

**Reprint
as at 1 July 2013**



**Fisheries (Challenger Area
Amateur Fishing) Regulations 1986**
(SR 1986/224)

Paul Reeves, Governor-General

Order in Council

At Wellington this 2nd day of September 1986

Present:

The Right Hon G W R Palmer presiding in Council

Pursuant to section 89 of the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Fisheries (Challenger Area Amateur Fishing) Regulations 1986.
- (2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2 Application

These regulations apply in respect of all persons taking or possessing any fish to which these regulations relate, other than

commercial fishers taking or possessing fish under a permit, licence, quota, or other authorisation issued or granted under the Act or any regulations made under the Act.

Regulation 2: substituted, on 15 July 1999, by regulation 2 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/181).

2A Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Fisheries Act 1983 or the Fisheries Act 1996

blue cod means a fish of the species *Parapercis colias*

blue moki means a fish of the species *Latridopsis ciliaris*

butterfish means a fish of the species *Odax pullus* or *Odax cyanoallix*

Challenger (East) area—

- (a) means all that area of New Zealand fisheries waters enclosed by a line that—
- (i) commences at Farewell Spit Lighthouse (at 40°32.70'S and 173°00.50'E); and
 - (ii) then proceeds north along this line of longitude to a point on the boundary of fishery management area 7 (at 39°38.00'S and 173°00.50'E); and
 - (iii) then proceeds in a generally south-easterly direction directly to a point at 40°32.00'S and 174°20.00'E; and
 - (iv) then proceeds in a generally southerly direction to the Brothers Island Lighthouse (at 41°06.20'S and 174°26.50'E); and
 - (v) then proceeds in a generally southerly direction directly to a point (at 42°10.00'S and 174°42.00'E); and
 - (vi) then proceeds west along the 42°10.00'S line of latitude to the mean high-water mark of the South Island near Clarence Point (at 42°10.00'S and 173°56.00'E); and
 - (vii) then proceeds along the mean high-water mark of the South Island in generally northerly, westerly, and south-westerly directions to the point of commencement; but

- (b) does not include the Marlborough Sounds area

Challenger fisheries management area means all that area of New Zealand fisheries waters enclosed by a line that—

- (a) commences on the mean high-water mark of the west coast of the South Island at the westernmost point of Awarua Point (at 44°15.60'S and 168°03.10'E); and
- (b) then proceeds west along this line of latitude to the exclusive economic zone boundary (longitude 162°12.90'E); and
- (c) then proceeds in a generally north-easterly direction along the exclusive economic zone boundary to the easternmost point of the exclusive economic zone boundary nearest 37°35.60'S and 170°05.70'E; and
- (d) then proceeds in a generally south-easterly direction directly to a point at 40°32.00'S and 174°20.00'E; and
- (e) then proceeds in a generally southerly direction directly to the Brothers Island Lighthouse (at 41°06.20'S and 174°26.50'E); and
- (f) then proceeds in a generally southerly direction directly to a point (at 42°10.00'S and 174°42.00'E); and
- (g) then proceeds west along the 42°10.00'S line of latitude to the mean high-water mark of the South Island near Clarence Point (longitude 173°56.50'E); and
- (h) then proceeds along the mean high-water mark of the South Island in a generally northerly, westerly, and south-westerly direction to the point of commencement

dredge oyster means a mollusc known as *Tiostrea chilensis* (formerly known as *Ostrea lutaria*)

elephant fish means a fish of the species *Callorhynchus milii*

flatfish means a fish of the species—

- (a) sand flounder (“dab”, “white”, or “square” flounder) (*Rhombosolea plebeia*); or
- (b) lemon sole (*Pelotretis flavilatus*); or
- (c) New Zealand sole (*Peltorhampus novaezeelandiae*); or
- (d) flounder (“yellow belly”) (*Rhombosolea leporina*); or
- (e) black flounder (*Rhombosolea retiaria*); or
- (f) greenblack flounder (*Rhombosolea tapirina*); or
- (g) brill (*Colistium guntheri*); or
- (h) turbot (*Colistium nudipinnis*)

grey mullet means a fish of the species *Mugil cephalus*

hapuku/bass means a fish of the species *Polyprion oxygeneios*
or *Polyprion moene*

John dory means a fish of the species *Zeus faber*

kahawai means a fish of the species *Arripis trutta*

kingfish means a fish of the species *Seriola lalandi*

Marlborough Sounds area means all that area of New Zealand fisheries waters enclosed by a line that—

