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Marine Reserves Act 1971

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Conservation.

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An Act to provide for the setting up and management of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study

1 Short Title

This Act may be cited as the Marine Reserves Act 1971.

2 Interpretation

In this Act, unless the context otherwise requires,—

area means any part of—

(a) the seabed vertically below an area of the surface of—

(i) the territorial sea of New Zealand; or

(ii) the internal waters of New Zealand as defined by section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977; or

(b) the foreshore of the coast of New Zealand;—

and includes any water at any material time upon or vertically above it

Board means a Conservation Board established under section 6L of the Conservation Act 1987

Conservation Authority means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

conservation management plan means a conservation management plan approved under section 8

conservation management strategy means a conservation management strategy approved under section 17F of the Conservation Act 1987

Department means the Department of Conservation

Director-General means the Director-General of Conservation

firearm means anything from which any shot, bullet, missile, or other projectile can be discharged (whether or not by force of explosive); and includes any firearm as defined in section 5 of the Arms Act 2026; and **to shoot** has a corresponding meaning

infringement fee, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

infringement offence means—

(a) an offence against section 21; or

(b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

marine life means any species of the plant or animal kingdoms which at any time of the life of the species inhabits the sea or foreshore; and includes any specimen of the species whether alive or dead, and any part of any specimen, and the seed, spores, eggs, spawn, young, fry, and offspring of the species; but does not include wildlife within the meaning of the Wildlife Act 1953

marine reserve or **reserve** means a marine reserve constituted under section 4

mining interest means—

(a) a coal mining right within the meaning of the Coal Mines Act 1979:

(b) a mining licence or prospecting licence within the meaning of the Petroleum Act 1937:

(c) any authority to prospect or mine for ironsands granted by the Minister of Mines pursuant to section 3 of the Iron and Steel Industry Act 1959, and any authority to enter on land given by him pursuant to section 6 of that Act, and any right to prospect or mine for ironsands which by virtue of section 5 of that Act may continue to be exercised as if the said section 3 had not been passed:

(d) while the Mining Act 1926 continues in force, a mining privilege within the meaning of that Act:

(e) after the commencement of the Mining Act 1971, a mining privilege within the meaning of that Act:

(f) any licence issued under section 5 of the Continental Shelf Act 1964 to prospect or mine for any mineral, or carry on any operations for the recovery of any mineral:

(g) any right to prospect or mine for minerals conferred by any other enactment or by any instrument

Minister means the Minister of Conservation

ranger means a ranger appointed or deemed to be appointed under this Act

sell includes—

(a) barter and any form of exchange for consideration:

(b) offering or attempting to sell:

(c) receiving for sale or having in possession for sale:

(d) exposing for sale:

(e) sending or delivering for sale:

(f) causing or allowing to be sold, offered for sale, or exposed for sale;—

and **sale** and **sold** have corresponding meanings

taking, in relation to any marine life, includes taking, catching, fishing, killing, or pursuing by any means or device; and, in relation to any plant, includes uprooting and transplanting; and also includes any attempt at taking; and **to take** has a corresponding meaning

use includes any attempt to use or assistance given or attempted to be given in using.

Section 2 **area** paragraph (a)(i): amended, on 1 October 1977, by section 33(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28).

Section 2 **area** paragraph (a)(ii): amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2 **area** paragraph (a)(ii): amended, on 1 October 1977, by section 33(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28).

Section 2 **Board**: inserted, on 10 April 1990, by section 49 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2 **Conservation Authority**: inserted, on 10 April 1990, by section 49 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2 **conservation management plan**: inserted, on 10 April 1990, by section 49 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2 **conservation management strategy**: inserted, on 10 April 1990, by section 49 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2 **Department**: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2 **Director-General**: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2 **firearm**: replaced, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 2 **firearm**: amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 2 **hunt or kill**: repealed, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 2 **infringement fee**: inserted, on 21 December 2018, by section 21 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2 **infringement offence**: inserted, on 21 December 2018, by section 21 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2 **mining interest** paragraph (a): amended, on 1 April 1980, pursuant to section 268(2) of the Coal Mines Act 1979 (1979 No 21).

Section 2 **Minister**: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2 **Secretary for Marine**: repealed, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 2 **sell**: inserted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

3 Marine reserves to be maintained in natural state, and public to have right of entry

(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.

(2) It is hereby further declared that, having regard to the general purpose specified in subsection (1), marine reserves shall be so administered and maintained under the provisions of this Act that—

(a) they shall be preserved as far as possible in their natural state:

(b) the marine life of the reserves shall as far as possible be protected and preserved:

(c) the value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained:

(d) subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.

(3) For the purposes of this section but subject to any authorisation given under section 11(b), no person shall fish in a marine reserve except—

(a) persons (not being persons holding a permit issued under Part 4 of the Fisheries Act 1983) authorised by notice in the *Gazette* given by the Minister after having regard to the purpose specified in subsection (1); and

(b) in accordance with such conditions as to time, place, species of fish, methods, and gear to be used in fishing, as may be specified in the notice; and

(c) where not inconsistent with any conditions imposed under paragraph (b), in compliance with restrictions imposed on fishing by the Fisheries Act 1983 and any regulations made under it.

(4) Nothing in this section shall apply to prohibit any person from fishing in the reserve in accordance with any conditions imposed by any Order in Council made under section 5.

