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Fisheries (Challenger Area Commercial Fishing) Regulations 1986

(SR 1986/218)

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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Regulations

1 Title and commencement

(1) These regulations may be cited as the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

(2) These regulations shall come into force on the 14th day after the date of their notification in the Gazette.

2 Interpretation

(1) In these regulations, unless the context otherwise requires,---

Act means the Fisheries Act 1996

anchovy means the fish *Engraulis australis*

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

cardinal fish means a fish of the genus *Epigonus*

Challenger fisheries management area means all that area of New Zealand fisheries waters enclosed by a line commencing at Awarua Point on the west coast of the South Island (at 44°16'S and 168°03'E); then proceeding due west along latitude 44°16'S to the outer limits of the exclusive economic zone to a point at 44°16'S and 162°13'E; then proceeding in a generally north-easterly direction along the outer limits of the exclusive economic zone to a point at 37°44'S and 169°56'E; then proceeding in a straight line to a point at 40°32'S and 174°20'E; then proceeding in a straight line to a point at 42°10'S and 174°42'E; then proceeding due west along latitude 42°10'S to Clarence Point on

the east coast of the South Island (at 42°10'S and 173°56'E); then proceeding in a generally northerly, westerly, and south-westerly direction along the mean high-water mark of the coast of the South Island to the point of commencement

cockle means the shellfish of the species *Chione (Austrovenus) stutchburyi*

cod-end means that end part of a net which is normally closed during fishing and is capable of holding fish while in the water; and includes, in respect of a net---

(a) carried on a vessel not exceeding 10 m overall length, not less than the last 3 m of net:

(b) carried on a vessel 10 m or more but less than 20 m overall length, not less than the last 5 m of net:

(c) carried on a vessel 20 m or more but less than 30 m overall length, not less than the last 10 m of net:

(d) carried on a vessel 30 m or more but less than 40 m overall length, not less than the last 15 m of net:

(e) carried on a vessel 40 m or more overall length, not less than the last 20 m of net

commercial fisher means---

(a) any person who takes any fish, aquatic life, or seaweed for the purposes of sale:

(b) any person who is engaged in any capacity on a New Zealand fishing vessel:

(c) any person who has a fishing permit issued under section 91 of the Fisheries Act 1996 entitling the person to take any species or class of fish, aquatic life, or seaweed

crab means the paddle or swimming crab that has the scientific name *Ovalipes catharus*

Danish seine net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that---

(a) has a buoyancy system on the top edge; and

(b) is weighted on the bottom edge; and

(c) is operated, without the use of any horizontal net opening device, by surrounding any fish and being drawn over the bed of any waters, or through any waters, to 1 or more vessels

Danish seining means the use of a Danish seine net

day means a period of 24 hours computed from midnight to midnight

drag net or beach seine net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that---

(a) has a buoyancy system on the top edge; and

(b) is weighted on the bottom edge; and

(c) is operated by surrounding any fish and being drawn over the bed of any waters or through any waters to the shore

dredge means a device towed on or over or capable of being towed on or over the seabed primarily for the collection of shellfish; and includes a box dredge or ring dredge

dredge oyster means a shellfish of the species *Tiostrea chilensis*

frostfish means a fish of the species *Lepidopus caudatus*

garfish means the fish (also commonly known as piper) that has the scientific name *Hyporhamphus ihi*

ghost shark means a fish of the species of the genera *Hydrolagus* and *Chimara*

green-lipped mussel means a shellfish of the species *Perna canaliculus*; but excludes green-lipped mussel spat

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

hagfish means a fish of the species *Eptatretus cirrhatu*s (also known as blind eel)

hand-gathering includes shore picking, diving, hand digging for shellfish, and hand cutting of seaweed, but does not include diving using underwater breathing apparatus

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

horse mussel means a shellfish of the species *Atrina zelandica*

kahawai means a fish of the species *Arripis trutta*

kina means the shellfish that has the scientific name *Evechinus chloroticus*, also commonly known as the sea egg; and includes the purple urchin that has the scientific name *Centrostephanus rodgersii*; and also includes the sea egg of the genus *Pseudechinus*

mechanical cockle harvester---

(a) means a device---

(i) that is driven, towed, or propelled by a mechanical means over the seabed or foreshore; or

(ii) attached to, or used in conjunction with, another mechanical device that is capable of taking cockles; but

(b) does not include handtools or support equipment used in conjunction with hand-gathering

munida means the crustacean *Munida gregaria*

mussel means the green-lipped mussel (*Perna canaliculus*), the blue mussel (*Mytilus edulis aoteanus*), and the horse mussel (*Atrina zelandica*)

net includes any net capable of being used to take fish; but does not include a whitebait net

octopus means the shellfish *Octopus maorum*

otter board means any device, including a paravane, used or capable of being used to keep a net or a trawl net open

overall length means the length of a vessel measured by a straight middle line from the extreme forward end to the extreme aft end of the hull of the vessel

oyster includes the kinds of molluscs known as *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*) and *Crassostrea gigas*, commonly known as the rock oyster and Pacific oyster respectively; and *Tiostrea lutaria* (formerly known as *Ostrea lutaria*), commonly known as the dredge oyster

Pacific oyster means a mollusc of the species *Crassostrea gigas*

paddle crab means a crab of the species *Ovalipes catharus*

pair trawling means using a trawl net that is towed or hauled through the water by more than 1 vessel

pilchard means the fish *Sardinops neopilchardus*

prawn means a crustacean of the order Decapoda which are natant (able to swim)

ribaldo means a fish of the species *Mora moro*

rock lobster means the fish that has the scientific name *Jasus edwardsii* (commonly known as the spiny or red rock lobster) or *Jasus verreauxi* (commonly known as the packhorse or green rock lobster)

rock lobster pot means any pot, whether baited or not, that is capable of catching or holding rock lobsters; and includes any other device capable of catching, holding, or storing rock lobsters

rock oyster means a mollusc of the species *Saccostrea glomerata* (formerly known as *Crassostrea glomerata* or *Saxostrea glomerata*)

rubyfish means a fish of the species *Phagiogeneion rubiginosus*

scallop means the mollusc *Pecten novaezelandiae*

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

sea cucumber means a holothurian of the genus *Stichopus*

sea perch means a fish of the genus *Helicolenus*

set net includes a gill net or any other sort of net which acts by enmeshing, entrapping, or entangling any fish; but does not include a fyke net or a hinaki trap

surrounding net includes a drag net, Danish seine net, drum seine net, purse seine net, lampara net, and all modes of fishing whereby fish are encircled

trawl net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net) that---

(a) has a buoyancy system on the top edge; and

(b) is weighted on the bottom edge; and

(c) is operated by being drawn over the bed of any waters or through any waters by 1 or more vessels underway---

but does not include a Danish seine net

trumpeter means a fish of the species *Latris lineata*

whitebait net means any net, contrivance, instrument, or device used or capable of being used to take the fish commonly called whitebait

yellow-eyed mullet means a fish of the species *Aldichetta forsteri*.

