

Version
as at 23 December 2023



Freshwater Fisheries Regulations 1983

(SR 1983/277)

David Beattie, Governor-General

Order in Council

At the Government House at Wellington this 19th day of December 1983

Present:

His Excellency the Governor-General in Council

Pursuant to the Fisheries Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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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.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Freshwater Fisheries Regulations 1983.
- (2) These regulations shall come into force on 1 January 1984.

2 Interpretation

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

Act means the Conservation Act 1987

Auckland/Waikato Rudd Area means the area defined as the Auckland/Waikato Fish and Game Region in the notice in the *Gazette* dated 24 May 1990, at page 1861, as amended by notices in the *Gazette* dated 29 August 1991, at page 2786, and 28 January 1993, at page 192

canning, in relation to fish, includes the preservation by heat or other treatment of fish in sealed cans or jars; and **can** has a corresponding meaning

commercial freezing chamber means any freezing chamber, including any cool store, refrigeration works, or freezing or cooling device, situated in or on any cannery, plant, or premises (not being a private dwellinghouse) where sports fish are or have been in the preceding 6 months frozen, canned, or otherwise preserved or treated or stored

commercial smokehouse means any smokehouse, including any fish-preparation room, salting room, or drying room adjacent to or forming part of that smokehouse, situated in or on any plant or premises (not being a private dwellinghouse) where sports fish are or have been in the preceding 6 months canned, or otherwise preserved or treated or stored

dam means any structure designed to confine, direct, or control water, whether permanent or temporary; and includes weirs

day means a day computed from midnight to midnight

diversion structure means any structure designed to divert or abstract natural water from its natural channel or bed whether permanent or temporary

electric fishing machine means any device, engine, or machine designed or used for the taking or killing by means of electric current of any species of fish or for the production of electronarcosis of any species of fish; but does not include any non-movable electrical device erected in any waters for the purpose of preventing or controlling the movement of fish

fish facility means any structure or device, including any fish pass or fish screen inserted in or by any water course or lake, to stop, permit, or control the passage of fish through, around, or past any dam or other structure impeding the natural movement of fish upstream or downstream

fish pass means any structure providing passage through or over any barrier to their passage

fish screen means any device whether moving or stationary designed to impede or stop the passage of fish

licence means a licence to take sports fish issued in accordance with these regulations and in accordance with a notice in the *Gazette*

officer means a warranted officer within the meaning of the Act

open season means the period from 1 October in any year to 30 April in the year next following (both days inclusive) during which fishing for sports fish is generally permitted, unless otherwise specified in any Anglers Notice

region means a fish and game region defined by notice in the *Gazette* under section 26A(1)(c)

remedial works means any structures, channel modifications, or water flow provided to offset the effect of a dam or diversion structure

special Act means the Maori Land Amendment and Maori Land Claims Adjustment Act 1926

sports fish means fish specified in Schedule 1

Taupo District means the district described in the Taupo District Order 1983, made pursuant to section 14(8) of the special Act

- (2) For the purposes of these regulations and of any Anglers Notice, a person fishing shall be deemed to be fishing both at the place from where he is fishing and also at any place reached by his line or lure.
- (3) For the purposes of these regulations, the waters of any region shall be deemed to include the mouth of every river or stream, and the mouth of every river or stream shall be deemed to include every outlet thereof and the seashore between those outlets and the waters of the sea or of any harbour lying within a distance of 500 m from any place where at low tide the waters of a river or stream meet the waters of the sea or of any harbour.

Regulation 2(1) **Act**: substituted, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **acclimatised fish**: revoked, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **adult licence**: revoked, on 1 October 1997, by regulation 2(1)(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **area of jurisdiction of the Fish and Game Council for Auckland**: revoked, on 25 June 2021, by regulation 4(1) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **artificial fly**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **artificial minnow**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **assembled rod**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **Auckland Acclimatisation District**: revoked, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 ((1990 No 31).

Regulation 2(1) **Auckland/Waikato Rudd Area**: inserted, on 25 June 2021, by regulation 4(1) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **commercial freezing chamber**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **commercial smokehouse**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **Eastern Fish and Game Region**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **Island Council**: revoked, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **junior licence**: revoked, on 1 October 1997, by regulation 2(1)(b) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **licence**: substituted, on 1 October 1997, by regulation 2(2) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **limit bag**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **new participant**: revoked, on 1 October 1997, by regulation 2(1)(c) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(1) **officer**: substituted, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **open season**: amended, on 25 June 2021, by regulation 4(3) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **open season**: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **region**: inserted, on 25 June 2021, by regulation 4(4) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **Rotorua District**: revoked, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **size**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **size limit**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **Southern Lakes District**: revoked, on 27 September 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 2(1) **sports fish**: inserted, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2(1) **tourist fishing licence**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **trout**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **undersized fish**: revoked, on 25 June 2021, by regulation 4(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(1) **young adult**: revoked, on 1 October 1997, by regulation 2(1)(c) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 2(2): amended, on 25 June 2021, by regulation 4(5) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 2(3): amended, on 25 June 2021, by regulation 4(6) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

2A Sports fish defined for the purposes of Act

For the purposes of the Act it is hereby declared that the species of fish specified in Schedule 1 are sports fish.

Regulation 2A: inserted, on 19 September 1985, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 2A heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 2A: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

3 Application of regulations

- (1) Regulation 2A, Parts 6, 7, and 9, and Schedule 1 apply throughout New Zealand.
- (2) The rest of these regulations apply throughout New Zealand other than in the Taupo District.

Regulation 3: replaced, on 19 May 2016, by regulation 4 of the Freshwater Fisheries Amendment Regulations 2016 (LI 2016/81).

Part 1 Licences

4 Classes and forms of licences

Licences issued to take sports fish must be in the forms and for the classes fixed by notice in the *Gazette*.

