



Fisheries (Commercial Fishing) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of December 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 297 of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

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Regulations

- 1 Title**
These regulations are the Fisheries (Commercial Fishing) Amendment Regulations 2018.
- 2 Commencement**
These regulations come into force on 10 January 2019.

3 Principal regulations

These regulations amend the Fisheries (Commercial Fishing) Regulations 2001 (the **principal regulations**).

4 Regulation 71A amended (Approval of trawl nets)

- (1) Revoke regulation 71A(3)(c).
- (2) Replace regulation 71A(4) and (5) with:
- (4) The terms and conditions of an approval may be varied by the chief executive—
 - (a) on the application of the person who applied for the approval; or
 - (b) at the chief executive's own initiative if satisfied that the variation is necessary to address a risk to ensuring sustainability that was not known at the time the approval was first given.
- (5) A variation of the terms and conditions of an approval—
 - (a) must be notified on an Internet site maintained by or on behalf of the Ministry; and
 - (b) takes effect 28 days after it is notified.
- (6) A person who uses a trawl net that has been approved under this regulation must comply with the terms and conditions of its approval (as varied from time to time).
- (7) If a person fails to comply with the terms and conditions of an approval, the approval ceases to have effect in respect of that person.
- (8) *See* clause 13A of Schedule 2 for the fee that must be paid in relation to an application.

5 Regulation 84 amended (Offences)

In regulation 84(2), after “62,”, insert “71A(6),”.

Michael Webster,
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 10 January 2019, amend the Fisheries (Commercial Fishing) Regulations 2001 (the **principal regulations**). The amendments relate to the terms and conditions of an approval to use a trawl net under regulation 71A of the principal regulations. The amendments, among other things,—

- enable the chief executive of the Ministry for Primary Industries to vary the terms and conditions of an approval if satisfied that the variation is necessary to address a risk to ensuring sustainability that was not known at the time the approval was first given; and
- provide that if a person fails to comply with the terms and conditions of an approval,—
 - the person is liable on conviction to a fine not exceeding \$20,000; and
 - the approval ceases to have effect in respect of that person (the approval continues to have effect for those who comply with its term and conditions).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 13 December 2018.

These regulations are administered by the Ministry for Primary Industries.