- (a) commences at West Head of Tory Channel on the north coast of the South Island (at 41°12.79'S and 174°18.92'E); and
- (b) then proceeds in a straight line to East Head of Tory Channel (at 41°12.60'S and 174°19.40'E); and
- (c) then proceeds in a generally northerly direction along the mean high-water mark to Cape Koamaru (at 41°05.50'S and 174°23.00'E); and
- (d) then proceeds in a straight line to Cape Jackson (at 40°59.70'S and 174°18.80'E); and
- (e) then proceeds in a straight line to the northernmost point of Stephens Island (at 40°39.90'S and 174°00.00'E); and
- (f) then proceeds in a south-westerly direction along the mean high-water mark to the southernmost point of Stephens Island (at 40°40.60'S and 173°59.40'E); and
- (g) then proceeds in a straight line to Cape Stephens (at 40°41.57'S and 173°57.21'E); and
- (h) then proceeds in a generally southerly direction along the mean high-water mark along the eastern side of D'Urville Island to Reef Point at French Pass (at 40°55.17'S and 173°50.01'E); and
- (i) then proceeds in a straight line to Channel Point Light-house (at 40°55.50'S and 173°50.10'E); and
- (j) then proceeds along the mean high-water mark of the South Island in a generally easterly direction to the point of commencement

Pacific oyster means the mollusc *Crassostrea gigas*

red cod means a fish of the species *Pseudophycis bacchus*

red gurnard means a fish of the species *Chelidonichthys kumu*

red moki means a fish of the species *Cheilodactylus spectabilis*

rig means a fish of the species *Mustelus lenticulatus*

school shark means a fish of the species *Galeorhinus australis*

set net includes a gill net or any other sort of net that acts by enmeshing, entrapping, or entangling any fish

snapper means a fish of the species *Chrysophrys auratus*

tarakihi means a fish of the species *Nemadactylus macropterus*

trevally means a fish of the species *Caranx georgianus*.

Regulation 2A: inserted, on 30 September 1993, by regulation 2(1) of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1993/287).

Regulation 2A **Act**: inserted, on 15 July 1999, by regulation 3 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/181).

Regulation 2A **Challenger (East) area**: substituted, on 1 October 2008, by regulation 4(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 2A **Challenger (East) area** paragraph (a)(ii): amended, on 20 November 2008, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 2A **Challenger fisheries management area**: substituted, on 1 October 2008, by regulation 4(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 2A **dredge oyster**: inserted, on 30 November 1995, by regulation 2 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1995/235).

Regulation 2A **Marlborough Sounds area**: substituted, on 1 October 2008, by regulation 4(3) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 2A **Pacific oyster**: inserted, on 1 October 1994, by regulation 2 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1994/182).

2B Maximum daily number of fish

(1) Subclause (2) applies to fish of the following species:

Blue cod	Kahawai
Blue moki	Red cod
Bluenose	Red gurnard
Butterfish	Red moki

Elephant fish	Rig
Flatfish	School shark
Grey mullet	Tarakihi
John dory	Trevally.

- (2) No person may, on any day,—
- (a) take from within the Challenger fishery management area more than 20 fish to which this subclause applies; or
 - (b) possess more than 20 such fish in that area; or
 - (c) possess more than 20 such fish taken from within that area.
- (3) No person may, on any day,—
- (a) take from within the Marlborough Sounds area more than 2 blue cod; or
 - (b) possess more than 2 blue cod in that area; or
 - (c) possess more than 2 blue cod taken from within that area.
- (3A) No person may, on any day,—
- (a) take from within the Challenger (East) area more than 3 blue cod; or
 - (b) possess more than 3 blue cod in that area; or
 - (c) possess more than 3 blue cod taken from within that area.
- (3B) No person may, on any day,—
- (a) take from within the Challenger fishery management area more than 5 bluenose; or
 - (b) possess more than 5 bluenose in that area; or
 - (c) possess more than 5 bluenose taken from within that area.
- (4) No person may, on any day,—
- (a) take from within the Challenger fishery management area more than 10 snapper; or
 - (b) possess more than 10 snapper in that area; or
 - (c) possess more than 10 snapper taken from within that area.
- (5) No person may, on any day,—
- (a) take from within the Marlborough Sounds area more than 3 snapper; or