Regulation 4: substituted, on 1 October 1997, by regulation 3 of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

4A Special licences

- (1) The Minister may authorise any Fish and Game Council to issue special licences of the following kinds:
 - (a) authorising the holder to take sports fish for education, investigative research, or the carrying out of trials or experiments involving any vessel, gear, or apparatus capable of being used in connection with the taking of sports fish:
 - (b) authorising any disabled person, within the meaning of the Disabled Persons Community Welfare Act 1975, to take sports fish by any means that would otherwise be unlawful:
 - (c) authorising the holder to take sports fish for any other purpose approved by the Minister.
- (2) In considering an application to issue a special licence under this regulation, a Council shall have regard to the following:
 - (a) any sports fish and game management plans approved for its region under section 17M of the Act:
 - (b) any relevant national policy of the New Zealand Fish and Game Council and any relevant general policy that has been approved under the Act:
 - (c) the potential the proposal has for adverse impact on the sports fishery.

- (3) Every such special licence shall specify the waters within the Council's jurisdiction in which the holder is permitted to take sports fish.
- (4) Every such special licence may be revoked by the issuing Council by notice in writing to the holder.
- (5) A Council shall give reasons in writing to the holder if it revokes a special licence granted to the holder under this regulation.
- (6) All fish taken pursuant to this section shall be disposed of as the Council directs, or as may be specified in the licence.

Regulation 4A: inserted, on 27 September 1990, by regulation 3 of the Freshwater Fisheries Regulations 1990, Amendment No 9 (SR 1990/209).

Regulation 4A(1)(b): amended, on 25 June 2021, by regulation 5 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

5 Form of licences

[Revoked]

Regulation 5: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

6 Area of availability of licences

[Revoked]

Regulation 6: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

6A Tourist fishing licences

[Revoked]

Regulation 6A: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

7 Term of licences

[Revoked]

Regulation 7: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

8 Issue of licences

- (1) Licences may only be issued by a Fish and Game Council or its authorised agent.
- (2) A Fish and Game Council or its authorised agent may issue a licence to an applicant who has complied with regulation 10.
- (3) Licences may be issued in electronic or non-electronic form.

Regulation 8: replaced, on 25 June 2021, by regulation 6 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

9 Restrictions on issue of licences

[Revoked]

Regulation 9: revoked, on 25 June 2021, by regulation 7 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

10 Application for licence

An applicant for a licence must provide the person issuing the licence 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 48A(2A) of the Act.

Regulation 10: replaced, on 25 June 2021, by regulation 8 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

11 Verification of licences

(1) *[Revoked]*

- (2) Except as provided in subclause (3), no licence shall have any effect or validity until the holder has verified it by signing the holder's usual signature legibly and clearly in the space provided for the purpose on the licence.
- (3) Where any licence has been issued under regulation 8 but the holder has not yet received the licence, that licence is valid and effective from date of issue for the period specified in the licence, notwithstanding that the holder has not complied with subclause (2).
- (4) This regulation does not apply to licences issued in electronic form.

Regulation 11: substituted, on 1 October 1995, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 18 (SR 1995/178).

Regulation 11(1): revoked, on 25 June 2021, by regulation 9(1) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 11(3): amended, on 25 June 2021, by regulation 9(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 11(4): inserted, on 25 June 2021, by regulation 9(3) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

12 Licences not transferrable

No licence shall be transferrable.

13 Cancellation of licences

- (1) A Fish and Game Council may accept and cancel any licence it has issued, and may refund to the former holder of the licence the whole or any part of the fee paid.
- (2) 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 13(1): amended, on 25 June 2021, by regulation 10(1) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 13(2): replaced, on 25 June 2021, by regulation 10(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

14 Licence fees

[Revoked]

Regulation 14: revoked, on 25 June 2021, by regulation 11 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

14A Fees exclusive of goods and services tax

[Revoked]

Regulation 14A: revoked, on 1 July 1988, by regulation 2(2) of the Freshwater Fisheries Regulations 1983, Amendment No 6 (SR 1988/122).

15 Reduction or waiver of fees

Notwithstanding the provisions of a *Gazette* notice fixing fees for different classes of licences, it shall be lawful for any Fish and Game Council within the meaning of the Conservation Act 1987 to issue a licence to any person either for no fee or for such reduced fee as the Council approves.

Regulation 15: amended, on 1 October 1997, by regulation 5 of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Regulation 15: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

16 Expenditure of licence fees

All sums received by a Fish and Game Council within the meaning of the Conservation Act 1987 in respect of licence fees under these regulations shall be spent within the region of the council receiving them; but nothing in this regulation shall prevent—

- (a) the payment to the New Zealand Fish and Game Council of any levy determined by that Council under section 26C(1)(f) of the Conservation Act 1987:
- (b) the making of payments towards the reasonable and proper operation of any regional or national organisation of Fish and Game Councils within the meaning of the Conservation Act 1987:

- (c) subject to paragraph (b) above, any expenditure in the area of jurisdiction of any 1 or more Fish and Game Councils for that area made with the prior consent of the Minister for a freshwater fisheries purpose:

provided that nothing in this regulation shall apply to licence fees received by the Department of Conservation.

Regulation 16: amended, on 25 June 2021, by regulation 12 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 16: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 16(a): substituted, on 1 July 1990, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136).

Regulation 16(b): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 16(c): amended, on 10 April 1990, pursuant to section 39(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 16 proviso: amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

17 Payments to Consolidated Account

[Revoked]

Regulation 17: revoked, on 1 July 1990, by regulation 4(1) of the Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136).

18 Payments to Island Councils

[Revoked]

Regulation 18: revoked, on 1 July 1990, by regulation 4(1) of the Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136).

