



Fisheries (South Island Customary Fishing) Amendment Regulations 2025

Cindy Kiro, Governor-General

Order in Council

At Wellington this 10th day of March 2025

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 186 and 297 of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 2 amended (Interpretation)	2
5	Regulation 4 amended (Relationship between these regulations and other regulations)	2
6	New regulation 42A inserted (Breach of bylaws is infringement offence)	2
	42A Breach of bylaws is infringement offence	2
7	New Schedule 3 inserted	3
	Schedule	4
	New Schedule 3 inserted	

Regulations

1 Title

These regulations are the Fisheries (South Island Customary Fishing) Amendment Regulations 2025.

2 Commencement

These regulations come into force on 10 April 2025.

3 Principal regulations

These regulations amend the Fisheries (South Island Customary Fishing) Regulations 1999.

4 Regulation 2 amended (Interpretation)

In regulation 2(1), insert in their appropriate alphabetical order:

bylaw means a bylaw approved under regulation 26

daily limit, in relation to a species of fish, aquatic life, or seaweed, means the maximum number or quantity of that species that a person may, on any day, take or possess from or in a specified area prescribed by a bylaw

5 Regulation 4 amended (Relationship between these regulations and other regulations)

- (1) In the heading to regulation 4, replace “**other regulations**” with “**other secondary legislation**”.
- (2) In regulation 4(1), replace “other regulations” with “other secondary legislation” in each place.

6 New regulation 42A inserted (Breach of bylaws is infringement offence)

After regulation 42, insert:

42A Breach of bylaws is infringement offence

- (1) A person commits an infringement offence if they breach—
 - (a) a bylaw by—
 - (i) taking or possessing more than the daily limit but not more than 2 times that limit; or
 - (ii) taking or possessing more than 2 times the daily limit but not more than 3 times that limit; or
 - (b) any other provision of a bylaw.
- (2) A person who commits an infringement offence under subclause (1) is liable to—
 - (a) the infringement fee specified for that offence in the third column of Schedule 3; or

- (b) a fine imposed by a court not exceeding an amount prescribed in regulation 44.
- (3) An infringement notice issued under section 260A of the Fisheries Act 1996 for an infringement offence must be in form 1 of Schedule 20 of the Fisheries (Amateur Fishing) Regulations 2013.
- (4) An infringement offence reminder notice issued under section 260B of the Fisheries Act 1996 must be in form 2 of Schedule 20 of the Fisheries (Amateur Fishing) Regulations 2013.

7 New Schedule 3 inserted

After Schedule 2, insert the Schedule 3 set out in the Schedule of these regulations.

Schedule New Schedule 3 inserted

r 7

Schedule 3 Infringement fees

r 42A

Regulation	General description of offence	Infringement fee (\$)
42A(1)(a)(i)	Breaches bylaw by taking or possessing more than the daily limit of a species but not more than 2 times that limit	250
42A(1)(a)(ii)	Breaches bylaw by taking or possessing more than 2 times the daily limit of a species but not more than 3 times that limit	500
42A(1)(b)	Breaches any other provision in a bylaw	500

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations amend the Fisheries (South Island Customary Fishing) Regulations 1999 (the **principal regulations**), and come into force on 10 April 2025.

Regulation 6 inserts *new regulation 42A* into the principal regulations.

New regulation 42A creates 3 new infringement offences for breaches of bylaws made under the principal regulations. The new infringement offences are as follows:

- breaching a bylaw by taking or possessing more than the daily limit (but not more than 2 times that limit) of any species of fish, aquatic life, or seaweed. There is an infringement fee of \$250 for this offence:
- breaching a bylaw by taking or possessing more than 2 times the daily limit (but not more than 3 times that limit) of any species of fish, aquatic life, or seaweed. There is an infringement fee of \$500 for this offence:
- breaching any other provision of a bylaw. There is an infringement fee of \$500 for this offence.

New regulation 42A also provides for the infringement forms set out in the Fisheries (Amateur Fishing) Regulations 2013 to be used for notices of infringement offences.

Regulation 7 inserts *new Schedule 3* into the principal regulations. That schedule sets out the infringement fees for the new offences.

These regulations also amend the principal regulations to provide that the principal regulations prevail over any other secondary legislation made under the Fisheries Act 1996, and not just other regulations.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 25 May 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mpi.govt.nz/legal/regulatory-impact-statements/>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 13 March 2025.

These regulations are administered by the Ministry for Primary Industries.