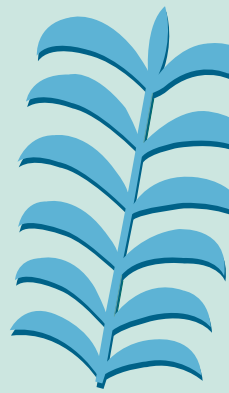

NIUE

DOMESTIC
FISHING

REGULATIONS

1996



DOMESTIC FISHING REGULATIONS 1996

Approved by Cabinet, at the Cabinet
Chambers, Fale Fono, Alofi,
this 5th day of March 1996

**Pursuant to the Domestic Fishing Act 1995,
the Ministers of Cabinet make
the following regulations:**



1. Title and commencement
2. Interpretation
3. Prohibited fish exports
4. Fish size limit
5. Fish quota limits
6. Destructive organisms
7. Protected fish species
8. Vessel safety equipment
9. Annual licence fee for vessels
10. Vessels fishing inside Niue's Territorial Sea Zone
11. Vessels fishing outside Niue's Territorial Sea Zone
12. Measurement of crustaceans' size limits

Produced by
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Forestry and Fisheries of Niue



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1. Title and commencement

(1) These regulations may be cited as the Domestic Fishing Regulations 1996.

(2) These regulations except Section 8 (2), (3), (4) shall be deemed to have come into force on the 5th day of March 1996.

(3) Section 8 (2) (3) (4) shall come into force on the 1st August 1996.

2. Interpretation

(1) In these regulations unless the context otherwise requires the words and expressions used shall have the respective meanings as in the Principal Act.

“prohibited fish exports” and “protected fish species” when referring to a species, include a live species, or a dead species, cooked in part or whole, its bones, meat, teeth or skin;

“the Act” means the Domestic Fishing Act 1995;

“Vessel” means any boat, or sea craft, or ship whether propelled by oars or motorised, but does not include:

- (a) a canoe;
- (b) a yacht not registered in Niue;
- (c) a yacht's tender not used for hire or reward;
- (d) a commercial cargo vessel having a gross tonnage in excess of five tonnes; or
- (e) a barge.

(2) Subject to the foregoing provisions of this regulation, the expressions defined in the Domestic Fishing Act 1995 have the meaning so defined.

3. Prohibited fish exports

(1) No person shall export or facilitate the export from Niue of any of the following species of fish, at any time, without written approval of Cabinet:

- (a) Turtle (all species);
- (b) Sea snake (all species);
- (c) Whale (all species)
- (d) Porpoise (all species);
- (e) Dolphin (all species);
- (f) Live tropical fish (all species);
- (g) Egg-carrying or soft-shell crustaceans (all species);
- (h) Sea cucumber (all species);
- (i) Live sea shells (all species);
- (j) Crayfish (all species) and;
- (k) Rays (all species).

(2) No person shall export or facilitate the export from Niue of the Uga (*Birgus latro*) in any form during the period from 1st October to 1st March each year, without the written approval of Cabinet.

4. Fish size limits

(1) No person shall interfere with, take or kill any fish species that is deemed under size.

(2) The following fish species are deemed under size; where to measure is shown under Section 12:

- (a) Uga with a thoracic length less than 36 mm;
- (b) Crayfish with a tail length of less than 130 mm;
- (c) Clams under 180 mm in length;
- (d) Tapatapa under 80 mm in length.

5. Fish quota limits

(1) No person in a vessel may take or be in possession of more than:

- (a) ten (10) clams per day per person
- (b) ten (10) crayfish per day per person

(2) Unless the person has obtained a Quota Licence from the Director approved by Cabinet.

6. Destructive organisms

The following fish species are deemed to be destructive organisms which cause harm to Niue's reefs and can be removed from the reef and destroyed:

- (a) Crown of thorns star fish (*Acanthaster planci*);
- (b) Japanese star fish; and
- (d) Long spined coral boring sea urchin (*Echinoidea, Diadema* sp.).

7. Protected fish species

No person shall interfere with, take, kill or bring ashore any of the following fish species at any time without written approval of Cabinet:

- (a) Niuean banded sea snake;
- (b) Large spotted green/brown moray eel;
- (c) Whales (all species);
- (d) Porpoise (all species);
- (e) Dolphin (all species);
- (f) Turtle (all species);
- (g) Live coral (all species);
- (h) Egg-carrying crustaceans (all species);

- (i) Soft-shell-stage crustaceans (all species);
- (j) Giant wrasse; and
- (k) Rays (all species).

If caught they must be released unharmed.