- (b) possess more than 3 snapper in that area; or
 - (c) possess more than 3 snapper taken from within that area.
- (6) No person may, on any day,—
- (a) take from within the Challenger fishery management area a total quantity of hapuku/bass and kingfish exceeding 5; or
 - (b) possess a total quantity of hapuku/bass and kingfish exceeding 5 in that area; or
 - (c) possess a total quantity of hapuku/bass and kingfish exceeding 5 taken from within that area.
- (7) No person may, on any day,—
- (a) take from within the Challenger fishery management area more than 3 kingfish; or
 - (b) possess more than 3 kingfish in that area; or
 - (c) possess more than 3 kingfish taken from within that area.
- (8) A person contravenes this subclause if the person, on any day, takes or possesses more than the daily limit of fish (as specified in this regulation), but not more than 3 times the daily limit.
- (9) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the daily limit of fish (as specified in this regulation).
- (10) However, subclauses (8) and (9) do not apply to the daily limit of fish under subclause (3).

Regulation 2B: substituted, on 15 July 1999, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 1999 (SR 1999/181).

Regulation 2B(3): substituted, on 1 April 2011, by regulation 4(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

Regulation 2B(3A): substituted, on 1 April 2011, by regulation 4(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

Regulation 2B(3B): inserted, on 1 May 2012, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2012 (SR 2012/48).

Regulation 2B(8): added, on 1 October 2001, by regulation 3 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/267).

Regulation 2B(9): added, on 1 October 2001, by regulation 3 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/267).

Regulation 2B(10): added, on 1 April 2011, by regulation 4(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

2C Minimum and maximum size for blue cod in Marlborough Sounds area

- (1) No person may—
 - (a) take from or possess in the Marlborough Sounds area any blue cod that is less than 30 cm, or more than 35 cm, in length; or
 - (b) possess any blue cod taken from the Marlborough Sounds area that is less than 30 cm, or more than 35 cm, in length.
- (2) This regulation prevails over regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986.

Regulation 2C: substituted, on 1 April 2011, by regulation 5 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

2D Minimum size for blue cod in Challenger (East) area

Despite regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, no person may take from or possess in the Challenger (East) area any blue cod that is less than 30 cm in length.

Regulation 2D: inserted, on 1 October 2003, by regulation 5 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2003 (SR 2003/228).

2E Blue cod must be possessed in whole or gutted state in certain areas

- (1) A person must not possess any blue cod in the Marlborough Sounds area or the Challenger (East) area unless it is in a whole or gutted state.
- (2) However, a person may possess blue cod in another state if it is to be immediately eaten on the fishing vessel from which it was taken.

Regulation 2E: substituted, on 1 April 2011, by regulation 6 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

2F Closed season for blue cod in Marlborough Sounds area

- (1) A person must not—
- (a) take any blue cod from within the Marlborough Sounds area during the closed season; or
 - (b) possess any blue cod in that area during the closed season; or
 - (c) possess any blue cod that was taken from within that area during the closed season.
- (2) In this regulation, **closed season** means the period starting on 1 September of any year and ending on 19 December of that year.

Regulation 2F: inserted, on 1 April 2011, by regulation 7 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

3 Maximum daily blue cod limit in Marlborough Sounds area

[Revoked]

Regulation 3: revoked, on 30 September 1993, by regulation 2(2) of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1993/287).

3A Scallops

- (1) Notwithstanding regulation 19 of the Fisheries (Amateur Fishing) Regulations 1986 (SR 1986/221) or any other regulations made pursuant to the Fisheries Act 1983 or the Fisheries Act 1996 relating to maximum daily catches, any person may take on any 1 day up to 50 scallops (*Pecten novaezelandiae*) from the Challenger fisheries management area.
- (1A) A person contravenes this subclause if the person, on any day, takes or possesses more than the number of scallops permitted under subclause (1), but not more than 3 times that number.
- (1B) A person contravenes this subclause if the person, on any day, takes or possesses more than 3 times the number of scallops permitted under subclause (1).
- (2) No person shall—
- (a) take from the Challenger fisheries management area any scallop whose shell, whether entire, chipped, or broken, is less than 90 mm in length; or

- (b) be in possession of any scallop taken from the Challenger fisheries management area whose shell, whether entire, chipped, or broken, is less than 90 mm in length.
- (3) For the purposes of subclause (1), the length of the shell of a scallop is its greatest diameter.

Regulation 3A: substituted, on 30 November 1995, by regulation 3 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1995/235).

Regulation 3A(1): amended, on 1 October 2001, by regulation 4(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/267).

Regulation 3A(1A): inserted, on 1 October 2001, by regulation 4(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/267).

Regulation 3A(1B): inserted, on 1 October 2001, by regulation 4(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/267).

