

**1963/198**



**THE FISHERIES (GENERAL) REGULATIONS 1950,  
AMENDMENT NO. 7**

**BERNARD FERGUSSON, Governor-General**  
**ORDER IN COUNCIL**

At the Government House at Wellington this 18th day of November 1963

Present:

**HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL**

PURSUANT to the Fisheries Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

1. (1) These regulations may be cited as the Fisheries (General) Regulations 1950, Amendment No. 7, and shall be read together with and deemed part of the Fisheries (General) Regulations 1950\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of January 1964.

2. (1) The principal regulations are hereby amended in the manner indicated in the Schedule to these regulations.

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 23 of the Fisheries (General) Regulations 1950, Amendment No. 1:

(b) Regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 2:

(c) Regulation 19 of the Fisheries (General) Regulations 1950, Amendment No. 5.

3. (1) Regulation 4 of the principal regulations is hereby further amended by revoking the definition of the term "fishery officer" in subclause (1), and substituting the following definition:

"'Fishery officer' means an officer appointed under Part I of the Fisheries Act 1908:".

\*S.R. 1950/147 (Reprinted with Amendments Nos. 1 to 4: S.R. 1956/16)  
Amendment No. 5: S.R. 1959/186  
Amendment No. 6: S.R. 1963/197

(2) Regulation 4 of the principal regulations is hereby further amended by inserting in subclause (1), in their appropriate alphabetical order, the following definitions:

“Crew”, in relation to a fishing boat, means every person employed or engaged thereon:

“Port or place of domicile”, in relation to any fishing boat, means the port or place at which the boat is based and from which fishing is substantially carried out, as specified in the boat-fishing permit for the time being in force in respect of that boat; and ‘domiciled’ has a corresponding meaning.”

4. Regulation 12 of the principal regulations is hereby amended by inserting in the table, in their appropriate columns, after the reference to butterfish, the following words:

“Eels ..... | 1 in.”

5. The principal regulations are hereby further amended by inserting, after regulation 26, the following heading and regulation:

“DRAG NETS IN WHANGAREI HARBOUR

“26A. (1) No person shall, in the waters of the Whangarei Harbour inside of a straight line from Marsden Point to Lort Point,—

“(a) Use a drag net for taking fish for the purpose of sale, except in the area specified in subclause (2) of this regulation; or

“(b) Set a drag net from any boat that is propelled by any means other than solely by oars; or

“(c) In the setting or hauling of a drag net or of the ropes or warps attached thereto, use any boat that is propelled by any means other than solely by oars; or

“(d) Use a drag net having a pocket or cod end.

“(2) The area specified in paragraph (a) of subclause (1) of this regulation is that part of the waters of the Whangarei Harbour inside of a straight line from Single Tree Point to Annoyance or Manganese Point; thence to Beecher Point; thence to Cemetery Point; thence to Darch Point; thence to Lort Point; and thence to Marsden Point.”

6. Regulation 30 of the principal regulations is hereby amended by omitting the words “Te Aro Baths”, and substituting the words “boat harbour”.

7. The principal regulations are hereby further amended by inserting, after regulation 31, the following heading and regulation:

“DRAG NETS IN KAWHIA, AOTEA, AND RAGLAN HARBOURS

“31A. No person shall use a drag net for taking fish for the purposes of sale in the following waters:

“*Kawhia Harbour*

“(1) The waters of Kawhia Harbour lying inside of a straight line from the northernmost extremity of Urawitiki Point on the Southern Head of Kawhia Harbour to North Head or Tau-ra-tahi.

“*Aotea Harbour*

“(2) The waters of Aotea Harbour lying inside of a straight line from the westernmost extremity of Kahua Point to Potahi, the northern head.

*“Raglan Harbour*

“(3) The waters of Raglan Harbour lying inside of a straight line from Tekoko Hill to the westernmost extremity of Rangitoto Point on the northern head at the entrance to Raglan Harbour.”

8. The principal regulations are hereby further amended by inserting, after regulation 69, the following regulation:

“69A. No person shall in waters in which the use of a Danish seine net for taking fish is for the time being forbidden take fish by any other method from any vessel that has on board any Danish seine net.”