(2) In these regulations, a reference to a named quota management area is a reference to the area of that name as defined in Schedule 2 of the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986 (SR 1986/267).

Regulation 2: substituted, on 26 September 1991, by regulation 2(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/162).

Regulation 2(1) Act: substituted, on 1 October 2001, by regulation 3(1) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) albacore tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) bigeye tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) black (seal) shark: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) blue mackerel: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) blue moki: inserted, on 30 September 1993, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2(1) broadbill swordfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) bronze whaler shark: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) butterfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) butterfly tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) catseye: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) Challenger fisheries management area: inserted, on 30 November 1995, by regulation 2(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1995/234).

Regulation 2(1) cockle: inserted, on 1 October 2002, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 2(1) commercial fisher: inserted, on 1 October 2001, by regulation 3(3) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) commercial fisherman: revoked, on 1 October 2001, by regulation 3(3) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) conger eel: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) Cooks turban: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2)

2001 (SR 2001/266).

Regulation 2(1) deepwater crab: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) dog cockle: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) dredge oyster: substituted, on 1 October 1994, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 16 (SR 1994/177).

Regulation 2(1) durvillea: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) ecklonia: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) flying fish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) galaxids, adult: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) gracilaria: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) green-lipped mussel spat: revoked, on 21 October 2004, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/334).

Regulation 2(1) greeneye dogfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) grey mullet: inserted, on 30 September 1993, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2(1) hapuku/bass: inserted, on 30 September 1993, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2(1) king clam: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) lamprey: revoked, on 1 October 2001, by regulation 3(2) of the

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) leatherjacket: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) lessonia: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) limpet: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) longfinned eel: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) lookdown dory: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) macrocystis: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) mechanical cockle harvester: inserted, on 1 October 2002, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 2(1) mud snail: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) periwinkle: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) pipi: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) porae: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) porphyra: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) pterocladia: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) ray's bream: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) red snapper: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) saury: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) scampi: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) school shark: inserted, on 30 September 1993, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2(1) sea hare: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) sea horse: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) sea slug: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) sea tulip: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) set net: substituted, on 30 November 1995, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 18 (SR 1995/234).

Regulation 2(1) seven-gill shark: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) shortfinned eel: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) shovelnose spiny dogfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) silver dory: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) six-gill shark: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) skate and ray: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) skipjack tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) slender tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) smelt, adult: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) southern bluefin tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) sowfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) spiny dogfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) sponge: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) sprat: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) surf clam: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) thresher shark: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) tuatua: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) ulva: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2)

2001 (SR 2001/266).

Regulation 2(1) undaria: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) virgin paua: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) volutes: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) whelk: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) yellowfin tuna: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) yellowtailed kingfish: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2(1) zostera: revoked, on 1 October 2001, by regulation 3(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2A Minimum set net mesh size

Notwithstanding regulation 31(1) of the Fisheries (Commercial Fishing) Regulations 2001, the mesh size of any set net used or possessed by any commercial fisher 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
Bluenose	160
Hapuku/bass	160
Kahawai	100
Grey mullet	100
School shark	150

Regulation 2A: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR

1993/281).

Regulation 2A: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2A: words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2B Set nets exceeding 1 000 m, and box or teichi nets, prohibited in defined areas

(1) No commercial fisher shall use a box or teichi net, or set nets of a total length exceeding 1 000 m, in the following waters:

(a) Port Underwood: the waters of Port Underwood lying inside a straight line drawn from Robertson Point (at 41°21.15'S and 174°07.40'E) to the southern tip of Robin Hood Bay (at 41°21.90'S and 174°04.60'E):

(b) Queen Charlotte Sound: the waters lying inside a straight line drawn from Cape Jackson (at 40°59.80'S and 174°18.90'E) to Cape Komaru (at 41°05.50'S and 174°23.0'E), and inside a line drawn from East Head (at 41°12.80'S and 174°19.80'E) to West Head at the entrance to Tory Channel (at 41°12.90'S and 174°18.90'E):

(c) Pelorus Sound: the waters lying inside a straight line drawn from Paparoa Head (at 40°54.70'S and 174°01.50'E) to Alligator Head (at 40°58.20'S and 174°09.40'E):

(d) Admiralty Bay: the waters of Admiralty Bay lying inside a straight line drawn from Collinet Point (at 40°55.50'S and 173°50.80'E) to Clay Point (at 40°53.40'S and 173°58.80'E):

(e) Catherines Cove: the waters of Catherines Cove lying inside a straight line drawn from the south-western point of D'Urville Peninsula (at 40°52.80'S and 173°53.70'E) to Reef Point (at 40°52.60'S and 173°52.70'E):

(f) Port Hardy: the waters of Port Hardy lying inside a straight line drawn from Nile Head (at 40°43.80'S and 173°52.30'E) to Cape Stephens (at 40°41.60'S and 173°57.0'E):

(g) Greville Harbour: the waters of Greville Harbour lying inside a straight line drawn from Ragged Point (at 40°50.0'S and 173°47.10'E) to Two Bay Point at the northern entrance of the harbour (at 40°49.0'S and 173°47.60'E):

(h) Manuwhakapakapa Harbour: the waters of Manuwhakapakapa Harbour lying inside a straight line drawn from Sauvage Point (at 40°56.60'S and 173°46.20'E) to Okarewa Point (at 40°53.80'S and 173°46.20'E):

(i) Croisilles Harbour: the waters of Croisilles Harbour lying inside a straight line drawn 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):

(j) Nelson Harbour/Waimea Estuary: the waters of Nelson Harbour/Waimea Estuary lying inside a straight line drawn from the eastern tip of Rabbit Island (at 41° 17.10'S and 173° 11.70'E) to the southernmost tip of Boulder Bank (at 41° 15.80'S and 173° 15.50'E):

(k) Wainui Bay: the waters of Wainui Bay lying inside a straight line drawn from Abel Tasman Point (at 40° 48.10'S and 172° 55.30'E) to Taupo Point (at 40° 47.40'S and 172° 57.20'E):

(l) Whanganui Inlet: the waters of Whanganui Inlet lying inside a straight line drawn from a point on the west headland at 40° 35.0'S and 172° 32.0'E, to a point on the east headland at 40° 34.60'S and 172° 32.80'E.

