Version
as at 28 October 2021

Wildlife Regulations 1955

(SR 1955/28)

C W M Norrie, Governor-General

Order in Council

At the Government Buildings at Wellington this 21st day of March 1955

Present:
The Right Hon S G Holland presiding in Council

Pursuant to the Wildlife Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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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.

These regulations are administered by the Department of Conservation.

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Regulations

Part 1
Preliminary

1 Title and commencement

(1) These regulations may be cited as the Wildlife Regulations 1955.

(2) These regulations shall come into force on 1 April 1955.

Regulation 1 heading: inserted, on 25 June 2021, by regulation 4 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

2 Interpretation

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

Act means the Wildlife Act 1953

issuing agent means a person authorised by a Fish and Game Council to issue licences under these regulations

licence means a licence to hunt or kill game issued in accordance with these regulations and a notice in the *Gazette.*

Expressions defined in the Act have the meanings so defined.

(2) The descriptions in the second column of Schedule 5 are an indication of the content of the provisions they describe and are not intended to be used in the interpretation of those provisions.

Regulation 2 heading: inserted, on 14 March 1996, by regulation 2 of the Wildlife Regulations 1995, Amendment No 12 (SR 1996/12).

Regulation 2(1) **adult**: revoked, on 1 October 1997, by regulation 2(2) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Regulation 2(1) **child**: revoked, on 1 October 1997, by regulation 2(2) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Regulation 2(1) **fish and game region**: revoked, on 25 June 2021, by regulation 5(1) of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Regulation 2(1) **issuing agent**: amended, on 25 June 2021, by regulation 5(2) of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Regulation 2(1) **junior**: revoked, on 1 October 1997, by regulation 2(2) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Regulation 2(1) **licence**: inserted, on 1 October 1997, by regulation 2(1) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Regulation 2(1) **young adult**: revoked, on 1 October 1997, by regulation 2(2) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Regulation 2(2): inserted, on 3 February 2020, by regulation 99 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

3 Overview

These regulations are divided into Parts as follows:

Part 1—Preliminary (regulations 1 to 3)

Part 2—Licences and licence fees (regulations 4 to 17)

Part 3—Restrictions on methods of taking game (regulations 18 to 21)

[Revoked]

Part 5—Taxidermists (regulations 28 to 32)

Part 6—Export of animals and birds (regulation 33)

Part 7—Use of birdlime (regulations 34 to 36)

Part 8—Liberation and marking of wildlife (regulations 37 to 39A)

[Revoked]

Part 10—General (regulations 43A to 46)

Schedules

Regulation 3 heading: inserted, on 25 June 2021, by regulation 6(1) of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Regulation 3: amended, on 25 June 2021, by regulation 6(2) of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Regulation 3: amended, on 25 June 2021, by regulation 6(3) of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Part 2
Licences and licence fees

4

[Revoked]

Regulation 4: revoked, on 1 October 1997, by regulation 6(a) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

5 Availability of licences

[Revoked]

Regulation 5: revoked, on 1 October 1997, by regulation 6(a) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

6 Application for licence

An applicant for a licence must provide the relevant Fish and Game Council or issuing agent with—

(a) their full name, date of birth, and usual residential address; and

(b) a payment of the fee fixed for the licence under section 72(3A) of the Act.

Regulation 6: replaced, on 25 June 2021, by regulation 7 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

7 Issue of licence

(1) Licences may only be issued by a Fish and Game Council or an issuing agent.

(2) A Fish and Game Council or an issuing agent may issue a licence to an applicant who has complied with regulation 6.

(3) Licences may be issued in electronic or non-electronic form.

Regulation 7: replaced, on 25 June 2021, by regulation 8 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

8 Requirements for valid licence

(1) A licence is not valid unless,—

(a) subject to subclause (3), it has been signed by the applicant; and

(b) where required by the Minister, a game bird habitat stamp in a form approved by the Minister and published in the *Gazette* is displayed on the licence.

(2) Where any licence has been issued under regulation 7 but the holder has not received the licence, that licence is valid and effective from the date of issue for the period specified in the licence.

(3) Subclause (1)(a) does not apply to a licence issued in electronic form.

