



THE FISHERIES (COMMERCIAL FISHING) REGULATIONS 1986

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of September 1986

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING 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.

ANALYSIS

- | | |
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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Conflict between these regulations and other regulations <p style="text-align: center;"><i>Registration and Permits</i></p> <ol style="list-style-type: none"> 4. Registers 5. Registration of fishing vessels 6. Change of name of fishing vessel 7. Charter, lease, or demise of fishing vessel 8. Transfer of registration 9. Cancellation of registration 10. Change of address 11. Certificate of registry or fishing permit to be produced | <ol style="list-style-type: none"> 12. Alteration and replacement of Certificate of Registry or fishing permit <p style="text-align: center;"><i>Marking of Vessels</i></p> <ol style="list-style-type: none"> 13. Name of vessel 14. Marking of fishing vessels 15. Figures and letters to be painted 16. Figures and letters to be same style and height 17. Figures, letters, and discs to be maintained and not to be removed 18. Alternative position for marking figures, letters, and discs 19. Figures, letters, and discs to be removed when vessel no longer registered 20. Display of false or misleading figures, letters, or discs |
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- | | |
|--|---|
| <p style="text-align: center;"><i>Finfish</i></p> <p>21. Minimum finfish length, weight, and net mesh size</p> <p style="text-align: center;"><i>Shellfish</i></p> <p>22. Size limits on shellfish
23. Restrictions on opening shellfish
24. Restrictions on taking oysters
25. Restrictions on taking and possessing scallops
26. Taking and possessing of toheroa prohibited</p> <p style="text-align: center;"><i>Rock Lobster</i></p> <p>27. Minimum length of rock lobster
28. Restrictions on taking rock lobster
29. Restrictions on sale of rock lobster
30. Rock lobster to be landed and processed alive</p> <p style="text-align: center;"><i>Black Coral</i></p> <p>31. Taking and possession of black coral prohibited</p> <p style="text-align: center;"><i>Labelling of Rock Lobster and other Shellfish Containers</i></p> <p>32. Labelling of containers</p> <p style="text-align: center;"><i>Marking of Fishing Gear</i></p> <p>33. Longlines, static fishing gear, and set nets
34. Fyke nets
35. Rock lobster pots
36. Marking of gear not associated with vessel</p> <p style="text-align: center;"><i>General Net Provisions</i></p> <p>37. Measurement of net mesh size
38. Restrictions on nets in channels
39. Stalling prohibited
40. Use of poles or stakes
41. Use of certain nets prohibited</p> | <p style="text-align: center;"><i>Set Nets</i></p> <p>42. Length of set net</p> <p style="text-align: center;"><i>Drag Nets and Beach Seine Nets</i></p> <p>43. Length of drag net or beach seine net
44. Method of hauling drag net or beach seine net</p> <p style="text-align: center;"><i>Danish Seine Nets</i></p> <p>45. Danish seine net restrictions
46. Danish seining prohibited near South Island coast</p> <p style="text-align: center;"><i>Trawl Nets</i></p> <p>47. Trawl net restrictions
48. Other methods of fishing prohibited</p> <p style="text-align: center;"><i>Fyke Nets</i></p> <p>49. Tubes to be incorporated in fyke nets
50. Fishing for eels prohibited except by certain methods</p> <p style="text-align: center;"><i>Underwater Breathing Apparatus</i></p> <p>51. Restrictions on use of underwater breathing apparatus
52. Underwater breathing apparatus allowed in certain circumstances</p> <p style="text-align: center;"><i>Shellfish Dredges</i></p> <p>53. Shellfish dredge design and size</p> <p style="text-align: center;"><i>Rock Lobster Pots</i></p> <p>54. Apertures to be incorporated in rock lobster pots</p> <p style="text-align: center;"><i>Spears</i></p> <p>55. Use of spears prohibited</p> <p style="text-align: center;"><i>Miscellaneous</i></p> <p>56. Fees
57. Offences
58. Revocations</p> <p style="text-align: center;">Schedule</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fisheries (Commercial Fishing) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Act” means the Fisheries Act 1983:

“Black coral” means a coelenterate of the order *Antipatharia*:

“Blue cod” means the fish of which the scientific name is *Parapercis colias*:

“Blue moki” means the fish of which the scientific name is *Latridopsis ciliaris*:

“Box net” or “teichi net” means any trap net capable of taking finfish; but does not include a fyke net”:

“Butterfish” means those fish of which the scientific names are *Odax pullus* and *Odax cyanoallix*:

“Certificate of registry” means a certificate of registry issued under regulation 5 (1) of these regulations:

“Channel, river, or stream” includes all waters that are contained by natural or artificial banks:

“Cockle” means the mollusc *Chione (Austrovenus) stutchburyi*:

“Cod-end” means that part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net,—

(a) Carried on a vessel not exceeding 10 m overall length, not less than the last 3 m of net:

(b) Carried on a vessel 10 m or more but less than 20 m overall length, not less than the last 5 m of net:

(c) Carried on a vessel 20 m or more but less than 30 m overall length, not less than the last 10 m of net:

(d) Carried on a vessel 30 m or more but less than 40 m overall length, not less than the last 15 m of net:

(e) Carried on a vessel 40 m or more overall length, not less than the last 20 m of net:

“Commercial fisherman” means any person who has a fishing permit issued under section 63 of the Act entitling the person to take any species or class of fish, aquatic life, or seaweed; and includes—

(a) Any person who is engaged in any capacity on a New Zealand fishing vessel; and

(b) Any person, whether or not on board any fishing vessel, who takes any fish, aquatic life, or seaweed for the purposes of sale:

“Crab” means the paddle or swimming crab of which the scientific name is *Ovalipes catharus*:

“Danish seine net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

(a) Has a buoyancy system on the top edge; and

(b) Is weighted on the bottom edge; and

(c) Is operated without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to one or more vessels:

“Danish seining” means the use of a Danish seine net:

“Drag net” or “beach seine net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

(a) Has a buoyancy system on the top edge; and

(b) Is weighted on the bottom edge; and

(c) Is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore:

- “Dredge” means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring device:
- “Dropline” or “dahn line” means any weighted line to which a number of hooks are attached to the bottom portion which is placed vertically for the purposes of taking fish:
- “Eel” means the shortfin eel (*Anguilla australis*) and the longfin eel (*Anguilla dieffenbachii*):
- “Elephant fish” means the fish of which the scientific name is *Callorhynchus milii*:
- “Finfish” includes the Classes Osteichthyes (boney fishes), Chondrichthyes (cartilaginous fishes), and Agnatha (jawless fishes):
- “Fishing gear” includes any net, line, pot, trap, dredge, apparatus, device, or thing that is used or is capable of being used for the purposes of taking fish:
- “Fishing method” means the way in which any fishing gear is used to take fish or any other practice that is likely to result in taking fish:
- “Flatfish” includes the following species:
- (a) Sand flounder (“dab”, “white”, “diamond”, or “square” flounder) (*Rhombosolea plebeia*):
 - (b) Lemon sole (*Pelotretis flavilatus*):
 - (c) New Zealand sole (*Peltorhamphus novaezeelandiae*):
 - (d) Flounder (“yellow belly”) (*Rhombosolea leporina*):
 - (e) Brill (*Colistium guntheri*):
 - (f) Turbot (*Colistium nudipinnis*):
 - (g) Black flounder (*Rhombosolea retiaria*):
 - (h) Greenback flounder (*Rhombosolea tapirina*):
- “Fyke net” means any net, fish trap, or part of a net or trap, that is used or is capable of being used to take eels; and includes a Hinaki trap:
- “Garfish” means the fish of which the scientific name is *Hyporhamphus ihi* (commonly known as piper):
- “Groper” includes the fish species of which the scientific names are *Polyprion oxygeneios* and *Polyprion moeone*:
- “Hand-gathering” means the use of the hands to physically take fish; and includes shore picking, diving, and hand-digging for shellfish and hand cutting of seaweed; but does not include diving using underwater breathing apparatus:
- “Harbour” means those waters lying inside the seaward entrance to any harbour:
- “Herring” means the yellow-eyed mullet (*Aldrichetta forsteri*); but does not include the pilchard or sardine, or the species of mullet known as *Mugil cephalus* or kanae:
- “Hinaki trap” means any trap capable of taking eels:
- “Kahawai” means the fish of which the scientific name is *Arripis trutta*:
- “Kina” means the shellfish of which the scientific name is *Evechinus chloroticus* (commonly known as the sea egg); and includes the purple urchin, of which the scientific name is *Centrostephanus rogersii*:
- “Length”, unless otherwise specified, means,—

(a) In relation to any rock lobster tail, its length from the posterior side of the calcified bar on the under side of the first segment to the tip of the telson of the tail fan, measured, by using a measuring device, in a middle straight line along the under side or ventral side with the tail laid flat using no more pressure applied to the rock lobster tail or measuring device than will hold the pin of the measuring device against the posterior side of the first calcified bar and will cause the ventral surface of the tail to just touch the measuring device:

(b) In relation to any finfish, its length from the tip of the nose to the posterior end of the middle ray of the tail fin:

(c) In relation to any scallop, the greatest diameter of the shell:

(d) In relation to any paua, the greatest overall length of the shell measured on a plane parallel to the ventral surface of the paua:

“Longline” means any line to which a hook or hooks (whether baited or not) are attached:

“Measuring device”, in relation to the length of a rock lobster tail, means a device supplied by the Director-General and consisting of a rigid metal bar with a pin set in it:

“Mullet” includes those fish of which the scientific names are *Mugil cephalus* (commonly known as the grey mullet), and *Upeneichthys lineatus* (commonly known as the goatfish or red mullet); but does not include the yellow-eyed mullet (*Aldrichetta forsteri*):

“Mussel” means the green mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*):

“Net” means any net or part of a net used or capable of being used to take fish; but does not include a whitebait net:

“Octopus” means the shellfish of which the scientific name is *Octopus maorum*:

“Otter board” means any device, including a paravane, used or capable of being used to keep a net or a trawl net open:

“Overall length” means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel:

“Oyster” includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*), and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster:

“Paua” means ordinary paua (*Haliotis iris*), yellow foot paua (*Haliotis australis*), and virgin paua (*Haliotis virginea*):

“Permit” means a fishing permit:

“Pilchard or sardine” means the fish of which the scientific name is *Sardinops neopilchardus*; and includes the fish commonly known as spratts (*Sprattus spp.*):