(2) No commercial fisher shall set any net within 60 metres of any other net within any waters defined in subclause (1).

Regulation 2B: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2B(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2B(1)(b): words omitted, on 30 October 1993, by regulation 2(a) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 2B(1)(c): words omitted, on 30 October 1993, by regulation 2(b) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 2B(1)(d): substituted, on 1 April 1995, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1995/34).

Regulation 2B(2): words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2BA Set netting prohibited in shallow waters

Notwithstanding anything in regulation 65(8) of the Fisheries (Commercial Fishing) Regulations 2001, no commercial fisher shall use or possess in the waters of the Challenger fishery management area a set net having a total length exceeding 500 metres unless---

(a) the net is set in waters 30 metres or more in depth, and no part of the upper surface of the net, when set, is 2 metres or less from the surface of the water; or

(b) in any case where---

(i) the net is set in waters less than 30 metres in depth; or

(ii) any part of the upper surface of the net, when set, is 2 metres or less from the surface of the water---

the set net has surface floats attached to it at intervals of not more than 500 metres or part thereof.

Regulation 2BA: inserted, on 24 October 1996, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 21 (SR 1996/277).

Regulation 2BA: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2BA: words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2BB Set net soak time

Notwithstanding anything in regulation 66 of the Fisheries (Commercial Fishing) Regulations 2001, no commercial fisher shall leave any set net in the waters of the Challenger fishery management area for more than 24 hours without underrunning the net and removing any fish that have been caught.

Regulation 2BB: inserted, on 24 October 1996, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 21 (SR 1996/277).

Regulation 2BB: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2BB: words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2C Finfishing prohibited in inner Queen Charlotte Sound

(1) Except as provided in subclauses (2) and (3), no commercial fisher shall take finfish from the waters of inner Queen Charlotte Sound lying inside a straight line drawn from Dieffenbach Point (at 41°14.0'S and 174°08.70'E) to West Head at the easternmost entrance to Ruakaka Bay (at 41°13.0'S and 174°08.60'E).

(2) Any commercial fisher may take finfish from such waters by using a set net having a mesh size not less than 25 mm and not more than 50 mm, if the entire bottom length of the net is in direct contact with the seabed.

(3) Any commercial fisher may take finfish from such waters by using a dragnet having a mesh size of less than or equal to 30 mm.

Regulation 2C: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2C(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2C(2): words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2C(3): words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2D Finfishing prohibited in Croisilles Harbour

(1) Except as provided in subclause (2), no commercial fisher shall take finfish from the waters of Croisilles Harbour lying inside a straight line drawn 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).

(2) Any commercial fisher may take finfish from such waters by using a set net that is not more than 9 meshes in height, if the entire bottom length of the net is in direct contact with the seabed.

Regulation 2D: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2D(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2D(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

2E Certain fishing prohibited in Pelorus Sound

(1) Except as provided in subclause (2), no commercial fisher shall take finfish from the waters lying inside a straight line drawn from Cregoe Point (at 41°03.20'S and 173°49.90'E) to Camel Point (at 41°02.10'S and 173°48.70'E), to Sheep Point (at 41°01.20'S and 173°48.80'E).

(2) Any commercial fisher may take finfish from such waters by using---

(a) the method of longlining; or

(b) a set net of not more than 9 meshes in height, if the entire bottom length of the net is in direct contact with the seabed.

(3) Except as provided in subclause (4), but without limiting subclause (1), no commercial fisher shall take finfish from the waters lying inside a straight line drawn from Tawero Point (at approximately 41°03.80'S and 173°57.0'E) to Opani-aputa Point (at approximately 41°04.70'S and 173°58.50'E).

(4) Any commercial fisher may take finfish from the waters referred to in subclause (3) by using a set net of not more than 9 meshes in height, if the entire bottom length of the net is in direct contact with the seabed.

(5) Without limiting subclauses (1) and (3), no commercial fisher shall use or possess a set net in the waters of Keneperu Sound---

(a) during the period commencing on the day on which this subclause comes into force and ending with the close of 31 March 1997; or

(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.

(6) For the purposes of subclause (5), the waters of Keneperu Sound are the waters lying inside a straight line running from Koutuwai Point (at approximately 41°12.65'S and 173°52.30'E) to an unnamed point at the southern entrance to Keneperu Sound (at approximately 41°13.30'S and 173°51.70'E).

Regulation 2E: inserted, on 30 September 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 2E heading: word omitted, on 30 October 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 2E(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2E(1): words omitted, on 7 November 1996, by regulation 2(1)(b) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/313).

Regulation 2E(1): words omitted, on 30 October 1993, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 2E(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2E(3): added, on 7 November 1996, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/313).

Regulation 2E(3): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2E(4): added, on 7 November 1996, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/313).

Regulation 2E(4): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2E(5): added, on 7 November 1996, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/313).

Regulation 2E(5): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 2E(6): added, on 7 November 1996, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 22 (SR 1996/313).

3 Drag netting prohibited in Queen Charlotte Sound

(1) No commercial fisher shall take any snapper using a drag net, and no commercial fisher shall possess or convey any snapper taken by the use of a drag net at any time in those waters inside lines drawn from Cape Jackson (at 40°59.8'S and 174°18.9'E) to Cape Koamaru (at 41°05.5'S and 174°23'E), and from East Head (at 41°12.8'S and 174°19.4'E), to West Head (at 41°12.9'S and 174°18.9'E).

(2) Nothing in subclause (1) shall apply to the taking of fish, or the possession of fish taken, using a drag net with a combined warp length not exceeding 200 m if the drag net is used only for the purpose of taking fish for bait.