Section 3(3): replaced, on 10 April 1990, by section 50 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 3(4): inserted, on 13 January 1981, by section 2 of the Marine Reserves Amendment Act 1980 (1980 No 121).

4 Governor-General may declare an area to be a marine reserve

(1) Subject to section 5, the Governor-General may from time to time, by Order in Council, declare that any area described in the order shall be a marine reserve subject to this Act, and to such conditions as may be recommended to him by the Minister under subsection (9) of section 5; but no area in respect of which any lease or licence under the Marine Farming Act 1971 is for the time being in force shall be declared a marine reserve.

(2) No area within the jurisdiction of any harbour board shall be declared a marine reserve without the consent of the harbour board.

(3) Notwithstanding anything in the Public Works Act 1981 or any other Act, no public work, other than a work authorised by this Act, may be undertaken or constructed on any area included in a marine reserve except with the consent of the Minister and the Minister in charge of the department in control of the work, and subject to such conditions as those Ministers may jointly impose.

(4) Subject to subsection (5), and to section 25, nothing in this Act or regulations made under this Act shall affect the Coal Mines Act 1979, the Mining Act

1926, the Mining Act 1971, the Petroleum Act 1937, the Iron and Steel Industry Act 1959, or the Continental Shelf Act 1964.

(5) The right to do anything in a marine reserve by virtue of a mining interest (whether in force at, or after, the commencement of this Act) may, notwithstanding anything in the interest or in any of the Acts mentioned in subsection (4), be made subject to this Act or to any provision of it by the Minister of Mines, with the concurrence of the Minister, so notifying in writing the holder of the interest.

(6) If the right to do anything in a marine reserve by virtue of a mining interest is made subject to this Act or to any provision of this Act, it may continue to be exercised in the marine reserve only to the extent that it can be exercised in accordance with this Act or with the provision, as the case may be; and if it cannot be exercised in accordance with this Act or with the particular provision of this Act, it shall not be exercised at all.

(7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 4(3): amended (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 4(3): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 4(3): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 4(4): amended, on 10 April 1990, by section 51 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 4(4): amended, on 1 April 1980, pursuant to section 268(2) of the Coal Mines Act 1979 (1979 No 21).

Section 4(5): amended (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 4(5): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 4(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

5 Procedure for declaring a marine reserve

(1) No Order in Council shall be made under section 4 unless—

(a) application for the Order in Council is made to the Director-General by 1 or more of the following:

(i) any university within the meaning of the Universities Act 1961:

(ii) any body appointed to administer land subject to the Reserves Act 1977 if such land has frontage to the seacoast:

(iii) any body corporate or other organisation engaged in or having as one of its objects the scientific study of marine life or natural history:

(iv) Maori iwi or hapu who have tangata whenua status over the area:

(v) the Director-General:

(b) notice of intention to apply for an Order in Council declaring the area a marine reserve has, after consultation with the Director-General, been published by the applicant for the order at least twice, with an interval of not less than 5 nor more than 10 days between each publication, in some newspaper circulating at or nearest to the place where the area is situated, and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin:

(c) every notice published pursuant to paragraph (b)—

(i) states the date of first publication of that notice:

(ii) states the place where the plan referred to in subsection (2) may be inspected:

(iii) gives a general description of the area proposed to be declared a marine reserve:

(iiia) states the proposed name of the proposed marine reserve:

(iv) gives an address for service:

(v) calls upon all persons wishing to object to the making of the order to send their objections in writing, specifying the grounds thereof, to the Director-General within 2 months from the date of first publication of the notice and to serve a copy of the objections, specifying the grounds thereof, on the applicant within the same time:

(d) notice in writing of the proposed marine reserve is given by the applicant to—

(i) all persons owning any estate or interest in land in or adjoining the proposed reserve. For the purposes of this subparagraph, land shall be deemed to adjoin a proposed marine reserve notwithstanding that it is separated from it by the foreshore or by any road, or that is at a distance of not more than 100 metres from the proposed marine reserve if separated from it by any other reserve of any kind whatsoever or any marginal strip within the meaning of the Conservation Act 1987:

(ii) any harbour board if the area or any part of the area proposed as a marine reserve is within the jurisdiction of that harbour board:

(iii) any local authority or public body in which the foreshore or the control of the foreshore is vested if that foreshore or any part of it is within the area proposed as a marine reserve:

(iv) the Secretary for Transport:

(v) the Director-General of Agriculture and Fisheries.

(2) The Director-General shall cause a plan to be prepared on a suitable scale showing all tidal waters coloured blue, and the boundaries and extent of the area sought to be declared a marine reserve. The plan shall be open for inspection free of charge during ordinary office hours by any person at the office of the Department nearest to the proposed reserve.

(3) All persons wishing to object to the making of the order shall, within 2 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1), send their objections in writing, specifying the grounds thereof, to the Director-General and shall serve a copy of their objections, specifying the grounds thereof, on the applicant within the same time.

(4) The applicant may, on receiving any copy of objections under subsection (3), answer those objections in writing to the Director-General within 3 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1), and the Director-General shall send any such answer he may receive within that time to the Minister for consideration.

(5) The Director-General shall refer to the Minister all such objections received within the said period of 2 months, and any answer received within the said period of 3 months.