19 No right of entry on land

No licence shall confer any right of entry upon the land of any person without his consent.

19A Falsifying or omitting information relating to licences prohibited

- (1) A person, except a Fish and Game Council or its authorised agent, must not issue or 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 19A: inserted, on 25 June 2021, by regulation 13 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Part 2

Obligations of persons fishing

20 Obligations of anglers

- (1) Every person taking sports fish or in possession of a rod or gear suitable for taking sports fish must, if required to do so by an officer, do all or any of the following:
 - (a) give the person's full name, date of birth, and usual residential address:
 - (b) produce the person's licence:
 - (c) produce and show the contents of the person's creel or container and any lure or bait in the person's possession:
 - (d) produce, within a reasonable period, evidence of the person's full name, date of birth, and usual residential address:
 - (e) where regulation 11(2) applies, make or give legibly and clearly a specimen signature.
- (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 20: replaced, on 25 June 2021, by regulation 14 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

21 Restriction on taking fish from or near fish traps

- (1) No person shall—
 - (a) take any fish from; or
 - (b) interfere with or damage; or
 - (c) take any sports fish in or from any water that is within 100 m of—
any net, trap, pound net, electrical device, or other contrivance erected or placed for the purpose of preventing or controlling the movement of sports fish and used by any person for the purposes of acclimatisation, propagation, or management, or for scientific or other purposes authorised by a Fish and Game Council within the meaning of the Conservation Act 1987.
- (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 21(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 21(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 21(1): amended, on 19 September 1985, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 21(1)(c): substituted, on 19 September 1985, by regulation 3 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Regulation 21(1)(c): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 21(2): inserted, on 3 February 2020, by regulation 7 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 3

Marked fish

22 No unauthorised marking of sports fish

- (1) No person shall mark any living sports fish or attach or insert a tag or other distinguishing device or clip or remove a fin or fins, except with the written consent of the Director-General or of the Fish and Game Council within the meaning of the Conservation Act 1987 of the region.
- (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 22 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 22(1): amended, on 25 June 2021, by regulation 15 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 22(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 22(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 22(2): inserted, on 3 February 2020, by regulation 7 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

23 Notifying details of marked fish taken

A person who takes a sports fish bearing a tag or distinguishing device during an open season must—

- (a) deliver the fish and tag or device to—
 - (i) the Fish and Game Council of the region in which it was taken; or
 - (ii) the nearest office of the Department of Conservation; or

- (b) deliver full particulars in writing of the tag or device, the place where and date on which the fish was taken, and, if it is reasonably possible so to do, the weight and length of the fish to—
 - (i) the Fish and Game Council of the region in which it was taken; or
 - (ii) the nearest office of the Department of Conservation.

Regulation 23: replaced, on 25 June 2021, by regulation 16 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Part 4

Storage and smoking of sports fish

Part 4 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

24 Register for sports fish

- (1) A manager or person in charge of any commercial freezing chamber or commercial smokehouse must not receive any sports fish or have any sports fish on the premises, unless the following details are kept in a record on the premises as a register for sports fish under this regulation:
 - (a) the date and time of deposit of the fish on the premises:
 - (b) the number and species of fish:
 - (c) the total weight of fish:
 - (d) the full name and usual residential address of the owner of the fish:
 - (e) the number and the region of issue of the licence (if any) of the owner of the fish:
 - (f) the address (if any) to which the fish are to be forwarded.
- (2) A manager or person in charge of any commercial freezing chamber or commercial smokehouse must retain registers compiled under subclause (1) for at least 6 months after the date of the last entry.
- (3) An officer may enter, at all reasonable times, any such premises in order to inspect any fish on the premises and to inspect and copy any entries from the register.
- (4) A person who contravenes subclause (1) or (2) 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 24: replaced, on 3 February 2020, by regulation 8 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 24(1)(d): amended, on 25 June 2021, by regulation 17(1) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 24(1)(e): amended, on 25 June 2021, by regulation 17(2) of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

25 Details to be attached to sports fish

- (1) No person shall place or permit to be placed or kept in any commercial freezing chamber or commercial smokehouse any sports fish to which there is not affixed or tied a label on which are legibly written the following particulars:
 - (a) the name and address of the owner of the fish:
 - (b) the date on which the fish were deposited on the premises.
- (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 25 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 25(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 25(2): inserted, on 3 February 2020, by regulation 9 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

26 No gifts of sports fish

- (1) No person shall give and no manager or person in charge of any commercial freezing chamber or commercial smokehouse shall receive any sports fish in exchange or as a full or partial consideration for the storage or any preservation or treatment of any sports fish.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 26 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 26(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 26(2): inserted, on 3 February 2020, by regulation 10 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

27 Maximum weight of sports fish

- (1) No licence holder or other person shall deposit, and no manager or person in charge of any commercial freezing chamber or commercial smokehouse shall accept for deposit, in any such premises, sports fish if the licence holder or other person already has an aggregate weight of 50 kg of any such fish deposited in the premises.
- (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 27 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 27(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 27(2): inserted, on 3 February 2020, by regulation 11 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 5

Canning of sports fish

Part 5 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

28 No unauthorised canning of sports fish

- (1) A person must not can sports fish, or be in possession of canned sports fish, except in accordance with these regulations.
- (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 28: replaced, on 3 February 2020, by regulation 12 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

29 No payment for canning sports fish

- (1) No fee shall be paid to or accepted by any person, and no consideration shall be given to or accepted by any person, for the canning of any sports fish.
- (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 29 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 29(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 29(2): inserted, on 3 February 2020, by regulation 13 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

30 No sale of canned sports fish

- (1) A person must not sell cans that contain sports fish.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or

- (b) a fine imposed by a court not exceeding \$1,600.