“Pipi” means the mollusc *Paphies australis*:

“Place or port of domicile”, in relation to any fishing vessel, means the place or port at which the vessel is based and from which fishing is substantially carried out, as specified in the fishing permit for

the time being in force in respect of the vessel; and “domiciled” has a corresponding meaning:

- “Place or port of registry”, in relation to a registered fishing vessel, means the place or port at which the fishing vessel is registered under section 57 of the Act:
- “Purse seine net” or “lampara net” means any net which is operated from a vessel to encircle fish and which is drawn together at the bottom to enclose the fish:
- “Red cod” means the fish of which the scientific name is *Pseudophycis bachus*:
- “Red moki” means the fish of which the scientific name is *Cheilodactylus spectabilis*:
- “Rig” means the fish of which the scientific name is *Mustelus lenticulatus*:
- “Ring pot” or “hoop net” or “pullpot” means a circular frame across which netting is attached:
- “Rock lobster” means the fish of which the scientific names are *Jasus edwardsii* (commonly known as the spiny or red rock lobster), and *Jasus verreauxi* (commonly known as the packhorse or green rock lobster):
- “Rock lobster pot” means any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters:
- “Scallop” means the mollusc *Pecten novaeselandiae*:
- “Set net” includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:
- “Soft shell stage” means the state of a rock lobster following moulting where the exoskeleton has not reached full hardness:
- “Snapper” means the fish of which the scientific name is *Chrysophrys auratus*:
- “Spear” means any device or implement capable of puncturing the flesh or exoskeleton of any fish; but does not include any gaff or similar device used solely for the landing of any finfish:
- “Stalling” means the process whereby a net is set anywhere in such a manner that any fish enclosed or entangled by the net is left stranded by the falling tide or is enclosed or entangled in such a manner that at any stage of the tide there is an insufficient depth of water at either end of the net to enable the fish to pass from the waters above the net to the waters below the net:
- “Static fishing gear” means any fishing gear not drawn through the water by any mechanical means, or by hand:
- “Tailing” means the process whereby the 6 abdominal segments and the tail fan are removed from the cephalothorax or head or body of any rock lobster; and “to tail” has a corresponding meaning:
- “Tarakihi” means the fish of which the scientific name is *Nemadactylus macropterus*:
- “Toheroa” means the mollusc of which the scientific name is *Paphies ventricosa*:

- “Trammel net” means any net having more than one section of mesh each of which is attached to a common frame rope, and which catches fish by enmeshing, entrapping, or entangling them:
- “Trawl net” means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that—
- (a) Has a buoyancy system on the top edge; and
 - (b) Is weighted on the bottom edge; and
 - (c) Is operated by being drawn over the bed of any waters or through any waters by one or more vessels underway—
but does not include a Danish seine net:
- “Trawling” means the use of a trawl net:
- “Trevally” means the fish of which the scientific name is *Caranx georgianus*:
- “Tuatua” means the mollusc *Paphies subtriangulata* and the mollusc *Paphies donacina* (commonly known as southern tuatua):
- “Underwater breathing apparatus” means any apparatus capable of being used for providing breathable gases underwater, and includes any part of the apparatus; but does not include any snorkel:
- “Whitebait net” means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly known as whitebait.

3. Conflict between these regulations and other regulations—In the event of any inconsistency between any of these regulations and any regulations made under the Act that relate to commercial fishing in any specified area of New Zealand fisheries waters, those regulations shall prevail over the inconsistent regulations in these regulations.

Registration and Permits

4. Registers—The Registrar at each place of registry shall maintain a register of fishing vessels in a form specified by the Director-General.

5. Registration of fishing vessels—The Registrar shall, upon being satisfied that an application is in order, assign to the vessel a registered number, which shall be the number relating to the entry of that vessel in the register, and shall issue a certificate of registry as required by section 57 of the Act.

6. Change of name of fishing vessel—(1) After registration, no change shall be made in the name of any fishing vessel without the authority in writing of the Registrar granted upon the written application of the owner, and upon the Registrar being satisfied that the granting of the application will not cause undue confusion.

(2) Notwithstanding subclause (1) of this regulation, if a vessel is registered under the Shipping and Seamen Act 1952 its name shall not be altered except in accordance with the provisions of that Act.

7. Charter, lease, or demise of fishing vessel—(1) Where any registered fishing vessel is chartered, leased, or demised to any other person, the person registered as the owner of the vessel shall, within 7 days

of the charter, lease, or demise, notify the Registrar in writing at the place where the vessel is registered of the charter, lease, or demise and the name and address of the person to whom the vessel has been chartered, leased, or demised, and shall deposit a copy of the charter, lease, or demise documents with the Registrar.

(2) Within 7 days of the termination of the charter, lease, or demise, the owner shall notify the Registrar in writing of the termination.

8. Transfer of registration—(1) Any owner of a registered fishing vessel desiring to transfer the registration of a vessel from the place of registry specified in the Certificate of Registry shall make application in that behalf in writing to the Registrar at the place of registry at which the owner desires that the vessel be registered.

(2) Transfer of registration under this regulation shall be deemed to have been completed only when the owner of the fishing vessel has had the amended Certificate of Registry returned or has received written notification that the transfer of registration has been effected.