(6) Where any objection has been made in accordance with subsection (3), the Minister shall, before considering the application, decide whether or not the objection should be upheld and, in doing so, shall take into consideration any answer made to the objection by the applicant and, if the applicant is the Director-General, any report on the objection and the application the Minister may have obtained from an independent source. If the objection is upheld the area shall not be declared a marine reserve. In making any such decision, the Minister shall not be bound to follow any formal procedure, but shall have regard to all submissions made by or on behalf of the objector, and to any answer made by the applicant, and shall uphold the objection if he is satisfied that declaring the area a marine reserve would—

(a) interfere unduly with any estate or interest in land in or adjoining the proposed reserve:

(b) interfere unduly with any existing right of navigation:

(c) interfere unduly with commercial fishing:

(d) interfere unduly with or adversely affect any existing usage of the area for recreational purposes:

(e) otherwise be contrary to the public interest.

(7) The decision of the Minister shall be final.

(7A) Before the decision of the Minister becomes final under subsection (7), the proposal must, to the extent that it relates to the proposed name of the proposed marine reserve, be referred to the New Zealand Geographic Board under section 27(2) or 30 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, as the case may be.

(8) The Director-General shall cause the Minister's decision, together with the grounds therefor, to be notified in writing to the objector and to the applicant.

(9) If, after consideration of all objections, the Minister is of the opinion that no objection should be upheld and that to declare the area a marine reserve will be in the best interests of scientific study and will be for the benefit of the public, and it is expedient that the area should be declared a marine reserve, either unconditionally or subject to any conditions (including any condition as to providing the cost of marking the boundaries of the marine reserve under section 22, and any condition permitting fishing within the reserve by persons not holding a permit issued under Part 4 of the Fisheries Act 1983), the Minister shall, if the Ministers of Transport and Fisheries concur, recommend to the Governor-General the making of an Order in Council accordingly.

(10) If notice is required by this section to be given to any person, it shall be deemed to be given to all the owners of any Maori land within the meaning of the Maori Affairs Act 1953, when it is given to such owners as have been nominated for the purpose by the Registrar of the Maori Land Court at the request of the person required to give the notice. On receiving any such request the Registrar shall nominate all owners whose current addresses are known to him.

(11) For the purposes of this section the expression **estate or interest in land** shall include any mining interest.

(12) This section shall bind the Crown.

Section 5(1)(a): replaced, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 5(1)(b): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(1)(c)(iiia): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 5(1)(c)(v): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(1)(d)(i): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 5(1)(d)(i): amended, on 9 October 1975, by section 2 of the Marine Reserves Amendment Act 1975 (1975 No 90).

Section 5(1)(d)(iv): inserted, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(1)(d)(v): inserted, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 5(2): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(3): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(4): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(5): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(6): amended, on 14 February 1978, by section 3(2) of the Marine Reserves Amendment Act 1977 (1977 No 136).

Section 5(7A): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 5(8): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 5(9): replaced, on 10 April 1990, by section 52 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 5(12): inserted, on 14 February 1978, by section 3(4) of the Marine Reserves Amendment Act 1977 (1977 No 136).

6 General policy

(1) The Minister may approve statements of general policy for the implementation of this Act in any area or areas; and may from time to time amend any such statement in the light of changing circumstances or increased knowledge.

(2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.

(3) For the purposes of this section, sections 17B(3), 17B(4), and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:

(a) in addition to the consultation required by section 17B(3)(a) of that Act, the Director-General shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and the Secretary for the Environment before preparing any such policy:

(b) as soon as practicable after a draft policy is prepared under section 17B(3) of that Act, the Director-General shall send a copy of it to each of the persons referred to in paragraph (a):

(c) before sending a draft policy to the Conservation Authority, the Director-General shall consider any comments made by the persons referred to in paragraph (a).

Section 6: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

7 Conservation management strategies

(1) Every conservation management strategy shall establish objectives for the integrated management of marine reserves under this Act.

(2) For the purposes of this section, the following provisions shall apply in addition to those in section 17F of the Conservation Act 1987:

(a) the Director-General shall consult the Director-General of Agriculture and Fisheries before notifying a draft strategy under section 17F(a) of that Act:

(b) as soon as practicable after the draft strategy has been prepared, the Director-General shall send a copy of the draft strategy to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all regional councils within the meaning of the Local Government Act 2002 that are affected:

(c) before sending the draft strategy to the Conservation Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and such regional councils.

Section 7: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 7(2)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

8 Conservation management plans

(1) The purpose of a conservation management plan under this section is to establish objectives for the management of a marine reserve or reserves.

(2) For the purposes of this section, sections 17E (except subsections (1), (4), (6), and (7)), 17G, and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to conservation management plans under this section, subject to the following provisions:

(a) in addition to the consultation required by section 17F(a) of that Act (as applied by section 17G(1) of that Act), the Director-General shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all regional councils within the meaning of the Local Government Act 2002 that are affected:

(b) in addition to the notification required by section 17F(a) of that Act (as so applied), the Director-General shall also send a copy of the draft plan to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such regional councils that are affected:

(c) before sending the draft plan to the Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such regional councils that are affected.

Section 8: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 8(2)(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(2)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(2)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

9 Control and management of reserves

Subject to this Act, the Director-General shall administer, manage, and control marine reserves in accordance with approved general policies, conservation management strategies, and conservation management plans.