Regulation 30: replaced, on 3 February 2020, by regulation 14 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

31 No trading of sports fish for canned sports fish

- (1) No person shall trade, exchange, give, or receive sports fish for cans containing sports fish or for empty cans.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
- (b) a fine imposed by a court not exceeding \$1,600.

Regulation 31 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 31(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 31(2): inserted, on 3 February 2020, by regulation 15 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

32 Marking cans of sports fish

- (1) A person must not can sports fish unless, on the same day, that person marks each can clearly and correctly with—
- (a) the name of the licence holder who caught the fish; and
- (b) the number and region of issue of their licence; and
- (c) the date and place where the fish was caught.
- (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 32: replaced, on 3 February 2020, by regulation 16 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 32(1)(b): amended, on 25 June 2021, by regulation 18 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

33 No interference with marked cans of sports fish

- (1) A person must not deface, obliterate, or alter any information marked on a can containing sports fish.
- (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 33: replaced, on 3 February 2020, by regulation 16 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

34 No false marking of canned sports fish

- (1) A person must not mark on a can containing sports fish any incorrect or misleading information.
- (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 34: replaced, on 3 February 2020, by regulation 16 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

35 Marking cans before parting with them

- (1) A person must not give away or in any way dispose of any can containing sports fish unless the can is marked in accordance with the provisions of regulation 32.
- (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 35: replaced, on 3 February 2020, by regulation 16 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

36 No fishing while holding unmarked cans

- (1) A person must not continue to fish on any day when they have in their possession any can containing sports fish on which the information required by regulation 32 has not been marked.
- (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 36: replaced, on 3 February 2020, by regulation 16 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

37 Maximum weight of canned sports fish

- (1) A person must not have in their possession or at their disposal more than 50 kg gross weight of canned sports fish, including the weight of the cans.
- (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 37 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 37(1): replaced, on 25 June 2021, by regulation 19 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 37(2): inserted, on 3 February 2020, by regulation 17 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

38 Maximum daily quantity for transport of canned sports fish

- (1) No person shall post or consign or cause to be conveyed by land, water, or air on any one day a quantity of canned sports fish exceeding in aggregate weight of cans and contents 23 kg.
- (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 38 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 38(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 38(2): inserted, on 3 February 2020, by regulation 17 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

39 Possession of canned sports fish

Any canned sports fish shall be deemed to be in possession of the person whose name and licence number are marked on the can while that person is in any launch or motor vehicle in which the can is found or in any dwellinghouse, hut, tent, encampment, or caravan of which that person is the sole occupant or one of the occupants.

Regulation 39 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 39: amended, on 3 February 2020, by regulation 18 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 39: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

40 No canned sports fish in public eating house

- (1) No manager or person in charge of any hotel, boardinghouse, or restaurant shall serve, allow, or cause to be served, or in any way supply to any guest of that hotel, boardinghouse, or restaurant any meal consisting wholly or in part of canned sports fish.
- (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 40 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 40(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 40(2): inserted, on 3 February 2020, by regulation 19 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 6

Fish passage

Part 6 heading: substituted, on 19 October 1984, by regulation 3(2) of the Freshwater Fisheries Regulations 1983, Amendment No 1 (SR 1984/259).

41 Scope

- (1) This Part shall apply to every dam or diversion structure in any natural river, stream, or water.
- (2) For the purposes of these regulations **dam or diversion structure** shall not include—
 - (a) any net, trap, or structure erected and used solely for the purpose of taking or holding fish in accordance with the provisions of the Act, or of these regulations:
 - (b) any dam constructed on dry or swampy land or ephemeral water courses for the express purpose of watering domestic stock or providing habitat for water birds:
 - (c) any water diversion not being incorporated into or with a dam, that is solely and reasonably required for domestic needs or for the purposes of watering domestic stock and that empties, without dead ends, into any viable fish habitat:
 - (d) any structure authorised by a Regional Water Board not requiring a water right that in no way impedes the passage of fish.
- (3) For the purposes of this Part, the term **occupier** includes the owner of any land when there is no apparent occupier; and also includes any person doing any work by contract for the occupier.

42 Culverts and fords

- (1) Notwithstanding regulation 41(2)(d), no person shall construct any culvert or ford in any natural river, stream, or water in such a way that the passage of fish would be impeded, without the written approval of the Director-General incorporating such conditions as the Director-General thinks appropriate.
- (2) The occupier of any land shall maintain any culvert or ford in any natural river, stream, or water (including the bed of any such natural river, stream, or water

in the vicinity of the culvert or ford) in such a way as to allow the free passage of fish:

provided that this requirement shall cease if the culvert or ford is completely removed or a written exemption has been given by the Director-General.

- (3) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 42(3): inserted, on 3 February 2020, by regulation 20 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

43 Dams and diversion structures

- (1) The Director-General may require that a dam or diversion structure proposed to be built include a fish facility, except if the dam or diversion structure is subject to a water right issued before 1 January 1984 under the Water and Soil Conservation Act 1967.
- (2) A person proposing to build a dam or diversion structure must—
- (a) notify the Director-General; and
 - (b) forward a submission seeking the Director-General's approval or dispensation from the requirements of these regulations; and
 - (c) supply to the Director-General any information that is reasonably required to assist the Director-General in deciding any requirements that may apply (including plans and specifications of the proposed structure and any proposed fish facility).
- (3) If the Director-General considers that the information supplied under subclause (2)(c) is inadequate, the Director-General may, within 28 days, advise the applicant as to what further information is required.
- (4) A person who contravenes a requirement of the Director-General under subclause (1), or contravenes subclause (2), commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (5) Subclause (4) does not prevent the prosecution of, and conviction for, a contravention of a requirement of the Director-General under subclause (1).

