

South Australia

**NATIONAL PARKS REGULATIONS 1990**

## **REGULATIONS UNDER THE NATIONAL PARKS AND WILDLIFE ACT, 1972**

*National Parks Regulations, 1990*

being

No. 250 of 1990: *Gaz.* 13 December 1990, p. 1772

as varied by

- No. 16 of 1991: *Gaz.* 14 February 1991, p. 522
- No. 165 of 1992: *Gaz.* 30 July 1992, p. 735
- No. 196 of 1993: *Gaz.* 26 August 1993, p. 945<sup>1</sup>
- No. 215 of 1994: *Gaz.* 15 December 1994, p. 2267<sup>2</sup>
- No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262<sup>3</sup>
- No. 53 of 1997: *Gaz.* 1 May 1997, p. 1706<sup>4</sup>
- No. 226 of 2000: *Gaz.* 7 September 2000, p. 1762<sup>5</sup>**

<sup>1</sup> Came into operation 26 December 1993: reg. 2.

<sup>2</sup> Came into operation 15 December 1994: reg. 2.

<sup>3</sup> Came into operation 3 February 1997: reg. 2.

<sup>4</sup> Came into operation 1 May 1997: reg. 2.

<sup>5</sup> **Came into operation 7 September 2000: reg. 2.**

*NOTE:*

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix.

## **SUMMARY OF PROVISIONS**

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37. Permission of Director
- 37A. Prescription of offences—section 73A
38. General offence

### **SCHEDULE 1**

*Regulations referred to in Regulation 37A*

### **SCHEDULE 2**

*Seal Bay Beach User Fee Zone*

### **APPENDIX LEGISLATIVE HISTORY**

**Citation**

1. These regulations may be cited as the *National Parks Regulations, 1990*.

**Revocation**

2. The *National Parks Regulations, 1972* (see *Gazette*, 29 June, 1972, p. 2865) as varied, are revoked.

**Interpretation**

3. In these regulations, unless the contrary intention appears—

**"the Act"** means the *National Parks and Wildlife Act, 1972*;

**"cave"** means a cave in a reserve and includes any natural cavity in the earth's surface;

**"to drive"** includes to ride;

**"exotic plant"** means a plant that is not a native plant;

**"filming"** means taking moving or still pictures by any means;

**"permit"** means a permit or other written permission granted by the Director under these regulations;

**"unprotected animal"** means an animal that is not a protected animal;

**"vessel"** means a boat, jet-ski, sailboard, raft, pontoon or any other man-made object capable of floating on water and includes a hovercraft.

**Application**

4. A warden is not subject to these regulations in relation to the performance of the functions or the exercise of the powers of a warden and an employee of the Department is not subject to these regulations in relation to the performance of the duties of his or her employment.

**Qualifications of wardens**

5. For the purposes of section 20(1) of the Act, a person has prescribed qualifications if the person:

- (a) has satisfactorily completed the training necessary for appointment as a member of a police force of the Commonwealth or a State or a Territory of the Commonwealth;
- (b) has satisfactorily completed the course run by the Director known as the Basic Warden Training Course;
- (c) has satisfactorily completed at least two weeks full-time training (or the equivalent part-time training) with National Parks and Wildlife South Australia that, in the opinion of the Director, qualifies the person for appointment as a warden;
- (d) is employed in the Australian Customs Service;
- (e) is employed in a unit or department, responsible for wildlife conservation, of another State or a Territory of the Commonwealth.

### **Entrance to reserves and parts of reserves where fee payable**

**6.** (1) Where a fee is prescribed or fixed by the Director for entrance to a reserve or part of a reserve, a person may not enter or remain in the reserve or part of the reserve unless the appropriate fee has been paid.

(2) Where a fee is prescribed or fixed by the Director for the hire of a tennis court, pavilion, accommodation block or cottage in a reserve, a person must not enter or remain within the boundaries of the facility unless that person has hired the facility or has been permitted by the hirer to enter or remain within the boundaries of the facility.