Regulation 8: replaced, on 25 June 2021, by regulation 9 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

8A Falsifying or omitting information relating to licences prohibited

(1) A person, except a Fish and Game Council or an issuing officer, must not amend a licence.

(2) A person must not falsify or omit any information that may, under these regulations,—

(a) be specified in a licence; or

(b) be required to be provided in an application for a licence.

(3) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $600; or

(b) a fine imposed by a court not exceeding $1,200.

Regulation 8A: inserted, on 25 June 2021, by regulation 9 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

9 Court may impose penalties affecting licence

(1) Where any person commits a breach of the Act or of these regulations or of any notification by the Minister under the Act, the court in its discretion may, in addition to imposing a fine, declare void and of no effect any licence of that person, and the convicted person shall in such a case forthwith surrender the licence to the court.

(2) The court in its discretion may also, in addition to any other penalty, make an order prohibiting the issue of a licence to that person for any period not exceeding 2 years, and the person in respect of whom any such order is made shall not apply for or otherwise obtain any licence during that period. Any licence obtained by any such person during that period shall be void and of no effect.

Regulation 9 heading: inserted, on 25 June 2021, by regulation 10 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

10 Cancellation of licence

A Fish and Game Council may accept and cancel any licence that it has issued, and may refund to the former holder of the licence the whole or any part of the fee paid.

Regulation 10: replaced, on 25 June 2021, by regulation 11 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

11 Replacement of licence

A Fish and Game Council may issue a replacement licence if the Council is satisfied that,—

(a) in relation to a licence issued in an electronic form, the licence has been deleted or has otherwise become no longer usable for subsequent reference:

(b) in relation to a licence issued in a non-electronic form, the licence has been lost or mutilated or become illegible.

Regulation 11: replaced, on 25 June 2021, by regulation 12 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

12 Verification of licence

(1) If a person is required to produce their licence to an authorised person under section 61(2) of the Act, they must, if required to do so by the authorised person,—

(a) produce, within a reasonable period, evidence of their full name, date of birth, and usual residential address; and

(b) for a licence issued in non-electronic form, make and give legibly and clearly a specimen signature for comparison with the signature of the holder as shown on the licence.

(2) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $200; or

(b) a fine imposed by a court not exceeding $400.

Regulation 12: replaced, on 25 June 2021, by regulation 13 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

13 Forms and classes of licences

(1) Licences to hunt or kill game must be in the forms and for the classes fixed by notice in the *Gazette*.

(2) A Fish and Game Council may issue—

(a) a complimentary licence; or

(b) if adequate compassionate grounds are shown, a licence for no fee, or at any reduced fee that the Council may approve.

(3) The annual report of each Fish and Game Council must include a list of persons to whom it issued complimentary licences in the year covered by the report.

Regulation 13: replaced, on 1 October 1997, by regulation 5(1) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Regulation 13(2): replaced, on 25 June 2021, by regulation 14 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Regulation 13(3): inserted, on 25 June 2021, by regulation 14 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

14 Levies payable to Councils of North and South Island Acclimatisation Societies

[Revoked]

Regulation 14: revoked, on 25 June 2021, by regulation 15 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

15

[Revoked]

Regulation 15: revoked, on 25 June 2021, by regulation 15 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

16

[Revoked]

Regulation 16: revoked, on 25 June 2021, by regulation 15 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

17 Use of recovered fines

(1) Subject to section 73(2) of the Public Finance Act 1989, all fines recovered under the Act or these regulations by a Fish and Game Council must be paid into and form part of the funds of the Fish and Game Council.

(2) A council may only apply recovered fines for the purposes of carrying out its functions under section 26Q of the Conservation Act 1987.

Regulation 17: replaced, on 25 June 2021, by regulation 16 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Part 3
Restrictions on methods of taking game

18 Artificial decoys

(1) No person shall use any artificial decoy for the purpose of hunting or killing game, unless that decoy is securely anchored.

(2) No person shall place any artificial decoy within 50 metres of any other artificial decoy already set out by any other person.

(3) Every person using artificial decoys shall prevent any of them coming within 50 metres of any other artificial decoys already set out by any other person in conformity with subclauses (1) and (2).

(4) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $300; or

(b) a fine imposed by a court not exceeding $600.