Section 9: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

10 Particular functions of Director-General in relation to marine reserves

The Director-General shall—

(a) inquire into and report to the Minister on any matter arising out of or relating to marine reserves or marine life within or outside reserves that the Minister may refer to the Director-General for a report:

(b) advise the Minister on matters relating to the administration, management, control, protection, and regulation of marine reserves and to make recommendations on those matters as the Director-General thinks fit.

Section 10: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

11 Particular powers of Director-General in relation to marine reserves

Without limiting the generality of section 9, the Director-General may do all or any of the following:

(a) manage reserves in the interests of the conservation, propagation, and preservation of species, and ensure the protection and well-being of marine life of reserves:

(b) authorise the taking for scientific purposes of any specimens of marine life or material in any reserve, and prescribe the conditions of such taking and retention or disposal of those specimens or for their return to any reserve:

(c) take such steps as may be necessary to ensure the continued welfare of any reserve in the interests of scientific study of marine life and for the enjoyment of the reserve by the public.

Section 11: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

12 Conservation objectives to be considered by Director-General

In the exercise of any of the powers conferred on the Director-General by this Act, the Director-General shall have regard to the desirability of preserving the natural features and marine life of reserves, and, in particular, shall ensure that—

(a) reserves are maintained so far as possible in a state of nature; and

(b) reserves are available for the purposes of scientific research.

Section 12: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

13 Conservation function of New Zealand Conservation Authority

The New Zealand Conservation Authority shall bring to the attention of the Director-General such matters concerning the welfare of marine reserves as it considers necessary to promote the continued welfare of marine reserves.

Section 13: replaced, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

14 Procedure for making bylaws

[Repealed]

Section 14: repealed, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

15 Proof of bylaws

[Repealed]

Section 15: repealed, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

16 Penalty for breach of bylaws

[Repealed]

Section 16: repealed, on 10 April 1990, by section 53 of the Conservation Law Reform Act 1990 (1990 No 31).

17 Rangers

(1) The Director-General may from time to time appoint any suitable person to be a ranger in an honorary capacity for the purposes of this Act.

(2) Every ranger appointed under this section shall be appointed for such term not exceeding 3 years as the Director-General thinks fit.

(3) The Director-General shall supply to every ranger a written warrant signed by himself or on his behalf evidencing the appointment, and the production of that warrant shall be sufficient proof of the appointment.

(4) Any ranger may at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Director-General.

(5) Any ranger shall, on the expiration of the term of his appointment, or on the sooner expiry of his appointment by removal from office or resignation, surrender to the Director-General his warrant of appointment and any badge of office that may have been issued to him.

(6) No person appointed by the Director-General under this section to be a ranger shall by virtue of that appointment be deemed to be employed in the service of the Sovereign for the purposes of the State Services Act 1962 or of the Government Superannuation Fund Act 1956.

(7) Every constable, every person appointed as a fishery officer under subsection (1) or deemed to have been appointed as a fishery officer by subsection (4) of section 76 of the Fisheries Act 1983, and every person appointed as a warranted officer under subsection (1) or deemed to have been appointed as a warranted officer by subsection (9) of section 59 of the Conservation Act 1987, shall by virtue of that person's office be deemed to be a ranger appointed by the Director-General to exercise the duties of a ranger under this Act generally in marine reserves throughout New Zealand.

Section 17(1): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 17(2): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 17(3): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 17(4): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 17(5): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 17(6): editorial change made by the PCO, on 16 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 17(6): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 17(6): amended, on 1 September 1972, by section 6(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3).

Section 17(7): replaced, on 10 April 1990, by section 54 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17(7): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

18 General powers of rangers

(1) Every ranger may, in the exercise of his or her duty and upon production of his or her warrant of appointment (if so required),—

(a) require any person whom he or she reasonably believes to have committed or to be committing or about to commit an offence against this Act or any regulations made under this Act to refrain or desist from that act:

(b) require any person whom he or she reasonably believes to have committed or to be committing or about to commit an offence against this Act

or any regulations made under this Act to give the person's full name, residential address, and date of birth and to produce evidence of those particulars:

(c) pursue and apprehend, without warrant, any person whom he or she reasonably believes to have committed or to be committing an offence against this Act or any regulations made under this Act:

(d) stop any vessel, vehicle, or other conveyance, or any aircraft while on the ground or on the water, or any other device for carriage or transportation, or stop in transit any parcel, package, case, bag, luggage, or other container that is or that he or she reasonably believes to be in the possession of the owner or of any other person (including any carrier or forwarding agent, whether by land, sea, or air), if he or she reasonably believes that any breach of this Act or of any regulation made under this Act has been committed by the owner or by the person in possession thereof or by any other person, and, in the presence of the owner or other person or of any servant of any of them, enter and search any such vessel, vehicle, other conveyance, aircraft, or other device, and in such presence open and search any such parcel, package, case, bag, luggage, or other container.

(2) The powers of a ranger under this Act shall be exercisable within any marine reserve; and if a ranger is in fresh pursuit of an offender the ranger may, without warrant, apprehend the offender outside a marine reserve and may exercise any power conferred on a ranger by this Act.

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of any entry and search conducted under subsection (1)(d).

Section 18: replaced, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 18(1)(b): amended, on 21 December 2018, by section 22 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18(3): inserted, on 1 October 2012, by section 276(2) of the Search and Surveillance Act 2012 (2012 No 24).