9. Regulation 72 of the principal regulations is hereby amended by revoking subclause (11), and substituting the following subclause:

“(11) The waters of the Hauraki Gulf lying inside straight lines drawn from Fish Point through Blanche Channel in the Kaitu Kala Islands group to Tiritiri Lighthouse; thence to Thumb Point on Waiheke Island; thence by a straight line to the south-east head of Hook Bay; thence by a straight line to Kauri Point; thence by high water mark of Waiheke Island to Waite (or Waiti) Point (being the point nearest to Pakatoa Island); thence by a straight line across the northern entrance of Waiheke Channel or Man-o'-war Passage to the northern extremity of Pakatoa Island, and by a straight line from the southern extremity of Pakatoa Island to the northern extremity of Rotoroa (Rotaro) Island; thence by high water mark of the eastern side of Rotoroa (Rotaro) Island to the point of intersection by a straight line drawn from the summit of the hill on Waiheke Island known as Maunganui, being the hill marked as 764 ft high on the 1941 Edition of Admiralty Chart Number 1896, and marked 770 ft high on the 1931 Edition of the same chart, and passing through Rotaro Island (otherwise known as Rotoroa Island), to Tuhuia Islet (otherwise known as The Cow); thence along this last-mentioned straight line to Tuhuia Islet (otherwise known as The Cow), and from the northern extremity of The Cow in a straight line to the western extremity of the largest island in the Motukawao Group commonly known as Happy Jack; thence in a straight line to the north head of Colville Bay (otherwise known as Cabbage Bay), on Coromandel Peninsula.”

10. The principal regulations are hereby further amended by inserting, after regulation 77, the following regulation:

“77A. No person shall in waters in which trawling for fish is for the time being forbidden take fish by any other method from any vessel that has on board any trawl net.”

11. The principal regulations are hereby further amended by inserting, after regulation 101, the following regulation:

“101A. (1) No person shall take shellfish for the purposes of sale from any waters where, having regard to the proximity of a source of pollution it is likely that shellfish in those waters are unfit for human consumption:

“Provided that nothing in the foregoing provisions of this subclause shall apply in any case where a Medical Officer of Health under the Health Act 1956 has, by notice in writing to the person taking the shellfish, stated that shellfish in those waters are, in the opinion of the Medical Officer of Health, fit for human consumption.

“(2) Any notice given under subclause (1) of this regulation may, by notice in writing to the person to whom it was given, be withdrawn by a Medical Officer of Health, and thereupon the first-mentioned notice shall cease to have effect for the purposes of that subclause.”

12. The principal regulations are hereby further amended by inserting, after regulation 103, the following regulations:

“103A. (1) No person shall take mussels for the purposes of sale in the waters of Queen Charlotte Sound inside of a straight line from Pihaka Point to Karaka Point.

“(2) No person shall take mussels for the purposes of sale from any other waters of Queen Charlotte Sound otherwise than by gathering them by hand.

“103B. No person shall take scallops for sale from the following waters:

“*Manukau Harbour*

“(1) The waters of Manukau Harbour lying inside a straight line drawn to the signal staff on the South Head through the easternmost extremity of Paratutai Island.

“*Kaipara Harbour*

“(2) The waters of Kaipara Harbour lying inside a straight line drawn from the south-westernmost extremity of North Sandspit to Puki-tu.

“103C. No person shall take for the purposes of sale any scallop the shell of which is less than 4 in. in greatest diameter.

“103D. No person shall open any scallop below high-water mark, or land from any boat any scallop in such a state that the shell cannot be measured in accordance with the provisions of these regulations.

“103E. No person shall take for the purposes of sale any paua the shell of which is less than 5 in. in greatest diameter.

“103F. No person shall remove any paua from its shell below high-water mark, or land from any boat any paua in such a state that the shell cannot be measured in accordance with the provisions of these regulations.”

13. The principal regulations are hereby further amended by inserting, after regulation 107A (as inserted by regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 2), the following regulations:

“107B. (1) No person shall take any fish, crayfish, or shellfish for the purposes of sale in the waters described in subclause (2) of this regulation.

“(2) The waters referred to in subclause (1) of this regulation are as follows:

“(a) The place known as ‘Horokaka’, which lies off the Whangawehi Inlet on the north side of Mahia Peninsula, those waters being the waters contained inside of two intersecting straight lines, one of which is the continuation seawards of a straight line between two posts situated at the western end of that inlet and the other of which is the continuation seawards of a straight line between two posts situated at the eastern end of that inlet, all such posts being painted yellow:

“(b) The waters in the vicinity of Bare Island off Waimarama, being the waters contained inside of two intersecting straight lines, one of which is the continuation seawards of a straight line between two posts situated at the mouth of the Waipuka Stream near Ocean Beach Township and the other of which is the continuation seawards of a straight line between two posts situated on the mainland of the east coast of the North Island opposite Te Karamea (or Red Island), all such posts being painted yellow.

(NOTE—The waters described in paragraph (b) of subclause (2) of this regulation also enclose the “break” to the north-east of Bare Island known as Tokorangi or Drock Head, and the upwelling known as Ngapuhake to the south-east of Bare Island.)