Regulation 18 heading: inserted, on 13 December 1971, by regulation 2 of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

Regulation 18(2): amended, on 19 January 1973, by regulation 4(1)(a) of the Wildlife Regulations 1955, Amendment No 7 (SR 1973/3).

Regulation 18(3): amended, on 19 January 1973, by regulation 4(1)(a) of the Wildlife Regulations 1955, Amendment No 7 (SR 1973/3).

Regulation 18(3): amended, on 13 December 1971, by regulation 2 of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

Regulation 18(4): inserted, on 3 February 2020, by regulation 100 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

18A Shot size

(1) No person shall use with any shotgun used for the purpose of hunting or killing of game any cartridge containing any shot greater in size than size BB.

(2) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $300; or

(b) a fine imposed by a court not exceeding $600.

Regulation 18A: inserted, on 2 May 1962, by regulation 4 of the Wildlife Regulations 1955, Amendment No 1 (SR 1962/55).

Regulation 18A heading: inserted, on 3 February 2020, by regulation 101(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 18A(2): inserted, on 3 February 2020, by regulation 101(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

19 Claiming of stands

(1) A licence holder may claim a stand by planting on it a stake with a board or label attached that identifies—

(a) the name of the claimant; and

(b) the number of their licence; and

(c) any other tags or markers containing other particulars as required by a notice issued by the Minister under sections 15 to 17 of the Act.

(2) A licence holder must not claim a stand within 90 metres of a stand that has already been claimed without the consent of the person who claimed it.

(3) A licence holder must not claim more than 1 stand.

(4) A licence holder must not hunt or kill game while occupying a stand that has been claimed by another licence holder, unless that stand is not occupied by the person who claimed it within 1 hour after the opening hour of shooting in the district.

(5) A person who contravenes any of subclauses (2) to (4) commits an infringement offence and is liable to—

(a) an infringement fee of $300; or

(b) a fine imposed by a court not exceeding $600.

(6) In this regulation, **stand** includes any hide, shelter, maimai, mudhole, loo, louvre, or position.

(7) This regulation does not affect the rights of the occupier of the land as defined in section 19(4) of the Act.

Regulation 19: replaced, on 3 February 2020, by regulation 102 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

19A Power of societies to grant prior rights to stands

[Revoked]

Regulation 19A: revoked, on 3 February 2020, by regulation 103 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

20 Shooting within 90 metres of stand

(1) No person other than the occupier of the land shall shoot within 90 metres of a lawfully occupied stand, except with the consent of the occupier of that stand.

(2) A person who contravenes subclause (1) commits an infringement offence and is liable to—

(a) an infringement fee of $400; or

(b) a fine imposed by a court not exceeding $800.

Regulation 20: replaced, on 2 May 1962, by regulation 5 of the Wildlife Regulations 1955, Amendment No 1 (SR 1962/55).

Regulation 20 heading: inserted, on 3 February 2020, by regulation 104(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 20(1): amended, on 19 January 1973, by regulation 4(1)(c) of the Wildlife Regulations 1955, Amendment No 7 (SR 1973/3).

Regulation 20(2): inserted, on 3 February 2020, by regulation 104(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

21 Adjustment of shotgun magazine for taking of game

For the purposes of section 18(1)(c)(iii) of the Act, the magazine of every shotgun having a magazine of any kind and used for hunting or killing game shall be so adjusted that the magazine is incapable of holding more than 1 shell, as follows:

(a) in the case of an automatic or semi-automatic or auto-loading shotgun with a tubular magazine—

(i) by inserting a metal or wooden filler at the muzzle end of the magazine of such dimensions that it cannot be removed without prior removal of a metal pin set transversely through the magazine and riveted at both ends; or

(ia) by inserting at the muzzle end of the magazine a metal or wooden filler that cannot be removed without the prior removal of a metal cap, inserted in the magazine tube above the magazine-spring retaining clip and below the end of the magazine tube, and soldered, sweated, or brazed to the magazine tube in at least 2 diametrically opposed points; or

(ii) by inserting a metal pin set transversely through the magazine and riveted at both ends:

(b) in the case of a repeating shotgun with a tubular magazine—

(i) by inserting a metal or wooden filler at the muzzle end of the magazine of such dimensions that it cannot be removed without the prior removal of a metal pin set transversely through the magazine and riveted at both ends; or

(ii) by inserting at the muzzle end of the magazine a metal or wooden filler that cannot be removed without the prior removal of a metal

cap, inserted in the magazine tube above the magazine-spring retaining clip and below the end of the magazine tube, and soldered, sweated, or brazed to the magazine tube in at least 2 diametrically opposed points:

(c) in the case of a repeating shotgun with a box magazine, by inserting a metal pin riveted at both ends and set transversely across and through the magazine:

(d) in the case of a shotgun of any type other than those specified in paragraphs (a), (b), and (c) having a magazine of any kind, the magazine shall be rendered incapable of holding more than 1 shell by a method which will not allow of a change in the field.