18A Powers of seizure

(1) A ranger may seize—

(a) any vessel or vehicle or other conveyance which he or she believes on reasonable grounds is being or has been used or is intended to be used in the commission of an offence against subsection (1) or subsection (3)(d) of section 18I that involves the taking of marine life:

(b) any fishing gear, implement, appliance, material, container, goods, equipment, or thing which he or she believes on reasonable grounds is being or has been used or is intended to be used in the commission of an offence against this Act or any regulations made under this Act:

(c) any marine life which he or she believes on reasonable grounds are being or have been taken, transported, bought, sold, or found in the possession of any person, in contravention of this Act or any regulations made under this Act; or any other marine life with which such marine life has been intermixed:

(d) any article, record, document, or thing which he or she believes on reasonable grounds is evidence of the commission of an offence against this Act or any regulations made under this Act:

(e) all nets, traps, firearms, ammunition, explosives, engines, instruments, appliances, equipment, or devices that he or she believes on reasonable grounds are being used or are intended to be used or have been used in breach of this Act or any regulations made under this Act:

(f) any bag, container, or other article that he or she believes on reasonable grounds is being used for the purpose of carrying any marine life or any part of any marine life, or any sand, stones, gravel, or other material illegally taken or had in possession or that he or she believes on reasonable grounds is being so used.

(2) Any marine life seized by a ranger shall, if alive and likely to survive, be returned to the reserve, or, if survival is unlikely, shall be disposed of—

(a) in such manner and for such price as the Director-General may determine in any specific instance; or

(b) according to any regulations made under this Act, if disposal is provided for by such regulations.

(3) Subject to subsection (2), the provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(4) A ranger who, acting under subsection (2), at the time of seizure returns to the reserve any marine life that he or she believes to be alive, shall not be under any civil or criminal liability to the person from whom the marine life was seized in the event of a decision being made not to file a charging document in respect of the marine life, or of the person being acquitted of the charge.

Section 18A: inserted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 18A(3): replaced, on 1 October 2012, by section 276(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 18A(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

18B Director-General may release seized property under bond

[Repealed]

Section 18B: repealed, on 1 October 2012, by section 276(4) of the Search and Surveillance Act 2012 (2012 No 24).

18C Seized property to be held by Crown if not released

[Repealed]

Section 18C: repealed, on 1 October 2012, by section 276(4) of the Search and Surveillance Act 2012 (2012 No 24).

18D Crown to release seized property in certain circumstances

[Repealed]

Section 18D: repealed, on 1 October 2012, by section 276(4) of the Search and Surveillance Act 2012 (2012 No 24).

18E Seized property forfeited to Crown if ownership not established

[Repealed]

Section 18E: repealed, on 1 October 2012, by section 276(4) of the Search and Surveillance Act 2012 (2012 No 24).

18F Protection of Crown

[Repealed]

Section 18F: repealed, on 1 October 2012, by section 276(4) of the Search and Surveillance Act 2012 (2012 No 24).

18G Forfeiture of property on conviction

(1) On conviction of any person for any offence against section 18I(1),—

(a) any property used in respect of the commission of the offence, including any vessel or vehicle or other conveyance (whether or not the property was seized under section 18A); and

(b) any marine life in respect of which the offence was committed (whether or not seized under section 18A); and

(c) any proceeds from the sale of such marine life under section 18A(2)—

may, on the order of the court, be forfeit to the Crown if the court thinks fit to so order.

(2) On conviction of any person for any offence against section 18I other than an offence against subsection (1) of that section,—

(a) any property used in respect of the commission of the offence other than any vessel or vehicle or other conveyance (whether or not the property was seized under section 18A); and

(b) any marine life in respect of which the offence was committed (whether or not seized under section 18A); and

(c) any proceeds from the sale of such marine life under section 18A(2)—

may, on the order of the court, be forfeit to the Crown if the court thinks fit to so order.

(3) No person may be discharged without conviction in respect of any offence against section 18I unless the court for special reasons relating to the offence thinks fit to order that the property, marine life, or proceeds not be forfeit.

(4) If any property is forfeit to the Crown under this section, the property shall thereupon vest in the Crown absolutely and free of all encumbrances.

(5) *[Repealed]*

Section 18G: inserted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 18G(1): amended, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 18G(2): amended, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 18G(3): replaced, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 18G(5): repealed, on 21 December 2018, by section 23 of the Conservation (Infringement System) Act 2018 (2018 No 61).

18GA Forfeiture of property for infringement offence

(1) Any marine life in respect of which an infringement offence is committed (whether or not seized under section 18A) and any proceeds from the sale of marine life under section 18A(2) are forfeited to the Crown if—

(a) the infringement fee for the offence is paid; or

(b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed; or

(c) the informant and the person alleged to have committed the offence enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments; or

(d) the person is found guilty, or admits the commission, of the infringement offence.

(2) In addition, the court may order that any property used in respect of the commission of the infringement offence (whether or not seized under section 18A), including any vessel or vehicle or other conveyance, be forfeited to the Crown if—

(a) proceedings in respect of the infringement offence are commenced by the filing of a charging document under the Criminal Procedure Act 2011; and

(b) the person is found guilty, or admits the commission, of the infringement offence.

(3) Property that is forfeited to the Crown under this section vests in the Crown absolutely and free of all encumbrances.

