

Fisheries (Licensed Fish Receivers) Amendment Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 89 of the Fisheries Act 1983 and 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 (Licensed Fish Receivers) Amendment Regulations 2001.

(2) In these regulations, the Fisheries (Licensed Fish Receivers) Regulations 1997 SR 1997/291 are called "the principal regulations".

2 Commencement

These regulations come into force on 1 October 2001.

3 Interpretation

(1) Regulation 2 of the principal regulations is amended by revoking the definitions of the terms audit trail, auditor, certificate of recognition, key internal controls, related party, species, and state.

(2) Regulation 2 of the principal regulations is amended by omitting from the definition of the term fish receiving the words "section 67(2) of the Fisheries Act 1983", and substituting the words "section 191(2) of the Fisheries Act 1996".

(3) Regulation 2 of the principal regulations is amended by revoking the definition of the term licensed fish receiver, and substituting the following definition:

"licensed fish receiver means a holder of a fish receiver licence granted under these regulations".

4 Fish receivers must be licensed

Regulation 3 of the principal regulations is amended by omitting the words "or a certificate of recognition".

5 Applications for licences

Regulation 4 of the principal regulations is amended by omitting the words "a form provided for that purpose by the chief executive", and substituting the words "an approved form".

6 Grant of fish receiver's licence

(1) Regulation 6(4) of the principal regulations is amended by omitting the words "or certificate of recognition".

(2) Regulation 6(4)(a) and (b) of the principal regulations is amended by omitting the words "or certificate".

7 Certificates of recognition

Regulation 7 of the principal regulations is revoked.

8 Obligations on licence holders

(1) Regulation 8(1) of the principal regulations is amended by omitting the words "or a certificate of recognition".

(2) Regulation 8 of the principal regulations is amended by revoking subclause (2), and substituting the following subclause:

"(2) Every holder of a fish receiver's licence must, during the currency of the licence, advise the chief executive of any conviction for an offence involving or relating to fish that is entered against any person involved in the management of a fish receiving operation."

9 New regulation 9 substituted

The principal regulations are amended by revoking regulation 9, and substituting the following regulation:

"9 Duration of licences

Every fish receiver's licence continues to have effect until the licence is revoked by the chief executive or is surrendered."

10 New regulation 9A inserted

The principal regulations are amended by inserting, after regulation 9, the following regulation:

"9A Suspension of licence in certain circumstances

"(1) The chief executive may, after giving notice in writing of the chief executive's intention to do so, suspend a licensed fish receiver's licence if---

"(a) the licensed fish receiver is liable to pay a fee set by an approved service delivery organisation under section 296Z of the Fisheries Act 1996; and

"(b) the licensed fish receiver has failed to pay the fee in full within 2 months after the date on which payment of the fee became due.

"(2) Notice of the chief executive's intention to suspend the licensed fish receiver's licence under subclause (1) must state---

"(a) the amount of the outstanding fee; and

"(b) the date by which the outstanding fee must be paid; and

"(c) that the licensed fish receiver's licence may be suspended if the licensed fish receiver does not pay the fee within the time specified under paragraph (b) or in accordance with any conditions that may be set by the chief executive in relation to the payment of the fee.

"(3) If a licensed fish receiver holds more than 1 licence, a suspension may be imposed in relation to 1 or more of those licences.

"(4) A suspended licence has no effect during the period of the suspension.

"(5) The chief executive must, as soon as practicable,---

"(a) lift the suspension if the outstanding fee is paid; and

"(b) notify the licensed fish receiver in writing that the suspension has been lifted."

11 Revocation of licences and certificates

(1) The heading to regulation 10 of the principal regulations is amended by omitting the words "and certificates".

(2) Regulation 10(1) of the principal regulations is amended by omitting the words "or a certificate of recognition".

(3) Regulation 10(1) of the principal regulations is amended by omitting the words "or certificate" wherever they occur.

(4) Regulation 10(1)(a) of the principal regulations is amended by omitting the words "fish receiving operations", and substituting the words "management of a fish receiving operation".

(5) Regulation 10(1) of the principal regulations is amended by adding the expression "; or" to paragraph (c), and also by adding the following paragraph:

"(d) the holder has failed as required by the Fisheries (Reporting) Regulations 2001, to complete and provide,---

"(i) an annual licensed fish receiver licence confirmation form; or

"(ii) any report or return."

(6) Regulation 10(2) and (3) of the principal regulations is amended by omitting the words "or certificate".

12 Chief executive to give notice of intention to revoke or decline licence or certificate

(1) The heading to regulation 11 of the principal regulations is amended by omitting the words "or certificate".

(2) Regulation 11(1) of the principal regulations is amended by omitting the words "or certificate of recognition".

(3) Regulation 11(2) of the principal regulations is amended by omitting the words "or certificate" in both places where they occur.

13 Part 2 revoked

Part 2 of the principal regulations is revoked.

14 New regulation 23 substituted

The principal regulations are amended by revoking regulation 23, and substituting the following regulation:

"23 Offence and penalty

"(1) Every person commits an offence who contravenes, or fails to comply with, regulation 3.

"(2) Every person who commits an offence against subclause (1) is liable on summary conviction to a fine not exceeding \$100,000."

15 Schedule revoked

The Schedule of the principal regulations is revoked.

16 Revocation

The Fisheries (Licensed Fish Receivers) Amendment Regulations 1998 (SR 1998/305) are consequentially revoked.

Martin Bell,
Acting for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered in the Ministry of Fisheries.