Regulation 21 heading: inserted, on 25 June 2021, by regulation 17 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Regulation 21: amended, on 14 May 1965, by regulation 2(1) of the Wildlife Regulations 1955, Amendment No 4 (SR 1965/70).

Regulation 21(a)(ia): inserted, on 2 May 1962, by regulation 6(1) of the Wildlife Regulations 1955, Amendment No 1 (SR 1962/55).

Regulation 21(b): replaced, on 2 May 1962, by regulation 6(2) of the Wildlife Regulations 1955, Amendment No 1 (SR 1962/55).

Regulation 21(d): replaced, on 14 May 1965, by regulation 2(2) of the Wildlife Regulations 1955, Amendment No 4 (SR 1965/70).

Part 4
Freezing chambers and canneries

[Revoked]

Part 4: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

22

[Revoked]

Regulation 22: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

23

[Revoked]

Regulation 23: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

24

[Revoked]

Regulation 24: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

25

[Revoked]

Regulation 25: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

26

[Revoked]

Regulation 26: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

27

[Revoked]

Regulation 27: revoked, on 13 December 1971, by regulation 3(1) of the Wildlife Regulations 1955, Amendment No 5 (SR 1971/270).

Part 5
Taxidermists

28 Mounting, preserving, or curing absolutely protected wildlife

(1) A person must not—

(a) mount, preserve, or cure any absolutely protected wildlife; or

(b) have absolutely protected wildlife in their possession for that purpose.

(2) However, a taxidermist may mount, preserve, or cure any absolutely protected wildlife (or have absolutely protected wildlife in their possession for that purpose) if—

(a) the taxidermist has a permit signed by the Director-General authorising the taxidermist to have and retain the wildlife in their possession; or

(b) the wildlife is delivered to the taxidermist by a person who, at the time of delivery, produces a permit signed by the Director-General authorising the person to have and retain the wildlife in their possession.

(3) If absolutely protected wildlife is delivered to a taxidermist by a person who does not produce, at the time of delivery, a permit signed by the Director-General authorising the person to have and retain the wildlife in their possession, the taxidermist must—

(a) place the wildlife in a freezing chamber; and

(b) advise the Director-General; and

(c) comply with any instructions of the Director-General as to its disposal.

(4) The Director-General may reimburse a taxidermist for any expense incurred under subclause (3).

(5) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $600; or

(b) a fine imposed by a court not exceeding $1,200.

Regulation 28: replaced, on 3 February 2020, by regulation 105 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

29 Possession of game or other wildlife for mounting, preserving, or curing

No person shall hold in possession for the purpose of mounting, preserving, or curing any wildlife included in Schedule 1 or Schedule 3 of the Act, unless the wildlife has been taken or killed in the open season only for that wildlife or under the written authority of the Director-General. That authority shall be retained by the person in possession of the wildlife, and shall be produced on demand to any officer of the Department.

(2) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $600; or

(b) a fine imposed by a court not exceeding $1,200.

Regulation 29 heading: inserted, on 3 February 2020, by regulation 106(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 29(1): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 29(2): inserted, on 3 February 2020, by regulation 106(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

30

[Revoked]

Regulation 30: revoked, on 3 February 2020, by regulation 107 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

31 Other requirements relating to taxidermists

(1) A taxidermist must keep a register in respect of all wildlife (or parts of wildlife) in the taxidermist's possession.

(2) The register must be in the form set out in Schedule 1.

(3) A taxidermist who has in their possession, at any time, absolutely protected wildlife or wildlife included in Schedule 1 or 3 of the Act must, if required by a ranger or an authorised officer of the Department or any Fish and Game Council,—

(a) provide the ranger or authorised officer with a copy of the register; and

(b) allow the ranger or authorised officer to examine any wildlife of that description in the taxidermist's possession.