Section 18GA: inserted, on 21 December 2018, by section 24 of the Conservation (Infringement System) Act 2018 (2018 No 61).

18GB Disposal of seized property

(1) Before disposing of any property seized under this Act, the Director-General must give the owner of the property notice of the Crown's intention to dispose of the property.

(2) If the owner has not lodged an appeal against the disposal by 90 days after the date on which the notice is given, the Director-General may dispose of the property.

(3) However, if the property is perishable,—

(a) the Director-General may dispose of the property at any time after giving notice; but

(b) the Director-General must hold the proceeds (if any) of the disposal until the later of—

(i) 90 days after the date on which the notice is given; and

(ii) the date on which an appeal against the disposal, lodged within 90 days after the date on which the notice is given, is resolved.

Section 18GB: inserted, on 21 December 2018, by section 24 of the Conservation (Infringement System) Act 2018 (2018 No 61).

18H Provisions relating to forfeit property

(1) In this section, unless the context otherwise requires,—

forfeit property means any—

(a) marine life and any proceeds from the sale of marine life; or

(b) property—

forfeit to the Crown under section 18G or 18GA

interest means a legal or equitable interest in that forfeit property that existed at the time of the forfeiture; but does not include any interest (including ownership) in any foreign vessel or foreign-owned New Zealand fishing vessel or a foreign-operated fish carrier.

(2) The Director-General shall, within 10 working days after the date of any forfeiture under section 18G or 18GA, publicly notify the details of the forfeit property and the rights of persons to apply under this section.

(3) Any person claiming an interest in any forfeit property may, within 35 working days after the date of the forfeiture, apply to the District Court for relief from the effect of forfeiture on that interest.

(4) Every application under subsection (2) shall contain sufficient information to identify the interest and the property in which it is claimed, and shall include—

(a) a full description of the forfeit property in which the interest is claimed, including reference to any registration or serial number; and

(b) full details of the interest or interests claimed, including,—

(i) whether the interest is legal or equitable; and

(ii) whether the interest is by way of security or otherwise; and

(iii) if the interest is by way of security, details of the security arrangement and any other property included in that arrangement; and

(iv) whether the interest is noted on any register maintained pursuant to statute; and

(v) any other interests in the property known to the applicant; and

(c) the applicant's estimate of the value of the forfeit property and of the value of the claimed interest.

(5) The court shall hear all applications in respect of the same property together, unless it considers that it would not be in the interests of justice to do so.

(6) The court shall, in respect of every application made under subsection (3),—

(a) determine the value of the forfeit property, being the amount the property would realise if sold at public auction in New Zealand:

(b) determine the nature, extent, and, if possible, the value of any applicant's interest in the property:

(c) determine the cost to the Department of the prosecution of the offence or pursuance of the infringement offence which resulted in the forfeiture, and the seizure, holding, and anticipated cost of disposal of the forfeit property, including any court proceedings in respect of that seizure, holding, and disposal.

(7) Having determined the matters specified in subsection (6), the court may, after having regard to—

(a) the purpose of this Act; and

(b) the effect of the offence from which the forfeiture arose on the marine reserve; and

(c) the effect of the offence from which the forfeiture arose on persons who use the marine reserve; and

(d) the effect of offending of the type from which the forfeiture arose on the marine reserve; and

(e) the effect of offending of the type from which the forfeiture arose on persons who use the marine reserve; and

(f) the social and economic effects on the person who owned the property, and on persons employed by that person, of non-release of the property or quota; and

(g) the previous offending history (if any) of the persons from whose convictions the forfeiture arose; and

(h) the economic benefits that accrued or might have accrued to the owners of the property through the commission of the offence; and

(i) the prevalence of offending of the type from which the forfeiture arose; and

(j) the cost to the Department of the prosecution of the offence which resulted in the forfeiture, and the seizure, holding, and anticipated cost of disposal of the property, including the court proceedings in respect of that seizure, holding, and disposal; and

(k) such other matters as the court thinks relevant,—

and, subject to subsections (8) and (9), make an order or orders providing relief (either in whole or part) from the effect of forfeiture on any of the interests determined under subsection (6).

(8) No order shall be made under subsection (7), unless it is necessary to avoid manifest injustice.

(9) If the owner of the forfeit property was the person who committed the offence in respect of which the property was forfeit, no order made under subsection (7) in respect of that forfeit property shall have effect to the extent that it, together with any other order made under that subsection in respect of the same forfeit property, has the effect of allowing less than 40% of the value of the forfeit property to remain forfeit to the Crown.

(10) Subsection (9) does not prevent the return of up to 100% of the value of any forfeit property to any owner of property other than the person who committed the offence in respect of which the property was forfeit.

(11) Without limiting subsection (7), any order under that subsection may order 1 or more of the following:

(a) the retention of the forfeit property by the Crown:

(b) the return of some or all of the forfeit property to the owner at the time of forfeiture, with or without the prior payment to the Crown of a sum of money:

(c) the sale of some or all of the forfeit property, with directions as to the manner of sale and dispersal of proceeds:

(d) the delivery of some or all of the forfeit property to a person with an interest in the property, with or without directions as to payment of a sum of money to specified persons (including the Crown) prior to such delivery:

(e) the reinstatement (notwithstanding the forfeiture) of any interest that was forfeit or cancelled as a result of a forfeiture.