“107c. (1) No person shall take eels from Lake Forsyth or Lake Horowhenua, or from the Hokio Stream which flows out of Lake Horowhenua: “Provided that nothing in the foregoing provisions of this subclause shall apply with respect to any Maori taking eels otherwise than for the purpose of sale.

“(2) In this regulation the term ‘Maori’ means a person belonging to the aboriginal race of New Zealand; and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race.”

14. The following regulations are hereby revoked:

- (a) Regulation 108 of the principal regulations (as substituted by subclause (1) of regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 2) and the Schedule to the principal regulations:
- (b) Regulation 13 of the Fisheries (General) Regulations 1950, Amendment No. 2.

Reg. 2 (1)

## SCHEDULE

### AMENDMENTS OF PRINCIPAL REGULATIONS

Regulation Amended	Amendment
Regulation 4 (1) (as amended by regulation 2 of the Fisheries (General) Regulations 1950, Amendment No. 2)	<p>By revoking the definitions of the terms “boat licence”, “crew licence”, “licensed fisherman”, and “licensed fishing boat”.</p> <p>By inserting, in their appropriate alphabetical order, the following definitions:</p> <p>“‘Boat-fishing permit’ means a permit issued under section 10 of the Fisheries Amendment Act 1963;</p> <p>“‘Fishing permit’ or ‘permit’ means a boat-fishing permit or a shore-fishing permit, as the case may require;</p> <p>“‘Registered fishing boat’ means a boat registered as a fishing boat under Part I of the Fisheries Amendment Act 1963; and ‘registration’ has a corresponding meaning;</p> <p>“‘Shore-fishing permit’ means a permit issued under section 11 of the Fisheries Amendment Act 1963:”.</p>

## SCHEDULE—continued

## AMENDMENTS OF PRINCIPAL REGULATIONS

Regulation Amended	Amendment
Regulation 20 (as inserted by regulation 3 of the Fisheries (General) Regulations 1950, Amendment No. 2)	<p>By revoking subclause (3), and substituting the following subclause:</p> <p>“(3) The provisions of this regulation shall not apply to—</p> <p>“(a) The holder of a fishing permit who is engaged in fishing pursuant to the terms of the permit; or</p> <p>“(b) The owner or any member of the crew of a registered fishing boat who is engaged in fishing from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat.”</p>
Regulation 86	<p>By omitting the words “fishing licence, shall sell or take for the purposes of sale, or have in his possession for sale, and no person being the holder of a fishing licence shall take or have in his possession”, and substituting the words “fishing permit, shall sell or take for the purposes of sale or have in his possession for sale, and no person, being the master of a registered fishing boat, shall take or have in his possession on that boat or land from that boat”.</p>
Regulation 90	<p>By revoking this regulation and substituting the following regulation:</p> <p>“90. Regulation 89 shall not apply to any person who is the owner or a member of the crew of a registered fishing boat and is engaged in taking fish from that boat in accordance with the provisions of the boat-fishing permit for the time being in force in respect of that boat.”</p>
Regulation 106 (as substituted by regulation 16 (1) of the Fisheries (General) Regulations 1950, Amendment No. 5)	<p>By revoking subclause (2), and substituting the following subclause:</p> <p>“(2) The provisions of this regulation shall not apply to—</p> <p>“(a) The holder of a fishing permit who is engaged in taking shellfish pursuant to the terms of the permit; or</p> <p>“(b) The owner or any member of the crew of a registered fishing boat who is engaged in taking shellfish from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat; or</p> <p>“(c) Any shellfish taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.”</p>
Regulation 106c (as substituted by regulation 17 of the Fisheries (General) Regulations 1950, Amendment No. 5)	<p>By revoking subclause (2), and substituting the following subclause:</p> <p>“(2) The provisions of this regulation shall not apply to—</p> <p>“(a) The holder of a fishing permit who is engaged in taking scallops pursuant to the terms of the permit; or</p> <p>“(b) Any scallops taken by any such person.”</p>