(4) A taxidermist who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $600; or

(b) a fine imposed by a court not exceeding $1,200.

Regulation 31: replaced, on 3 February 2020, by regulation 108 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

32

[Revoked]

Regulation 32: revoked, on 3 February 2020, by regulation 109 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 6
Export of animals and birds

33 Export applications

(1) Application for authority to export any animal or bird or part thereof pursuant to section 56 of the Act shall be made to the Director-General in writing signed by the applicant, and shall contain the following particulars:

(a) the species and numbers of animals, birds, or eggs, or the description and number of the parts, it is desired to export:

(b) the district or area from which or the person from whom it is desired to obtain the animals, birds, or eggs, or parts of animals, birds, or eggs, or, in the event of the animals, birds, or eggs or parts thereof being already in the possession of the applicant, the authority under which they were obtained or held in possession:

(c) the name of the person to whom and the country to which it is desired to export the animals, birds, or eggs or parts thereof:

(d) the purpose for which the export is being made:

(e) the port, aerodrome, or other place from which export is desired:

(f) such other relevant particulars as the Director-General may require.

(2) A person who exports any animal or bird or part thereof without authority granted by the Director-General under section 56 of the Act commits an infringement offence and is liable to—

(a) an infringement fee of $400; or

(b) a fine imposed by a court not exceeding $800.

Regulation 33 heading: inserted, on 3 February 2020, by regulation 110(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 33(1): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 33(1)(f): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 33(2): inserted, on 3 February 2020, by regulation 110(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 7
Use of birdlime

34

[Revoked]

Regulation 34: revoked, on 3 February 2020, by regulation 111 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

35 Use and possession of birdlime

(1) A person must not—

(a) use birdlime to hunt, kill, or catch alive any wildlife; or

(b) be in possession of any birdlime; or

(c) sell any birdlime.

(2) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $300; or

(b) a fine imposed by a court not exceeding $600.

(3) In this regulation, **birdlime** includes all substances of a similar nature to birdlime, and also includes the substance commonly known as green birdlime.

Regulation 35: replaced, on 3 February 2020, by regulation 112 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

36

[Revoked]

Regulation 36: revoked, on 3 February 2020, by regulation 113 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 8
Liberation and marking of wildlife

37 Interpretation

In this Part the term **mark** includes any band, ring, clip, tag, or paint, or any other thing or method affixed or applied to any wildlife for the purpose of distinguishing any wildlife; and **marked** and **marking** have corresponding meanings.

Regulation 37 heading: inserted, on 25 June 2021, by regulation 18 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

38 Marking wildlife

(1) A person, a Fish and Game Council, or an organisation must not mark any wildlife, other than unprotected wildlife (being wildlife specified in Schedule 5 of the Act), except with the prior written authority of the Director-General.

(2) If the Director-General grants authority to a Fish and Game Council or an organisation, that authority may be delegated to an officer, a member, or an employee of the Council or organisation, or to a game licence holder.

(3) A person who contravenes subclause (1) commits an infringement offence and is liable to—

(a) an infringement fee of $400; or

(b) a fine imposed by a court not exceeding $800.

Regulation 38: replaced, on 3 February 2020, by regulation 114 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

39 Liberating game birds

(1) No person, society, or organisation shall liberate any game birds which have been reared in captivity unless the birds have been marked in accordance with such conditions as the Director-General imposes from time to time, or unless the Director-General has authorised the release of the birds without marking.

(2) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $400; or

(b) a fine imposed by a court not exceeding $800.

(3) An authorisation made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

Legislation Act 2019 requirements for secondary legislation made under this regulation		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	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 secondary legislation.

Regulation 39 heading: inserted, on 3 February 2020, by regulation 115(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 39(1): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 39(2): inserted, on 3 February 2020, by regulation 115(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 39(3): inserted, on 28 October 2021, by regulation 4 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

39A Bounties, reward, and other consideration for return of marks

(1) Except with the prior consent of the Director-General, no person, society, or organisation shall offer or give any bounty, reward, or other consideration for the return by any person of any mark placed on any wildlife by any person, society, or organisation.

