and 4D substituted

The principal regulations are amended by revoking regulations 4C and 4D, and substituting the following regulations:

#### "4C Taking of cockle prohibited in certain areas

"(1) No commercial fisher may take any cockle or be in possession of any cockle taken from any waters in any of quota management areas COC1A, COC1B, COC1C, and COC9, except as provided in subclause (2).

"(2) A commercial fisher may take cockle by means of hand-gathering (and may possess cockle so taken) in the following waters:

"(a) the waters of quota management area COC1A:

"(b) the waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37°59.40'S and 177°09.00'E) and the eastern area of the harbour (at 37°59.40'S and 177°09.50'E).

#### "4D Taking of pipi prohibited in certain areas

"(1) No commercial fisher may take any pipi or be in possession of any pipi taken from any waters in any of quota management areas PPI1A, PPI1B, PPI1C, and PPI9, except as provided in subclause (2).

"(2) A commercial fisher may take pipi by means of hand-gathering (and may possess pipi so taken) in the following waters:

"(a) the waters of quota management area PPI1A:

"(b) the waters of Ohiwa Harbour lying inside a straight line drawn between the western entrance of the harbour (at 37°59.40'S and 177°09.00'E) and

the eastern area of the harbour (at 37°59.40'S and 177°09.50'E)."

5 Regulation 22A revoked  
Regulation 22A of the principal regulations is revoked.

6 Offences  
Regulation 24(1) of the principal regulations is amended by omitting the expression "22A,".

Diane Morcom,  
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in Gazette: 8 December 2005.  
These regulations are administered in the Ministry of Fisheries.