8. Vessel safety equipment

(1) No person shall put to sea in a vessel unless it has the following equipment on board and in good working condition:

- (a) a pair of paddles; or oars and rowlocks, if used in a rowing vessel;
- (b) a suitable bailer;
- (c) a good-fitting drain plug;
- (d) a working torch; and a 12-hour cyalume safety-light, or a set of in-date flares;
- (e) a suitable light-reflecting object;
- (f) one standard life preservation jacket or an accepted flotation jacket for every person on board the vessel;
- (g) in the case of a vessel powered by a combustion engine, a minimum "tool kit" containing the following:
 - (i) plug spanner;
 - (ii) suitable screwdriver—Phillip or blade type;
 - (iii) pliers and adjustable spanner;
 - (iv) spare starter rope; and
 - (v) a clean set of spark plugs; and
- (h) an anchor with a suitable rope or nylon line.

(2) No person shall put to sea in any vessel less than 4.8 metres (16 foot) in length unless that vessel complies with:

- (a) all the requirements specified in Regulation 8(1);
- (3) No person shall put to sea in any vessel 4.8 metres (16 foot) and above in length, unless that vessel complies with:
- (a) all the requirements specified in Regulation 8(1); and has
 - (b) a licensed two-way communication radio, in good working order;
 - (c) a spare outboard motor in good working order and be able to be fitted so that it can operate effectively.
- (4) No person shall put to sea in any vessel carrying visitors, tourists, or other persons for hire or reward unless that vessel complies with:
- (a) all the requirements specified in Regulation 8(1); and has
 - (b) a licensed two way communication radio, in good working order,
 - (c) a spare outboard motor in good working order and be able to be fitted so that it can operate effectively.

9. Annual licence fee for vessels

- (1) The annual fees shall be as follows:
- (a) for a vessel with a tare weight under 750 kilograms, \$5.00;
 - (b) for any vessel that carries persons for hire or reward, \$50.00;
 - (c) for a vessel with a tare weight over 750 kilograms, \$100.00.

10. Vessels fishing inside Niue's Territorial Sea Zone

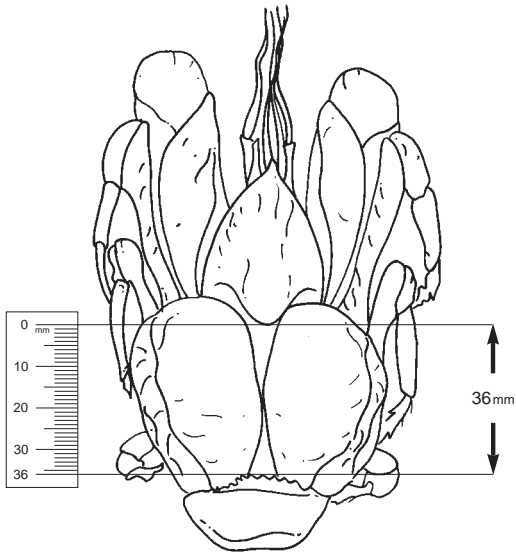
- (1) All fishing vessels operating within Niue's Territorial Sea Zone must comply with the requirements of the Domestic Fishing Act 1995 and these regulations.
- (2) Cabinet may include additional vessel requirements, such as safety requirements, verification of registration, certification of the vessel, qualification of the skipper, and the proven ability of the communications officer to communicate in English to report their position and fishing catch data and use effectively the communications radio.
- (3) Cabinet may impose additional fishing quotas and size limits as it sees fit.

11. Vessels fishing outside Niue's Territorial Sea Zone

- (1) All fishing vessels operating outside Niue's Territorial Sea Zone must comply with the requirements of the Territorial Sea and Exclusive Economic Zone Act 1996 and its regulations.
- (2) Cabinet may include additional vessel requirements, such as safety requirements, verification of registration, certification of the vessel, qualifications of the skipper, and the proven ability of the communications officer to communicate in English to report their position and fishing catch data and use effectively the communications radio.

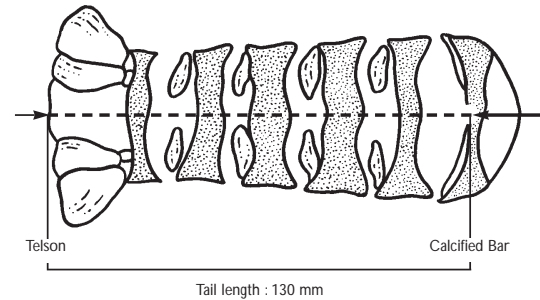
12. Measurement of crustaceans & size limits

RECOMMENDED SMALLEST HUNTING SIZE



This is the smallest-size uga that should be hunted. Crabs smaller than this represent the breeding stock of the uga population and should not be taken.

REFERENCE POINTS FOR MEASURING ROCK LOBSTER TAILS



Note: Lobster tails are measured from the posterior side of the calcified bar on the underside of the first segment to the tip of the telson of the tail fan measured in a middle straight line. The points of measurement are as illustrated.