Version
as at 10 April 2025

Fisheries (South Island Customary Fishing) Regulations 1999

(SR 1999/342)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 11th day of October 1999

Present:
The Right Hon Jenny Shipley presiding in Council

Pursuant to section 89 of the Fisheries Act 1983 and section 186 of the Fisheries Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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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.

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Regulations

1 Title and commencement

(1) These regulations may be cited as the Fisheries (South Island Customary Fishing) Regulations 1999.

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

Preliminary provisions

2 Interpretation

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

bylaw means a bylaw approved under regulation 26

chief executive means, subject to any enactment, the chief executive for the time being of the Ministry that has, with the authority of the Prime Minister, assumed responsibility for these regulations

customary food gathering means the exercise of traditional rights confirmed by the Treaty of Waitangi and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, which include, in this context, the right to take, and the right to manage, fisheries resources for a purpose authorised by Tāngata Tiaki/Kaitiaki, including koha, to the extent that such purpose is consistent with tikanga Māori and is neither commercial in any way nor for pecuniary gain or trade; and **customary food gathering area/rohe moana** and **area/rohe moana** have a corresponding meaning

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

local community means those persons—

(a) who own any land in the proximity of a proposed mātaitai reserve; or

(b) who—

(i) have a place of residence in the proximity of a proposed mātaitai reserve; and

(ii) have been in occupation for a cumulative period of no less than 3 months in the 3 consecutive years immediately preceding the date of the application for that mātaitai reserve

mātaitai reserve means an identified traditional fishing ground declared as a mātaitai reserve under regulation 22

Minister means, subject to any enactment, any Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of these regulations

Ministry means, subject to any enactment, the Ministry that has, with the authority of the Prime Minister, for the time being assumed responsibility for the administration of these regulations

South Island fisheries waters means that part of New Zealand fisheries waters shown on Allocation Plan NT 506 (SO 19902); and nothing in this definition limits or affects the meaning the term has in any context outside these regulations

Tangata Tiaki/Kaitiaki means any person, and **Tāngata Tiaki/Kaitiaki** means any persons, appointed as a Tangata Tiaki/Kaitiaki under these regulations

tāngata whenua,—

(a) in relation to a particular area, means the hapū or iwi that hold mana whenua and mana moana over that area and are represented by 1 of the following bodies or trusts, or the bodies or trusts that replace them:

(i) Te Rūnanga o Ngāi Tahu:

(ii) Ngāti Apa ki te Rā Tō Trust:

(iii) Te Pātaka a Ngāti Kōata:

(iv) Ngāti Rārua Iwi Trust:

(v) Ngāti Tama ki Te Waipounamu Trust:

(vi) Te Rūnanga o Toa Rangatira Incorporated:

(vii) Te Ātiawa o Te Waka-a-Māui Trust:

(viii) Rangitāne o Wairau Settlement Trust:

(ix) Te Rūnanga o Ngāti Kuia Trust; and

(b) in relation to an area where 2 or more customary food gathering areas/rohe moana overlap, means the tāngata whenua (as defined by paragraph (a)) of each of those areas/rohe moana

working day means any day except—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period commencing with 20 December in any year and ending with 15 January in the following year.

(2) A reference to a numbered form is a reference to the form so numbered in Schedule 2.

(3) Expressions not defined in these regulations but defined in the Fisheries Act 1996 have, in these regulations, the meanings defined in that Act.

Regulation 2(1) **bylaw**: inserted, on 10 April 2025, by regulation 4 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39).

Regulation 2(1) **customary food gathering**: amended, on 1 January 2020, by regulation 4(1)(a) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 2(1) **customary food gathering**: amended, on 1 January 2020, by regulation 4(1)(b) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 2(1) **daily limit**: inserted, on 10 April 2025, by regulation 4 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39).

Regulation 2(1) **mātaitai reserve**: amended, on 1 January 2020, by regulation 4(2)(a) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 2(1) **mātaitai reserve**: amended, on 1 January 2020, by regulation 4(2)(b) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 2(1) **Tangata Tiaki/Kaitiaki**: replaced, on 1 January 2020, by regulation 4(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 2(1) **tāngata whenua**: replaced, on 1 January 2020, by regulation 4(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 2(1) **tāngata whenua** paragraph (a)(ii): replaced, on 6 October 2023, by regulation 124 of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 2(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Regulation 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Regulation 2(2): amended, on 1 January 2020, by regulation 4(5) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Regulation 2A: inserted, on 1 January 2020, by regulation 5 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

3 Application of regulations and Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

(1) These regulations apply to the taking of fish, aquatic life, or seaweed for customary food gathering purposes from any South Island fisheries waters.

(2) These regulations apply only in respect of fisheries resources managed under the Fisheries Act 1996 or any regulations made under that Act.

(3) Any person exercising functions, duties, or powers under these regulations must do so in accordance with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Regulation 3(2): replaced, on 1 January 2020, by regulation 6 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

4 Relationship between these regulations and other secondary legislation

(1) In the event of any inconsistency between these regulations and any other secondary legislation made under the Fisheries Act 1996, these regulations prevail over such other secondary legislation.

(2) Until a Tangata Tiaki/Kaitiaki is appointed for a customary food gathering area/rohe moana, regulations 50 to 52 of the Fisheries (Amateur Fishing) Regulations 2013 apply to the taking of fish, aquatic life, or seaweed for customary food gathering purposes from that customary food gathering area/rohe moana.

(3) Nothing in these regulations prevails over any emergency measures imposed under section 16 of the Fisheries Act 1996.

Regulation 4 heading: amended, on 10 April 2025, by regulation 5(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39).

Regulation 4(1): amended, on 10 April 2025, by regulation 5(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39).

Regulation 4(1): amended, on 1 January 2020, by regulation 7(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 4(2): replaced, on 1 January 2020, by regulation 7(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Confirmation of customary food gathering area/rohe moana and tāngata whenua

Heading: replaced, on 1 January 2020, by regulation 8 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

5 Notice from tāngata whenua

(1) The tāngata whenua may, in accordance with these regulations, manage customary food gathering within the area/rohe moana for which they are tāngata whenua.

(2) Before the tāngata whenua begin the management of customary food gathering under these regulations, they must give the Minister a notice that sets out—

(a) the name or description of the tāngata whenua; and

(b) a description, and map, of the boundaries of their customary food gathering area/rohe moana; and

(c) a physical or electronic address for notices to the tāngata whenua.

Regulation 5: replaced, on 1 January 2020, by regulation 8 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

6 Public notice

On receiving a notice under regulation 5, the Minister, as soon as practicable but no later than 20 working days after receipt, must cause the details of the notice to be published at least twice, with an interval of not less than 5 working days between each publication, in a newspaper circulating in the locality of the proposed customary food gathering area/rohe moana.

Regulation 6: amended, on 1 January 2020, by regulation 9(a) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 6: amended, on 1 January 2020, by regulation 9(b) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 6: amended, on 1 January 2020, by regulation 9(c) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

7 Submissions

(1) Within 20 working days after the date of the second publication of a notice under regulation 6, any person referred to in subclause (2) may make a submission concerning the notice in writing or electronically to any office of the Ministry.