## SCHEDULE—continued

## AMENDMENTS OF PRINCIPAL REGULATIONS

Regulation Amended	Amendment
Regulation 106E (as substituted by regulation 18 (1) of the Fisheries (General) Regulations 1950, Amendment No. 5)	<p>By revoking subclause (5), and substituting the following subclause:</p> <p>“(5) The provisions of this regulation shall not apply to—</p> <p>“(a) The holder of a fishing permit who is engaged in taking flatfish pursuant to the terms of the permit; or</p> <p>“(b) The owner or any member of the crew of a registered fishing boat who is engaged in taking flatfish from that boat pursuant to the terms of the boat-fishing permit for the time being in force in respect of that boat; or</p> <p>“(c) Any flatfish taken by any of the persons mentioned in paragraphs (a) and (b) of this subclause.”</p>
Regulation 107A (as inserted by regulation 12 of the Fisheries (General) Regulations 1950, Amendment No. 2)	<p>By omitting from subclause (1) and also from subclauses (2), (3), and (4) the word “licensed”, and substituting in each case the word “registered”.</p>
Regulation 109 (as amended by regulation 23 of the Fisheries (General) Regulations 1950, Amendment No. 1, and regulation 19 of the Fisheries (General) Regulations 1950, Amendment No. 5)	<p>By revoking this regulation, and substituting the following regulation:</p> <p>“109. Every person commits an offence against these regulations who—</p> <p>“(a) Sells or offers or exposes for sale any fish which he knows or has reasonable cause to believe to have been taken (whether for sale or not) from any vessel or boat other than a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat; or</p> <p>“(b) Receives into any fish shop or fish shed or fish factory or any premises (not being a dwellinghouse) where fish or shellfish are stored, treated, dressed, canned, or frozen any fish from any vessel or boat, unless he has ascertained that it has come from a registered fishing boat operating pursuant to the terms of a boat-fishing permit for the time being in force in respect of that boat.”</p>
Regulation 114	<p>By omitting the word “licence”, and substituting the words “registration or fishing permit”.</p>

T. J. SHERRARD,  
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 make miscellaneous amendments to the Fisheries (General) Regulations 1950 and the amendments of those regulations.

Regulation 2 makes such amendments as are necessary in consequence of the provisions of Part I of the Fisheries Amendment Act 1963, which abolished the licensing system and substituted provisions requiring commercial fishermen to obtain fishing permits.

Regulation 3 inserts in regulation 4 of the principal regulations new definitions of the terms "crew", "fishery officer", and "port or place of domicile".

Regulation 4 prescribes a minimum size of mesh for nets used for the taking of eels.

Regulation 5 prescribes special conditions as to the use of drag nets in Whangarei Harbour.

Regulation 6 alters the description of the waters in Wellington Harbour in which netting is prohibited.

Regulation 7 prohibits the use of a drag net for taking fish for sale purposes in certain waters in Kawhia, Aotea, and Raglan Harbours.

Regulation 8 makes it unlawful to take fish by any other method from any vessel in waters in which Danish seining is prohibited if any Danish seine net is carried on board.

Regulation 9 alters the description of the waters of the Hauraki Gulf in which Danish seining is prohibited.

Regulation 10 makes it unlawful to take fish by any other method from any vessel in waters in which trawling is prohibited if any trawl net is carried on board.

Regulation 11 prohibits the taking of shellfish for the purposes of sale in any waters where, having regard to the proximity of a source of pollution, it is likely that the shellfish are unfit for human consumption. This will not apply if a Medical Officer of Health has certified that the shellfish in those waters are fit for human consumption.

Regulation 12 inserts new regulations 103A to 103F in the principal regulations, providing as follows:

- (a) Regulation 103A prohibits the taking of mussels for the purposes of sale from certain waters of Queen Charlotte Sound, and requires mussels taken for the purposes of sale from other waters of that Sound to be taken by hand only.
- (b) Regulation 103B prohibits the taking of scallops for the purposes of sale from certain waters of the Manukau and Kaipara Harbours.
- (c) Regulation 103C fixes a minimum size limit of 4 in. for scallops taken for sale.
- (d) Regulation 103D prohibits the opening of scallops below high-water mark and the bringing of scallops ashore in such a condition that the shells cannot be measured.
- (e) Regulation 103E fixes a minimum size limit of 5 in. for paua taken for sale.
- (f) Regulation 103F prohibits the opening of paua below high-water mark and the bringing of paua ashore in such a condition that the shells cannot be measured.

Regulation 13 inserts new regulations 107B and 107C in the principal regulations, providing as follows:

- (a) Regulation 107B prohibits the taking for sale of fish or crayfish or shellfish from certain waters off the north side of the Mahia Peninsula and off Waimarama, Hawke's Bay.
- (b) Regulation 107C prohibits the taking of eels from Lake Forsyth or Lake Horowhenua or the Hokio Stream. This will not apply in the case of a Maori taking eels otherwise than for the purpose of sale.

Regulation 14 revokes regulation 108 of the principal regulations relating to returns of fish and shellfish taken by commercial fishermen. Provisions as to returns now appear in the Commercial Fishing Regulations 1963.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 November 1963.

These regulations are administered in the Marine Department.