

**Reprint
as at 29 August 1997**



**Fisheries (Transitional Provisions)
Regulations 1997**
(SR 1997/175)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 25th day of August 1997

Present:
His Excellency the Governor-General in Council

Pursuant to sections 297 and 354 of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Fisheries.

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Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Fisheries (Transitional Provisions) Regulations 1997.
- (2) These regulations come into force on 1 October 1997.
- 2 Interpretation**
- In these regulations—
- the 1983 Act** means the Fisheries Act 1983
- the 1996 Act** means the Fisheries Act 1996.
- 3 Provisions relating to allocation of quota**
- Where section 363 of the 1996 Act applies to the allocation of quota declared under section 28B of the 1983 Act to be subject to the quota management system under Part 2A of that Act,—
- (a) the references in sections 35(1)(b)(ii)(A), 37(1)(b), and 45(a)(i) of the 1996 Act to holders of fishing permits are to be read as also referring to persons holding special permits issued under section 64(1)(c) of the 1983 Act:
- (b) all references in the 1983 Act to quota allocated under this Act are to be read as also referring to quota allocated under the 1996 Act.
- 4 Crown contribution to costs**
- Until any order is made under section 265(1) of the 1996 Act, Schedule 1E of the 1983 Act continues to have effect for the purposes of Part 14 of the 1996 Act.

**5 References to quota shares for commodity levy purposes
in section 305 of 1996 Act**

Until the commencement of section 42 of the 1996 Act, the references to quota shares in section 305 of that Act are to be read as referring to individual transferable quota, provisional individual transferable quota, or both, as the case may be.

Marie Shroff,
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, which come into force on 1 October 1997, contain transitional and savings provisions relating to the commencement of the Fisheries Act 1996.

Regulation 2 defines (for the purposes of the regulations) the Fisheries Act 1983 as the **1983 Act** and the Fisheries Act 1996 as the **1996 Act**.

Regulation 3 deals with provisions relating to the allocation of quota of a species declared under the 1983 Act to be subject to the quota management system under Part 2A of that Act. Section 363 of the 1996 Act provides that certain quota allocation provisions of the 1996 Act are to apply to such declarations under the 1983 Act.

Paragraph (a) provides that references in sections 35, 37, and 45 of the 1996 Act to holders of fishing permits include references to persons holding special permits. This provision is necessary to ensure that permit holders whose legal entity has changed since the years which qualify them to obtain a quota allocation are not precluded from obtaining quota under the quota allocation provisions.

Paragraph (b) allows references to quota allocated under the 1983 Act to be read as including references to quota allocated under the 1996 Act.

Regulation 4 provides that Schedule 1E of the 1983 Act, which sets out the Crown's contribution to leviable fisheries costs, is to continue

to have effect for the purpose of the cost recovery provisions of the 1996 Act.

Regulation 5 provides that, until the full commencement of the quota management system provisions of the 1996 Act, the term quota shares in section 305 of the 1996 Act is to be taken as referring to individual transferable quota, provisional individual transferable quota, or both. Section 305 deals with the application of the Commodity Levies Act 1990 to fish, aquatic life, and seaweed.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 28 August 1997.

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Notes

1 *General*

This is a reprint of the Fisheries (Transitional Provisions) Regulations 1997. The reprint incorporates all the amendments to the regulations as at 29 August 1997, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
