

Fisheries (Infringement Offences) Amendment Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 25th day of February 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 297(1) 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 (Infringement Offences) Amendment Regulations 2008.

2 Commencement

- (1) Regulation 4 comes into force on 1 October 2008.
- (2) The rest of these regulations come into force on 1 April 2008.

3 Principal regulations amended

These regulations amend the Fisheries (Infringement Offences) Regulations 2001.

4 Schedule 1 amended

Schedule 1 is amended by inserting the following items after the item relating to regulation 11D(4) under the heading *Fisheries (Reporting) Regulations 2001(SR 2001/188)*:

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|-------------------------------------------------------------------------------------------------------|-----|
| 11E(2) Failing to complete a non-fish and protected species catch return as required | 400 |
| 11E(6) Providing a non-fish and protected species catch return up to 5 days after the date it was due | 400 |
| 11E(6) Providing a non-fish and protected species catch return between 6 days and 1 calendar | 750 |

month after the date it was due (both days inclusive)

5 Schedule 2 amended

(1) Schedule 2 is amended by revoking the paragraphs under the heading **Procedures for payment of infringement fee** and substituting the following paragraphs:

“The infringement fee is payable within 28 days after [*specify date*].

“**Important:** please read the information about infringement offences printed on the back of this notice.

“Infringement fees may be paid to the Ministry of Fisheries by any of the following methods [*specify payment options*].

“Cheques should be payable to ‘Ministry of Fisheries’ and should be crossed and marked ‘not transferable’.

“[*Deposit slip is printed here*]”.

(2) Paragraph 3 under the heading **Information about infringement offences** in Schedule 2 is amended by revoking subparagraph (1) and substituting the following subparagraph:

“(1) You have a defence against any proceedings for the offence alleged in this notice if you can prove that the infringement fee has been paid to the Ministry of Fisheries by one of the payment methods specified on the front of this notice within 28 days after you are served with a reminder notice in respect of the offence.

Note: late payment, or payment by any other method, will not be a defence.”

6 Schedule 3 amended

(1) Schedule 3 is amended by revoking the paragraphs under the heading **Procedures for payment** and substituting the following paragraphs:

“Payment is to be made to the informant by any of the following methods: [*specify payment options*]

“Please quote the ‘Notice no:’ shown above in the top right corner. Cheques should be payable to ‘Ministry of Fisheries’ and should be crossed and marked ‘not transferable’.

“If you wish to deny the offence or wish to have the Court consider submissions in respect of the offence, follow the directions contained in paragraphs 2 to 4 printed overleaf.

“**Important:** it is in your own interests that you read the notes on the back of this form.

“[*Deposit slip is printed here*]”.

(2) Paragraph 4 under the heading **Information about infringement offences** in Schedule 3 is amended by revoking subparagraph (1) and substituting the following subparagraph:

- (1) You have a defence against any proceedings for the offence alleged in this notice if the infringement fee is paid to the informant by one of the payment methods specified on the front of this notice before, or within 28 days after, you are served with this notice. Late payment, or payment by any other method, will not be a defence.”

Rebecca Kitteridge, for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 28 February 2008.

These regulations are administered by the Ministry of Fisheries.