(3) Where an oval or open space recreation area in a reserve has been hired, no person, except the hirer or a person given permission by the hirer, may enter or remain on that oval or area.

### **Opening and closing of reserves**

**7.** (1) The Director may, by causing a notice to be published in the *Gazette*, give notice of the hours during which a reserve is open to the public.

(2) The Director may vary or revoke a notice under this regulation at any time by subsequent notice published in the *Gazette*.

(3) The Director may close a reserve or any part of a reserve—

(a) if a total fire ban is in force in an area that includes all or part of the reserve, or the risk of uncontrolled fire in the reserve is, in the Director's opinion, extreme;

(b) if the staff necessary to patrol the reserve are unavailable;

(c) if it is, in the Director's opinion, in the interest of public safety to close the reserve;

or

(d) in accordance with a plan of management adopted in relation to the reserve.

(4) A person must not, without the permission of the Director, enter or remain in a reserve when it is closed to the public.

### **Access to Seal Bay Beach**

**8.** A person must not, without the permission of the Director, enter or remain in that part of Seal Bay Conservation Park shown as Seal Bay Beach User Fee Zone on the plan in schedule 2 except in the company of a warden or a person assisting a warden.

### **General conditions on use of reserves**

**9.** (1) One method by which the Director may set aside the whole or part of a reserve as an area in which a particular activity may be undertaken by visitors to the reserve is to cause a notice to be published in the *Gazette* setting aside the reserve for that purpose.

(2) A notice may impose conditions in relation to the activity and the Director may vary or revoke a notice at any time by subsequent notice published in the *Gazette*.

(3) A person must not contravene or fail to comply with a condition.

### **Use of vehicles**

**10.** (1) A person must not, without the permission of the Director, drive or tow a vehicle in a reserve except on a road or track set aside for that purpose by the Director or in any other area of the reserve set aside for that purpose by the Director.

(2) A person must not, without the permission of the Director, drive a vehicle in a reserve at a speed that exceeds the speed limit fixed by the Director or, if no limit has been fixed by the Director, at a speed that exceeds 40 kilometres per hour.

(3) A person must not drive a vehicle in a reserve without due care, recklessly or at a speed or in a manner dangerous to the public.

(4) A person must not leave a vehicle in a position that obstructs other vehicles from entering, leaving or proceeding along a road or track in a reserve.

(5) A warden may remove, or cause to be removed, a vehicle left in contravention of subregulation (4) and the Director may recover the costs of removal from the owner of the vehicle as a debt.

(6) A person must not drive a vehicle that is propelled by an internal combustion engine on land in a reserve unless it is registered and insured.

### **Display of certain receipts and permits in vehicles**

**10A.** (1) Where the payment of a fee or the issue of a permit is required for entry to a reserve, a person who enters the reserve in a vehicle must ensure that the receipt for the entrance fee in respect of, or the permit authorising, his or her entry into the reserve is displayed in the vehicle in accordance with subregulation (3) continuously until he or she or the vehicle leaves the reserve.

(2) Where the issue of a permit is required for camping in a reserve, a person who camps in the reserve in or near a vehicle that he or she has used to get to the camping site must ensure that the permit authorising him or her to camp in the reserve is displayed in the vehicle in accordance with subregulation (3) continuously while he or she is camping in or near the vehicle.

(3) For the purposes of these regulations a receipt for an entrance fee or a permit is displayed in a vehicle only if—

- (a) the receipt or permit is displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position; or
- (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a)—the receipt or permit is displayed in a prominent position in or on the vehicle,

so that the receipt or permit is easily legible to a person standing beside the vehicle.

(4) This regulation does not apply to a person who enters, or camps in, a reserve as the client of a person conducting a tour for fee or reward if the vehicle concerned is owned by, or is under the control of, the tour operator.

### **Use of aircraft**

**11.** (1) A person must not, without the permission of the Director, use an aircraft on land or water in a reserve except in an area set aside by the Director for that purpose.

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(2) A person must not, without the permission of the Director, jump into a reserve from an aircraft or use an aircraft for the purpose of dropping an object into a reserve.

