

Version  
as at 10 April 2025



# Fisheries (Licensed Fish Receivers) Regulations 1997

(SR 1997/291)

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 3rd day of November 1997

Present:

His Excellency the Governor-General in Council

Pursuant to section 89 of the Fisheries Act 1983 and section 297 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.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry for Primary Industries.**

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**Regulations**

**1 Title and commencement**

- (1) These regulations may be cited as the Fisheries (Licensed Fish Receivers) Regulations 1997.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

**2 Interpretation**

In these regulations, unless the context otherwise requires,—

**fish receiving**—

- (a) means receiving fish for handling or processing from a commercial fisher in circumstances to which section 191(1)(c) or (2) of the Fisheries Act 1996 does not apply; but
- (b) does not include the receiving of fish by the Crown

**handling and processing**, in relation to fish, means the weighing, washing, grading, opening, shucking, cutting, filleting, trimming, smoking, drying, freezing, canning, bagging, packaging, preserving, reducing, or other processing; but does not include the cooking of fish or fish products to form the whole or part of a meal sold or supplied at or from the premises where the fish or fish products are cooked

**licensed fish receiver** means a holder of a fish receiver licence granted under these regulations

**premises** means any premises or location at which—

- (a) fish is received from commercial fishers or processed or distributed; or
- (b) any prescribed source document or other record required by the Fisheries (Recordkeeping) Regulations 1990 (SR 1990/219) is kept or required to be kept by the licensed fish receiver

**prescribed source document** has the meaning given in regulation 11 of the Fisheries (Recordkeeping) Regulations 1990 (SR 1990/219)

**source documents**, in relation to the operations of any person or entity, means the original records of any transaction that occurs between that person or entity and any third party, or that occurs within the internal operations of that person or entity.

Regulation 2 **audit trail**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **auditor**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **certificate of recognition**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **fish receiving**: replaced, on 1 November 2022, by section 25 of the Fisheries Amendment Act 2022 (2022 No 56).

Regulation 2 **key internal controls**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **licensed fish receiver**: substituted, on 1 October 2001, by regulation 3(3) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **premises** paragraph (a): amended, on 6 October 2023, by regulation 100 of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 2 **related party**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **species**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 2 **state**: revoked, on 1 October 2001, by regulation 3(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

## Part 1

### Licensing of fish receivers

#### 3 Fish receivers must be licensed

No person may engage in fish receiving unless the person is at the time the holder of a fish receiver's licence.

Regulation 3: amended, on 1 October 2001, by regulation 4 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### 4 Applications for licences

Every application for a fish receiver's licence must be made to the chief executive on an approved form and accompanied by the prescribed fee (if any).

Regulation 4: amended, on 1 October 2001, by regulation 5 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### 5 Chief executive may require information from applicant

- (1) The chief executive may require an applicant to produce evidence that—
  - (a) all premises to which the fish receiver's licence would relate comply with the Food Act 2014 (if appropriate); and
  - (b) *[Revoked]*
  - (c) the source documents, accounting records, and systems that are to be used by the applicant will meet the requirements of the Fisheries (Recordkeeping) Regulations 1990 (SR 1990/219).

- (2) The chief executive may require an applicant to provide details of the address or location of all premises that will be owned, operated, or used by the applicant where fish purchased by, acquired by, or in the possession of the applicant is to be stored, sold by wholesale or retail, handled or processed, or otherwise disposed of.

Regulation 5(1)(a): amended, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).

Regulation 5(1)(b): revoked, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).

## **6 Grant of fish receiver's licence**

- (1) The chief executive must issue a fish receiver's licence to an applicant if—
- (a) the applicant has produced all or, in the opinion of the chief executive, a sufficient amount of the information required under regulation 5; and
  - (b) the chief executive is satisfied that the applicant is operating or intends to operate a fish receiving business.

- (2) Notwithstanding subclause (1), the chief executive may not issue a fish receiver's licence to an applicant if the chief executive is satisfied that—

- (a) the applicant or any person likely to be involved in the fish receiving operations has been convicted of any offence involving fish; or
- (b) the applicant or any person likely to be involved in the management of the fish receiving operations has been involved in the management of the fish receiving operations of a body corporate that has been convicted of any offence involving fish,—

unless the chief executive is satisfied that the fish receiving operations will be conducted in a proper manner.

- (3) The chief executive may, by written notice to the applicant, impose on any licence issued to the applicant under subclause (1) such conditions relating to—

- (a) the location and type of fish receiving operations; and
- (b) the location and type of fish receiving premises; and
- (c) the quantity, species, or source of the fish received; and
- (d) the involvement in the operation of persons convicted of any offence involving or relating to fish,—

as the chief executive considers necessary to enable the chief executive to enforce the provisions of these regulations and to audit the operation for the purpose of ensuring compliance with these provisions.

- (4) The chief executive may, by written notice to the holder of a fish receiver's licence,—

- (a) amend or revoke any conditions imposed on the licence; or
- (b) impose on the licence any new conditions that could be imposed on a licence under subclause (3).

Regulation 6(3): amended, on 10 April 2025, by regulation 4(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35).