(12) This section does not require the Crown to pay, or secure the payment of, any sum of money to any person claiming an interest in forfeit property, other than the net proceeds of sale of forfeit property under a court order made under subsection (7).

(13) For the purpose of assisting the court in determining any application for relief, the Director-General and any employee or agent of the Ministry is entitled to appear before the court and be heard.

(14) Any forfeiture under section 18G or 18GA, or any payment of a sum of money or delivery of property under subsection (7), to persons claiming an interest, shall be in addition to, and not in substitution for, any other penalty that may be imposed by the court or by this Act.

Section 18H: inserted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 18H(1) **forfeit property**: amended, on 21 December 2018, by section 25(1) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18H(2): amended, on 21 December 2018, by section 25(2) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18H(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 18H(6)(c): amended, on 21 December 2018, by section 25(3)(a) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18H(6)(c): amended, on 21 December 2018, by section 25(3)(b) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18H(9): amended, on 21 December 2018, by section 25(4) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18H(10): amended, on 21 December 2018, by section 25(5) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 18H(14): amended, on 21 December 2018, by section 25(6) of the Conservation (Infringement System) Act 2018 (2018 No 61).

18I Offences

(1) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding $250,000, or to both, who, without lawful authority or reasonable excuse, takes or removes from a marine reserve for commercial purposes any marine life.

(2) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding $50,000, or to both, who, without lawful authority or reasonable excuse, discharges or causes to be discharged or deposits, whether directly or indirectly, in or into a marine reserve any toxic substance or pollutant or other substance or article of any kind injurious to marine life.

(3) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding $10,000, or to both, who, without lawful authority or reasonable excuse,—

(a) introduces in or into a marine reserve any living organism; or

(b) wilfully damages or wilfully injures any marine life, or wilfully damages the foreshore or seabed, or any of the natural features in a marine reserve; or

(c) uses in a marine reserve any explosive; or

(d) takes or removes from a marine reserve any marine life, mineral, sand, shingle, or other natural material or thing of any kind.

(4) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding $5,000, or to both, who, without lawful authority or reasonable excuse,—

(a) discharges any firearm in or into a marine reserve; or

(b) erects any structure in or over a marine reserve; or

(c) wilfully interferes with or wilfully disturbs in a marine reserve any marine life, foreshore or seabed, or any of the natural features.

(5) Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding $2,500, or to both, who, without lawful authority or reasonable excuse,—

(a) deposits or throws in or into a marine reserve any rubbish, except in a place or receptacle approved and provided by the Director-General; or

(b) uses, sells, or otherwise disposes of, or is in possession of, any marine life, mineral, gravel, sand, or other substance or thing whatever knowing the same to have been removed unlawfully from a reserve; or

(c) fails to comply with any requirement of a ranger under section 18(1); or

(d) after being required under section 18(1)(b) to give his or her name and residential address or to produce evidence of any of those particulars,—

(i) gives an untrue or fictitious name or address, or gives such a general description of his or her place of abode as is illusory for the purposes of discovery; or

(ii) gives false evidence of his or her full name and address; or

(e) impersonates or falsely pretends to be a ranger; or

(f) obstructs, threatens, or attempts to intimidate a ranger, or uses language that is abusive or threatening to a ranger, or behaves in a manner threatening to a ranger, while the ranger is acting in the exercise of his or her powers or the discharge of his or her duties under this Act; or

(g) gives, or agrees to give, or offers to any such ranger any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown, by that ranger, or being a ranger accepts or agrees to accept or solicits any such gift or consideration.

(6) A person shall be deemed to have taken or removed marine life for commercial purposes if he or she is found in possession of an amount exceeding 3 times the amateur individual limit (if any) prescribed in respect of that marine life in regulations made under the Fisheries Act 1996.

Section 18I: inserted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

18J Additional penalty for removing substance from or damaging reserve

(1) Any person convicted of an offence against section 18I shall, in addition to any penalty for which the person may be liable under this Act, pay to the Department the full market value of any substance removed from, or for the damage done to, the reserve or to any marine life growing or being in the reserve.

(2) The value or damage or cost shall be assessed by a District Court Judge, and shall be recoverable in the same manner as a fine.

Section 18J: inserted, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

19 Offences within a reserve

[Repealed]

Section 19: repealed, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

20 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act or any regulations made under it ends on the date that is 12 months after the date on which the offence was committed.

Section 20: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

21 Penalties

[Repealed]

Section 21: repealed, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

21 Infringement offences

(1) A person must not—

(a) discharge or cause to be discharged or deposit, directly or indirectly, in or into a marine reserve any toxic substance or pollutant or other substance or article of any kind injurious to marine life; or

(b) introduce any living organism in or into a marine reserve; or

(c) damage or injure any marine life, or damage the foreshore or seabed or any of the natural features in a marine reserve; or

(d) fish for marine life in a marine reserve; or

(e) erect any structure in or over a marine reserve; or

(f) interfere with or disturb in a marine reserve any marine life, foreshore, or seabed or any of the natural features in a marine reserve; or

(g) deposit or throw any rubbish in or into a marine reserve, except in a place or receptacle approved and provided by the Director-General; or

(h) use, dispose of, or be in possession of any marine life, mineral, gravel, sand, or other substance or thing that has been removed unlawfully from a reserve.

(2) A person who fails to comply with this section commits an infringement offence.