**Use of boats**

**12.** A person must not, without the permission of the Director, launch, or use, a vessel on a dam, reservoir, lake, river or other body of water in a reserve unless the water has been set aside by the Director for the use of vessels of that kind.

**Camping**

**13.** A person must not, without the permission of the Director, camp in a reserve either in an area set aside for that purpose or in any other part of the reserve.

**Fires**

**14.** (1) A person must not, without the permission of the Director, light, maintain or use a fire in a reserve in contravention of a ban or restriction imposed by the Director.

(2) A person must not light or maintain a fire in a reserve in contravention of the *Country Fires Act, 1976*.

(3) Subject to subregulation (4), a person must not, without the permission of the Director, light, maintain or use a fire in a reserve except in a fire place constructed at the direction of the Director for that purpose.

(4) Subregulation (3) does not apply in relation to an area excluded from the operation of that subregulation by the Director by notice published in the *Gazette*.

(5) An exclusion under subregulation (4) may apply in relation to all fires or a class or classes of fire.

(6) The Director may vary or revoke a notice under this regulation at any time by subsequent notice published in the *Gazette*.

(7) A person who has lit, maintained or used a fire in a reserve must not leave the fire unattended.

**Possession and use of chainsaws**

**15.** (1) Subject to subregulation (2), a person must not, without the permission of the Director have control of, carry or use a chainsaw in a reserve.

(2) A person may have control of, carry or use a chainsaw in a reserve—

(a) in the course of exercising rights or performing obligations pursuant to a lease, licence or other agreement entered into by the Minister or the Director in relation to the reserve;

(b) in the course of exercising powers or performing obligations under an Act or statutory instrument;

or

(c) for the purpose of fighting a bushfire or dealing with any other emergency.

**Use of generators and alternators**

**16.** (1) Subject to subregulation (2), a person must not, without the permission of the Director, operate a generator or alternator in a reserve except in an area set aside by the Director for that purpose.

(2) Subregulation (1) does not apply in relation to the use of a motor vehicle of a kind that is normally equipped with a generator or alternator.

**Use of metal or mineral detectors**

**17.** A person must not, without the permission of the Director, use a device for detecting metal or minerals in a reserve.

**Possession and use of firearms, etc.**

**18.** (1) Subject to this regulation, a person must not, without the permission of the Director—

(a) have control of, carry or use a firearm or other weapon;

or

(b) have control of, carry or use explosives or fireworks,

in a reserve.

(2) Subregulation (1)(a) does not apply to an Aborigine in relation to a firearm that he or she has control of, carries or uses for the purpose of taking animals in accordance with the proclamation referred to in section 68d(4) of the Act.

(3) A person may, if he or she complies with the Act and these regulations, have control of, carry or use a firearm in a game reserve if the firearm has a smooth bore not exceeding 19 millimetres in diameter.

**Swimming and diving**

**19.** (1) A person must not swim or dive in any water in a reserve except—

(a) in the case of Piccaninnie Ponds Conservation Park, in pursuance of a diving or snorkelling permit issued by the Director;

(b) in the case of any other reserve—

(i) in an area set aside by the Director for that purpose;

or

(ii) with the permission of the Director.

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**Use of caves**

**20.** A person must not, without the permission of the Director—

(a) enter a cave (except in the company of a warden or person assisting a warden);

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- (b) remove or displace any rock, mineral or fossil in a cave;
- (c) disturb or interfere with any plant or animal (whether dead or alive) in a cave;
- (d) touch or interfere with any karstcalcite formation (speleothem) in a cave;
- (e) urinate or defecate in a cave;
- (f) deposit any organic or inorganic matter in a cave;
- (g) disturb, touch or interfere with any Aboriginal art or artefact in a cave;
- (h) use any paint, dye or marker in a cave, or release any substance into the waters of a cave;
- (i) light a fire or burn any material in a cave;
- (j) smoke any tobacco product in a cave;
- (k) dive in the waters of a cave or sink hole.