(2) A person may make a submission under subclause (1) if the person belongs to—

(a) the tāngata whenua to whom the notice relates; or

(b) any hapū or iwi claiming mana whenua and mana moana in respect of customary food gathering in any part of the proposed customary food gathering area/rohe moana; or

(c) the rūnanga or other organisation representing—

(i) the tāngata whenua to whom the notice relates; or

(ii) the hapū or iwi referred to in paragraph (b).

Regulation 7: replaced, on 1 January 2020, by regulation 10 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

8 Dispute resolution

(1) This regulation applies if the Minister considers that any submission referred to in regulation 7(1) indicates a dispute regarding—

(a) who are tāngata whenua; or

(b) the boundaries of the proposed customary food gathering area/rohe moana.

(2) If this regulation applies, the Minister must, as soon as practicable,—

(a) notify the tāngata whenua who gave the notice under regulation 5, and any person who has made a submission, that this regulation applies; and

(b) require the parties to the dispute to resolve the dispute in accordance with subclause (4); and

(c) date the notice, and that date is the **start date** for resolving the dispute.

(3) In resolving the dispute, the parties may agree to boundaries of the proposed customary food gathering area/rohe moana that differ from, but are not outside, those contained in the notice given under regulation 5.

(4) The parties must follow these steps until a dispute is resolved:

(a) they must try to agree on a dispute resolution process that is consistent with tikanga Māori and use that process to try to resolve the dispute; and

(b) if that does not resolve the dispute within 3 months after the start date, they must use mediation to try to resolve the dispute; and

(c) if that does not resolve the dispute within 6 months after the start date, the dispute must be referred to arbitration under the Arbitration Act 1996, which applies with any necessary modifications.

(5) The mediator or arbitrator must have knowledge of tikanga Māori and of the geographical area to which the dispute relates.

(6) The mediator or arbitrator—

(a) must be agreed on by the parties within 10 working days after the start of the mediation or arbitration step; but

(b) if that fails, must be appointed by the chief executive.

(7) However,—

(a) the parties may agree to change any deadline in subclause (4)(b) or (c) or (6)(a):

(b) if a party refuses to participate in mediation under subclause (4)(b), the chief executive may determine the dispute in favour of the other party or parties (without the need for mediation or arbitration).

(8) As soon as practicable after the dispute is resolved, the tāngata whenua who gave the notice under regulation 5 must give the Minister a notice that sets out—

(a) the name or description of the tāngata whenua; and

(b) a description, and map, of the boundaries of their customary food gathering area/rohe moana.

Regulation 8: replaced, on 1 January 2020, by regulation 10 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

9 Confirmation of customary food gathering area/rohe moana and tāngata whenua

(1) The Minister must confirm the boundaries of the customary food gathering area/rohe moana and who the tāngata whenua of the area/rohe moana are if satisfied that—

(a) no submission in opposition has been received under regulation 7; or

(b) a dispute resolution process has been concluded under regulation 8, all disputes have been resolved through that process, and the boundaries are not outside the boundaries set out in the notice given under regulation 5.

(2) As soon as reasonably practicable after the Minister confirms those matters (the **confirmation date**), the chief executive must cause to be published in a

newspaper circulating in the locality of the customary food gathering area/rohe moana, and in the *Gazette*, a notice—

(a) describing the boundaries of the customary food gathering area/rohe moana; and

(b) naming or describing the tāngata whenua of the area/rohe moana; and

(c) specifying the confirmation date.

(3) The area/rohe moana and the tāngata whenua are recognised for the purposes of these regulations on and from the confirmation date.

(4) The area/rohe moana and the tāngata whenua continue to be recognised for the purposes of these regulations even if the notice is revoked unless that recognition is expressly ended.

Regulation 9: replaced, on 1 January 2020, by regulation 10 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Appointment and cancellation of Tāngata Tiaki/Kaitiaki for customary food gathering area/rohe moana

Heading: inserted, on 1 January 2020, by regulation 10 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

10 Appointment and cancellation of Tāngata Tiaki/Kaitiaki for customary food gathering area/rohe moana

Appointing

(1) The tāngata whenua of a customary food gathering area/rohe moana may appoint 1 or more people to be Tāngata Tiaki/Kaitiaki for the area/rohe moana.

(2) A person who is appointed as a Tangata Tiaki/Kaitiaki must be a member or nominated representative of the tāngata whenua or of any organisation of the tāngata whenua.

(3) When the tāngata whenua decide to appoint a Tangata Tiaki/Kaitiaki, they must also decide—

(a) whether the person is to be a Tangata Tiaki/Kaitiaki for the whole or a part of the area/rohe moana and, if a part, which part; and

(b) when the appointment is to start; and

(c) when the appointment is to end, or that the appointment has no specified end date.

(4) When the tāngata whenua appoint a Tangata Tiaki/Kaitiaki, they must—

(a) give the Minister a notice setting out—

(i) the person's name and contact details; and

(ii) the details they decided under subclause (3); and

(b) publish the notice and the updated list of Tāngata Tiaki/Kaitiaki for the area/rohe moana.

Cancelling appointments

(5) The tāngata whenua—

(a) must cancel the appointment of a Tangata Tiaki/Kaitiaki who resigns or dies in office:

(b) must cancel the appointment of a Tangata Tiaki/Kaitiaki as soon as practicable after receiving a notice from the Minister under regulation 31 requiring the cancellation:

(c) may cancel the appointment of a Tangata Tiaki/Kaitiaki for any other reason.

(6) When the tāngata whenua cancel the appointment of a Tangata Tiaki/Kaitiaki, they must—

(a) give the Minister a notice setting out—

(i) the person's name and contact details; and

(ii) the date on which the cancellation takes effect; and

(b) publish the notice, unless the person died in office; and

(c) publish the updated list of Tāngata Tiaki/Kaitiaki for the area/rohe moana.

Reappointing

(7) The tāngata whenua—

(a) may reappoint any person as a Tangata Tiaki/Kaitiaki; and

(b) must comply with subclauses (3) and (4) when reappointing.

(8) However, the Minister's approval is required for a person to be reappointed within 5 years after their appointment was cancelled under subclause (5)(b).

Giving notices and publishing notices and updated lists

(9) The tāngata whenua must give notices to the Minister under this regulation—

(a) in writing or electronically; and

(b) as soon as practicable.

(10) The tāngata whenua must publish notices and updated lists under this regulation—

(a) on the Internet site of the body or trust that represents the tāngata whenua; and

(b) as soon as practicable after giving the notice to the Minister under subclause (4)(a) or (6)(a).

Regulation 10: replaced, on 1 January 2020, by regulation 10 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Powers of Tāngata Tiaki/Kaitiaki concerning customary food gathering

Heading: replaced, on 1 January 2020, by regulation 11 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

11 Power to authorise taking of fish, aquatic life, or seaweed for customary food gathering

(1) A Tangata Tiaki/Kaitiaki may authorise any individual to take fish, aquatic life, or seaweed for customary food gathering purposes from within the following:

(a) the whole or any part of the customary food gathering area/rohe moana for which the Tangata Tiaki/Kaitiaki is appointed, except from a mātaitai reserve in the area/rohe moana:

(b) the whole or any part of the mātaitai reserve for which the Tangata Tiaki/Kaitiaki is appointed.

