Fisheries (Schedules 2, 5A, and 6) Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 10th day of June 2002

Present:
Her Excellency the Governor-General in Council

Pursuant to sections 13(9), 67B, and 72(7) of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

Order

1   Title
This order is the Fisheries (Schedules 2, 5A, and 6) Order 2002.

2   Commencement
(1)   This order, except for clause 4, comes into force on 11 July 2002.

(2)   Clause 4 comes into force on 1 April 2003.

3   Coromandel and Northland scallops added to Schedule 2 of Fisheries Act 1996
(1)   Schedule 2 of the Fisheries Act 1996 is amended by inserting, at the beginning of the Schedule, the following item:

Coromandel scallops (*Pecten novaezelandiae*)	SCACS quota management area

(2)   Schedule 2 of the Fisheries Act 1996 is amended by inserting, after the item relating to freshwater eel, the following item:

(Northland scallops *Pecten novaezelandiae*)	SCA1 quota management area

4   Coromandel scallops added to Schedule 5A of Fisheries Act 1996
Schedule 5A of the Fisheries Act 1996 is amended by adding the item "SCACS".

5   Schedule 6 of Fisheries Act 1996 amended in relation to scallops and dredge oysters
Schedule 6 of the Fisheries Act 1996 is amended—
(a)   by repealing the item relating to southern scallops, and substituting the items relating to southern scallops and Coromandel scallops set out in the Schedule of this order:

(b)   by repealing the item relating to dredge oysters, and substituting the item relating to dredge oysters set out in the Schedule of this order.

Schedule   cl 15
Amendments to Schedule 6 of Fisheries Act 1996

Southern scallops (*Pecten novaezelandiae*)	Southern scallop fishery	A commercial fisher may return a southern scallop of legal size to the waters from which it was taken if the scallop is likely to survive on return.
Coromandel scallops (*Pecten novaezelandiae*)	Coromandel scallop fishery	A commercial fisher must immediately return a Coromandel scallop to the waters from which it was taken if the scallop is taken— (a) during any closed season in the Coromandel scallop fishery; or (b) in any area in which the taking of Coromandel scallops is, at that time, prohibited.
Dredge oysters (*Tiostrea chilensis lutaria*)	Nelson-Marlborough dredge oyster fishery	A commercial fisher may return a Nelson-Marlborough dredge oyster of legal size to

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the waters from which
it was taken if the oys-
ter is likely to survive
on return.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which except for *clause 4* comes into force on 11 July 2002,—

*   adds Coromandel scallops and Northland scallops to Schedule 2 of the Fisheries Act 1996, which lists stocks whose abundance is highly variable:

*   adds Coromandel scallops to Schedule 5A of the Act, which lists stocks to which sections 67A and 340A of the Act do not apply, with effect from 1 April 2003 (sections 67A and 340A allow allocation of additional annual catch entitlement where underfishing occurs):

*   adds Coromandel scallops to Schedule 6 of the Act, as a stock that may be returned to the sea in accordance with stated requirements, and amends the existing requirements for scallops and dredge oysters.