Regulation 6(4): amended, on 10 April 2025, by regulation 4(2) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35).

Regulation 6(4)(a): amended, on 1 October 2001, by regulation 6(2) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 6(4)(b): amended, on 1 October 2001, by regulation 6(2) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **6A Right of review of decision to impose, amend, or revoke conditions**

- (1) A holder of a fish receiver's licence may apply for a review of the chief executive's decision to impose, amend, or revoke conditions on the licence.
- (2) An application for a review must—
  - (a) be in writing; and
  - (b) state the grounds on which the applicant believes that the decision was inappropriate; and
  - (c) be provided to the chief executive within 30 days after the decision was notified to the applicant.

Regulation 6A: inserted, on 10 April 2025, by regulation 5 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35).

#### **6B Conduct of review**

- (1) If the chief executive receives an application for a review under regulation 6A, they must—
  - (a) conduct the review; or
  - (b) designate a person who was not involved in making the decision to conduct the review, and ensure that the application is forwarded to that person.
- (2) The chief executive or designated person must conduct the review within—
  - (a) 60 days; or
  - (b) a further extended period of no more than 30 days specified by the chief executive or designated person by notice in writing to the applicant.
- (3) The decision being reviewed remains valid unless and until altered by the chief executive or designated person.
- (4) The chief executive or designated person must, as soon as practicable after completing the review, notify the applicant in writing of—
  - (a) the decision on the review; and
  - (b) the reasons for the decision.
- (5) A decision by the chief executive or a designated person under this regulation is final, unless determined otherwise by a court of law of competent jurisdiction.

Regulation 6B: inserted, on 10 April 2025, by regulation 5 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35).

## **7 Certificates of recognition**

*[Revoked]*

Regulation 7: revoked, on 1 October 2001, by regulation 7 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

## **8 Obligations on licence holders**

- (1) The chief executive may require any holder of a fish receiver's licence to demonstrate that the source documents, accounting records, and systems being used by the holder meet the requirements of the Fisheries (Recordkeeping) Regulations 1990 (SR 1990/219).
- (2) Every holder of a fish receiver's licence must, during the currency of the licence, advise the chief executive of any conviction for an offence involving or relating to fish that is entered against any person involved in the management of a fish receiving operation.
- (3) The holder of a fish receiver's licence must comply with any conditions imposed on the licence.

Regulation 8(1): amended, on 1 October 2001, by regulation 8(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 8(2): substituted, on 1 October 2001, by regulation 8(2) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 8(3): inserted, on 10 April 2025, by regulation 6 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35).

## **9 Duration of licences**

Every fish receiver's licence continues to have effect until the licence is revoked by the chief executive or is surrendered.

Regulation 9: substituted, on 1 October 2001, by regulation 9 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

### **9A Suspension of licence in certain circumstances**

- (1) The chief executive may, after giving notice in writing of the chief executive's intention to do so, suspend a licensed fish receiver's licence if—
  - (a) the licensed fish receiver is liable to pay a fee set by an approved service delivery organisation under section 296Z of the Fisheries Act 1996; and
  - (b) the licensed fish receiver has failed to pay the fee in full within 2 months after the date on which payment of the fee became due.
- (2) Notice of the chief executive's intention to suspend the licensed fish receiver's licence under subclause (1) must state—
  - (a) the amount of the outstanding fee; and
  - (b) the date by which the outstanding fee must be paid; and

- (c) that the licensed fish receiver's licence may be suspended if the licensed fish receiver does not pay the fee within the time specified under paragraph (b) or in accordance with any conditions that may be set by the chief executive in relation to the payment of the fee.
- (3) If a licensed fish receiver holds more than 1 licence, a suspension may be imposed in relation to 1 or more of those licences.
- (4) A suspended licence has no effect during the period of the suspension.
- (5) The chief executive must, as soon as practicable,—
  - (a) lift the suspension if the outstanding fee is paid; and
  - (b) notify the licensed fish receiver in writing that the suspension has been lifted.

Regulation 9A: inserted, on 1 October 2001, by regulation 10 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

## **10 Revocation of licences**

- (1) The chief executive may revoke a fish receiver's licence if satisfied that, since the issue or latest renewal of the licence—
  - (a) the holder or any person involved in the management of a fish receiving operation has been convicted of any offence involving fish; or
  - (b) the circumstances of the fish receiving operations or the persons involved have so changed that if the holder were to apply for the licence that licence would not be granted; or
  - (c) the holder has contravened or failed to comply with any condition imposed on the licence under regulation 6(3); or
  - (d) the holder has failed to provide any report required by the Fisheries (Reporting) Regulations 2017.
- (2) In considering whether or not to revoke a licence under subclause (1)(a), the chief executive is to have regard to—
  - (a) whether the person convicted of the offence is involved in the management of the operations or is employed in some other capacity in or related to the operations; and
  - (b) the nature and extent of the offending, and its implications for the manner in which the operations are likely to be undertaken; and
  - (c) such other matters as the chief executive considers relevant.
- (3) In considering whether or not to revoke a licence under subclause (1)(b), the chief executive is to have regard to—
  - (a) the nature of the change, and whether or not (in the case of a change in the circumstances of persons involved in the operations) the changed circumstances relate to a person involved in the management of the oper-

ations or employed in some other capacity in or related to the operations;  
and

(b) such other relevant matters as the chief executive considers relevant.