9. Cancellation of registration—The Director-General may review and suspend for such periods as the Director-General thinks fit, or cancel, the registration of any fishing vessel where the registration has been granted in error or based on misleading information.

10. Change of address—Within 28 days after the owner of a registered fishing vessel or the holder of a fishing permit has changed postal or residential address, the person shall give notice in writing of the new address to the Registrar at the place of registry of the fishing vessel or, as the case may be, where the permit is issued.

11. Certificate of registry or fishing permit to be produced—The owner of a registered fishing vessel shall ensure that the certificate of registry and fishing permit are kept on board the registered fishing vessel, maintained in a legible condition, and produced immediately on the request of a Fishery Officer.

12. Alteration and replacement of Certificate of Registry or fishing permit—(1) No person other than a Registrar shall alter, make illegible, or deface any Certificate of Registry or any fishing permit, or any replacement Certificate of Registry or fishing permit issued under subclause (2) of this regulation.

(2) Where a Certificate of Registry or fishing permit is lost, destroyed, or so damaged as to make it illegible, the holder of the certificate or permit shall apply to the Registrar for a replacement, accompanied by the prescribed fee (if any).

Marking of Vessels

13. Name of vessel—Every owner of a New Zealand fishing vessel shall, within 7 days after the registration of that vessel or before the vessel is used in fishing, whichever is the earlier, ensure that the name of the vessel is marked in contrasting colours on both sides of the hull so as to be clearly and legibly marked in letters and, if appropriate, figures not less than—

- (a) 250 mm in vertical height:
- (b) 125 mm across:

- (c) 25 mm stroke width:
- (d) 50 mm from any other letter or figure.

14. Marking of fishing vessels—(1) Every owner of—

- (a) A New Zealand fishing vessel of less than 21 m overall length; and
- (b) A New Zealand fishing vessel of whatever length which, when registered under section 57 of the Act, required the consent of the Director-General under subsection (9) of that section before being so registered,—

shall ensure that, within 7 days after the registration of the vessel or before the vessel is used in fishing, whichever is the earlier, the vessel is marked with figures showing the registered number of the vessel, which shall be painted on both sides of the forward part of the hull so as to be clearly visible on a horizontal plane from a distance of 100 m, and each figure shall be not less than—

- (c) 250 mm in vertical height:
- (d) 125 mm across:
- (e) 25 mm in stroke width:
- (f) 50 mm from any other figure.

(2) Every owner of a New Zealand fishing vessel to which subclause (1) of this regulation does not apply shall ensure that, within 7 days after the registration of the vessel or before the vessel is used in fishing, whichever is the earlier, the vessel is marked with figures showing the registered number of the vessel, which shall be painted on both sides of the forward part of the hull so as to be clearly visible on a horizontal plane from a distance of 250 m, and each figure shall be not less than—

- (a) 1 m in vertical height:
- (b) 500 mm across:
- (c) 100 mm in stroke width:
- (d) 200 mm from any other figure.

(3) Every owner of a New Zealand fishing vessel required to be marked pursuant to subclause (1) of this regulation and described in paragraph (b) of that subclause shall ensure that the vessel is also marked with—

- (a) Figures and letters showing the vessel's international radio call sign, which shall be painted amidships on both sides of the hull immediately below the gunwale so as to be clearly visible on a horizontal plane from a distance of 250 m, and each figure and letter shall be not less than—
 - (i) 1 m in vertical height:
 - (ii) 500 mm across:
 - (iii) 100 mm in stroke width:
 - (iv) 200 mm from any other figure; and
- (b) A solid yellow disc with a diameter of not less than 1 m painted immediately preceding the vessel's international radio call sign.

15. Figures and letters to be painted—The figures of the registered number and, where required, the figures and letters of the international radio call sign, shall be painted in white colour on a black ground or in black colour on a white ground, whichever ground colour produces the greatest contrast with the colour of the hull.

16. Figures and letters to be same style and height—In all cases the figures of the registered number and, where required, the international radio call sign, shall be depicted in arabic numerals, which, together with any letters comprising that call sign, shall be of the same style and height.

17. Figures, letters, and discs to be maintained and not to be removed—Every owner of a New Zealand fishing vessel shall ensure that the figures and letters of the registered number, any international radio call sign, any coloured disc, and the name are not removed, obscured, or obliterated from any vessel while that vessel remains registered under section 57 of the Act, and shall ensure that at all times when the vessel is registered the appropriate figures, letters, and discs are maintained as required by regulations 14 to 16 of these regulations.

18. Alternative position for marking figures, letters, and discs—It shall be sufficient compliance with regulations 14 to 17 of these regulations in any case where a vessel is used for squid fishing or any other type of fishing that is likely to quickly obscure or obliterate the figures, letters, and discs required to be marked on the hull of the vessel, if the owner of the vessel ensures that the figures, letters, and discs are marked and maintained as near as practicable in the size and manner required by regulations 14 to 17 of these regulations on both sides of the superstructure of the vessel in a position approved in writing by a Fishery Officer.

19. Figures, letters, and discs to be removed when vessel no longer registered—Every owner of a New Zealand fishing vessel shall, within 7 days after the vessel ceases to be registered under section 57 of the Act, remove from the vessel, and from any tender forming part of that vessel, all registered numbers, letters, and discs required to be shown by regulation 14 of these regulations.