**Regulation of certain recreational activities**

**21.** (1) A person must not, without the permission of the Director—

- (a) engage in the sport of climbing rock faces;
- (b) engage in the sport of abseiling;
- (c) use a hang glider or any other kind of glider;
- (d) launch a hot air balloon;
- (e) fly model planes or gliders;

or

- (f) engage in the sport of sand boarding (sliding down a sandhill on a board),

in a reserve except in an area set aside by the Director for that purpose.

(2) A person must not, without the permission of the Director, engage in any other sport on any part of a reserve designated as a golf course.

**Protection of animals**

**22.** (1) A person must not, without the permission of the Director or other lawful authority, take or molest an unprotected animal in a reserve.

(2) A person must not, without the permission of the Director, intentionally damage the nest or burrow of an animal in a reserve.

**Possession and use of trapping devices, etc.**

**23.** (1) Subject to subregulation (2), a person must not, without the permission of the Director, while in a reserve, have control of, carry or use a device designed for the purpose of taking an animal.

(2) Subregulation (1) does not apply to a person in relation to a device that he or she has control of, carries or uses solely for the purpose of taking fish or crustaceans in waters adjoining the reserves.

**Bringing animals into reserve**

**24.** (1) Subject to this regulation, a person who has control of an animal must not, without the permission of the Director, bring it into a reserve or permit it to enter a reserve.

(2) A person who is entitled to use a reserve pursuant to a lease, licence or other agreement entered into by the Minister or the Director may, subject to the terms of the lease, licence or agreement, bring animals into the reserve in the course of using the reserve pursuant to the lease, licence or agreement.

(3) A person may ride or lead a horse in a reserve on a road or track set aside for that purpose by the Director or in any other area of the reserve set aside for that purpose by the Director.

(4) A person who needs the assistance of a guide dog may bring the dog into a reserve if it is restrained on a lead while in the reserve.

(5) A person may bring a dog into a recreation park if it is restrained on a lead while in the park.

(6) A person who is entitled to enter a game reserve to hunt may bring a dog into the reserve if it is restrained on a lead when not assisting that person in hunting.

(7) A lead referred to in subregulations (4), (5) or (6) must not exceed three metres in length.

**Straying and grazing of animals**

**25.** A person must not, without the permission of the Director, permit an animal to stray into, or graze in, a reserve unless he or she is authorized to do so by a lease, licence or other agreement entered into by the Minister or the Director.

\* \* \* \* \*

**Seizure of animals, etc.**

**27.** (1) Where an unprotected animal is in a reserve and—

(a) is not under the control of any person;

and

(b) is not in the reserve with the written permission of the Director or pursuant to a lease, licence or other agreement entered into by the Minister or the Director,

a warden or any other person authorized by the Director may subject to subregulation (2)—

10.

(c) capture and dispose of the animal by sale or in any other manner;

or

(d) destroy the animal.

(2) Where a warden or other person authorized by the Director knows, or has reason to believe, that a person claims ownership of an animal in a reserve, the warden or other person must, before disposing of or destroying the animal, serve notice on the owner requiring him or her to remove the animal from the reserve within seven days.

(3) The notice may be served—

(a) personally or by post;

or

(b) if the whereabouts of the person on whom the notice is to be served are unknown—by publication of the notice in a newspaper circulating generally throughout the State.

(4) The costs of capturing and disposing of an animal or destroying an animal under subregulation (1) are a debt due by the owner of the animal to the Crown.

(5) An animal that has been captured must not be surrendered to its owner until those costs have been paid.

(6) Where an animal is sold under this regulation, the Crown is entitled to the excess (if any) of the proceeds of the sale over the costs of capturing and selling the animal.

### **Plants**

**28.** (1) A person must not, without the permission of the Director, take an exotic plant that is growing in a reserve.

(2) A person must not, without the permission of the Director, bring a plant into a reserve unless the plant is dead and is brought into the reserve as food for human consumption.