(2) No authorisation made under subclause (1) has any effect unless it has been made in form 2, and specifies—

(a) the persons who are authorised to take the species covered by the authorisation; and

(b) the species that may be taken; and

(c) the date or dates on which each species may be taken; and

(d) the quantity of each species that may be taken; and

(e) size limits relating to each species to be taken; and

(f) the method by which each species may be taken; and

(g) the area or areas in which each species may be taken; and

(h) the purpose for which each species may be taken; and

(i) the venue at which the catch may be used; and

(j) any other matters concerning customary food gathering the Tangata Tiaki/Kaitiaki may reasonably specify.

(3) Despite subclause (2),—

(a) the chief executive and the Tāngata Tiaki/Kaitiaki for a customary food gathering area/rohe moana or mātaitai reserve may agree that, from an agreed date, different requirements apply to authorisations in that area/rohe moana or mātaitai reserve (which may include the granting of electronic or oral authorisations); and

(b) if so, an authorisation has effect if it complies with those requirements.

(4) An authorisation granted under subclause (3) must specify the matters referred to in paragraphs (a) to (j) of subclause (2).

(5) The holder of an authorisation granted under these regulations must produce it, or provide details which verify it, when reasonably requested to do so by a fishery officer.

(6) *See* regulation 35 for requirements to report fish, aquatic life, or seaweed taken under an authorisation.

Regulation 11(1): replaced, on 1 January 2020, by regulation 12(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 11(3): replaced, on 1 January 2020, by regulation 12(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 11(5): amended, on 1 January 2020, by regulation 12(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 11(6): replaced, on 1 January 2020, by regulation 12(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

12 Record of authorisation to be produced to fishery officer

If a fishery officer has reasonable cause to suspect an offence has been committed against these regulations,—

(a) any fishery officer may request the relevant Tangata Tiaki/Kaitiaki who granted the relevant authorisation to produce the records concerning the authorisation to which the suspected offence relates; and

(b) the Tangata Tiaki/Kaitiaki must produce the records when requested to do so by a fishery officer.

13 Commercial fishing and customary fishing on same trip

(1) Subclause (2) applies if, on any fishing trip, a person—

(a) takes fish, aquatic life, or seaweed for customary food gathering purposes under an authorisation granted by a Tangata Tiaki/Kaitiaki; and

(b) takes fish, aquatic life, or seaweed for commercial purposes under a fishing permit issued under the Fisheries Act 1996.

(2) All fish, aquatic life, and seaweed taken on that trip for customary food gathering purposes must be treated as having been taken otherwise than under these regulations unless they are placed in separate marked containers and are clearly identified as having been taken for customary food gathering purposes.

Regulation 13(1)(b): amended, on 1 January 2020, by regulation 13 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Participation of Tāngata Tiaki/Kaitiaki in fisheries management

Heading: replaced, on 1 January 2020, by regulation 14 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

14 Sustainability measures

A Tangata Tiaki/Kaitiaki for a customary food gathering area/rohe moana may provide input to and participate in the process of setting or varying sustainability measures, or developing management measures, concerning the whole or any part of the area/rohe moana.

Regulation 14: amended, on 1 January 2020, by regulation 15(a) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 14: amended, on 1 January 2020, by regulation 15(b) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

15 Information to be provided

(1) This regulation applies to the copies of the records kept by the Tāngata Tiaki/Kaitiaki under regulations 32 and 33 that are provided to the agreed person under regulation 36(1).

(2) The agreed person must,—

(a) before 1 November in each year, provide summarised information from those records about all species taken in the 12-month period ending on 30 September in that year; and

(b) as required by the chief executive, provide summarised information from those records in respect of any species for which the chief executive considers that more frequent reporting is useful to ensure the sustainability of the species.

(3) The summarised information must be provided in form 3.

(4) The information must be provided in writing or electronically to any office of the Ministry.

(5) The information is provided for the sole purpose of setting or varying sustainability measures or developing management controls.

(6) In making any decision under section 20 of the Fisheries Act 1996, the Minister must have regard to information provided under this regulation or provided by a Tangata Tiaki/Kaitiaki under regulation 14 (in addition to the other matters required by that Act).

Regulation 15: replaced, on 1 January 2020, by regulation 16 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

16 Iwi planning document

(1) Any Tangata Tiaki/Kaitiaki may prepare a management plan or strategy for any part of the customary food gathering area/rohe moana concerned.

(2) When a plan is prepared by a Tangata Tiaki/Kaitiaki and that plan is agreed to be authorised by the tāngata whenua of the part of the area/rohe moana concerned, the plan—

(a) may be treated as a planning document recognised by an iwi authority for the purposes of the Resource Management Act 1991, if it meets the requirements of that Act:

(b) must be taken into account by the Minister for the purposes of section 10(b) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Regulation 16(2): amended, on 1 January 2020, by regulation 17 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 16(2)(a): 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).

Mātaitai reserves

17 Application for mātaitai reserve

(1) The tāngata whenua of a customary food gathering area/rohe moana may apply to the Minister for a mātaitai reserve in any part of the area/rohe moana.

(2) The application must set out the following for the proposed mātaitai reserve:

(a) a description, and map, of the traditional fishing ground comprising the mātaitai reserve:

(b) the special relationship between the tāngata whenua and the mātaitai reserve:

(c) the general aims of managing the mātaitai reserve:

(d) any proposed conditions for the mātaitai reserve, including any exceptions to the prohibition on commercial fishing to allow 1 or both of the following:

(i) the commercial taking of specified species of fish, aquatic life, or seaweed in the reserve:

(ii) the carrying out of specified commercial fishing activities in the mātaitai reserve:

(e) any agreements about those conditions with persons affected by them.

Regulation 17: replaced, on 1 January 2020, by regulation 18 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

18 Public notice of application

(1) No later than 20 working days after receipt of any application under regulation 17, the Minister must cause notice of the application to be published at least twice, with an interval of not less than 5 working days between each publication, in a newspaper circulating in the locality of the proposed mātaitai reserve.

(2) The notice must invite written or electronic submissions from the local community, and allow a minimum of 20 working days for such submissions to be made.

Regulation 18 heading: amended, on 1 January 2020, by regulation 19(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 18(2): amended, on 1 January 2020, by regulation 19(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

19 Consultation

(1) As soon as practicable, and in any case no later than 20 working days after the closing date for receiving submissions under regulation 18, the Minister must cause notice of a meeting to be published at least twice, with an interval of not less than 5 working days between each publication, in a newspaper circulating in the locality of the proposed mātaitai reserve.

(2) The Minister and the tāngata whenua applying for the proposed mātaitai reserve must together consult with the local community at the meeting.

(3) After consultation with the local community, the tāngata whenua may amend an application made under regulation 17 and must advise the Minister of any amendments to the application.

(4) As soon as practicable after consultation with the local community under subclause (2) or on being advised of an amended application under subclause (3) (as the case may be), the Minister must give a notice in accordance with subclause (5).

(5) The notice referred to in subclause (4) must be published in a newspaper circulating in the locality of the proposed mātaitai reserve, and—

(a) set out details of the application for a mātaitai reserve; and

(b) invite written or electronic submissions about the fish stocks in the area specified in the application from persons who take fish, aquatic life, or seaweed or own quota, and whose ability to take such fish, aquatic life, or seaweed or whose ownership interest in quota may be affected by the proposed mātaitai reserve; and

(c) allow a minimum of 20 working days for such submissions to be made.