3B Minimum set net mesh size

Notwithstanding regulation 6 of the Fisheries (Amateur Fishing) Regulations 1986, the mesh size of any set net used or possessed by any person in the Challenger fishery management area shall not be less than the appropriate size specified in the following table:

Species of fish	Minimum set net mesh size (mm)
Blue moki	114
Blunose	160
Butterfish	100
Grey mullet	100
Hapuku/bass	160
Kahawai	100
Red moki	114
School shark	150

Regulation 3B: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1993/287).

Regulation 3B table: amended, on 1 October 2009, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/242).

3C Minimum size for sand flounder in Challenger fisheries management area

Despite regulation 6(2) of the Fisheries (Amateur Fishing) Regulations 1986, a person must not take or possess in the Challenger fisheries management area a sand flounder that is less than 25 cm in length.

Regulation 3C: inserted, on 1 October 2009, by regulation 5 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/242).

4 Double Cove finfishing restrictions

No person shall take any finfish from Double Cove, being those waters of Queen Charlotte Sound inside a line from Nohokouau Point (at 41°14.36'S and 174°00.53'E) to the southernmost point of the peninsula (at 41°14.43'S and 174°01.47'E) lying between Double Cove and Torea Bay.

Regulation 4: amended, on 1 October 2008, by regulation 6(a) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4: amended, on 1 October 2008, by regulation 6(b) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

4AA Restriction on taking finfish in Maud Island closed area

- (1) A person must not take any finfish from within the Maud Island closed area.
- (2) In this regulation, **Maud Island closed area** means the area of New Zealand fisheries waters inside a line that—
 - (a) starts at 41°01.21'S and 173°51.75'E; and
 - (b) then proceeds in a generally southerly direction directly to a point at 41°02.21'S and 173°52.08'E; and
 - (c) then proceeds in a generally easterly direction directly to a point at 41°02.75'S and 173°54.75'E; and
 - (d) then proceeds in a generally north-easterly direction directly to a point at 41°01.70'S and 173°55.34'E; and
 - (e) then proceeds in a generally north-westerly direction directly to a point at 40°59.92'S and 173°54.14'E; and
 - (f) then proceeds along the mean high-water mark in a generally westerly direction to the starting point.

Regulation 4AA: inserted, on 1 April 2011, by regulation 8 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

4A Set net prohibition

- (1) Except as provided for in subclause (2), no person shall use or possess a set net having a mesh size of or greater than 100 mm in the following waters:
 - (a) *Pelorus Sound*: the waters inside a line running from Cregoe Point (at 41°03.20'S and 173°49.90'E) to Camel Point (at 41°01.91'S and 173°48.60'E) to Sheep Point (at 41°01.07'S and 173°48.84'E) and inside a line running from Tawero Point (at 41°03.80'S and 173°57.00'E) to Opani-aputa Point (at 41°04.70'S and 173°58.50'E):
 - (b) *Croisilles Harbour*: the waters inside a line running from Cape Soucis (at 41°03.20'S and 173°35.60'E) to the outermost point of Motuanauru Island (at 41°02.50'S and 173°38.40'E) to the outermost point of Otuhaereroa Island (at 41°02.30'S and 173°39.60'E) to Kokaho Point (at 41°02.30'S and 173°40.30'E).
 - (c) *[Revoked]*
- (2) Nothing in subclause (1) applies to any set net having—
 - (a) a mesh size not less than 100 mm; and
 - (b) a total height not exceeding 9 meshes; and
 - (c) its entire length in direct contact with the seabed.
- (3) Without limiting subclause (1), no person shall use or possess a set net in the waters of Kenepuru Sound—
 - (a) *[Revoked]*
 - (b) during any period, after 31 March 1997, commencing on 1 October in any year and ending with the close of 31 March in the next year.
- (4) For the purposes of subclause (3), the **waters of Kenepuru Sound** are the waters lying inside a straight line running from Koutuwai Point (at 41°12.53'S and 173°52.38'E) to an unnamed point at the southern entrance to Kenepuru Sound (at 41°13.30'S and 173°51.70'E).

Regulation 4A: inserted, on 30 September 1993, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 2 (SR 1993/287).

Regulation 4A(1)(a): substituted, on 1 October 2008, by regulation 7(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4A(1)(b): substituted, on 1 October 2008, by regulation 7(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4A(1)(c): revoked, on 1 October 2008, by regulation 7(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4A(3): added, on 7 November 1996, by regulation 3(2) of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1996/312).

Regulation 4A(3)(a): revoked, on 12 May 2011, by clause 3 of the Fisheries Regulations Revocation Order 2011 (SR 2011/96).