Regulation 43: replaced, on 3 February 2020, by regulation 21 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

44 Requirement for a fish facility

- (1) If, in the opinion of the Director-General, a fish facility is required or dispensation from such a requirement is acceptable, the Director-General shall as soon as practical but in no case longer than 6 months if a fish facility is required

- from the date of receiving all information required, or 3 months where a fish facility is not required from the date of receiving all information required, forward his written requirement or dispensation to whomsoever made the submission.
- (2) Where in the opinion of the Director-General a fish facility is required he shall specify what is required to enable fish to pass or stop the passage of fish, and while not limiting this general requirement may specify—
 - (a) the type, general dimensions, and general design of any fish pass to be utilised:
 - (b) the type, general dimensions, general design, and placement of any fish screen utilised.
 - (3) Subject to the Resource Management Act 1991 and any determination under that Act, the Director-General may specify—
 - (a) the type and placement of any water intake to be utilised where fish screens are not required:
 - (b) the flow of water through any fish pass and the periods of the day and year when the pass must be operational:
 - (c) the volume, velocity, and placement of additional water to attract migrating fish to any fish pass:
 - (d) the type and scope of any remedial works in connection with any fish screen or fish pass to enable fish to approach the structure or to be returned to the normal course of the water channel:
 - (e) the volume or relative proportion of water that shall remain downstream of any dam or diversion structure and the period of day or year that such water flows shall be provided.
 - (4) Every approval given by the Director-General shall expire 3 years from the date of issue if the construction of the dam or diversion structure is not completed, or such longer time as he may allow.
 - (5) The manager of every dam or diversion structure in connection with which a fish facility is provided shall at all times keep such fish facility in good and satisfactory repair and order, so that fish may freely pass and return at all times or are prevented from passing as specified under these regulations.
 - (6) A person who contravenes a requirement of the Director-General under subclause (1), or contravenes subclause (5), commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
 - (7) Subclause (6) does not prevent the prosecution of, and conviction for, a contravention of a requirement of the Director-General under subclause (1), or a contravention of subclause (5).

Regulation 44(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Regulation 44(6): inserted, on 3 February 2020, by regulation 22 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 44(7): inserted, on 3 February 2020, by regulation 22 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

45 Adequate water

- (1) The manager of a dam or diversion structure that includes a fish facility must, subject to the Resource Management Act 1991 and any relevant determination under that Act, maintain a flow of water through or past the fish facility in sufficient quantity to allow the facility to function as specified at all times or periods specified.
- (2) A person who contravenes subclause (1) commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (3) However, a person is not liable under subclause (1) if their contravention is—
 - (a) due to drought, flood, or other sources beyond their control; and
 - (b) made good as soon as is reasonably possible.

Regulation 45: replaced, on 3 February 2020, by regulation 23 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

46 Required maintenance or repair

The Director-General may serve notice in writing to the manager of any fish facility notifying him of any defects or want of repair in such fish facility and requiring him within a reasonable time to be therein prescribed to remove any defect or make such repairs as may be required:

provided that nothing in this regulation shall affect the liability of a manager under regulation 44.

47 Damage

A person who damages a fish facility commits an infringement offence and is liable to—

- (a) an infringement fee of \$800; or
- (b) a fine imposed by a court not exceeding \$1,600.

Regulation 47: replaced, on 3 February 2020, by regulation 24 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

48 Alterations

- (1) No person shall, without the written consent of the Director-General, make a structural alteration in any fish facility.

- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 48(2): inserted, on 3 February 2020, by regulation 25 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

49 Inspection of fish facilities

Any officer may at all reasonable times enter upon any fish facility and upon any remedial works or upon the land bordering such fish facility or remedial works for the purpose of their inspection.

50 Protection of fish

- (1) No person, other than an officer acting in his official capacity, shall take or attempt to take any fish on its passage through a fish facility, or place any obstruction therein or within a radius of 50 m of any point of a fish facility, or shall within a radius of 50 m of any point of a fish facility use any contrivance whereby fish may be impeded in any way in freely entering or passing through or passing by a fish facility except as may be provided by the Director-General in writing to the manager of the fish facility.
- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 50(2): inserted, on 3 February 2020, by regulation 25 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 7

Use of electric fishing machines

[Revoked]

Part 7: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

51 Authority required for use of electric fishing machines

[Revoked]

Regulation 51: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

52 Operation of electric fishing machines

[Revoked]

Regulation 52: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

53 Authorised use of electric fishing machines

[Revoked]

Regulation 53: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

54 Certificates of approval of electric fishing machines

[Revoked]

Regulation 54: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

55 Marking of electric fishing machines

[Revoked]

Regulation 55: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

56 Certificates to be carried and produced

[Revoked]

Regulation 56: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

57 Amendment, etc, of certificates

[Revoked]

Regulation 57: revoked, on 1 August 1993, by regulation 2 of the Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153).

Part 7A**Fishing competitions relating to sports fish**

Part 7A: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

57A Fishing competitions require approval of Fish and Game Council

- (1) A person must not hold a fishing competition in respect of sports fish unless the person has the written approval of the Fish and Game Council that has jurisdiction over the waters concerned.
- (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 57A: replaced, on 3 February 2020, by regulation 26 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

57B Applications

- (1) Every application for approval of a fishing competition shall specify the following particulars:

- (a) the water or waters in respect of which it is proposed to hold the competition:
 - (b) the dates on which the competition will be held:
 - (c) the anticipated number of entrants:
 - (d) the classes, and respective fees (if any), of entry:
 - (e) the categories of competition for which prizes will be offered:
 - (f) the kinds and values of prizes to be offered:
 - (g) details of procedures to be followed by the applicant to ensure that all entrants hold a current fishing licence and are aware of the provisions of the relevant Anglers Notice:
 - (h) details of the kind of catch or scientific data (if any) to be collected during the competition and provided to the Fish and Game Council:
 - (i) details of proposed actions (if any) to be taken by the applicant to reduce the impact of the competition on fish stocks or the habitat:
 - (j) the rules of the competition:
 - (k) the purposes for which any profits are proposed to be used.
- (2) Every Fish and Game Council shall notify the Director-General of each application it receives under this Part.