(6) As soon as practicable after submissions have been made in accordance with subclause (5), the Minister must—

(a) advise the tāngata whenua of the submissions; and

(b) discuss with the tāngata whenua any conditions relating to the mātaitai reserve that the Minister considers may be necessary to address issues raised by those submissions.

Regulation 19(2): amended, on 1 January 2020, by regulation 20(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 19(3): amended, on 1 January 2020, by regulation 20(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 19(5)(b): amended, on 1 January 2020, by regulation 20(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 19(6)(a): replaced, on 1 January 2020, by regulation 20(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 19(6)(b): amended, on 1 January 2020, by regulation 20(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

20 Decision to establish mātaitai reserve

(1) Subject to regulation 19, the Minister must decide to establish an area as a mātaitai reserve if satisfied that—

(a) there is a special relationship between the tāngata whenua making the application and the proposed mātaitai reserve; and

(b) the general aims of management specified in the application are consistent with the sustainable management of the fishery to which the application relates; and

(c) the proposed mātaitai reserve is an identified traditional fishing ground and is of a size appropriate to effective management by the tāngata whenua; and

(d) the Minister and the tāngata whenua are able to agree on suitable conditions for the proposed mātaitai reserve; and

(e) the proposed mātaitai reserve will not—

(i) unreasonably affect the ability of the local community to take fish, aquatic life, or seaweed for non-commercial purposes; or

(ii) prevent persons with a commercial interest in a species taking their quota entitlement or annual catch entitlement (where applicable) within the quota management area for that species; or

(iii) prevent persons with a commercial fishing permit for a non-quota management species taking fish, aquatic life, or seaweed under their permit within the area for which that permit has been issued; and

(f) the proposed mātaitai reserve is not a marine reserve under the Marine Reserves Act 1971.

(2) If the Minister considers that an application for a mātaitai reserve under regulation 17 does not meet 1 or more of the criteria set out in subclause (1), the Minister must decline that application as soon as reasonably practicable and, in any case no later than 30 working days after the date of the Minister's decision to decline the application, the Minister must notify the applicant in writing of that fact and state the reasons for declining.

(3) Non-compliance with any time period specified in regulation 18 or 19 does not prevent—

(a) the Minister from making a decision under this regulation; or

(b) the declaration of a mātaitai reserve under regulation 22.

(4) *[Revoked]*

Regulation 20 heading: amended, on 1 January 2020, by regulation 21(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(1): amended, on 1 January 2020, by regulation 21(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(1)(a): amended, on 1 January 2020, by regulation 21(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(1)(b): amended, on 1 January 2020, by regulation 21(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(1)(c): amended, on 1 January 2020, by regulation 21(5) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(1)(d): amended, on 1 January 2020, by regulation 21(5) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(3): replaced, on 1 January 2020, by regulation 21(6) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 20(4): revoked, on 1 January 2020, by regulation 21(6) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

21 Appointment of Tangata Tiaki/Kaitiaki for mātaitai reserve

[Revoked]

Regulation 21: revoked, on 1 January 2020, by regulation 22 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

22 Declaration to establish mātaitai reserve

(1) As soon as practicable, but no later than 20 working days, after the Minister decides under regulation 20 to establish a mātaitai reserve, the chief executive must cause to be published in a newspaper circulating in the locality of the mātaitai reserve, and in the *Gazette*, a notice—

(a) declaring the establishment of the mātaitai reserve; and

(b) describing the boundaries of the mātaitai reserve; and

(c) specifying the conditions imposed for the mātaitai reserve (if any), including any exceptions to the prohibition on commercial fishing in the mātaitai reserve.

(2) The declaration of the establishment of the mātaitai reserve takes effect on a date to be specified in the *Gazette* notice under this regulation.

Regulation 22: replaced, on 1 January 2020, by regulation 23 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

23 Appointment and cancellation of Tāngata Tiaki/Kaitiaki for mātaitai reserve

Appointing

(1) The tāngata whenua who have had a mātaitai reserve established may appoint 1 or more people to be Tāngata Tiaki/Kaitiaki for the mātaitai reserve.

(2) A person who is appointed as a Tangata Tiaki/Kaitiaki must be a member or nominated representative of the tāngata whenua or of any organisation of the tāngata whenua.

(3) When the tāngata whenua decide to appoint a Tangata Tiaki/Kaitiaki, they must also decide—

(a) whether the person is to be a Tangata Tiaki/Kaitiaki for the whole or a part of the mātaitai reserve and, if a part, which part; and

(b) when the appointment is to start; and

(c) when the appointment is to end, or that the appointment has no specified end date.

(4) When the tāngata whenua appoint a Tangata Tiaki/Kaitiaki, they must—

(a) give the Minister a notice setting out—

(i) the person's name and contact details; and

(ii) the details they decided under subclause (3); and

(b) publish the notice and the updated list of Tāngata Tiaki/Kaitiaki for the mātaitai reserve.

Cancelling appointments

(5) The tāngata whenua—

(a) must cancel the appointment of a Tangata Tiaki/Kaitiaki who resigns or dies in office:

(b) must cancel the appointment of a Tangata Tiaki/Kaitiaki as soon as practicable after receiving a notice from the Minister under regulation 31 requiring the cancellation:

(c) may cancel the appointment of a Tangata Tiaki/Kaitiaki for any other reason.

(6) When the tāngata whenua cancel the appointment of a Tangata Tiaki/Kaitiaki, they must—

(a) give the Minister a notice setting out—

(i) the person's name and contact details; and

(ii) the date on which the cancellation takes effect; and

(b) publish the notice, unless the person died in office; and

(c) publish the updated list of Tāngata Tiaki/Kaitiaki for the mātaitai reserve.

Reappointing

(7) The tāngata whenua—

(a) may reappoint any person as a Tangata Tiaki/Kaitiaki; and

(b) must comply with subclauses (3) and (4) when reappointing.

(8) However, the Minister's approval is required for a person to be reappointed within 5 years after their appointment was cancelled under subclause (5)(b).

Giving notices and publishing notices and updated lists

(9) The tāngata whenua must give notices to the Minister under this regulation—

(a) in writing or electronically; and

(b) as soon as practicable.

(10) The tāngata whenua must publish notices and updated lists under this regulation—

(a) on the Internet site of the body or trust that represents the tāngata whenua; and

(b) as soon as practicable after giving the notice to the Minister under subclause (4)(a) or (6)(a).

Regulation 23: replaced, on 1 January 2020, by regulation 23 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Powers of Tāngata Tiaki/Kaitiaki in mātaitai reserves

Heading: replaced, on 1 January 2020, by regulation 24 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

24 Fishing in mātaitai reserves

(1) If any Tangata Tiaki/Kaitiaki has been appointed for a mātaitai reserve, the taking of fish, aquatic life, or seaweed for customary food gathering purposes in the mātaitai reserve is—

(a) subject to regulations 11 and 25 to 29; and

(b) not subject to sections 50 to 52 of the Fisheries (Amateur Fishing) Regulations 2013, despite regulation 4(2).