20. Display of false or misleading figures, letters, or discs—(1) No person shall display on any New Zealand fishing vessel any figure, letter, or disc, or combination of figures, letters, or discs, that are intended to cause or may reasonably cause any person to believe that the vessel is any other vessel or is not a New Zealand fishing vessel.

(2) No person shall display on any fishing vessel that is not registered under section 57 of the Act any figure, letter, or disc, or combination of figures, letters, or discs that are intended to cause or may reasonably cause any person to believe that the vessel itself is so registered or is another vessel that is so registered.

Finfish

21. Minimum finfish length, weight, and net mesh size—(1) The minimum net mesh size that may be used or possessed by any commercial fisherman, and the minimum finfish species length that may be taken or possessed by any commercial fisherman, for particular species, shall be as specified in the following table:

Species of Fish	Minimum Net Mesh Size	Minimum Fish Length
Blue cod	mm	cm
Blue moki	—	30
Blue moki	115	40
Butterfish	108	35
Eels	12	—
Elephant fish	150	—
Flatfish—(except sand flounder)	100	25
—sand flounder	100	23
Garfish (piper)	25	—
Herrings	25	—
Kahawai	85	—
Mullet	85	—
Pilchard	25	—
Red cod	100	25
Red moki	115	40
Rig	150	—
Snapper	100	25
Tarakihi	100	25
Trevally	100	25
All others	100	—

(2) The minimum weight of any eel that may be taken or possessed by any commercial fisherman shall be 150 g.

Shellfish

22. Size limits on shellfish—(1) No commercial fisherman shall take or be in possession of any species of shellfish the shell of which, whether entire, chipped, or broken, is less than the length set opposite that species in the following table:

Species	Minimum Length
Paua (ordinary)	125 mm
(yellowfoot)	80 mm
Scallops	100 mm

(2) No commercial fisherman shall take or be in possession of any dredge oyster that can be passed through a rigid circular metal ring having a clear inside diameter of 58 mm.

23. Restrictions on opening shellfish—(1) Every commercial fisherman taking or being in possession of any paua, scallop, oyster, or other shellfish shall ensure that they remain unshelled until they are delivered either to the first point of sale after being taken or to a processing factory.

(2) No commercial fisherman or person in the business of fish processing shall land or begin shelling, shucking, or processing any dead shellfish.

24. Restrictions on taking oysters—No commercial fisherman shall take or be in possession of any oysters taken from the waters of the South Island during the period commencing with the 1st day of September in any

year and ending with the last day of February in the following year (both days inclusive).

25. Restrictions on taking and possessing scallops—No commercial fisherman shall take or be in possession of any scallops taken during the period commencing with the 15th day of February and ending with the 14th day of July in any year (both days inclusive).

26. Taking and possessing of toheroa prohibited—No commercial fisherman shall take or be in possession of any toheroa.

Rock Lobster

27. Minimum length of rock lobster—(1) No commercial fisherman shall take or be in possession of—

- (a) Any spiny rock lobster the tail of which, or any spiny rock lobster tail which, is less than 152 mm in length;
 - (b) Any packhorse rock lobster the tail of which, or any packhorse rock lobster tail which, is less than 216 mm in length.
- (2) No person shall process or sell or possess for sale—
- (a) Any spiny rock lobster the tail of which, or any spiny rock lobster tail which, is less than 152 mm in length;
 - (b) Any packhorse rock lobster the tail of which, or any packhorse rock lobster tail which, is less than 216 mm in length.

28. Restrictions on taking rock lobster—(1) No commercial fisherman shall take or be in possession of any rock lobster—

- (a) That is carrying external eggs; or
 - (b) From which any of the external eggs have been removed by artificial means; or
 - (c) From which any egg-bearing appendages or part thereof have been removed; or
 - (d) That is in the soft shell stage; or
 - (e) That has the calcified bar of the first abdominal segment fractured or is in such a state that the length of the rock lobster or the rock lobster tail cannot be properly measured.
- (2) No commercial fisherman shall use any spear to take rock lobster, or be in possession of or convey any rock lobster that has been speared.

29. Restrictions on sale of rock lobster—No person shall sell or possess for sale any rock lobster—

- (a) That is carrying external eggs; or
- (b) From which any of the external eggs have been removed by artificial means; or
- (c) From which any egg-bearing appendages or part thereof have been removed; or
- (d) That is in the soft shell stage; or
- (e) That has the calcified bar of the first abdominal segment fractured or is in such a state that the length of the rock lobster or the rock lobster tail cannot be properly measured.

30. Rock lobster to be landed and processed alive—(1) No commercial fisherman shall land any rock lobster unless the lobster is alive.

(2) No commercial fisherman shall tail any rock lobster on board any vessel.

(3) No commercial fisherman or person processing rock lobster for sale shall tail or commence processing any rock lobster unless the rock lobster is alive.

Black Coral

31. Taking and possession of black coral prohibited—No commercial fisherman shall take or be in possession of any black coral.

Labelling of Rock Lobster and other Shellfish Containers

32. Labelling of containers—(1) Every owner of a New Zealand fishing vessel shall ensure that every cockle, crab, kina, mussel, octopus, oyster, paua, pipi, scallop, tuatua, rock lobster, or rock lobster tail (all being shellfish within the meaning of the Act) landed from the vessel or transferred from the vessel to any other vessel is contained in a container that is clearly and legibly labelled externally with—

- (a) The name and registered number of the fishing vessel from which the shellfish was taken:
- (b) The date on which the shellfish was taken:
- (c) Except in the case of rock lobsters, the area from which the shellfish was taken:
- (d) The signature of the master of the vessel from which the shellfish was taken.