### **Interference with earth, etc.**

**29.** A person must not, without the permission of the Director—

(a) remove from a reserve any—

(i) soil, rock, mineral or similar material;

(ii) wood, mulch or other dead vegetation;

or

(iii) fossil or archaeological remains;

(b) dig or otherwise intentionally disturb any soil or similar material in a reserve;

11.

or

- (c) intentionally disturb any—
  - (i) wood, mulch or other dead vegetation in a reserve;
  - or
  - (ii) fossil or archaeological remains in a reserve.

#### **Scientific research**

**30.** A person must not, without the permission of the Director, carry out scientific research in a reserve.

#### **Littering**

**31.** A person must not, in a reserve—

- (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material, except in an area or receptacle provided for that purpose;
- (b) deposit, discharge or leave any noxious, noisome, offensive or polluting substance, matter or thing;
- (c) deposit or leave any offal, dead animal, dung or other filth;
- (d) deposit in any receptacle provided for litter any domestic garbage;
- (e) wilfully break any article of glass, china, pottery, plastic or other brittle material;
- (f) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product.

#### **Pollution of waters**

**32.** A person must not foul or pollute any water in a creek, river, well, dam, reservoir or lake in a reserve.

#### **Abandoned property**

**33.** (1) A person must not, without the permission of the Director, abandon or leave unattended for more than 24 hours any vehicle or other personal property in a reserve.

(2) Any vehicle or personal property abandoned or left unattended for more than 24 hours in a reserve may be seized and impounded by a warden.

(3) The Director may require the owner of any vehicle or personal property seized and impounded under this regulation to pay the cost of seizing, impounding and keeping such vehicle or personal property before returning the vehicle or personal property to the owner.

(4) If, at the expiration of one month after the owner of a vehicle or personal property has been notified of its seizure or impounding, the owner has not paid to the Director the cost of seizing, impounding and keeping the vehicle or personal property, the Director may sell or otherwise dispose of the vehicle or personal property.

(5) If the owner of any vehicle or personal property seized or impounded under this regulation is unknown or cannot be contacted, the Director may, after the expiration of one month after the vehicle or personal property has been seized or impounded, sell or otherwise dispose of the vehicle or personal property.

#### **Disorderly behaviour, etc.**

**34.** (1) A person must not behave in a disorderly, offensive or indecent manner or use any offensive or indecent language or create any disturbance in a reserve.

(2) A person must not in a reserve wilfully obstruct, disturb, interrupt or annoy any other person engaged in the proper use of such reserve.

(3) A person must not in a reserve throw, roll or discharge any stone, substance or missile to the danger of any person or animal in the reserve.

(4) A person must not deface, paint, write, cut names or letters, otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a reserve.

#### **Activities that must be authorised by a lease, licence or agreement**

**34A.** (1) A person must not undertake any of the following activities in a reserve except pursuant to a lease, licence or other agreement between that person, or some other person, and the Minister or the Director:

- (a) filming, videotaping or taking photographs for commercial purposes;
- (b) conducting tours for fee or reward;
- (c) conducting surfing, fishing or any other kind of competition;
- (d) selling or hiring goods or offering goods for sale or hire;
- (e) providing, or offering to provide, any service for fee or reward;
- (f) conducting speed trials;
- (g) conducting scientific experiments;
- (h) keeping bees;
- (i) an activity of any kind for the purpose of fund raising or making a profit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

**Other activities subject to Director's permission**

**35.**

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(2) A person must not, without the permission of the Director, use or cause to be used, any loud speaker or similar device or other noisy equipment in a reserve.

(3) A person must not, without the permission of the Director, construct or erect any booth, marquee or other structure in a reserve.

(4) A person must not, without the permission of the Director, organize, attend or participate in, or cause to be organized, any public meeting, demonstration or gathering in a reserve.

**Compliance with directions of warden**

**36.** A person must not fail to comply with any reasonable direction or request given by a warden relating to—

- (a) use of a reserve;
  - (b) conduct and behaviour in a reserve;
- or
- (c) safety in a reserve.

**Permission of Director**

**37.** (1) A permission granted by the Director pursuant to these regulations may be included in a lease, licence or other agreement with the applicant or (unless it is published in the *Gazette*) be in the form of a permit and may—

- (a) be conditional; and
- (b) be varied or revoked by the Director at any time.