Regulation 4A(4): added, on 7 November 1996, by regulation 3(2) of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1996/312).

Regulation 4A(4): amended, on 1 October 2008, by regulation 7(2)(a) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4A(4): amended, on 1 October 2008, by regulation 7(2)(b) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

4AB Set net fishing prohibited in certain area from Clarence Point to Cape Jackson

- (1) A person must not use a set net for fishing in the waters from Clarence Point to Cape Jackson.
- (1A) For the purposes of subclause (1), the **waters from Clarence Point to Cape Jackson**—
 - (a) are the waters lying within an area bounded by a line that—
 - (i) commences at the mean high-water mark at Clarence Point (at 42°10.00'S and 173°56.00'E); and
 - (ii) then proceeds due east 4 nautical miles to a point on the Challenger fisheries management area boundary (at 42°10.00'S and 174°01.74'E); and
 - (iii) then proceeds in a line 4 nautical miles from the mean high-water mark to a point on the Challenger fisheries management area boundary (at 41°11.37'S and 174°27.76'E); and

- (iv) then proceeds in a straight line to a point on the Challenger fisheries management area boundary (at 41°01.85'S and 174°25.67'E); and
 - (v) then proceeds 4 nautical miles from the mean high-water mark to a point 4 nautical miles due north of Cape Jackson lighthouse (at 40°55.62'S and 174°18.80'E); and
 - (vi) then proceeds due south to Cape Jackson lighthouse (at 40°59.70'S and 174°18.80'E); and
 - (vii) then proceeds in a southerly direction along the mean high-water mark to the west bank of the Wairau River (at 41°30.02'S and 174°03.65'E); and
 - (viii) then proceeds in a straight line to the east bank of the Wairau River (at 41°30.05'S and 174°03.72'E); and
 - (ix) then proceeds south along the line of the mean high-water mark to Clarence Point (at 42°10.00'S and 173°56.00'E); but
- (b) do not include the waters described in regulations 4AC and 4AAC.
- (2) For the purposes of the area defined in subclause (1A), a straight line joining the high-water marks at each side of the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any rivers where specific co-ordinates are provided.

Regulation 4AB: inserted, on 1 October 2008, by regulation 8 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4AB(1): replaced, on 3 January 2013, by regulation 4(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

Regulation 4AB(1A): inserted, on 3 January 2013, by regulation 4(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

Regulation 4AB(2): amended, on 3 January 2013, by regulation 4(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

Regulation 4AB(2): amended, on 1 June 2009, by regulation 4(a) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2009 (SR 2009/99).

Regulation 4AB(2): amended, on 1 June 2009, by regulation 4(b) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2009 (SR 2009/99).

4AC Set net fishing in inner Queen Charlotte Sound

- (1) A person must not use a set net for fishing in the waters described in subclause (2) unless the set net is—
 - (a) a flatfish set net; and
 - (b) used during the period beginning on 1 April in each year and ending on the close of 30 September in that year.
- (2) The waters referred to in subclause (1) are the waters enclosed by the following co-ordinates, which are points in the inner Queen Charlotte Sound joined by a straight line extending landward (inside the Sound):
 - (a) Ruakaka Bay–West Head (at 41°12.93'S and 174°08.63'E); and
 - (b) Dieffenbach Point (at 41°14.00'S and 174°08.70'E).
- (3) **Flatfish set net** means a net that—
 - (a) is equal to or less than 9 meshes deep; and
 - (b) has a monofilament diameter equal to or less than 0.35 mm; and
 - (c) has a mesh size equal to or greater than 100 mm; and
 - (d) is anchored at each end; and
 - (e) does not exceed a total length of 60 m.

Regulation 4AC: inserted, on 1 October 2008, by regulation 8 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4AC heading: replaced, on 3 January 2013, by regulation 5(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

Regulation 4AC(1): replaced, on 3 January 2013, by regulation 5(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

Regulation 4AC(1): amended, on 20 November 2008, by regulation 6(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AC(2): amended, on 20 November 2008, by regulation 6(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

