Reprint
as at 1 July 2013

Native Plants Protection Act 1934

Public Act	1934 No 15
Date of assent	23 October 1934
Commencement	see section 1

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An Act to provide for the protection of native plants

Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Conservation.

1 Short Title

This Act may be cited as the Native Plants Protection Act 1934, and shall come into operation on 1 January 1935.

2 Interpretation

In this Act, unless inconsistent with the context,—

Crown land includes all land vested in His Majesty which is not for the time being held under lease or licence, or which has not been set apart in any manner for a public purpose, and also includes customary land as defined by the Maori Land Act 1931

Minister means the Minister for the time being charged with the administration of this Act

native plant means any plant which is indigenous to New Zealand, and includes any part thereof except ripe fruit, ripe seed and spores

private land includes all land other than Crown land or land comprised in any State forest land or public reserve

protected native plant means any native plant for the time being declared pursuant to this Act to be a native plant protected under this Act

public reserve includes any land which is not for the time being held under lease or licence, and is subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928, the Tourist and Health Resorts Control Act 1908, the Scenery Preservation Act 1908, the Tongariro National Park Act 1922, the Egmont National Park Act 1924, or the Peel Forest Act 1926, and also includes all lands reserved from sale or other disposition by virtue of section 129 of the Land Act 1924, and any other land which may be declared by the Governor-General by Proclamation to be a public reserve for the purposes of this Act

State forest land includes all land comprised in permanent State forest land or provisional State forest land under the Forests Act 1949 which is not for the time being held under lease or licence

to take, in relation to a protected native plant includes gathering, plucking, cutting, pulling up, destroying, digging up, removing, or injuring the native plant.

Section 2 **Crown land**: amended, on 27 November 1947, pursuant to section 4(1) of the Maori Purposes Act 1947 (1947 No 59).

Section 2 **private land**: amended, on 1 January 1950, pursuant to section 18(5) of the Forests Act 1949 (1949 No 19).

Section 2 **State forest land**: amended, on 1 January 1950, pursuant to section 18(5) of the Forests Act 1949 (1949 No 19).

Section 2 **State forest land**: amended, on 1 January 1950, pursuant to section 73(1) of the Forests Act 1949 (1949 No 19).

3 Native plants may be protected

(1) The Governor-General may by Warrant under his hand declare any native plant specified in such Warrant to be protected under this Act.

(2) Such protection may apply throughout the whole of New Zealand or in such part or parts only as may be specified in the Warrant, and may be subject to such conditions (if any) as the Governor-General may think fit.

(3) Any such Warrant may at any time be in like manner amended or revoked.

4 Offence to take protected native plant

(1) Subject to the provisions of this Act, every person commits an offence who takes any protected native plant that is growing on any Crown land, or in any State forest land or public reserve, or on any road or street, or who, without the consent of the owner or occupier of any private land, takes any protected native plant that is growing thereon.

(2) Nothing in the foregoing provisions of this section shall apply to the taking, in reasonable quantities, of any protected native plants required or intended for medicinal purposes or for purposes of bona fide scientific research or nature study in schools or elsewhere or for propagation in private or school gardens: provided that nothing herein shall be deemed to authorise the taking of any protected native plant in such a manner as to deplete the species of that plant in any one habitat.

Section 4(1): amended, on 1 January 1950, pursuant to section 18(5) of the Forests Act 1949 (1949 No 19).

5 Possession of protected native plant prima facie evidence of offence

In any prosecution for an offence under the last preceding section, proof that a protected native plant was found in the possession of the defendant shall be prima facie evidence that he has committed an offence against that section, and the onus of proof to the contrary shall be upon him.

6 Power to give authority to take protected native plant

(1) The Minister may, subject to any limitation as to locality and to any other conditions he thinks proper, issue permits authorising the holders thereof to take the protected native plants specified therein for scientific purposes, or for any other purpose approved by the Minister.

(2) The Minister may, subject to such conditions as he thinks proper, delegate any of the powers conferred on him by this section to any other person or authority.

7 Refusal by person suspected of offence against this Act to give name and address to authorised person

Every person commits an offence against this Act who, being reasonably suspected of having committed an offence against section 4, refuses to give his name and address, or gives a false name or address, or refuses to deliver up any protected native plant found in his possession, to any constable, or to any officer of the Crown whom the Minister may authorise in that behalf by notification in the *Gazette*, or to any officer of any local authority, Board, or trustees having control of any public reserve, or (where such person is found on any private land on which the offence is suspected to have been committed) to the owner, lessee, or licensee of that private land.

Section 7: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

8 Penalties

Every person who commits an offence against this Act is liable on conviction for the first offence to a fine of 5 pounds, for the second offence to a fine of 10 pounds, and for every subsequent offence to a fine of 20 pounds.

Section 8: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Regulations

The Governor-General may from time to time, by Order in Council, make regulations—

(a) prescribing the forms required under this Act:

(b) prescribing any other matters for which regulations are contemplated or required by this Act or which he deems necessary for the efficient administration thereof.

10 Other Acts not affected

Nothing in this Act shall be construed to limit the provisions of the Scenery Preservation Act 1908, or of the Forests Act 1921–22, or of the Public Reserves, Domains, and National Parks Act 1928, or of any other Act.

Contents

1 General
2 Status of reprints
3 How reprints are prepared
4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Native Plants Protection Act 1934. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* http://www.pco.parliament.govt.nz/reprints/.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Criminal Procedure Act 2011 (2011 No 81): section 413
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Forests Act 1949 (1949 No 19): sections 18(5), 73(1)
Maori Purposes Act 1947 (1947 No 59): section 4(1)

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