(2) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $400; or

(b) a fine imposed by a court not exceeding $800.

Regulation 39A: inserted, on 1 April 1963, by regulation 7 of the Wildlife Regulations 1955, Amendment No 1 (SR 1962/55).

Regulation 39A heading: inserted, on 3 February 2020, by regulation 116(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 39A(1): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 39A(2): inserted, on 3 February 2020, by regulation 116(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 9
Acclimatisation districts and societies

[Revoked]

Part 9: revoked, on 25 June 2021, by regulation 19 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

40

[Revoked]

Regulation 40: revoked, on 25 June 2021, by regulation 19 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

41

[Revoked]

Regulation 41: revoked, on 25 June 2021, by regulation 19 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

42

[Revoked]

Regulation 42: revoked, on 25 June 2021, by regulation 19 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

43

[Revoked]

Regulation 43: revoked, on 25 June 2021, by regulation 19 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Part 10
General

43A Pollution of waters

(1) No person shall cast or throw into any waters, or discharge or cause to be put or discharged into or placed on the bank or margin of any waters, any sawdust or sawmill refuse, lime (other than agricultural or slaked lime), sheep dip, flaxmill refuse, oil, chlorinated hydrocarbon pesticide, or any other substance poisonous or injurious to wildlife or the food of wildlife.

(2) In this regulation the term **waters** means any salt, brackish, or fresh waters in New Zealand, or on the coasts or bays thereof; and includes artificial waters.

(3) A person who contravenes subclause (1) commits an infringement offence and is liable to—

(a) an infringement fee of $400; or

(b) a fine imposed by a court not exceeding $800.

Regulation 43A: inserted, on 6 March 1972, by regulation 2 of the Wildlife Regulations 1955, Amendment No 6 (SR 1972/30).

Regulation 43A(1): amended, on 3 February 2020, by regulation 117(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 43A(3): replaced, on 3 February 2020, by regulation 117(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

44

[Revoked]

Regulation 44: revoked, on 3 February 2020, by regulation 118 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

45 Use of fines payable under section 68 of Act

(1) If the court directs that part of a fine is payable to an officer or employee of a Fish and Game Council under section 68 of the Act, that person must hold the money in trust for the council.

(2) A council may only apply money received under subclause (1) for the purposes of—

(a) paying the costs of and incidental to the prosecution; and

(b) carrying out its functions under section 26Q of the Conservation Act 1987.

Regulation 45: replaced, on 25 June 2021, by regulation 20 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

46

[Revoked]

Regulation 46: revoked, on 25 June 2021, by regulation 21 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

47 Penalties for infringement offences in Act

The penalties for an infringement offence in the Act are the penalties specified for that infringement offence in the third and fourth columns of Schedule 5.

Regulation 47: inserted, on 3 February 2020, by regulation 119 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

48 Infringement notice and reminder notice

(1) An infringement notice issued under section 70W of the Act must be in form 1 set out in Schedule 6.

(2) A reminder notice issued under section 70X of the Act must be in form 2 set out in Schedule 6.

Regulation 48: inserted, on 3 February 2020, by regulation 119 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

49 Report on legal proceedings

Every Fish and Game Council or other body that undertakes legal proceedings in respect of any breach of the Act or of these regulations or of any notification issued under the Act must, as soon as practicable after the completion of the proceedings, forward to the Director-General a statement of the circumstances giving rise to the proceedings and the result of the proceedings.

Regulation 49: inserted, on 25 June 2021, by regulation 22 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Schedule 1
Taxidermist's register

r 31

Number of entry	Name and address of depositor	Date received	Description of wildlife deposited	Name and address of person to whom delivered	Date of delivery

Schedule 2
Certificate of registration of Acclimatisation Society

[Revoked]

r 40

Schedule 2: revoked, on 25 June 2021, by regulation 23 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Schedule 3
Form of income and expenditure accounts and balance sheet of acclimatisation societies

[Revoked]

r 42

Schedule 3: revoked, on 25 June 2021, by regulation 23 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Schedule 4
Regulations revoked

[Revoked]

Schedule 4: revoked, on 25 June 2021, by regulation 23 of the Wildlife Amendment Regulations 2021 (LI 2021/129).