Regulation 3(1): words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 3(1): words omitted, on 30 October 1993, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

3A Prohibitions relating to other parts of Queen Charlotte Sound

(1) No commercial fisher shall use for fishing or be in possession of a drag net at any time in those waters inside a line drawn from Cape Jackson (at 40°59.80'S and 174°18.90'E) to Cape Koamaru (at 41°05.50'S and 174°23.0'E), and inside East Head (at 41°12.80'S and 174°19.80'E) to West Head (at 41°12.90'S

and 174°18.90'E) at the entrance to Tory Channel, and seaward of a straight line drawn from Dieffenbach Point (at 41°14.0'S and 174°08.70'E) to West Head, at the easternmost entrance to Ruakaka Bay (at 41°13.0'S and 174°08.60'E), if---

(a) the length of the net, excluding any attached warps, rope, chain or material, exceeds 165 m; or

(b) the total length of the net exceeds 200 m; or

(c) the net contains a bag or cod-end.

(2) No commercial fisher shall at any time take any snapper using a drag net in the waters described in subclause (1), or be in possession of any snapper taken by the use of a drag net in those waters.

Regulation 3A: substituted, on 30 September 1993, by regulation 4(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 3A heading: words substituted, on 30 October 1993, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 3A(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 3A(1): words omitted, on 30 October 1993, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 3A(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

4 Drag netting restricted in Pelorus Sound

Revoked.

Regulation 4: revoked, on 30 September 1993, by regulation 4(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

5 Trawling prohibited at certain times in Golden Bay

No commercial fisher shall use a trawl net at any time during the period commencing with 1 November in any year and expiring with 30 April in the following year in Golden Bay inside straight lines drawn from Pakawau Bridge (at 40°35.2'S and 172°41.1'E) to the southernmost point of the southernmost island of the Tata Islands (at 40°48.4'S and 172°54.6'E); then in a straight line to the boat ramp at Tata Beach (at 40°48.7'S and 172°54.8'E).

Regulation 5: words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

6 Trawling and dredging prohibited in research areas in Golden Bay

Revoked.

Regulation 6: revoked, on 11 July 2002, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2002 (SR 2002/159).

6A Trawl and surrounding nets prohibited in certain areas

No commercial fisher shall use a trawl net or surrounding net in the following waters:

(a) Greville Harbour: the waters of Greville Harbour lying inside a straight line drawn from Ragged Point (at 40°50.0'S and 173°47.10'E) to Two-Bay Point on the northern entrance to the harbour (at 40°49.0'S and 173°47.60'E):

(b) Nelson Harbour/Waimea Estuary: the waters of Nelson Harbour/Waimea Estuary lying inside a straight line drawn from the easternmost tip of Rabbit Island (at 41°17.10'S and 173°11.70'E) to the southernmost tip of Boulder Bank (at 41°15.80'S and 173°15.50'E):

(c) Whanganui Inlet: the waters of Whanganui Inlet lying inside a straight line drawn from a point on the west headland at 40°35.0'S and 172°32.0'S, to a point on the east headland at 40°34.60'S and 172°32.80'S.
Regulation 6A: inserted, on 30 September 1993, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 6A: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Pelorus Sound

7 Trawling prohibited in Queen Charlotte Sound and restricted in Pelorus Sound

(1) Except as provided in subclause (2), no commercial fisher shall use a trawl net at any time in those waters lying inside straight lines drawn from Harding Point (at 40°54.5'S and 174°00.9'E) to Cape Jackson (at 40°59.8'S and 174°18.9'E) to Cape Koamaru (at 41°05.5'S and 174°23'E); and from East Head (at 41°12.8'S and 174°19.4'E) to West Head of Tory Channel (at 41°12.9'S and 174°18.9'E).

(2) Any commercial fisher may use a trawl net in those waters lying inside a straight line drawn from Harding Point (at 40°54.5'S and 174°00.9'E) to Cape Jackson (at 40°59.8'S and 174°18.9'E); but outside straight lines drawn from Cregoe Point (at 41°03.3'S and 173°49.9'E) to Camel Point (at 41°02'S and 173°48.6'E) to Sheep Point (at 41°01.2'S and 173°48.8'E); and outside a

straight line drawn from Tawero Point (at 41°03.80'S and 173°57.0'E) to Opani-Aputa Point (at 41°04.70'S and 173°58.50'E), during the period commencing with 1 April in any year and expiring with 31 August in the same year, if---

- (a) Revoked
- (b) pair trawling is not carried out; and
- (c) the headline of the trawl net does not exceed 9 m in length; and
- (d) the combined length of the extension and bridles between the wing of the net and the otter board does not exceed 45 m.

Regulation 7(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 7(1): words omitted, on 30 October 1993, by regulation 6 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 7(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 7(2): words substituted, on 1 April 1995, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 17 (SR 1995/34).

Regulation 7(2)(a): revoked, on 1 October 1994, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 16 (SR 1994/177).

7A Trawling by vessels over 46 m long prohibited in certain waters

No commercial fisher shall use any New Zealand fishing vessel over 46 m in overall length for trawling at any time---

(a) in those waters enclosed by a line commencing on the outer limits of the territorial sea at latitude 42°10'S; then in an easterly direction to a point 42°10'S and 174°34'E; then proceeding in a generally north-easterly direction along a line every point of which is 13 nautical miles seawards of the outer limits of the territorial sea to its intersection with the boundary of the Challenger fishery management area (as defined in a notice published in the Gazette of 1986 at page 412); then proceeding in a generally northerly direction along that boundary to its intersection with the outer limits of the territorial sea on the south coast of the North Island; then proceeding in a generally south-westerly direction along the outer limits of the territorial sea to the point of commencement:

(b) in those waters enclosed by a line commencing at a point 43°45.5'S and 168°37.35'E; then proceeding directly in a northerly direction to a point 43°32.5'S and 168°37.35'E; then proceeding in a northeasterly direction along a line every point of which is 13 nautical miles seawards of the outer limits

of the territorial sea to a point 41°44.9'S and 170°53.6'E; then proceeding directly in an easterly direction to a point 41°44.9'S and 171°10.9'E; then proceeding in a southerly direction along the outer limits of the territorial sea to the point of commencement:

(c) in those waters enclosed by a line commencing at a point 40°19.4'S and 173°00.5'E; then proceeding directly in a south-easterly direction to a point 40°27.8'S and 174°00'E; then proceeding in a southwesterly direction along the outer limits of the territorial sea to the point of commencement.