**4AAC Limited prohibition on set netting in certain waters
within area from Needles Point to Cape Jackson**

- (1) A person must not use a set net in the waters described in subclause (2) unless—
 - (a) the set net is used in the period—
 - (i) beginning on 3 January 2013 and ending on the close of 30 April 2013;
 - (ii) beginning on 1 January and ending on the close of 30 April in relation to any other year; and
 - (b) the person using the set net remains, at all times, in the immediate vicinity of the set net while it is being used.
- (2) The waters referred to in subclause (1) are—
 - (a) Cape Jackson to Little Waikawa Bay (Kaikanohi): all that area of New Zealand fisheries waters enclosed by a line that—
 - (i) commences at a point on the mean high-water mark at Cape Jackson (at 40°59.70'S and 174°18.80'E); and
 - (ii) then proceeds due north to a point offshore (at 40°59.50'S and 174°18.80'E); and
 - (iii) then proceeds in a generally southerly direction along a line every point of which is approximately 200 m from the mean high-water mark to a point offshore (at 41°04.14'S and 174°16.47'E); and
 - (iv) then proceeds due west to a point on the mean high-water mark at Kaikanohi (on the northern head of Little Waikawa Bay) (at 41°04.14'S and 174°16.29'E); and
 - (v) then proceeds in a generally northerly direction along the mean high-water mark of the South Island to the point of commencement:
 - (b) Cooper Point to Deep Bay: all that area of New Zealand fisheries waters enclosed by a line that—
 - (i) commences at a point on the mean high-water mark of Arapawa Island at the northernmost point of Cooper Point (at 41°07.07'S and 174°18.95'E); and

- (ii) then proceeds due north to a point offshore (at 41°06.95'S and 174°18.95'E); and
 - (iii) then proceeds in a generally north-easterly then south-westerly direction along a line every point of which is approximately 200 m from the mean high-water mark of Arapawa Island to a point offshore (at 41°13.75'S and 174°15.67'E); and
 - (iv) then proceeds due west to a point on the mean high-water mark at the easternmost point of the southern head of Deep Bay (at 41°13.75'S and 174°15.51'E); and
 - (v) then proceeds in a generally north-easterly then south-westerly direction along the mean high-water mark of Arapawa Island to the point of commencement:
- (c) Oyster Bay to Rarangi: all that area of New Zealand fisheries waters enclosed by a line that—
- (i) commences at a point on the mean high-water mark at the northernmost point of Tio Point (on the western side of Oyster Bay) (at 41°14.68'S and 174°14.78'E); and
 - (ii) then proceeds due north to a point offshore (at 41°14.55'S and 174°14.78'E); and
 - (iii) then proceeds in a generally north-easterly then southerly direction along a line every point of which is approximately 200 m from the mean high-water mark of the South Island to a point offshore (at 41°23.49'S and 174°03.25'E); and
 - (iv) then proceeds due west to a point on the mean high-water mark at the northern end of Rarangi Beach (at 41°23.49'S and 174°03.07'E); and
 - (v) then proceeds in a generally northerly then south-westerly direction along the mean high-water mark of the South Island to the point of commencement:
- (d) Cape Campbell to Needles Point: all that area of New Zealand fisheries waters enclosed by a line that—

- (i) commences at a point on the mean high-water mark at the northernmost point of Cape Campbell (at 41°43.55'S and 174°16.57'E); and
 - (ii) then proceeds due north to a point offshore (at 41°43.43'S and 174°16.57'E); and
 - (iii) then proceeds in a south-westerly direction along a line every point of which is approximately 200 m from the mean high-water mark of the South Island to a point offshore (at 41°52.37'S and 174°09.98'E); and
 - (iv) then proceeds due west to a point on the mean high-water mark at the easternmost point of Needles Point (at 41°52.37'S and 174°09.82'E); and
 - (v) then proceeds in a north-easterly direction along the mean high-water mark of the South Island to the point of commencement:
- (e) Brothers Islands: the waters lying inside a line every point of which is 200 m from the mean high-water mark of all of the islands, islets, and rocks of the Brothers Islands group:
 - (f) White Rocks: the waters lying inside a line every point of which is 200 m from the mean high-water mark of White Rocks:
 - (g) Motuara Island: the waters lying inside a line every point of which is 200 m from the mean high-water mark of Motuara Island:
 - (h) Motungarara Island: the waters lying inside a line every point of which is 200 m from the mean high-water mark of Motungarara Island:
 - (i) The Twins: the waters lying inside a line every point of which is 200 m from the mean high-water mark of The Twins.