(2) Every holder of a fishing permit who operates otherwise than from a registered fishing vessel shall ensure that every cockle, crab, kina, mussel, octopus, oyster, paua, pipi, scallop, tuatua, rock lobster, or rock lobster tail taken by that person is contained in a container that is clearly and legibly labelled externally with—

- (a) The person's initials and surname:
- (b) The person's fishing permit number:
- (c) The date on which the shellfish was taken:
- (d) Except in the case of rock lobsters, the area from which the shellfish was taken:
- (e) The person's signature.

(3) In respect of any container required to be labelled under subclause (1) or subclause (2) of this regulation, no person shall—

- (a) Possess any fully or partially unlabelled or incorrectly labelled container; or
- (b) Deliver to any person, sell or otherwise dispose of, receive, or accept any fully or partially unlabelled or incorrectly labelled container; or
- (c) Remove any label from the container before the processing of the contents is commenced.

Marking of Fishing Gear

33. Longlines, static fishing gear, and set nets—No commercial fisherman shall use for fishing or have on board any fishing vessel any

longline, set net, or other static fishing gear that does not have surface floats at each end that are clearly, permanently, and legibly marked with the registered number of the fishing vessel from which it was or is to be set or is being carried; except that trot lines, droplines, and dahn lines may be marked at one end only.

34. Fyke nets—No commercial fisherman shall use for fishing, or have on board any fishing vessel, any fyke net that does not have securely attached to it a surface float that is clearly, permanently, and legibly marked with the registered number of the vessel from which it was set or is being transported.

35. Rock lobster pots—No commercial fisherman shall use, or have on board any fishing vessel, any rock lobster pot unless each pot has its own surface buoy or float, and each pot and surface buoy or float is clearly, permanently, and legibly marked with the registered number of the vessel from which it was set or is being transported.

36. Marking of gear not associated with vessel—Where any gear to which regulations 33 to 35 of these regulations applies is used other than in conjunction with a fishing vessel, the gear shall be marked in the same manner, but with the permit number of the commercial fisherman using the gear.

General Net Provisions

37. Measurement of net mesh size—(1) Net mesh size shall be the size ascertained by measuring the length between the inner edges of the knots of opposite corners of the mesh with the mesh closed or, where the mesh has no knots, the length between the inner edges of opposite corners of the mesh with the mesh closed.

(2) In cases of dispute or doubt, a weight of 4 kg for cod-end and 1 kg for static fishing gear shall be slung or attached to the lower knot or join of the mesh to produce a fair strain or extension, and the mesh shall be measured while the weight is in position.

(3) For the purposes of these regulations, the inner edge, in relation to a knot, means the edge of the knot that is nearest to the knot of the opposite corner of the mesh which is being measured.

38. Restrictions on nets in channels—No commercial fisherman shall use or set any net that, either by itself or together with or in conjunction with any other net, wing, or leader extends more than one-third of the way across the width of any channel, river, or stream measured at right-angles to the bank of that channel, river, or stream, at that place at that time.

39. Stalling prohibited—No commercial fisherman shall set any net whereby stalling occurs; and every commercial fisherman who sets a net shall ensure that stalling does not occur while the net is set.

40. Use of poles or stakes—No commercial fisherman shall erect any pole or stake for use in conjunction with any fishing net or use in conjunction with any fishing net any erected pole or stake except where the pole or stake—

(a) Is used in conjunction with a fyke net; and

- (b) Is clearly visible at all stages of the tide; and
- (c) Is removed at the cessation of fishing.

41. Use of certain nets prohibited—(1) No commercial fisherman shall use a Danish seine net, trawl net, box or teichi net, trammel net, purse seine net, or lampara net inside the seaward entrance to any harbour, or in any river, stream, lake, lagoon, or estuary.

(2) No commercial fisherman shall set or use or possess a baited net other than a ring pot, hoop net, or pullpot.

Set Nets

42. Length of set net—(1) No commercial fisherman shall, inside the seaward entrance to any harbour, or in any river, stream, lake, lagoon, or estuary,—

- (a) Use any set net which exceeds 1000 m in length; or
- (b) Tie or use together more than one set net unless the combined length of the nets does not exceed 1000 m in length; or
- (c) Set any set net within 60 m of any other net.

(2) Nothing in this regulation shall be construed to prohibit one commercial fisherman from using more than one set net within the waters specified in subclause (1) of this regulation.

Drag Nets and Beach Seine Nets

43. Length of drag net or beach seine net—(1) No commercial fisherman shall use, or be in possession of, any drag net or beach seine net having a length exceeding 165 m.

(2) For the purposes of this regulation, the expression “drag net” or “beach seine net” does not include any warp, rope, or chain attached to any such net.

44. Method of hauling drag net or beach seine net—No commercial fisherman shall use any beach seine net or drag net unless the net is pulled or hauled by hand and without the aid of any pulley or mechanical device or the use of any vessel.