Schedule 5
Penalties for infringement offences under Wildlife Act 1953

r 47

Schedule 5: inserted, on 3 February 2020, by regulation 120 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Section	Description of offence	Infringement fee ($)	Maximum fine ($)
70B(2)	Hunting during close season	600	1,200
70C(5)	Hunting without licence during open season	400	800
70D(2)	Contravening terms of open season notification	400	800
70E(3)	Hunting wildlife in contravention of conditions prescribed by Minister	400	800
70F(3)	Failing to produce licence on demand	200	400
70G(2)	Hunting or killing any absolutely protected wildlife	800	1,600
70G(2)	Hunting or killing any partially protected wildlife	600	1,200
70G(2)	Hunting or killing any game	400	800
70G(2)	Buying, disposing of, or possessing any absolutely protected wildlife	600	1,200
70G(2)	Buying, disposing of, or possessing any partially protected wildlife	400	800
70G(2)	Buying, disposing of, or possessing any game	400	800
70G(2)	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any absolutely protected wildlife	600	1,200
70G(2)	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any partially protected wildlife	400	800
70G(2)	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any game	400	800
70G(2)	Robbing, disturbing, destroying, or possessing the nest of any absolutely protected wildlife	800	1,600
70G(2)	Robbing, disturbing, destroying, or possessing the nest of any partially protected wildlife	600	1,200
70G(2)	Robbing, disturbing, destroying, or possessing the nest of any game	400	800
70H(3)	Taking game in contravention of Act or notification	400	800
70I(3)	Failing to comply with condition of authority to take or kill wildlife	400	800
70J(2)	Liberating wildlife or exporting animals or animal products	800	1,600
70K(3)	Transporting wildlife without proper information or container	200	400
70L(3)	Farming or breeding certain unprotected animals	800	1,600
70M(2)	Failing to report accidental or incidental death or injury	600	1,200
70N(2)	Interfering with items on land under section 59	600	1,200
70O(2)	Littering	300	600
70P(2)	Acting without required licence, permit, etc	600	1,200

Section	Description of offence	Infringement fee ($)	Maximum fine ($)
70Q(2)	Contravening instruments made under Act	400	800
70R(3)	Failing to comply with section 70R(1) (which relates to prohibited conduct in wildlife refuge)	600	1,200
70S(5)	Failing to comply with section 70S(1) to (4) (which relates to prohibited conduct in relation to waterfowl)	400	800
70T(3)	Failing to comply with section 70T(1) and (2) (which relates to prohibited conduct in relation to homing pigeons)	200	400

Schedule 5
Licence fees

[Revoked]

r 13

Schedule 5: revoked, on 1 October 1997, by regulation 6(a) of the Wildlife Amendment Regulations 1997 (SR 1997/178).

Schedule 6
Infringement notice and reminder notice

r 48

Schedule 6: inserted, on 3 February 2020, by regulation 120 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Form 1
Infringement notice

Section 70W, Wildlife Act 1953

Infringement notice No:

Date of notice:

Enforcement authority

This infringement notice is issued by [*name or identification number of authorised person*].

Address for correspondence:

Details of person to whom infringement notice issued

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

†Not required if the notice is served on a company or other body corporate.

*Specify only if known.

Alleged infringement offence details

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Service details

This infringement notice was served by [*method of service*] at [*full address of service*] on [*date*].

Payment of infringement fee

The infringement fee is payable within 28 days after [*date infringement notice served*].

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

Information

If there is anything in these notes you do not understand, you should consult a lawyer.

1 This notice sets out an alleged infringement offence.

Payments

2 If you pay the infringement fee for the alleged infringement offence within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] in the manner specified in this notice.

3 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement with [*name of enforcement authority*] allowing you to pay the infringement fee by instalments, paragraphs 5(b) and (c) and 6 to 9 below do not apply, and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Defence

4 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, a reminder notice in respect of the alleged offence is served on you. Late payment or payment made in any other manner is not a defence.

Further action, including right to request hearing

5 You may—

(a) raise any matter relating to the circumstances of the alleged offence for consideration by [*name of enforcement authority*]; or

(b) deny liability for the alleged offence and request a court hearing; or

(c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.

6 To take an action listed in paragraph 5, you must write to [*name of enforcement authority*] at the address for correspondence shown on this notice. You must sign the letter and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement authority*] allows.

