

Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2006

Preamble

At Wellington this 28th day of August 2006

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

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1 Title
These regulations are the Fisheries (Commercial Fishing) Amendment Regulations (No 2) 2006.

2 Commencement
These regulations come into force on 1 October 2006.

3 Principal regulations amended

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

4 Interpretation

Regulation 3 is amended by inserting the following definition in its appropriate alphabetical order:

“**deepwater clam** means a shellfish of the species *Panopea zealandica*”.

5 Restrictions relating to underwater breathing apparatus

Regulation 76 is amended by omitting “regulation 77” and substituting “regulations 76A and 77”.

6 New regulation 76A inserted

The following regulation is inserted after regulation 76:

“76A Underwater breathing apparatus allowed when harvesting deepwater clam

“(1) If a commercial fisher is carrying and operating an automatic location communicator on board a New Zealand fishing vessel that is being used for fishing for deepwater clam, the commercial fisher may—

“(a) use or have underwater breathing apparatus when taking deepwater clam:

“(b) have underwater breathing apparatus while in possession of deepwater clam:

“(c) have underwater breathing apparatus on board the vessel for the purpose of taking deepwater clam.

“(2) Nothing in subclause (1) allows a commercial fisher—

“(a) to use or have underwater breathing apparatus when taking fish, aquatic life, or seaweed other than deepwater clam; or

“(b) to have underwater breathing apparatus on board a vessel from which is taken fish, aquatic life, or seaweed other than deepwater clam.”

Diane Morcom,
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 2006, amend the Fisheries (Commercial Fishing) Regulations 2001 to insert a new regulation 76A.

The *new regulation 76A* provides that if a commercial fisher is carrying and operating an automatic location communicator on board a New Zealand fishing vessel that is being used for fishing for deep-water clam (and not for other species), the commercial fisher may

- use or have underwater breathing apparatus when taking deep-water clam:
- have underwater breathing apparatus while in possession of deepwater clam:
- have underwater breathing apparatus on board the vessel for the purpose of taking deepwater clam.

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