Regulation 7A: inserted, on 1 October 1986, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/253).

Regulation 7A heading: expression substituted, on 5 November 1998, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 1998 (SR 1998/304).

Regulation 7A: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 7A: expression substituted, on 5 November 1998, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 1998 (SR 1998/304).

8 Pair trawling restricted in Tasman Bay

No commercial fisher shall use a pair trawl net with a cod-end mesh size of less than 125 mm within those waters of Tasman Bay lying inside a straight line drawn from the northwesternmost point of Pepin Island (at 41°08.5'S and 173°24.8'E) to the easternmost extremity of Adele Island (at 40°58.7'S and 173°04.2'E); then by the mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.6'S and 173°03.5'E); then to the nearest part of the mainland (at 40°58.5'S and 173°02.9'E), during the period commencing with 1 October in any year and expiring with the last day of February in the following year.

Regulation 8: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

8A Trawling in Port Underwood by vessels longer than 20 m prohibited

No commercial fisher shall at any time use any New Zealand fishing vessel over 20 m in overall length for trawling in the waters of Port Underwood bounded by a straight line drawn from Robertson Point (at 41°21.15'S and 174°07.40'E) to the southern tip of Robin Hood Bay (at 41°21.90'S and 174°04.60'E).

Regulation 8A: inserted, on 30 September 1993, by regulation 6 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 14 (SR 1993/281).

Regulation 8A: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

9 Fishing prohibited in Double Cove, Queen Charlotte Sound

No commercial fisher shall take any fish from those waters of Queen Charlotte Sound lying inside a straight line drawn from Nohokouau Point (at 41°14.4'S and 174°00.5'E) to the southernmost point of the peninsula (at 41°14.5'S and 174°01.4'E) lying between Double Cove and Torea Bay.

Regulation 9: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Charlotte Sound

9A Taking of shellfish and kina prohibited in certain parts of Queen Charlotte Sound

(1) No commercial fisher shall take any shellfish or be in possession of any shellfish taken from the waters of Onauku Bay, Queen Charlotte Sound, lying inside a line drawn from the mean high water mark of the point of Ngakuta Bay (at 41°08.5'S and 174°21.5'E) and running due east to the mean high water mark on the opposite shore (at 41°08.5'S and 174°22.4'E).

(2) No commercial fisher shall take any kina or be in possession of any kina taken from the waters lying inside a straight line drawn from the northern extremity of Opani-Aputa Point (at 41°04.7'S and 173°58.5'E) to the southern extremity of Whakamawahi Point (at 41°03.5'S and 173°58.5'E).

Regulation 9A: inserted, on 1 November 1989, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293).

Regulation 9A(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 9A(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

10 Fishing restrictions in Separation Point fisheries area

No commercial fisher shall use a trawl net, Danish seine net, or dredge in those waters of Golden Bay and Tasman Bay enclosed by a line drawn from a point at 40°49'S and 173°01'E on a true compass bearing of 076° to a point at 40°47.7'S and 173°07.7'E; then on an arc at a radius of 6 nautical miles from Separation Point light (at 40°47'S and 172°59.5'E) to a point at 40°41'S and 172°59.5'E; then on a true compass bearing of 195° to a point at 40°47.4'S and 172°57.3'E; then along the line of the mean low-water mark to the point of commencement.

Regulation 10: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

11 Fishing in Tasman Bay and Golden Bay

When more than 100 tonnes of snapper have been taken from that area of Tasman Bay and Golden Bay lying inside a straight line drawn from Farewell Spit light (at 40°32.9'S and 173°00.6'E) to Cape Stephens (at 40°41.6'S and 173°05.7'E); then around the mean high-water mark to Sauvage Point (at 40°56.7'S and 173°46.3'E); then to Okuri Point light (at 40°58.7'S and 173°45.7'E) at any time during the period commencing with 1 October in any year and expiring with the last day of February in the following year, the chief executive shall give public notice of that fact in a newspaper circulating in the Nelson area and by such other means as the chief executive considers appropriate, and shall specify in that notice a date (being a date later than the publication of the notice) after which no commercial fisher shall---

- (a) take any fish by pair trawling or Danish seining; or
- (b) take any snapper using a surrounding net that is not a drag net---

in those waters of Tasman Bay lying inside a straight line drawn from the northwesternmost point of Pepin Island (at 41°08.5'S and 173°24.8'E) to the easternmost point of Adele Island (at 40°58.7'S and 173°04.2'E); then along the mean high-water mark in a westerly direction to the northernmost point of Adele Island (at 40°58.5'S and 173°03.5'E); then to the nearest point of the mainland (at 40°58.5'S and 173°02.9'E).

Regulation 11: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 11: words substituted, on 1 October 2001, by regulation 9 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 11(b): word substituted, on 1 November 1989, by regulation 6 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293).

12 Conditions for taking oysters

(1) The taking of oysters from within the prescribed area (as defined in subclause (2)) shall be subject to the following conditions:

(a) notwithstanding regulation 78 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulation made pursuant to the Fisheries Act 1983 or the Act relating to shellfish dredge requirements, any commercial fisher lawfully dredging for oysters may use not more than 2 dredges, and the bar or bit of any dredge used shall not exceed 2.5 m in length:

(b) no commercial fisher shall dredge for oysters between sunset and sunrise:

(c) no commercial fisher shall use any dredge on which there is any tine:

(d) no commercial fisher shall take any oyster, or possess any oyster taken, from those waters on the landward side of straight lines drawn from Foul Point (at 40°54.4'S and 173°03.8'E) to Adolphe Point (at 40°57.8'S and 173°04.2'E) to Jules Point (at 40°58.7'S and 173°04.2'E) on Adele Island; then along the mean high-water mark to the south-eastern tip of Adele Island (at 40°59.3'S and 173°03.5'E) to the south-eastern tip of Fishermens Island (at 40°59.7'S and 173°03.2'E) to Guilbert Point (at 40°59.5'S and 173°02.2'E).

