Version
as at 23 September 2026

Trespass Act 1980

Public Act	1980 No 65
Date of assent	17 December 1980
Commencement	see section 1(2)

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Note

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

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

This Act is administered by the Ministry of Justice.

An Act to amend the law relating to trespass

1 Short Title and commencement

(1) This Act may be cited as the Trespass Act 1980.

(2) This Act shall come into force on 1 January 1981.

2 Interpretation

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

disturb, in relation to any domestic animal, means to disturb the animal to an extent that causes harm to the animal, or material loss or material inconvenience to the person who owns it or is in charge of it

domestic animal means—

(a) an animal of any of the following kinds when not in a wild state, namely, horses, cattle, sheep, and swine, within the meaning of the Animals Act 1967, and poultry within the meaning of the Poultry Act 1968; and

(b) any deer that is being lawfully kept in captivity within a deer-proof fence; and

(c) any goat that is being lawfully kept in captivity within a goat-proof fence; and

(d) any rabbit that is being lawfully kept in captivity; and

(e) any wild animal within the meaning of the Wild Animal Control Act 1977 that is being lawfully kept in captivity—

(i) in a zoological garden; or

(ii) in a manner or by a restraining device that will prevent its escape

occupier, in relation to any place or land, means any person in lawful occupation of that place or land; and includes any employee or other person acting under the authority of any person in lawful occupation of that place or land

private land means any land alienated from the Crown in fee simple or for any lesser estate or interest and any land, whether alienated from the Crown or not, of which any person is in actual occupation or in receipt of the rent or profits

weapon means any gun, rifle, airgun, or air rifle; and includes any kind of weapon or device from which any shot, bullet, arrow, tranquillising dart, or other missile can be discharged.

(2) Where, except by virtue of this subsection, no person is the occupier of any place or land, the owner of that place or land shall, for the purposes of this Act, be deemed to be its occupier.

Compare: 1968 No 52 s 2

3 Trespass after warning to leave

(1) Every person commits an offence against this Act who trespasses on any place and, after being warned to leave that place by an occupier of that place, neglects or refuses to do so.

(2) It shall be a defence to a charge under subsection (1) if the defendant proves that it was necessary for him to remain in or on the place concerned for his own protection or the protection of some other person, or because of some emergency involving his property or the property of some other person.

Compare: 1968 No 52 s 3

4 Trespass after warning to stay off

(1) Where any person is trespassing or has trespassed on any place, an occupier of that place may, at the time of the trespass or within a reasonable time thereafter, warn him to stay off that place.

(2) Where an occupier of any place has reasonable cause to suspect that any person is likely to trespass on that place, he may warn that person to stay off that place.

(3) Where any person is convicted of an offence against this Act committed on or in respect of any place, the court may warn that person to stay off that place.

(4) Subject to subsection (5), every person commits an offence against this Act who, being a person who has been warned under this section to stay off any place, wilfully trespasses on that place within 2 years after the giving of the warning.

(5) It shall be a defence to a charge under subsection (4) if the defendant proves that—

(a) the person by whom or on whose behalf the warning concerned was given is no longer an occupier of the place concerned; or

(b) it was necessary for the defendant to commit the trespass for his own protection or for the protection of some other person, or because of some emergency involving his property or the property of some other person.

Compare: 1968 No 52 s 4

5 Delivery of warnings

A warning under section 3 or section 4 shall be given to the individual person concerned either orally, or by notice in writing delivered to him or sent to him by post in a registered letter at his usual place of abode in New Zealand.

Compare: 1968 No 52 s 4(2)

6 Disturbance of domestic animals by trespasser

Every person commits an offence against this Act who trespasses on any private land, and—

(a) by means of a dog, weapon, or vehicle, disturbs any domestic animal on that land; or

(b) wilfully or recklessly disturbs any domestic animal on that land.

Compare: 1968 No 52 s 5

7 Laying of poison or setting of traps on private land

Every person commits an offence against this Act who, without the authority of an occupier of any private land, or other lawful authority,—

(a) lays any poison or poisoned bait on that land; or

(b) sets any trap on that land.

8 Gates

Every person commits an offence against this Act who—

(a) trespasses on any private land and wilfully—

(i) opens and leaves open a shut gate; or

(ii) unfastens and leaves unfastened a fastened gate; or

(iii) shuts and leaves shut an open gate; or

(b) with intent to cause loss, annoyance, or inconvenience to any other person,—

(i) opens and leaves open a shut gate; or

(ii) unfastens and leaves unfastened a fastened gate; or

(iii) shuts and leaves shut an open gate—

on or leading to any land used for the farming of domestic animals or of any other animals held under lawful authority.