Regulation 4AAC: inserted, on 3 January 2013, by regulation 6 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

4AD Set net fishing prohibited in certain area from Farewell Spit Lighthouse to Awarua Point

- (1) A person must not use a set net for fishing in the waters lying within an area bounded by a line that—

- (a) extends from Farewell Spit Lighthouse (at 40°32.70'S and 173°00.50'E); and
- (b) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Whanganui Inlet's east headland (at 40°34.46'S and 172°33.05'E); and
- (c) then proceeds in a straight line to the Whanganui Inlet's west headland (at 40°35.00'S and 172°32.00'E); and
- (d) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Little Wanganui east head (at 41°23.46'S and 172°03.63'E); and
- (e) then proceeds in a straight line to the Little Wanganui west head (at 41°23.46'S and 172°03.19'E); and
- (f) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Mokihinui River (at 41°31.18'S and 171°56.31'E); and
- (g) then proceeds in a straight line to the south bank of the Mokihinui River (at 41°31.43'S and 171°56.11'E); and
- (h) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the east head of the Orowaiti Lagoon (at 41°44.42'S and 171°40.16'E); and
- (i) then proceeds in a straight line to the west head of the Orowaiti Lagoon (at 41°44.42'S and 171°39.37'E); and
- (j) then follows a line in a generally southerly direction by the mean high-water mark to the Buller River east bank (at 41°43.93'S and 171°35.62'E); and
- (k) then proceeds in a straight line to the Buller River west bank (at 41°43.93'S and 171°35.17'E); and
- (l) then follows a line in a generally southerly direction by the mean high-water mark to the east bank of the Waitakere/Nile River (at 41°53.81'S and 171°26.71'E); and
- (m) then proceeds in a straight line to the Waitakere/Nile River west bank (at 41°53.81'S and 171°26.62'E); and
- (n) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point

- of the north bank of the Grey River (at 42°26.32'S and 171°11.49'E); and
- (o) then proceeds in a straight line to the south bank of the Grey River (at 42°26.39'S and 171°11.38'E); and
 - (p) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Hokitika River (at 42°43.22'S and 170°57.10'E); and
 - (q) then proceeds in a straight line to the south bank of the Hokitika River (at 42°43.31'S and 170°56.91'E); and
 - (r) then follows a line in a generally southerly direction by the mean high-water mark to the southernmost point of the north bank of the Kakapotahi River (at 42°57.26'S and 170°39.74'E); and
 - (s) then proceeds in a straight line to the Kakapotahi River south bank (at 42°57.40'S and 170°39.53'E); and
 - (t) then follows a line in a generally southerly direction by the mean high-water mark to the westernmost point of Awarua Point (at 44°15.60'S and 168°03.10'E); and
 - (u) then proceeds due west 2 nautical miles to a point on the Challenger fisheries management area boundary (at 44°15.60'S and 168°00.26'E); and
 - (v) then proceeds in a northerly direction in a line 2 nautical miles from the mean high-water mark to a point 2 nautical miles north of Farewell Spit Lighthouse (at 40°30.26'S and 173°00.50'E); and
 - (w) then proceeds due south to Farewell Spit Lighthouse to the point of commencement (at 40°32.70'S and 173°00.50'E).
- (2) For the purposes of the area defined in subclause (1), a straight line joining the mean high-water marks at each side of a harbour entrance or, as the case may be, the natural entrance points of a river mouth must be treated as the inner boundary of that area if it extends seawards or as the outer boundary of that area if it extends landwards, except in the case of any harbours and rivers where specific co-ordinates are provided.

Regulation 4AD: inserted, on 1 October 2008, by regulation 8 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4AD(1): amended, on 20 November 2008, by regulation 7(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(j): substituted, on 20 November 2008, by regulation 7(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(k): substituted, on 20 November 2008, by regulation 7(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(l): substituted, on 20 November 2008, by regulation 7(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(m): substituted, on 20 November 2008, by regulation 7(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(p): substituted, on 20 November 2008, by regulation 7(3) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(q): amended, on 20 November 2008, by regulation 7(4) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(t): substituted, on 20 November 2008, by regulation 7(5) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(u): added, on 20 November 2008, by regulation 7(5) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(v): added, on 20 November 2008, by regulation 7(5) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

Regulation 4AD(1)(w): added, on 20 November 2008, by regulation 7(5) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406).

4B Hook limit in Marlborough Sounds area

A person must not take any finfish from within the Marlborough Sounds area using a rod and reel line, or a hand line, with more than 2 hooks attached to it.

Regulation 4B: substituted, on 1 April 2011, by regulation 9 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

4C Pacific oyster

Notwithstanding anything in regulation 19(1) or regulation 23(2) of the Fisheries (Amateur Fishing) Regulations 1986

(SR 1986/221), any person may take Pacific oysters from the waters of the Challenger fishery management area at any time on any day.

Regulation 4C: inserted, on 1 October 1994, by regulation 5 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 3 (SR 1994/182).