(2) In subclause (1), the term prescribed area means those waters bounded by straight lines commencing at Kahurangi Point (at 40°46.7'S and 172°13.2'E) on the west coast of the South Island and proceeding westerly along the 40°46.7' south parallel of latitude to its intersection with the 171°50' east meridian of longitude; then northerly along that meridian of longitude to its intersection with the 40°15' south parallel of latitude; then easterly along that parallel of latitude to its intersection with the 174°30' east meridian of longitude; then southerly along that meridian of longitude to its intersection with the 41°43.8' south parallel of latitude; then westerly along that parallel of latitude to Cape Campbell (at 41°43.8'S and 174°16.6'E) on the east coast of the South Island; then generally northwesterly along the mean high-water mark of the sea to the point of commencement.

Regulation 12: substituted, on 18 August 1992, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/227).

Regulation 12(1)(a): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12(1)(a): words inserted, on 1 October 2001, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12(1)(a): words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12(1)(b): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12(1)(c): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12(1)(d): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

12A Conditions and restrictions relating to scallops

(1) The taking of scallops from within the prescribed area (as defined in regulation 12(2)) shall be subject to the following conditions:

(a) notwithstanding regulation 78 of the Fisheries (Commercial Fishing) Regulations 2001 or any other regulation made pursuant to the Fisheries Act 1983 or the Act relating to shellfish dredge requirements, any commercial fisher lawfully dredging for scallops may use not more than 2 dredges, and the bar or bit of any dredge used shall not exceed 2.5 m in length:

(b) no commercial fisher shall dredge for scallops between sunset and sunrise:

(c) no commercial fisher shall dredge for scallops on any Friday or Saturday:

(d) no commercial fisher shall use any dredge on which there is any time.

(2) No commercial fisher shall take any scallop, or possess any scallop taken, from those waters on the landward side of straight lines drawn from Foul Point (at 40°54.4'S and 173°03.8'E) to Adolphe Point (at 40°57.8'S and 173°04.2'E) to Jules Point (at 40°58.7'S and 173°04.2'E) on Adele Island; then along the mean high-water mark to the south-eastern tip of Adele Island (at 40°59.3'S and 173°03.5'E) to the south-eastern tip of Fishermens Island (at 40°59.7'S and 173°03.2'E) to Guilbert Point (at 40°59.5'S and 173°02.2'E).

(3) No commercial fisher shall take any scallop, or possess any scallop taken, from---

(a) those waters of Pelorus Sound on the landward side of a straight line drawn from Sheep Point (at 41°01.2'S and 173°48.8'E) to Camel Point (at 41°02'S and 173°48.6'E) and then to Cregoe Point (at 41°03.3'S and 173°49.9'E); or

(b) those waters of Queen Charlotte Sound on the landward side of a straight line drawn from the eastern point of Okahu Bay (at 41°13.5'S and 174°06.7'E) to a point on the shore on the eastern side of the mouth of Kahikatea Bay (at 41°14.3'S and 174°06.8'E); or

(c) those waters of East Bay Queen Charlotte Sound on the landward side of a straight line drawn due east from the easternmost point of Ngakuta Bay (at 41°08.5'S and 174°21.5'E) to the high tide mark on the opposite shore; or

(d) those waters of Kenepuru Sound on the landward side of a line drawn from Schnapper Point (at 41°12.2'S and 173°56.9'E) in a north-easterly direction to a point on the opposite shore at the south-west extremity of St Omer Bay (at 41°11.4'S and 173°58.1'E); or

(e) those waters of Nydia Bay, Pelorus Sound, on the landward side of a line drawn from a point on the shore at the north side of the mouth of the bay (at 41°08.8'S and 173°50.3'E) to a point on the shore at the side of the mouth of the bay (at 41°09.4'S and 173°50.9'E).

(4) No commercial fisher shall dredge for scallops in those waters within 3 kilometres in any direction of the Nelson sewage discharge at sea (at 41°12.3'S and 173°19.4'E) off the Boulder Bank at Port Nelson.

(5) Revoked.

Regulation 12A: substituted, on 18 August 1992, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/227).

Regulation 12A(1)(a): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(1)(a): words inserted, on 1 October 2001, by regulation 6 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(1)(a): words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(1)(b): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(1)(c): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(1)(d): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(3): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(3)(c): word added, on 20 November 1992, by regulation 2(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1992/321).

Regulation 12A(3)(d): added, on 20 November 1992, by regulation 2(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1992/321).

Regulation 12A(3)(e): added, on 20 November 1992, by regulation 2(1) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1992/321).

Regulation 12A(4): word substituted, on 1 October 2001, by regulation 4 of the

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12A(5): revoked, on 20 November 1992, by regulation 2(2) of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 13 (SR 1992/321).

12B Size concession for scallops

(1) Notwithstanding regulation 32 of the Fisheries (Commercial Fishing) Regulations 2001, a commercial fisher may take and be in possession of any scallop that---

(a) is taken from the prescribed area (as defined in regulation 12(2));
and

(b) has a shell, whether entire, chipped, or broken, of not less than 90 mm in length.

(2) Notwithstanding regulation 32 of the Fisheries (Commercial Fishing) Regulations 2001, a person may sell, possess for sale, or process for sale any scallop taken in accordance with subclause (1).

Regulation 12B: substituted, on 18 August 1992, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 12 (SR 1992/227).

Regulation 12B(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12B(1): words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 12B(2): words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

12C Restrictions on taking cockle

(1) A commercial fisher must not take cockle, or possess cockle taken, from quota management area 7A, except from the waters of Tapu Bay, Ferry Point, or Pakawau Beach.

(2) In this section,---

(a) Tapu Bay is the water within the area defined by a line commencing at the mean high-water mark of the South Island at 41°04.7'S and approximately 173°00.6'E; then proceeding in a generally northerly direction along the mean high-water mark to the southernmost point of Anawere Point at 41°03.1'S and 173°01.1'E; then proceeding in a southerly direction along the line of longitude 173°01.1'E to a point at 41°04.01'S; then proceeding in a straight

line to the point of origin:

(b) Ferry Point is the water within the area defined by a line commencing at the mean high-water mark of the South Island at 40°38.42'S and approximately 172°40.86'E; then proceeding generally in an easterly direction along the line of latitude 40°38.42'S to a point at 172°41.04'E; then proceeding generally north to a point at 40°37.76'S and 172°41.04'E; then proceeding west to the mean high-water mark at 40°37.76'S and approximately 172°40.86'E; then proceeding generally in a southerly direction along the mean high-water mark to the point of origin:

(c) Pakawau Beach is the water within the area defined by a line commencing at the mean high-water mark of the South Island at 40°31.1'S and approximately 172°44.33'E (the mouth of Puponga Inlet, Golden Bay); then proceeding south along the boundary of the Farewell Spit nature reserve to a point at 40°32.55'S and 172°44.67'E; then proceeding generally in a south-westerly direction to a point at 40°35.27'S and 172°42.13'E; then proceeding generally in an easterly direction to a point at 40°35.67'S and 172°41.33'E (Pakawau Inlet, Golden Bay); then proceeding generally in a north-easterly direction along the mean high-water mark to the point of origin.

