

Fisheries (Schedules 2 and 6) Order 2005

Pursuant to sections 13(9) 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

		Page
1	Title	1
2	Commencement	1
3	Schedule 2 of Fisheries Act 1996 amended	1
4	Schedule 6 of Fisheries Act 1996 amended	2

Order

- 1 Title**
This order is the Fisheries (Schedules 2 and 6) Order 2005.

- 2 Commencement**
This order comes into force on the 28th day after the date of its notification in the *Gazette*.

- 3 Schedule 2 of Fisheries Act 1996 amended**
 - (1) Schedule 2 of the Fisheries Act 1996 is amended by omitting the items relating to Chatham Island scallops, Coromandel scallops, and Northland scallops.
 - (2) Schedule 2 of the Fisheries Act 1996 is amended by adding the following item:

Scallop (<i>Pecten novaezelandiae</i>)	All quota management areas other than SCA7
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4 Schedule 6 of Fisheries Act 1996 amended

- (1) The item relating to cockle in Schedule 6 of the Fisheries Act 1996 is amended—

- (a) by omitting from the first column the words “*Chione (Austrovenus) stutchburyi*”, and substituting the words “(*Austrovenus stutchburyi*)”;
- (b) by omitting all the words from the second column, and substituting the words “All New Zealand fisheries waters except the Otago cockle fishery (COC3) and fisheries management area 10”.

- (2) Schedule 6 of the Fisheries Act 1996 is amended by omitting the item relating to dredge oysters, and substituting the following item:

Dredge oyster (<i>Ostrea chilensis</i>)	All New Zealand fisheries waters except quota management area OYU5 and fisheries management area 10	A commercial fisher may return a dredge oyster of legal size to the waters from which it was taken if the oyster is likely to survive on return.
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- (3) Schedule 6 of the Fisheries Act 1996 is amended by inserting, after the item relating to green-lipped mussel, the following item:

Kingfish (<i>Seriola lalandi</i>)	All New Zealand fisheries waters	A commercial fisher may return a kingfish of legal size to the waters from which it was taken if that fish— (a) is not taken by the method of set netting; and
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(b) is likely to survive; and

(c) is returned to the same waters from which it was taken; and

(d) is returned as soon as practicable; and

(e) is recorded and reported on catch effort landing returns using an appropriate code.

- (4) The item relating to pipi in Schedule 6 of the Fisheries Act 1996 is amended by omitting all the words in the second column, and substituting the words “All New Zealand fisheries waters except fisheries management area 10”.
- (5) The item relating to queen scallop in Schedule 6 of the Fisheries Act 1996 is amended by omitting from the first column the words “(*Chlamys delicatula*)”, and substituting the words “(*Zygochlamys delicatula*)”.
- (6) Schedule 6 of the Fisheries Act 1996 is amended by inserting, after the item relating to rough skate, the following item:

Scallop (<i>Pecten novaezelandiae</i>)	SCA1A, SCA2A, SCA3, SCA5, SCA7A, SCA7B, SCA7C, SCA8A, SCA9A	A commercial fisher may return a scallop of legal size to the waters from which it was taken if the scallop is likely to survive on return.
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Diane Morcom,
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 comes into force on the 28th day after the date of its notification in the *Gazette*,—

- adds certain scallop stocks to Schedule 2 of the Fisheries Act 1996 (which lists stocks whose abundance is highly variable, and whose total allowable catch may be increased during a fishing year):
- amends Schedule 6 of the Fisheries Act 1996 (which allows certain species to be returned to the water, subject to relevant requirements) to include in that schedule all pipi and cockle stocks (other than PPI10, COC3, and COC10), all kingfish stocks, and certain scallop and oyster stocks. Some of the scientific names of stocks have also been updated.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 8 December 2005.

This order is administered by the Ministry of Fisheries.