(2) No person may engage in commercial fishing in a mātaitai reserve except in accordance with—

(a) an exception that is a condition imposed for the mātaitai reserve under regulation 22(1)(c) or that is provided for in any regulations made in accordance with subclause (4); and

(b) the Fisheries Act 1996 and the relevant regulations under that Act.

(3) The Tāngata Tiaki/Kaitiaki of the mātaitai reserve may request the Minister to recommend the making of regulations to allow the commercial taking of specified species of fish, aquatic life, or seaweed, by quantity or time period, within that mātaitai reserve.

(4) On receipt of a request from the Tāngata Tiaki/Kaitiaki made under subclause (3), the Minister may recommend to the Governor-General the making of regulations under Part 16 of the Fisheries Act 1996 to provide for commercial fishing in that mātaitai reserve for such species of fish, aquatic life, or seaweed in such quantities and for such time as may be requested under subclause (3).

(5) *[Revoked]*

Regulation 24 heading: amended, on 1 January 2020, by regulation 25(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 24(1): replaced, on 1 January 2020, by regulation 25(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 24(2): replaced, on 1 January 2020, by regulation 25(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 24(3): amended, on 1 January 2020, by regulation 25(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 24(4): amended, on 1 January 2020, by regulation 25(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 24(5): revoked, on 1 January 2020, by regulation 25(5) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

25 Power to restrict or prohibit fishing in mātaitai reserves

(1) The Tāngata Tiaki/Kaitiaki of a mātaitai reserve may make bylaws in respect of the whole or any part of a mātaitai reserve for any purpose that the Tāngata Tiaki/Kaitiaki consider necessary for the sustainable management of the fisheries resources in that mātaitai reserve that restrict or prohibit—

(a) the taking of fisheries resources from the mātaitai reserve; or

(b) the possession of fisheries resources in the mātaitai reserve; or

(c) the possession of fisheries resources taken from within the mātaitai reserve.

(2) Bylaws made under this regulation may impose restrictions or prohibitions relating to all or any of the following matters:

(a) the species of fish, aquatic life, and seaweed that may be taken or possessed:

(b) the quantity of each species that may be taken or possessed:

(c) size limits relating to each species to be taken or possessed:

(d) the method by which each species may be taken:

(e) the area or areas in which each species may be taken or possessed:

(f) any other matters the Tāngata Tiaki/Kaitiaki consider necessary for the sustainable management of fisheries resources, including (without limitation) customary food gathering purposes, in the mātaitai reserve.

(3) Bylaws made under this regulation apply generally to all persons fishing in the mātaitai reserve.

(4) Bylaws made under this regulation—

(a) must be deposited with any office of the Ministry; and

(b) must be open to inspection by, and for the purposes of receiving submissions from, the public at the following places during office hours for at least 15 working days immediately before the date on which the restriction or prohibition is notified to the Minister under regulation 26:

(i) the office of the Ministry nearest the mātaitai reserve; and

(ii) a place near the mātaitai reserve that is designated by the chief executive for the purpose.

(5) The chief executive must notify in a newspaper circulating in the locality of the mātaitai reserve the fact that a bylaw has been deposited under subclause (4) and the place where that bylaw may be inspected.

(6) The Tāngata Tiaki/Kaitiaki may amend any bylaw deposited with the Ministry under subclause (4), in light of any submission received, and need not deposit the amended bylaw with the Ministry before notifying the Minister of that restriction or prohibition under regulation 26.

Regulation 25 heading: amended, on 1 January 2020, by regulation 26(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 25(1): replaced, on 6 October 2023, by regulation 125(1) of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 25(2)(a): amended, on 6 October 2023, by regulation 125(2) of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 25(2)(b): amended, on 6 October 2023, by regulation 125(2) of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 25(2)(c): amended, on 6 October 2023, by regulation 125(2) of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 25(2)(e): amended, on 6 October 2023, by regulation 125(2) of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 25(2)(f): amended, on 1 January 2020, by regulation 26(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 25(4): replaced, on 1 January 2020, by regulation 26(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 25(6): amended, on 1 January 2020, by regulation 26(5) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

26 Notification of restriction or prohibition

(1) On the making of a bylaw under regulation 25 restricting or prohibiting the taking or possession of fish, aquatic life, or seaweed within a mātaitai reserve,—

(a) the Tāngata Tiaki/Kaitiaki must notify the Minister of the bylaw; and

(b) the notification must be accompanied by a copy of the bylaw and a statement of the reasons why the Tāngata Tiaki/Kaitiaki consider the proposed restriction or prohibition necessary or desirable for the sustainable management of the fish, aquatic life, or seaweed in that mātaitai reserve.

(2) On receipt of any notice under subclause (1), the Minister must decide, as soon as practicable and in any case no later than 40 working days after the making of the bylaw, whether to approve the bylaw.

(3) Non-compliance with any time period specified in regulation 25 or in this regulation does not prevent the Minister approving a bylaw in accordance with this regulation.

(4) On approving the imposition of a bylaw in a mātaitai reserve under subclause (2), the Minister must insert in it the date on which it takes effect.

(5) On rejecting the imposition of a bylaw in a mātaitai reserve under subclause (2), the Minister must notify the Tāngata Tiaki/Kaitiaki of his or her decision.

(6) A bylaw approved under this regulation is secondary legislation (*see*—

(a) Part 3 of the Legislation Act 2019 for publication requirements; and

(b) section 186(6) of the Fisheries Act 1996 for how the Legislation Act 2019 applies to the bylaws.)

Legislation Act 2019 requirements for secondary legislation referred to in subclause (6)		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 26(1): amended, on 6 October 2023, by regulation 126 of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 26(1)(a): amended, on 1 January 2020, by regulation 27(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 26(1)(b): amended, on 1 January 2020, by regulation 27(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 26(4): amended, on 28 October 2021, by regulation 55(1) of the Legislation Act (Subdelegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 26(5): amended, on 1 January 2020, by regulation 27(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 26(6): replaced, on 28 October 2021, by regulation 55(2) of the Legislation Act (Subdelegated Secondary Legislation) Regulations 2021 (LI 2021/248).

27 Power to authorise fishing for functions of marae

(1) If any bylaws made under these regulations apply to a mātaitai reserve, a Tangata Tiaki/Kaitiaki for the mātaitai reserve may authorise the taking of fish, aquatic life, or seaweed in the mātaitai reserve for purposes that sustain the functions of a marae, despite those bylaws.

(2) The Tangata Tiaki/Kaitiaki must grant the authorisation in accordance with regulation 11(2) to (4), and the holder of the authorisation must comply with regulations 11(5) and 35.

Regulation 27: replaced, on 1 January 2020, by regulation 28 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

28 Fishing from registered commercial vessels for functions of marae

No person may fish from any New Zealand fishing vessel in a mātaitai reserve for the purpose of sustaining the functions of a marae unless expressly authorised to do so by a Tangata Tiaki/Kaitiaki under regulation 27.

Regulation 28 heading: amended, on 1 January 2020, by regulation 29 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

29 Enhancement of fish stocks

(1) Despite any bylaw applying under these regulations, any Tangata Tiaki/Kaitiaki for a mātaitai reserve may authorise any person to take fish, aquatic life, or seaweed from any area within that mātaitai reserve and to release those fish, aquatic life, or seaweed within another part of that mātaitai reserve, for the purpose of enhancing the stock or stocks.