Regulation 57B: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 57B(1)(g): amended, on 25 June 2021, by regulation 20 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

57C Matters to be considered by Council

In considering an application under this Part, a Fish and Game Council shall have regard to the following:

- (a) any sports fish and game management plans approved for its region under section 17M of the Act:
- (b) any relevant national policy of the New Zealand Fish and Game Council and any relevant general policy that has been approved under the Act:
- (c) the potential for any significant impact on the sports fishery or the habitat, and on the recreational opportunities for anglers:
- (d) any views expressed in writing by the Director-General, or his or her nominee.

Regulation 57C: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

57D Powers of Council

- (1) A Fish and Game Council may—
 - (a) approve an application under this Part:

- (b) require an application to be modified to include such provisions as the Council considers necessary or desirable for the management or protection of the fishery or habitat:
 - (c) decline an application.
- (2) If a Council declines an application, it shall give to the applicant in writing the reasons for its decision.
- (3) Any applicant may appeal to the New Zealand Fish and Game Council against a decision of a Fish and Game Council to decline the applicant's application; and the New Zealand Fish and Game Council may confirm, modify, or reverse the decision appealed against.

Regulation 57D: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

57E Holders to comply with provisions of approval

- (1) Every person who holds an approved fishing competition under this Part shall, so far as is practicable, comply with the provisions of the application in respect of which the approval has been given.
- (2) A Fish and Game Council may revoke its approval of an application if the holder fails to comply with subclause (1).
- (3) A person who contravenes subclause (1) 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 57E: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 57E(3): inserted, on 3 February 2020, by regulation 27 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

57F Rental

- (1) Where a Fish and Game Council approves a fishing competition under this Part and an entrance fee is charged by the holder, the holder must pay to the Council a rental of \$40, plus \$5 for each participant aged 16 years or over and \$2 for each participant aged under 16 years.
- (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 57F: inserted, on 27 September 1990, by regulation 5 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 57F(1): amended, on 3 February 2020, by regulation 28(1) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 57F(2): inserted, on 3 February 2020, by regulation 28(2) of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 8

Management

58 Authorised introduction of indigenous or exotic species

[Revoked]

Regulation 58: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

59 Restricted authority to liberate fish or ova

[Revoked]

Regulation 59: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

60 General authority to liberate fish or ova

[Revoked]

Regulation 60: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

61 Restricted authority to introduce indigenous or exotic fish or ova

[Revoked]

Regulation 61: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

62 Transfer of sports fish

- (1) No person shall, without the written authority of the Director-General, transfer any sports fish or fish ova from any lake, river, or stream of any catchment and place, liberate, or introduce such sports fish or fish ova into any lake, river, or stream of any other catchment.
- (1A) A person who contravenes subclause (1) commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (2) For the purposes of this regulation any lake, river, or stream that is permanently interconnected by an artificial waterway, that provides passage for fish, shall be deemed to be part of the same catchment:
provided that the Director-General shall not authorise such transfers of fish or fish ova without the written agreement of the Fish and Game Council or Councils within the meaning of the Conservation Act 1987 that administer the waters of the catchment into which the transfer is to be made.

Regulation 62 heading: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 62(1): amended, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Regulation 62(1): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 62(1A): inserted, on 3 February 2020, by regulation 29 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 62(2) proviso: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

63 Transfer of live aquatic life

[Revoked]

Regulation 63: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

64 No unauthorised catching or keeping of certain fish

- (1) No person shall, except with the prior consent in writing of the Fish and Game Council within the meaning of the Conservation Act 1987 for the region within which it is proposed to catch or keep the fish and except in compliance with such conditions as the Council may lay down—
 - (a) obtain or keep in captivity any live sports fish.
 - (b) *[Revoked]*
- (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 64(1): amended, on 25 June 2021, by regulation 21 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Regulation 64(1): amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 64(1)(a): amended, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Regulation 64(1)(a): amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 64(1)(a): amended, on 22 August 1986, by regulation 4(a) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

Regulation 64(1)(b): revoked, on 22 August 1986, by regulation 4(b) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

Regulation 64(2): inserted, on 3 February 2020, by regulation 30 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

65 Control of noxious fish

- (1) Subject to subclause (2) and to Part 8A, no person shall have in his possession or under his control, or rear, raise, hatch, or consign any of those species

(including subspecies, hybrids, and variations of those species) specified in Schedule 3 (in this regulation referred to as noxious fish).

- (1A) A person who contravenes subclause (1) commits an infringement offence and is liable to—
- (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (1B) Subclause (1A) does not prevent the prosecution of, and conviction for, a contravention of subclause (1).
- (2) The Director-General may authorise in writing any person to have in his possession any noxious fish. Any such authorisation may contain such conditions as the Director-General considers necessary and any such conditions may be varied in writing at any time.
- (3) Every authority under this regulation may be revoked by the Director-General at any time and, upon revocation, the species of noxious fish the subject of the authority may, after 24 hours notice given to the holder of the revoked authority, be taken without payment or other compensation by an officer authorised in that behalf and destroyed or otherwise dealt with in such manner as the Director-General may direct.

