

Domestic Fishing Regulations 1996

NIUE LAWS LEGISLATION AS AT DECEMBER 2006

DOMESTIC FISHING REGULATIONS 1996

1996/1 – 5 March 1996

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1 Title

These are the Domestic Fishing Regulations 1996.

2 Interpretation

(1) In these Regulations –

"Act" means the [Domestic Fishing Act 1995](#);

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

"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; or
- (d) A commercial cargo vessel having a gross tonnage, in excess of five tonne;
- (e) A barge.

(2) Subject to paragraph (1), the expressions defined in the Act 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 1 October to 1 March each year, without the written approval of Cabinet.

4 Fish size limit

(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 36mm;
- (b) Crayfish with a tail length of less than 130mm;
- (c) Clams under 180mm in length;
- (d) Tapatapa under 80mm 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 lanci*);
- (b) Japanese star fish; and
- (c) Long Spined coral boring sea Urchin (*Echinoidea Diadema* sp.)

7 Protected fish species

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

(2) 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 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 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) No person shall put to sea in any vessel unless the vessel has a current licence and annual fees in respect of that licence have been paid for that licence year.

(2) The annual fee 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 territorial sea

(1) All fishing vessels operating within Niue territorial sea must comply with the requirements of the Act and these Regulations.

(2)

- (a) Cabinet may include additional vessel requirements such as, safety requirements, verification of registration, certification of the vessel, and qualification of the skipper.
- (b) The proven ability of the communications officer to communicate in English as 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 territorial sea

(1) All fishing vessels operating outside Niue's territorial sea must comply with the requirements of the [Territorial Sea and Exclusive Economic Zone Act 1996](#) and its Regulations.

(2)

(a) Cabinet may include additional vessel requirements such as, safety requirements, verification of registration, certification of the vessel, and qualifications of the skipper.

(b) The proven ability of the communications officer to communicate in English as to report their position and fishing catch data and use effectively the communications radio.

12 Measurement of crustaceans size limits

13 Years Old

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.

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 below –

REFERENCE POINTS FOR MEASURING ROCK LOBSTER TAILS

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