(2) The Tangata Tiaki/Kaitiaki must grant the authorisation in accordance with regulation 11(2) to (4), and the holder of the authorisation must comply with regulations 11(5) and 35, which apply with any necessary modifications.

Regulation 29(1): amended, on 1 January 2020, by regulation 30(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 29(2): inserted, on 1 January 2020, by regulation 30(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Part-appointments and delegation by Tāngata Tiaki/Kaitiaki

Heading: inserted, on 1 January 2020, by regulation 31 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

29A Tangata Tiaki/Kaitiaki appointed for part of area/rohe moana or mātaitai reserve

If a Tangata Tiaki/Kaitiaki is appointed for only part of a customary food gathering area/rohe moana or mātaitai reserve, the powers and duties of the Tangata Tiaki/Kaitiaki under these regulations apply only to that part.

Regulation 29A: inserted, on 1 January 2020, by regulation 31 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

29B Delegation by Tāngata Tiaki/Kaitiaki

(1) A Tangata Tiaki/Kaitiaki for a customary food gathering area/rohe moana, or for a mātaitai reserve, may delegate their powers under these regulations to a member of the tāngata whenua of the area/rohe moana, or the tāngata whenua who had the mātaitai reserve established.

(2) The powers may be delegated only—

(a) while the Tangata Tiaki/Kaitiaki is ill or absent; or

(b) for any other temporary purpose.

(3) The Tangata Tiaki/Kaitiaki must first—

(a) agree on the duration of the delegation with the tāngata whenua of the area/rohe moana; and

(b) give notice of the delegation to the chief executive.

Regulation 29B: inserted, on 1 January 2020, by regulation 31 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Overlapping customary food gathering areas/rohe moana

Heading: inserted, on 1 January 2020, by regulation 31 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

29C Overlapping customary food gathering areas/rohe moana

(1) This regulation applies if 2 or more customary food gathering areas/rohe moana overlap (so that there are 2 or more groups of tāngata whenua for the overlapping area).

Areas/rohe moana in general

(2) Each group of tāngata whenua may appoint, or cancel the appointment of, its own Tāngata Tiaki/Kaitiaki for its area/rohe moana, including the overlapping area.

(3) If only 1 or some of the groups of tāngata whenua have appointed Tāngata Tiaki/Kaitiaki for their own area/rohe moana, including the overlapping area, then—

(a) each of those Tāngata Tiaki/Kaitiaki may act under these regulations in relation to the overlapping area (for example, to authorise any individual to fish within the overlapping area under regulation 11); but

(b) the other group or groups of tāngata whenua are still subject to regulations 50 to 52 of the Fisheries (Amateur Fishing) Regulations 2013, and regulation 51(2)(b) of those regulations prevents an authorised representative from issuing an authorisation for the overlapping area.

Mātaitai reserve in overlapping area

(4) A mātaitai reserve may be established in the overlapping area—

(a) on the application of 1 of the groups of tāngata whenua; or

(b) on the joint application of 2 or more of the groups of tāngata whenua (a **joint mātaitai reserve**).

Joint mātaitai reserve in overlapping area

(5) Each of the groups of tāngata whenua who have a joint mātaitai reserve established may appoint, or cancel the appointment of, its own Tāngata Tiaki/Kaitiaki for the joint mātaitai reserve, unless a condition imposed for the joint mātaitai reserve under regulation 22(1)(c) provides otherwise.

(6) Each of those Tāngata Tiaki/Kaitiaki may act under these regulations in relation to the joint mātaitai reserve (for example, to authorise a person to do something under regulation 27, 28, or 29).

(7) But all of the Tāngata Tiaki/Kaitiaki must act together in relation to the joint mātaitai reserve to—

(a) request regulations to allow commercial fishing (*see* regulation 24(3)); or

(b) make or amend bylaws (*see* regulation 25(1) and (6)).

Regulation 29C: inserted, on 1 January 2020, by regulation 31 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Powers of Minister

30 Minister's powers concerning management by Tāngata Tiaki/Kaitiaki

(1) This regulation applies if the Minister considers, after consulting with the relevant tāngata whenua and Tāngata Tiaki/Kaitiaki, that, for the purposes of these regulations and in accordance with tikanga Māori,—

(a) a customary food gathering area/rohe moana is not being sustainably managed; or

(b) a mātaitai reserve is not being sustainably managed; or

(c) the management of a mātaitai reserve is not in accordance with any conditions imposed for the mātaitai reserve; or

(d) the management of any mātaitai reserve is significantly inconsistent with the general aims of managing the reserve set out in the application for the mātaitai reserve; or

(e) the requirements under regulations 32, 33, 36, and 37 are not being met by a Tangata Tiaki/Kaitiaki; or

(f) a Tangata Tiaki/Kaitiaki is acting in contravention of his or her authority under these regulations.

(2) If this regulation applies, the Minister must provide such advice and assistance as he or she considers necessary to enable the Tangata Tiaki/Kaitiaki to remedy the matters forming the basis of the Minister's concerns.

(3) If, after consultation with the tāngata whenua, the Minister considers that a Tangata Tiaki/Kaitiaki is unable or unwilling to implement any advice or assistance provided under subclause (2),—

(a) the Minister and the tāngata whenua must, as soon as reasonably practicable, and in any case no later than 60 working days after the commencement of consultation by the Minister, develop a management strategy to sustainably manage the customary food gathering area/rohe moana; and

(b) the Minister must require the Tangata Tiaki/Kaitiaki, by notice in writing, to observe the management strategy until such time as the Minister, after consultation with the tāngata whenua, is satisfied that the stock concerned is being sustainably managed.

(4) If the Minister requires the Tangata Tiaki/Kaitiaki to observe a management strategy under subclause (3), no restriction or prohibition or bylaw may be made under regulation 25 that is inconsistent with that management strategy.

Regulation 30 heading: amended, on 1 January 2020, by regulation 32(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 30(1): replaced, on 1 January 2020, by regulation 32(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 30(3): amended, on 1 January 2020, by regulation 32(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 30(3)(a): amended, on 1 January 2020, by regulation 32(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 30(3)(b): amended, on 1 January 2020, by regulation 32(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

31 Requirement to cancel appointment of Tangata Tiaki/Kaitiaki

If any Tangata Tiaki/Kaitiaki fails to follow a management strategy provided under regulation 30(3), the Minister may give notice to the tāngata whenua who appointed the Tangata Tiaki/Kaitiaki requiring them to cancel the appointment.

Regulation 31: replaced, on 1 January 2020, by regulation 33 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Accountability mechanisms

32 Records of authorisations

Every Tangata Tiaki/Kaitiaki appointed under these regulations must keep accurate records of every authorisation granted (including any purported authorisation that was not properly granted), and the records must specify full particulars of that authorisation.

Regulation 32: amended, on 1 January 2020, by regulation 34 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

33 Records of fish, aquatic life, and seaweed taken

Every Tangata Tiaki/Kaitiaki appointed under these regulations must keep accurate records of the species and quantities of fish, aquatic life, and seaweed taken by those persons authorised under these regulations to take fish, aquatic life, or seaweed, as advised by those persons under regulation 35.