Regulation 65(1): amended, on 27 September 1990, by regulation 6 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 65(1A): inserted, on 3 February 2020, by regulation 31 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 65(1B): inserted, on 3 February 2020, by regulation 31 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

66 No fish refuse on banks

- (1) No person shall leave any fish, or any cleanings or offal from fish, lying unburied on the bank or margin of any waters.
- (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 66(2): inserted, on 3 February 2020, by regulation 32 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

67 Possession of mounted specimens

Notwithstanding any provision of these regulations, it shall be lawful for any person to be in possession of any mounted specimen of sports fish, and for any Fish and Game Council within the meaning of the Conservation Act 1987, museum, university, research institution, or fisheries research worker at any time to be in possession of any sports fish whether fresh or preserved.

Regulation 67: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Regulation 67: amended, on 10 April 1990, pursuant to section 39(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Part 8A

European carp, Japanese koi

Part 8A: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

67A Licences to harvest fish

- (1) The Director-General may issue licences authorising the harvesting of European carp or Japanese koi (*Cyprinus carpio*), and any subspecies, hybrids, and variations of that species.
- (2) The holder of a current licence issued under this regulation shall, subject to subclause (3) and to the Fisheries Act 1983 and the Act, be entitled to do all or any of the following:
 - (a) take European carp or Japanese koi from the waters of the containment area specified in the licence, or from such of those waters as may be so specified:
 - (b) transfer such fish to any processing plant:
 - (c) process such fish:
 - (d) sell the flesh of such fish.
- (3) Every licence issued under this regulation shall be subject to such conditions as the Director-General thinks fit to impose.
- (3A) A person who contravenes any conditions imposed under subclause (3) commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (3B) Subclause (3A) does not prevent the prosecution of, and conviction for, a contravention of any conditions imposed under subclause (3).
- (4) Every licence issued under this regulation may be revoked by the Director-General at any time and, upon revocation, any fish taken under the licence may, after 24 hours notice given to the holder of the revoked licence, be taken without payment or other compensation by an officer authorised in that behalf and destroyed or otherwise dealt with in such manner as the Director-General may direct.
- (5) If the Director-General revokes a licence issued under this regulation, he or she shall give to the holder in writing the reasons for his or her decision.

- (6) The holder may appeal to the Minister against a decision of the Director-General to revoke the holder's licence; and the Minister may confirm, modify, or reverse the decision appealed against.
- (7) Nothing in regulation 65 shall apply to anything authorised under this regulation.

Regulation 67A: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 67A(3A): inserted, on 3 February 2020, by regulation 33 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 67A(3B): inserted, on 3 February 2020, by regulation 33 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

67B Recreational fishing

- (1) Subject to such conditions as may be specified in the notice given in respect of the waters under regulation 67C, any person may take any European carp or Japanese koi from the waters of any containment area if the fish is taken for subsistence or personal use only.
- (2) All fish taken in accordance with subclause (1) shall be immediately killed by the person who has taken the fish.
- (3) A person who contravenes subclause (1) or (2) commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (4) Subclause (3) does not prevent the prosecution of, and conviction for, a contravention of subclause (2).

Regulation 67B: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 67B(3): inserted, on 3 February 2020, by regulation 34 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 67B(4): inserted, on 3 February 2020, by regulation 34 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

67C Containment areas to be established

- (1) The Director-General, by notice in the *Gazette*,—
 - (a) shall establish and describe containment areas for the purposes of this Part:
 - (b) may specify conditions applicable in respect of the taking of European carp or Japanese koi from any containment area:
 - (c) may specify the waters of any containment area from which such fish may be taken:
 - (d) may specify the purposes for which such fish may be taken from any specified waters of any containment area:

- (e) may prohibit the taking of such fish from any specified waters of any containment area.
- (2) A person who takes fish in contravention of a notice made under subclause (1) commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (3) Subclause (2) does not prevent the prosecution of, and conviction for, the taking of fish in contravention of a notice made under subclause (1).

Regulation 67C: inserted, on 27 September 1990, by regulation 7 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Regulation 67C(2): inserted, on 3 February 2020, by regulation 35 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 67C(3): inserted, on 3 February 2020, by regulation 35 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 9

Faunistic reserves

68 Faunistic reserves

- (1) The Minister may, by notice in the *Gazette*, declare any water or waters to be a faunistic reserve.
- (2) In respect of any water or waters declared to be a faunistic reserve, in addition to restrictions on the transfer to and release into waters of fish and other forms of aquatic life imposed by these regulations, a person must not—
 - (a) take, injure, or kill any fish or any form of live aquatic mollusca, crustacea, protozoa, insecta, or worms; or
 - (b) be in possession of any fish or any form of aquatic mollusca, crustacea, protozoa, insecta, or worms taken from that water; or
 - (c) introduce or plant any form of aquatic plant.
- (3) However, a person may do any of the things specified in subclause (2)(a) to (c) with the consent in writing of the Director-General given solely for the purpose of scientific investigation.
- (4) A person who contravenes subclause (2) commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.

Regulation 68: replaced, on 3 February 2020, by regulation 36 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Part 10

Indigenous fish

69 No taking of grayling

- (1) A person must not intentionally fish for, take, or kill grayling or fish of the genus *Prototroctes*.
- (2) A person who unintentionally kills a grayling or a fish of the genus *Prototroctes* must, as soon as practicable,—
 - (a) give the fish to an officer of the Fish and Game Council for the region within which the fish was killed; and
 - (b) provide the officer with details of when and where the grayling was killed.
- (3) A person who contravenes this regulation commits an infringement offence and is liable to—
 - (a) an infringement fee of \$800; or
 - (b) a fine imposed by a court not exceeding \$1,600.
- (4) In this regulation, **Fish and Game Council** has the meaning given in section 2(1) of the Conservation Act 1987.