Regulation 10 heading: amended, on 1 October 2001, by regulation 11(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(1): amended, on 1 October 2001, by regulation 11(2) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(1): amended, on 1 October 2001, by regulation 11(3) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(1)(a): amended, on 1 October 2001, by regulation 11(4) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(1)(b): amended, on 1 October 2001, by regulation 11(3) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(1)(c): amended, on 1 October 2001, by regulation 11(5) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(1)(d): replaced, on 1 October 2017, by regulation 51 of the Fisheries (Reporting) Regulations 2017 (LI 2017/154).

Regulation 10(2): amended, on 1 October 2001, by regulation 11(6) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 10(3): amended, on 1 October 2001, by regulation 11(6) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

## **11 Chief executive to give notice of intention to revoke or decline licence**

(1) If the chief executive proposes to revoke any fish receiver's licence, or to decline any application for a fish receiver's licence, the chief executive must—

(a) give the holder or applicant written notice of that intention, and the information on which it is based; and

(b) give the holder or applicant a reasonable opportunity to be heard in respect of the matter.

(2) If the chief executive revokes any licence, the chief executive must give notice of the revocation in a newspaper circulating in the area or areas where the holder of the licence carried out fish receiving operations, and in such other publications as the chief executive considers appropriate.

Regulation 11 heading: amended, on 1 October 2001, by regulation 12(1) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 11(1): amended, on 1 October 2001, by regulation 12(2) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 11(2): amended, on 1 October 2001, by regulation 12(3) of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

## **Part 2**

### **Inventory and audit**

*[Revoked]*

Part 2: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### *Annual inventory returns*

*[Revoked]*

Heading: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **12 Annual stocktake for purposes of making annual inventory return**

*[Revoked]*

Regulation 12: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **13 Licensed fish receivers to furnish annual inventory returns**

*[Revoked]*

Regulation 13: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **14 Chief executive may require further annual inventory return**

*[Revoked]*

Regulation 14: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### *Audits and audit reports*

*[Revoked]*

Heading: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **15 Licensed fish receivers to be audited and furnish annual audit reports**

*[Revoked]*

Regulation 15: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **16 Licensed fish receiver to appoint suitable person as auditor**

*[Revoked]*

Regulation 16: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

#### **17 Contents of audit report**

*[Revoked]*

Regulation 17: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

**18 Audit reports for multiple premises**

*[Revoked]*

Regulation 18: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

**19 Licensed fish receiver to sign off audit report**

*[Revoked]*

Regulation 19: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

**20 Licensed fish receiver to furnish rectification report where appropriate**

*[Revoked]*

Regulation 20: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

**21 Audit report, etc, to be furnished to chief executive within 21 days of receipt from auditor**

*[Revoked]*

Regulation 21: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

**22 Chief executive may waive requirements in certain cases**

*[Revoked]*

Regulation 22: revoked, on 1 October 2001, by regulation 13 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

**Part 3**

**Miscellaneous provisions**

**23 Offence and penalty**

- (1) Every person commits an offence who contravenes, or fails to comply with, regulation 3.
- (2) Every person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding \$100,000.

Regulation 23: substituted, on 1 October 2001, by regulation 14 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Regulation 23(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**23A Offence relating to failure to comply with conditions on fish receiver's licence**

- (1) A person commits an offence if they contravene, or fail to comply with, regulation 8(3).

- (2) A person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding \$20,000.

Regulation 23A: inserted, on 10 April 2025, by regulation 7 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35).

## 24 Revocations

The following regulations are revoked:

- (a) Fisheries (Licensed Fish Receivers) Regulations 1986 (SR 1986/190):
- (b) Fisheries (Licensed Fish Receivers) Regulations 1986, Amendment No 3 (SR 1990/215):
- (c) Fisheries (Licensed Fish Receivers) Regulations 1986, Amendment No 5 (SR 1994/180):
- (d) Fisheries (Licensed Fish Receivers) Amendment Regulations 1997 (SR 1997/193).

## Schedule Contents of audit report

*[Revoked]*

r 17

Schedule: revoked, on 1 October 2001, by regulation 15 of the Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256).

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 6 November 1997.

## Notes

### **1** *General*

This is a consolidation of the Fisheries (Licensed Fish Receivers) Regulations 1997 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Fisheries (Licensed Fish Receivers) Amendment Regulations 2025 (SL 2025/35)

Fisheries Amendment Regulations 2023 (SL 2023/243): Part 9

Fisheries Amendment Act 2022 (2022 No 56): section 25

Fisheries (Reporting) Regulations 2017 (LI 2017/154): regulation 51

Food Act 2014 (2014 No 32): section 447

Criminal Procedure Act 2011 (2011 No 81): section 413

Fisheries (Licensed Fish Receivers) Amendment Regulations 2001 (SR 2001/256)