(3) A commercial fisher must not take cockle, or possess cockle taken, from within 150 metres of the mean high-water mark of Outer (Goat) Island in Tapu Bay.

(4) A commercial fisher must not take cockle, or possess cockle taken, from quota management area 7B.

Regulation 12C: inserted, on 1 October 2002, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

13 Scallop quotas

Revoked.

Regulation 13: revoked, on 31 August 1987, by regulation 3 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1987/262).

13A Oyster fishing restrictions

Revoked.

Regulation 13A: revoked, on 1 October 1996, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 21 (SR 1996/277).

13B Pacific oyster

Notwithstanding anything in regulation 34 of the Fisheries (Commercial Fishing) Regulations 2001, any commercial fisher may take Pacific oysters from the

waters of the Challenger fishery management area at anytime on any day.

Regulation 13B: inserted, on 1 October 1994, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 16 (SR 1994/177).

Regulation 13B: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 13B: words substituted, on 1 October 2001, by regulation 11 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14 Taking mussels

(1) No commercial fisher shall take any mussels from those waters lying inside a straight line drawn from Pihaka Point (at 41°13.9'S and 174°02.4'E) to Karaka Point (at 41°15.3'S and 174°03.9'E).

(2) No commercial fisher shall take any mussels by any fishing method other than hand-gathering from those waters lying inside a straight line drawn from Cape Jackson (at 40°59.8'S and 174°18.9'E) to Cape Koamaru (at 41°05.5'S and 174°23'E); and those waters of Tory Channel lying inside a straight line drawn from East Head (at 41°12.8'S and 174°19.4'E) to West Head (at 41°12.9'S and 174°18.9'E).

Regulation 14(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 14(1): words omitted, on 30 October 1993, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

Regulation 14(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 14(2): words omitted, on 30 October 1993, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 15 (SR 1993/352).

14A Targeting of certain fish, aquatic life, and seaweed prohibited, unless specially authorised

Revoked.

Regulation 14A: revoked, on 1 October 2001, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14AA Fish, aquatic life, and seaweed that may be taken subject to competitive or individual quotas, method restrictions, etc

Revoked.

Regulation 14AA: revoked, on 1 October 2001, by regulation 8 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14B Kina season and quotas

Revoked.

Regulation 14B: revoked, on 1 October 2002, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

14C Restriction on method of taking of kina

Revoked.

Regulation 14C: revoked, on 21 October 2004, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/334).

14D Sea cucumber season and quota

Revoked.

Regulation 14D: revoked, on 1 April 2004, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2004 (SR 2004/72).

14E Taking of certain paddle crabs prohibited

No commercial fisher shall take from the waters of quota management area 7 any paddle crab that is carrying any external eggs or from which any of the external eggs have been removed by artificial means, or be in possession of any such paddle crab if it has been taken from those waters.

Regulation 14E: inserted, on 1 November 1989, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293).

Regulation 14E: word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14F Restriction on method of taking of octopus, or hagfish

(1) No commercial fisher shall use any methods other than hand-gathering or

the use of a pot (not being a rock lobster pot) to fish for any, octopus, or hagfish in the waters of quota management area 7.

(2) Nothing in subclause (1) shall apply to any commercial fisher who is lawfully fishing for any rock lobster in those waters.

(3) Nothing in subclause (1) shall apply to any commercial fisher who takes any, octopus, or hagfish as an inevitable consequence of the lawful taking of other fish, aquatic life, or seaweed.

Regulation 14F: inserted, on 1 November 1989, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293).

Regulation 14F heading: words omitted, on 1 October 2002, by regulation 6(1) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 14F(1): words omitted, on 1 October 2002, by regulation 6(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 14F(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 14F(2): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 14F(3): word omitted, on 1 October 2002, by regulation 6(2) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 14F(3): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14G Season and quotas for anchovy, garfish, pilchards, and sprats

Revoked.

Regulation 14G: revoked, on 1 October 2002, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

14H Restrictions on use of nets and dredges

(1) No commercial fisher shall use any trawl net, set net, or surrounding net to take any fish or aquatic life from the waters of quota management area 7, unless that method of netting is specifically authorised by a fishing permit held by that commercial fisher.

(2) No commercial fisher shall use any dredge to take any fish or aquatic life from the waters of quota management area 7, unless that method is specifically authorised by a fishing permit held by that commercial fisher.

Regulation 14H: inserted, on 1 November 1989, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293).

Regulation 14H(1): words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 14H(2): words substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14I Restriction on method of taking seaweed

(1) No commercial fisher shall take any seaweed from the waters of quota management area 7 by any method other than hand-gathering.

(2) Nothing in subclause (1) shall apply to the taking of seaweed of the class Rhodophyceae that is floating free and unattached, or that has been cast ashore.

Regulation 14I: inserted, on 1 November 1989, by regulation 7 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293).

Regulation 14I(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

14J Taking eels from waters of national parks prohibited

Revoked.

Regulation 14J: revoked, on 1 April 1996, by regulation 2 of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 19 (SR 1996/19).

14J Taking of eels in Pelorus River prohibited

(1) No commercial fisher shall take eels from the Pelorus River.

(2) For the purpose of this regulation, the term Pelorus River means all those waters of the Pelorus River east of the junction of the Pelorus River with the Wakamarina River (at 41°17'17.6"S and 173°40'18.5"E) and west of Ruapaka due south of Trig 2122 at the centre line of the Pelorus River (at 41°17'10.0"S and 173°42'05.3"E).

Regulation 14J: inserted, on 24 October 1996, by regulation 3 of the Fisheries

(Challenger Area Commercial Fishing) Regulations 1986, Amendment No 21 (SR 1996/277).