Danish Seine Nets

45. Danish seine net restrictions—No commercial fisherman shall possess on board any fishing vessel or use for fishing a Danish seine net the mesh of which is less than 125 mm in the cod-end or which has—

- (a) More than one layer of mesh; or
- (b) Any liners or sleeves or flappers of any material whatever; or
- (c) Any mode of strengthening having centres of less than 1 m.

46. Danish seining prohibited near South Island coast—No commercial fisherman shall use a Danish seine net within 3 nautical miles seaward of the mean high-water mark of the coast of the South Island.

Trawl Nets

47. Trawl net restrictions—(1) No commercial fisherman shall possess on board any fishing vessel or use for fishing a trawl net that has—

- (a) More than one layer of mesh; or

- (b) Any liners, sleeves, or flappers of any material; or
- (c) Any mode of strengthening having centres of less than 1 m; or
- (d) Mesh of less than 100 mm unless the use or possession is authorised by a fishing permit.

(2) Nothing in subclause (1) of this regulation shall prohibit the use of any chafer gear on the underside of the trawl net, if the after end of any such chafer or chafing gear is, and remains, detached from the trawl net and is attached in such a manner that will readily permit the escape of small fish through the meshes of the cod-end.

(3) Nothing in this regulation shall apply to the possession of any trawl net that may lawfully be used by the commercial fisherman from that vessel in any other area of New Zealand fisheries waters, and the vessel is to be used or has been used on that voyage to fish in that area.

48. Other methods of fishing prohibited—No commercial fisherman shall, in waters in which trawling for fish is for the time being forbidden, take fish by any other method from any fishing vessel that has on board any trawl net.

Fyke Nets

49. Tubes to be incorporated in fyke nets—No commercial fisherman shall use any fyke net unless there is incorporated behind the last trap or throat and before the last part of the net capable of holding finfish while in the water, 2 escapement tubes that are—

- (a) Not less than 22 mm in inside diameter, except that both ends of the tube shall be not less than 26 mm in inside diameter; and
- (b) No less than 35 mm in length; and
- (c) Placed so as not to project inside the net more than 10 mm.

50. Fishing for eels prohibited except by certain methods—Except where the commercial fisherman holds a fishing permit expressly authorising the taking of eels using a fyke net, Hinaki trap, or set net, no commercial fisherman shall take or be in possession of any eel.

Underwater Breathing Apparatus

51. Restrictions on use of underwater breathing apparatus—Except as provided in regulation 52 of these regulations, no commercial fisherman shall—

- (a) Use or be in possession of any underwater breathing apparatus when taking any fish, aquatic life, or seaweed; or
- (b) Be in possession of any underwater breathing apparatus while in possession of any fish, aquatic life, or seaweed; or
- (c) Have any underwater breathing apparatus on board any registered fishing vessel.

52. Underwater breathing apparatus allowed in certain circumstances—Underwater breathing apparatus may be carried on board and used from a registered fishing vessel where—

- (a) The underwater breathing apparatus is sealed on the fishing vessel by a Fishery Officer and only carried or used—

- (i) For the retrieval of lost fishing gear that cannot be effectively recovered by any other means; or
 - (ii) For emergencies such as those involving the preservation of life or the safety of the vessel or other vessels; and
- (b) In any case where underwater breathing apparatus has been used for a purpose specified in paragraph (a) of this regulation—
- (i) The master shall, as soon as practicable and by radio, where the vessel has a radio which is in working order, inform a Fishery Officer of the circumstances involving the use of the apparatus; and
 - (ii) The master shall not permit the vessel to put to sea again after entering any port or refuge until the apparatus has been resealed by or under the direction of a Fishery Officer.

Shellfish Dredges

53. Shellfish dredge design and size—No commercial fisherman shall use—

- (a) More than one dredge having a bar or bit exceeding 2.5 m in length; or
- (b) More than 2 dredges either of which has a bar or bit exceeding 1.4 m in length.

Rock Lobster Pots

54. Apertures to be incorporated in rock lobster pots—(1) No commercial fisherman shall have on board any fishing vessel or use any rock lobster pot, that does not have at least one aperture (other than the mouth) of a size not less than 54 mm in height and 300 mm in width in any part of the pot except the bottom and in a position to enable undersize rock lobsters to escape.

(2) Nothing in subclause (1) of this regulation shall prohibit the use of a rock lobster pot which has spot welded rectangular mesh having spaces not less than 54 mm in height and 150 mm in width.

(3) Nothing in subclause (1) of this regulation shall prohibit the use of a rock lobster pot for holding rock lobsters so long as the pot is not capable of being used for taking rock lobster.

Spears

55. Use of spears prohibited—No commercial fisherman shall use any spear to take any fish, or be in possession of any fish that has been speared.

Miscellaneous

56. Fees—Fees shall be payable in respect of the matters specified in the Schedule to these regulations, and the fees payable in respect of those matters shall be the appropriate fees specified in that Schedule.

57. Offences—(1) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who acts in contravention of, or fails to comply with, any of regulations 20, 21, 22, 24 to 31, 44, 47, and 53 of these regulations.

(2) Every commercial fisherman commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who acts in

contravention of, or fails to comply with, any of these regulations not referred to in subclause (1) of this regulation.