34 Authorisation to be held

(1) Persons authorised under these regulations to take fish, aquatic life, or seaweed, except those authorised in accordance with regulation 11(3), must hold in their possession proof of the authorisation when fishing under that authorisation.

(2) Persons authorised in accordance with regulation 11(3) to take fish, aquatic life, or seaweed must have in their possession details that verify that the authorisation was given in accordance with regulation 11(3) when fishing under the alternate authorisation.

Regulation 34(1): amended, on 1 January 2020, by regulation 35 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 34(2): amended, on 1 January 2020, by regulation 35 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

35 Reporting by authorised person

(1) Any person authorised under these regulations to take fish, aquatic life, or seaweed must advise the relevant Tangata Tiaki/Kaitiaki of the species and quantity of fish, aquatic life, and seaweed taken under that authorisation, no later than 5 working days after the taking of that fish, aquatic life, or seaweed.

(2) Any person authorised under these regulations to take fish, aquatic life, or seaweed must advise the relevant Tangata Tiaki/Kaitiaki as soon as practicable of any other species and quantities of such species taken as a result of the lawful taking of the fish, aquatic life, or seaweed authorised.

Regulation 35 heading: replaced, on 1 January 2020, by regulation 36(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 35(1): amended, on 1 January 2020, by regulation 36(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 35(2): amended, on 1 January 2020, by regulation 36(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

36 Records must be provided by Tangata Tiaki/Kaitiaki

(1) Within 1 month after the end of each quarter in each calendar year, every Tangata Tiaki/Kaitiaki appointed under these regulations must provide, to such person as is agreed between the tāngata whenua and the Ministry, copies of every record kept by the Tangata Tiaki/Kaitiaki under regulations 32 and 33 during the preceding 3 months.

(2) Fishery officers may have access to the records referred to in subclause (1), for general compliance purposes, provided agreement is reached with the Tangata Tiaki/Kaitiaki for such access.

Regulation 36 heading: replaced, on 1 January 2020, by regulation 37(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 36(1): amended, on 1 January 2020, by regulation 37(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

37 Tāngata Tiaki/Kaitiaki to meet and inform tāngata whenua

(1) The Tāngata Tiaki/Kaitiaki must, no later than 31 March in each year, hold a meeting with the tāngata whenua, and must at that meeting report on—

(a) the administration of these regulations by the Tāngata Tiaki/Kaitiaki within the customary food gathering area/rohe moana; and

(b) the number of authorisations granted for the period, including those granted for the purpose of sustaining the functions of the marae, and the species and quantities of each species for which authorisations were granted; and

(c) any restrictions or prohibitions, including rāhui, in force for that period; and

(d) the number of mātaitai reserves and other places of customary food gathering importance in the area/rohe moana of the tāngata whenua; and

(e) any other matters arising.

(2) The Tāngata Tiaki/Kaitiaki must arrange for the date of every meeting to be held under subclause (1) to be publicly notified—

(a) on the Internet site of the body or trust that represents the tāngata whenua; or

(b) in another way.

Regulation 37 heading: replaced, on 1 January 2020, by regulation 38(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 37(1): amended, on 1 January 2020, by regulation 38(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 37(1): amended, on 1 January 2020, by regulation 38(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 37(1)(a): amended, on 1 January 2020, by regulation 38(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 37(1)(d): amended, on 1 January 2020, by regulation 38(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 37(2): replaced, on 1 January 2020, by regulation 38(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

38 Assistance to Tāngata Tiaki/Kaitiaki

The Minister must provide to any Tangata Tiaki/Kaitiaki such information and assistance as may be necessary for the proper administration of these regulations and do so in accordance with section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Regulation 38 heading: replaced, on 1 January 2020, by regulation 39 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Offences and penalties

39 Taking of fish, aquatic life, or seaweed without approval or authorisation prohibited

A person commits an offence against these regulations if the person takes fish, aquatic life, or seaweed in circumstances to which these regulations apply, whether from a New Zealand fishing vessel or otherwise, unless—

(a) that person has been authorised, and is in possession of an authorisation, to take fish, aquatic life, or seaweed and that authorisation has been granted by a Tangata Tiaki/Kaitiaki under regulation 11, 27, or 29; and

(b) that taking is consistent with the authorisation.

Regulation 39(a): replaced, on 1 January 2020, by regulation 40 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 39(b): replaced, on 1 January 2020, by regulation 40 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

40 Possessing fish, aquatic life, or seaweed taken without approval or authorisation prohibited

A person commits an offence against these regulations if the person is in possession of fish, aquatic life, or seaweed in circumstances to which these regulations apply, unless those fish, aquatic life, or seaweed were taken under an authorisation granted by a Tangata Tiaki/Kaitiaki under regulation 11, 27, or 29.

Regulation 40: replaced, on 1 January 2020, by regulation 41 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

41 Defence available if unauthorised catch taken as inevitable consequence of lawful taking

A person charged with an offence of taking fish, aquatic life, or seaweed contrary to these regulations or to any authorisation given under these regulations has a defence to those proceedings if the person can show that—

(a) the fish, aquatic life, or seaweed were taken as an inevitable consequence of the lawful taking of other fish, aquatic life, or seaweed; and

(b) the defendant took reasonable precautions and exercised due diligence to avoid the contravention; and

(c) the defendant advised a Tangata Tiaki/Kaitiaki as soon as practicable after the fish, aquatic life, or seaweed were taken as an inevitable consequence of the lawful taking of other fish, aquatic life, or seaweed; and

(d) the defendant disposed of the fish, aquatic life, or seaweed taken as an inevitable consequence of the lawful taking of other fish, aquatic life, or seaweed in accordance with any direction from a Tangata Tiaki/Kaitiaki.

Regulation 41: amended, on 1 January 2020, by regulation 42(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 41(c): amended, on 1 January 2020, by regulation 42(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Regulation 41(d): amended, on 1 January 2020, by regulation 42(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

42 Altering authorisation is offence

A person commits an offence against these regulations if, otherwise than in accordance with these regulations, the person alters in any way any authorisation granted under these regulations.

42A Breach of bylaws is infringement offence

(1) A person commits an infringement offence if they breach—

(a) a bylaw by—

(i) taking or possessing more than the daily limit but not more than 2 times that limit; or

(ii) taking or possessing more than 2 times the daily limit but not more than 3 times that limit; or

(b) any other provision of a bylaw.

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

(a) the infringement fee specified for that offence in the third column of Schedule 3; or

(b) a fine imposed by a court not exceeding an amount prescribed in regulation 44.

(3) An infringement notice issued under section 260A of the Fisheries Act 1996 for an infringement offence must be in form 1 of Schedule 20 of the Fisheries (Amateur Fishing) Regulations 2013.

(4) An infringement offence reminder notice issued under section 260B of the Fisheries Act 1996 must be in form 2 of Schedule 20 of the Fisheries (Amateur Fishing) Regulations 2013.

Regulation 42A: inserted, on 10 April 2025, by regulation 6 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39).

43 Breach of bylaws is offence

A person commits an offence against these regulations if the person breaches any bylaw notified under regulation 26.