Regulation 14J(1): word substituted, on 1 October 2001, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

15 Offences

(1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 if the person acts in contravention of, or fails to comply with, any of regulations 2BB, 9A(2), 11, 12(1)(a), (b), or (c), 12A(1) or (4), 12B, 14, 14E, 14F or 14I.

(2) A person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 if the person acts in contravention of, or fails to comply with, any of regulations 2A to 2BA, 2C to 3A, 5 to 9, 9A(1), 10, 12(1)(d), 12A(2) or (3), 12C, 14H, or 14J.

Regulation 15: substituted, on 1 October 2001, by regulation 10 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2001 (SR 2001/266).

Regulation 15(1): expression omitted, on 21 October 2004, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2004 (SR 2004/344).

Regulation 15(1): expression omitted, on 1 October 2002, by regulation 8(1) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 15(1): expression omitted, on 11 July 2002, by regulation 4 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2002 (SR 2002/159).

Regulation 15(2): expression omitted, on 1 April 2004, by regulation 5 of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2004 (SR 2004/72).

Regulation 15(2): expressions omitted, on 1 October 2002, by regulation 8(2)(a) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

Regulation 15(2): expression inserted, on 1 October 2002, by regulation 8(2)(b) of the Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2) 2002 (SR 2002/276).

15A Levies in respect of Southern scallop fishery

Revoked.

Regulation 15A: revoked, on 15 August 1996, by regulation 3(1) of the Fisheries (Expiry of Southern Scallop Levy Provisions) Order 1996 (SR 1996/196).

16 Revocation

The Fisheries (Nelson Commercial Fishing) Regulations 1985 (SR 1985/210) are hereby revoked.

P G Millen,

Clerk of the Executive Council.

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

Date of notification in Gazette: 4 September 1986.

Index to notes

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes

- 1 General

This is a reprint of the Fisheries (Challenger Area Commercial Fishing) Regulations 1986. The reprint incorporates all the amendments to the Fisheries (Challenger Area Commercial Fishing) Regulations 1986 as at 21 October 2004, as specified in the list of amendments at the end of this reprint.

- 2 Status of reprints

Under section 29A of the Evidence Act 1908, 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. For an outline of editorial changes made in reprints, see below.

- 3 How reprints are prepared

The following conventions are followed in the preparation of reprints generally, and they have been followed, where relevant, in the preparation of this reprint:

- o the enacting words have been omitted
- o provisions that have been repealed or revoked are omitted, but a note indicates the repealing enactment or revoking provision
- o footnotes are included to indicate where--
 - o words, phrases, or provisions have been inserted or substituted, the commencement date of the amendment, and the particular enactment responsible for the change
 - o references in a reprinted enactment to any repealed enactment have been replaced with a reference to any enactment that replaces, or corresponds to, the repealed enactment, in reliance on section 22(2) of the Interpretation Act 1999
 - o any term used in a reprinted enactment that has been deemed, by another enactment, to be read as if it were another term has been replaced by that other term
 - o references in a reprinted enactment to amounts in pounds, shillings, and pence have been replaced by a reference to the equivalent amount in decimal currency (dollars and cents), in reliance on section 7 of the Decimal Currency Act 1964
 - o where the principal enactment has made a textual amendment to another enactment, and the amendment has been incorporated in a reprint of that other enactment, the text of the amendment is not reprinted in full in the reprint
 - o where a provision of an amending enactment has made a textual amendment to the principal enactment, the provision of the amending enactment is not reprinted.

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 so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would change 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 legislative drafting practice.

In outline, the editorial changes made in reprints under the authority of

section 17C of the Acts and Regulations Publication Act 1989 are as follows, and they have been followed, where relevant, in the preparation of this reprint:

- o unnecessary referential words (such as "of this section" and "of this Act") have been omitted
- o typeface and type size have been changed to accord with current drafting practice (Times Roman, generally in 11.5 point with 13.5 point leading)
- o the setting out of provisions has been changed to accord with current drafting practice. These changes include---
 - o changes to the indenting and layout of provisions
 - o the repositioning of section headings, so that the number and heading appear above the section
 - o the reformatting of definitions, so that the defined term appears in bold type, without quotation marks
 - o dates are expressed in a manner consistent with current drafting practice (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")
 - o the date of assent has been repositioned so that it appears on the front page of each Act
 - o punctuation is consistent with current drafting practice (eg, colons are not used after definitions)
 - o Parts numbered with roman numerals have been replaced with arabic numerals, and all cross-references changed accordingly
 - o the case and appearance of letters and words have been changed to accord with current drafting practice
 - o headings have been reformatted (eg, headings where each word formerly appeared with an initial capital letter followed by small capitals have been changed so that the heading appears in bold, with only the first word (and any proper names) appearing with an initial capital)
 - o letters appearing in small capitals in section and subsection references have been changed to capital letters (eg, "section 7a" is now expressed as "section 7A")
 - o schedules have been renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references changed accordingly
 - o running heads (the information that appears at the top of each page) have been altered to accord with current drafting practice.

Two-column schedules of consequential amendments, and schedules of repeals, have been reformatted, and rearranged into alphabetical order (rather than

chronological), to accord with current drafting practice.

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

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2)
2004 (SR 2004/334)

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2004
(SR 2004/72)

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2)
2002 (SR 2002/276)

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 2002
(SR 2002/159)

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations (No 2)
2001 (SR 2001/266)

Fisheries (Challenger Area Commercial Fishing) Amendment Regulations 1998
(SR 1998/304)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 22 (SR 1996/313)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 21 (SR 1996/277)

Fisheries (Expiry of Southern Scallop Levy Provisions) Order 1996
(SR 1996/196): clause 3(1)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 19 (SR 1996/19)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 18 (SR 1995/234)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 17 (SR 1995/34)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 16 (SR 1994/177)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 15 (SR 1993/352)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 14 (SR 1993/281)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 13 (SR 1992/321)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment
No 12 (SR 1992/227)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 11 (SR 1991/162)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 7 (SR 1989/293)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 3 (SR 1987/262)

Fisheries (Challenger Area Commercial Fishing) Regulations 1986, Amendment No 1 (SR 1986/253)

The Fisheries (Challenger Area Commercial Fishing) Regulations 1986 are administered in the Ministry of Fisheries.