Compare: 1968 No 52 s 7

9 Obligation to give name and other particulars

(1) An occupier of any private land upon which any person is found trespassing, or any constable, may require that person to—

(a) give particulars of his name and place of abode; and

(b) give the number of their firearms licence or visitor licence issued under the Arms Act 2026 if the person is in possession of a firearm.

(2) If any such person fails or refuses to comply with a requirement made under subsection (1), any constable may caution him and, if he persists in his failure or refusal, may arrest him without warrant.

(3) Every person commits an offence against this Act who, in response to a requirement under subsection (1),—

(a) fails or refuses to comply with that requirement; or

(b) gives a false name or place of abode; or

(c) wilfully gives particulars of his place of abode that are insufficiently precise to enable it to be identified readily.

Compare: 1968 No 52 s 8; 1977 No 111 s 34

Section 9(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 9(1)(b): replaced, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 9(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

10 Charges

Proceedings under this Act may be commenced only by an occupier of the place concerned or a constable.

Section 10: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

11 Offences and penalties

(1) *[Repealed]*

(2) Every person who commits an offence against this Act shall be liable on conviction—

(a) in the case of an offence against section 3 or section 4 or section 12, to a fine not exceeding $1,000 or to imprisonment for a term not exceeding 3 months:

(b) in the case of an offence against section 6(a) or section 7, to a fine not exceeding $300 or to imprisonment for a term not exceeding 1 month:

(c) in the case of an offence against section 6(b), to a fine not exceeding $500 or to imprisonment for a term not exceeding 1 month:

(d) in the case of an offence against section 8, to a fine not exceeding $200:

(e) in the case of an offence against section 9, to a fine not exceeding $500.

Section 11(1): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12 Weapons

(1) Where any person is convicted by any court of an offence against this Act, and it is proved that at the time of the offence he was carrying a weapon or had a weapon with him, the court, instead of or in addition to any other penalty, order, or direction, may make either or both of the following orders:

(a) an order that the person be disqualified from holding a firearms licence or any other licence or permit under the Arms Act 2026 for such period not exceeding 2 years from the date of the conviction as the court thinks fit:

(b) an order that the person shall not carry any weapon, or any weapon of a specified class, for such period not exceeding 2 years from the date of the conviction as the court thinks fit.

(2) Where an order is made under subsection (1)(a) that a person be disqualified from holding a firearms licence or any other licence or permit under the Arms Act 2026, and at the time of the making of that order that person holds any such licence or permit, his licence or permit shall be deemed to be revoked during the disqualification; but the disqualification shall not prevent the revocation of his licence or permit under that Act.

(3) Every person commits an offence against this Act who carries a weapon in contravention of an order under subsection (1)(b).

(4) Where any person is convicted by any court of an offence against section 6 (being an offence involving disturbance by means of a weapon), the court may, instead of or in addition to any other penalty or order, direct that the weapon involved in the offence be forfeited to the Crown; and in that case that weapon shall be forfeited to the Crown accordingly, and shall be disposed of as the Commissioner of Police directs.

Section 12: substituted, on 1 June 1984, by section 76(2) of the Arms Act 1983 (1983 No 44).

Section 12(1)(a): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 12(2): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

12A Application of Act to public bars

Notwithstanding anything in sections 187 and 188 of the Sale of Liquor Act 1962 or in section 13 of this Act, this Act shall apply in respect of public bars on—

(a) any premises in respect of which any hotel premises licence or tavern premises licence is in force under and within the meaning of the Sale of Liquor Act 1962; or

(b) any premises conducted as a hotel or tavern by any licensing trust pursuant to any of the provisions of the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950.

Section 12A: inserted, on 10 July 1987, by section 2 of the Trespass Amendment Act 1987 (1987 No 164).

13 Savings

Nothing in this Act shall derogate from anything that any person is authorised to do by or under any other enactment or by law, or restrict the provisions of any of the following enactments and instruments:

(a) section 42 of the Mining Act 1971:

(b) section 23 of the Civil Aviation Act 1964:

(c) any enactment or instrument conferring a right of entry on any land.

Compare: 1968 No 52 s 11

Section 13: amended (with effect on 1 January 1981), on 22 October 1981, by section 2 of the Trespass Amendment Act 1981 (1981 No 99).

14 Repeal

The Trespass Act 1968 is hereby consequentially repealed.

Notes

1 General

This is a consolidation of the Trespass Act 1980 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

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

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

3 Editorial and format changes

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

4 Amendments incorporated in this consolidation

Arms Act 2026 (2026 No 47): section 394

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

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

Trespass Amendment Act 1987 (1987 No 164)

Arms Act 1983 (1983 No 44): section 76(2)

Trespass Amendment Act 1981 (1981 No 99)

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