43A Defence available if fisheries resources taken from outside mātaitai reserve

A person charged with an offence of possessing fisheries resources contrary to regulation 43 has a defence to those proceedings if the person can show that the fisheries resources to which the charge relates were lawfully taken from outside the mātaitai reserve.

Regulation 43A: inserted, on 6 October 2023, by regulation 127 of the Fisheries Amendment Regulations 2023 (SL 2023/243).

44 Penalties

A person who commits an offence against these regulations is liable as follows:

(a) on the first occasion on which the person is convicted of 1 or more offences, the person is liable in respect of that offence or each of those offences (as the case may be) to a fine not exceeding $10,000:

(b) on every subsequent occasion on which the person is convicted of 1 or more offences, the person is liable in respect of that offence or each of those offences (as the case may be) to a fine not exceeding $20,000.

Regulation 44: substituted, on 1 October 2001, by regulation 3 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2001 (SR 2001/269).

Revocation and saving

45 Revocation

The Fisheries (South Island Customary Fishing) Regulations 1998 (SR 1998/72) are revoked.

46 Saving

Without limiting anything in the Interpretation Act 1999, the revocation of the Fisheries (South Island Customary Fishing) Regulations 1998 by regulation 45 does not affect the validity of any document made or anything done under those regulations.

Schedule 1
Transitional, savings, and related provisions

r 2A

Schedule 1: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Part 1
Provisions relating to Fisheries (South Island Customary Fishing) Amendment Regulations 2019

Schedule 1 Part 1: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

1 Interpretation

In this Part, **2019 amendments** means the Fisheries (South Island Customary Fishing) Amendment Regulations 2019.

Schedule 1 clause 1: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

2 Existing customary food gathering area/rohe moana and tāngata whenua

(1) This clause applies to a *Gazette* notice—

(a) that was published under regulation 9(2) before the commencement of the 2019 amendments; and

(b) that described the boundaries of the customary food gathering area/rohe moana of the relevant tāngata whenua who gave the notice under regulation 5 or 8.

(2) The customary food gathering area/rohe moana and the tāngata whenua are to be treated as if—

(a) they were confirmed by the Minister under regulation 9(1), as amended by the 2019 amendments; and

(b) they were recognised under regulation 9(3), as amended by the 2019 amendments, on and from the date of commencement of the *Gazette* notice (or any other relevant date specified in the *Gazette* notice).

Schedule 1 clause 2: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

3 Existing appointments of Tāngata Tiaki/Kaitiaki do not expire

(1) This clause applies to a person who is a Tangata Tiaki/Kaitiaki for a customary food gathering area/rohe moana or a mātaitai reserve—

(a) at the commencement of the 2019 amendments; or

(b) as the result of a process to which clause 4 applies.

(2) The person's appointment does not expire despite—

(a) anything in these regulations at the time of the appointment; or

(b) anything in the terms of the person's appointment at the time of the appointment; or

(c) the expiry of the *Gazette* notice that appointed the person.

(3) But this clause does not prevent the appointment from being cancelled.

Schedule 1 clause 3: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

4 Existing disputes

(1) This clause applies to a dispute that was subject to regulation 8 immediately before the commencement of the 2019 amendments.

(2) The Minister must comply with regulation 8(2), as amended by the 2019 amendments, in relation to the dispute within 20 working days after the commencement of the 2019 amendments.

(3) The dispute is then subject to the process in regulation 8, as amended by the 2019 amendments, as if it were a new dispute.

Schedule 1 clause 4: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

5 Other existing processes

(1) This clause applies to any process that—

(a) has been started but not completed under these regulations at the commencement of the 2019 amendments; and

(b) is not a process to which another clause of this Part applies.

(2) The process must be completed in accordance with the regulations as amended by the 2019 amendments.

(3) For those purposes,—

(a) the regulations apply with any necessary modifications; and

(b) if any matter complied with the regulations immediately before the commencement of the 2019 amendments, the matter must be treated as if it complied with the equivalent provisions of the regulations as amended by the 2019 amendments.

Schedule 1 clause 5: inserted, on 1 January 2020, by regulation 43 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Schedule 2
Forms

Schedule 2 heading: amended, on 1 January 2020, by regulation 44(1) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Form 1
Notification of Tangata Tiaki/Kaitiaki for management of customary food gathering

[Revoked]

r 5

Schedule 2 form 1: revoked, on 1 January 2020, by regulation 44(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Form 2
Authorisation to take for customary purposes

r 11

Authorisation No:

TE IKA-A-MATUA
KAI-MOANA, KAI-AWA, KAI-ROTO

For: marae/whanau/hapū/iwi

Authorisation holder:

Address:

Phone No:

Associated harvesters (optional):

Catch may be used at:

Purpose:

Authorised harvest and conditions

Date when species to be taken	Species	Size limit		Quantity (number or greenweight)	Area from which species to be taken	Method	Actual quantity gathered
		Lower	Upper				

Any other conditions:

The above harvester/s is/are authorised to take quantities of Kai-Moana, Kai-Awa, and/or Kai-Roto, as approved in this authorisation, provided that they are only taken from the area specified and for the purpose notified. This authorisation is not transferable. It must be shown to any fishery officer on request. This authorisation is valid only for the date specified.

Tangata Tiaki/Kaitiaki: [*print name*]

Address:

Phone No:

Signature:

Date signed:

The harvester must report his/her actual catches to the Tangata Tiaki/Kaitiaki within 5 working days of the harvesting date specified on this authorisation.

Form 3
Customary food gathering catch landing report

r 15

Reporting officer:

Reporting officer number: /__/__/__/__/

Harvest period: 1 October [*year*] to 30 September [*year*] [*or specify other period if more frequent reporting required*]

Species name/code	Quantity approved	(circle one)	Actual quantity harvested	(circle one)	Fisheries management area
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	
		Kg / No		Kg / No	

Notes:

- This form must be submitted in writing or electronically to any office of the Ministry for Primary Industries before 1 November (or as required for more frequent reporting of any species).
- If approvals or landings for a single species have been made with different measurement units (ie, sometimes in "Kg" and other times in "No"), then 2 lines of information must be provided for that species.
- Use additional forms if required.
- Additional information on species codes or Fisheries Management Areas may be obtained from the Ministry for Primary Industries.

Schedule 2 form 3: amended, on 1 January 2020, by regulation 44(3) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Schedule 2 form 3: amended, on 1 January 2020, by regulation 44(4) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Schedule 2 form 3: amended, on 1 January 2020, by regulation 44(5) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Form 4
Application for mātaitai reserve
[Revoked]

r 17

Schedule 2 form 4: revoked, on 1 January 2020, by regulation 44(2) of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293).

Schedule 3
Infringement fees

r 42A

Schedule 3: inserted, on 10 April 2025, by regulation 7 of the Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39).

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

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 14 October 1999.

Notes

1 General

This is a consolidation of the Fisheries (South Island Customary Fishing) Regulations 1999 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

Fisheries (South Island Customary Fishing) Amendment Regulations 2025 (SL 2025/39)

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

Fisheries Amendment Regulations 2023 (SL 2023/243): Part 13

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 55

Fisheries (South Island Customary Fishing) Amendment Regulations 2019 (LI 2019/293)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Fisheries (South Island Customary Fishing) Amendment Regulations 2001 (SR 2001/269)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2025