(2) The permission may apply to a particular person or persons or may, if published in the *Gazette*, apply generally or to a particular class of persons.

(3) Where the Director grants permission subject to a condition, a person must not contravene or fail to comply with the condition.

**Prescription of offences—section 73A**

**37A.** An offence against regulation 38 that arises from a contravention or failure to comply with a regulation set out in Schedule 1 is prescribed for the purposes of the definition of "**prescribed offence**" in section 73A of the Act.

**General offence**

**38.** (1) Subject to an express provision to the contrary, a person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

Maximum penalty: \$1 000.

Expiation fee: (a) in the case of alleged contravention of, or failure to comply with, reg. 6(1), 10, 14, 18(1)(a), 34(1) or (2) or 36—\$150;  
(b) in any other case—\$75.

(2) It is a defence to a charge of an offence against these regulations if—

(a) the defendant proves that he or she acted in response to an emergency;

and

(b) the court finds that the action was reasonable in the circumstances.

\* \* \* \* \*

**SCHEDULE 1**  
*Regulations referred to in Regulation 37A*

Regulation	6(1)
Regulation	7(4)
Regulation	10(1)
Regulation	10(2)
Regulation	10(3)
Regulation	10(4)
Regulation	10(6)
Regulation	10A(1)
Regulation	10A(2)
Regulation	13

16.

**SCHEDULE 2**

*Seal Bay Beach User Fee Zone*  
(reg. 8)

[Map appears in  
*Gaz.* 13.12.90, p. 1772]

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## APPENDIX

### LEGISLATIVE HISTORY

#### Transitional Provisions

*(Transitional provision from Regulation No. 259 of 1996, reg. 4)*

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

#### Legislative History

*(entries in bold type indicate amendments incorporated since the last consolidation)*

<b>Regulation 3:</b>	definitions of "filming" and "permit" inserted by 226, 2000, reg. 3 definition of "to film" revoked by 226, 2000, reg. 3
<b>Regulation 5:</b>	varied by 226, 2000, reg. 4(a), (b)
<b>Regulation 6(1):</b>	varied by 226, 2000, reg. 5(a)
<b>Regulation 6(2):</b>	varied by 226, 2000, reg. 5(b)
<b>Regulation 10A:</b>	inserted by 226, 2000, reg. 6
<b>Regulation 13:</b>	varied by 226, 2000, reg. 7
<b>Regulation 15(2):</b>	varied by 226, 2000, reg. 8
<b>Regulation 19(2):</b>	revoked by 226, 2000, reg. 9
<b>Regulation 20:</b>	varied by 226, 2000, reg. 10
<b>Regulation 21(1):</b>	varied by 226, 2000, reg. 11
<b>Regulation 24(2):</b>	substituted by 226, 2000, reg. 12
<b>Regulation 25:</b>	varied by 226, 2000, reg. 13
<b>Regulation 26:</b>	revoked by 226, 2000, reg. 14
<b>Regulation 27(1):</b>	varied by 226, 2000, reg. 15
<b>Regulation 34A:</b>	inserted by 226, 2000, reg. 16
<b>Regulation 35(1):</b>	revoked by 226, 2000, reg. 17
<b>Regulation 37(1):</b>	substituted by 226, 2000, reg. 18
<b>Regulation 37A:</b>	inserted by 226, 2000, reg. 19
<b>Regulation 38(1):</b>	varied by 259, 1996, reg. 3 (Sched. cl. 18); <b>226, 2000, reg. 20</b>
Regulation 39:	revoked by 259, 1996, reg. 3 (Sched. cl. 18)
<b>Schedule 1:</b>	varied by 16, 1991, reg. 2; 165, 1992, reg. 2; substituted by 196, 1993, reg. 2; varied by 215, 1994, reg. 3; revoked by 53, 1997, reg. 3; <b>inserted by 226, 2000, reg. 21</b>
Schedule 3:	revoked by 259, 1996, reg. 3 (Sched. cl. 18)