4D Dredge oysters

Regulation 23(2) of the Fisheries (Amateur Fishing) Regulations 1986 shall not apply to prohibit the taking of dredge oysters from the Challenger fisheries management area.

Regulation 4D: inserted, on 30 November 1995, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 4 (SR 1995/235).

4E Pelorus Sound longlining restrictions

(1) No person shall use or possess any line (other than a rod and reel line or a hand line) in the waters of Pelorus Sound.

(2) For the purposes of this regulation, the **waters of Pelorus Sound** are the waters lying inside a straight line running from Tawero Point (at 41°03.80'S and 173°57.00'E) to Opani-aputa Point (at 41°04.70'S and 173°58.50'E).

Regulation 4E: inserted, on 7 November 1996, by regulation 4 of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment No 5 (SR 1996/312).

Regulation 4E(2): amended, on 1 October 2008, by regulation 9(a) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 4E(2): amended, on 1 October 2008, by regulation 9(b) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

4F Marlborough Sounds blue cod restrictions

[Revoked]

Regulation 4F: revoked, on 1 April 2011, by regulation 10 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

5 Offences and penalties

(1) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person contravenes, or fails

- to comply with, any of regulations 2B(8), 2D, 3A(1A) and (2), 3B, 3C, 4, 4A, 4AC, 4AAC, 4B, and 4E.
- (2) A person commits a serious non-commercial offence and is liable on conviction to a fine not exceeding \$20,000 if the person contravenes, or fails to comply with, any of regulations 2B(3) and (9), 2C, 2E, 2F, 3A(1B), 4AA, 4AB, and 4AD.
- (3) It is a defence to a charge of possessing more than the specified maximum daily number of any fish in contravention of these regulations if the defendant satisfies the court that the number of fish possessed in excess of the relevant specified daily number were not taken in breach of the regulations.
- (4) However, the defence does not apply to—
- (a) a charge of possessing more than 2 blue cod in contravention of regulation 2B(3)(b) or (c); or
 - (b) a charge of possessing more than 3 blue cod in contravention of regulation 2B(3A)(b) or (c).
- (5) It is a defence to a charge of possessing more than 3 blue cod in contravention of regulation 2B(3A)(b) or (c) if the defendant satisfies the court that—
- (a) the defendant possessed no more than 6 blue cod; and
 - (b) the blue cod were not taken in breach of the regulations.
- (6) It is a defence to a charge of contravening, or failing to comply with, regulation 2F(1)(b) if the defendant satisfies the court that the blue cod to which the charge relates were taken from outside the Marlborough Sounds area.

Regulation 5: substituted, on 1 October 2001, by regulation 5 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001 (SR 2001/267).

Regulation 5(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 5(1): amended, on 3 January 2013, by regulation 7 of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350).

Regulation 5(1): amended, on 1 April 2011, by regulation 11(1) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

Regulation 5(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 5(2): amended, on 1 April 2011, by regulation 11(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

Regulation 5(2): amended, on 1 October 2008, by regulation 11(2) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008 (SR 2008/270).

Regulation 5(4): added, on 1 April 2011, by regulation 11(3) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

Regulation 5(5): added, on 1 April 2011, by regulation 11(3) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

Regulation 5(6): added, on 1 April 2011, by regulation 11(3) of the Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23).

6 Revocations

The following notices are hereby revoked:

- (a) the Fisheries (Double Cove Prohibition) Notice 1983 (SR 1983/299);
- (b) the Fisheries (Nelson Amateur Fishing) Notice 1984 (SR 1984/209).

P G Millen,
Clerk of the Executive Council.

Contents

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Notes**1 General**

This is a reprint of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2012 (SR 2012/350)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2012 (SR 2012/48)

Criminal Procedure Act 2011 (2011 No 81): section 413

Fisheries Regulations Revocation Order 2011 (SR 2011/96): clause 3

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2011 (SR 2011/23)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2009 (SR 2009/242)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2009 (SR 2009/99)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations (No 2) 2008 (SR 2008/406)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2008
(SR 2008/270)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2003
(SR 2003/228)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 2001
(SR 2001/267)

Fisheries (Challenger Area Amateur Fishing) Amendment Regulations 1999
(SR 1999/181)

Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment
No 5 (SR 1996/312)

Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment
No 4 (SR 1995/235)

Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment
No 3 (SR 1994/182)

Fisheries (Challenger Area Amateur Fishing) Regulations 1986, Amendment
No 2 (SR 1993/287)
