

## **Fisheries Act 1996**

### *Part 6 Access to fishery*

#### **97 Special permits**

- (1) The chief executive may, on application made to the chief executive in the approved form, issue to any person named in the application a special permit—
  - (a) For the purposes of—
    - (i) Education; or
    - (ii) Investigative research; or
    - (iii) Management or eradication of unwanted aquatic life; or
    - (iv) The carrying out of trials and experiments with fishing vessels or fishing gear or any other apparatus or technique which is capable of being used in connection with the taking of fish, aquatic life, or seaweed:
  - (b) For the purposes of sport or recreation in the case of any disabled person within the meaning of the Disabled Persons Employment Promotion Act 1960 who, in the opinion of the chief executive, would otherwise be unable, because of the person's disability, to fish by the methods permitted by this Act:
  - (c) For any other purpose approved by the Minister after consultation with such persons and organisations as he or she considers are representative of those classes of persons having an interest in the granting of a special permit for such a purpose, including Maori, environmental, commercial, and recreational interests.
- (2) If the issuing of any special permit will have a significant effect on fisheries resources or any fishing interest in the stocks affected that are provided for or authorised by or under this Act, the chief executive shall, before issuing such a permit, consult with such persons and organisations as the chief executive considers are representative of those classes of persons having interests that would be affected if the special permit were issued.
- (3) In considering any application for a special permit, other than for the purpose of the management or eradication of any unwanted aquatic life, the chief executive shall take into account the purpose of this Act and the environmental and information principles.
- (4) Notwithstanding anything in any other section of this Act, the chief executive may authorise the holder of a special permit to take and dispose of fish, aquatic life, or seaweed subject to such terms and conditions as the chief executive may set out in the permit.
- (5) The chief executive may at any time, by notice in writing to the special permit holder, amend, add, or revoke any term or condition of a special permit issued under this section, which term or condition shall take effect from a date specified in the notice.

- (6) It shall be deemed to be a term of every special permit that no fish, aquatic life, or seaweed taken under the authority of the permit shall be disposed of except in the manner specified in the special permit.
- (7) Notwithstanding anything in section 192 of this Act, it is lawful for any person to buy, or otherwise acquire, or be in possession of, any fish, aquatic life, or seaweed disposed of to that person by the holder of any special permit in the manner specified in that permit.
- (8) The chief executive may at any time revoke any special permit by notice in writing to the holder, which revocation shall take effect from a date specified in the notice.
- (9) The chief executive shall not issue a special permit in respect of any seabirds or protected species.
- (10) [Repealed]
- (11) Every person commits an offence and is liable to the penalty set out in section 252(5) of this Act who contravenes any term or condition placed on any special permit by or under this section.

Compare: 1983 No 14 s 64; 1986 No 34 s 13(1)

Subsection (10) was repealed, as from 9 September 1999, by section 86 Fisheries Act 1996 Amendment Act 1999 (1999 No 101).