

Version
as at 17 December 2022



Customs Import Prohibition (Trout) Order 2021 (LI 2021/217)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 16th day of August 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 96 of the Customs and Excise Act 2018—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Customs made after being satisfied of the matter set out in section 96(5) of that Act.

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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 order is administered by the New Zealand Customs Service.

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Order

1 Title

This order is the Customs Import Prohibition (Trout) Order 2021.

2 Commencement

This order comes into force on 30 September 2021.

Order: confirmed, on 17 December 2022, by section 10(e) of the Secondary Legislation Confirmation Act 2022 (2022 No 82).

3 Interpretation

In this order, unless the context otherwise requires,—

manufactured pet food means pet food that—

- (a) is not a raw material or a raw product; and
- (b) has been subjected to an industrial process in addition to an ordinary process of primary production

pet food means a food intended for direct consumption by dogs or cats

trout product means—

- (a) any part of a trout:
- (b) any excrement, secretion, semen, or egg of a trout.

4 Transitional, savings, and related provisions

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

5 Importation of trout and certain trout products prohibited

- (1) The goods specified in Schedule 2 are prohibited from importation—
 - (a) in quantities of 10 kg or more (whether or not the goods are intended for sale); and
 - (b) in quantities of less than 10 kg if the goods are intended for sale.
- (2) However, a person may import the goods in the quantities prohibited by sub-clause (1) if the person—
 - (a) has the consent of the Minister of Conservation; and
 - (b) does so in accordance with the terms of that consent.

- (3) This prohibition does not apply to manufactured pet food that—
- (a) contains trout or trout products; and
 - (b) is commercially prepared and packaged; and
 - (c) is labelled as pet food; and
 - (d) is packaged for direct retail sale; and
 - (e) is in its original sealed packaging on arrival in New Zealand.

Schedule 1
Transitional, savings, and related provisions

cl 4

Part 1
Provisions relating to this order as made

There are no transitional, savings, or related provisions relating to this order as made.

Schedule 2

Goods prohibited from importation

cl 5

- 1 The following species of trout, alive or dead:
 - (a) brown trout (*Salmo trutta*):
 - (b) rainbow trout (*Oncorhynchus mykiss*, formerly known as *Salmo gairdneri*):
 - (c) American brook trout or char (*Salvelinus fontinalis*):
 - (d) lake trout or char (*Salvelinus namaycush*):
 - (e) cutthroat trout (*Oncorhynchus clarkii*, formerly known as *Salmo clarkii*):
 - (f) golden trout (*Oncorhynchus aguabonita*, formerly known as *Salmo aguabonita*):
 - (g) Gila trout (*Oncorhynchus gilae*, formerly known as *Salmo gilae*):
 - (h) Apache trout (*Oncorhynchus apache*):
 - (i) Mexican trout (*Oncorhynchus chrysogaster*):
 - (j) any hybrid of a trout listed in paragraphs (a) to (i).
- 2 Any trout product that is derived from a species of trout listed in item 1.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force on 30 September 2021 and prohibits the importation of trout and trout products in quantities of 10 kg or more, or less than 10 kg if the goods are intended for sale, without the consent of the Minister of Conservation. However, this prohibition does not apply to the importation of manufactured pet food containing trout or trout products.

This order continues the prohibition in the Customs Import Prohibition (Trout) Order 2018 in respect of the importation of some goods, but removes the prohibition in respect of the importation of manufactured pet food containing trout or trout products.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 31 December 2022, unless confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(b) of that Act. If the order is confirmed, it will continue until revoked or amended.

Regulatory impact statement

The Department of Conservation produced a regulatory impact statement on 4 June 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

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

- <https://www.doc.govt.nz/about-us/our-role/legislation/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 19 August 2021.

Notes

1 *General*

This is a consolidation of the Customs Import Prohibition (Trout) Order 2021 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*

Secondary Legislation Confirmation Act 2022 (2022 No 82): section 10(e)