Section 21: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21A Relationship between infringement offences and other offences

Nothing in section 21 prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under section 21).

Section 21A: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21B Proceedings for infringement offences

(1) A person who is alleged to have committed an infringement offence may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 21D.

(2) If an infringement notice has been issued under section 21D, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.

Section 21B: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21C Who may issue infringement notices

The Director-General may authorise a ranger, in writing, to issue infringement notices under this Act.

Section 21C: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21D Infringement notices

(1) A ranger authorised under section 21C may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

(2) The ranger may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.

(3) An infringement notice (or a copy of it) sent by post to a person under subsection (2) is to be treated as having been served on that person when it was posted.

(4) An infringement notice must be in the prescribed form and must contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

(h) any other particulars that may be prescribed.

Section 21D: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21E Reminder notices

A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

Section 21E: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21F Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Section 21F: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

21G Penalties for infringement offences

A person who commits an infringement offence is liable on conviction to—

(a) the infringement fee prescribed in regulations for that offence; or

(b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

Section 21G: inserted, on 21 December 2018, by section 26 of the Conservation (Infringement System) Act 2018 (2018 No 61).

22 Boundaries of marine reserves to be marked

(1) Subject to subsection (2), the Director-General may cause to be marked and at all times to be kept marked, by means of such beacons, lights, buoys, or marks as the Director-General considers may be necessary, the boundaries of the marine reserve.

(2) The Director-General shall act under this section only with the concurrence of the Secretary for Transport.

Section 22: replaced, on 10 April 1990, by section 58 of the Conservation Law Reform Act 1990 (1990 No 31).

23 Rights of access and navigation

(1) Subject to any regulations made under this Act, any right of access to or upon any foreshore or part of the foreshore comprised in any marine reserve or any right of navigation (other than anchorage) through or across any water at any material time comprised in any marine reserve shall remain unaffected.

(2) Notwithstanding anything in this Act, or in any regulations made under this Act, in time of stress or emergency any vessel may anchor within a marine reserve and such measures may be taken by any person to avoid loss of human life or of property or injury to human life or to property as in the circumstances shall be expedient.

Section 23(1): amended, on 10 April 1990, by section 59(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 23(2): amended, on 10 April 1990, by section 59(b) of the Conservation Law Reform Act 1990 (1990 No 31).

24 Regulations

(1) The Governor-General may from time to time, by Order in Council, make, either generally or with respect to any specified marine reserve, all such regulations as are necessary for the due administration of, and for giving full effect to, the provisions of this Act.

(2) Without limiting the generality of subsection (1), any such regulations may—

(a) provide for the management, safety, and preservation of reserves, the conduct and control of scientific study within reserves, and the safety and preservation of the marine life in reserves:

(b) provide for the keeping of order in any reserve:

(c) authorise the Director-General to exclude the public from any specified part or parts of any reserve:

(d) prescribe the conditions on which persons shall have access to or be excluded from any reserve or part of any reserve:

(e) prescribe the conditions on which persons may remain within any reserve:

(f) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amount of the fines that may be imposed on conviction in respect of any such offences, which fines shall be an amount not exceeding $2,500:

(g) prescribe infringement offences for the contravention of regulations made under this Act:

(h) prescribe penalties for infringement offences, which,—

(i) in the case of infringement fees, must not be more than $1,000; and

(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:

(i) prescribe information to be included in infringement notices and reminder notices.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 24(2): inserted, on 10 April 1990, by section 60 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24(2)(f): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 24(2)(f): amended, on 1 October 1996, by section 316(1) of the Fisheries Act 1996 (1996 No 88).

Section 24(2)(g): inserted, on 21 December 2018, by section 27 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 24(2)(h): inserted, on 21 December 2018, by section 27 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 24(2)(i): inserted, on 21 December 2018, by section 27 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 24(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

25 Consequential amendment

[Repealed]

Section 25: repealed, on 1 October 1975, by section 9 of the Petroleum Amendment Act 1975 (1975 No 43).

Notes

1 General

This is a consolidation of the Marine Reserves Act 1971 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Arms Act 2026 (2026 No 47): section 394

Secondary Legislation Act 2021 (2021 No 7): section 3

Conservation (Infringement System) Act 2018 (2018 No 61): Part 3

District Court Act 2016 (2016 No 49): section 261

Search and Surveillance Act 2012 (2012 No 24): section 276

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

Policing Act 2008 (2008 No 72): section 116(a)(ii)

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30): section 38

Local Government Act 2002 (2002 No 84): section 262

Sentencing Act 2002 (2002 No 9): section 186

Fisheries Act 1996 (1996 No 88): section 316(1)

Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Amendment Act 1996 (1996 No 74): section 5(4)

Conservation Law Reform Act 1990 (1990 No 31): Part 2

State-Owned Enterprises Amendment Act 1987 (1987 No 117): section 11(1)

Conservation Act 1987 (1987 No 65): section 65(1)

Public Works Act 1981 (1981 No 35): section 248(1)

Marine Reserves Amendment Act 1980 (1980 No 121)

Coal Mines Act 1979 (1979 No 21): section 268(2)

Marine Reserves Amendment Act 1977 (1977 No 136)

Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28): section 33(1)

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)

Marine Reserves Amendment Act 1975 (1975 No 90)

Petroleum Amendment Act 1975 (1975 No 43): section 9

Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3): section 6(1)

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