7 If, in your letter, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

Note: If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty, and you will be required to pay a hearing fee.

8 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—

(a) request a hearing; and

(b) admit liability for the offence; and

(c) set out the written submissions you wish the court to consider.

9 [*Name of enforcement authority*] will then file your letter with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, costs will be imposed in addition to any penalty.

Non-payment of fee

10 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you have been served with this notice or within any further time that [*name of enforcement authority*] allows, you will be served with a reminder notice (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). Please note that in some circumstances, if you do not receive a reminder notice, you may still become liable to pay a fine and court costs.

11 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after being served with the reminder notice,—

(a) [*name of enforcement authority*] may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and

(b) if so, you will become liable to pay court costs as well as a fine.

12 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Correspondence

13 When writing, please specify—

(a) the date of the alleged infringement offence; and

(b) the infringement notice number; and

(c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

14 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 6 form 1: inserted, on 3 February 2020, by regulation 120 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Form 2
Reminder notice

Section 70X, Wildlife Act 1953

Reminder notice No:

Date of notice:

This notice is to remind you that you have been issued with an infringement notice. The details of the infringement notice are as follows.

Enforcement authority

The infringement notice was issued by [*name or identification number of authorised person*].

Address for correspondence:

Details of person to whom infringement notice issued

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

†Not required if the notice is served on a company or other body corporate.

*Specify only if known.

Alleged infringement offence details

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Amount of infringement fee remaining unpaid:

Service details

(To be provided for filing in court)

The infringement notice was served by [*method of service*] at [*full address of service*] on [*date*].

This reminder notice was served by [*method of service*] at [*full address of service*] on [*date*].

Payment of infringement fee

The infringement fee was payable to [*name of enforcement authority*] within 28 days after [*date infringement notice served*]. The infringement fee has not been paid.

The last day for payment of the infringement fee is [*date*], being 28 days after the date of service of this notice.

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

Information

If there is anything in these notes you do not understand, you should consult a lawyer.

1 You have not paid the infringement fee described in this notice, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

Payments

2 If you pay the infringement fee for the alleged infringement offence within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] in the manner specified in this notice.

3 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement with [*name of enforcement authority*] allowing you to pay the infringement fee by instalments, paragraphs 5(b) and (c) and 6 to 9 below do not apply, and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Defence

4 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, this notice is served on you. Late payment or payment made in any other manner is not a defence.

Further action, including right to request hearing

5 You may—

(a) raise any matter relating to the circumstances of the alleged offence for consideration by [*name of enforcement authority*]; or

(b) deny liability for the alleged offence and request a court hearing; or

(c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.

6 To take an action listed in paragraph 5, you must write to [*name of enforcement authority*] at the address for correspondence shown on this notice. You must

sign the letter and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement authority*] allows.

7 If, in your letter, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

Note: If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty, and you will be required to pay a hearing fee.

8 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—

(a) request a hearing; and

(b) admit liability for the offence; and

(c) set out the written submissions you wish the court to consider.

9 [*Name of enforcement authority*] will then file your letter with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, costs will be imposed in addition to any penalty.

Non-payment of fee

10 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you have been served with this notice, you will become liable to pay court costs as well as a fine (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

11 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Correspondence

12 When writing, please specify—

(a) the date of the alleged infringement offence; and

(b) the reminder notice number; and

(c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

13 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 6 form 2: inserted, on 3 February 2020, by regulation 120 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 March 1955.

Notes

1 General

This is a consolidation of the Wildlife Regulations 1955 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

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 4

Wildlife Amendment Regulations 2021 (LI 2021/129)

Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326): Part 10

Wildlife Amendment Regulations 1997 (SR 1997/178)

Wildlife Regulations 1955, Amendment No 12 (SR 1996/12)

Conservation Act 1987 (1987 No 65): section 65(3)

Wildlife Regulations 1955, Amendment No 7 (SR 1973/3)

Wildlife Regulations 1955, Amendment No 6 (SR 1972/30)

Wildlife Regulations 1955, Amendment No 5 (SR 1971/270)

Wildlife Regulations 1955, Amendment No 4 (SR 1965/70)

Wildlife Regulations 1955 Amendment No 1 (SR 1962/55)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2022