Regulation 69: replaced, on 3 February 2020, by regulation 37 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Regulation 69(2)(a): amended, on 25 June 2021, by regulation 22 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

70 No killing of indigenous fish

[Revoked]

Regulation 70: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

71 Taking of indigenous fish

[Revoked]

Regulation 71: revoked, on 22 October 2019, by section 18 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Part 11

Offences, defences, and penalties

72 Offences and penalties

- (1) A person commits an offence and is liable on conviction to a fine not exceeding \$5,000 if the person—
 - (a) contravenes a requirement of the Director-General made under either of regulations 43(1) and 44(1); or

- (b) contravenes conditions imposed by the Director-General under regulation 67A(3); or
 - (c) takes fish in contravention of a *Gazette* notice made under regulation 67C(1); or
 - (d) contravenes any of regulations 44(5), 65(1), and 67B(2).
- (2) A person who commits an offence, other than an infringement offence, for which no penalty is provided elsewhere than in this regulation, is liable on conviction to a fine not exceeding \$5,000.

Regulation 72: replaced, on 3 February 2020, by regulation 38 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

73 Defences

- (1) It shall be a defence to any person charged with taking or having in possession any fish in breach of these regulations if such person proves that on taking the same, he is in the act of immediately returning it to the water from where it was taken, with as little injury as possible.
- (2) Where any person is charged with being unlawfully in possession of more than the maximum number of fish as specified by these regulations or in a Anglers Notice, it shall be a defence if he shows beyond reasonable doubt that the number of fish in his possession in excess of the maximum permitted number was not taken in breach of these regulations.

Regulation 73(2): amended, on 25 June 2021, by regulation 23 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Part 12 Savings

74 Savings

- (1) All licences and generally all acts of authority, documents, matters, acts, and things which originated under any regulations revoked by the Act and which are of continuing effect at the time of the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and shall, where necessary, be deemed to have so originated, and all local regulations made under the Act or any other authority in that behalf shall until revoked continue to have the same force and effect as they would have had had these regulations not been made.
- (2) All matters and proceedings commenced under any of the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued, completed, and enforced under these regulations.

Schedule 1

r 2(1)

For the purposes of the Act and these regulations, **sports fish** means—

- (a) Brown trout (*Salmo trutta*):
- (b) Rainbow trout (*Oncorhynchus mykiss*, formerly known as *Salmo gairdneri*):
- (c) American brook trout or char (*Salvelinus fontinalis*):
- (d) Lake trout or char (*Salvelinus namaycush*):
- (e) Atlantic salmon (*Salmo salar*):
- (f) Quinnat or chinook salmon (*Oncorhynchus tshawytscha*):
- (g) Sockeye salmon (*Oncorhynchus nerka*):
- (h) Perch (*Perca fluviatilis*):
- (i) Tench (*Tinca tinca*):
- (j) Rudd (*Scardinius erythrophthalmus*) found or taken in the Auckland/Waikato Rudd Area—

and includes any hybrid and the young, fry, ova, and spawn, and any part of any such fish; but does not include salmon preserved in cans and imported into New Zealand.

Schedule 1: amended, on 10 April 1990, pursuant to section 39(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Schedule 1: amended, on 19 September 1985, by regulation 11 of the Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222).

Schedule 1 paragraph (b): substituted, on 27 September 1990, by regulation 9 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Schedule 1 paragraph (j): added, on 22 August 1986, by regulation 5(1) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

Schedule 1 paragraph (j): amended, on 25 June 2021, by regulation 24 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Schedule 2

Licences and fees

[Revoked]

Schedule 2: revoked, on 1 October 1997, by regulation 6(a) of the Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176).

Schedule 3

Species of noxious fish

r 65

Scientific Name	Common Name
<i>Clarias batrachus</i>	Walking catfish
<i>Cyprinus carpio</i>	Live European carp, live Japanese koi (including their live or viable eggs, milt, and ova)
<i>Esox lucius</i>	Pike
<i>Pygocentrus</i> spp.	Piranha
<i>Rooseveltiella</i> spp.	Piranha
<i>Serrasalmus</i> spp.	Piranha
<i>Scardinius erythrophthalmus</i>	Rudd (other than within the Auckland/Waikato Rudd Area)
<i>Tilapia</i> spp.	Tilapia
<i>Sarotherodon</i> spp.	Tilapia

Schedule 3 *Cyprinus carpio*: amended, on 27 September 1990, by regulation 10 of the Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209).

Schedule 3 *Scardinius erythrophthalmus*: amended, on 25 June 2021, by regulation 25 of the Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128).

Schedule 3 *Scardinius erythrophthalmus*: amended, on 22 August 1986, by regulation 5(2) of the Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197).

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 December 1983.

Notes

1 *General*

This is a consolidation of the Freshwater Fisheries Regulations 1983 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*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Freshwater Fisheries Amendment Regulations 2021 (LI 2021/128)

Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326): Part 2

Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55): section 18

Freshwater Fisheries Amendment Regulations 2016 (LI 2016/81)

Freshwater Fisheries Amendment Regulations 1997 (SR 1997/176)

Freshwater Fisheries Regulations 1983, Amendment No 18 (SR 1995/178)

Freshwater Fisheries Regulations 1983, Amendment No 14 (SR 1993/153)

Freshwater Fisheries Regulations 1983, Amendment No 9 (SR 1990/209)

Freshwater Fisheries Regulations 1983, Amendment No 8 (SR 1990/136)

Conservation Law Reform Act 1990 (1990 No 31): section 39(1)

Freshwater Fisheries Regulations 1983, Amendment No 6 (SR 1988/122)

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

Freshwater Fisheries Regulations 1983, Amendment No 4 (SR 1986/197)

Freshwater Fisheries Regulations 1983, Amendment No 3 (SR 1985/222)

Freshwater Fisheries Regulations 1983, Amendment No 1 (SR 1984/259)