58. Revocations—The following regulations and notices are hereby revoked:

- (a) The Fisheries (Commercial Fishing) Regulations 1983 (S.R. 1983/295):
 - (b) The Fisheries (Vessel Registration and Fishing Permit) Notice 1983 (S.R. 1983/307):
 - (c) The Fisheries (Commercial Fishing) Regulations 1983, Amendment No. 1 (S.R. 1984/137):
 - (d) The Fisheries (Commercial Fishing) Regulations 1983, Amendment No. 2 (S.R. 1984/341):
 - (e) The Fisheries (Fish Species Restrictions) Notice 1984 (S.R. 1984/351):
 - (f) The Fisheries (Vessel, Gear, and Method) Notice 1985 (S.R. 1985/2):
 - (g) The Fisheries (Vessel, Gear, and Method) Notice 1985, Amendment No. 1 (S.R. 1985/241).
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SCHEDULE

Reg. 56

PART I

REGISTRATION AND FISHING PERMIT FEES

1. The fees payable in respect of the registration of a fishing vessel and the issue of duplicates shall be as follows:

	\$
(a) Registration	50
(b) Issue of duplicate certificate of registry	10

2. The fees payable in respect of permits and the issue of duplicates shall be as follows:

(a) (i) Issue of permit other than for fishing under Part IIA of the Act (including first method of fishing applied for)	50
(ii) Each additional method of fishing applied for	20
(b) Issue of permit for fishing under Part IIA of the Act	50
(c) Application for special permit under section 64 of the Act (including subsequent issue of the permit)	100
(d) Issues of any duplicate permit	10
(e) Amendment or alteration to conditions of permit at the request of the permit holder	10

3. For the purpose of assessing the fees payable under clause 2 of this Part of this Schedule, the methods of fishing are:

1. Single Bottom Trawl:
2. Single Mid-Water Trawl:
3. Pair Bottom Trawl:
4. Pair Mid-Water Trawl:
5. Dredge:
6. Single Danish Seine:
7. Pair Danish Seine:
8. Beach Seine/Drag Net:
9. Purse Seine:
10. Lampara Nets:
11. Set Nets/Gill Nets:
12. Drift Nets:
13. Box/Teichi Nets:
14. Rock Lobster Pots:
15. Cod Pots:
16. Eel Pots (Hinaki):
17. Fyke Nets (Eels):
18. Hand Lines:
19. Bottom Longlines:
20. Dahn/Drop Lines:
21. Trot Lines:
22. Surface (Tuna) Longlines:

SCHEDULE—*continued*

23. Squid Jigging:
24. Poling:
25. Trolling:
26. Handgathering (other than Seaweed):
27. Handgathering Seaweed:
28. Diving:
29. Any other method.

 PART II

CONTROLLED FISHERIES FEES

Application Fees

1. On an application under section 29 of the Act—	\$
(a) To inspect the Register of Controlled Fishery Licences	2
(b) To obtain a copy of any specified entry in the Register of Controlled Fishery Licences—	
(i) Where a fee under paragraph (a) has been paid	3
(ii) Where a fee under paragraph (a) has not been paid	5
2. Application for a licence	50
3. Application for renewal of licence	50
4. Application for a temporary licence—	
(a) To a Registrar of the Ministry	50
(b) To the Fisheries Authority	50
5. Any other application under Part III of the Fisheries Act to a Registrar of the Ministry or to the Authority	50

Boat Authority Fees

Every holder of a licence granted under Part III of the Act shall pay to the Authority, in respect of every boat authority issued in respect of a vessel specified in the licence, a fee of \$130 for every year or part of a year for which the licence is current.

Where the holder of a licence granted under Part III of the Act is also granted a licence under that Part to fish in another controlled fishery contiguous to the first for the same species of fish, and a vessel for which a boat authority has been issued is to be used in both controlled fisheries by the licensee, no further fee shall be payable for the cancellation of the original boat authority and the issue of an appropriate new boat authority.

 PART III

INDIVIDUAL TRANSFERABLE QUOTA REGISTRATION FEES

1. The fee payable for the registration of any transfer or lease of any individual transferable quota is \$50.

SCHEDULE—*continued*

2. The fee payable to inspect the register of individual transferable quota is \$10.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations replace the Fisheries (Commercial Fishing) Regulations 1983, the Fisheries (Vessel Registration and Fishing Permit) Notice 1983, the Fisheries (Fish Species Restrictions) Notice 1984, the Fisheries (Vessel, Gear, and Method) Notice 1985, and their amendments.

These regulations are of a general nature, and where they are inconsistent with other regulations, the other regulations prevail. There are regulations relating to commercial fishing for each fishery management area and these make specific provision for those areas and parts of those areas. At the time of the making of these regulations, those specific regulations are:

The Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 (S.R. 1986/216):

The Fisheries (Central Area Commercial Fishing) Regulations 1986 (S.R. 1986/217):

The Fisheries (Challenger Area Commercial Fishing) Regulations 1986 (S.R. 1986/218):

The Fisheries (South-East Area Commercial Fishing) Regulations 1986 (S.R. 1986/219):

The Fisheries (Southland and Sub-Antarctic Commercial Fishing) Regulations 1986 (S.R. 1986/220).

A new provision allows the use of rock lobster holding pots so long as they are not capable of being used to catch rock lobsters.

Fees are increased, and fees are prescribed for some matters for the first time.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 September 1986.

These regulations are administered in the Ministry of Agriculture and Fisheries.